

Recorded for the benefit of the County)
of San Diego, Department of Planning)
and Land Use.)

Return to: County of San Diego)
Department of Planning and Land Use)
Mail Station 0650)
5201 Ruffin Road, Suite "B")
San Diego, CA 92123)
Attention: Don Kraft)

(No Transfer Tax Due)

(Above Space For Recorder's Use)

**MAJOR USE PERMIT P09-019
ISSUED BY COUNTY OF SAN DIEGO**

The Board of Supervisors of the County of San Diego on August 8, 2012 hereby grants Major Use Permit P09-019, subject to the terms and conditions listed below, relating to that real property located in the County of San Diego, California, more particularly described as follows:

See Attachment A

The Zoning Ordinance of the County of San Diego requires that this Major Use Permit be recorded with the San Diego County Recorder, and 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 Major Use Permit. (Zon. Ord. § 7019.)

The undersigned Owners of the property subject to this Major Use Permit hereby agree, for themselves and their successors, to perform and at all times comply with all terms and conditions specified herein.

OWNER(S)

[Name]

Date

[Name]

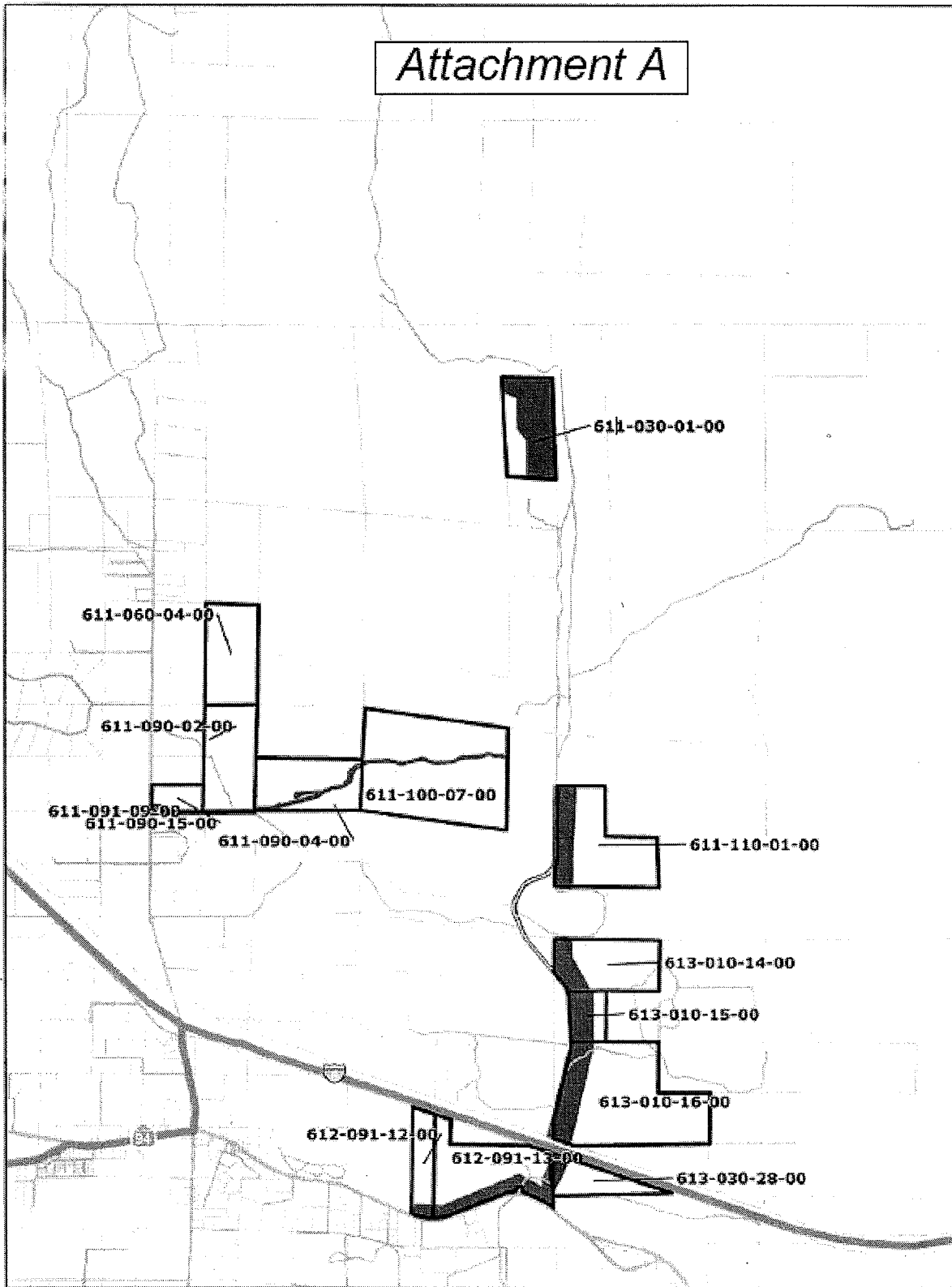
Date

[Name]

Date

(Attach California All Purpose Acknowledgements)

Attachment A



**FORM OF DECISION
MAJOR USE PERMIT 3300 09-019 (MUP)**

August 8, 2012

PERMITTEE: TULE WIND, LLC
MAJOR USE PERMIT: 3300 09-019 (MUP)
E.R. NUMBER: 3910 09-21-001 (ER)
PROPERTY: THE PROJECT AREA ENCOMPASSES PORTIONS OF 16 PROJECT AREA PARCELS WITHIN THE MOUNTAIN EMPIRE AND BOULEVARD SUBREGIONAL PLAN AREAS. THE PROJECT COMPRISES BOTH ON-SITE AND OFF-SITE PROJECT COMPONENTS AND ACTIVITIES.
APN(S): 529-140-01-00, 529-150-01-00, 611-030-01-00, 611-060-04-00, 611-090-02-00, 611-090-04-00, 611-090-15-00, 611-091-09-00, 611-100-07-00, 611-110-01-00, 612-091-12-00, 612-091-13-00, 613-010-14-00, 613-010-15-00, 613-010-16-00, 613-030-28-00

This Major Use Permit is for five wind turbines, a 5-acre temporary concrete batch plant, a 5,000 square foot operations and maintenance (O&M) building and associated structures, three wells for groundwater extraction during construction, a 5-acre on-site collector substation, and an underground and aboveground 34.5-kilovolt (kV) collector cable system and a 138 kV transmission line from the project on-site collector substation to the SDG&E rebuilt Boulevard Substation. The 138 kV transmission line will be constructed underground south of Interstate 8, and will be consistent (overhead or underground) with the project transmission line on Bureau of Land Management land north of Interstate 8. The Major Use Permit consists of 28 sheets including plot plan and elevations dated April 17, 2012 (and revised August 15, 2012 to reflect the Board of Supervisors' action). This permit authorizes a Major Impact Service and Utility pursuant to Sections 1350, 2725, 2926, and 2805 of The Zoning Ordinance.

The granting of this use permit also approves the Preliminary Grading and Improvement Plan dated April 17, 2012 (and revised August 27, 2012 to reflect the Board of Supervisors' action) consisting of 36 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 seq.)

This Major Use Permit P09-019 shall take effect and be in force on September 7, 2012, but only if GPA 12-002 for Application Number GPA 11-001 and Zoning Ordinance Amendment (Rezone) 12-002 are also approved and become effective that day.

MAJOR USE PERMIT EXPIRATION: This Major Use Permit shall expire on **September 7, 2014** at 4:00 p.m. (or such longer period as may be approved pursuant to Section 7376 of The Zoning Ordinance of the County of San Diego prior to said expiration date) unless construction or use in reliance on this Major Use Permit has commenced prior to said expiration date.

SPECIFIC CONDITIONS: Compliance with the following Specific Conditions of Approval (Mitigation Measures when applicable) shall be required 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:

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. SALES AND USE TAX: [DPLU, 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 are not 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 not defined by Regulation 1806 and shall include in its 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; and
- 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 Land Use [DPLU, PCC] specifying the terms related to sales and use taxes. **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. **MONITORING:** The [DPLU, PCC] shall review the evidence for compliance to this condition.

2. COST RECOVERY: [DPLU, DPW, DEH, DPR], [GP, CP, BP, UO]

INTENT: In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5, existing deficit accounts associated with processing this permit shall be paid. **DESCRIPTION OF REQUIREMENT:** The applicant shall pay off all existing deficit accounts associated with processing this permit. **DOCUMENTATION:** The applicant shall provide a receipt to the Department of Planning and Land Use, Zoning Counter, which shows that all discretionary deposit accounts have been paid. No permit can be issued if there are deficit deposit accounts. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, all fees and discretionary deposit accounts shall be paid. **MONITORING:** The DPLU Zoning Counter shall review the receipts and verify that all DPLU, DPW, DEH, and DPR deposit accounts have been paid.

3. RECORDATION OF DECISION: [DPLU], [GP, CP, BP, UO]

INTENT: In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. **DESCRIPTION OF REQUIREMENT:** The applicant shall sign, notarize with an 'all-purpose acknowledgement' and return the Recordation Form, with Decision attached, to DPLU. **DOCUMENTATION:** Signed and notarized Recordation Form with Decision attached. **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 DPLU at the County Recorder's Office. **MONITORING:** The DPLU Zoning Counter shall verify that the Decision was recorded and that a copy of the recorded document is on file at DPLU.

4. GENERATION TIE LINE: [DPW, LDR] [MA].

INTENT: In order to ensure that the generation tie line (gen-tie) line can be constructed, recorded documentation, such as a Memorandum of Easement, shall be provided. **DESCRIPTION OF REQUIREMENT:** Recorded documentation showing that the applicant has easement rights to install the gen-tie line. Recordation data, such as a Memorandum of Easement, shall be provided to the [DPLU, PCC]. **DOCUMENTATION:** The applicant shall submit to the [DPLU, PCC], proof of easement rights for the construction of the gen-tie line, such as a Memorandum of Easement. **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, recorded documentation shall be provided indicating that the applicant has easement rights to construct the gen-tie line. **MONITORING:** The [DPW, LDR] shall verify that the evidence provided meets the requirement of this condition.

5. RIGHT-OF-WAY: [DPW, LDR] [MA].

INTENT: In order to ensure that the private road between Ribbonwood Road and McCain Valley Road can be constructed, recorded documentation, such as a Memorandum of Easement, shall be provided. **DESCRIPTION OF REQUIREMENT:** Recorded documentation showing that the applicant has easement rights to construct the private road. Recordation data, such as a Memorandum of Easement, shall be provided to the [DPLU, PCC]. **DOCUMENTATION:** The applicant shall submit to the [DPLU, PCC], proof of easement rights for the construction of the roadway, such as a Memorandum of Easement. **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, recorded documentation shall be provided indicating that the applicant has easement rights to construct the roadway. **MONITORING:** The [DPW, LDR] shall verify that the evidence provided meets the requirement of this condition.

6. HYD-3 – IDENTIFICATION OF SUFFICIENT WATER SUPPLY: [DPLU, PCC] [UO] [DPLU, FEE]

INTENT: Prior to construction, the applicant shall prepare comprehensive documentation that identifies one or more confirmed, reliable water sources that when combined will meet the project's full water supply construction needs. **DESCRIPTION OF REQUIREMENT:** Groundwater Study: A Groundwater Study was submitted to [DPLU, Groundwater Geologist] in January 2012 which verified groundwater quantities for the project. The groundwater study demonstrated that the project will have an adequate groundwater supply for the estimated project construction water needs. If any additional water will be obtained from local water utilities/districts will serve letters must be submitted to [DPLU, Groundwater Geologist]. Offsite Purchased Water Source(s): For water that is to be purchased from one or more water/utility district(s), the applicant shall provide written documentation from such district(s) indicating the total amount of water to be provided and the time frame that the water will be made available to the project. (Confirmed and acceptable water district sources include the Jacumba Community Services District and the Live Oak Springs Water Company). Total confirmed water supplies from the combination of the above documented sources shall equal the total gallons of water needed through construction of the project. **DOCUMENTATION:** A Groundwater Study was submitted to [DPLU, Groundwater Geologist] in January 2012 which verified groundwater quantities for the project. The groundwater study demonstrated that the project will have an adequate groundwater supply for the estimated project construction water needs. If any additional water will be obtained from local water utilities/districts will serve letters must be submitted to [DPLU, Groundwater Geologist]. **TIMING:** At least 60 days prior to any construction activities, will serve letters from local water utilities/districts shall be provided. **MONITORING:** Any Will Serve Letters shall be provided to [DPLU, Groundwater Geologist], BLM, CSLC, BIA, and/or the Ewiiapaayp Band of Kumeyaay.

7. GEO-1 – EROSION CONTROL AND SEDIMENT TRANSPORT CONTROL PLAN [DPLU, PCC]

INTENT: The Erosion Control and Sediment Transport Control Plan shall be included with the project grading plans submitted to the County for review and comment. Implementation of the plan would help stabilize soil in graded areas and waterways and reduce erosion and sedimentation. **DESCRIPTION OF REQUIREMENT:** The plan shall designate BMPs to be implemented during construction activities. Erosion control efforts, such as hay bales, water bars, covers, sediment fences, sensitive area access restrictions (e.g., flagging), vehicle mats in wet areas, and retention/settlement ponds, would be installed before extensive soil clearing and grading begins. Appropriate stabilization measures, such as mulching or seeding, shall be used to protect exposed areas during construction activities. Revegetation plans, the design and location of retention ponds, and grading plans shall be submitted to the CDFG and ACOE for review in the event of construction near waterways. In disturbed areas where construction equipment has caused compaction of soils (e.g., staging areas, structure sites, temporary spur roads, etc.), soils shall be decompacted as necessary prior to seeding, and reclamation shall occur to enhance revegetation

and reduce potential for erosion. **DOCUMENTATION:** The plan shall be submitted to the [DPLU, PCC]. **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 Erosion Control and Sediment Control Plan shall be submitted to the County for review and approval. **MONITORING:** The plan would be reviewed and approved by the [DPLU, PCC].

8. **GEO-2 – CONDUCT GEOTECHNICAL STUDIES FOR FOUNDATION DESIGN [DPLU, PCC]**

INTENT: Design-level geotechnical studies shall be performed by the applicant to identify the presence, if any, of potentially detrimental soil chemicals, such as chlorides and sulfates as well as potentially collapsible soils. **DESCRIPTION OF REQUIREMENT:** Appropriate design measures shall be utilized for protection of reinforcement, concrete, and metal-structural components against corrosion, including use of corrosion-resistant materials and coatings, increased thickness of project components exposed to potentially corrosive conditions, and use of passive and/or active cathodic protection systems. The geotechnical studies shall also identify areas with potentially expansive or collapsible soils and include appropriate design features, including excavation of potentially expansive or collapsible soils during construction and replacement with engineered backfill, ground-treatment processes, and redirection of surface water and drainage away from expansive foundation soils. Studies shall conform to industry standards of care and ASTM standards for field and laboratory testing. Design shall conform to applicable sections of the County of San Diego grading codes, CBC, and the standard specifications for public works construction. **DOCUMENTATION:** The geotechnical studies shall be prepared by a California Certified Engineering Geologist and shall be submitted to the [DPLU, PCC]. **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 geotechnical studies shall be submitted to the County for review and approval. **MONITORING:** The geotechnical studies would be reviewed and approved by the [DPLU, PCC].

9. **GEO-3 – CONDUCT GEOTECHNICAL STUDIES FOR GEOLOGIC HAZARDS [DPLU, PCC]**

INTENT: The applicant shall perform design-level geotechnical investigations to evaluate geologic hazards including the potential for liquefaction, lateral spreading, seismic slope instability, and ground-cracking hazards to affect the approved project and all associated facilities. **DESCRIPTION OF REQUIREMENT:** Where geologic hazards are found to exist, appropriate engineering design and construction measures that meet CBC and IEEE design parameters shall be incorporated into the project designs. Appropriate measures for project facilities could include construction of pile foundations, ground improvement of liquefiable zones, installation of flexible bus connections, and incorporation of slack in underground cables to allow ground deformations without damage to structures. **DOCUMENTATION:** The geotechnical studies shall be prepared by a California Certified Engineering

Geologist and shall be submitted to the [DPLU, PCC]. **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 geotechnical studies shall be submitted to the County for review and approval. **MONITORING:** The geotechnical studies would be reviewed and approved by the [DPLU, PCC] depending on the jurisdiction where the construction activities are being completed.

10. GEO-5 – CONDUCT GEOTECHNICAL SURVEYS FOR LANDSLIDES AND MINES [DPLU, PCC]

INTENT: The applicant shall perform design-level geotechnical surveys to evaluate the potential for unstable slopes, landslides, earthflows, debris flows and mine tunnels/shafts in the vicinity of project facilities and shall address these surveys in final design of project facilities. **DESCRIPTION OF REQUIREMENT:** Design-level geotechnical surveys shall be conducted, and based on the investigation, approved project facility design shall incorporate appropriate measures, such as locating facilities away from very steep hillsides, debris flow source areas, the mouths of steep hillside drainages, and mine tunnels and shafts. Appropriate design and construction considerations shall be followed for the slope areas within the project area, including BMPs for surface drainage, reducing slope inclinations where grading operations are conducted to minimize potential slope instabilities. Possible mitigation measures to reduce rockfall, rock slope failure, and landslide hazards include mechanical removal of large boulders from slope faces; stabilization of boulders with anchors, rock bolting, gunite, or cable nets; or construction of intercepting slope ditches or berms. **DOCUMENTATION:** The geotechnical studies shall be prepared by a California Certified Engineering Geologist and shall be submitted to the [DPLU, PCC]. **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 geotechnical studies shall be submitted to the County for review and approval. **MONITORING:** The geotechnical studies would be reviewed and approved by the [DPLU, PCC].

11. VIS-3A – REDUCE THE VISIBILITY OF CONSTRUCTION ACTIVITIES: [DPLU, DPW]

INTENT: In order to reduce the visibility of the construction activities associated with the on-site collector substation and operations and maintenance building, the construction activities shall be screened to reduce visibility. **DESCRIPTION OF REQUIREMENT:** Construction activities associated with the on-site collector substation and operations and maintenance building that are visible from nearby roads, residences, public gathering areas, recreational areas, facilities, or trails, shall be visually screened using temporary opaque fencing. The fencing shall be an appropriate design and color for each specific location. **DOCUMENTATION:** The applicant shall submit final construction plans demonstrating compliance with this measure to the County, for review and approval. **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 final construction plans shall be provided to the County for review and approval. **MONITORING:** The County will review the Building and or Right of Way Construction Plans before the start of construction to verify that adequate screening has been provided to all areas indicated in this condition.

12. HAZ-1A – HAZARDOUS MATERIALS MANAGEMENT PLAN: [DPLU, DPW]

INTENT: In order to ensure proper hazardous materials handling, storage, and spill prevention and response measures, a Hazardous Materials Management Plan (HMMP) shall be prepared and submitted to the County of San Diego for review and approval. **DESCRIPTION OF REQUIREMENT:** Prior to approval of final construction plans, the applicant shall prepare an HMMP for the construction phase of the project, which shall be reviewed and approved by the County of San Diego, and shall include the following components:

- a. The plan shall identify all hazardous materials that will be present on any portion of the construction site, including, but not limited to, fuels, solvents, and petroleum products. The plan shall address storage, use, transportation, and disposal of each hazardous material anticipated to be used at the site. The plan shall establish inspection procedures, storage requirements, storage quantity limits, inventory control, non-hazardous product substitutes, and disposition of excess materials.
- b. The plan shall identify secondary containment and spill prevention countermeasures, as well as a contingency plan to identify potential spill hazards, how to prevent their occurrence, and responses for different quantities of spills that may occur. Secondary containment and countermeasures shall be in place throughout construction so that if any leaks or spills occur, responses will be made immediately.
- c. The plan shall identify materials (and their locations) that will be on site and readily accessible to clean up small spills (i.e., spill kit, absorbent pads, and shovels). Such emergency spill supplies and equipment shall be clearly marked and located adjacent to all areas of work and in construction staging areas. The plan shall identify the spill-response materials that must be maintained in vehicles and substation sites during construction and procedures for - to the appropriate authorities.
- d. The plan shall identify adequate safety and fire suppression devices for construction-related activities involving toxic, flammable, or explosive materials (including refueling construction vehicles and equipment). Such devices shall be readily accessible on the project site, as specified by the County's Fire Department and per the Uniform Building Code and Uniform Fire Code. The plan shall be included as part of all contractor specifications and final construction plans to the satisfaction of the Department of Planning and Land Use. The plan shall also identify

requirements for notices to federal and local emergency response authorities, and shall include emergency response plans.

- e. Prior to construction, all contractor and subcontractor personnel shall receive training regarding the components of the HMMP, as well as applicable environmental laws and regulations related to hazardous materials handling, storage, and spill prevention and response measures. The applicant shall designate an environmental field representative who shall be on site to observe, enforce, and document adherence to the plan for all construction activities.

DOCUMENTATION: The applicant shall submit a Hazardous Materials Management Plan (HMMP) to the County of San Diego for review and approval.

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, a HMMP shall be submitted to the County for review and approval. **MONITORING:** The County shall review the plan in accordance with this condition and ensure that it is implemented. All measures in the plan shall be adhered to throughout the construction period.

13. HAZ-1B – HEALTH AND SAFETY PROGRAM: [DPLU, DPW]

INTENT: In order to protect both workers and the general public, a Health and Safety Program shall be prepared for each applicable phase of the project (i.e., construction, operation, and decommissioning). **DESCRIPTION OF REQUIREMENT:** The applicant shall prepare a Health and Safety Program for each applicable phase of the project (i.e., construction, operation, and decommissioning). The program shall be developed to protect both workers and the general public during all phases of the project. The program shall be implemented to educate construction workers about the hazards associated with the particular project site and the safety measures that must be taken to prevent injury. The program shall include standards regarding occupational safety, safe work practices for each task, hazard training requirements for workers, and mechanisms for documentation and reporting. Regarding occupational health and safety, the program should identify all applicable federal and state occupational safety standards; establish safe work practices for each task (e.g., requirements for personal protective equipment and safety harnesses; OSHA standard practices for safe use of explosives and blasting agents; and measures for reducing occupational EMF exposures); establish fire safety evacuation procedures; and define safety performance standards (e.g., electrical system standards and lightning protection standards). The program should include a training program to identify hazard training requirements for workers for each task and establish procedures for providing required training to all workers. The program should include worker training regarding how to identify potentially contaminated soils and/or groundwater. Documentation of training and a mechanism for reporting serious accidents to appropriate agencies should be established. The program should identify requirements for temporary fencing

around staging areas, storage yards, and excavation areas during construction or decommissioning activities. Such fencing shall be designed to restrict transient traffic, off-highway vehicle (OHV) use, and the general public from accessing areas under construction and should be removed once construction or decommissioning activities are complete. The program should also identify appropriate measures to be taken during operation of the project to limit public access to hazardous facilities (e.g., permanent fencing, locked access). In order to inform workers and the general public of the dangers of abandoned mines, pamphlets with the "Stay Out-Stay Alive" information used by federal and state governments should be distributed as part of the program. The applicant shall designate an environmental field representative who shall be on site to observe, enforce, and document adherence to the program for all construction activities. **DOCUMENTATION:** The applicant shall submit the Health and Safety Program to the County of San Diego for review and approval. **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, a Health and Safety Program shall be submitted to the County for review and approval. **MONITORING:** The County shall review the program in accordance with this condition and ensure that it is implemented. All measures in the program shall be adhered to throughout the construction period.

14. HAZ-1C – WASTE MANAGEMENT PLAN: [DPLU, DPW]

INTENT: In order to ensure water is properly stored and disposed of, a Waste Management Plan shall be implemented. **DESCRIPTION OF REQUIREMENT:** The applicant shall prepare a Waste Management Plan, which shall determine waste procedures, waste storage locations, waste-specific management and disposal requirements, inspection procedures, and waste minimization procedures. The applicant shall designate an environmental field representative who shall be on site to observe, enforce, and document adherence to the plan for all construction activities. **DOCUMENTATION:** The applicant shall submit a Waste Management Plan to the County of San Diego for review and approval. **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, a Waste Management Plan shall be submitted to the County for review and approval. **MONITORING:** The County shall review the program in accordance with this condition and ensure that it is implemented. All measures in the program shall be adhered to throughout the construction period.

15. HAZ-2A – TEST FOR PESTICIDES/HERBICIDES ON CURRENTLY OR HISTORICALLY FARMED LAND: [DPLU, DPW]

INTENT: In order to determine the presence and extent of any contamination, soil samples shall be collected and tested for herbicides, pesticides, and fumigants on currently or historically farmed land. **DESCRIPTION OF REQUIREMENT:** In areas where the land has been or is currently being farmed, soil samples shall be collected and tested for herbicides, pesticides, and fumigants to determine the presence and extent of any contamination. The

sampling and testing shall be prepared in consultation with the County Agricultural Commission, conducted by an appropriate California licensed professional, and sent to a California Certified Laboratory. A report documenting the areas proposed for sampling and the process used for sampling and testing shall be submitted to the County of San Diego for review and approval. Results of the laboratory testing and recommended resolutions for handling and excavating materials found to exceed regulatory requirements shall be submitted to the County of San Diego. If soil or groundwater contamination is confirmed as a result of soil sampling, the applicant shall immediately stop work and notify the designated environmental field representative. All work in the contaminated area shall cease, the work shall be cordoned off, and the environmental field representative shall implement appropriate health and safety procedures. Work outside the contaminated area may continue as determined by the environmental field representative. Excavated materials containing elevated levels of pesticides or herbicides would require special handling and disposal according to procedures established by the regulatory agencies. Effective dust control suppression procedures shall be used in construction areas to reduce airborne emissions of these contaminants and reduce the risk of exposure to workers and the public. The applicant shall contact the appropriate regulatory agencies for the State of California (e.g., DTSC or RWQCB) and the County to plan options for handling, treating, and/or disposing materials. **DOCUMENTATION:** The applicant shall submit a report documenting the areas proposed for sampling and the process used for sampling and testing as well as results of the laboratory testing and recommended resolutions for handling and excavating materials found to exceed regulatory requirements to the County of San Diego for review and approval. **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 applicant shall submit a report documenting the areas proposed for sampling and the process used for sampling and testing as well as results of the laboratory testing and recommended resolutions for handling and excavating materials found to exceed regulatory requirements to the County of San Diego for review and approval. **MONITORING:** The County shall review the report and laboratory results in accordance with this condition. Any necessary measures identified from this testing shall be implemented throughout the construction period.

16. HAZ-3 – SOIL TESTING FOR LEAD CONTAMINATION: [DPLU, DPW]

INTENT: In order to determine the presence of lead and extent of any contamination, soil samples shall be collected and tested from all excavation sites within 500 feet of any area identified as a current or historical shooting range. **DESCRIPTION OF REQUIREMENT:** Soil samples shall be collected and tested from all excavation sites within 500 feet of any area identified as a current or historical shooting range to determine the presence of lead and extent of any contamination. The sampling and testing shall be conducted by a California licensed professional and sent to a California Certified Laboratory. A report documenting the areas proposed for sampling and the process used for sampling and testing shall be submitted to the County for review and approval. Results of

the laboratory testing and recommended resolutions for handling and excavating any materials found to exceed regulatory requirements shall be submitted to the County. In addition, a Soil/Lead Contamination Handling Plan shall be prepared to address appropriate procedures in the event that lead contamination is discovered as a result of soil testing. This plan shall contain provisions for a lead-awareness program for workers, as well as guidelines for the identification, removal, transport, and disposal of lead-impacted materials. This plan shall also emphasize that all activities within, or in close proximity to, contaminated areas must follow applicable environmental and hazardous waste laws and regulations. This plan shall be submitted to the County. Documentation of any confirmed or suspected contamination identified during testing or excavation shall be made in the form of a report identifying the location and potential contamination, as well as the process used for sampling. Results of laboratory testing and recommended resolutions for handling and excavating materials found to exceed regulatory requirements shall be submitted to the County of San Diego for review and approval. **DOCUMENTATION:** The applicant shall submit a report documenting the areas proposed for sampling and the process used for sampling and testing as well as results of the laboratory testing and recommended resolutions for handling and excavating materials found to exceed regulatory requirements to the County of San Diego for review and approval. **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, a report shall be submitted documenting the areas proposed for sampling and the process used for sampling and testing as well as results of the laboratory testing and recommended resolutions for handling and excavating materials found to exceed regulatory requirements to the County of San Diego for review and approval. **MONITORING:** The County shall review the report and laboratory results in accordance with this condition. Any necessary measures identified from this testing shall be implemented throughout the construction period.

17. PSU-1A – NOTIFICATION OF UTILITY SERVICE INTERRUPTION: [DPLU, DPW]

INTENT: In order to inform effected individuals, notification of planned outages shall be provided. **DESCRIPTION OF REQUIREMENT:** Prior to construction in which a utility service interruption is known to be unavoidable, the applicant shall notify members of the public affected by the planned outage by mail of the impending interruption, and shall post flyers informing the public of the service interruption in neighborhoods affected by the planned outage. Copies of notices and dates of public notification shall be provided to the County of San Diego. **DOCUMENTATION:** The applicant shall submit copies of all fliers or notices to be distributed in accordance with this condition. **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, copies of notices and dates of public notification shall be provided to the County for review and approval. **MONITORING:** The County shall review the fliers and notices in accordance with this condition.

18. PSU-1B – PROTECTION OF UNDERGROUND UTILITIES: [DPLU, DPW]

INTENT: In order to ensure that disruption of existing utilities during construction is minimized, review of existing underground utilities shall be completed.

DESCRIPTION OF REQUIREMENT: Prior to construction of the transmission line, the applicant shall submit to the County of San Diego written documentation, including evidence of review by the appropriate jurisdictions, including the following:

- a. Construction plans designed to protect existing utilities and that show the dimensions and location of the finalized underground utility alignment;
- b. Records that the applicant provided the plans to affected jurisdiction for review, revision, and final approval;
- c. Evidence that the project meets all necessary local requirements;
- d. Evidence of compliance with design standards;
- e. Copies of necessary permits, agreements, or conditions of approval; and
- f. Records of discretionary decisions made by the appropriate agencies.

DOCUMENTATION: The applicant shall submit evidence of review by the appropriate jurisdictions in accordance with this condition. **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, evidence shall be submitted indicating review by the appropriate jurisdictions to ensure the protection of existing underground utilities. **MONITORING:** The County shall review evidence of review by the appropriate jurisdictions verifying that underground utilities are protected in accordance with this condition.

19. PSU-1C – COORDINATION WITH UTILITY PROVIDERS: [DPLU, DPW]

INTENT: In order to avoid conflicts with other facilities, coordination shall occur with applicable utility providers. **DESCRIPTION OF REQUIREMENT:** The applicant shall coordinate with all applicable utility providers with facilities located within or adjacent to the project to ensure that design does not conflict with other facilities prior to construction. In the event of a conflict, the project will be realigned vertically and/or horizontally as appropriate to avoid other utilities and provide adequate operational and safety buffering. Alternately, the other existing facilities may be relocated. Long-term operations and maintenance of the project will be negotiated through easement, purchased ROW, franchise agreement, or joint use agreement. **DOCUMENTATION:** The applicant shall submit evidence of coordination with applicable utility providers in accordance with this condition. **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, evidence shall be submitted that indicates the applicant has coordinated with applicable utility

providers in accordance with this condition. **MONITORING:** The County shall review evidence of coordination with applicable utility providers in accordance with this condition.

20. FF-1 – IMPLEMENT THE ACCEPTED CONSTRUCTION FIRE PROTECTION PLAN: [SDRFPD, SDCFA, DPLU, DPW]

INTENT: In order to ensure fire safety, the accepted Construction Fire Protection Plan shall be implemented. **DESCRIPTION OF REQUIREMENT:** The applicant shall implement the accepted multi-agency Construction Fire Protection Plan in consultation with and to the satisfaction of CAL FIRE, SDRFPD, and SDCFA. The plan includes the following:

- a. Procedures for minimizing potential ignition;
- b. Vegetation clearing;
- c. Fuel modification establishment;
- d. Parking requirements;
- e. Smoking restrictions;
- f. Hot work restrictions;
- g. Red Flag Warning restrictions;
- h. Fire coordinator role and responsibility;
- i. Fire suppression equipment on site at all times work is occurring;
- j. Requirements of Title 14 of the California Code of Regulations, "Fire Protection" for private land portions;
- k. Access Road widening (28-foot wide County roads, 18-foot-wide spur roads);
- l. Applicable components of the SDG&E Wildland Fire Prevention and Fire Safety Electric Standard Practice (2009);
- m. Emergency response and reporting procedures;
- n. Emergency contact information;
- o. Worker education materials; kick-off and tailgate meeting schedules;

- p. Other information as provided by CAL FIRE, Rural Fire Protection District, SDCFA and the County of San Diego;

Additional restrictions will include the following

- q. During the construction phase of the project, the applicant shall implement ongoing fire patrols. The applicant shall maintain fire patrols during construction hours and for 1 hour after end of daily construction and hotwork;
- r. Fire Suppression Resource Inventory – In addition to 14 CCR 918.1(a), (b), and (c), the applicant shall update in writing the 24-hour contact information and on-site fire suppression equipment, tools, and personnel list on a quarterly basis and provide it to the San Diego Rural Fire Protection District, SDCFA, and CAL FIRE;
- s. During Red Flag Warning events, as issued daily by the National Weather Service in SRAs and LRAs, and when the USFS Project Activity Level is Very High in Cleveland National Forest (as appropriate), all non-essential, non-emergency construction and maintenance activities shall cease or be required to operate under a Hot Work Procedure. The applicant and contractor personnel shall be informed of changes to the Red Flag event status and Project Activity Level as stipulated by CAL FIRE and Cleveland National Forest;
- t. All construction crews and inspectors shall be provided with radio and cellular telephone access that is operational throughout the project area to allow for immediate reporting of fires. Communication pathways and equipment shall be tested and confirmed operational each day prior to initiating construction activities at each construction site. All fires shall be reported to the fire agencies with jurisdiction in the project area immediately upon ignition;
- u. Each crew member shall be trained in fire prevention, initial attack firefighting, and fire reporting. Each member shall carry at all times a laminated card listing pertinent telephone numbers for reporting fires and defining immediate steps to take if a fire starts. Information on contact cards shall be updated and redistributed to all crewmembers as needed and outdated cards destroyed, prior to the initiation of construction activities on the day the information change goes into effect;
- v. Each member of the construction crew shall be trained and equipped to extinguish small fires with hand-held fire extinguishers in order to prevent them from growing into more serious threats. Each crew member shall at all times be within 100 yards of a vehicle containing equipment necessary

for fire suppression as outlined in the final Construction Fire Prevention/Protection Plan; and

- w. Water storage tanks shall be installed and operational at the time of start of construction, except where construction of new access roads is necessary to reach the SDRFPD's preferred location for the water tank, in which case the water tank will be installed along with access road construction.

DOCUMENTATION: The applicant shall notify the San Diego Rural Fire Protection District, SDCFA, and CAL FIRE that construction will commence and the accepted Construction Fire Protection Plan will be implemented. **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 applicant shall notify the San Diego Rural Fire Protection District, SDCFA, and CAL FIRE that construction will commence and the accepted Construction Fire Protection Plan will be implemented. **MONITORING:** The County shall ensure that all necessary measures are implemented throughout the construction period.

21. FF-3 – PROVIDE ASSISTANCE TO SAN DIEGO RURAL FIRE PROTECTION DISTRICT (SDRFPD) AND SAN DIEGO COUNTY FIRE AUTHORITY: [SDCFA, SDRFPD]

INTENT: In order to improve the response and firefighting effectiveness, electrical transmission lines, and aerial infrastructure based on project fire protection needs, the applicant shall provide funding for the training and acquisition of necessary firefighting equipment and services to SDRFPD/SDCFA.

DESCRIPTION OF REQUIREMENT: Through a fire services agreement with SDRFPD and SDCFA, the applicant will provide funding for the training and acquisition of necessary firefighting equipment and services to SDRFPD/SDCFA to improve the response and firefighting effectiveness, electrical transmission lines, and aerial infrastructure based on project fire protection needs. Funding shall be provided through a Fire Services Agreement with SDRFPA and County of San Diego. The applicant shall provide funding for one SDCFA Fire Code Specialist II position to enforce existing fire code requirements, including but not limited to, implementing required fuel management requirements (e.g., defensible space), in priority areas to be identified by the SDRFPD and SDCFA for the life of the project. In addition, the applicant is to provide funding to allow SDRFPD and SDCFA to employ up to four volunteer/reserve firefighters as part-time code inspectors on a stipend basis for up to 90 days per year for the life of the project. The funding for the SDCFA Fire Code Specialist II position and the four volunteer/reserve firefighters as part-time code inspectors will be provided through proportional contributions, to be determined by the CPUC, from the applicant (and the other project applicants) to the SDRFPD/SDCFA prior to construction. **DOCUMENTATION:** The applicant shall provide evidence that funding has been provided in accordance with this condition. **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 funding shall be provided in accordance with this condition. **MONITORING:** The County shall review and confirm that funding has been provided in accordance with this condition.

22. FF-4 – FIRE PROTECTION PLAN: [SDRFPD, SDCFA, DPLU, DPW]

INTENT: In order to ensure fire safety, the accepted Fire Protection Plan for the project shall be submitted to the SDRFPD and SDCFA prior to construction.

DESCRIPTION OF REQUIREMENT: The accepted Fire Protection Plan will be submitted to SDRFPD and SDCFA before the start of any construction activities. The FPP includes the following:

- a. San Diego County FPP Content Requirements
(<http://www.sdcountry.ca.gov/dplu/docs/Fire-Report-Format.pdf>)
- b. San Diego Rural Fire Protection District Content Requirements;
- c. Provisions for fire safety and prevention;
- d. Water supply;
- e. Fire suppression/detection systems – built-in detection system with notification;
- f. Secondary containment;
- g. Site security and access;
- h. Emergency shut-down provisions;
- i. Fuel modification plan;
- j. Access road widths and surfacing;
- k. Emergency drill participation;
- l. Emergency evacuation plan; and
- m. Integration into plans created to satisfy Mitigation Measures FF-1 and FF-2.

The FPP will be incorporated into MM FF-1, the Construction Fire Protection Plan, and MM FF-2, the Wildland Fire Prevention and Fire Safety Electric Standard Practice (2009) Operational Maintenance Plan. The accepted Fire Protection Plan includes clarifications and additional applicant proposed measures (APMs) described in Section B of the EIR. **DOCUMENTATION:** The applicant shall submit the accepted Fire Protection Plan to the SDRFPD and

SDCFA. **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 accepted Fire Protection Plan shall be submitted to the SDRFPD and SDCFA. **MONITORING:** The County shall ensure all necessary measures are implemented throughout the construction and operation period.

23. FF-6 – FUNDING FOR FIRESAFE COUNCIL: [DPLU, DPW]

INTENT: In order to contribute to fire protection, funding for a FireSafe Council shall be provided. **DESCRIPTION OF REQUIREMENT:** Provide funding for Boulevard/Jacumba/La Posta FireSafe Council for coordinating a Community Wildfire Protection Plan (CWPP) and Evacuation Plan. Funding for the Boulevard/Jacumba/La Posta FireSafe Council will enable this newly formed organization to proactively complete these plans, apply for grant funding, and ultimately, to implement fuel reduction and evacuation plans. Funding will be a lump sum, one-time amount with the applicant providing fair share of CWPP and evacuation plan preparation. **DOCUMENTATION:** The applicant shall provide the County of San Diego with evidence that funding has been provided in accordance with this condition. **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, funding shall be provided to the FireSafe Council. **MONITORING:** The County of San Diego shall ensure that the funding has been provided in accordance with this condition.

24. LU-1A, LU-1B AND LU-3 – PREPARE CONSTRUCTION NOTIFICATION PLAN: [DPLU, DPW]

INTENT: In order to inform property owners of the type of construction activities that will be conducted and the location and duration of construction. **DESCRIPTION OF REQUIREMENT:** Prior to construction, the applicant shall prepare and submit a Construction Notification Plan to the [DPLU, DPW] for approval. **DOCUMENTATION:** The plan shall identify the procedures that will be used to inform property owners of the location and duration of construction, identify approvals that are needed prior to posting or publication of construction notices, and include text of proposed public notices and advertisements. The plan shall address at a minimum two of the following components:

- a. Public notice mailer. A public notice mailer shall be prepared and mailed no less than 15 days prior to construction. The notice shall identify construction activities that would restrict, block, remove parking, or require a detour to access existing residential properties. The notice shall state the type of construction activities that will be conducted and the location and duration of construction. The applicant shall 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 shall be prepared and distributed.

- b. Newspaper advertisements. Fifteen days prior to construction within a route segment, notices shall be placed in local newspapers and bulletins, including Spanish language newspapers and bulletins. The notice shall state when and where construction will occur and provide information about the public liaison person and identify the hotline. If construction is delayed for more than 7 days, an additional round of newspaper notices shall be placed to discuss the status and schedule of construction.
- c. Public venue notices. Thirty days prior to construction, notice of construction shall be posted at public venues such as libraries, community notification boards, post offices, rest stops, community centers, and other public venues to inform affected residents about the purpose and schedule of construction activities.
- d. Public liaison person and toll-free information hotline. The applicant shall 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 disturbances. Procedures for reaching the public liaison officer via telephone or in person shall be included in notices distributed to the public. The applicant shall 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 shall be addressed in the Construction Notification Plan.
- e. Notify Property owners and provide access. To facilitate access to properties obstructed by construction activities, the applicant shall notify property owners along the entire project where residences are located within 1,000 feet of project components at least 24 hours in advance of construction activities and shall provide alternative access if required.
- f. Notify landowners of gen-tie line alignment, staging areas and access roads associated with the project to minimize land use conflicts. The applicant shall notify owners of parcels through which the gen-tie line alignment would pass, staging areas, and access roads associated with the project at least 30 days prior to construction in order to identify conflicts and either identify potential reroutes of the alignment or work with the property owners to obtain easements to place project components.

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 applicant shall prepare and submit a Construction Notification Plan to the County of San Diego for approval. **MONITORING:** The County of San Diego shall ensure that the public notification has been sent prior to issuance of any permit.

25. CUL-1B – ENVIRONMENTALLY SENSITIVE AREA SIGNAGE: [DPLU, PCC] [BP, GP, CP, UO] [DPLU, FEE]

INTENT: In order to protect cultural resources identified in Environmentally Sensitive Areas (ESA), informational signs shall be installed. Recorded cultural resources shall be listed and demarcated during construction as ESAs. All eligible resources that would not be affected by direct impacts, but are within 100 feet of direct impact areas, shall be designated as ESAs. **DESCRIPTION OF REQUIREMENT:** ESA signs shall be placed along the ESA boundaries per CUL-1B. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three feet in height from the ground surface, and must state the following:

**Environmentally Sensitive Area
Restricted by County**

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about area restrictions and exceptions contact the County of San Diego, Department of Planning and Land Use
Reference: 3300 09-019 (MUP)

DOCUMENTATION: The applicant shall install the signs as indicated above and provide site photos indicating that the ESA signs have been installed at the boundary of the ESAs. **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 ESA signs shall be installed. **MONITORING:** The [DPLU, PCC] shall review the photos for compliance with this condition.

26. CUL-1A – ARCHAEOLOGICAL TREATMENT PLAN: [DPLU, PCC] [BP, GP, CP, UO] [DPLU, FEE]

INTENT: In order to mitigate impacts to significant cultural resources pursuant to CEQA and the County of San Diego Resource Protection Ordinance, an Archaeological Treatment Plan for archaeological sites CA-SDI-6897, CA-SDI-16786, CA-SDI-16827, CA-SDI-19278, CA-SDI-16856, CA-SDI-19872, CA-SDI-20116 and CA-SDI-20392 shall be prepared. **DESCRIPTION OF REQUIREMENT:** An Archaeological Treatment Plan shall be prepared and submitted for approval to the satisfaction of the Director of Planning and Land Use. The Archaeological Treatment Plan shall include the testing of sites not previously tested. Based on the results of the Testing Program, a Data Recovery Program pursuant to the County Guidelines for Cultural Resources may be required. Any resources determined to be RPO significant shall be avoided. All artifacts shall be under the control of the Project Archaeologist until curation.

DOCUMENTATION: The applicant shall submit an Archaeological Treatment Plan for approval to the satisfaction of the Director of Planning and Land Use for archaeological sites CA-SDI-6897, CA-SDI-16786, CA-SDI-16827, CA-SDI-19278, CA-SDI-16856, CA-SDI-19872, CA-SDI-20116 and CA-SDI-20392. The Archaeological Treatment Plan shall be prepared by the Project Archaeologist.

TIMING: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance on this permit, the archaeological Treatment Plan shall be prepared and submitted to the County of San Diego for review and approval. **MONITORING:** The [DPLU, PCC] shall review the Archaeological Treatment Plan for compliance with this condition. Upon acceptance of the documentation, [DPLU, PCC] shall inform [DPW, LDR] that the requirement is complete.

27. ARTIFACT CURATION: [DPLU, PCC] [BP, GP, CP, UO] [DPLU, FEE]

INTENT: In order to ensure that all cultural resource artifacts that were discovered during the survey, testing and evaluation, data recovery and grading monitoring phases are curated for future research and study, the artifacts shall be delivered and accepted by a County approved curation facility.

DESCRIPTION OF REQUIREMENT: All archaeological materials recovered during the survey, testing, data recovery and grading monitoring shall be curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. **DOCUMENTATION:** The applicant shall provide a letter from the curation facility, which identifies that the archaeological materials referenced in the final report have been received and that all fees have been paid. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the artifacts shall be curated. **MONITORING:** The [DPLU, PCC] shall review the letter from the curation facility for compliance with this condition.

28. VIS-3H – LANDSCAPE DOCUMENTATION PACKAGE: [DPLU, REG] [GP, CP, BP, UO] [DPR, TC, PP]

INTENT: In order to provide adequate Landscaping of the on-site collector substation and operations and maintenance building, a landscape plan shall be prepared. **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, the COSD Grading Ordinance. 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 from [DPW, Land Development] 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 the Department of Planning and Land Use.

- 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. Parking areas shall be landscaped and designed pursuant to the Off-street Parking Design Manual and the County Zoning Ordinance Section 6793.b

DOCUMENTATION: The applicant shall prepare the Landscape Plans using the Landscape Documentation Package Checklist (DPLU 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 [DPLU, Landscape Architect] and [DPR, TC, PP] shall review the Landscape Documentation Package for compliance with this condition.

29. ENCROACHMENT PERMIT OR FRANCHISE AGREEMENT: [DPW, LDR] [GP, CP, BP, UO]

INTENT: Prior to placing a transmission line for the transmission or distribution of electricity (collectively, "facilities") in any County maintained road right-of-way,

the placement must be authorized by an encroachment permit or fully executed franchise agreement. The County, in its discretion, may require either an encroachment permit or franchise agreement to allow for the placement of facilities within the right-of-way. The encroachment permit or franchise agreement shall require the placement, modification, removal or protection of facilities at the sole cost of the permittee/franchisee to the satisfaction of [DPW, LDR], to ensure the safe and efficient maintenance, improvement and operation of the right-of-way at all times. The encroachment permit or franchise agreement must also include defense and indemnity for the County and its directors, officers, agents, contractors and employees as required by County Code section 71-103. **DESCRIPTION OF REQUIREMENT:** Installation of the facilities, with the exception of vent or access covers and other facilities that are customarily installed above ground in support of underground projects, shall be undergrounded, to the satisfaction of [DPW, LDR], and shall meet or exceed all design standards applied by the County to installations in County maintained roads, including, without limitation, the requirements set forth in the San Diego County Design Standards and the San Diego Area Regional Standard Drawings M-15 and M-23. The applicant shall apply for an encroachment permit or franchise agreement for the facilities at the Construction/Road right-of-way Permits Services Section. **DOCUMENTATION:** The applicant shall obtain the encroachment permit or franchise agreement, document payment of all necessary fees and deposits for the issuance of the permit or agreement and inspection or work, and provide evidence that all the requirements of the permit or agreement have been met to the satisfaction of [DPW, LDR]. **TIMING:** Prior to construction of any portion of the facilities in any County maintained road, and 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 encroachment permit shall be obtained or the franchise agreement shall be executed and all necessary fees, deposits and deficit accounts fully paid or brought current. **MONITORING:** [DPW, LDR] shall review the permit or agreement and work on the facilities for compliance with this condition and any applicable plans, permit or agreement requirements, and County ordinances and State laws applicable to encroachments and franchise facilities placed within County maintained road right-of-way.

30. PUBLIC ROAD IMPROVEMENTS: [DPW, LDR], [GP, CP, BP, UO]

INTENT: In order to promote orderly development and to comply with Board Policy I-18 the following roads shall be improved. **DESCRIPTION OF REQUIREMENT:**

- a. Improve or agree to improve and provide security to complete the public road along **McCain Valley Road** (SC 580), from the end of the County maintained road, approximately 600-feet south of the southerly property line of APN 611-070-03 to the end of the public road at the southerly property line of APN 611-070-03 in accordance with Public Road Standards for an interim public road, to a graded width of 40-feet and to

an improved width of 28-feet, with asphalt concrete pavement over approved base with asphalt concrete dike, with face of dike at 14-feet from centerline.

- b. Provide a temporary turnaround at the end of **McCain Valley Road**, graded to a minimum radius and surfaced to a minimum radius per County Design Standard DS-05 with asphalt concrete pavement over approved base, with asphalt concrete dike.

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

- c. Process and obtain approval of Improvement Plans to improve McCain Valley Road (SC 580).
- d. Provide Secured agreements. The required security shall be in accordance with Section 7613 of the Zoning Ordinance.
- e. Pay all applicable inspection fees with [DPW, PDCI].
- f. 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.
- g. Obtain a Construction Permit for any work within the County road right-of-way. DPW Construction/Road right-of-way Permits Services Section should be contacted at (858) 694-3275 to coordinate departmental requirements. Also, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove, plant or trim shrubs or trees from the Permit Services Section.

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

31. PRIVATE ROAD IMPROVEMENTS: [DPW, LDR], [GP, CP, BP, UO]

INTENT: In order to promote orderly development and to comply with the San Diego County Standards for Private Roads section 3.1.(B), the unnamed private road from McCain Valley Road (SC 580) to Ribbonwood Road (SA 210) shall be improved. **DESCRIPTION OF REQUIREMENT:**

- a. Improve or agree to improve and provide security for the **Rough Acres Ranch Road** within APNs 611-091-09, 611-090-15, 611-090-02, 611-090-04, 611-100-07, and 611-100-06 from McCain Valley Road to Ribbonwood Road to a graded width of 32-feet and to an improved width of 28-feet with asphalt concrete pavement over approved base or (six inches (6") of disintegrated granite) with asphalt concrete dike at 14-feet from centerline. The improvement and design standards of Section 3.1(B) of the San Diego County Standards for Private Roads for 751 to 2,500 trips shall apply.
- b. Where height of downsloping bank for a 2:1 slope is greater than 12-feet; or where height of downsloping bank for a 1.5:1 slope is greater than 10-feet, guardrail shall be installed, as deemed necessary by the County Engineer per CALTRANS standards to the satisfaction of the Director of Public Works.

All plans and improvements shall be completed pursuant to the County of San Diego County Standards for Private Roads and the DPW Land Development Improvement Plan Checking Manual. The design and construction of all driveways, turnarounds, and private easement road improvements to the satisfaction of the County Fire Authority and/or CAL-FIRE and the [DPW, LDR]. **DOCUMENTATION:** The applicant shall complete the following:

- c. Process and obtain approval of Improvement Plans to improve Rough Acres Ranch Road.
- d. Pay all applicable inspection fees with [DPW, PDCI].
- e. 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/or CAL-FIRE and the [DPW, LDR].

TIMING: Prior to issuance of any permit, and prior to use of the premises in reliance of this permit, the private road and drive improvements shall be completed. **MONITORING:** The [DPW, LDR] shall review the plans for consistency with the condition and County Standards.

32. DRAINAGE IMPROVEMENTS: [DPW, LDR] [GP, CP, BP, UO]

INTENT: In order to provide the required drainage improvements for the project and to comply with the County Flood Damage Prevention Ordinance, County Code Section 811.101, County Watershed Protection Ordinance (WPO), County

Code Section 67.801 et. seq.; and the County Resource Protection Ordinance (RPO), County Code Section 86.601 et. seq.; 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., County Code Section 86.601 et. Seq., and County Flood Damage Protection Ordinance, County Code Section 811.101, 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 and security in accordance with Section 7613 of the Zoning Ordinance.
- c. Pay all applicable inspection fees with [DPW, PDCI].
- d. If the applicant is a representative, then one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.

TIMING: Prior to issuance of any permit, and prior to use of the premises in reliance of this permit the plans, agreements, and securities shall be approved.

MONITORING: The [DPW, LDR] shall review the plans for consistency with this condition and County Standards. Upon approval of the plans [DPW, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of DPW before any work can commence.

33. IRREVOCABLE OFFER OF DEDICATION: [DPW, LDR] [DGS, RP], [GP, CP, BP, UO]

INTENT: In order to promote orderly development and to comply with Board Policy I-18, an irrevocable offer of dedication (IOD) for road purposes shall be granted to the County for the portions of the private road located within the County of San Diego. **DESCRIPTION OF REQUIREMENT:** Execute an

Irrevocable Offer to Dedicate (IOD) real property onsite for the unnamed private road between McCain Valley Road and Ribbonwood Road to the County of San Diego for the portions of the roadway under the jurisdiction of the County of San Diego. The IOD shall provide a right-of-way width of 60-feet, plus slope rights and drainage easements. 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 Public Works. **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 [DPW, 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, LDR], for review and approval. The [DPW, LDR] shall review that the IOD complies with this condition.

34. BIO-1E – HABITAT COMPENSATION FOR PERMANENT IMPACTS TO NATIVE VEGETATION COMMUNITIES: [DPLU]

INTENT: In order to mitigate for impacts to sensitive biological resources offsite mitigation shall be acquired. **DESCRIPTION OF REQUIREMENT:** The applicant shall provide habitat compensation of lands supporting comparable habitats to those lands impacted by the proposed project. Specifically, the compensation lands must support a minimum of 29.64 acres of big sagebrush scrub, 0.53 acres of chamise chaparral, 0.82 acres of field pasture/agriculture, 7.29 acres of montane buckwheat scrub, 2.69 acres of non-native grassland, 4.44 acres of coast live oak woodland, 0.90 acres of redshank chaparral, 8.63 acres of scrub oak chaparral, 12.98 acres of semi desert chaparral, 1.37 acres of southern north slope chaparral, 0.42 acres of southern willow scrub, acres of 0.30 un-vegetated channel and 11.44 acres of upper sonoran subshrub scrub unless a biologically equivalent or superior out-of-kind compensation proposal is identified by the applicant and approved by the County.

- a. Prior to purchasing the land for the proposed mitigation, the location should be pre-approved by [DPLU].
- b. All habitat compensation and restoration used as mitigation for the Proposed Project on public lands shall be located in areas designated for resource protection and management.
- c. All habitat compensation and restoration used as mitigation for the Proposed Project on private lands shall include long-term management and legal protection assurances.

DOCUMENTATION: The applicant must provide evidence of the purchase of land supporting the appropriate acreages of habitat as well as documentation of legal protections and long-term management as demonstrated through the submittal of a Resource Management Plan (RMP). **TIMING:** Habitat mitigation lands shall be identified and submitted for approval prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit. Mitigation lands shall be acquired and a long-term management plan and draft preservation mechanism for mitigation lands shall be submitted for approval within six months of receiving concurrence that the proposed lands are acceptable. **MONITORING:** The [DPLU, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [DPLU, PCC] can pre-approve the location and type of mitigation only. An application for an RMP shall be accepted by [DPLU, Zoning], and [DPLU, REG] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

35. BIO-2B – WETLAND MITIGATION PLAN: [DPLU]

INTENT: In order to ensure no net loss of RPO wetlands, the applicant shall implement habitat creation, enhancement, preservation, and/or restoration pursuant to a wetland mitigation plan. **DESCRIPTION OF REQUIREMENT:** Temporary and permanent impacts to all jurisdictional resources shall be compensated through a combination habitat creation (i.e., establishment), enhancement, preservation, and/or restoration. Mitigation for impacts to acres of Resource Protection Ordinance (RPO) wetlands shall be mitigated at a 3:1 ratio (0.57 acres) including a minimum of 0.05 acre of creation, 0.14 acre of restoration and 0.38 preservation/enhancement of existing RPO wetlands. Any creation, enhancement, preservation, and/or restoration effort shall be implemented pursuant to a Re-Vegetation Plan, which shall include success criteria and monitoring specifications and shall be approved by the County of San Diego prior to construction of the project. A habitat restoration specialist will be designated and approved by the permitting agencies and will determine the most appropriate method of restoration. Restoration techniques may include hydroseeding, hand-seeding, imprinting, and soil and plant salvage. All habitat creation and restoration used as mitigation for the Proposed Project on public lands shall be located in areas designated for resource protection and management. All habitat creation and restoration used as mitigation for the Proposed Project on private lands shall include long-term management and legal protection assurances. **DOCUMENTATION:** The applicant shall prepare and provide a Habitat Restoration Plan and Habitat Mitigation Plan which specifies success criteria and long-term management assurances and legal protection mechanisms. **TIMING:** Habitat mitigation lands shall be identified and submitted for approval prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit. Mitigation lands shall be acquired and a Long-term management plan and draft preservation mechanism shall be submitted for approval within six months of receiving concurrence that the proposed mitigation is acceptable. . A Habitat Restoration Plan and Habitat

Mitigation Plan shall be approved by the County of San Diego prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit. Creation and enhancement shall be implemented during the first rainy season following plan approval. Restoration of temporary impacts shall be implemented during the first rainy season following project completion. **MONITORING:** The County of San Diego shall review the Habitat Restoration and Habitat Mitigation Plans to ensure that all wetland habitat creation, enhancement, preservation, and/or restoration pursuant to a wetland mitigation plan has been implemented.

- 36. BIO-5B – SPECIAL-STATUS PLANT SPECIES COMPENSATION: [DPLU]**
INTENT: In order to avoid impacts to special-status plant species, impacts to special-status plant species shall be maximally avoided. Where impacts to special-status plant species are unavoidable, the impact shall be quantified and compensated through plant salvage and relocation or through off-site land preservation. **DESCRIPTION OF REQUIREMENT:** Where impacts to special-status plant species are unavoidable, the impact shall be quantified and compensated through plant salvage and relocation or through off-site land preservation. Where salvage and relocation is feasible and biologically preferred, it shall be conducted pursuant to an agency-approved plan that details the methods for salvage, stockpiling, and replanting and the characteristics of the receiver sites. Any salvage and relocation of species considered desert native plants shall be conducted in compliance with the California Desert Native Plant Act. Success criteria and monitoring shall also be included in the plan. Where off-site land preservation is biologically preferred, it shall be implemented pursuant to an agency approved plan that describes the mitigation land resources and the long-term management and legal protection assurances. Mitigation is required for 1,116 Desert beauty (*Linanthus bellus*), 747 Jacumba milkvetch (*Astragalus douglasii* var. *perstrictus*), 81 Stickey geraea (*Geraea viscid*) and 7 Mountain springs bush lupine (*Lupinus excubitus* var. *medius*). **DOCUMENTATION:** The applicant must submit a Habitat Mitigation Plan or an agency approved plan that describes the mitigation land resources and the long-term management and legal protection assurances. **TIMING:** Habitat mitigation lands shall be identified and submitted for approval prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit. Mitigation lands shall be acquired and a long-term management plan and draft legal preservation mechanism for mitigation lands shall be submitted for approval within six months of receiving plan approval. **MONITORING:** The County of San Diego shall review the Habitat Mitigation Plan or agency approved plan to ensure the species have been appropriately mitigated and that long-term management and legal assurances are in place.

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

- 37. PLAN CONFORMANCE: [DPW, ESU] [GP, IP,] [DPR, TC, PP]**

INTENT: In order to implement the required mitigation measures for the project, the required grading and improvement 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 and improvement plans shall conform to the approved Conceptual Grading and Development Plan, which includes all of the following mitigation measures: biology, archaeology, paleontology, hazards, visual, air quality, and noise. 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 grading and/or improvement plans as required. **MONITORING:** The *[DPW, Environmental Services Unit Division, DPR, TC, or DPLU, Building Division for Minor Grading]* shall verify that the grading and or improvement plan requirements have been implemented on the final grading and or improvement plans as applicable. The environmental mitigation notes shall be made conditions of the issuance of said grading or construction permit.

38. BIO-2A – LIMIT TEMPORARY AND PERMANENT IMPACTS TO JURISDICTIONAL FEATURES: [DPLU]

INTENT: In order to limit temporary and permanent impacts to jurisdictional features to the minimum necessary as defined by the final engineering plans, the applicant shall obtain and implement the terms and conditions of agency permits for unavoidable impacts to jurisdictional wetlands and waters. **DESCRIPTION OF REQUIREMENT:** All construction areas, access to construction areas, and construction-related activities shall be strictly limited to the areas within the approved work limits identified on the final engineering plans. The limits of the approved work space shall be delineated with stakes and/or flagging that shall be maintained throughout the construction period. The project applicant shall obtain applicable permits and provide evidence of permit approval, which may include but not be limited to a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, a Clean Water Act Section 401 water quality certification from the Regional Water Quality Control Board, and a Section 1602 streambed alteration agreement with the California Department of Fish and Game for impacts to jurisdictional features prior to project construction. The terms and conditions of these authorizations shall be implemented. **DOCUMENTATION:** The applicant shall provide copies of approved Section 404 permit, Section 401 water quality certification, and Section 1602 streambed alteration agreement to the County of San Diego to document compliance two weeks prior to ground disturbance activities. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits, the

applicant shall provide copies of approved Section 404 permit, Section 401 water quality certification, and Section 1602 streambed alteration agreement to the County of San Diego to document compliance two weeks prior to ground disturbance activities. **MONITORING:** The [DPLU, PCC] shall review the permits for compliance with this condition.

39. BIO-3A – NOXIOUS WEEDS AND INVASIVE SPECIES CONTROL PLAN: [DPLU]

INTENT: In order to avoid and minimize the direct or indirect effect of the establishment and spread of invasive plant species during construction, implementation of specific protective measures as detailed in a Noxious Weeds and Invasive Species Control Plan shall be required during construction. **DESCRIPTION OF REQUIREMENT:** The Noxious Weeds and Invasive Species Control Plan shall be implemented during all phases of project construction and operation. The plan shall include best management practices to avoid and minimize the direct or indirect effect of the establishment and spread of invasive plant species during construction. Implementation of specific protective measures shall be required during construction, such as cleaning vehicles prior to off-road use, using weed-free imported soil/material, restricted vegetation removal and requiring topsoil storage. Development and implementation of weed management procedures shall be used to monitor and control the spread of weed populations along the construction access and transmission line right-of-ways. Vehicles used in transmission line construction shall be cleaned prior to operation off of maintained roads. Existing vegetation shall be cleared only from areas scheduled for immediate construction work and only for the width needed for active construction activities. Noxious weed management shall be conducted annually to prevent the establishment and spread of invasive plant species. This shall include weed abatement efforts, targeted at plants listed as invasive exotics by the California Exotic Plant Pest Council in their most recent "A" or "Red Alert" list. Pesticide use should be limited to non-persistent pesticides and should only be applied in accordance with label and application permit directions and restrictions for terrestrial and aquatic applications. **DOCUMENTATION:** The Noxious Weeds and Invasive Species Control Plan shall be prepared and successfully implemented. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits, the Noxious Weeds and Invasive Species Control Plan shall be provided to the County for review and approval. The plan shall be implemented throughout construction and throughout operations. **MONITORING:** The County of San Diego shall ensure that the plan is implemented throughout the construction and operation period.

40. BIO-4A – DUST CONTROL PLAN: [DPLU]

INTENT: In order to control dust from the proposed project, a Dust Control Plan shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** The applicant shall prepare and implement a Dust Control Plan including the following measures to be completed by the applicant:

- a. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas if construction activity causes persistent visible emissions of fugitive dust beyond the work area;
- b. Pre-water sites up to 48 hours in advance of clearing to control fugitive dust;
- c. Reduce the amount of disturbed area where feasible;
- d. Spray all dirt stock-pile areas daily as needed;
- e. Cover loads in haul trucks or maintain at least 6 inches of free-board when traveling on public roads;
- f. Pre-moisten, prior to transport, import and export dirt, sand, or loose materials;
- g. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets or wash trucks and equipment before entering public streets;
- h. Plant vegetative ground cover in disturbed areas to meet the criteria of the revegetation plan;
- i. Apply chemical soil stabilizers or apply water to form and maintain a crust on inactive construction areas (disturbed lands that are unused for 14 consecutive days); and
- j. Prepare and file with the San Diego Air Pollution Control District, San Diego County, and Bureau of Land Management a Dust Control Plan that describes how these measures would be implemented and monitored at all locations of the project.

DOCUMENTATION: The applicant shall provide a copy of the Dust Control Plan to the County of San Diego for review. The applicant shall also provide verification from the local air district (APCD) of concurrence with the plan.

TIMING: Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits, the Dust Control Plan shall be provided to the County for review and approval. The plan shall be implemented throughout construction. **MONITORING:** The County of San Diego shall review the Dust Control Plan for compliance with this condition and ensure that the plan is implemented throughout the construction and operation period.

41. BIO-5A – SPECIAL-STATUS PLANT SPECIES FENCING OR FLAGGING: [DPLU]

INTENT: In order to avoid special-status plant species to the maximum extent possible by all construction activities, fencing around and/or flagging of special-status plant species populations shall be implemented. **DESCRIPTION OF REQUIREMENT:** Prior to the start of construction, a County approved biologist shall conduct focused surveys during the appropriate blooming period for special-status plant species for all construction areas. All of the special-status plant locations shall be recorded using a Global Positioning System (GPS), which will be used to site the avoidance fencing/flagging. Special-status plant species shall be avoided to the maximum extent possible by all construction activities. The boundaries of all special-status plant species to be avoided shall be delineated in the field with clearly visible fencing or flagging. The fencing/flagging shall be maintained for the duration of project construction activities. **DOCUMENTATION:** The applicant shall provide the results of the focused surveys for special-status plant species completed by a County approved biologist to the County of San Diego County within 48 hours of completing the survey as well as written verification from the County approved biologist that all required fencing/flagging has been installed. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits, the applicant shall provide the results of the focused surveys along with written verification that all required fencing/flagging has been installed. **MONITORING:** The County of San Diego shall review the results of the focused survey as well as the written verification from the County approved biologist that all required fencing/flagging has been installed for compliance with this condition.

42. BIO-7J – PRE-CONSTRUCTION NESTING BIRD SURVEYS: [DPLU]

INTENT: In order to appropriately avoid nesting birds, pre-construction nesting bird surveys shall be completed and appropriate avoidance measures shall be implemented for identified nesting birds. **DESCRIPTION OF REQUIREMENT:** If the project must occur during the avian breeding season (February 1st to August 31st, and as early as January 1st for some raptors), the applicant shall work with the California Department of Fish and Game (CDFG), Bureau of Land Management, and the U.S. Fish and Wildlife Service (USFWS) to prepare a Nesting Bird Management, Monitoring, and Reporting Plan (NBMMRP) to address avoidance of impacts to nesting birds. The applicant shall submit to the agencies the NBMMRP for review and approval prior to commencement of the project during the breeding season. 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 USFWS and CDFG 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
- g. Measures to preclude birds from utilizing project-related structures (i.e., construction equipment, facilities, or materials) for nesting.

To determine presence of nesting birds that the project activities may affect, surveys shall 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 CDFG-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 project corridor being surveyed, method of search, and behavior that indicates active nests. Each nest identified in the project area should be included in the NML. The NMLs should be updated daily and submitted to the CDFG weekly. Since the purpose of the NMLs is to allow the CDFG 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. The applicant will rely on its avian biologists to determine the appropriate standard buffer widths for nests within the project corridor/footprint 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:

- a. Nesting chronologies
- b. Geographic location
- c. Existing ambient conditions (human activity within line of sight – cars, bikes, pedestrians, dogs, noise)

- d. 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 birds flush the nests)
- e. Visibility of disturbance
- f. Duration and timing of disturbance
- g. Influence of other environmental factors
- h. Species' site-specific level of habituation to the disturbance.

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. Site-specific avoidance measures, as necessary, shall be identified in the survey report. In the event federal- or state-listed nesting birds are identified, the applicant shall provide documentation of the recommendations that were provided by the USFWS and/or CDFG. If nests are identified, avian biologists will determine appropriate buffer widths that are site- and species-/guild-specific and data-driven. **DOCUMENTATION:** The applicant shall provide a copy of the pre-construction nesting bird survey reports to the County of San Diego 72 hours prior to construction. A copy of the NBMMRP shall be provided to the County of San Diego, if required. The NBMMRP shall be prepared if the project must occur during the avian breeding season. Any nests identified shall be included in the NML, which will be updated daily and submitted to CDFG weekly. **TIMING:** Prior to construction during the avian breeding season (February 1st to August 31st, and as early as January 1st for some raptors). **MONITORING:** The County shall review copies of the pre-construction nesting bird survey reports and NBMMRP (if required) for compliance with this condition.

43. NOI-1 – TEMPORARY CONSTRUCTION NOISE AND BLASTING PLAN: [DPLU, PCC] [GP, CP, OU] [DPLU, FEE X 2]

INTENT: In order to reduce the sound level generated from project construction on the residential uses and to comply with the County of San Diego Noise Ordinance Sections 36.409 and 36.410, the following noise attenuation measures shall be implemented. **DESCRIPTION OF REQUIREMENT:** As evaluated in the County of San Diego Noise Guidelines for Determining Significance, the temporary noise impacts from construction noise and blasting shall be mitigated below levels of significance. A Blasting and Temporary Construction Noise Plan shall be submitted to reduce impacts associated with construction related noise and vibrations (including blasting equipment). The plan shall comply with following requirements:

- a. The blasting plan shall be site specific, based on general and exact locations of required blasting and the results of a project-specific geotechnical investigation. The blasting plan will include a description of the planned blasting methods, an inventory of receptors potentially affected by the planned blasting, and calculations to determine the area affected by the planned blasting.
- b. Noise calculations in the blasting plan will account for blasting activities and all supplemental construction equipment operations. The final blasting plan and pre-blast survey shall meet the requirements provided below:
 - i. The blasting plan will include a schedule to demonstrate, where feasible, construction blasting to occur infrequently enough that it will not exceed the County's impulsive noise standard because blasting would not occur for more than 25% (15 minutes) during a 1-hour period.
 - ii. Where this is not possible, other construction blasting would be coordinated with impacted building occupants to occur in their absence, or at other acceptable times, to avoid nuisance or annoyance complaints. If necessary the applicant will temporarily relocate impacted residents on an as-needed basis for the duration of the blasting activities.
 - iii. The applicant shall be responsible for temporary relocation expenses (i.e.; expenses for temporary housing) incurred by impacted residents if relocation is necessary during blasting activities.
 - iv. To ensure that potentially impacted residents are informed, the applicant will provide notice by mail to all property owners within 300 feet of the project at least 1 week prior to the start of construction activities.
 - v. Blasting shall be completed between 7 a.m. and 7 p.m. to be compliant with County noise ordinances.
 - vi. A rock anchoring or min-pile system may be used to reduce the risk of damage to structures during blasting activities. Fair compensation for lost use will be provided to the property owner. Physical damage to potentially vulnerable structures will be addressed by avoiding construction blasting near the structures wherever possible, and, if necessary, non-blasting construction methods will be evaluated. If adversely affected, structures shall be restored to an equivalent condition, and fair compensation for lost use will be provided to the owner.

- vii. If necessary, portable noise barriers to reduce excessive noise impacts shall be used between the sources and affected occupied properties. Noise barriers that break the line of sight would provide 5dB attenuation. Increasing the height of the barrier would increase the attenuation of the barrier. A 5 dBA to 10 dBA attenuation is feasible.
- viii. Supplemental construction equipment, such as drill rigs, may be used to support blasting. The blasting plan shall include measures to reduce noise impacts resulting from the use of drill rigs that are less than 80-feet from a property line. Such measures may include temporary noise barriers or limited hours of operation to reduce the impact to within the County standard.
- ix. If new information is provided to prove and certify that the equipment being used is different than what was proposed in the noise report, then a new construction noise analysis maybe reviewed to the satisfaction of the [DPLU, PCC]. The supplemental noise analysis shall be prepared by a County Approved Noise Consultant, and the report shall comply with the Noise Report Format and Content Requirements. Any proposed alternative methods, or the reduction or elimination of the barrier maybe approved if the construction activities will not create noise greater than 75 dB at the property line as indicated above.

DOCUMENTATION: The applicant shall submit a Blasting and Temporary Construction Noise Plan that incorporates the measures as indicated above. The applicant shall provide site photos, and a statement from a California Registered Engineer or licensed surveyor that these measures have been implemented and installed to the satisfaction of the County of San Diego [DPLU, PCC]. If a new analysis is performed to provide an alternative method, then submit the report to [DPLU, PCC] for review. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits, the barrier shall be installed. This condition may be waived prior to the preconstruction conference and prior to any land disturbances upon approval by the [DPLU, PCC] and [DPW PDCI]. **MONITORING:** The [DPLU, PCC] shall review the photos and statement for compliance with this condition. If an alternative method, or reduced equipment proposal is provided, [DPLU, PCC] shall review the new analysis report for compliance with this condition.

- 44. NOI-1 –TEMPORARY NOISE BARRIERS AND LIMITED CONSTRUCTION OPERATIONS: [DPLU, PCC] [GP, CP, OU] [DPLU, FEE X 2]**
INTENT: In order to reduce the sound level generated from project construction on the residential uses and to comply with the County of San Diego Noise Ordinance Section 36.409 the following noise attenuation measures shall be

implemented. **DESCRIPTION OF REQUIREMENT:** As evaluated in the County of San Diego Noise Guidelines for Determining Significance, the temporary noise impacts from construction noise shall be mitigated below levels of significance. Limited construction operations and/or temporary noise attenuation barriers shall be placed as indicated in the certified FEIR within Tables D.8-9 and D.8-10, Conceptual Grading and Development Plan or alternative measures identified within an approved supplemental noise analysis that would reduce noise levels associated with construction equipment operations to 75 dB or below at the property line where existing occupied structures are located pursuant to County Code Noise Ordinance, Section 36.409. The limited construction activities and/or barriers shall be designed and placed to reduce construction noise that potentially will affect the adjacent residential use located on Receptors Home 2-26, 27, 28 29, 30, 33 44, 34 35 43, 37-41, 50, 58, 59, 60 61, 37B, 38B, 39B, 40B, & 41B as identified in the Tule Wind Project Noise Analysis Report dated February 2012. Any temporary noise barriers shall be maintained for the duration of the construction activities that will create noise greater than 75 dB at the property line indicated above. The attenuation barrier shall comply with following requirements or alternative measures identified within an approved supplemental noise analysis that would reduce noise levels associated with construction equipment operations to 75 dB or below at the property line where existing occupied structures are located pursuant to County Noise Ordinance, Section 36.409:

- a. The temporary construction noise barrier shall be 20 feet high with a minimum STC rating of no less than 30, consisting of materials such as (but not limited to) masonry, wood, berm, plastic, fiberglass, steel, minimum 1-inch thick acoustical blankets or a combination of these material with no cracks or gaps through or below the wall. If wood is used, temporary barrier design shall be a minimum thickness of 7/8 of an inch.
- b. Temporary construction noise barrier details and location are discussed in the project Noise Analysis Report prepared by HDR. The temporary construction noise barriers will remain during the construction equipment operations affecting the occupied properties. The top of barrier elevation shall be consistent with the report and the top of slope or pad elevation shall be consistent with the report for its location to be effective in its anticipated noise reduction characteristics.
- c. Hours of construction activities shall be limited to 4 hours a day at Receptors Homes 2-26, 27, 33 44, 34 35 43, 37-41, 59, & 60 61 or alternative measures identified within an approved supplemental noise analysis shall be implemented that would reduce noise levels associated with construction equipment operations to 75 dB or below at the property line where existing occupied structures are located pursuant to County Noise Ordinance, Section 36.409.

- d. Noticing shall be provided for any barriers installed at the properties specified above.
- e. If new information is provided to prove and certify that the equipment being used is different than what was proposed in the noise report, then a new construction noise analysis may be reviewed to the satisfaction of the [DPLU, PCC]. The supplemental noise analysis shall be prepared by a County Approved Noise Consultant and the report shall comply with the Noise Report Format and Content Requirements. Any proposed alternative methods, or the reduction or elimination of the barrier may be approved if the construction activities will not create noise greater than 75 dB at the property line as indicated above.

DOCUMENTATION: The applicant shall install the sound attenuation barrier as indicated above or install or implement alternative measures identified within an approved supplemental noise analysis that would reduce noise levels associated with construction equipment operations to 75 dB or below at the property line where existing occupied structures are located pursuant to County Code Noise Ordinance, Section 36.409. The applicant shall provide site photos, a statement from a California Registered Engineer, or licensed surveyor that the barrier has been installed to the [DPLU, PCC]. If a new analysis is performed to provide an alternative method, then submit the report to [DPLU, PCC] for review. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits, the barrier shall be installed. This condition may be waived prior to the preconstruction conference and prior to any land disturbances upon approval by the [DPLU, PCC] and [DPW PDCI]. **MONITORING:** The [DPLU, PCC] shall review the photos and statement for compliance with this condition. If an alternative method, or reduced equipment proposal is provided, [DPLU, PCC] shall review the new analysis report for compliance with this condition.

45. NOI-1 – NOTIFICATION OF CONSTRUCTION OPERATIONS: [DPLU, PCC] [GP, CP, OU] [DPLU, FEE X 2]

INTENT: In order to notify nearby landowners of the sound levels generated from project construction and blasting, the following noise measures shall be implemented. **DESCRIPTION OF REQUIREMENT:** All nearby land owners shall be notified of certain construction noise events (such as, but not limited to construction equipment operations and blasting schedule) in advance. **DOCUMENTATION:** The applicant shall notify nearby property owners as indicated above. The applicant shall provide notification letters and the level of construction noise that will affect the nearby property owner. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits, the notification shall take place. This condition may be waived prior to the preconstruction conference and prior to any land disturbances upon approval by the [DPLU, PCC] and [DPW PDCI]. **MONITORING:** The [DPLU, PCC] shall review the notifications for compliance with this condition.

46. VIS-3D – REDUCE IN-LINE VIEWS OF LAND SCARS: [DPLU, DPW]

INTENT: In order to reduce visual impacts, the grading plans shall minimize in-line views of land scars from grading. **DESCRIPTION OF REQUIREMENT:** All grading sites for access roads, spur roads, and ancillary facilities associated with the project shall minimize in-line views of land scars from grading. Construct access or spur roads at appropriate angles from the originating primary travel facilities to minimize extended in-line views of newly graded terrain, when feasible. Contour grading should be used where feasible to better blend graded surfaces with existing terrain. **DOCUMENTATION:** The applicant shall submit final construction plans demonstrating compliance with this measure to the County of San Diego for review and approval. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits, the plans shall be provided to the County for review and approval. **MONITORING:** The [DPW, LDR] will review the construction plans to ensure that they comply with this condition. The [DPW, PDCI] shall verify compliance during construction.

47. VIS-3F – MINIMIZE VEGETATION REMOVAL: [DPLU, DPW]

INTENT: In order to reduce visual impacts from grading and clearing, minimize the amount of vegetation removal. **DESCRIPTION OF REQUIREMENT:** At all project component sites where surface disturbance is proposed, the minimum amount of vegetation necessary for construction of structures and facilities shall be removed. Topsoil located in areas to be restored shall be conserved during excavation and reused as cover on disturbed areas to facilitate re-growth of vegetation. Topsoil located in developed or disturbed areas is excluded from this measure. **DOCUMENTATION:** The applicant shall ensure that all construction plans minimize clearing of native vegetation. The plans shall be provided to the County for review and approval. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits the plans shall be provided to the County for review and approval. **MONITORING:** The County shall review the Grading, Improvement, and Restoration Plans to ensure that the occurrence of vegetation removal will be minimized, and the resulting visual contrast will be minimal.

48. FF-7, BIO-1D AND VIS-3E – REVEGETATION PLAN: [DPLU]

INTENT: In order to prevent non-native, weedy plants from establishing and reducing erosion, all areas disturbed during construction that will not be continuously included in the long-term maintenance access shall be revegetated. **DESCRIPTION OF REQUIREMENT:** All areas disturbed during construction activities that will not be continuously included in the long-term maintenance access shall be restored with native plants to prevent non-native, weedy plants from establishing and reduce erosion. Disturbed areas that will be included in the long-term maintenance program will not be revegetated as any plants that establish in these areas will be removed on an ongoing (at least annual) basis. The Revegetation Plan shall be prepared to restore native habitat and to reduce

the potential for non-native plant establishment and erosion. The revegetation plan shall incorporate a Noxious Weeds and Invasive Species Control Plan to assist in restoring the construction area to the prior vegetated state and lessen the possibility of establishment of non-native, flammable plant species and erosion. The Revegetation Plan shall be provided to the County of San Diego for review and approval. In addition, prior to the termination of the project, a decommissioning plan shall be developed and approved by the County of San Diego. The decommissioning plan shall include a site reclamation plan and monitoring program. As the facility is removed from the site, topsoil from all decommissioning activities shall be salvaged and reapplied during final reclamation. All areas of disturbed soil shall be reclaimed to native habitat conditions found naturally in the area. Upon approval by the Department of Planning and Land Use, mitigation credit may be applied at a maximum 1:1 ratio (or 0.5:1 ratio where required by the habitat type) for revegetation completed in areas which will not be subject to ongoing maintenance or future impacts. Credit received for revegetation in these areas would account for portions of the required mitigation in Condition BIO-1E. **DOCUMENTATION:** The applicant shall provide a copy of the Revegetation Plan to the County of San Diego for review and approval. The applicant shall also provide documentation detailing the types and amounts of habitat impacted in the revegetation areas (not subject to future impacts) and the amount of credit to be applied at a 1:1 (or 0.5:1) ratio toward satisfying Condition BIO-1E. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits, the Re-vegetation Plan shall be provided to the County for review and approval. Re-vegetation shall be initiated at earliest opportunity upon completion of soil-disturbing activities. **MONITORING:** The County of San Diego shall review the Revegetation Plan and ensure its implementation.

49. PAVEMENT CUT POLICY: [DPW, 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 surface, 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 are allowed for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following road surfacing. **DOCUMENTATION:** The applicant shall sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy to the satisfaction of the Department of Public Works (DPW), and submit it to the [DPW LDR] for review. **TIMING:** Prior to approval of any grading or improvement plan and prior to issuance of any grading or construction permit, the letters must be submitted for approval. **MONITORING:** [DPW, LDR] shall review the signed letters.

50. TRA-1 – TRAFFIC CONTROL PLAN: [DPW, LDR] [GP, IP, UO]

INTENT: In order to mitigate temporary traffic impacts, a Traffic Control Plan shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** A Traffic Control Plan (TCP) shall be prepared that addresses, at a minimum, the following:

- a. The implementation of the TCP shall be a condition of any grading, construction, or excavation permit issued by the County.
- b. Any additional County Traffic Control Permits shall be obtained as required, as well as any CALTRANS Encroachment Permits for work within the State of California Rights of Way as identified in the TCP.
- c. The applicant shall encourage carpooling to the construction site to reduce personal vehicle traffic in the project area to the greatest extent possible.
- d. The applicant will consider the specific object sizes, weights, origin, destination, and unique handling requirements of all project components, and evaluate alternative transportation approaches.
- e. Measures such as informational signs and flaggers shall be implemented when equipment may result in blocked roadways, and traffic cones or similar measures shall be implemented to identify any necessary changes in temporary lane configuration.
- f. Flaggers and directional guidance for bicyclists along Old Highway 80 shall be used.
- g. All Caltrans' standards for utility encroachments shall be met.
- h. The TCP shall be prepared in accordance with Caltrans' Manual on Uniform Traffic Control Devices and the Work Area Traffic Control Handbook (WATCH) Manual.
- i. Clearances or overhead crossings shall conform to County of San Diego regulations, and the number of crossings shall be minimized.
- j. New installations under an existing roadbed shall be made by the boring-and-jacking method. No trenching under the traveled way will occur.
- k. For freeways and expressways, the placement of longitudinal encroachments is prohibited within controlled-access ROWs.
- l. Utilities shall not be located in median areas.

- m. Transverse crossings shall be normal (90°) to the highway alignment where practical. If impractical, skews of up to 30° from normal may be allowed.
- n. Supports for overhead lines crossing freeways shall be located outside the controlled-access ROW and not on cut-or-fill slopes, and shall not impair sight distances. All installations shall be placed as close to the ROW line as possible. Aboveground utilities shall be outside the clear recovery zone (20 feet from edge-of-travel way for conventional highways and 30 feet for freeways and expressways). Allowance shall be made for future widening of the highways.
- o. New installations shall not impair sight distances.
- p. The applicant shall coordinate in advance with the applicants of other projects in the area. This effort shall include coordinating the timing of construction of the various projects to reduce potential conflicts.
- q. The applicant shall coordinate in advance with emergency service providers to avoid restricting movements of emergency vehicles. The County will then notify respective police, fire, ambulance, and paramedic services. The applicant shall notify the County of San Diego of the proposed locations, nature, timing, and duration of any construction activities, and advise of any access restrictions that could impact their effectiveness.
- r. An agreement shall be executed, which will include (1) a cash deposit for emergency traffic safety repairs; (2) long-term security for expected increased maintenance on the roads identified in this subsection; and (3) possible future asphaltic overlay requirements on the roads identified in this subsection. The specific roads are identified as follows: Ribbonwood Road, McCain Valley Road, and Old Highway 80
- s. The applicant shall provide a draft copy of the Traffic Control Plan to the County for comment a minimum of 90 days prior to the start of any construction activities. Comments will be provided to the applicant, and plan revisions will address each comment to the satisfaction of the County. The final plan will be submitted to the County for approval and provided to the applicant for implementation during all construction activities.

DOCUMENTATION: The applicant shall have the TCP prepared by a licensed Traffic Engineer and submit it to [DPW, LDR] for review. The applicant shall coordinate with the [DPW, LDR] for approval and implementation of the plan/quarterly updates for all construction zones along the proposed Project access roads. The applicant shall provide evidence of coordination in the case of

coordination with emergency service providers. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading, Construction, or Excavation Permits, the TCP shall be provided to the [DPW, LDR] and shall be in effect throughout construction. **MONITORING:** The [DPW, LDR] will review the TCP for compliance with this condition, and require any additional traffic or encroachment permits before approval of the TCP. The [DPW, LDR] will ensure its implementation and it will be made a condition of any associated County Construction, Grading, or Encroachment Permit. Document coordination with emergency service providers and provide construction schedule with submittal of the Traffic Control Plan.

**51. HYD-1 – CONSULTATION WITH FISH AND GAME ON CULVERT DESIGN:
[DPW, LDR] [GP, IP, UO]**

INTENT: This measure is proposed by the applicant. **DESCRIPTION OF REQUIREMENT:** The project applicant will consult the Department of California Fish and Game guidelines and recommendations for culvert design so that culverts are appropriately sized and protected to prevent scour and sedimentation and ultimately minimize the long-term impacts to the natural streambed. The project design will accommodate a 10-year rain event to minimize the trapping of sediment. **DOCUMENTATION:** Consultation with Fish Game shall take place. **TIMING:** Prior to approval of any grading and/or improvement plans and issuance of any Grading, Construction, or Excavation Permits and prior to and during construction, the applicant shall coordinate with Fish and Game on culvert design. **MONITORING:** The applicant shall consult with Fish and Game on culvert design and provide evidence to the County of San Diego for review and approval.

SEE ALSO ADDITIONAL CONDITIONS #73-84 BELOW.

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

**52. VIS-3G, VIS-3N, AND AES-9 (APM) – REDUCE VISUAL CONTRAST OF
SUBSTATION AND ANCILLARY FACILITIES: [DPLU]**

INTENT: In order to reduce visual contrast and to ensure that project features blend with the landscape, a Surface Treatment Plan shall be provided. **DESCRIPTION OF REQUIREMENT:** A Surface Treatment Plan shall be provided that describes the colors and textures for the exterior of all new structures, buildings, walls, fences, and components comprising all ancillary facilities including on-site substations and operations and maintenance building. The Surface Treatment Plan must reduce glare and minimize visual intrusion and contrast by blending the new facilities with the landscape. **DOCUMENTATION:** The applicant shall provide the Surface Treatment Plan to the County for review and approval. **TIMING:** Prior to approval of any building plan and the issuance of any building permit, a Surface Treatment Plan shall be submitted to the County for review and approval and shall be implemented on all building plans.

MONITORING: The County will review the Surface Treatment Plan to ensure that visual contrast from ancillary facilities will be minimized, and facilities will blend with the landscape to the extent feasible. The measures in the plan shall be implemented on the Building Plans for the facilities in accordance with this condition.

53. TRANSPORTATION IMPACT FEE: [DPW, LDR] [DPLU, 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, the TIF shall be paid. **DESCRIPTION OF REQUIREMENT:** The Transportation Impact Fee (TIF) shall be paid pursuant to the County TIF Ordinance, County Code Section 77.201. The fee is calculated pursuant to the ordinance, and will be based on 24 ADT using 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, ZONING] and provide a copy of the receipt to the [DPLU, 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, ZONING] shall calculate the fee pursuant to the ordinance and provide a receipt of payment for the applicant. [DPLU, 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.

SEE ALSO ADDITIONAL CONDITIONS #85, 86, AND X1 BELOW.

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

54. CUL-1B – ARCHAEOLOGICAL SITE AVOIDANCE: [DPLU, PCC] [BP, GP, CP, UO] [DPLU, FEE]

INTENT: In order to protect significant cultural resources, archaeological sites CA-SDI-20113 and CA-SDI-20396 shall be avoided. **DESCRIPTION OF REQUIREMENT:** Archaeological sites CA-SDI-20113 and CA-SDI-20396 shall be avoided. **DOCUMENTATION:** The applicant shall provide a letter from the Principal Investigator (PI) known as the "Project Archaeologist" that archaeological sites CA-SDI-20113 and CA-SDI-20396 have been avoided. **TIMING:** Prior to any occupancy or use of the premises in reliance of this permit, documentation from the Project Archaeologist shall be submitted to [DPLU, PCC] and approved. **MONITORING:** The [DPLU, PCC] shall review the final report for compliance with this condition. Upon acceptance of the documentation, [DPLU, PCC] shall inform [DPW, LDR] that the requirement is complete.

55. HYD-3 – GROUNDWATER MONITORING - CONSTRUCTION: [DPLU, PCC] [UO] [DPLU, FEE]

INTENT: In order to monitor the project's groundwater production during the construction phase of this project, and to comply with the County of San Diego Groundwater Ordinance, a Groundwater Production Monitoring Program (GPMP) shall be implemented. **DESCRIPTION OF REQUIREMENT & DOCUMENTATION:** A GPMP shall be established until completion of the construction phase of this project. The applicant shall complete the following:

- a. Pay the Groundwater Production and Mitigation Program (GPMP) Fee at the [DPLU, ZONING], for the first year of enrollment and establishment of the program.
- b. Provide a signed copy of the County Memorandum of Understanding (MOU), for the Hydrogeologist from the County CEQA Consultant list to the [DPLU, PCC] for approval by the County Groundwater Geologist.

TIMING: Prior to any occupancy or establishment of any use, which requires the extraction of groundwater, final grading release, or use of the premises in reliance of this permit, the GPMP shall be implemented. **MONITORING:** The [DPLU, ZONING] shall collect the fee and forward the receipt and MOU to [DPLU, PCC] for approval. The [DPLU, Groundwater Geologist] shall verify enrollment and contact the applicant to set up future submittal dates of GPMP documents.

56. NOI-3 – NOISE CONTROL DESIGN MEASURES: [DPLU, BPPR] [DPLU, PCC [BP] [DPLU FEE X 2]

INTENT: In order to reduce the impacts of the exterior sound levels from the project site on the adjacent parcels and to comply with the County of San Diego Noise Ordinance Section 36.404 as evaluated in the County of San Diego Noise Guidelines for Determining Significance, the following design measures shall be verified that they are constructed. **DESCRIPTION OF REQUIREMENT:** The following noise control design measure(s) shall be constructed pursuant to the Site Specific Noise Mitigation Plan and approved building plans. **DOCUMENTATION:** The noise control design measures shall be indicated on the building plans, grading or construction plans. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the noise control measures shall be installed and operational. **MONITORING:** The [DPLU, BI] shall verify that the noise control measures above have been constructed pursuant to the approved building plans and this permit's conditions.

57. HAZ-5B – HAZARDOUS MATERIALS BUSINESS PLAN: [DPLU]

INTENT: In order to comply with California Health and Safety Code, Chapter 6.95, Articles 1 and 2, a Hazardous Materials Business Plan shall be prepared. **DESCRIPTION OF REQUIREMENT:** Prior to the facility going online and becoming operational, the applicant shall prepare an HMBP in accordance with all related requirements in California Health and Safety Code, Chapter 6.95, Articles 1 and 2. The HMBP shall contain basic information on the location, type,

and quantity of hazardous materials stored or used by the facility, as well as the health risks associated with each hazardous material. The HMBP shall include three components: an inventory and site map, emergency response plan, and employee training. The plan shall be reviewed and recertified every year and amended as required by California Health and Safety Code, Chapter 6.95, Articles 1 and 2. **DOCUMENTATION:** The applicant shall provide the HMBP to the County of San Diego for review. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the HMBP shall be submitted to the County for review and approval. **MONITORING:** The County of San Diego shall ensure that the HMBP is in place prior to operation of the facility.

58. PS-2 – GROUNDING PROCEDURES AND MEASURES: [DPLU]

INTENT: In order to ensure proper grounding, appropriate procedures and measures shall be implemented. **DESCRIPTION OF REQUIREMENT:** As part of the project siting and construction process, the applicant shall identify objects (such as fences, conductors, and pipelines) that have the potential for induced voltages and work with the affected parties to determine proper grounding procedures. The applicant shall install all necessary grounding measures prior to energizing the gen-tie line. Prior to energizing the 138 kV transmission line, the applicant shall notify in writing all property owners within and adjacent to the project gen-tie line regarding the date the 138 kV transmission line is to be energized, subject to the review and approval of the County of San Diego. The written notice shall provide a contact person and telephone number for answering questions regarding the transmission line and guidelines on what activities should be limited or restricted. The written notice shall describe the nature and operation of the line, and the applicant's responsibilities with respect to grounding all conducting objects. In addition, the notice shall describe the property owner's responsibilities with respect to notification for any new objects that may require grounding and guidelines for maintaining the safety of the gen-tie line. The applicant shall respond to and document all complaints received and the responsive action taken. These records shall be made available to the appropriate regulatory agency for review upon request. The applicant shall refer all unresolved disputes to the County of San Diego for resolution. **DOCUMENTATION:** The applicant shall provide evidence of notification in writing to all property owners within and adjacent to the project's 138 kV transmission line to the County of San Diego for review. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the notices shall be provided. **MONITORING:** The County of San Diego shall ensure that the notices have been completed prior to operation of the facility.

59. SIGHT DISTANCE: [DPW, LDR] [UO]

INTENT: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, an unobstructed sight distance shall be verified. **DESCRIPTION OF REQUIREMENT:**

- a. A registered civil engineer, a registered traffic engineer, or a licensed land surveyor shall provide a certified signed statement that: "Physically, there is a minimum unobstructed sight distance based upon prevailing traffic speed in both directions along **Ribbonwood Road** (SA 210) from Rough Acres Ranch Road (APN 611-090-15) per the Design Standards of Section 6.1 Table 5 of the County of San Diego Public Road Standards." If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."
- b. A registered civil engineer, a registered traffic engineer, or a licensed land surveyor shall provide a certified signed statement that:
 - i. "Physically, there is a minimum unobstructed sight distance based upon prevailing traffic speed looking north along **McCain Valley Road** (SC 580) from Rough Acres Ranch Road (APN 611-100-06) per the Design Standards of Section 6.1 Table 5 of the County of San Diego Public Road Standards." If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."
 - ii. "Physically, there is a minimum unobstructed sight distance of 409 feet looking south along **McCain Valley Road** (SC 580) from Rough Acres Ranch Road (APN 611-100-06) per AASHTO Stopping Sight Distance Standards per approved Design Exception Request dated March 2, 2012." If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."
- c. A registered civil engineer, a registered traffic engineer, or a licensed land surveyor shall provide a certified signed statement that:
 - i. "Physically, there is a minimum unobstructed sight distance based upon prevailing traffic speed looking south along **McCain Valley Road** (SC 580) from the project access point (APN 613-010-16) per the Design Standards of Section 6.1 Table 5 of the County of San Diego Public Road Standards." If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."
 - ii. "Physically, there is a minimum unobstructed sight distance of 431 feet looking north along **McCain Valley Road** (SC 580) from the project access point (APN 613-010-16) per AASHTO Stopping

Sight Distance Standards per approved Design Exception Request dated March 2, 2012.” If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that: “Said lines of sight fall within the existing right-of-way and a clear space easement is not required.”

- d. A registered civil engineer, a registered traffic engineer, or a licensed land surveyor shall provide a certified signed statement that: “Physically, there is a minimum unobstructed sight distance based upon prevailing traffic speed in both directions along **McCain Valley Road** (SC 580) from the project access point (APN 612-091-13) per the Design Standards of Section 6.1 Table 5 of the County of San Diego Public Road Standards.” If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that: “Said lines of sight fall within the existing right-of-way and a clear space easement is not required.”

DOCUMENTATION: The applicant shall complete the certifications and submit them to the [DPW, LDR] for review. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit the sight distance shall be verified. **MONITORING:** The [DPW, LDR] shall verify the sight distance certifications.

60. INSPECTION FEE: [DPLU, ZONING] [DPLU, PCO] [UO] [DPR, TC, PP].

INTENT: In order to comply with Zoning Ordinance Section 7362.e the Discretionary Inspection Fee shall be paid. **DESCRIPTION OF REQUIREMENT:** Pay the Discretionary Permit Inspection Fee at the [DPLU, Zoning Counter] and schedule an appointment for a follow up inspection with the County Permit Compliance Officer to 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. **DOCUMENTATION:** The applicant shall provide a receipt showing that the inspection fee has been paid. The applicant shall also schedule the follow up inspection with the [DPLU, PCC]. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit. **MONITORING:** The [DPLU, Zoning Counter] shall process an invoice and collect the fee for the Use Permit Compliance Inspection Fee. Upon collection of the fee, an inspection milestone shall be entered to schedule an inspection six months from the date that occupancy or use of the site was established. The permittee contact information shall be updated in the County permit tracking system, and the [DPLU, Permit Compliance Officer] should be notified. The [DPLU, Permit Compliance Officer] shall contact the permittee and schedule the initial inspection.

61. SITE PLAN IMPLEMENTATION: [DPLU, BI] [UO] [DPR, TC, PP].

INTENT: In order to comply with the approved project design indicated on the approved plot plan, the project shall be constructed as indicated on the approved building and construction plans. **DESCRIPTION OF REQUIREMENT:** The site

shall conform to the approved Major Use Permit plot plan and the building plans. This requirement includes, but is not limited to:

- a. Improve all roadways as indicated on the approved Major Use Permit;
- b. Improve all driveways and parking areas as indicated on the approved Major Use Permit;
- c. Install all required design features;
- d. Implement all required fuel modification zones as specified in the approved Fire Protection Plan;
- e. Remove all temporary construction facilities, including the temporary batch plant and staging areas;
- f. Revegetate all temporary construction areas in accordance with an approved Revegetation Plan;
- g. Landscape all fuel management zones in accordance with a Landscape Plan approved by the San Diego County Fire Authority;
- h. Repair any private roadways/driveways that are damaged during construction;
- i. Install all lighting in accordance with the approved building plans;
- j. Install all landscaping in accordance with an approved Landscape Plan;
- k. Remove all construction BMPs from the project site; and
- l. Install all required fencing and signage.

DOCUMENTATION: The applicant shall ensure that the site conforms to the approved Major Use Permit 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 [DPLU, Building Inspector] and DPR [TC, PP] shall inspect the site for compliance with the approved Building Plans.

62. CERTIFICATION OF INSTALLATION ACCORDING TO THE LANDSCAPE DOCUMENTATION PACKAGE: [DPLU, BPR] [UO] [DPLU, FEE]

INTENT: In order to provide adequate Landscaping and to comply with the COSD Water Efficient Landscape Design Manual, the COSD Water Conservation in Landscaping Ordinance, the COSD Off-Street Parking Design Manual, the COSD Grading ordinance, all landscaping shall be installed.

DESCRIPTION OF REQUIREMENT: All of the landscaping shall be installed pursuant to the approved Landscape Documentation Package. This requirement 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 [DPLU, Landscape Architect, PCC] [DPR, TC, PP]. **DOCUMENTATION:** The applicant shall submit to the [DPLU Landscape Architect, 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, DPLU 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 [DPLU, Landscape Architect] shall verify the landscape installation upon notification of occupancy or use of the property, and notify the [DPLU, PCC] [DPR, TC, PP] of compliance with the approved Landscape Documentation Package.

63. REMOVAL OF ALL TEMPORARY CONSTRUCTION FACILITIES (BATCH PLANT & STAGING AREA): [DPLU, DPW]

INTENT: In order to ensure that the temporary construction facilities are removed, the applicant shall submit evidence to the [DPLU, PCC].

DESCRIPTION OF REQUIREMENT: The applicant shall submit evidence indicating that all temporary construction facilities have been removed from the site. **DOCUMENTATION:** The applicant shall submit photos and a letter from a licensed engineer or surveyor indicating that all facilities have been removed.

TIMING: Prior to any occupancy or use of the premise in reliance of this permit.

MONITORING: The [DPLU, PCC] shall review the documentation provided by the applicant.

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

64. FF-2 – IMPLEMENT THE ACCEPTED FIRE PROTECTION PLAN – OPERATIONAL MAINTENANCE: [SDCFA, DPLU, DPW]

INTENT: In order to ensure fire safety, the accepted Fire Protection Plan shall be implemented during all operational maintenance. **DESCRIPTION OF**

REQUIREMENT: The plan will be implemented during all operational maintenance work associated with the project for the life of the project. Important fire safety concepts are as follows:

- a. Guidance on where maintenance activities may occur (non-vegetated areas, cleared access roads, and work pads that are approved as part of the project design plans);

- b. Fuel modification buffers required by the FPP;
- c. When vegetation work will occur (prior to any other work activity);
- d. Timing of vegetation clearance work to reduce likelihood of ignition and or fire spread;
- e. Coordination procedures with fire authority;
- f. Integration of the project's Construction Fire Prevention/Protection Plan content;
- g. Personnel training and fire suppression equipment. Prior to energizing the project, the applicant will install a skid-mounted Type VI firefighting unit with at least 100 gallons water capacity and a pump rate of approximately 25-30 gallons per minute into two of its operations and maintenance pick-up trucks. In addition, also prior to energizing the project, the project personnel will undergo training by SDRFPD personnel, or another entity certified to conduct such training, on the proper use of Type VI firefighting equipment to fight incipient fires.
- h. Red Flag Warning restrictions for operational maintenance work;
- i. Fire safety coordinator role as manager of fire prevention and protection procedures, coordinator with fire authority and educator;
- j. Communication protocols;
- k. Incorporation of CAL FIRE, SDRFPD, and SDCFA reviewed and approved Response Plan mapping and assessment; and
- l. Other information as provided by CAL FIRE, SDRFPD, SDCFA and USFS.

DOCUMENTATION: The applicant has provided a Fire Protection Plan that has been accepted by the SDRFPD and SDCFA. **TIMING:** The following conditions shall apply during the term of this permit. **MONITORING:** The [DPLU, Code Enforcement Division] is responsible for enforcement of this permit.

65. BIO-1F – FIRE PROTECTION PLAN: [DPLU]

INTENT: In order to reduce the risk of fire, best management practices for fire prevention shall be implemented during operation. **DESCRIPTION OF REQUIREMENT:** Fire prevention best management practices shall be implemented during operation of the project as specified by the accepted Fire Protection Plan. **DOCUMENTATION:** The applicant shall implement the

accepted Fire Protection Plan. **TIMING:** The conditions of the Fire Protection Plan shall apply during the term of this permit. **Monitoring:** The [DPLU, Code Enforcement Division] is responsible for enforcement of this permit.

66. BIO-11A – MAINTENANCE ACTIVITIES - BIRD NESTING SEASON AVOIDANCE: [DPLU]

INTENT: In order to avoid impacts to nesting birds, maintenance resulting in vegetation disturbance outside of the project impact area shall not be permitted during the bird nesting season. **DESCRIPTION OF REQUIREMENT:** Conduct maintenance activities resulting in vegetation disturbance outside of the project impact area outside of the bird nesting season or conduct pre-construction nesting bird surveys. Maintenance activities with the potential to result in direct or indirect habitat disturbance, most notably vegetation management outside of the project impact area, shall be conducted outside of the bird nesting season to the maximum extent practicable. Where avoidance is not possible, the project proponent shall conduct pre-construction nesting bird surveys to determine the presence/absence of active nests in or adjacent to construction areas. If active nests are identified, avoidance measures would be identified and implemented to prevent disturbance to the nesting bird(s). If federal or state listed nesting birds are identified, the project proponent shall contact the U.S. Fish and Wildlife Service and/or California Department of Fish and Game to determine the appropriate course of action. **DOCUMENTATION:** The applicant shall provide copies of the pre-construction nesting bird survey reports for any maintenance activities to be conducted during the bird breeding season and resulting in vegetation disturbance outside of the project impact area within the County of San Diego. **TIMING:** The following conditions shall apply during the term of this permit. Pre-construction nesting bird survey reports shall be completed 72 hours prior to maintenance activities resulting in vegetation disturbance outside of the project impact area. **MONITORING:** The County shall review copies of the pre-construction nesting bird survey reports for any maintenance activities to be conducted during the bird breeding season and resulting in vegetation disturbance outside of the project impact area.

67. HYD-3 – GROUNDWATER COMPLIANCE - CONSTRUCTION: [DPLU, PPD] [DPLU, PCO] [OG].

INTENT: In order to monitor the project's groundwater production during the construction phase of this project, and to comply with the County of San Diego Groundwater Ordinance, a Groundwater Monitoring and Management Program (GMMP) shall be continued through the construction phase of this permit. **DESCRIPTION OF REQUIREMENT:** Implement the GMMP for the proposed project to the satisfaction of the Director of Planning and Land Use. The implementation shall include the following:

- a. Well 6a is part of a County of San Diego Department of Environmental Health (DEH) regulated small water system that provides domestic water

to Rough Acres Ranch. Therefore, approval from DEH is required before using Well 6a as part of this project.

- b. Well 6, Well 6a (with DEH approval), and Well 8 will be permitted for groundwater use on the Rough Acres Ranch Site as identified within the final groundwater investigation report for the Tule Wind Project. Groundwater production from the three wells shall be limited to a combined total of 56 acre-feet for this project. Well 8 shall be further limited to a total of 20 acre-feet of groundwater for this project.
- c. If the groundwater production from Well 6, Well 6a and Well 8 exceeds 56 acre-feet, pumping of groundwater from Well 6, Well 6a and 8 shall cease. Additionally, if groundwater production from Well 8 exceeds 20 acre-feet, pumping of groundwater from Well 8 shall cease.
- d. Groundwater production shall be recorded at all pumping wells. Flow-meters capable of indicating instantaneous flow and recording cumulative flow shall be installed on all pumping wells. Flow meters will be monitored and recorded weekly on all production wells.
- e. Prior to commencement of groundwater production, a new monitoring well shall be installed approximately 250 feet southwest of Well 6 and Well 6a. The well shall be installed to a depth of at least 75 feet below the depth to static groundwater.
- f. Groundwater levels shall be monitored and recorded at least daily in Well 6, Well 8, and the new monitoring well (located approximately 250 feet southwest of Well 6 and Well 6a).
- g. Groundwater shutdown requirements shall apply to Well 6 and Well 6a if project pumping has caused the static water level within the new monitoring well to fall to a level (as determined by the Director of DPLU) that would indicate a decrease in water level of 20 feet or more at the nearest offsite residential property line (approximately 1,129 feet from Wells 6 and Well 6a).
- h. If groundwater shutdown requirements are applied to Well 6 and Well 6a, written permission must be received from the County before production would be allowed to re-commence. This permission will depend on a recharge water level threshold (as determined by the Director of DPLU) that would indicate water levels have recovered sufficiently to re-commence pumping.
- i. Groundwater production data and water level data shall be reported to [DPLU, PRP] on a monthly basis until groundwater production for the

project is completed. The data shall be provided by a California Professional Geologist from the County CEQA Consultant List.

- j. Pay all associated Groundwater Monitoring and Mitigation Program Fees annually, for the life of the permit.

DOCUMENTATION: The property owner and permittee shall comply with the requirements of this condition. If the permittee or property owner chooses to modify or deviate from this condition in any way, they must obtain approval from the County [DPLU, Groundwater Geologist] for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance. **TIMING:** This condition shall be complied with during the construction phase of this permit. This condition does not apply to limited quantities of groundwater that will be required after the construction phase of this project is completed. Post-construction uses approved with this Major Use Permit include an estimated 2,500 gallons per day for the operations and maintenance building to be supplied from Well 6 and/or 6a. **MONITORING:** The [DPLU, Groundwater Geologist] shall review all monitoring reports and shall ensure that the project complies with groundwater production, water level, and shut-down conditions. The [DPLU, Code Enforcement Division] is responsible for enforcement of this permit.

68. HAZ-5A – SPILL PREVENTION CONTROL AND COUNTERMEASURE PLAN: [DPLU]

INTENT: In order to address proper procedures for storage, handling, spill response, and disposal of hazardous materials, a Spill Prevention Control and Countermeasure (SPCC) Plan shall be provided. **DESCRIPTION OF REQUIREMENT:** Prior to the facility going online and becoming operational, the applicant shall prepare an SPCC plan to address proper procedures for storage, handling, spill response, and disposal of hazardous materials for the ongoing operation of the project. The SPCC plan shall meet all requirements outlined in Title 40 of the Code of Federal Regulations, Part 112 (40 CFR Part 112). The SPCC plan shall be reviewed and approved by the appropriate agency's engineering department and certified by a Registered Professional Engineer. The SPCC plan shall identify operating procedures that the facility will implement to prevent oil spills; control measures installed to prevent oil from leaving the project site; and countermeasures to contain, clean up, and mitigate the effects of an oil spill. A copy of the plan shall be kept on site at the facility and made available for review by the U.S. EPA Regional Administrator during normal business hours. The plan shall be amended as required under 40 CFR Part 112. The plan shall be reviewed, evaluated, and updated (if necessary) every 5 years. **DOCUMENTATION:** The Spill Prevention Control and Countermeasure (SPCC) Plan shall be provided to the County of San Diego for review and approval. **TIMING:** This condition shall apply during the term of this permit. **MONITORING:** The County of San Diego shall review the Spill Prevention Control and Countermeasure (SPCC) Plan and ensure its implementation throughout the term of this permit.

69. SITE CONFORMANCE: [DPLU, PCO] [OG] [DPR, TC, PP].

INTENT: In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific conditions and approved building plans. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the approved landscape plan(s), building plans, and plot plans. This includes, but is not limited to maintaining the following:

- a. Maintain all parking areas, driveways, private utility lines, aesthetics design features, landscaping, lighting, fencing, and required signage;
- b. All parking for the operation and maintenance building shall occur on-site;
- c. Access during operation and construction shall be limited to the access roads shown on the approved plot plan;
- d. Groundwater shall only be used for the project and shall not be used for any other projects or uses except as authorized by this Major Use Permit;

Failure to conform to the approved plot plans; is an unlawful use of the land and will result in enforcement action pursuant to Zoning Ordinance Section 7703.

DOCUMENTATION: 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 *[DPLU, Code Enforcement Division]* is responsible for enforcement of this permit.

70. TRA-2 – PRIVATE ROAD MAINTENANCE: [DPW, LDR] [BP, IP, GP, UO].

INTENT: In order to ensure that the offsite private roads are maintained and not damaged during construction, the applicant shall assume responsibility for maintenance and repair of damaged caused by the project during construction or operation. **DESCRIPTION OF REQUIREMENT:** The applicant is responsible for maintenance and repair, in case of damage caused by this project to the on-site and off-site private roads that serve the property during either construction or subsequent operations. **DOCUMENTATION:** The applicant shall assume responsibility pursuant to this condition. **TIMING:** Upon establishment of use, this condition shall apply during the term of this permit. **MONITORING:** *The [DPFLU, Code Enforcement Division] is responsible for enforcement of this permit.*

71. SIGHT DISTANCE: [DPLU, 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 6.1 Table 5 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 driveway openings 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 [DPLU, Code Enforcement Division] is responsible for enforcement of this permit.

72. GEO-4 – FACILITIES INSPECTIONS CONDUCTED FOLLOWING MAJOR SEISMIC EVENTS: [DPLU]

INTENT: In order to ensure safety to the public following a major seismic event, facility inspections will be conducted by the applicant. **DESCRIPTION OF REQUIREMENT:** If large levels of ground shaking (such as Modified Mercalli Intensity VI or greater) are experienced or a major earthquake (magnitude 6.0 and above), occurs along the Elsinore Fault, a professional licensed geologist, geotechnical engineer, and structural engineer shall be hired by the applicant to perform facilities inspections as quickly as possible. Careful examination shall be conducted of all project facilities. **DOCUMENTATION:** The applicant shall submit to the County proof of structural inspection subsequent to a major seismic event, as identified in the above requirement. Any required repair or needed improvements shall be implemented as soon as feasible to ensure that the integrity of project facilities has not been compromised. **TIMING:** Completion of inspections as quickly as possible following a seismic event. **MONITORING:** The County shall verify that facility inspections have been conducted following a seismic event.

SEE ALSO ADDITIONAL CONDITIONS #87–91 BELOW.

ADDITIONAL CONDITIONS – 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).

73. BIO-10A – CONFORM WITH AVIAN POWER LINE INTERACTION COMMITTEE STANDARDS: [DPLU, PCC]

INTENT: In order to protect raptors and other birds from electrocution, the applicant shall implement recommendations by the Avian Power Line Interaction Committee (2006) (APLIC), which will protect raptors and other birds from electrocution. Measures identified in the APLIC contain measures are which is sufficient to protect even the largest birds that may perch or roost on transmission lines or towers from electrocution. **DESCRIPTION OF REQUIREMENT:** All areas of the project containing transmission towers shall be designed in accordance the APLIC recommendations. **DOCUMENTATION:** The applicant shall submit final construction plans demonstrating compliance with this measure to the County for review and approval. **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 final construction plans shall be provided to the County for review and approval. **MONITORING:** The County will review the Building and/or Right of Way Construction Plans before the start of construction to verify that adequate protection has been provided on all transmission lines or towers.

74. BIO-10B – IMPLEMENT THE ACCEPTED PROJECT-SPECIFIC AVIAN AND BAT PROTECTION PLAN: [DPLU, PCC]

INTENT: In order to reduce bird and bat mortalities due to the operation of wind turbines, the Project-Specific Avian and Bat Protection Plan (PSABPP) shall be implemented. **DESCRIPTION OF REQUIREMENT:** Implement the PSABPP that provides a framework for implementing a program to reduce bird mortalities and documents actions. The PSABPP addresses impacts due to electrocution and collision of bird species due to the construction of transmission lines, transmission structures, and facilities. Implementation of the PSABPP shall include: a corporate policy, training, permit compliance, construction design standards, nest management, avian reporting system, risk assessment methodology, mortality reduction measures, avian enhancement options, quality control, public awareness, and key resources. **DOCUMENTATION:** The applicant must submit the USFWS-accepted PSABPP to the County. **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 final USFWS-accepted PSABPP shall be submitted to the County. **MONITORING:** The County of San Diego shall ensure that the PSABPP has been provided by the applicant prior to issuance of any permit.

75. BIO-10C AND AES-5 (APM) – DESIGN AND CONFIGURE WIND TURBINES TO MAXIMALLY AVOID AND MINIMIZE BIRD AND BAT RESOURCES: [DPLU]

INTENT: In order to reduce bird and bat mortalities, the applicant shall implement design measures to avoid and minimize impacts to bird and bat resources. **DESCRIPTION OF REQUIREMENT:** Various design features shall be used to reduce or avoid impacts to bird and bat species. These may include avoiding the use of guy wires to reduce potential impacts, design turbine layout based on micro-siting decisions that may include such refinements as placing all turbines on the ridgeline and avoiding placement of turbines on slopes and within canyons, placing collector lines underground as much as feasible, and reducing foraging resources near turbines. **DOCUMENTATION:** The applicant shall submit final construction plans demonstrating design and configuration rationale to the County for review and approval. **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 final construction plans shall be provided to the County for review and approval. **MONITORING:** The County shall review the final plot plans to verify compliance with is condition.

76. BIO-10D AND AES-4 (APM) – MINIMIZE TURBINE LIGHTING: [DPLU]

INTENT: In order to deter birds from turbines at night time, lights with short flash duration that emit no light during the off phase shall be used. **DESCRIPTION OF REQUIREMENT:** Lighting that attracts birds shall be avoided on the turbines. Lights with short flash duration that emit no light during the off phase shall be used. Lights that have the minimum number of flashes per minute and the briefest flash duration shall be used. Lights on auxiliary buildings near turbines and met towers shall be motion-sensitive rather than constant “on” lights. All lighting on buildings shall be shielded and downcast, to avoid disorienting or attracting birds. Federal Aviation Administration (FAA) visibility lighting shall employ only strobe, strobe-like, or blinking incandescent lights, preferably with all lights illuminating simultaneously. Minimum intensity, maximum “off-phased” dual strobes are preferred. No steady burning lights shall be used. **DOCUMENTATION:** The applicant shall submit final lighting plans with final plot plans demonstrating design and configuration as rationale to the County, for review and approval. **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 final construction plans shall be provided to the County for review and approval. **MONITORING:** The County shall review the final plot plans to verify compliance with is condition.

77. VIS-1A – REDUCE IMPACTS AT SCENIC HIGHWAY AND TRAIL CROSSINGS: [DPLU]

INTENT: In order to reduce visual impacts to scenic highways and trail crossings due to the construction of transmission lines and structures. **DESCRIPTION OF REQUIREMENT:** At highway and trail crossings, structures shall be placed at the maximum feasible distance from the crossing to reduce visual impacts as long as other significant resources are not negatively affected. **DOCUMENTATION:** The applicant shall provide plot plans to the County. **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 final construction plans shall be provided to the County for review and approval. **MONITORING:** The County shall review the final plot plans to verify compliance with this condition.

78. VIS-1B – REDUCE IMPACTS AT SCENIC VIEW AREAS: [DPLU]

INTENT: In order to reduce visual impacts in scenic view areas due to transmission and collector structures and lines. **DESCRIPTION OF REQUIREMENT:** Transmission line and cable collector system structures and lines shall be placed to avoid sensitive features and/or allow conductors to clearly span the features, within limits of standard design where feasible. **DOCUMENTATION:** The applicant shall provide plot plans to County. **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 final construction plans shall be provided to the County for review and approval. **MONITORING:** The County shall review the final plot plans to verify compliance with this condition.

79. VIS-3I – REDUCE POTENTIAL VISUAL CONTRAST OF TRANSMISSION STRUCTURES: [DPLU]

INTENT: In order to reduce visual impacts due to the construction of transmission structures. **DESCRIPTION OF REQUIREMENT:** The applicant shall use dulled-metal-finish transmission structures and non-specular conductors. **DOCUMENTATION:** The applicant shall provide plot plans to County. **TIMING:** Notification of submittal to be completed and provided to County after final plot plans have been submitted and prior to the issuance of building or grading permits. **MONITORING:** The County shall review the final plot plans to verify compliance with this condition.

80. VIS-3J – REDUCE POTENTIAL TRANSMISSION CONDUCTOR VISIBILITY AND VISUAL CONTRAST: [DPLU]

INTENT: In order to reduce impacts associated with transmission conductor visibility and visual contrast. **DESCRIPTION OF REQUIREMENT:** The following design measures shall be applied to all new structure locations, conductors, and re-conducted spans to reduce the degree of visual contrast caused by the new facilities:

- a. All new conductors and re-conducted spans are to be non-specular in design to reduce conductor visibility and visual contrast.
- b. Where revisions would not conflict with existing design considerations to avoid sensitive resources (including hydrological, cultural, and biological resources), no new access roads shall be constructed such that they directly approach existing or proposed towers in a straight line from sensitive viewing locations immediately downhill of the structures. No new access roads shall be constructed such that they directly approach existing or proposed towers in a straight line from sensitive viewing locations immediately downhill of the structures.

DOCUMENTATION: The applicant shall submit final engineering plans demonstrating compliance with this measure to the County for review and approval. **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 final construction plans shall be provided to the County for review and approval. **MONITORING:** The County will review the final plot plans to verify compliance with this condition.

81. NOI-3 – SITE-SPECIFIC NOISE MITIGATION PLAN: [DPLU]

INTENT: In order to reduce noise impacts to area residents due to construction and operations. **DESCRIPTION OF REQUIREMENT:** Prior to the start of construction, a site-specific noise mitigation plan will be developed to ensure that noise from turbines will not adversely impact surrounding residences. The noise mitigation plan will ensure that operations of the turbines will comply with County General Plan Policy 4b and County Noise Ordinance Section 3436.404. Mitigation of the turbine noise may include revising the turbine layout, curtailment of nighttime use of selected turbines, utilization of an alternate turbine manufacturer (or combination of manufacturers), and implementation of noise reduction technology, or other methods of compliance with applicable noise standards. **DOCUMENTATION:** The applicant shall submit the site-specific noise mitigation plan to the County for review and approval. **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 final construction plans shall be provided to the County for review and approval. **MONITORING:** The County will review the final plot plans to verify compliance with this condition.

82. PS-1B – LIMIT CONDUCTOR SURFACE POTENTIAL: [DPLU]

INTENT: In order to prevent potential impacts to the interference with radar, radio, television, and electrical equipment (EMI). **DESCRIPTION OF REQUIREMENT:** The applicant shall submit final plot designs to the County that limit the conductor surface electric gradient in accordance with the Institute of Electrical and Electronic Engineers (IEEE) Radio Noise Design Guide. **DOCUMENTATION:** The applicant shall submit final plot plans demonstrating compliance with this measure to the County for review and approval. **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 final construction plans shall be provided to the County for review and approval. **MONITORING:** The County will review the final plot plans to verify compliance with this condition.

83. PS-1D AND PHS-5 (APM) – AERONAUTICAL STUDY: [DPLU]

INTENT: In order to reduce impacts to public, private, and military aircraft radars, the applicant shall prepare an aeronautical study in consultation with the FAA and DOD. **DESCRIPTION OF REQUIREMENT:** As part of the study, the applicant shall submit to the FAA specific coordinates, heights, frequencies, and power measurements related to each proposed turbine in

order for the FAA to evaluate whether any of the turbines would exceed obstruction standards for flight operations or result in a significant hazard to air navigation in the area during construction or operation. The applicant shall coordinate with the FAA and DOD to resolve any issues related to the project's potential to impact the aforementioned radar systems, which may involve the incorporation of appropriate design considerations, including but not limited to, markings and lighting in accordance with FAA regulations. **DOCUMENTATION:** The applicant shall incorporate into the final plot design plans that illustrate all conditions coordinated with the FAA and DOD for a determination of no hazard to air navigation. **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 final construction plans shall be provided to the County for review and approval. **MONITORING:** The County shall confirm receipt of the study to comply with this condition.

- 84. FF-5 – WIND TURBINE GENERATOR FIRE PROTECTION SYSTEMS: [DPLU]**
- INTENT:** In order to reduce potential wildfire impacts due to the construction and operation of the project, fire suppression systems will be installed each wind turbine. **DESCRIPTION OF REQUIREMENT:** Fire detection, warning, and suppression systems for each wind turbine generator will include modern technology and will address, at minimum, the following:
- a. Use of non-combustible or difficult to ignite materials;
 - b. Early fire detection and warning systems;
 - c. Maintenance according to manufacturer specification;
 - d. Auto switch-off and complete disconnection from the power supply system;
 - e. Ongoing hazard/fire safety training for staff;
 - f. Automatic fire extinguishing systems in the nacelle of each wind turbine (stationary, inert gas, or similar). The applicant will implement this technology through the wind turbine manufacturer or an aftermarket supplier; and
 - g. Non-combustible or high flash point lubricant oils.

DOCUMENTATION: The final construction plans shall be provided to the County for verification of the fire detection and suppression systems. **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. **MONITORING:** The County will review the final construction plans to verify compliance with this condition.

ADDITIONAL CONDITIONS – GRADING OR BUILDING PERMIT: (Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits or prior to approval of any building plan and the issuance of any building permit).

85. TRA-3 AND PHS-5 (APM) – CONSULTATION WITH THE FAA, DOD, AND U.S. CUSTOMS AND BORDER PROTECTION: [DPLU]

INTENT: In order to reduce impacts to area airports, the applicant shall consult with the FAA, DOD and U.S. Customs and Border Protection Patrol (San Diego Sector) to avoid potential safety issues associated with proximity to airports, military bases or training areas, and landing strips. Consultation will determine where Border Patrol Protection aircraft operate in the County, the location of military bases or training areas, and private landing strips. **DESCRIPTION OF REQUIREMENT:** Prior to construction, the applicant shall provide written notification to the FAA, the U.S. Air Force Regional Environmental Coordinator (or appropriate DOD representative), U.S. Customs and Border Protection (San Diego Sector), and the BLM and San Diego County, all Border Patrol aircraft working in the County, stating when and where the new transmission lines, towers, and wind turbines and towers will be erected, and shall install markers as requested by the Border Patrol, U.S. Customs and Border Protection or FAA. **DOCUMENTATION:** The applicant shall provide notification and submittal of aerial photos or topographic maps clearly showing the new lines, and towers, and wind turbines to the County of San Diego County and the agencies listed above. **TIMING:** Notification of submittal to be completed and provided to the County after final plot and prior to the issuance of building or grading permits. **MONITORING:** The County shall review the final plot plans to verify compliance with this condition.

86. HAZ-6 – WIND TURBINE SAFETY ZONE AND SETBACKS: [DPLU]

INTENT: In order to reduce safety impacts to the public due to public accessibility to the project area. **DESCRIPTION OF REQUIREMENT:** Prior to approval of final construction plans and as part of the Health and Safety Program for the project, the Applicant shall establish a safety zone or setback for wind turbine generators from residents and occupied buildings, roads, ROWs, transmission lines, and other public access areas sufficient to prevent accidents from the operation of wind turbine generators. The industry standard safety setback is 1.25 times the total height for wind turbines and 1.0 times the total height for towers that do not contain moving parts. The safety setback shall be measured from the center of the wind turbine or tower to the edge of the ROW or easement, or if no ROW or easement is established, to the line or structure in question. The applicant shall designate an environmental field representative who shall be on site to observe, enforce, and document adherence to approved setbacks and safety zones. **DOCUMENTATION:** Final plot plans detailing the proposed setbacks and safety zone including a graphic depicting each turbine and the associated buffer safety zone shall be submitted to the County for review and approval. **TIMING:** Plot plan approval shall be at least 30 days prior to

construction of any turbine foundation or the issuance of a building or grading permit. **MONITORING:** The County shall review the final plot plans to verify compliance with this condition.

X1. VIS-1C – ORDINATE TRANSMISSION LINES WITH BUREAU OF LAND MANAGEMENT; UNDERGROUND TRANSMISSION LINES SOUTH OF INTERSTATE 8: [DPLU]

INTENT: To harmonize the project's transmission line in the County's jurisdiction, with those in the Bureau of Land Management's jurisdiction and to require an underground transmission line south of Interstate 8. **DESCRIPTION OF REQUIREMENT:** Underground the portion of the 138 kV transmission line south of Interstate 8 to avoid visual impacts. The remainder of the 138 kV transmission line shall be consistent with the portion of the project on federal land under the Bureau of Land Management's control. I.e., if the Bureau of Land Management permits aboveground construction of the 138 kV transmission line, the remaining portion of the 138 kV transmission line in the County's jurisdiction shall also be constructed aboveground; if the Bureau of Land Management requires the 138 kV transmission line to be installed underground, the remaining portion of the 138 kV transmission line in the County's jurisdiction shall also be underground. **DOCUMENTATION:** Final plot plans detailing placement of the 138 kV transmission lines shall be submitted to the County for review and approval. The applicant shall also provide evidence of the Bureau of Land Management's decision regarding the placement of the 138 kV transmission lines in the Bureau of Land Management's jurisdiction. **TIMING:** The Bureau of Land Management is currently reevaluating the its decision regarding whether to require overhead or underground transmission lines. At least 30 days prior to construction or the issuance of building or grading permits, the applicant must provide evidence to the County of the Bureau of Land Management's decision on this reevaluation. Final plot plan approval shall be at least 30 days prior the issuance of a building or grading permit. **MONITORING:** The County shall review evidence of the Bureau of Land Management's decision regarding whether the 138 kV transmission shall be overhead or underground on federal land and shall review the final plot plans to verify compliance with this condition.

ADDITIONAL CONDITIONS – ONGOING: *(Upon establishment of use or upon any other time as applicable, the following additional conditions shall apply during the term of this permit).*

87. BIO-10E – CONDUCT POST-CONSTRUCTION BIRD AND BAT SPECIES MORTALITY MONITORING AND REPORTING PURSUANT TO AN APPROVED MONITORING PROGRAM: [DPLU]

INTENT: In order to reduce impacts to bird and bat species due to operation of the project. **DESCRIPTION OF REQUIREMENT:** The applicant shall conduct a bird and bat mortality monitoring per recommendations from the Land-Based Wind Energy Guidelines (FWS 2012) to satisfy Tier 4 and Tier 5 monitoring requirements. If post-construction bird and bat mortality monitoring identifies

mortality inconsistent with the pre-project impact assessments, additional years of post-construction bird and bat mortality monitoring may be necessary, as described in the Avian and Bat Protection Plan. **DOCUMENTATION:** Annual monitoring reports shall be submitted to County. **TIMING:** The PSABPP shall be submitted to County prior to completion of construction of the first portion of construction. **MONITORING:** The County of San Diego shall review and verify that monitoring program is in place and annual reports with specified criteria are completed for the timing indicated.

88. BIO-10G – MONITOR GOLDEN EAGLE NESTS IN THE AREA TO TRACK PRODUCTIVITY: [DPLU]

INTENT: In order to reduce impacts to bird and bat species due to operation of the project. **DESCRIPTION OF REQUIREMENT:** Conduct annual surveys of golden eagle territories within 10 miles of the turbines for a minimum of 10 years. Conduct surveys to determine location of active nest, number of eggs laid and number of young fledged, using methods similar to those described by Pagel et al. 2010 and as described in the project-specific Avian and Bat Protection Plan, which can be accessed at [http://www.cpuc.ca.gov/environment/info/dudek/ecosub/Tule TS.htm](http://www.cpuc.ca.gov/environment/info/dudek/ecosub/Tule%20TS.htm). Annual monitoring reports shall be provided to the wildlife agencies, BIA, and the Bureau of Land Management. **DOCUMENTATION:** Annual Monitoring Reports shall be submitted to the County. **TIMING:** Upon establishment of use, this condition shall apply for a minimum of 10 years. **MONITORING:** The County of San Diego shall review and verify that this monitoring program is in place and annual reports with specified criteria are completed for the timing indicated.

89. BIO-10H – IMPLEMENT AN ADAPTIVE MANAGEMENT PROGRAM AS REQUIRED BY THE APPROVED AVIAN AND BAT PROTECTION PLAN: [DPLU]

INTENT: In order to reduce impacts to bird and bat species due to operation of the project. **DESCRIPTION OF REQUIREMENT:** An Avian and Bat Protection Plan shall be prepared and implemented by the project applicant based on an adaptive management program as approved by federal agencies and developed in consultation with relevant federal, state, county, tribal, and public stakeholders. The approved ABPP is available at <http://www.cpuc.ca.gov/environment/info/dudek/ecosub/TechStudies/AvianandBatProtectionPlan.PDF>. **DOCUMENTATION:** The approved adaptive management program, which will establish criteria for operational modifications, shall be submitted to the County. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, to be implemented for the entire period of turbine operations. **MONITORING:** The County of San Diego shall review and verify that this management program is in place and monitoring reports with specified criteria, and associated operational modifications as applicable, are completed for the timing indicated.

90. BIO-10I – WRITTEN AGENCY APPROVAL OF THE AVIAN AND BAT PROTECTION PLAN: [DPLU]

INTENT: In order to reduce impacts to bird and bat species due to construction and operation of the project. **DESCRIPTION OF REQUIREMENT:** Prior to project construction, written approval of the Avian and Bat Protection Plan obtained from the USFWS and CDFG shall be provided to the County. Written approval from the U.S. Fish and Wildlife Service will document that the Avian and Bat Protection Plan was prepared consistent with the Bald and Golden Eagle Protection Act, but will not in and of itself authorize take of golden eagles or determine that no take will occur. Written approval from the California Department of Fish and Game will document that the Avian and Bat Protection Plan is technically adequate and consistent with the California Department of Fish and Game guidelines, but will not authorize take of this fully protected species. **DOCUMENTATION:** Applicant shall provide to the County written agency concurrence of compliance as provided by USFWS/CDFG. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits or prior to approval of any building plan and the issuance of any building permit. **MONITORING:** The County of San Diego shall review and verify USFWS/CDFG approval of the Avian and Bat Protection Plan for the timing indicated.

91. VIS-3L – REDUCE POTENTIAL VIEW BLOCKAGE AND VISUAL CONTRASTS OF STRUCTURES: [DPLU]

INTENT: In order to reduce view blockage and visual contrast associated with transmission line structures and other structures. **DESCRIPTION OF REQUIREMENT:** Transmission line structures will not be installed directly in front of residences or in direct line of sight from a residence, where feasible. **DOCUMENTATION:** The applicant shall submit final construction plans demonstrating compliance with this measure to the County for review and approval. **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. **MONITORING:** The County will review the final plot plans to verify compliance with this condition.

GRADING PLAN NOTES

In addition to the conditions set forth above, the following Grading and or Improvement Plan Notes shall be placed on the Preliminary Grading Plan and made conditions of the issuance of said permits.

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

ARCHAEOLOGICAL RESOURCES

1. **CUL-1B – TEMPORARY FENCING: [DPLU, PCC] [DPW, PDCI] [PC] [DPLU, FEE]. INTENT:** In order to protect cultural resources from disturbance due to construction activities, temporary fencing (including appropriate buffers) shall be installed around all resources identified as significant (CA-SDI-20113 and CA-SDI-20396). Temporary fencing including appropriate buffers shall also be installed for any cultural resources identified as significant that are to be avoided during the testing phase of the Archaeological Treatment Plan. **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 significant cultural resources (CA-SDI-20113 and CA-SDI-20396) from disturbance due to construction activities. Temporary fencing including appropriate buffers shall also be installed for any cultural resources identified as significant that are to be avoided during the testing phase of the Archaeological Treatment Plan. The Temporary Fencing Plan shall include the following:
 - a. Temporary fencing is required in all locations of the project where proposed grading or clearing is within 100 feet of significant cultural resources (CA-SDI-20113 and CA-SDI-20396) that are to be avoided. Temporary fencing including appropriate buffers shall also be installed for any cultural resources identified as significant that are to be avoided during the testing phase of the Archaeological Treatment Plan. The installation of the temporary fencing shall be implemented under the supervision of a County approved archaeologist and include the following:
 - The project archaeologist shall identify the site boundaries.
 - The project archaeologist shall determine an adequate buffer for the protection of the site(s).
 - Install fencing under the supervision of the project archaeologist.

The placement of such fencing shall be approved by the DPLU, 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 submit photos of the fencing to the [DPLU, 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 [DPLU, PCC] shall either attend the preconstruction conference and approve the installation of the temporary fencing, or review the pictures provided by the applicant.”

2. **CUL-1C AND CUL-1D – ARCHAEOLOGICAL MONITORING – PRECONSTRUCTION CONFERENCE:** [DPW, PDCI] [DPLU, PCC] [PC] [DPLU, FEE X 2] **INTENT:** In order to comply with Mitigation Monitoring and Reporting Program pursuant to Major Use Permit 3300 09-019, a Cultural Resource Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The County approved ‘Project Archaeologist,’ Native American Monitor, and optionally the DPLU Permit Compliance Coordinator (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 Native American Monitor, if contracted) shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The grading monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archeological and Historic Resources. **DOCUMENTATION:** The applicant shall have the contracted Project Archeologist and Native American attend the preconstruction meeting to explain the monitoring requirements. **TIMING:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall invite the [DPLU, PCC] to the preconstruction conference to coordinate the Cultural Resource Monitoring requirements of this condition. The [DPLU, PCC] shall attend the preconstruction conference and confirm the attendance of the approved Project Archeologist.

PALEONTOLOGICAL RESOURCES

3. **PALEO-1A, PALEO-1B AND PALEO-1E – PALEONTOLOGICAL MONITORING – PRECONSTRUCTION CONFERENCE:** [DPW, PDCI] [DPLU, PCC] [PC] [DPLU, FEE X2] **INTENT:** In order to comply with Mitigation Monitoring and Reporting Program pursuant to Major Use Permit 3300 09-019, a Paleontological Resource Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The County approved Project Paleontologist, and optionally the DPLU Permit Compliance Coordinator (PCC), shall attend the pre-construction meeting with the contractors to explain and

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

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

BIOLOGICAL RESOURCES

4. BIO-1A – CONFINE ALL CONSTRUCTION AND CONSTRUCTION-RELATED ACTIVITIES TO THE MINIMUM NECESSARY AREA: [DPLU]

INTENT: In order to confine all construction and construction-related activities to the minimum necessary area, all construction areas, access to construction areas, and construction-related activities shall be strictly limited to the areas identified on the final engineering plans. **DESCRIPTION OF REQUIREMENT:** The limits of the approved work space shall be delineated with stakes and/or flagging that shall be maintained throughout the construction period. An environmental monitor shall complete regular observations to ensure that all work is completed within the approved work limits, and in the event any work occurs beyond the approved limits, it shall be reported. During and after construction, entrances to access roads shall be gated to prevent the unauthorized use of these construction access roads by the general public. Signs prohibiting unauthorized use of the access roads shall be posted on these gates. In addition, to control unauthorized use of project access roads by off-road vehicle enthusiasts, the applicants shall provide funding to land management entities responsible for areas set aside for habitat conservation to provide for off-road vehicle enforcement patrols. The responsible land management entities will formulate what funding is reasonable to control unauthorized use of project access roads. **DOCUMENTATION:** Field verification that delineated construction areas correspond with final plans. **TIMING:** During all vegetation clearing or ground disturbance activities and throughout the construction period. **MONITORING:** The County of San Diego shall review final engineering plans and verify that approved work limits are clearly delineated on the final

engineering plans. An environmental monitor shall ensure proper installation and maintenance of construction fencing and signage during construction. The environmental monitor shall report to the County of San Diego whether any work occurred outside of the approved work limits.

5. **BIO-1B – CONDUCT CONTRACTOR TRAINING FOR ALL CONSTRUCTION STAFF: [DPLU]**

INTENT: In order to comply with environmental regulations, including plant and wildlife species avoidance, impact minimization, and best management practices, all developer, contractor, and subcontractor personnel shall receive training regarding the appropriate work practices necessary to implement the mitigation measures. **DESCRIPTION OF REQUIREMENT:** Sign-in sheets and hard hat decals shall be provided that document contractor training has been completed for construction personnel. **DOCUMENTATION:** A third-party environmental monitor shall oversee construction to ensure biological impacts are avoided or minimized, and ensure that appropriate work practices necessary to implement the mitigation measures are implemented. **TIMING:** Prior to construction contractor training shall occur. During construction monitoring shall occur. **MONITORING:** The environmental monitor shall report to the County of San Diego any mitigation measures that are not properly implemented by construction personnel.

6. **BIO-1C – CONDUCT BIOLOGICAL CONSTRUCTION MONITORING: [DPLU]**

INTENT: In order to comply with all environmental specifications, a County approved biological monitor must be present at the construction sites during all ground disturbing and vegetation removal activities. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall be contracted to perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities. The County approved biological monitor shall survey the construction sites and surrounding areas for compliance with all environmental specifications pursuant to the most current version of the County of San Diego Biological Report Format and Requirement Guidelines and this permit. **DOCUMENTATION:** The Project Biologist shall prepare and submit to the satisfaction of the [DPLU, PCC] weekly biological construction monitoring reports to the County of San Diego through the duration of the ground disturbing and vegetation removal construction phase. The Project Biologist shall prepare and submit to the satisfaction of the [DPLU, PCC] monthly biological construction monitoring reports to the County of San Diego through the duration of project construction to document compliance with environmental requirements. **TIMING:** During all vegetation clearing or ground disturbance activities and throughout the construction period. **MONITORING:** The County of San Diego shall review the biological construction monitoring reports for compliance with all environmental specifications.

7. **BIO-1G – STORMWATER POLLUTION PREVENTION PLAN: [DPLU, DPW]**

INTENT: In order to ensure that water quality near the project is maintained, a Stormwater Pollution Prevention Plan is required. **DESCRIPTION OF REQUIREMENT:** The applicant Prepare a Stormwater Pollution Prevention Plan pursuant to the specifications described in Mitigation Measure HYD-1. BMPs shall remain in place during construction, and kept operating as long as needed. **DOCUMENTATION:** The applicant shall submit a Stormwater Pollution Prevention Plan for review by the County of San Diego in accordance with Mitigation Measure HYD-1. **TIMING:** The following actions shall occur throughout the duration of construction and operation activities. **MONITORING:** The County of San Diego shall review the Stormwater Pollution Prevention Plan and ensure its implementation.

8. **BIO-2C – WHERE DRAINAGE CROSSINGS ARE UNAVOIDABLE, CONSTRUCT ACCESS ROADS AT RIGHT ANGLES TO DRAINAGES: [DPLU, DPW, DEH, DPR]**

INTENT: In order to minimize the impacts to drainages and prevent impacts along the length of jurisdictional features, access roads shall be built perpendicular to drainages unless not possible due to existing landforms or site constraints. **DESCRIPTION OF REQUIREMENT:** Where drainage crossings are unavoidable, access roads shall be constructed at right angles to drainages. Unless not possible due to existing landforms or site constraints, access roads shall be built perpendicular to drainages to minimize the impacts to these resources and prevent impacts along the length of jurisdictional features. **DOCUMENTATION:** The applicant shall provide final engineering plans including details of the drainage crossings to ensure this measure is implemented to the extent feasible. **TIMING:** Prior to any vegetation clearing or ground disturbance activities and throughout the construction period. **MONITORING:** The County of San Diego shall review final engineering plans and verify that to the extent feasible, all drainage crossings are to be built perpendicular to drainages.

9. **BIO-7A – WILDLIFE ESCAPE ROUTES FROM EXCAVATED AREAS: [DPLU]**

INTENT: In order to prevent wildlife entrapment within excavated areas, escape routes and daily monitoring shall be provided. **DESCRIPTION OF REQUIREMENT:** All steep trenches and excavations during construction shall be inspected twice daily (i.e., morning and evening) by a County approved biologist to monitor for wildlife entrapment. Large/steep excavations shall be covered and/or fenced nightly to prevent wildlife entrapment. Excavations shall provide an earthen ramp to allow for a wildlife escape route. **DOCUMENTATION:** The applicant shall provide verification from the County approved biological monitor to ensure that this measure is being implemented during grading and construction. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The County of San Diego shall review the verification from the County approved biological monitor to ensure that this measure is being implemented in accordance with this condition.

10. **BIO-7B – ENFORCEMENT OF SPEED LIMITS: [DPLU]**

INTENT: In order to reduce impacts to sensitive species, speed limits shall be enforced in and around all construction areas. **DESCRIPTION OF REQUIREMENT:** Vehicles shall not exceed 25 miles per hour on unpaved roads and the right-of-way accessing the construction site during the day time or 20 miles per hour during the evening (30 minutes after sunset to 30 minutes before sunrise). **DOCUMENTATION:** The applicant shall enforce the speed limits as indicated in this condition. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The County shall confirm implementation during construction.

11. BIO-7D – PROHIBIT LITTERING AND REMOVE TRASH FROM CONSTRUCTION AREAS DAILY: [DPLU]

INTENT: In order to prevent the attraction of wildlife into the construction area, littering shall be prohibited and trash removal from the construction areas shall occur on a daily basis. **DESCRIPTION OF REQUIREMENT:** Littering shall not be allowed by the project personnel. All food-related trash and garbage shall be removed from the construction sites on a daily basis. An environmental monitor shall inspect periodically to ensure measures are being implemented and to remove litter and trash from the construction area on a daily basis. **DOCUMENTATION:** The applicant shall provide verification that littering and trash control measures have been included in the project contractor specifications and are presented as part of the environmental awareness training. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The County shall confirm implementation of this condition during construction.

12. BIO-7E – PROHIBIT THE HARM, HARASSMENT, COLLECTION OF, OR FEEDING OF WILDLIFE: [DPLU]

INTENT: In order to protect wildlife species, project personnel shall not harm, harass, collect, or feed wildlife. **DESCRIPTION OF REQUIREMENT:** Project personnel shall not harm, harass, collect, or feed wildlife. No pets shall be allowed in the construction areas. **DOCUMENTATION:** The applicant shall provide verification that appropriate measures have been included in the project contractor specifications and are presented as part of the environmental awareness training. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The County shall confirm implementation of this condition during construction.

13. BIO-1 (APM) – MANAGEMENT OF TEMPORARY STOCKPILES: [DPLU]

INTENT: In order to prevent erosion of the temporary stockpiles into adjacent drainages, stockpile management will be required. **DESCRIPTION OF REQUIREMENT:** Temporary stockpiles outside the channels or debris basins will be stabilized by compacting or other measures if present at the work site from 1 December to 1 April. Silt fences, berms, or other methods will be used to prevent sediments from being eroded from the temporary stockpile into the adjacent drainage. Temporary stockpiles may be placed in channel bottoms or debris

basins if they are located on barren soil or areas with non-native weeds, and are not placed in such a manner that they are exposed to flowing water. No temporary stockpiles will be placed on the channel bed or banks during the period of 1 December to 1 April for more than the duration of the sediment removal work. Permanent stockpiles will be located landward of the 100-year floodplain to the maximum extent feasible. **DOCUMENTATION:** The applicant shall submit final engineering plans demonstrating compliance with this measure to the County, for review and approval. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The County will review the final engineering plans to verify compliance with this condition.

14. BIO-5 (APM) – CONCRETE WASH-OUT PROTOCOLS: [DPLU]

INTENT: In order to ensure proper waste management practices for concrete, proper waste management practices shall be implemented. **DESCRIPTION OF REQUIREMENT:** The applicant will implement appropriate waste management practices during on site concrete repair operations. Waste management practices will be applied to the stockpiling of concrete, curing and finishing of concrete as well as to concrete wash-out operations. Waste management practices will be adequate to ensure that fluids associated with the curing, finishing and wash-out of concrete will not be discharged to the channel or basin. Concrete wastes will be stockpiled separately from sediment and protected by erosion control measures so that concrete dust and debris are not discharged to the channel or basin. The appropriate waste management practices based on considerations of flow velocities, site conditions, availability of erosion control materials and construction costs will be used. **DOCUMENTATION:** The applicant shall submit final engineering plans demonstrating compliance with this measure to the County, for review and approval. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The County will review the final engineering plans to verify compliance with this condition.

15. BIO-6 (APM) – MANAGEMENT OF FUELS AND AVOIDANCE OF SPILLS AND LEAKS: [DPLU]

INTENT: In order to avoid spills and leaks and ensure proper management of fuels, appropriate measures shall be taken. **DESCRIPTION OF REQUIREMENT:** All fuels, waste oils, and solvents will be collected and stored in tanks or drums within a secondary containment area consisting of an impervious floor and bermed sidewalls capable of holding the volume of the largest container stored within. The applicant will ensure that all equipment operating in or near a drainage, or in a basin, is in good working condition, and free of leaks. All vehicles will have drip pans during storage to contain minor spills and drips. No refueling or storage will take place within 100 feet (30.5 meters) of a drainage channel or structure. Spill containment materials must be on site or readily available for any equipment maintenance or refueling that occurs adjacent to a drainage. In addition, all maintenance crews working with heavy equipment will be trained in spill containment and response. **DOCUMENTATION:** The applicant shall submit final engineering plans demonstrating compliance with this measure

to the County, for review and approval. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The County will review the final engineering plans to verify compliance with this condition.

16. **BIO-7 (APM) – PREVENTION OF EROSION AND SEDIMENTATION: [DPLU]**
INTENT: In order to prevent erosion and sedimentation, appropriate prevention measures shall be taken. **DESCRIPTION OF REQUIREMENT:** Design measure such as straw waddles, silt fencing, aggregate materials, wetting compounds, and revegetation of native plant species will be implemented to decrease erosion and sedimentation. **DOCUMENTATION:** The applicant shall submit final engineering plans demonstrating compliance with this measure to the County, for review and approval. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The County will review the final engineering plans to verify compliance with this condition.
17. **BIO-8 (APM) – WORK CESSATION DURING HEAVY RAINS: [DPLU]**
INTENT: In order to avoid unsuitable conditions for the movement of equipment and materials, work shall be ceased during heavy rains. **DESCRIPTION OF REQUIREMENT:** All work will cease during heavy rains, and will not resume until conditions are suitable for the movement of equipment and materials. **DOCUMENTATION:** The applicant shall submit final engineering plans demonstrating compliance with this measure to the County, for review and approval. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The County will review the final engineering plans to verify compliance with this condition.
18. **BIO-19 (APM) – SOIL STABILIZATION: [DPLU]**
INTENT: In order to prevent unstable soils, appropriate stabilization measures shall be taken. **DESCRIPTION OF REQUIREMENT:** Apply soil stabilizers to construction areas not being utilized and stabilize disturbed areas if subsequent construction is delayed. **DOCUMENTATION:** The applicant shall submit final engineering plans demonstrating compliance with this measure to the County, for review and approval. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The County will review the final engineering plans to verify compliance with this condition.
19. **BIO-20 (APM) AND AIR-12 (APM) – GROUND COVER: [DPLU]**
INTENT: In order to prevent erosion, ground cover shall be replaced in disturbed areas as soon as feasible. **DESCRIPTION OF REQUIREMENT:** All ground cover shall be replaced in disturbed areas as soon as feasible. **DOCUMENTATION:** The applicant shall submit final engineering plans demonstrating compliance with this measure to the County, for review and approval. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The County will review the final engineering plans to verify compliance with this condition.

20. BIO-21 (APM) – BLASTING EAST OF MCCAIN VALLEY ROAD - PENINSULAR BIGHORN SHEEP MONITORING: [DPLU]

INTENT: In order to avoid harassment or disturbance impacts to peninsular bighorn sheep from blasting, biological monitors shall confirm that no peninsular bighorn sheep are present within one-third of a mile of the area designated for blasting. **DESCRIPTION OF REQUIREMENT:** Prior to any blasting east of McCain Valley Road biological monitors would confirm that no peninsular bighorn sheep were present within one-third of a mile of the area designated for blasting, in order to avoid harassment or disturbance impacts from blasting. If sheep are present and blasting cannot wait for a time when they have left the area then a temporary sound barrier will be erected to reduce the impacts on sheep habitat. **DOCUMENTATION:** The applicant shall submit final engineering plans demonstrating compliance with this measure to the County, for review and approval. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The County will review the final engineering plans to verify compliance with this condition.

NOISE

21. NOI-1, NOI-7 (APM), NOI-9 (APM), NOI-10 (APM), NOI-13 (APM), AND NOI-14 (APM) – TEMPORARY NOISE IMPACTS: [DPLU, PCC] [GP, CP, OU] [DPLU, FEE X 2].

INTENT: In order to reduce the sound level generated from project construction on the residential uses and to comply with the County of San Diego Noise Ordinance 36.409 the following noise attenuation measures shall be implemented. **DESCRIPTION OF REQUIREMENT:** As evaluated in the County of San Diego Noise Guidelines for Determining Significance, the temporary noise impacts from construction noise shall be mitigated below levels of significance. The noise attenuation measures for construction noise shall comply with the following requirements:

- a. Decrease the amount of noise during construction to the greatest extent possible, including the use of appropriate mufflers and limiting the hours of construction. All stationary construction equipment will be located as far as practicable from nearby residences and other human activities.
- b. Requiring original equipment manufacturer (OEM) or higher-performing mufflers on equipment.
- c. Requiring the regular maintenance and inspection of construction machinery to allow for quieter operation. All off-road, diesel –powered construction equipment shall be kept in good tune and maintained according to the manufacture's specifications to allow for quieter operations.

- d. Alternative backup alarms coupled with contractor observation to minimize alarm noise, which is a consistent area of concern and complaint on most construction projects.
- e. Exhaust silencers used on machinery during construction to further reduce noise.
- f. Ban the use of "Jake Braking" or engine compression braking on all trucks.
- g. Specifying the proper usage and power for the particular construction procedure (no machinery overkill).
- h. Construction equipment or stationary equipment not actively being used will not idle for more than 5 minutes. Vehicle Idling time will be limited to a maximum of 5 minutes for vehicles and construction equipment, except where idling is required for the equipment to perform.
- i. Construction equipment shall use electric powered motors where feasible.
- j. If new information is provided to prove and certify that the equipment being used is different from what was proposed in the noise report, then a new construction noise analysis maybe reviewed to the satisfaction of the [DPLU, PCC]. The supplemental noise analysis shall be prepared by a County Approved Noise Consultant and the report shall comply with the Noise Report Format and Content Requirements. Any proposed alternative methods, or the reduction or elimination of the barrier maybe approved if the construction activities will not create noise greater than 75 dB at the property line as indicated above.

DOCUMENTATION: The applicant shall implement all the construction equipment operations and measures as indicated above. The applicant shall provide site photos, a statement from a California Registered Engineer, or licensed surveyor that these measures have been initiated and installed to the [DPLU, PCC]. If a new analysis is performed to provide an alternative method, then submit the report to [DPLU, PCC] for review. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits, the noise attenuation measures for construction have been implemented. This condition may be waived prior to the preconstruction conference and prior to any land disturbances upon approval by the [DPLU, PCC] and [DPW PDCI]. **MONITORING:** The [DPLU, PCC] shall review the photos and statement for compliance with this condition. If an alternative method, or reduced equipment proposal is provided, [DPLU, PCC] shall review the new analysis report for compliance with this condition.

22. **NOI-1 – NOTIFICATION OF CONSTRUCTION OPERATIONS: [DPLU, PCC] [GP, CP, OU] [DPLU, FEE X 2]**
INTENT: In order to notify nearby landowners of the sound levels generated from project construction and blasting, the following noise measures shall be implemented. **DESCRIPTION OF REQUIREMENT:** All nearby land owners shall be notified of certain construction noise events in advance (such as, but not limited to construction equipment operations and blasting schedule. **DOCUMENTATION:** The applicant shall notify nearby property owners as indicated above. The applicant shall provide notification letters and the level of construction noise events that is to affect the nearby property owner. **TIMING:** During construction, the notification shall take place in advance of the operations. This condition may be waived prior to the preconstruction conference and prior to any land disturbances upon approval by the [DPLU, PCC] and [DPW PDCI]. **MONITORING:** The [DPLU, PCC] shall review the notifications for compliance with this condition
23. **BIO-7C, VIS-3B – PROHIBIT NIGHTTIME CONSTRUCTION: [DPLU, DPW]**
INTENT: In order to comply the County Noise Ordinance, construction during the hours of 7:00 p.m. and 7:00 a.m. shall be prohibited. **DESCRIPTION OF REQUIREMENT:** In order to comply with the County Noise Ordinance, no construction equipment may operate outside of the hours specified in the County Noise Ordinance (7 a.m. to 7 p.m.). **DOCUMENTATION:** The following actions shall occur throughout the duration of the grading construction. **TIMING:** The following actions shall occur throughout the duration of the grading and construction phases of the project. **MONITORING:** The County shall confirm implementation during and following construction.
24. **PROHIBIT THE USE OF HELICOPTERS AND FLY YARDS: [DPLU, DPW]**
INTENT: To prohibit the use of helicopters and fly yards. **DESCRIPTION OF REQUIREMENT:** In order to prohibit the use of helicopters and fly yards during the construction and operation of the project. **DOCUMENTATION:** The following actions shall occur throughout the duration of the grading construction. **TIMING:** The following actions shall occur throughout the duration of the grading and construction phases of the project. **MONITORING:** The County shall confirm implementation during and following construction.
25. **BIO-1B – CONDUCT CONTRACTOR TRAINING FOR ALL CONSTRUCTION STAFF: [DPLU]**
INTENT: In order to comply with environmental regulations, including plant and wildlife species avoidance, impact minimization, and best management practices, all developer, contractor, and subcontractor personnel shall receive training regarding the appropriate work practices necessary to implement the mitigation measures. **DESCRIPTION OF REQUIREMENT:** Sign-in sheets and hard hat decals shall be provided that document contractor training has been completed for construction personnel. **DOCUMENTATION:** A third-party environmental monitor shall oversee construction to ensure biological impacts are avoided or

minimized, and ensure that appropriate work practices necessary to implement the mitigation measures are implemented. **TIMING:** Prior to construction contractor training shall occur. During construction monitoring shall occur. **MONITORING:** The environmental monitor shall report to the County of San Diego any mitigation measures that are not properly implemented by construction personnel.

VISUAL

26. VIS-3C – REDUCE CONSTRUCTION IMPACTS TO NATURAL FEATURES: [DPLU, DPW]

INTENT: In order to maintain natural features, the use of chemical marking or coloring agents is prohibited. **DESCRIPTION OF REQUIREMENT:** At all construction work areas the use of paint or permanent discoloring agents are prohibited from use or to be applied to any rocks or vegetation to indicate survey or construction activity limits. **DOCUMENTATION:** The applicant shall use temporary non-permanent methods of staking or marking construction points and field surveying points and landmarks. **TIMING:** The following actions shall occur throughout the duration of the grading and construction phases of the project. **MONITORING:** The County shall confirm implementation during and following construction to ensure compliance with restrictions regarding paint and discoloring agents.

27. VIS-3M – REDUCE VISUAL IMPACTS RESULTING FROM NATIVE TREE REMOVAL: [DPLU, DPW]

INTENT: In order to reduce visual impacts resulting from native tree removal, the project applicant shall prepare a Tree Replacement Plan to be submitted with the Screening/Landscape Plan. **DESCRIPTION OF REQUIREMENT:** In the event that ornamental or native trees within the project area will be removed due to project design and grading, the project applicant shall prepare a Tree Replacement Plan to be submitted with the Screening/Landscape Plan. **DOCUMENTATION:** The Tree Replacement Plan shall include but is not limited to the following: Tree Removal Locations: Indicate the size, type, and location of each tree (additional items, such as a tree survey by a professional engineer or licensed land survey, may be required.) Assessment of the health and structural conditions, soils, tree size (trunk diameter, basal diameter, height, canopy spread), pest and disease presence, and accessibility of native oak trees to be removed due to project design and grading in order to determine whether existing trees can be transplanted outside the project footprint post-construction. If the assessment determines native oak trees can be transplanted, the oaks would be augmented with additional oak plantings in case the larger trees decline and are lost as a result of the relocation process. If native oak trees cannot be transplanted, the Tree Replacement Plan shall indicate the size, type, and location of each proposed replacement tree (additional items, such as a tree survey by a professional engineer or licensed land survey, may be required). Photos of the site and/or trees to be removed. Oak replacement plan focusing on

oak tree planting with smaller container trees at higher numbers, recommended at least 5:1 with 15-gallon size trees. The Tree Replacement Plan must minimize mature tree loss to the degree feasible. **TIMING:** The Tree Replacement Plan shall be submitted to the County of San Diego for review and approval. **MONITORING:** The County shall confirm implementation during and following construction to ensure visual impacts resulting from native tree removal are reduced.

PALEONTOLOGICAL RESOURCES

28. PALEO-1A, PALEO-1B AND PALEO-1C – PALEONTOLOGICAL MONITORING – DURING GRADING: [DPW, PDCI] [DPLU, PCC] [PC] [DPLU, FEE X2] INTENT: In order to comply with Mitigation Monitoring and Reporting Program pursuant to Major Use Permit 3300 09-019 and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources, a Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Paleontologist shall monitor during the original cutting of previously undisturbed deposits for the project, both on and off site. The Qualified Paleontological Resources Monitor shall be on-site to monitor as determined necessary by the Qualified Paleontologist. The grading monitoring program shall comply with the following requirements during grading:

- a. If paleontological resources are encountered during grading/excavation, the following shall be completed:
 - i. The Qualified Paleontological Resources Monitor shall have the authority to direct, divert, or halt any grading/excavation activity until such time that the sensitivity of the resource can be determined and the appropriate salvage implemented.
 - ii. The Qualified Monitor shall immediately contact the Qualified Paleontologist.
 - iii. The Qualified Paleontologist shall contact the County's Permit Compliance Coordinator immediately.
 - iv. The Qualified Paleontologist shall determine if the discovered resource is significant. If it is not significant, grading/excavation shall resume."
- b. If the paleontological resource is significant or potentially significant, the Qualified Paleontologist or Qualified Paleontological Resources Monitor, under the supervision of the Qualified Paleontologist, shall complete the following tasks in the field:

- i. Salvage unearthed fossil remains, including simple excavation of exposed specimens or, if necessary, plaster-jacketing of large and/or fragile specimens or more elaborate quarry excavations of richly fossiliferous deposits;
- ii. Record stratigraphic and geologic data to provide a context for the recovered fossil remains, typically including a detailed description of all paleontological localities within the project site, as well as the lithology of fossil-bearing strata within the measured stratigraphic section, if feasible, and photographic documentation of the geologic setting; and
- iii. Transport the collected specimens to a laboratory for processing (cleaning, curation, cataloging, etc.).

DOCUMENTATION: The applicant shall implement the grading monitoring program pursuant to this condition. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDCI] shall make sure that the Project Archeologist is on-site performing the Monitoring duties of this condition. The [DPW, PDCI] shall contact the [DPLU, PCC] if the Project Paleontologist or applicant fails to comply with this condition.

HAZARDS

29. HAZ-2B – CONTINGENCY PLAN FOR ENCOUNTERING CONTAMINATED SOILS: [DPLU]

INTENT: In order to address any contaminated soils encountered during construction, a contingency plan must be followed. **DESCRIPTION OF REQUIREMENT:** If soil or groundwater contamination is suspected or encountered during grading or excavation activities (e.g., unusual soil discoloration or strong odor), the applicant shall immediately stop work and notify the designated environmental field representative. All work in the area of suspected contamination shall cease, the work area shall be cordoned off, and the environmental field representative shall implement appropriate health and safety procedures. Work outside the suspected area may continue as determined by the environmental field representative. Preliminary samples of the soil, groundwater, or suspected material shall be taken by OSHA- trained individuals and sent to a California Certified Laboratory for characterization. If the sample testing determines that contamination is not present, work shall continue at the previously suspected site. If contamination is found above regulatory limits, however, the appropriate regulatory agency (e.g., RWQCB or Certified Unified Program Agency (CUPA)) responsible for responding to and providing environmental oversight of the region shall be notified in accordance with state or local regulations. In addition, the applicant shall contact the appropriate regulatory agencies for the State of California (e.g., DTSC or RWQCB) and the County to plan options for handling, treating, and/or disposing of materials.

Documentation of the suspected contamination shall be made in the form of a report, identifying the location and potential contamination, as well as the process for sampling. Results of laboratory testing and recommended resolutions for handling and excavating materials found to exceed regulatory requirements shall be submitted to the County of San Diego for review and approval. **DOCUMENTATION:** The applicant shall submit a contamination report to the County of San Diego for review and approval if contaminated soils are encountered during construction. **TIMING:** The following actions shall occur throughout the duration of the grading and construction phases of the project. **MONITORING:** The County shall confirm implementation during and following construction.

30. HAZ-4A – SAFETY ASSESSMENT: [DPLU]

INTENT: In order to address potential safety issues, a safety assessment shall be conducted. **DESCRIPTION OF REQUIREMENT:** Prior to commencing construction activities, the applicant shall conduct a safety assessment to describe potential safety issues associated with the project, how safety prevention measures would be implemented, where medical aid kits would be located, the appropriate response action for each safety hazard, and procedures for notifying the appropriate authorities. The assessment shall address issues such as site access, construction hazards, safe work practices, security, heavy equipment transportation, traffic management, emergency procedures, and fire control. **DOCUMENTATION:** The applicant shall conduct a safety assessment as indicated in this condition. **TIMING:** The following actions shall occur throughout the duration of the grading and construction phases of the project. **MONITORING:** The County shall confirm implementation during and following construction.

31. HAZ-4B – BLASTING PLAN: [DPLU]

INTENT: In order to address any required blasting a pre-blast survey shall be conducted and a blasting plan shall be prepared. **DESCRIPTION OF REQUIREMENT:** If blasting is deemed necessary for the construction of project components, the applicant shall conduct a pre-blast survey and prepare a blasting plan. A written report of the pre-blast survey and final blasting plan shall be provided to the County of San Diego and approved prior to any rock removal using explosives. In addition to any other requirements established by the appropriate regulatory agencies, the pre-blast survey and blasting plan shall meet the following conditions, as well as those outlined in Mitigation Measure NOI-1. The pre-blast survey shall be conducted for structures within a minimum radius of 1,000 feet from the identified blast site to be specified by the applicant. Sensitive receptors that could reasonably be affected by blasting shall be surveyed as part of the pre-blast survey. Notification that blasting would occur shall be provided to all owners of the identified structures to be surveyed prior to commencement of blasting. The pre-blast survey shall be included in the final blasting plan. The final blasting plan shall address air-blast limits, ground vibrations, and maximum peak particle velocity for ground movement, including

provisions to monitor and assess compliance with the air-blast, ground vibration, and peak particle velocity requirements. The blasting plan shall meet criteria established in Chapter 3 (Control of Adverse Effects) in the Blasting Guidance Manual of the U.S. Department of Interior Office of Surface Mining Reclamation and Enforcement. The blasting plan shall outline the anticipated blasting procedures for the removal of rock material at the proposed construction locations. The blasting procedures shall incorporate line control to full depth and controlled blasting techniques to create minimum breakage outside the line control and maximum rock fragmentation within the target area. Prior to blasting, all applicable regulatory measures shall be met. The applicant, its general contractor, or its subcontractor (as appropriate) shall keep a record of each blast for at least 1 year from the date of the last blast. **DOCUMENTATION:** A written report of the pre-blast survey and final blasting plan shall be provided to the County of San Diego for review and approval. **TIMING:** The following actions shall occur throughout the duration of the grading and construction phases of the project. **MONITORING:** The County shall confirm implementation during and following construction.

32. PS-1A – MINIMIZE ELECTROMAGNETIC AND PUBLIC SAFETY COMMUNICATIONS: [DPLU]

INTENT: In order to minimize electromagnetic interference, the project shall comply with FCC regulations. **DESCRIPTION OF REQUIREMENT:** The project shall be designed to minimize EMI (e.g., impacts to radar, microwave, television, and radio transmissions) and comply with FCC regulations. Signal strength studies shall be completed prior to construction and conducted when proposed locations have the potential to impact transmissions. Potential interference with public safety communications systems (e.g., radio traffic related to emergency activities) shall be avoided. In the event the project results in EMI, the applicant, or the facility operator shall work with the owner of the impacted communications system to resolve the problem. Potential measures may include realigning the existing antenna or installing relays to transmit the signal around the project. Additional warning information may also need to be conveyed to aircraft with onboard radar systems so that echoes from project equipment can be quickly recognized. **DOCUMENTATION:** The applicant shall provide the signal strength studies for review by the County of San Diego for compliance with FCC regulations. **TIMING:** The following actions shall occur throughout the duration of the grading and construction phases of the project. **MONITORING:** The County shall confirm implementation during and following construction.

33. PS-1C – DOCUMENT COMPLAINTS OF BROADCAST INTERFERENCE: [DPLU]

INTENT: In order to address broadcast interference issues, all complaints shall be documented and acted upon. **DESCRIPTION OF REQUIREMENT:** After energizing the transmission line, the applicant shall respond to and document all radio/television/equipment interference complaints received and the responsive actions taken. These records shall be made available to the appropriate

regulatory agency for review upon request. The applicant shall refer all unresolved disputes to the County of San Diego. **DOCUMENTATION:** The applicant shall document and respond to all interference complaints as indicated in this condition. **TIMING:** The following actions shall occur throughout the duration of the grading and construction phases of the project and throughout operation. **MONITORING:** The County shall confirm implementation during and following construction.

AIR QUALITY

34. AQ-1 – FUGITIVE DUST AND OTHER CRITERIA POLLUTANT EMISSION REDUCTION: [DPLU]

INTENT: In order to reduce fugitive dust and other criteria pollutant emissions during construction activities, specific measures shall be implemented.

DESCRIPTION OF REQUIREMENT: The following measures shall be incorporated to reduce fugitive dust and other criteria pollutant emissions during construction activities:

- a. Rock aprons or rattle plates will be installed as needed at the intersection of dirt access roads and paved public roadways to clean the tires of equipment prior to leaving the site.
- b. All active construction areas, unpaved access roads, parking areas, and staging areas will be watered or stabilized with nontoxic soil stabilizers as needed to control fugitive dust.
- c. All public streets will be swept or cleaned with mechanical sweepers if visible soil material is carried onto them by construction activities or vehicles.
- d. Exposed stockpiles (e.g., dirt, sand, etc.) will be covered and/or watered or stabilized with nontoxic soil binders as needed to control emissions.
- e. Trucks transporting bulk materials will be completely covered unless 2 feet of freeboard space from the top of the container is maintained with no spillage and loss of material. In addition, the cargo compartment of all haul trucks will be cleaned and/or washed at the delivery site after removal of the bulk material.
- f. Movement of bulk material handling or transfer will be stabilized prior to handling or at a point of transfer with application of sufficient water, chemical stabilizers, or by sheltering or enclosing the operation and transfer line.
- g. Traffic speeds on unpaved roads will be limited to 15 miles per hour.

- h. Vehicle idling time will be limited to a maximum of 5 minutes for vehicles and construction equipment, except where idling is required for the equipment to perform its task.
- i. Road graders used during site development activities will be equipped with a CARB-verified Level 2 diesel emission control strategy or a comparable diesel-control technology that will reduce inhalable particulate matter (PM10) emissions by 50% or more.
- j. If suitable park-and-ride facilities are available in the project vicinity, construction workers will be encouraged to carpool to the job site to the extent feasible. The ability to develop an effective carpool program for the project would depend upon the proximity of carpool facilities to the job site, the geographical commute departure points of construction workers, and the extent to which carpooling would not adversely affect worker show-up time and the project's construction schedule.
- k. All off-road, diesel-powered construction equipment will be kept in good tune and maintained according to the manufacturer's specifications.
- l. Construction equipment will use electric-powered motors where feasible.
- m. The construction contractor will prepare and implement a high-wind dust control plan and terminate soil disturbance when winds exceed 25 miles per hour.
- n. The construction contractor will require 90-day, low-NOx tune-ups for off-road equipment.
- o. Diesel particulate filters will be utilized on heavy equipment where feasible.
- p. Construction activities will comply with all applicable SDAPCD rules and regulations.

DOCUMENTATION: The applicant shall conform to these measures during construction as indicated in this condition. **TIMING:** The following actions shall occur throughout the duration of the grading and construction phases of the project. **MONITORING:** The County shall confirm implementation of these measures during and following construction.

35. AQ-2 – TIER 2 CALIFORNIA EMISSIONS STANDARDS FOR OFF-ROAD COMPRESSION IGNITION ENGINES: [DPLU]

INTENT: In order to comply with emission standards, Tier 2 California Emissions Standards shall be met. **DESCRIPTION OF REQUIREMENT:** All off-road diesel engines with a rated output of greater than 50 horsepower will, at a minimum,

meet the Tier 2 California Emissions Standards for Off-Road Compression Ignition Engines. If reasonably available, Tier 3 engines will be employed. The applicant shall provide verification that the construction fleet meets the requirements identified as part of this mitigation measure. **DOCUMENTATION:** The applicant shall conform to this measure during construction as indicated in this condition. **TIMING:** The following actions shall occur throughout the duration of the grading and construction phases of the project. **MONITORING:** The County shall confirm implementation of these measures during and following construction.

ARCHAEOLOGICAL RESOURCES

36. **CUL-1D, CUL-1E AND CUL-2 – ARCHAEOLOGICAL MONITORING – DURING GRADING:** [DPW, PDCI] [DPLU, PCC] [DPLU, FEE X2] **INTENT:** In order to comply with Mitigation Monitoring and Reporting Program pursuant to Major Use Permit 3300 09-019, and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archeological and Historic Resources, a Cultural Resource Grading Monitoring Program shall be implemented. Any artifacts recovered during this phase shall remain under the control of the Project Archaeologist. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist (and Native American Monitor, if contracted) shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The grading monitoring program shall comply with the following requirements during grading:
- a. During the original cutting of previously undisturbed deposits, the Project Archaeologist and Native American Monitor shall be 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. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist.
 - b. In the event that previously unidentified potentially significant cultural resources are discovered, the Project Archaeologist 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 DPLU Staff Archaeologist. The Project Archaeologist, in consultation with the DPLU Staff Archaeologist, shall determine the significance of the discovered resources. Construction activities will be allowed to resume in the affected area only after the DPLU Staff Archaeologist has concurred with the evaluation. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the

Project Archaeologist and approved by the Staff Archaeologist, then carried out using professional archaeological methods.

- c. If any human bones are discovered, the Project Archaeologist shall contact the County Coroner and the DPLU Staff Archaeologist. If the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted by the Project Archaeologist in order to determine proper treatment and disposition of the remains pursuant to CEQA Section 15064.5(e) and Public Resources Code Section 5097.98.
- d. The Project Archaeologist shall submit monthly status reports to the Director of Planning and Land Use starting from the date of the Notice to Proceed to termination of implementation of the grading monitoring program. The reports 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 make sure that the Project Archeologist is on-site performing the Monitoring duties of this condition. The [DPW, PDCI] shall contact the [DPLU, 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).*

ARCHAEOLOGICAL RESOURCES

- 37. CUL-1D – ARCHAEOLOGICAL MONITORING – PRIOR TO ROUGH GRADE APPROVAL: [DPLU, PCC] [RG, BP] [DPLU, FEE] INTENT:** In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to Major Use Permit 3300 09-019 and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archaeological Resources, a Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare one of the following reports upon completion of the grading activities that require monitoring:

- a. If no archaeological resources are encountered during grading, then submit a final Negative Monitoring Report substantiating that grading activities are completed and no cultural resources were

encountered. Monitoring logs showing the date and time that the monitor was on site must be included in the Negative Monitoring Report.

- b. If archaeological resources were encountered during grading, 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 Monitoring report to the [DPLU, 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 report shall be completed. **MONITORING:** The [DPLU, PCC] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

PALEONTOLOGICAL RESOURCES

38. PALEO-1A AND PALEO-1B – PALEONTOLOGICAL MONITORING – PRIOR TO ROUGH GRADE APPROVAL: [DPLU, PCC] [RG, BP] [DPLU, FEE]

INTENT: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to Major Use Permit 3300 09-019, and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources, a Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Paleontologist shall prepare one of the following letters upon completion of the grading activities that require monitoring:

- a. If no paleontological resources were discovered, submit a “No Fossils Found” letter from the grading contractor to the [DPLU, PCC] stating that the monitoring has been completed and that no fossils were discovered, and including the names and signatures from the fossil monitors. The letter shall be in the format of Attachment E of the County of San Diego Guidelines for Determining Significance for Paleontological Resources.
- b. If Paleontological resources were encountered during grading, a letter shall be prepared stating that the field grading monitoring activities have been completed, and that resources have been encountered. The letter shall detail the anticipated time schedule for completion of the curation phase of the monitoring.

DOCUMENTATION: The applicant shall submit the letter report to the [DPLU, PCC] for review and approval. **TIMING:** Upon completion of all grading activities, and prior to Rough Grading final Inspection (Grading Ordinance SEC 87.421.a.2), the letter report shall be completed. **MONITORING:** The [DPLU, PCC] shall review the final negative letter report or field monitoring memo for

compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

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

ARCHAEOLOGICAL RESOURCES

39. CUL-1D – ARCHAEOLOGICAL MONITORING – FINAL REPORT: [DPLU, PCC] [RG, BP] [DPLU, FEE]. **INTENT:** In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to Major Use Permit 3300 09-019 and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archaeological Resources, a Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program if cultural resources were encountered during grading. The report shall include the following:

- a. Department of Parks and Recreation Primary and Archaeological Site forms.
- b. Daily Monitoring Logs.
- c. Evidence that all cultural resources collected during the grading monitoring program have been submitted to a San Diego curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that archaeological materials have been received and that all fees have been paid.
- d. If no cultural resources are discovered, a brief letter to that effect must be submitted stating that the grading monitoring activities have been completed. Daily Monitoring Logs must be submitted with the negative monitoring report.

DOCUMENTATION: The applicant shall submit the report to the [DPLU, PCC] for review and approval. **TIMING:** Prior to the occupancy of any structure or use of the premises in reliance of Major Use Permit 3300 09-019 and prior to Final Grading Release (Grading Ordinance Sec. 87.421.a.3), the final report shall be completed. **MONITORING:** The [DPLU, PCC] shall review the final report for

compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

PALEONTOLOGICAL RESOURCES

40. PALEO-1A, PALEO-1B AND PALEO-1D – PALEONTOLOGICAL MONITORING – FINAL REPORT: [DPLU, PCC] [RG, BP] [DPLU, FEE]

INTENT: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to Major Use Permit 3300 09-019 and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources, a Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Paleontologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program if resources were encountered during grading. The report shall include the following:

- a. If paleontological resources were discovered, the following tasks shall be completed by or under the supervision of the Project Paleontologist:
 - i. Prepare collected fossil remains for curation to include cleaning the fossils by removing the enclosing rock material, stabilizing fragile specimens using glues and other hardeners, if necessary, and repairing broken specimens;
 - ii. Curate, catalog and identify all fossil remains to the lowest taxon possible, inventory specimens, assigning catalog numbers, and enter the appropriate specimen and locality data into a collection database;
 - iii. Submit a detailed report prepared by the Project Paleontologist in the format provided in Appendix D of the County of San Diego's Guidelines for Determining Significance for Paleontological Resources and identifying which accredited institution has agreed to accept the curated fossils. Submit two hard copies of the final Paleontological Resources Mitigation Report to the Director of DPLU for final approval of the mitigation, and submit an electronic copy of the complete report in Microsoft Word on a CD. In addition, submit one copy of the report to the San Diego Natural History Museum and one copy to the institution that received the fossils.
 - iv. Transfer the cataloged fossil remains and copies of relevant field notes, maps, stratigraphic sections, and photographs to an accredited institution (museum or university) in California that maintains paleontological collections for archival storage and/or display, and submit Proof of Transfer of Paleontological Resources,

in the form of a letter, from the director of the paleontology department of the accredited institution to the Director of DPLU verifying that the curated fossils from the project site have been received by the institution.”

- b. If no resources were discovered, a brief letter to that effect and stating that the grading monitoring activities have been completed, shall be sent to the Director of Planning and Land Use by the Project Paleontologist.

DOCUMENTATION: The applicant shall submit the letter report to the [DPLU, PCC] for review and approval. **TIMING:** Prior to the occupancy of any structure or use of the premises in reliance of Major Use Permit 3300 09-019, and prior to Final Grading Release (Grading Ordinance Sec. 87.421.a.3) the final report shall be completed.

MONITORING: The [DPLU, PCC] shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

MITIGATION MONITORING OR REPORTING PROGRAM (MMRP): Public Resources Code Section 21081.6 requires the County to adopt a MMRP for any project approved 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 MMRP is required to assure that a project is implemented in compliance with all required mitigation measures. The 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 conditions of approval contained in the Major Use Permit and the Grading Plan Notes mitigate or avoid significant impacts to the environment as described in the Final Environmental Impact Report/Environmental Impact Statement (FEIR/FEIS), SCH No. 2009121079, DOI Control No. DES 10-62, certified by the California Public Utilities Commission on April 19, 2012, approved by the United States Bureau of Land Management on December 19, 2011, and summarized in the CEQA Findings. Such conditions constitute the MMRP for this Project.

MAJOR USE PERMIT 3300 09-019

FINDINGS

Pursuant to Section 7358 of The Zoning Ordinance, the following findings in support of the granting of the Major User 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 subject site (16 assessor parcels) would include a 34.5 underground and overhead collector cable system linking wind turbines to be located on federal land under the jurisdiction of the Bureau of Land Management (BLM) and five wind turbines to be located on land under the jurisdiction of the County of San Diego to a five-acre on-site collector substation, a five-acre operations and maintenance (O&M) site with a 5,000 square foot O&M building, a 138 kV transmission line running south from the on-site collector substation to be interconnected with the rebuilt San Diego Gas and Electric (SDG&E) Boulevard Substation, a five-acre temporary concrete batch plant, and the construction and improvement of access roadways to accommodate the project, including improvements to McCain Valley Road and the construction of a new private road from Ribbonwood Road to McCain Valley Road. Surrounding land uses include the Kumeyaay wind farm, large transmission utility towers, distribution utility lines and poles, rural residential use types, recreational use types including an off-highway vehicle park, a campground, McCain Valley Conservation Camp and Rough Acres Ranch. Other prominent uses in the area include the Golden Acorn Casino on the Campo Indian Reservation, next to the I-8 freeway. The Casino includes a large sign with neon lighting. A portion of the Rough Acres Ranch is currently being used by SDG&E as a staging area for the construction of the Sunrise Powerlink. The transmission line will be constructed underground in the County's right-of-way or on private land consistent with its construction on adjacent federal BLM lands. These findings apply to both transmission options.

The turbines are located on Rough Acres Ranch, in the Mountain Empire Subregional Balance Planning Area of the County. As noted in the Final Environmental Impact Report/Final Environmental Impact Statement (FEIR/FEIS): the Project "[n]ear the Lark Canyon OHV Area and Rough Acres Ranch, proposed wind turbines and the associated cable collector

system would be situated in a predominantly natural, combination developed/undeveloped desert landscape In addition to the natural landscape characteristics, several man-made elements contribute to the visual quality of the proposed [Project] area. Man-made influences in the area include the existing Kumeyaay wind farm, a 50-megawatt (MW) wind project (25 wind turbines) located west of the McCain Valley National Cooperative and Wildlife Management Area on the Campo Indian Reservation; I-8 (visible from Rough Acres Ranch); and structures located on Rough Acres Ranch (near the southern extent of the proposed wind turbine locations). McCain Valley Road and recreational trails are also prominent features within the proposed wind turbine location area (page D.3-23).” In addition to the existing Kumeyaay wind farm, the Manzanita Wind project, a 57.5 MW wind project (25 wind turbines), is proposed to be constructed on the same ridgeline as the existing Kumeyaay facility, and the Jordan Wind project, a 92 MW (40 wind turbines) project, is proposed to be constructed adjacent to the Kumeyaay wind farm and Tule Wind Project. In addition, the Campo Band of Mission Indians is proposing the Shu’luuk wind project – which would include up to 160 MW of power generated by 80 wind turbines – south of the existing Kumeyaay wind farm. The construction of these additional turbines located on tribal lands further adds to the existing bulk and scale of the area.

In addition, the McCain Valley area also includes the Sunrise Powerlink 500 kV transmission line. After preparation of the FEIR/FEIS, the Sunrise Powerlink was constructed adjacent to the portion of the Tule Wind Project on County land. The Sunrise Powerlink includes transmission lines and associated steel lattice towers. The Sunrise Powerlink and its associated towers are the dominant features in the area, along with the already operational Kumeyaay wind farm. Visual simulations of the proposed wind turbines and associated 138 kV transmission line on County land, when viewed from McCain Valley Road on Rough Acres Ranch, show that the Project will be in harmony with the bulk and scale of the Sunrise Power Link’s lattice towers and transmission lines. Therefore the proposed uses will be compatible and in harmony in scale with existing structures and adjacent utility uses in the area.

Visual simulations prepared by the applicant also show that the slender design, and color of the wind turbines helps to blend the turbines into the undulating topography of the area and are not visually prominent as seen from Ribbonwood Road and roadway S-2. These views are the only public views of the turbines on County land (excepting distant views more than 8 miles away). The wind turbines will be lit at night in accordance with FAA requirements. Therefore, the Project is compatible and in harmony with the surrounding area.

These findings are consistent with findings the County has made for other Major Use Permits, such as the Major Use Permit for the AT&T Banner

Wireless Facility located in a rural area of the Desert Subregional Planning Area of the County of San Diego. The 45-foot tall Banner wireless facility was built to resemble a water tower. The findings state that "the project is compatible with adjacent uses in terms of scale and bulk because of the stealth design, the existence of other vertical features (power poles)." Therefore, the existence of other vertical features, specifically power poles, indicates that a project is compatible with the bulk and scale for an area, even one that is rural in nature. As noted above, the Tule Wind Project area is characterized by similar vertical features like the Sunrise Powerlink, and therefore is compatible with the bulk and scale of adjacent uses.

The nearest residence to a County wind turbine is approximately 5,200 feet. This represents almost a 1-mile distance to the nearest residence and therefore there are no adjacent residential uses. Adjacent uses are the Sunrise Powerlink transmission facilities, and the Project will be in harmony in bulk and scale with these facilities. Other uses adjacent to the turbines include Rough Acres Ranch, which has been specifically designed to accommodate the turbines. There is no other land within the County's jurisdiction that is adjacent to the proposed turbines. The portion of Rough Acres Ranch where the turbines are proposed is surrounded by federal land and does not border other land in the County's jurisdiction. The Bureau of Land Management (BLM), who is a Project participant, manages this adjacent federal land and has approved the construction of 62 turbines on these adjacent lands.

The subject site would also include a 138 kV transmission line running south from the on-site collector substation to the rebuilt SDG&E Boulevard Substation. If the BLM permits the portion of the same 138 kV transmission line on federal lands to be installed aboveground, the 138 kV transmission line would be installed either aboveground on private property generally located along McCain Valley Road and approximately parallel with the existing Sunrise Powerlink lattice towers or underground within the right-of-way of McCain Valley Road. The remaining portion of the transmission line south of Interstate 8 would be installed underground. If the BLM requires the portion of the same 138 kV transmission line on federal lands to be installed underground, then the 138 kV transmission line would be installed underground on either private property generally located along McCain Valley Road and Old Highway 80 or within the right-of-way of McCain Valley Road.

The underground 138 kV line would be installed underground within two separate trenches. Underground cable trenching would require two 4 foot x 4 foot trenches (16 feet apart on centerline) for thermal isolation of the 138 kV transmission line. A splice vault (7 feet x 21 feet) with two manhole cover entries would be required approximately every 2,000 feet.

The proposed 138 kV underground transmission line would be compatible with the scale and bulk of existing uses in the surrounding area because it would be located underground and would not have any visual elements that would result in scale or bulk. Therefore, the underground transmission line would be compatible with the scale and bulk of existing uses in the surrounding area because it would be located underground and would not be visible except for the manhole covers to the splice volts.

The portion of the 138 kV transmission line that may be installed aboveground would be compatible with the scale and bulk of existing uses in the surrounding area because it would run approximately parallel to the Sunrise Powerlink lattice towers and would be compatible with the aboveground alignment of the portion of the same transmission line on the adjacent federal lands. Therefore, the proposed aboveground transmission line would be compatible with the scale and bulk of existing uses in the surrounding area because it would be located next to the existing Sunrise Powerlink towers and its associated 500 kV transmission line.

The Project's other proposed buildings and structures are compatible with the bulk and scale of existing uses in the area. The central portion of the project site contains the existing Rough Acres Ranch, which is currently being used as a staging area for the Sunrise Powerlink. Rough Acres Ranch contains a number of existing structures, including 22 (840 square foot) bungalows, a 3,100 square foot bunk house, a 1,000 square foot residence, an 8,200 square foot lodge, a 1,600 square foot auxiliary room, a 1,200 square foot shop, and 1,000 square feet of poultry incubators. In total, the Rough Acres Ranch has approximately 35,000 square feet of structures on the site. In addition, the McCain Valley Conservation Camp is located within McCain Valley and has approximately 14 existing structures that house up to 110 inmates. The proposed facilities would also be landscaped and separated from other uses in McCain Valley by existing topography. Furthermore, the proposed structures would be smaller in bulk and scale than the existing SDG&E Sunrise Powerlink lattice towers in McCain Valley and the wind turbines on the existing Kumeyayy wind farm.

Non-transmission structures associated with the project would be located at the northern end of Rough Acres Ranch (APN: 611-030-01-00). The structures consist of a 5,000 square foot pre-engineered one-story metal building, with a low-reflectivity finish that would blend in with the rural community. In addition to the O&M building, there would be an on-site collector substation located within a five-acre portion of the site that would consist of electric transformers, breakers, switches, and other electrical components. The on-site collector substation would also include temporary construction facilities associated with the construction of the project, including office and storage trailers. The project would also

include a five-acre temporary batch plant, which would be used during construction to mix concrete for the foundations of the turbine towers to be located on BLM land, the collector substation, and the O&M facility. Sand, aggregate, and concrete would be delivered to the batch plant via truck and the aggregate and sand would be placed into stockpiles. The stockpiles would be covered and/or watered or stabilized with nontoxic soil binders as needed to keep dust down. The site would be landscaped in order to minimize the appearance of the proposed structures from the neighboring residential views, as well as drivers along McCain Valley Road.

The proposed 5,000 square foot O&M building would be a single story structure with a metal finish that would be similar to existing structures located on Rough Acres Ranch, McCain Valley Conservation Camp and other surrounding rural residential properties. The O&M building would be a one-story building and would have the appearance of an agricultural structure, with overhead doors. It would be a pre-engineered metal building approximately 16-feet in height. To minimize the potential for glare on surrounding properties, the exterior of the O&M building would feature a low-reflectivity finish. Outdoor night lighting at the O&M facility would be kept to the minimum required for security and safety and all lighting would be turned off when not required. To minimize backscatter and off-site light spill, all lighting would be hooded and directed downward.

The proposed on-site collector substation would be located on the same parcel as the O&M building and would consist of electrical structures located within an approximately 290-foot by 290-foot area. The facility would be less than 30-feet in height and would be much smaller in bulk and scale than other utility structures in the vicinity of the project site, including the approximately 120 foot tall Sunrise Powerlink lattice towers. The on-site collector substation would be fenced, and the fence would have a dull finish to reduce the contrast with the surroundings. In addition, the substation would be landscaped to screen it from McCain Valley Road and nearby residents.

The temporary storage of material and equipment for the batch plant would be compatible with the scale and bulk of the staging areas for the Sunrise Powerlink construction. Furthermore, the batch plant would be screened from McCain Valley Road and surrounding residents through landscaping and topography. The temporary storage of materials would be removed upon completion of the construction phase of the project, and the site would be re-vegetated through an approved Re-vegetation Plan.

Therefore, the proposed O&M building, on-site collector substation and temporary concrete batch plant would be compatible with the scale and bulk of existing structures and uses in the surrounding area.

For all of these reasons, the Project will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to harmony in bulk and scale.

Coverage:

The project site encompasses 16 parcels and approximately 210.96 acres. There are no existing buildings in the area covered by the proposed Major Use Permit or in the alignment of the proposed 138 kV transmission line. The only proposed structures associated with the project are the five wind turbines on-site collector substation, O&M building, utility poles associated with the possible 138 kV aboveground transmission line, and associated construction facilities. With the addition of the proposed on-site collector substation and O&M building, lot coverage would increase to a maximum of six percent or 4.68 acres. The proposed 138 kV transmission line would not result in any coverage if it was installed entirely underground and would result in minimal coverage if it is installed aboveground north of Interstate 8. The aboveground portion of the 138 kV transmission line would be compatible with the coverage of the surrounding area because it would be approximately parallel and roughly adjacent to the existing Sunrise Powerlink lattice towers and transmission line. The batch plant does not include any permanent structures that would result in coverage. Furthermore, the batch plant is temporary and would be removed after construction of the project.

Adjacent parcels consist of residential uses along with Rough Acres Ranch, which contains a number of existing structures. Adjacent residential parcels are improved with single-family dwellings that have less than one percent lot coverage. Rough Acres Ranch contains numerous structures, including 22 (840 square foot) bungalows, a 500 square foot cold room, a 9,600 square foot agricultural building, a 2,400 square foot hay barn, a 3,120 square foot bunk house, a 1,050 square foot residence, a 8,200 square foot lodge, a 1,600 square foot auxiliary room, a 1,200 square foot kitchen/communal living area, and 1,050 square feet of poultry incubators. In total, the Rough Acres Ranch has approximately 47,200 square feet of structures on the site. The existing structures on Rough Acres Ranch have more square footage than the non-wind turbine structures in the proposed project. The coverage of the structures in the proposed project is greater than the coverage in Rough Acres Ranch because the size of the parcel for the proposed project is smaller than the Rough Acres Ranch parcel; however, the project would result in fewer structures and less square footage than Rough Acres Ranch. In addition, the total project would result in coverage of approximately two percent, which is consistent with coverages in the surrounding area.

Wind turbine structures will be in harmony with lot coverage in the area, as wind turbines have relatively small footprints. The turbine pedestals are

approximately 15 feet in diameter, on top of a foundation of approximately 60 feet in diameter that is buried. There is an area of fuel modification that is cleared 100 feet in all directions beneath each turbine for fire protection purposes. But, with the exception of a 60-foot diameter area (with gravel of up to a 10-foot radius for surface stabilization), this area will be revegetated with fire-safe, noncombustible, low-fuel vegetation. Each turbine is spaced approximately 316 meters (over 1,000 feet) apart and therefore the land coverage and density of the Wind Turbines will maintain the rural character of the area. The relatively small coverage area of the wind turbines harmonize with open space uses in the area such as hiking, mountain biking, road vehicle use, and camping. As noted in the Lake Morena Radio Tower Findings, the radio tower had less than 1% lot coverage, and was therefore found to be consistent with lot coverage in the area. Similarly, the 5 county turbines are located on a relatively small area of the Rough Acres Ranch property, which represents approximately 1% of lot coverage, and therefore are consistent with lot coverage for uses in the area.

Therefore, the Project will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to harmony in coverage.

Density:

The Tule Wind Project would include approximately 12 permanent full-time employees working at the O&M building. During construction of the Project, there would be approximately 325 workers per day at the peak construction period. The number of permanent and temporary construction personnel on site would be similar to the number working on the construction of the Sunrise Powerlink. No residential use is proposed. Therefore, the Project will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to harmony in density.

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

The proposed Project has an approved Fire Protection Plan and Fire Services Agreement with the San Diego Rural Fire Protection District and the San Diego County Fire Authority and will therefore have adequate fire service protection and emergency services for the Project. Existing roads will be used to access the Project as well as additional turbine access roads built as part of the Project. These roads will be wider than typical in order to allow fire access to back country areas if necessary, and these roads will be maintained by the Project. Therefore adequate road access to the turbine structures will be provided and the Project will enhance public services and fire protection in the area by providing better fire road access to the backcountry.

Construction of the Tule Wind Project will require water to support the water needs of the Project for dust suppression and concrete mixing. Water to serve the Project would be obtained from wells on Rough Acres Ranch and on the Ewiiapaayp Reservation in Thing Valley. The Qualitative Estimate of Sustainable Yield, Thing Valley, San Diego County, California, prepared by Geo-Logic Associates and dated May 9, 2011, shows that there is adequate water for the Project and that the Project will not have a significant impact on this supply of water. In addition, FEIR/FEIS Mitigation Measure HYD-3 would ensure that impacts to the local groundwater during construction would not be adverse because this measure would ensure verification that sufficient groundwater existed prior to use of the wells and that groundwater availability would not be affected throughout Project construction. Therefore, water service for construction will be available to the Project.

Wind turbines do not need water service during operation. Water service for the O&M facility will be provided by an existing groundwater well and will be connected to an on-site wastewater disposal system (septic). A groundwater study was completed for the Project that indicated adequate water would be available to serve the O&M facility. The Tule Wind Project site is not listed within the County of San Diego-designated Groundwater Impacted Basins, per Section 67.721 of the County Groundwater Ordinance. (County-designated Groundwater Impacted Basins are basins that have known problems such as overdraft.) Therefore, adequate water service will be available for the Project.

Finally, the Tule Wind Project consists of uses that would not require additional educational services from the local school district. Therefore, necessary public services and utilities would be available for the proposed project.

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

The Tule Wind Project would be a Major Impact Service and Utility use that consists of a 34.5 kV underground and overhead collector cable system linking wind turbines to be located on federal land under the jurisdiction of the Bureau of Land Management (BLM) and five wind turbines on County land under the jurisdiction of the County of San Diego to a five-acre on-site collector substation, a five-acre O&M site with a 5,000 square foot O&M building, a 138 kV transmission line running south from the on-site collector substation to the rebuilt San Diego Gas and Electric (SDG&E) Boulevard Substation, a five-acre temporary concrete batch plant, and the construction and improvement of access roadways to accommodate the project, including improvements to McCain Valley Road and the construction of a new private road from Ribbonwood Road to McCain Valley Road. If the BLM permits aboveground construction of the portion of the 138 kV transmission line on federal lands, the 138 kV

transmission line will run aboveground on private land in the County or underground in the County's right-of-way from the project collector substation to south of Interstate 8; the remainder of the transmission line (south of Interstate 8) will be underground.

The Tule Wind Project would be compatible with the surrounding area because of the project's design. The Project is located in a rural area with the closest residential area being approximately 1-mile away from the nearest County turbine. Due to their slender appearance and small footprint, the wind turbines, transmission line, and associated project components are compatible with the rural character of the area. In addition, as noted above, the area is characterized by the existing Kumeyaay wind farm and the Sunrise Powerlink transmission facilities and is therefore compatible with the character of the existing adjacent facilities. The Project will be located away from any commercial or residential areas and will not be readily visible from these areas, and will therefore not have an effect on neighborhood character.

The proposed structures (on-site collector substation and O&M building) would be compatible with surrounding rural residential uses because of the proposed structures' limited size and height and because they would be screened from adjacent properties and public vantage points with landscaping. The proposed temporary batch plant would be located on the same property as the O&M building and on-site collector substation and would be screened with landscaping. The batch plant would only be used during construction of the project. The plant would be removed and the footprint would be revegetated after construction is completed.

The proposed lighting would be installed in compliance with the County's Light Pollution Code. The proposed project is located within Zone A of the Mount Laguna Observatory and must comply with the Light Pollution Code to not detract from astronomical research. The project design is consistent with Zone A standards for illumination, horizontal cutoff and light trespass. Since the proposed lighting would be kept to a minimum and measures would be taken to eliminate light trespass, the project would not have a harmful effect on neighborhood character because of lighting.

The noise analysis for the Project demonstrates that the project would comply with the limitations on noise specified in the County Noise Ordinance for on-going operations. The analysis indicates that the proposed wind turbines, on-site collector substation, and O&M building would comply with the most restrictive noise level limit of 45 decibels at the property line as specified under Section 36.404 of the County Noise Ordinance (S80, S92 and A72). Therefore, the Project would comply with the requirements of the Noise Ordinance for on-going operations.

The noise analysis for the project also demonstrates that the Project would comply with the limitations on construction noise specified in the County Noise Ordinance under Section 36.409. Mitigation and design measures have been imposed to reduce the construction noise levels to less than 75 dBA at occupied properties. These measures include a detailed blasting plan, use of temporary noise barriers, and limiting the construction hours. Therefore, the Project would comply with the requirements of the Noise Ordinance for construction.

The noise analysis for the Project also demonstrated that the Project would comply with the limitations on impulsive noise specified in the County Noise Ordinance under Section 36.410. The proposed Project includes the potential for blasting in some locations during construction to remove rock. Blasting would create an impulse sound, a very short-duration sound with a sharp peak in magnitude. Construction blasting would occur for short periods of time and would be further reduced using temporary noise barriers. Therefore, the Project would not result in impulsive noise that would exceed the 82 dBA sound level limit for more than 15 minutes of any hour or 25 percent of any hour and would comply with the requirements of the Noise Ordinance.

Implementation of the Project would not contribute to a significant direct or cumulative impact to groundwater supplies in the watershed that includes the project site. As noted above, wind turbines do not need water service during operation. The Project is required to conform to the County's Groundwater Ordinance, which requires a cumulative analysis of impacts to groundwater levels. The Qualitative Estimate of Sustainable Yield, Thing Valley, San Diego County, California, prepared by Geo-Logic Associates and dated May 9, 2011, concluded that there is adequate water for the Project and that the Project will not have a significant impact on this supply of water. In addition, FEIR Mitigation Measure HYD-3 would ensure that impacts to the local groundwater during construction would not be adverse because these measures would ensure verification that sufficient groundwater existed prior to use of the wells and that groundwater availability would not be affected throughout Project construction.

Given that the Project, as well as any other proposed projects in the area, would be subject to the restrictions on groundwater use outlined in the groundwater ordinance and that most of the proposed Project's groundwater need will only occur during temporary construction activities, the Project would not contribute to a significant adverse cumulative impact to groundwater supplies to the area, nor would the Project cause a significant reduction in the amount of groundwater availability. The Project includes an O&M building that would utilize groundwater for landscape irrigation and potable water. Water demand for the O&M facility is not considered to be a potentially significant impact to existing groundwater

resources. Therefore, the Project would conform to the requirements of the Groundwater Ordinance and would not contribute to a significant direct or cumulative impact to groundwater supplies in the watershed that includes the Project site.

A traffic analysis was prepared for the Project to determine potential impacts to adjacent and surrounding roadways. No significant direct impacts would result as a part of the Project. However, the applicant will participate in the Traffic Impact Fee (TIF) program pursuant to County Code section 77.201, which requires payment of the TIF prior to issuance of building permits.

As noted above, if the BLM permits aboveground construction of the portion of the 138 kV transmission line on federal lands, the 138 kV transmission line may be located underground in the County's right-of-way or aboveground on private land as it runs approximately parallel to the existing Sunrise Powerlink lattice towers. If underground, the Project's underground line will be compatible with the community character. If aboveground, the 138 kV transmission line would be adjacent to the existing 500 kV Sunrise transmission line and associated steel lattice towers, and accordingly the aboveground line would also be compatible with the community character.

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

A traffic analysis was conducted to determine potential impacts from the proposed Project to adjacent and surrounding roadways. The proposed Project would generate 1,250 average daily trips (ADT) during construction of the Project and 24 ADT during operation of the Project. The construction trips include approximately 200 truck trips and 125 construction worker trips. The operational trips include those from 12 permanent employees that would work at the O&M building. With the addition of project and cumulative project traffic, all the study area intersections and roadway segments are calculated to operate at LOS B or better.

The traffic analysis also evaluated potential impacts from operation of the proposed Project. Based on the County of San Diego significance criteria, the proposed Project would have no significant direct impacts as a result of construction or operation of the Project. Cumulative impacts will be mitigated through the payment of the TIF for the 24 operational ADT. Payment of TIF fees will mitigate the cumulative impact to less than significant. Furthermore, the Project would improve surrounding roadways by improving a 600-foot portion of McCain Valley Road along with the addition of a new private road from Ribbonwood Road to McCain Valley Road.

Primary access to the proposed wind turbine, collector line system, collector substation, and O&M facility locations would be provided by I-8 and Ribbonwood Road. McCain Valley Road would be used for smaller construction vehicles during construction activities and by O&M staff once construction is complete. During construction, the western portion of the Project could be accessed by Crestwood Road. The EIR/EIS determined that access to the Tule Wind site for construction vehicles and equipment would be periodic and short term. Roadways would be improved as necessary to accommodate the construction of the Project. Road closures would be isolated, temporary, short term in duration, and coordinated with the local regulatory agencies. The EIR/EIS found that the surrounding road network has adequate capacity to accommodate both construction and operational traffic from the Project. Therefore, the County finds that the Project will be compatible with the adjacent uses in the area, and operation of the Project would not significantly affect the capacity or physical character of surrounding streets. Traffic impacts will be less than significant, and the Project's traffic would be compatible with the neighborhood.

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

The general area surrounding proposed structures located in McCain Valley and along McCain Valley Road contains areas of both steep and gentle topography. The boundaries of the Major Use Permit do not contain any steep slope areas as defined by the County of San Diego Resource Protection Ordinance (RPO), which include areas over 25 percent slope with a minimum rise or run of 50-feet. The Project would improve traffic circulation on surrounding roadways by improving a 600-foot portion of McCain Valley Road along with the addition of a new private road from Ribbonwood Road to McCain Valley Road. The subject site is suitable for the type and intensity of the proposed project due to the minimal grading necessary to install the five wind turbines, 138 kV transmission line, O&M building, on-site collector substation and temporary concrete batch plant.

Much of the grading for the Project would be for the improvements to the surrounding roadways, including McCain Valley Road, which would improve the County public roadway network. As discussed in findings 1, 2, and 3 above, the proposed activities would be compatible with the character of the surrounding neighborhood.

The proposed location of the County turbines is suitable for the type of use proposed and is allowed under the County Zoning Ordinance with a Major Use Permit. The Department of Energy's Wind Program and the National Renewable Energy Laboratory (NREL) recently published a wind resource map for California identifying several key areas in southeastern California and northern Baja California, Mexico, for utility-scale wind development.

These key wind resource areas are shown on Figure A-1 of the FEIR/FEIS, NREL Wind Resource Map. According to the research, notable good-to-excellent wind resource regions in the state include the mountains east of San Diego near the proposed Project and the existing Southwest Powerlink (SWPL) 500 kV transmission line. The California Energy Commission (CEC) has also published California wind resource maps and numerical modeling with similar data (CEC 2006). Additionally, BLM's 2005 Final Programmatic Environmental Impact Statement (PEIS) lays the groundwork for wind energy development on BLM-administered managed lands in the western United States (BLM 2005). The Final PEIS identifies eastern San Diego County near the proposed Project as an area with high-quality wind resources suitable for wind energy facilities.

The site is also proximate to the Kumeyaay wind farm, a 50 MW wind project (25 wind turbines) located west of the McCain Valley National Cooperative and Wildlife Management Area on the Campo Indian Reservation. Therefore, the intensity and type of use are similar to adjacent uses and therefore suitable for the site.

The site zoning and General Plan designation allow Major Impact Utilities with an MUP. The Tule Wind Project's underlying land use designations are Rural Lands (RL-80), Rural Lands (RL-40), and Semi-Rural Residential (SR-10). Section 2050 of the Zoning Ordinance expresses in graphic form the Compatible Use Regulations contained in Sections 2100 through 2989, inclusive with the appropriate General Plan Land Use Designations. Section 2926 specifically allows a civic use designated as "Major Impact Services and Utilities" to be permitted in a Rural Lands 80, Rural Lands 40, or Semi-Rural 10 area upon issuance of a Major Use Permit. This is confirmed by the graphical Section 2050 Compatibility Matrix, which shows that S92 permitted uses are consistent with the RL-80, RL-40, and SR-10 land use designations. Therefore the use has been contemplated for this location with approval of a permit, and is therefore a suitable location for the Project.

Amendments to the County General Plan have been proposed with the approval of this Project, and with approval of those amendments, the Project will be suitable for the site proposed. In addition, the proposed Project implements the conservation policies of the County General Plan that will reduce greenhouse gas emissions and help the County to reach the AB32 greenhouse gas reduction requirements. These policies include:

- COS-18.1 Alternate Energy Systems Design: Work with San Diego Gas and Electric and non-utility developers to facilitate the development of alternative energy systems that are located and designed to maintain the character of their setting.

Because the area has been designated as a high wind resource area, and the County General Plan encourages the development of alternative energy sources such as wind energy, the Project site is uniquely suited for development of the Project. In addition, the County of San Diego's desire to develop alternative energy to meet AB32 greenhouse gas reduction targets, makes the proposed site suitable for the proposed use.

Therefore, the site is suitable for the type and intensity of the proposed use.

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

The FEIR/FEIS prepared for the Project identified various impacts from the Project under CEQA that would be significant and unmitigable (Class I). Impacts have been mitigated to the extent feasible. A statement of overriding considerations has been approved as part of the Project for impacts that could not be mitigated to below a level of significance.

However, the County would make these same findings with respect to portions of the project in the vicinity but outside the County's jurisdiction.

Section 7358 requires the County to make findings only for projects or portions of projects physically within the County's jurisdiction. The County has consistently interpreted section 7358 in this manner. The County of San Diego nonetheless finds that the findings above would apply equally to portions of the Project in the vicinity but outside of the County's jurisdiction.

With respect to these portions of the Project outside the County's jurisdiction, the Project is compatible with adjacent uses, residents, buildings, or structures, with consideration given to factors discussed above for the same reasons set forth above. These considerations include (but are not necessarily limited to), for example, the existence of the Sunrise Powerlink, the existence of wind energy development and other development in the surrounding area, distance from residential development, consistency with similar development on adjacent federal, state, and tribal lands, an evaluation of relevant environmental impacts as set forth in the FEIR/FEIS, and overall consistency with General Plan Goals and Policies.

(b) *The impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.*

The site of the proposed Project is subject to the Rural Lands Regional Category and Rural Lands 80 (RL-80), Rural Lands 40 (RL-40), Public Agency Lands and Semi-Rural Residential 10 (SR-10) Land Use Designations. These Land Use Designations are consistent with the S92 (General Rural), S80 (Open Space) and A72 (General Agricultural) Use Regulations that permit Major Impact Service

and Utility use types with the issuance of a Major Use Permit under Civic Use Types pursuant to the Zoning Ordinance 2705(b). These General Plan designations apply to the portions of the project under the jurisdiction of the County.

A General Plan Amendment is being processed concurrently with the Project Major User Permit, which will make the Project consistent with certain aspects of the San Diego County General Plan with which the Project conflicts. Although certain community plan policies may conflict with the proposed Project, those policies will be amended to make the Project consistent with the amended policies. Further, the Tule Wind Project's underlying land use designations are Rural Lands (RL-80), Rural Lands (RL-40), and Semi-Rural Residential (SR-10). Civic uses such as Major Impact Utilities are permitted within these land use designations. In addition, the proposed Project implements the conservation policies of the County General Plan, which seek to reduce greenhouse gas emissions and help the County to reach the AB32 greenhouse gas reduction requirements. These policies include:

- COS-18.1 Alternate Energy Systems Design: Work with San Diego Gas and Electric and non-utility developers to facilitate the development of alternative energy systems that are located and designed to maintain the character of their setting.

The overarching objective in developing alternative energy sources makes the Project consistent with the policies in the County General Plan.

As noted above, the Project will be consistent with the surrounding area in terms of scale and bulk due to existing uses in the area, including Rough Acres Ranch, the Lark Canyon Off-Highway Vehicle Park, and the McCain Valley Conservation Camp.

- (c) *The requirements of the California Environmental Quality Act have been complied with.*

An EIR/EIS was prepared and subsequently certified by the California Public Utilities Commission for the Project. The EIR is on file at the offices of the County Department of Planning and Land Use. An Addendum to the EIR/EIS has also been prepared. It is dated May 18, 2012 and is on file with DPLU as Environmental Review Number 3910 09-21-001 (ER). The County of San Diego acts as a Responsible Agency in the approval of the County portion of the Project and utilized the certified EIR/EIS to make its findings. Therefore, all elements of CEQA have been complied with.

MAJOR USE PERMIT 3300 09-019

ORDINANCE COMPLIANCE AND NOTICES

ORDINANCE COMPLIANCE AND NOTICES: The project is subject to various laws, permits and requirements of the County of San Diego, State of California, and U.S. Government, including, but not limited to, the following:

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 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/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.

NPDES PERMIT REQUIRED: An NPDES permit shall be obtained for proper disposal of water. The appropriate Regional Water Quality Control Board permit shall be obtained prior to dewatering activities consistent with NPDES permit requirements.

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.

CALTRANS ENCROACHMENT PERMIT REQUIRED: An Encroachment Permit from Caltrans is required for any and all proposed/existing facilities within the Caltrans right-of-way. The applicant must first obtain an encroachment permit from Caltrans prior to any work within their right-of-way.

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

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

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

TRANSPORTATION IMPACT FEE: The project is subject to County of San Diego Transportation Impact Fee (TIF) pursuant to County TIF Ordinance number 77.201 - 77.219. The Transportation Impact Fee (TIF) shall be paid. The fee is required for the entire project, or it can be paid at building permit issuance for each phase of the project. The fee is calculated pursuant to the ordinance at the time of building permit issuance. The applicant shall pay the TIF at the [DPW, Land Development Counter] and provide a copy of the receipt to the [DPLU, Building Division Technician] at time of permit issuance.

NOTICE: The subject property contains wetlands, lakes, streams, 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 Game. It is the applicant's responsibility to consult each agency to determine if a permit or agreement is required and to obtain all necessary permits and/or agreements prior to commencement of any activity which could impact State and federally regulated wetlands, lakes, streams, and/or waters of the U.S.

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.

NOTICE: Fish and Game Fees have been paid in the amount of \$2,919.00 for the review of the EIR, Receipt number 424173, dated June 27, 2012.

NOTICE: The 90 day period in which the applicant may file a protest of the fees, dedications or exactions begins on August 8, 2012.

NOTICE: The project will be required to pay the Department of Planning and Land Use Mitigation Monitoring and Condition Review Fee. The fee will be collected at the time of the first submittal for Condition. Satisfaction to DPLU, including Mitigation Monitoring requests. The amount of the fee will be determined by the current Fee Ordinance requirement at the time of the first submittal and is based on the number of 47 DPLU conditions that need to be satisfied. The fee will not apply to subsequent project approvals that require a separate submittal fee such as, Revegetation and Landscape Plans, Resource (Habitat) Management Plans, Habitat Loss Permits, Administrative Permits, Site Plans, and any other discretionary permit applications.

EXPLANATION OF COUNTY DEPARTMENT AND DIVISION ACRONYMS			
Department of Planning and Land Use	<u>DPLU</u>	Department of Public Works	<u>DPW</u>
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	Private Development Construction Inspection	PDCI
Landscape Architect	LA	Environmental Services Unit Division	ESU
Zoning Counter	ZO		
Department of Environmental Health	<u>DEH</u>	Department of Parks and Recreation	<u>DPR</u>
Land and Water Quality Division	LWQ	Trails Coordinator Group Program Manager Parks Planner	TC GPM PP
Vector Control	VCT	Department of General Service	<u>DGS</u>
Local Enforcement Agency	LEA	Real Property Division	RP
Hazmat Division	HMD		

cc: Iberdrola Renewables, Inc., Attn: Jeffrey Durocher, 1125 NW Couch St., Suite 700, Portland, OR 97209

Pacific Wind Development LLC, Jeffrey Durocher, Wind Permitting Manager, 1125 NW Couch Street Suite 700, Portland, OR 97209

HDR Inc. Patrick O'Neil, Project Manager, 8690 Balboa Ave Suite #200, San Diego, CA 92123-1502

Ed Clark, Director Business Development, Iberdrola Renewables, 1125 NW Couch Street, Suite 700 Portland, OR, 97209

Harley McDonald, Business Developer, Iberdrola Renewables, 211 Chapalita Drive, Encinitas, CA 92024

Waterstone Support Foundation Inc., 2925 Professional Place #201, Colorado Springs, CO 80904

Waterstone Support Foundation Inc., 2925 Professional Place #200, Colorado Springs, CO 80904

Harmony Grove Partners LP, 1000 Pioneer Way, El Cajon, CA 92020

Vista Oaks Business Park LP, 1000 Pioneer Way, El Cajon, CA 92020

Garber Jeffrey M. & Peggy A., 541 Robinson Road, Imperial, CA 92251

Horner Stephen & Catherine, APN: 612-091-12-00, P.O. Box 360, Potrero, CA 91963

Lansing Industries Inc., 5415 Oberlin Drive, San Diego, CA 92121

Wuest Estate Co., APN: 611-110-02-00, 3580 Bayside Walk, San Diego, CA 92109

e-mail cc:

Ed Sinsay, Project Manager, Department of Public Works

David Sibbet, Planning Manager, Department of Planning and Land Use