Attachment A – Planning Commission Hearing Report dated January 16, 2015

The attached Planning Commission Hearing Report includes a copy of the report with the revisions from Errata No. 1 dated January 16, 2015 reflected in strikeout/underline. A full copy of the Planning Commission Hearing Report is available for review online at:

http://www.sandiegocounty.gov/pds/ceqa/Soitec-pc-hearing-report150116.html

The County of San Diego

Planning Commission Hearing Report

Date:	January 16, 2015	**Case/File No.:**	Rugged Solar: PDS2012-3300-12-007 (MUP); Tierra Del Sol Solar: PDS2012-3600-12-005 (REZ), PDS2012-3921-77-046-01 (AP DIS), PDS2012-3300-12-010 (MUP); PDS2012-3910-120005 (ER)
Place:	County Conference Center 5520 Overland Avenue San Diego, CA 92123	**Project:**	Solar Facilities
Time:	9:00 a.m.	**Location:**	Rugged Solar: Ribbonwood Road and McCain Valley Road Tierra Del Sol Solar: Tierra Del Sol Road
Agenda Item:	#1	**General Plan:**	Rural Lands (RL-80)
Appeal Status:	N/A	**Zoning:**	Rugged Solar: General Rural (S92) and A72 (General Agricultural) Tierra Del Sol Solar: General Rural (S92) and A70 (Limited Agricultural)
Applicant/Owner:	Soitec Solar Development, LLC, Tierra Del Sol Solar Farm LLC, Rugged LLC	**Community:**	Mountain Empire (Boulevard)
Environmental:	Environmental Impact Report	**APNs:**	Rugged Solar: 611-060-04, 611-090-02, 611-090-04, 611-091-03, 611-091-07, 611-100-07, 612-030-01, 612-030-19, 611-110-01 Tierra Del Sol Solar: 658-090-31, 658-090-54, 658-090-55, 658-120-02, 658-120-03

A. EXECUTIVE SUMMARY

1. Project Overview

A Final Program Environmental Impact Report (EIR) for the Soitec Solar Development Project has been prepared which includes the analysis of four projects, Rugged Solar, Tierra Del Sol Solar, LanWest and LanEast. This is a request for the Planning Commission to evaluate the proposed project, and make recommendations to the Board of Supervisors on the certification of the EIR, a

Rezone, an Agricultural Preserve Disestablishment and two Major Use Permits for the Rugged Solar and Tierra Del Sol Solar projects.

The following table summarizes the four projects evaluated in the EIR, the project modifications that came about through the processing of the EIR and the discretionary actions being requested at this time.

	Site Location	Proposed Development	CEQA Analysis	Project Modifications	Discretionary Actions
Rugged Solar	East of Ribbonwood Road and west of McCain Valley Road	• 765 acre site • Concentrated photovoltaic (CPV) technology (trackers) • 80 MW	EIR	Removal of 177 trackers	• ~~Rezone~~ • ~~Agricultural Preserve Disestablishment~~ • Major Use Permit
Tierra Del Sol Solar	South of Tierra Del Sol and adjacent to the United States-Mexico border	• 420 acre site • Concentrated photovoltaic (CPV) technology (trackers) • 60 MW	EIR	Removal of 99 trackers	• Rezone • Agricultural Preserve Disestablishment • Major Use Permit
LanWest	South of Interstate-8 and north of Old Highway 80	• 55 acre site • Concentrated photovoltaic (CPV) technology (trackers) • 6.5 MW	EIR	Elimination of entire project	• Major Use Permit (Withdrawn)
LanEast	South of Interstate-8 and north of Old Highway 80	• 233 acre site • Concentrated photovoltaic (CPV) technology (trackers) • 22 MW	EIR	Elimination of entire project	• N/A

2. Requested Actions

The Planning Commission should determine if the required findings can be made, and make the following recommendations to the Board of Supervisors:

a. Adopt the environmental findings included in Attachment G, which includes the certification of an EIR.

b. Adopt the Ordinance titled, AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY IN THE BOULEVARD SUBREGIONAL PLAN AREA; REF: PDS2012-3600-12-005 (REZ) (Attachment C).

c. Adopt the Resolution titled RESOLUTION OF THE BOARD OF SUPERVISORS DISESTABLISHING A PORTION OF THE MAUPIN AGRICULTURAL PRESERVE NO. 96 (Attachment B) for the reasons stated therein and discussed in this report.

d. Grant Major Use Permit PDS2012-3300-12-010 and impose the requirements and conditions set forth in the Form of Decision (Attachment D).

e. Grant Major Use Permit PDS2012-3300-12-007 and impose the requirements and conditions set forth in the Form of Decision (Attachment E).

2. Key Requirements for Requested Actions

a. Is the proposed project consistent with the vision, goals, and polices of the General Plan?

b. Does the project comply with the policies set forth under the Mountain Empire Subregional Plan and Boulevard Subregional Plan?

c. Is the proposed project consistent with the County's Zoning Ordinance?

d. Is the project consistent with other applicable County regulations?

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

B. REPORT SUMMARY

The purpose of this staff report is to provide the Planning Commission with the information necessary to consider and make recommendations on two proposed solar facilities, Major Use Permit conditions of approval and findings, and environmental findings prepared in accordance with CEQA.

The applicant requests the certification of the EIR as well as the approval of two solar facilities, Rugged Solar, which includes a Major Use Permit and Tierra Del Sol Solar, which includes a Rezone, Agricultural Preserve Disestablishment and Major Use Permit. Based on staff's analysis, it is the Department's position that the required findings can be made, and recommends approval of the two solar facilities, with the conditions noted in the attached Forms of Decision.

This report will first provide an overview of the development proposal including summaries of the location, surrounding land uses and project descriptions of the Rugged Solar and Tierra Del Sol Solar projects, and the common project components included for both the Rugged Solar and Tierra Del Sol Solar projects. Next, the report will include analysis and discussion of the environmental issues raised on the Rugged Solar and Tierra Del Sol Solar projects, the consistency of the Rugged Solar and Tierra Del Sol Solar projects with the General Plan and Subregional Plans, and the Rugged Solar and Tierra

Del Sol Solar projects consistency with the Zoning Ordinance and other applicable regulations. Finally, the report will conclude with a summary of the Community Planning Group actions and public input as well as staff's recommendations on the Rugged Solar and Tierra Del Sol Solar projects.

C. DEVELOPMENT PROPOSAL

1. Background

An application for a Major Use Permit for the Rugged Solar project was submitted on May 15, 2012, applications for a Rezone and Major Use Permit for the Tierra Del Sol Solar project were submitted on June 15, 2012 and an application for an Agricultural Preserve Disestablishment for the Tierra Del Sol Solar project was submitted on August 22, 2012. An application for a Major Use Permit for the LanWest project was also submitted in 2012, but was subsequently withdrawn.

Based on the technical studies provided for these projects, it was determined that an EIR was necessary and a Notice of Preparation was published on December 6, 2012. Based on the processing of the technical studies and EIR, as well as the comments received during the public review period of the EIR, it was determined that Alternative 2A or the "Tailored Proposed Project and No LanEast and LanWest Alternative" was both the applicant's preferred project and the staff recommended project. Therefore, as discussed further below, the proposed project includes a request for approval the Rugged Solar and Tierra Del Sol projects as well as certification of the EIR.

2. Proposed Project

A Final Program EIR for the Soitec Solar Development Project has been prepared which includes the analysis of four projects, Rugged Solar, Tierra Del Sol Solar, LanWest and LanEast, encompassing approximately 1,490 acres as shown in Figure 1 below. The Rugged Solar and Tierra Del Sol Solar projects were reviewed at a project level while the LanWest and LanEast projects were evaluated at a program level of analysis.

Following public review of the EIR, changes were made to the Rugged Solar and Tierra Del Sol Solar projects to address concerns of various stakeholders. These changes are reflected in the EIR with the addition of Alternative 2A, also known as the "Tailored Proposed Project and No LanEast and LanWest Alternative". This alternative reduced the Rugged Solar and Tierra Del Sol Solar projects and entirely removed the LanEast and LanWest projects.

The current requests are for a Major Use Permit to approve the Rugged Solar project and a Major Use Permit, Rezone and Agricultural Preserve Disestablishment to approve the Tierra Del Sol project. There are currently no discretionary applications in process for the LanWest and LanEast projects and no discretionary approvals are being pursued as a part of this action.

The Rugged Solar and Tierra Del Sol Solar projects would utilize similar solar generation technologies, such as panel type and height, include similar common project components, and would have similar construction, operation, and decommissioning activities.

This report will describe the location, surrounding land uses and project specific details of the Rugged Solar project and the Tierra Del Sol Solar project, describe the common project components of the Rugged Solar and Tierra Del Sol Solar projects, discuss the project issues and will discuss the project's consistency with the General Plan, Subregional Plans, Zoning Ordinance and other applicable regulations.

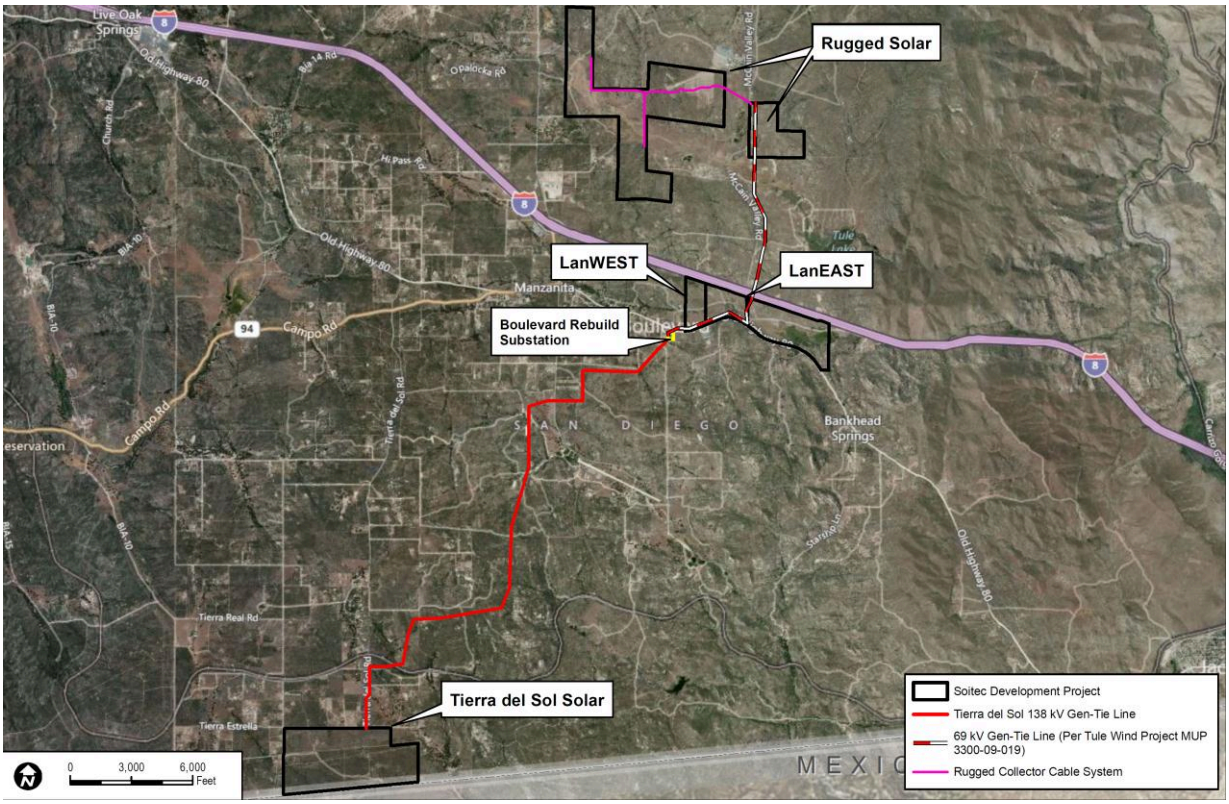

Figure 1: Regional Location Map

3. Rugged Solar Project

a. Location and Surrounding Land Uses

The 765-acre Rugged Solar project site is located north of Interstate 8, east of Ribbonwood Road and is bisected by McCain Valley Road, in the community of Boulevard, as shown in the aerial photo in Figure 2 below. The larger portion of the site west of McCain Valley Road includes central, northwest, and southern subareas while the smaller site to the east of McCain Valley Road comprises the eastern subarea.

The project site consists of relatively flat to gently sloping land including a diverse assemblage of vegetation communities including chaparral, sagebrush and willow scrub, wildflower fields, oak woodlands, non-native vegetation, and alkali and freshwater seeps. The project site is traversed by Tule Creek which runs from the northwest portion of the project site toward the southeast portion of the project site eventually passing McCain Valley Road.

Surrounding land uses to the west of the project site primarily consist of large rural lots supporting residential structures and undeveloped lands featuring chaparral and scrub vegetation. Undeveloped lands, occasional rural residential structures and gently rising, chaparral-covered topography characterizes the landscape setting to the south of the site and the McCain Valley Conservation Camp, a rural prison facility, is located southeast of the project boundary between the Rugged Solar site and McCain Valley Road. The prison facility consists of a cluster of approximately 15 buildings located in the southeastern corner of the property, water quality ponds, and generally undeveloped lands. Undeveloped lands of a slightly higher elevation which support chaparral vegetation and an informal network of dirt trails lie north of the site. The

eastern portion of the project site is located adjacent to McCain Valley Road to the west, primarily undeveloped lands to the south and north and the rising terrain of the southern extent of the In-Ko-Pah Mountains to the east. Right-of-way and transmission structures associated with the Sunrise Powerlink are located west of the project site.

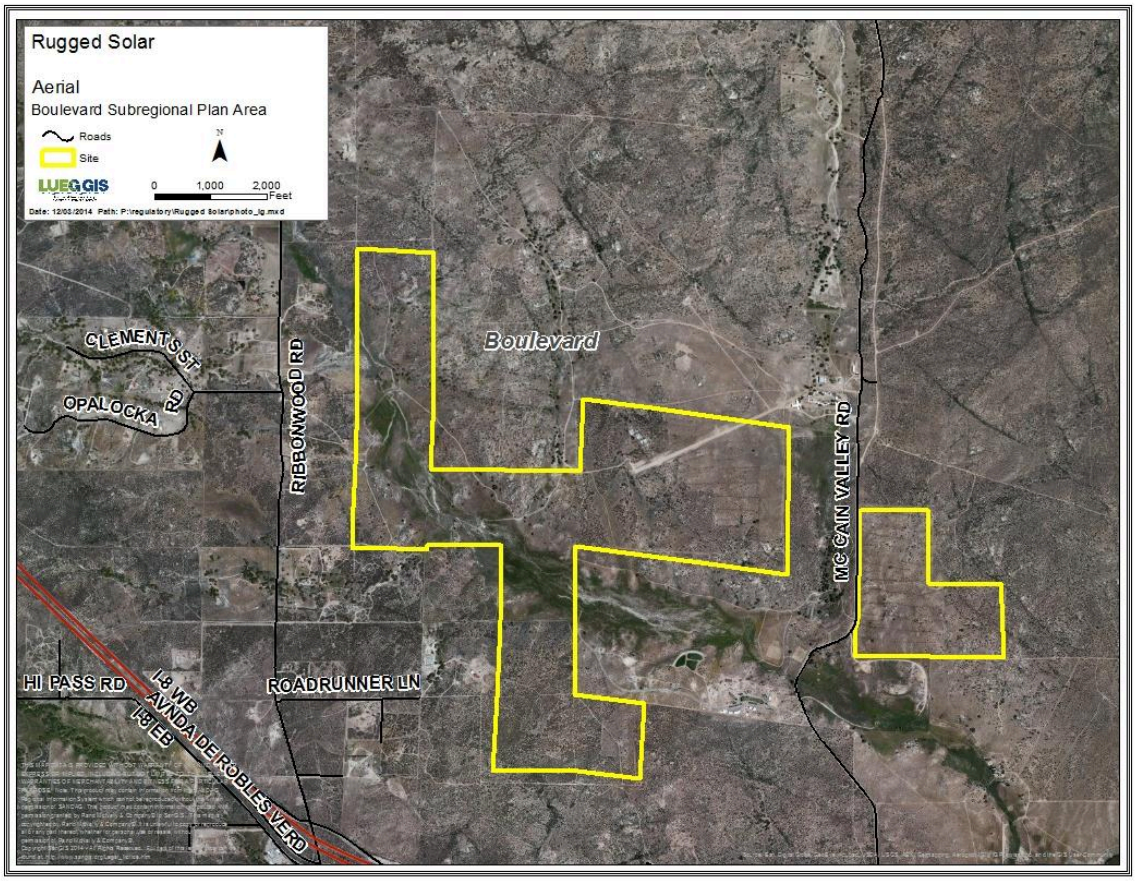

Figure 2: Rugged Solar Project Aerial Photo

Table C-1: Rugged Solar Project Surrounding Zoning and Land Uses

Location	General Plan	Zoning	Adjacent Streets	Description
North	Rural Lands (RL-80), Public Agency Lands	General Agricultural (A72)	N/A	Vacant Lands
East	Rural Lands (RL-80), Public Agency Lands	General Agricultural (A72), General Rural (S92)	McCain Valley Road	McCain Valley Conservation Camp, Rough Acres Ranch Camp, Vacant Lands

Location	General Plan	Zoning	Adjacent Streets	Description
South	Rural Lands (RL-80), Rural Lands (RL-40), Public Agency Lands	General Rural (S92), Open Space (S80)	Interstate 8	Border Patrol Station, Interstate 8, Rural Residential, Vacant Lands
West	Rural Lands (RL-80), Rural Lands (RL-40)	General Rural (S92)	Ribbonwood Road	Rural Residential

b. Project Description

The Rugged Solar project would include approximately 3,291 trackers spaced approximately 69 feet apart on center in a north-south direction and approximately 82 feet apart on center in an east-west direction. As a result of the incorporation of changes associated with Alternative 2A, 177 trackers were removed along the Tule Creek corridor, as illustrated in Figure 3 below.

Power from the trackers would be delivered through an underground collection system to the inverters which convert direct current (DC) power to alternating current (AC) power which is compatible with the San Diego Gas and Electric (SDG&E) system. In addition to the underground collection system, the project would require an on-site overhead collector system both of which would deliver power to an approximately 6,000 square foot private on-site collector substation which would increase the voltage from 34.5 kilovolt (kV) to 69 kV. Once the voltage is increased to 69 kV, the power would be conveyed through a single 35-foot-high dead-end structure (a fully self-supporting steel tower) that connects the on-site substation with the 138 kV Tule gen-tie. The Tule gen-tie was approved by a previous Board of Supervisors action on August 8, 2012 (PDS2009-3300-09-019) but has not yet been constructed. Power from the Rugged Solar on-site substation would be delivered to the existing SDG&E Rebuilt Boulevard Substation via the Tule gen-tie. The 138 kV gen-tie for the Tule Wind Energy project includes a 69 kV undersling line, which will be used to service the Rugged Solar project. When constructed, the Tule gen-tie will run south along the east side of McCain Valley Road and SDG&E's Sunrise Powerlink and across Interstate 8, after which it will cross McCain Valley Road and run parallel to Old Highway 80 along the north side until it crosses Old Highway 80 at the Rebuilt Boulevard Substation (see Figure 1).

The project would also include a four acre operations and maintenance (O&M) area that would be located adjacent to the on-site substation. The O&M building would be 7,500 square feet and would include administrative and operational offices, warehouse storage area for material and equipment, and lavatory facilities served by a private on-site septic system and groundwater well. The O&M area would be used for storage, employee operations, and maintenance of equipment.

The Rugged Solar project would also include an optional battery storage system that would provide 160 Megawatt hours (MWh) of Li-ion battery storage in the form of 160, one MWh containers each measuring 40 feet in length, 8.5 feet in width and 9.5 feet in height, as illustrated in Figure 4 below. The storage system would be located on approximately 7 acres in the center of the Rugged Solar project site as shown below in Figure 3. The Li-ion batteries would be arranged into modules, which would be stored in battery racks. The racks would be entirely contained within the container. The container would have an access door at each end and overhead lighting on the interior roof. Each container would have an integrated heating, ventilation, and air conditioning (HVAC) unit located on the roof of the container. An inverter with a battery management system and container control system would be installed externally on a concrete pad next to each container. A step-up transformer would be associated with a set of two containers and would be installed alongside the container on a separate concrete pad. Every rack's battery monitoring system would continually monitor for unsafe voltage, current, and temperature, and has control of an automated switch to disconnect the rack from the system if necessary.

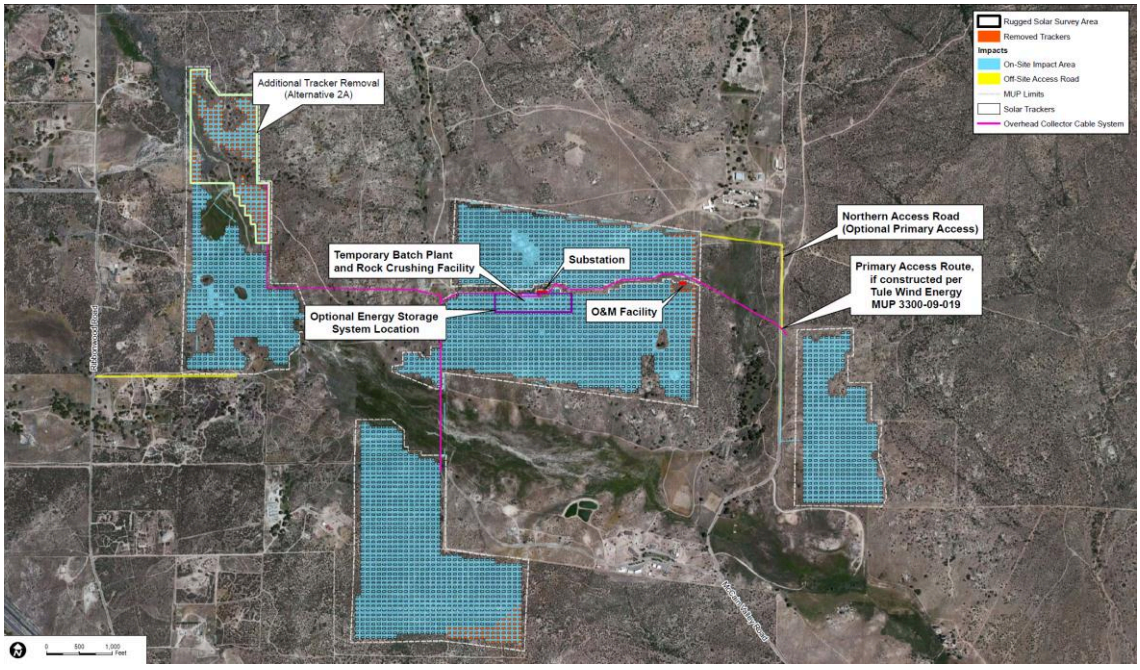

Figure 3: Rugged Solar Project Layout- Alternative 2A

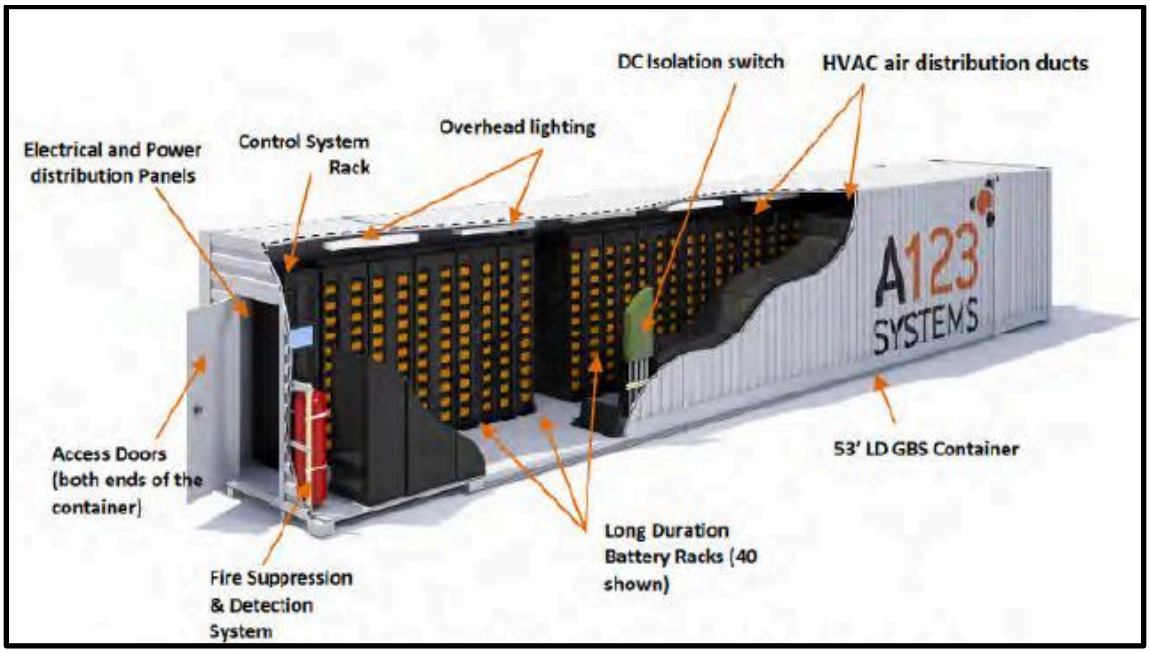

Figure 4: Example Battery Storage Container

4. Tierra Del Sol Solar Project

a. Location and Surrounding Land Uses

The 420-acre Tierra Del Sol Solar project site is located south of Interstate 8, south of Tierra Del Sol Road and adjacent to the United States-Mexico border, in the community of Boulevard, as shown in the aerial photo in Figure 5 below.

The project site slopes from east to west from a central north–south trending ridge. On-site vegetation is comprised of several chaparral communities, flat-topped buckwheat and big sagebrush scrub varying in height from one to six feet. A cluster of tall pine trees are located near the central north–south trending ridge, and small groupings of scrub oak are located on the western portion of the site.

Surrounding land uses primarily consist of single-family homes, ranch lands and tribal lands. Development on lands surrounding the project site consists of scattered rural residences situated on large lots bisected by narrow dirt roadways. Lands located east of the project site are crossed by parallel dirt roads providing access to existing electrical transmission structures and nearby residences. Land uses north of Tierra del Sol Road are primarily large lot rural residential uses featuring residential structures, access roads, fencing and natural lands. Tierra del Sol Road runs adjacent to the northern boundary of the project site and separates scattered rural residential development from the western boundary of the site. Lands located to the south include the United States-Mexico border and residences.

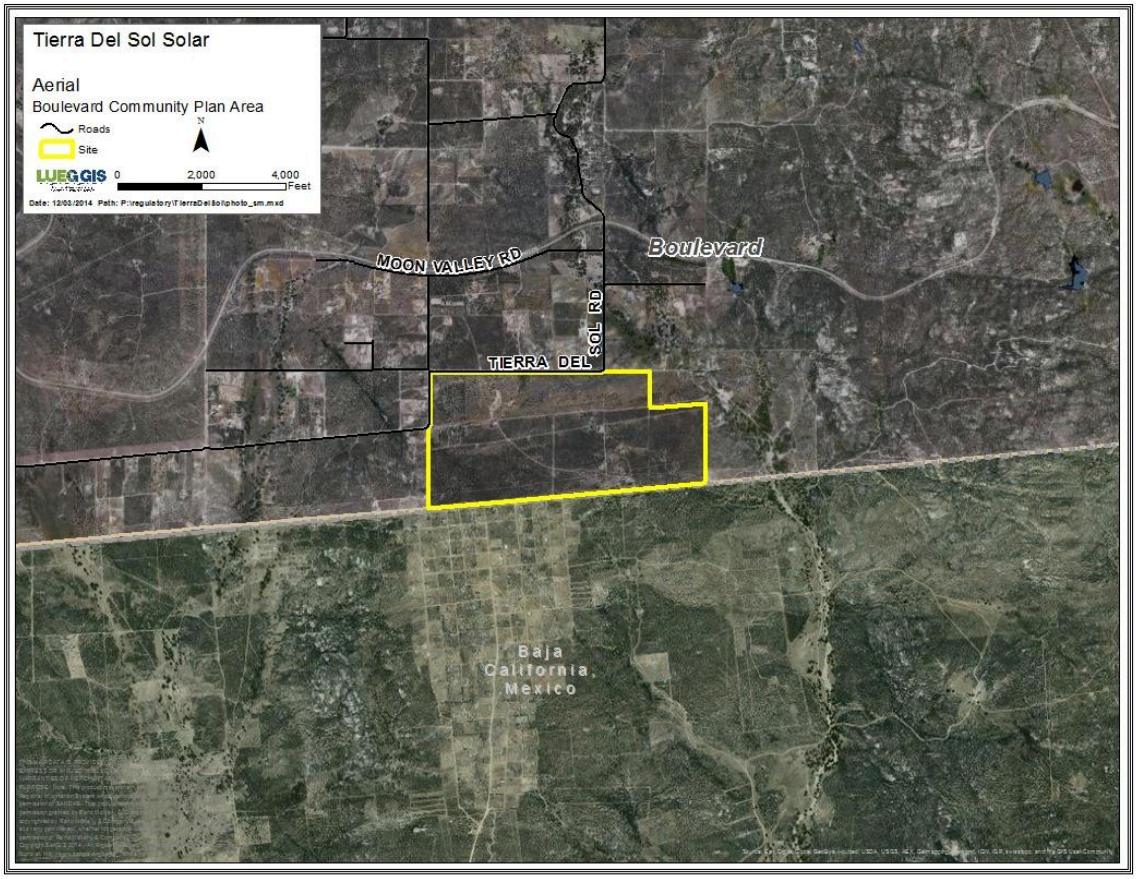

Figure 5: Tierra Del Sol Solar Project Aerial Photo

Table C-2: Tierra Del Sol Solar Project Surrounding Zoning and Land Uses

Location	General Plan	Zoning	Adjacent Streets	Description
North	Rural Lands (RL-80), Rural Lands (RL-20)	General Rural (S92)	Tierra Del Sol Road	Rural Residential
East	Rural Lands (RL-80)	Limited Agricultural (A70)	N/A	Rural Residential
South	N/A	N/A	N/A	Mexico
West	Rural Lands (RL-80)	General Rural (S92)	Tierra Del Sol Road	Rural Residential

b. Project Description

The Tierra Del Sol Solar project would include approximately 2,499 trackers spaced approximately 69 feet apart on center in a north-south direction and approximately 82 feet apart on center in an east-west direction. As a result of the incorporation of changes associated with Alternative 2A, two rows of trackers were removed along the northern

project boundary and three rows or trackers were removed along the western project boundary, as illustrated in teal in Figure 6 below.

Power from the trackers would be delivered through an on-site underground collection system to the inverters which convert DC power to AC power which is compatible with the SDG&E system. In addition to the underground collection system, the project would require two on-site overhead conductor trunk lines which would run adjacent to the south side of the Southwest Powerlink (SWPL) right-of-way which bisects the project site as shown in Figure 5 below. These trunk lines would be approximately 1.2-miles long, would consist of steel poles approximately 50 to 75 feet in height and spaced approximately 300 to 500 feet apart. The underground and overhead collection systems would deliver power to an approximately 7,500 square foot private on-site collector substation.

In addition to the onsite components of the project, power from the on-site substation would be delivered to SDG&E's Rebuilt Boulevard Substation via a new approximately six mile dual circuit 138 kV gen-tie line with sections of the line occurring both overhead and underground (see Figure 1). The gen-tie would occur within a 125-foot private right-of-way when aboveground and a 60-foot easement when underground. The underground alignment of the gen-tie would start at the onsite substation and head northward to Tierra Del Sol Road where it would be on the east side of the road in the County right-of-way for approximately 0.5-mile, then it would turn directly east for approximately 0.3-mile. A transition pole would be constructed at this point, where the gen-tie would transition from an underground line to an overhead line. The overhead alignment would extend approximately 3.5-miles, before returning underground for the final 1.5-miles to the Rebuilt Boulevard Substation. The project applicant will be required to enter into a Franchise Agreement (Attachment J) with the County to use the Tierra Del Sol Road right-of-way for the purposes of constructing, operating, and maintaining a 0.50-mile underground segment of the gen-tie. Should the applicant acquire easement rights through the properties located adjacent to the 0.50-mile underground segment of the gen-tie prior to construction of the Tierra Del Sol Solar project, the gen-tie would occur completely on private property and the Franchise Agreement would no longer be necessary.

An O&M area would be constructed on a four-acre portion of the site adjacent to the on-site substation. The O&M building would be 7,500 square feet and would include administrative and operational offices, warehouse storage area for material and equipment, and lavatory facilities served by a private on-site septic system and groundwater well. The O&M area would be used for storage, employee operations, and maintenance of equipment.

The Tierra Del Sol Solar project does not include a battery storage system as described above for the Rugged Solar project.

The northern portion of the Tierra Del Sol solar site is located within an agricultural preserve and therefore contains an "A" special area designator. The proposed use would not be consistent with the agricultural preserve and therefore the project includes a Rezone to remove the "A" special area designator and an Agricultural Preserve Disestablishment to disestablish the portion of the agricultural preserve on the Tierra Del Sol Solar site. The remainder of the agricultural preserve on the adjoining sites would remain.

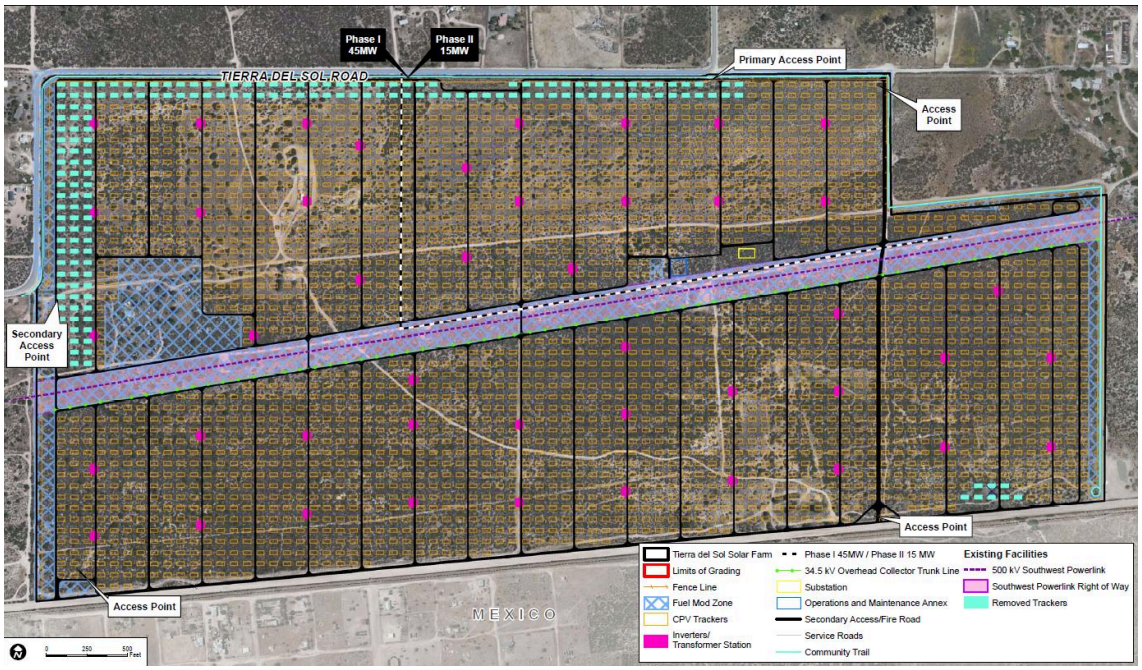

Figure 6: Tierra Del Sol Solar Project Layout- Alternative 2

5. Common Project Components

The Rugged Solar and Tierra Del Sol Solar projects would utilize similar solar generation technologies, include similar common project components, and would have similar construction, operation, and decommissioning activities.

The solar generation technology for these projects includes concentrated photovoltaic (CPV) which utilize a dual-axis tracking system and are also referred to as “trackers” (Figure 7). The entire tracker assembly measures approximately 48 feet across by 25 feet tall and is mounted on a 28 inch diameter steel mast pole. In their most horizontal position, the trackers would have a maximum height of 13 feet, six inches and in their most vertical position, the trackers would not exceed 30 feet in height.

Figure 7: CPV Tracker

Other components of the projects include inverter stations which convert DC power to AC power which is compatible with the SDG&E system and is the type of power that is sold to residential and commercial customers. Power from the trackers would be delivered through a 1,000 volt (V) DC underground collection system to the inverters in the inverter station. In addition to the inverters, each inverter station would be equipped with a step-up transformer to convert the power output from the inverters to 34.5 kV. All invertor pads would accommodate up to three invertors and one transformer. The underground 34.5 kV collection system would run parallel to each row of trackers and each 34.5 kV underground branch circuit would connect to an overhead trunk line for delivery to the on-site substation.

The construction of the solar projects would consist of several phases, including site preparation, development of staging areas and site access roads, solar trackers assembly and installation, and construction of electrical transmission facilities. In order to provide construction materials for the proposed solar facilities, a temporary batch plant and rock crushing facility would be constructed on the Rugged Solar project site. The temporary facility would be used for the construction of the Tierra Del Sol Solar and Rugged Solar projects for preparing and mixing the concrete used for the foundations for the trackers, inverter stations, transformers at the substations, and the O&M buildings. The temporary batch plant would be decommissioned following installation of all project facilities.

Construction staging and material lay-down areas of approximately 1.5-acres each would be distributed within the project sites with one staging and material lay-down area occurring for every approximately 250-acres of a project site. These lay-down areas would be temporary and would allow for onsite tracker assembly. Project construction would then include several phases occurring simultaneously with the construction of: (1) tracker installation, including the

assembly of trackers, the pile-driving of support masts, and the placement of trackers on support masts; (2) trenching and installation of the DC and AC collection system; (3) electrical transmission facilities, including the construction of a substation and a gen-tie; (4) O&M buildings; and (5) the grading of access and service roads.

Following project construction, the O&M buildings would provide suitable facilities for supporting full-time employees that would tend to the projects at various times. The Tierra Del Sol Solar project is anticipated to have approximately seven full-time employees while the Rugged Solar project is anticipated to have approximately 20 full-time employees. Employees would include a facilities manager, engineers, technicians, mechanics, and security staff. The project facilities would be monitored during operating hours, even though the project facilities would be capable of automatic start-up, shutdown, self-diagnosis, and fault detection. Appropriate levels of security lighting would be installed at O&M buildings. The sites would be secured 24 hours per day by on-site private security personnel and/or remote security services with motion-detection cameras. Tracker washing would occur every six to eight weeks during evening or nighttime hours, between sunset and sunrise, when all tracker assemblies are aligned in a vertical overnight storage position.

The solar facilities would operate, at a minimum, for the life of their long-term Power Purchasing Agreements (PPA). The lifespan of the solar facility is estimated to be 30 to 40 years or longer. At the end of the useful life, the solar plants would be decommissioned and dismantled. Dismantling of the facility would include disassembly and removal of all detachable aboveground elements of the installation, removal of tracker masts and reuse of the land consistent with the County Zoning Ordinance, which could include ground surface restoration to surrounding grade and reseeding with appropriate native vegetation. The majority of the components of the solar facilities are made of materials that can be reused or recycled. The Tierra Del Sol Solar and Rugged Solar projects will be conditioned to provide a decommissioning plan and secured agreement to ensure that the site is decommissioned in accordance with County Zoning Ordinance Section 6952.b.3.iv.

6. Assembly Bill 900

The Tierra Del Sol Solar and Rugged Solar projects were certified as a California Environmental Leadership Development Project by Governor Brown and the state legislature, under Assembly Bill 900 (AB 900), the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 on May 31, 2013. Designation as an "environmental leadership" project under AB 900 is limited to a narrow class of projects and these projects are only the third such project statewide to receive this designation. The economic benefits the proposed projects will bring to San Diego County associated with this designation include:

a. A minimum capital investment of $100,000,000 in California upon completion of construction.

b. Creation of high-wage, highly skilled jobs that pay prevailing wages and living wages and provide construction jobs and permanent jobs for Californians.

c. Agreement to comply with the California Rules of Court established for litigation challenging an EIR for an Environmental Leadership Project, including payment of judicial costs for hearing and deciding the case on an expedited basis.

d. Agreement to pay the costs of preparing the administrative record for the project concurrent with review and consideration of the project, in a form and manner specified by the lead agency.

Please refer to Attachment A – Planning Documentation, to view the Major Use Permit Plot Plans and Preliminary Grading Plans for the Rugged Solar and Tierra Del Sol Solar projects.

D. ANALYSIS AND DISCUSSION

The Rugged Solar and Tierra Del Sol Solar projects have been reviewed to ensure they conform to all the relevant ordinances and guidelines, including, but not limited to, the San Diego County General Plan, Mountain Empire Subregional Plan, the Zoning Ordinance, and CEQA Guidelines. A detailed discussion of the projects analysis and consistency with applicable codes, policies, and ordinances is as follows.

1. Rugged Solar Project Issues

During processing of the Rugged Solar project, environmental issues were analyzed in the EIR. Concerns were raised by a number of interested parties regarding a number of environmental issues. A summary of the subject areas analyzed for which concerns were raised are summarized below.

a. Groundwater Resources

The Rugged Solar project is located within a groundwater-dependent portion of the County. Concerns have been raised regarding the use of groundwater as a source of construction water for the proposed project. The Rugged Solar project proposes the use of groundwater from on-site wells, groundwater from the Jacumba Community Services District (JCSD), water from the Pine Valley Mutual Water Company (PVMWC) and recycled water from the Padre Dam Municipal Water District (PDMWD) for construction water demands and water from on-site wells for ongoing water demands.

The total construction water demand for the Rugged Solar project was determined to be 83 acre-feet and the total operational water demand for the Rugged Solar project was determined to be 8.7 acre-feet. A Groundwater Resources Investigation Report was completed for the Rugged Solar project which determined that ~~32.7~~ 54 acre-feet of groundwater could be extracted from the site during the projects construction period and 8.7 acre-feet of groundwater could be extracted from the site for ongoing use in compliance with the County Groundwater Ordinance.

The JCSD has been identified as a source of construction water for the Rugged Solar project. A Groundwater Resources Investigation Report was completed for the JCSD which determined that ~~16~~ 27 acre-feet of water for the Rugged Solar project could be utilized for construction water demands in compliance with the County significance thresholds for groundwater storage and well interference.

The PVMWC has also been identified as a source of construction water for the Rugged Solar project. A Groundwater Resources Investigation Report was completed for the PVMWC which determined that 16 acre-feet of water for the Rugged Solar project could be utilized for construction water demands in compliance with the County significance thresholds for groundwater storage and well interference.

The PDMWD has been identified as a source of recycled water for construction water demands for the Rugged Solar project to supply the balance of water that cannot be provided by identified on-site and off-site sources discussed above.

Groundwater Monitoring and Mitigation Plans (GMMPs) have been prepared for the Rugged Solar project, JCSD and PVMWC which detail establishment of groundwater thresholds for off-site well interference and groundwater dependent habitat. Although groundwater investigations have shown that well interference and groundwater in storage impacts are not expected to be significant, the GMMPs would ensure that any unanticipated impacts ~~to groundwater storage,~~from well interference, and/or groundwater dependent habitat are detected and reversed through curtailment or cessation of pumping.

b. Air Quality

Air quality impacts associated with the Rugged Solar project are related to emissions from short-term construction and long-term operations. Construction may affect air quality as a result of construction equipment emissions, fugitive dust from grading and earthmoving, and emissions from vehicles driven to and from the project site by construction workers and material delivery trucks. Operational emissions would result primarily from vehicle exhaust. Daily construction emissions and daily operational emissions for the Rugged Solar project would not exceed the thresholds for volatile organic compounds (VOCs), oxides of nitrogen (NO_x), carbon monoxide (CO), sulfur oxides (SO_x), particulate matter less than 10 microns (PM_{10}), or particulate matter less than 2.5 microns ($PM_{2.5}$). Concerns have been raised pertaining to air quality impacts, primarily related to impacts resulting from the generation of dust.

Although the short-term construction emissions of the Rugged Solar project would not exceed any thresholds, the project would result in a temporary addition of pollutants to the local airshed caused by soil disturbance, dust emissions, and combustion pollutants from on-site construction equipment and off-site trucks hauling construction materials, including water, to and from the site. The Rugged Solar project would include the following measures to minimize air quality impacts during construction:

i. Application of water as necessary to suppress fugitive dust during grubbing, clearing, grading, trenching, and soil compaction and/or application of a nontoxic soil binding agent to help with soil stabilization during construction.
ii. Sweepers and water trucks will be used to control dust and debris at public street access points, internal construction roadways will be stabilized by paving, chip sealing or nontoxic soil binders after rough grading.
iii. Exposed stockpiles will be covered and/or watered or stabilized with nontoxic soil binders, tarps, fencing or other suppression methods as needed to control emissions.
iv. Traffic speeds on unpaved roads will be limited to 15 miles per hour (mph).
v. All haul and dump trucks entering or leaving the site with soil or fill material will maintain at least two feet of freeboard, or cover loads of all haul and dump trucks securely.
vi. Disturbed areas will be reseeded with either a native plant hydroseed mix as soon as possible after disturbance, or covered with a nontoxic soil binding agent.

Although long-term operational emissions would be below the thresholds, the following dust control measures would be conditions of approval for the Rugged Solar project:

i. Enforcement of a 15-mph speed limit on unpaved surfaces.
ii. Implementation of erosion control measures such as trackout grates or gravel beds at egress points, wheel washing at egress points during muddy conditions or application of a

nontoxic, permeable soil binding agent, a chemical soil stabilizer, geotextiles or mulching annually to minimize transfer of soil or other materials to public roads.

Although the short-term construction and long-term operations of the individual Rugged Solar project would not result in significant air quality impacts, the construction phases of the Rugged Solar and Tierra Del Sol Solar projects will occur concurrently, therefore resulting in the exceedance of maximum daily emissions during construction activities. During the overlapping construction periods of the projects, air quality impacts are expected to remain below the daily significance thresholds for criteria air pollutants for VOC, CO, SO_x and $PM_{2.5}$ and PM_{10}. However, construction-related emissions during the overlapping construction periods of the projects would exceed the thresholds for NO_x for a brief period during the overlap of the Rugged Solar tracker installation phase and the Tierra Del Sol Solar grading phase. As such, construction related impacts resulting in NO_x emissions would be significant and unavoidable.

Although the overlap in project construction periods as described above would result in temporary significant and unavoidable impacts from NO_x emissions, all other construction, operational and decommissioning air quality impacts would be less than significant.

c. *Biological Resources*

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

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

i. Impacts to the following habitats: Big Sagebrush Scrub, Montane Buckwheat Scrub/Red Shank Chaparral, Granitic Chamise Chaparral, Granitic Chamise Chaparral/Montane Buckwheat Scrub, Granitic Northern Mixed Chaparral, Granitic Northern Mixed Chaparral/Montane Buckwheat Scrub, Montane Buckwheat Scrub, Red Shank Chaparral, Scrub Oak Chaparral and Non-native Grassland.
ii. Impacts to the following County List A and B plant species: Tecate tarplant, Desert beauty, Jacumba milk-vetch, Sticky geraea.
iii. Impacts to the following County Group I and II wildlife species: Belding's orange-throated whiptail, Blainville's horned lizard, Northern red-diamond rattlesnake, Bell's sage sparrow, Cooper's hawk, Prairie falcon, Golden eagle, Loggerhead shrike, Turkey vulture, San Diego black-tailed jackrabbit, San Diego desert woodrat, Rosy boa, Coastal western whiptail as well as impacts to suitable habitat for County Group I and II wildlife species.

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

i. Offsite habitat preservation
ii. Biological monitoring
iii. Restrictions on construction vehicle speed limits

iv. Preparation of a biological monitoring report
v. Implementation of a Fugitive Dust Control Plan
vi. Biological review of landscape plans
vii. Restrictions on operation and maintenance personnel activity
viii. Implementation of a Fire Protection Plan
ix. Regulation of herbicide application
x. Preconstruction surveys for nesting birds
xi. Monitoring of excavated areas and soil piles
xii. Minimization of night lighting
xiii. Implementation of recommendations by the Avian Power Line Interaction Committee
xiv. Obtaining necessary federal and state permits
xv. Implementation of a GMMP
xvi. Preparation of a Revegetation Plan

As detailed in the mitigation lands memorandum entitled "Evaluation of Biological Resources for the Soitec Mitigation Site", an approximately 2,600 acre mitigation site has been identified in the vicinity of the Rugged Solar project which contains suitable habitat to preserve and compensate for the loss of habitat as well as special-status plant and wildlife species that will be, or could potentially be impacted by the Rugged Solar project.

Specific concerns were also raised in regards to potential impacts to Golden eagles. The Wildlife Research Institute (WRI) completed a Golden eagle report specific to the projects sites evaluated in the EIR, including the Rugged Solar project site. WRI biologists confirmed recent Golden eagle breeding activity in six golden eagle territories surrounding the project sites. Two active Golden eagle territories were found to overlap with the project sites and one extirpated Golden eagle territory was found to be located within and around the project sites. Results from satellite telemetry research documented six individual Golden eagles flying near the project area with estimated flight paths within 4,000-feet. However, there are no nests (active or otherwise) documented within 4,000-feet of the Rugged Solar project. Additionally, there is no suitable nesting habitat within the Rugged Solar project area due to the lack of forested areas and cliffs. The Rugged Solar project site does contain suitable foraging habitat for golden eagles and, therefore, habitat mitigation would be required as described above.

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

d. Noise

Concerns have been raised that the Rugged Solar project would result in a significant increase in noise. Noise impacts associated with the Rugged Solar project include short-term construction activities and permanent outdoor mechanical equipment noise.

The proposed use of a vibratory pile driver for the Rugged Solar project to install tracker support masts would generate noise levels which would comply with the County's Noise Ordinance. Noise abatement measures pertinent to construction nuisance noise avoidance have been incorporated for general project construction.

The proposed inverters for the Rugged Solar project would have the potential to result in a significant noise impact at the property lines adjacent to the project. The inverter noise would be mitigated by placing all inverters within an enclosure or placing them a minimum distance of 800-feet from the adjacent property lines.

The Rugged Solar project also includes several design features to address noise from panel washing activity, including retrofitting of the proposed IPC Eagle Wash Station to include an acoustic enclosure for the engine, panel washing operations in a north-south direction, and prohibition of the wash station itself within a specified distance from any adjacent north-south oriented property line with occupied residence.

With the incorporation of the mitigation measure and design features discussed above and further detailed in the EIR, the Rugged Solar project would have less than significant noise impacts.

e. Fire

The Rugged Solar site is designated as a Very High Fire Hazard Severity Zone by the California Department of Forestry and Fire Protection (CalFire). Concerns have been raised that the Rugged Solar project will increase the severity of the fire issues in the area.

Fire protection in the area of the Rugged Solar project is shared by several agencies, with the San Diego County Fire Authority (SDCFA) and CalFire providing significant resources. The closest fire station is the Boulevard Volunteer Fire Department which is located approximately 2.2 miles south of the Rugged Solar project site. CalFire has the primary responsibility for wildfire protection within State Responsibility Areas (SRAs).

A Fire Protection Plan (FPP) has been prepared for each the Rugged Solar project which includes fire prevention measures to reduce the risk of structural and human loss due to wildfire. These measures include, but are not limited to:

i. Constructing all onsite facilities of non-combustible or ignition-resistant materials in accordance with County Building Code.
ii. Having multiple water storage tanks with fire department connections available within the site.
iii. Identifying roads and structures to comply with the County Consolidated Fire Code.
iv. Having an illuminated sign at the project entrances that clearly indicates inverter and electrical grid layout, trackers “safe” mode switch location and entire site de-energizing disconnect switch identification and location.
v. Clearing of all existing native vegetation to a height no taller than six inches and removal of all dead, dying, and dried vegetation.
vi. 24-hour surveillance at the facility.
vii. Minimum 50-foot fuel modification areas.

Primary access to the Rugged Solar site would be provided by Rough Acres Ranch Road connecting Ribbonwood Road and McCain Valley Road and the project would include a total of five total vehicular access gates. In addition, a series of 20-foot wide fire access roads, 12-foot wide north-south driveways and service roads would be included within the site and would permit access between rows of CPV trackers. Fire access roads and north-south driveways will be designed to support the imposed loads of fire apparatus.

Clearing and grubbing of the Rugged Solar site would occur prior to construction and 50-foot fuel modification areas have been incorporated into the layout of the proposed project. Ongoing maintenance activities include maintaining vegetation to six inches or less in areas under CPV trackers so as to minimize fire probability and risk. A FPP has been approved for the Rugged Solar project by the County Fire Marshal and the project is also subject to state, county, and federal laws, ordinances, rules, and regulations pertaining to the prevention and suppression of fires and would be required to comply with all applicable regulations.

With the incorporation of the measures outlined above and in the Rugged Solar FPP, the project would not have a significant impact that would expose people or structures to a significant risk of loss, injury or death involving wildland fires. In addition to the measures outlined in the FPP, the applicant will enter into a fire and emergency services agreement (Attachment K) with the SDCFA as a condition of approval of the Rugged Solar Major Use Permit to make a fair share contribution to fund the provision of appropriate fire and emergency medical services.

f. Aesthetics

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

Landscape screens as detailed in the EIR as Mitigation Measure M-AE-PP-1 would be incorporated into the Rugged Solar project. The measure is intended to break up the mass and scale of the CPV trackers and block views of project components from critical viewpoints through installation of landscape screens along the outer edge of the Rugged Solar project fence line east and west of McCain Valley Road. In addition, foreground detail including fields of cobble rock or other non-organic materials such as native soil and/or decomposed granite will be introduced into the landscaped area. However, complete screening of views from public viewpoints to the proposed Rugged Solar project is not achievable due to the height of CPV trackers and due to the plant density limitation required to achieve wildfire protection standards. To further reduce the severity of the anticipated visual contrast, additional mitigation measures such as limiting the height of CPV trackers, triangular spacing of CPV trackers and additional site grading were considered but were ultimately determined to be infeasible or ineffective. Therefore, due to limitations of Mitigation Measures M-AE-PP-1 and the infeasibility or ineffectiveness of additional mitigation measures considered, the resulting impacts to visual resources would be significant and unmitigable.

Additional project design features have been incorporated into the Rugged Solar project to further reduce visual impacts to the extent feasible. These design features include:

i. Pulling back project grading and removing trackers from the natural saddle that occurs on the southern portion of the Rugged Solar site which would likely be visible to westbound Interstate 8 motorists.
ii. The use of temporary screening fencing in the areas of staging material and equipment storage areas, including storage sites for excavated materials, visible from nearby roads, residences, and recreational areas.

iii. Painting or finishing the O&M building with muted-earth toned colors with little or no reflectivity.
iv. Use of non-specular design for new overhead conductors to reduce conductor visibility, glare, and visual contrast.
v. Use of weathered or cor-ten steel shall be used for gen-tie monopoles.
vi. Requiring all outdoor lighting at each project site shall conform to County of San Diego Light Pollution Code Zone A standards for lamp type and shielding requirements.
vii. Painting the energy storage system containers on the Rugged Solar project a color consistent in hue and intensity with CPV tracker.

Following public review of the EIR, changes were made to the Rugged Solar project in an attempt to address concerns of various stakeholders, including concerns over visual impacts. These changes were reflected in the EIR with the addition of Alternative 2A, also known as the "Tailored Proposed Project and No LanEast and LanWest Alternative". As a result of the incorporation of changes associated with Alternative 2A, 177 trackers were removed along the Tule Creek corridor of the Rugged Solar project, as illustrated previously in Figure 6.

Five residences are located within one mile of the Rugged Solar project. During operation of the Rugged Solar project, these five residences could receive glare. The glare would be received during the hour leading up to sunset with duration of daily glare exposure being less than 45 minutes. Two of the five residences would receive glare throughout the year and the remaining three residences would receive glare seasonally.

The intensity of glare produced by the CPV trackers would be less than that of metal, glass, and water and the generated reflection values are not considered hazardous to vision.

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

2. Tierra Del Sol Solar Project Issues

During processing of the Tierra Del Sol Solar project, environmental issues were analyzed in the EIR. Concerns were raised by a number of interested parties regarding a number of environmental issues. A summary of the subject areas analyzed for which concerns were raised are summarized below.

a. Groundwater Resources

The Tierra Del Sol Solar project is located within a groundwater-dependent portion of the County. Concerns have been raised regarding the use of groundwater as a source of construction water for the proposed project. The Tierra Del Sol Solar project proposes the use of groundwater from on-site wells, groundwater from the JCSD and recycled water from the PDMWD for construction water demands and water from on-site wells for ongoing water demands.

The total construction water demand for the Tierra Del Sol Solar project was determined to be 68 acre-feet and the total operational water demand for the Tierra Del Sol Solar project was determined to be seven acre-feet. A Groundwater Resources Investigation Report was completed for the Tierra Del Sol Solar project which determined that 18 acre-feet of groundwater could be extracted from the site during the projects construction period and seven acre-feet of groundwater could be extracted from the site for ongoing use in compliance with the County Groundwater Ordinance.

The JCSD has been identified as a source of construction water for the Tierra Del Sol Solar project. A Groundwater Resources Investigation Report was completed for the JCSD which determined that 21 acre-feet of water for the Tierra Del Sol Solar project could be utilized for construction water demands in compliance with the County significance thresholds for groundwater storage and well interference.

The PDMWD has been identified as a source of recycled water for construction water demands for the Tierra Del Sol Solar project to supply the balance of 29 acre-feet of water that cannot be provided by identified on-site and off-site sources discussed above.

Groundwater Monitoring and Mitigation Plans (GMMP) have been prepared for the Tierra Del Sol Solar project and the JCSD which detail establishment of groundwater thresholds for off-site well interference and groundwater dependent habitat. Although groundwater investigations have shown that well interference and groundwater in storage impacts are not expected to be significant, the GMMPs would ensure that any unanticipated impacts ~~to groundwater storage,~~from well interference, and/or groundwater dependent habitat are detected and reversed through curtailment or cessation of pumping.

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

b. Air Quality

Air quality impacts associated with the Tierra Del Sol Solar project are related to emissions from short-term construction and long-term operations. Construction may affect air quality as a result of construction equipment emissions, fugitive dust from grading and earthmoving, and emissions from vehicles driven to and from the project site by construction workers and material delivery trucks. Operational emissions would result primarily from vehicle exhaust. Daily construction emissions and daily operational emissions for the Tierra Del Sol Solar project would not exceed the thresholds for VOCs, NO_x, CO, SO_x, PM_{10}, or particulate $PM_{2.5}$. Concerns have been raised pertaining to air quality impacts, primarily related to impacts resulting from the generation of dust.

Although the short-term construction emissions of the Tierra Del Sol Solar project would not exceed any thresholds, the project would result in a temporary addition of pollutants to the local airshed caused by soil disturbance, dust emissions, and combustion pollutants from on-site construction equipment and off-site trucks hauling construction materials, including water, to and from the site. The Tierra Del Sol Solar project would include the following measures to minimize air quality impacts during construction:

i. Application of water as necessary to suppress fugitive dust during grubbing, clearing, grading, trenching, and soil compaction and/or application of a nontoxic soil binding agent to help with soil stabilization during construction.
ii. Sweepers and water trucks will be used to control dust and debris at public street access points, internal construction roadways will be stabilized by paving, chip sealing or nontoxic soil binders after rough grading.
iii. Exposed stockpiles will be covered and/or watered or stabilized with nontoxic soil binders, tarps, fencing or other suppression methods as needed to control emissions.

iv. Traffic speeds on unpaved roads will be limited to 15 miles per hour (mph).
v. All haul and dump trucks entering or leaving the site with soil or fill material will maintain at least two feet of freeboard, or cover loads of all haul and dump trucks securely.
vi. Disturbed areas will be reseeded with either a native plant hydroseed mix as soon as possible after disturbance, or covered with a nontoxic soil binding agent.

Although long-term operational emissions would be below the thresholds, the following dust control measures would be conditions of approval for the Tierra Del Sol Solar project:

i. Enforcement of a 15-mph speed limit on unpaved surfaces.
ii. Implementation of erosion control measures such as trackout grates or gravel beds at egress points, wheel washing at egress points during muddy conditions or application of a nontoxic, permeable soil binding agent, a chemical soil stabilizer, geotextiles or mulching annually to minimize transfer of soil or other materials to public roads.

Although the short-term construction and long-term operations of the individual Tierra Del Sol Solar project would not result in significant air quality impacts, the construction phases of the Rugged Solar and Tierra Del Sol Solar projects will occur concurrently, therefore resulting in the exceedance of maximum daily emissions during construction activities. During the overlapping construction periods of the projects, air quality impacts are expected to remain below the daily significance thresholds for criteria air pollutants for VOC, CO, SO_x and $PM_{2.5}$ and PM_{10}. However, construction-related emissions during the overlapping construction periods of the projects would exceed the thresholds for NO_x for a brief period during the overlap of the Rugged Solar tracker installation phase and the Tierra Del Sol Solar grading phase. As such, construction related impacts resulting in NO_x emissions would be significant and unavoidable.

Although the overlap in project construction periods as described above would result in temporary significant and unavoidable impacts from NO_x emissions, all other construction, operational and decommissioning air quality impacts would be less than significant.

c. Biological Resources

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

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

i. Impacts to the following habitats: Big Sagebrush Scrub, Granitic Chamise Chaparral, Granitic Northern Mixed Chaparral, Montane Buckwheat Scrub, Red Shank Chaparral, Scrub Oak Chaparral, Semi-Desert Chaparral, Non-native Grassland, Alkali Meadow, and Tamarisk Scrub.
ii. Impacts to the following County List A and B plant species: Tecate tarplant, Desert beauty, Jacumba milk-vetch, Sticky geraea.
iii. Impacts to the following County Group I and II wildlife species: Belding's orange-throated

whiptail, Blainville's horned lizard, Northern red-diamond rattlesnake, Bell's sage sparrow, Cooper's hawk, Prairie falcon, Golden eagle, Loggerhead shrike, Turkey vulture, San Diego black-tailed jackrabbit, San Diego desert woodrat, Rosy boa, Coastal western whiptail as well as impacts to suitable habitat for County Group I and II wildlife species.

In order to mitigate for impacts of the Tierra Del Sol Solar and Rugged Solar projects on biological resources, the following mitigation measures, as further detailed in the EIR, would become conditions of approval of the Major Use Permits:

i. Offsite habitat preservation
ii. Biological monitoring
iii. Restrictions on construction vehicle speed limits
iv. Preparation of a biological monitoring report
v. Implementation of a Fugitive Dust Control Plan
vi. Biological review of landscape plans
vii. Restrictions on operation and maintenance personnel activity
viii. Implementation of a Fire Protection Plan
ix. Regulation of herbicide application
x. Preconstruction surveys for nesting birds
xi. Monitoring of excavated areas and soil piles
xii. Minimization of night lighting
xiii. Implementation of recommendations by the Avian Power Line Interaction Committee
xiv. Obtaining necessary federal and state permits
xv. Implementation of a GMMP

As detailed in the mitigation lands memorandum entitled "Evaluation of Biological Resources for the Soitec Mitigation Site", an approximately 2,600 acre mitigation site has been identified in the vicinity of the Rugged Solar project which contains suitable habitat to preserve and compensate for the loss of habitat as well as special-status plant and wildlife species that will be, or could potentially be impacted by the Tierra Del Sol Solar project.

Specific concerns were also raised in regards to potential impacts to Golden eagles. The Wildlife Research Institute (WRI) completed a Golden eagle report specific to the projects sites evaluated in the EIR, including the Tierra Del Sol Solar project site. WRI biologists confirmed recent Golden eagle breeding activity in six golden eagle territories surrounding the project sites. Two active Golden eagle territories were found to overlap with the project sites and one extirpated Golden eagle territory was found to be located within and around the project sites. Results from satellite telemetry research documented six individual Golden eagles flying near the project area with estimated flight paths within 4,000-feet. However, there are no nests (active or otherwise) documented within 4,000-feet of the Tierra Del Sol Solar project. Additionally, there is no suitable nesting habitat within the Tierra Del Sol Solar project area due to the lack of forested areas and cliffs. The Tierra Del Sol Solar project site does contain suitable foraging habitat for golden eagles and, therefore, habitat mitigation would be required as described above.

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

d. Noise

Concerns have been raised that the Tierra Del Sol Solar project would result in a significant increase in noise. Noise impacts associated with the Rugged Solar project include short-term construction activities and permanent outdoor mechanical equipment noise.

The proposed use of a vibratory pile driver for the Tierra Del Sol Solar project to install tracker support masts would generate noise levels which would comply with the County's Noise Ordinance. Noise abatement measures pertinent to construction nuisance noise avoidance have been incorporated for general project construction.

In addition, heavy construction equipment used during construction of the Tierra Del Sol Solar gen-tie line has the potential to exceed the County Noise Ordinance, resulting in a potentially significant short-term noise impact. This impact would be mitigated through the completion of a Construction Management Noise Control Plan. Helicopter use during construction of the gen-tie line also has the potential to exceed the County Noise Ordinance but would be mitigated through the completion of a Helicopter Noise Control Plan, which includes schedule restrictions to achieve 8-hour average noise levels in compliance with the County Noise Ordinance. Potential blasting activities for installation of gen-tie poles in areas of encountered bedrock has the potential to exceed the County Noise Ordinance limits for impulsive noise. This impact would be mitigated by prohibiting blasting within 430-feet of the boundary of any occupied parcels zoned for residential or agricultural use, and through the requirement to prepare and adhere to a comprehensive Blasting Plan. Blasting also has the potential to produce significant vibration impacts upon existing structures. This impact would be mitigated by prohibiting blasting within 1,700-feet of any existing structure.

The proposed inverters for the Tierra Del Sol Solar project would have the potential to result in a significant noise impact at the property lines adjacent to the project. The inverter noise would be mitigated by placing all inverters within an enclosure or placing them a minimum distance of 800-feet from the adjacent property lines.

The Tierra Del Sol Solar project also includes several design features to address noise from panel washing activity, including retrofitting of the proposed IPC Eagle Wash Station to include an acoustic enclosure for the engine, panel washing operations in a north-south direction, and prohibition of the wash station itself within a specified distance from any adjacent north-south oriented property line with occupied residence.

With the incorporation of the mitigation measure and design features discussed above and further detailed in the EIR, the Tierra Del Sol Solar project would have less than significant noise impacts.

e. Fire

The Tierra Del Sol Solar site is designated as a Very High Fire Hazard Severity Zone by CalFire. Concerns have been raised that the Tierra Del Sol Solar project will increase the severity of the fire issues in the area.

Fire protection in the area of the Tierra Del Sol Solar project is shared by several agencies, with the SDCFA and CalFire providing significant resources. The closest fire station is the

Boulevard Volunteer Fire Department which is located approximately 5.9 miles north of the Tierra Del Sol Solar project site. CalFire has the primary responsibility for wildfire protection within SRAs.

A FPP has been prepared for each of the Tierra Del Sol Solar project which includes fire prevention measures to reduce the risk of structural and human loss due to wildfire. These measures include, but are not limited to:

i. Constructing all onsite facilities of non-combustible or ignition-resistant materials in accordance with County Building Code.
ii. Having multiple water storage tanks with fire department connections available within the site.
iii. Identifying roads and structures to comply with the County Consolidated Fire Code.
iv. Having an illuminated sign at the project entrances that clearly indicates inverter and electrical grid layout, trackers "safe" mode switch location and entire site de-energizing disconnect switch identification and location.
v. Clearing of all existing native vegetation to a height no taller than six inches and removal of all dead, dying, and dried vegetation.
vi. 24-hour surveillance at the facility.
vii. Minimum 50-foot fuel modification areas.

Primary access to the Tierra Del Sol Solar site would be provided off Tierra del Sol Road and the project would include four total vehicular access gates. In addition, a series of 20-foot wide fire access roads, 12-foot wide north-south driveways and service roads would be included within the site and would permit access between rows of CPV trackers. Fire access roads and north-south driveways will be designed to support the imposed loads of fire apparatus.

Clearing and grubbing of the Tierra Del Sol Solar site would occur prior to construction and 50-foot fuel modification areas have been incorporated into the layout of the proposed project. Ongoing maintenance activities include maintaining vegetation to six inches or less in areas under CPV trackers so as to minimize fire probability and risk. A FPP has been approved for the Tierra Del Sol Solar project by the County Fire Marshal and the project is also subject to state, county, and federal laws, ordinances, rules, and regulations pertaining to the prevention and suppression of fires and would be required to comply with all applicable regulations.

With the incorporation of the measures outlined above and in the Tierra Del Sol Solar FPP, the project would not have a significant impact that would expose people or structures to a significant risk of loss, injury or death involving wildland fires. In addition to the measures outlined in the FPP, the applicant will enter into a fire and emergency services agreement (Attachment L) with the SDCFA as a condition of approval of the Tierra Del Sol Solar Major Use Permit to make a fair share contribution to fund the provision of appropriate fire and emergency medical services.

f. Aesthetics

Due to the anticipated change between existing and proposed visual quality as well as potential impacts including contrast with the existing visual character of the area, the Tierra Del Sol Solar project would result in moderate levels of visual contrast and would result in

potentially significant visual impacts as they relate to the existing visual character and quality of the site and surroundings.

Landscape screens as detailed in the EIR as Mitigation Measure M-AE-PP-1 would be incorporated into the Tierra Del Sol Solar project. The measure is intended to break up the mass and scale of the CPV trackers and block views of project components from critical viewpoints through installation of landscape running the length of Tierra Del Sol Road where the road is adjacent to the project site. In addition, foreground detail including fields of cobble rock or other non-organic materials such as native soil and/or decomposed granite will be introduced into the landscaped area. However, complete screening of views from public viewpoints to the proposed Tierra Del Sol Solar project is not achievable due to the height of CPV trackers and due to the plant density limitation required to achieve wildfire protection standards. To further reduce the severity of the anticipated visual contrast, additional mitigation measures such as limiting the height of CPV trackers, triangular spacing of CPV trackers and additional site grading were considered but were ultimately determined to be infeasible or ineffective. Therefore, due to limitations of Mitigation Measures M-AE-PP-1 and the infeasibility or ineffectiveness of additional mitigation measures considered, the resulting impacts to visual resources would be significant and unmitigable.

Additional project design features have been incorporated into the Tierra Del Sol Solar project to further reduce visual impacts to the extent feasible. These design features include:

i. The use of temporary screening fencing in the areas of staging material and equipment storage areas, including storage sites for excavated materials, visible from nearby roads, residences, and recreational areas.
ii. Painting or finishing the O&M building with muted-earth toned colors with little or no reflectivity.
iii. Use of non-specular design for new overhead conductors to reduce conductor visibility, glare, and visual contrast.
iv. Use of weathered or cor-ten steel shall be used for gen-tie monopoles.
v. Requiring all outdoor lighting at each project site shall conform to County of San Diego Light Pollution Code Zone A standards for lamp type and shielding requirements.

Following public review of the EIR, changes were made to the Tierra Del Sol Solar project in an attempt to address concerns of various stakeholders, including concerns over visual impacts. These changes were reflected in the EIR with the addition of Alternative 2A, also known as the “Tailored Proposed Project and No LanEast and LanWest Alternative”. As a result of the incorporation of changes associated with Alternative 2A, two rows of trackers were removed along the northern project boundary and three rows or trackers were removed along the western project boundary of the Tierra Del Sol Solar project, as illustrated previously in Figure 5.

During operation of the Tierra Del Sol Solar project, glare could be received by five residences to the north (during summer months), two residences to the west, and by motorists along an approximate one-mile segment of Tierra del Sol Road located adjacent to the northern and western project boundary. The daily duration of glare exposure throughout the year would be one hour or less at the two residences located to the west, and during summer months, the daily duration of glare exposure at the five residences to the north would be less than 35 minutes. The

glare was along the approximate one-mile segment of Tierra Del Sol Road would have a daily duration not exceeding two hours.

The intensity of glare produced by the CPV trackers would be less than that of metal, glass, and water and the generated reflection values are not considered hazardous to vision.

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

3. General Plan Consistency

The Rugged Solar and Tierra Del Sol Solar sites are subject to the General Plan Rural Regional Category and Rural Lands 80 (RL-80) Land Use Designation. The Rugged Solar and Tierra Del Sol Solar projects are consistent with the following relevant General Plan goals, policies, and actions as described in Table D-1.

Table D-1: General Plan Conformance

General Plan Policy	Explanation of Project Conformance
Policy LU-2.8: Mitigation of Development Impacts. Require measures that minimize significant impacts to surrounding areas from uses or operations that cause excessive noise, vibrations, dust, odor, aesthetic impairment, and/or are detrimental to human health and safety.	Implementation of mitigation measures discussed throughout EIR would reduce project-generated impacts to the extent feasible. Generally, wherever a potentially significant impact has been identified for the project, the EIR discusses and requires implementation of relevant and appropriate mitigation by the projects to minimize the identified impact to the extent feasible. As detailed in sections D.1.d. and D.2.d. of this report, mitigation would be provided to ensure that noise and vibratory impacts would not be significant. As detailed in sections D.1.b. and D.2.b. of this report, mitigation would be provided to ensure air quality impacts, including dust, have been reduced to the extent feasible. The projects have not been found to result in impacts resulting from odors and, therefore, no mitigation has been provided. While the projects will result in significant and unmitigated impacts to aesthetics, mitigation measures have been applied to the projects, as detailed in sections D.1.f and D.2.f. of this report.

General Plan Policy	Explanation of Project Conformance
Policy LU-6.9: Development Conformance with Topography. Require development to conform to the natural topography to limit grading; incorporate and not significantly alter the dominant physical characteristics of a site; and to utilize natural drainage and topography in conveying stormwater to the maximum extent practicable.	Grading required for the projects would be consistent with the requirements of the County of San Diego Grading Ordinance. While the Tierra Del Sol Solar and Rugged Solar project sites are gently to moderately sloping, the projects do not propose major grading that would create major landform modifications. Based on the Preliminary Grading Plans prepared for the projects, the Tierra Del Sol Solar project will require approximately 9,500 cubic yards of earthwork while the Rugged Solar project would require approximately 28,500 cubic yards of earthwork. During construction, the implementation of required erosion control plans, stormwater management plans, and best management practices (BMPs) would minimize potential erosion and sedimentation impacts.
Policy LU-8.2: Groundwater Resources. Require development to identify adequate groundwater resources in groundwater-dependent areas, as follows: • In areas dependent on currently identified groundwater overdrafted basins, prohibit new development from exacerbating overdraft conditions. • Encourage programs to alleviate overdraft conditions in Boulevard. • In areas without current overdraft groundwater conditions, prohibit new groundwater-dependent development where overdraft conditions are foreseeable.	The Tierra Del Sol Solar and Rugged Solar projects are not located in currently identified overdrafted basins. The projects would use groundwater from on-site wells as well as offsite sources such as water serving districts. Ongoing water use would utilize on-site wells. Groundwater Investigations were prepared for each of the water sources identified for use by the proposed project. The EIR discusses potential impacts to groundwater resources in the project area as well as off-site sources and concludes that impacts would be less than significant. To ensure that County significance thresholds related to groundwater-dependent habitat are not exceeded, the applicant will implement a GMMP. With the use of groundwater in the specified and conditioned quantities, overdraft conditions are foreseeable.

General Plan Policy	Explanation of Project Conformance
Policy M-4.4: Accommodate Emergency Vehicles. Design and construct public and private roads to allow for necessary access for appropriately sized fire apparatus and emergency vehicles while accommodating outgoing vehicles from evacuating residents.	Primary access to the Tierra Del Sol Solar site would be provided off Tierra del Sol Road and the project would include four total vehicular access gates. Primary access to the Rugged Solar site would be provided by Rough Acres Ranch Road connecting Ribbonwood Road and McCain Valley Road and the project would include a total of five total vehicular access gates. In addition, a series of 20-foot wide fire access roads, 12-foot wide north-south driveways and service roads would be included within the sites and would permit access between rows of CPV trackers. Fire access roads and north-south driveways will be designed to support the imposed loads of fire apparatus.
Policy COS-2.2: Habitat Protection through Site Design. Require development to be sited in the least biologically sensitive areas and minimize the loss of natural habitat through site design.	Historical grazing activities and disturbances associated with existing energy infrastructure have previously occurred on the Tierra Del Sol Solar site and a portion of the Rugged Solar site was previously used as a staging area by SDG&E. While both the Tierra Del Sol Solar and Rugged Solar project sites contain native habitat, no endangered species were identified on either of the sites and no sensitive habitat lands as identified by the Resource Protection Ordinance were identified onsite which warrant avoidance measures. The Rugged Solar project was designed to avoid the most biologically sensitive habitats onsite including wetlands associated with Tule Creek. The project includes a large offsite mitigation location which will mitigate all impacts to natural habitat to a less than significant level.
Policy COS-5.2: Impervious Surfaces. Require development to minimize the use of directly connected impervious surfaces and to retain stormwater run-off caused from the development footprint at or near the site of generation.	The only impervious surfaces on the project sites include concrete pads for substation equipment and the O&M facility; however the majority of the project site would remain permeable as under the existing site conditions. Preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) would require the projects to incorporate low-impact development features into the project design to ensure that existing drainage patterns are not significantly altered.

General Plan Policy	Explanation of Project Conformance
Policy COS-5.5: Impacts of Development to Water Quality. Require development projects to avoid impacts to the water quality in local reservoirs, groundwater resources, and recharge areas, watersheds, and other local water sources.	Installation of the solar trackers and associated facilities would cause a minimal increase in the amount of impervious surface area on the project sites. As such the projects are not anticipated to result in an increase in the rate or amount of surface water runoff rate or cause flooding in on-site or off-site areas. In addition, site drainage will be designed in accordance with County of San Diego standards to ensure that a substantial alteration of existing drainage patterns does not occur, and that the rate and/or runoff will be consistent with existing conditions. Also, prior to construction, the projects would be required to implement SWPPP that will include BMPs to minimize potential impacts regarding stormwater runoff.
Policy COS-7.1: Archaeological Protection. Preserve important archaeological resources from loss or destruction and require development to include appropriate mitigation to protect the quality and integrity of these resources.	While the archaeological evaluation of the project sites has identified the presence of archeological resources, no sites were determined to be potentially eligible for listing on the California Register of Historical Resources nor considered significant cultural resources under the standards of the County's Resource Protection Ordinance. In order to mitigate for potential impacts to undiscovered buried archaeological resources on the project sites, a grading monitoring program and potential data recovery program will be implemented as a condition of approval of the projects.

General Plan Policy	Explanation of Project Conformance
Policy COS-11.1: Protection of Scenic Resources. Require the protection of scenic highways, corridors, regionally significant scenic vistas, and natural features, including prominent ridgelines, dominant landforms, reservoirs, and scenic landscapes.	The Tierra Del Sol Solar site is located approximately five miles south of Interstate 8 (a County designated scenic highway) and due to topography and intervening landforms, the project would not be visible from the interstate. The project site does not contain regionally significant scenic vistas and is not visible from scenic highways or corridors. The Rugged Solar site is located approximately two miles north of Interstate 8 (a County designated scenic highway) and due to topography and intervening landforms, the project would be visible from the Interstate by passing motorists for only short intervals of time. The layout of the project was modified to remove trackers from a natural saddle which would be visible from Interstate 8. The project site does not contain regionally significant scenic vistas and would not result in significant impacts on scenic highways or corridors.
COS-13.1: Restrict Light and Glare. Restrict outdoor light and glare from development projects in Semi-Rural and Rural Lands and designated rural communities to retain the quality of night skies by minimizing light pollution.	Nighttime lighting during operations would be restricted to minimal maintenance and security lighting and all project lighting would be directed downward, shielded and would comply with the County of San Diego Light Pollution Code. During operation of the Rugged Solar and Tierra del Sol Solar projects, glare could be received by a total of 12 residences as further described in sections D.1.f. and D.2.f. of this report. The intensity of glare produced by the CPV trackers would be less than that of metal, glass, and water and the generated reflection values are not considered hazardous to vision.
Policy COS-15.6: Design and Construction Methods. Require development design and construction methods to minimize impacts to air quality.	Construction of the proposed project would result in a temporary addition of pollutants to the local airshed caused by soil disturbance, dust emissions, and combustion pollutants from on-site construction equipment and off-site trucks hauling construction materials including water to the site. The projects will include several measures to minimize air quality impacts during construction which are further detailed in sections D.1.b and D.2.b of this report.

General Plan Policy	Explanation of Project Conformance
Policy S-3.3: Minimize Flammable Vegetation. Site and design development to minimize the likelihood of a wildfire spreading to structures by minimizing pockets or peninsulas, or islands of flammable vegetation within a development.	Clearing and grubbing of the site would occur prior to construction and 50-foot fuel modification areas have been incorporated into the layout of the proposed projects. Ongoing maintenance activities include maintaining vegetation to six inches or less in areas under CPV trackers so as to minimize fire probability and risk. A FPP has been approved for each project by the County Fire Marshal and the project is also subject to state, county, and federal laws, ordinances, rules, and regulations pertaining to the prevention and suppression of fires and would be required to comply with all applicable regulations.
Policy S-3.6: Fire Protection Measures. Ensure that development located within fire threat areas implement measures that reduce the risk of structural and human loss due to wildfire.	A FPP has been prepared for each of the proposed projects which include fire prevention measures to reduce the risk of structural and human loss due to wildfire. These measures are further described in sections D.1.e and D.2.e of this report.
Policy N-1.2: Noise Management Strategies. Require the following strategies as higher priorities than construction of conventional noise barriers where noise abatement is necessary: • Avoid placement of noise sensitive uses within noisy areas • Increase setbacks between noise generators and noise sensitive uses • Orient buildings such that the noise sensitive portions of a project are shielded from noise sources • Use sound-attenuating architectural design and building features • Employ technologies when appropriate that reduce noise generation (i.e. alternative pavement materials on roadways)	Noise generating equipment on the project sites has been located and buffered so as to not result in significant noise impacts. To ensure noise from inverters would comply with the County Noise Ordinance, the following would be implemented: non-enclosed inverters must be located no closer than 800 feet from the nearest property line; inverters within 800 feet require and enclosure capable of achieving a minimum 10 decibel (dB) attenuation; invertors located within 130-feet of a residential property line require an enclosure capable of achieving a minimum of 15dB attenuation; all switch station doorways and exterior ventilation ducts must be directed away from adjacent property lines; prior to the approval of building plans, a noise analysis must be prepared that demonstrates that the inverters comply with the County Noise Ordinance. In addition, the O&M building at the Rugged Solar site shall be located no closer than 1,250-feet from the property line and the Tierra Del Sol Solar project must implement a Construction Management Plan, Blasting Plan and Construction Helicopter Noise Control Plan to ensure that noise levels do not exceed established standards during project construction.

4. Subregional Plan Consistency

The Rugged Solar and Tierra Del Sol Solar projects are located in the Boulevard Subregional Planning area which is within the Mountain Empire Subregional Planning area. The proposed projects are consistent with the following relevant Mountain Empire Subregional Plan and Boulevard Subregional Plan goals, policies, and actions as described in Tables D-2 and D-3.

Table D-2: Mountain Empire Subregional Plan Conformance

Subregional Plan Policy	Explanation of Project Conformance
Land Use (Policy and Recommendation 1). The landforms of the Subregion are an important environmental resource that should be respected in new development. Hillside grading shall be minimized and designed to blend in with the existing natural contours.	Grading required for the projects would be consistent with the requirements of the County of San Diego Grading Ordinance. While the Tierra Del Sol Solar and Rugged Solar project sites are gently to moderately sloping, the projects do not propose major grading that would create major landform modifications or hillside grading. Based on the Preliminary Grading Plans prepared for the projects, the Tierra Del Sol Solar project will require approximately 9,500 cubic yards of earthwork while the Rugged Solar project would require approximately 28,500 cubic yards of earthwork.
Land Use (Policy and Recommendation 4). Ensure that all development be planned in a manner that provides adequate public facilities prior to or concurrent with need.	There are several fire stations that are owned and staffed by SDCFA, CalFire and the San Diego Rural Fire Protection District within the project area. Law enforcement in the project area is served by the San Diego County Sheriff's Department, California Highway Patrol, and U.S. Customs and Border Protection. The Mountain Empire Unified School District serves the project area, and includes six elementary schools, one senior high school, and three alternative education schools. Based on the existing services as well as the contribution of funding toward appropriate fire and emergency protection services, the project would not result in the need for additional fire or emergency protection facilities or services nor would it cause the need for expanded facilities.
Energy Conservation (Policy and Recommendation 8.1). New development should utilize alternative energy technologies, especially active and passive solar energy systems.	The proposed projects are solar facilities and therefore, by their use comply with this policy.

Subregional Plan Policy	Explanation of Project Conformance
Environmental Resources (Policy and Recommendation 1). All development shall demonstrate a diligent effort to retain as many native oak trees as possible.	The Tierra Del Sol Solar project site does not contain any oak woodlands or native oak trees and the Rugged Solar project has been designed to retain all oak woodland habitat onsite.
Environmental Resources (Policy and Recommendation 4). The dark night sky is a significant resource for the Subregion and appropriate steps shall be taken to preserve it.	Nighttime lighting during operations would be restricted to ongoing maintenance and security lighting and all project lighting would comply with the County Lighting Ordinance. In addition, proposed security lighting at the solar facilities would be directed downward and shielded to minimize light spillover and potential lighting impacts to adjacent properties and/or the night sky.
Environmental Resources (Policy and Recommendation 5). Development shall not adversely affect the habitat of sensitive plant and wildlife species or those areas of significant scenic value.	The Tierra Del Solar site is located approximately five miles south of Interstate 8 (a County designated scenic highway) and due to topography and intervening landforms, the project would not be visible from the interstate. The project site does not contain regionally significant scenic vistas and is not visible from scenic highways or corridors. The Rugged Solar site is located approximately two miles north of Interstate 8 (a County designated scenic highway) and due to topography and intervening landforms, the project would be visible from the interstate by passing motorists for only short intervals of time. Although views from Interstate 8 will not be eliminated entirely, the layout of the project was modified to remove trackers from a natural saddle which would be visible from Interstate 8 to reduce the overall visibility from Interstate 8. The project site does not contain regionally significant scenic vistas and therefore would not result in adverse habitat impacts in areas of significant scenic value.

Table D-3: Boulevard Subregional Plan Conformance

Subregional Plan Policy	Explanation of Project Conformance
Policy LU-1.1.1.: Prohibit higher density, clustered subdivisions, or industrial-scale projects or facilities that induce growth and detract from or degrade the limited groundwater resources, water and air water quality, visual and natural resources, abundant wildlife, and historic rural character of the Boulevard area. Renewable energy projects, such as solar and wind projects, are not "industrial-scale projects or facilities" for purposes of this Community Plan.	The proposed projects are solar projects and therefore are not considered an "industrial-scale projects or facilities" as defined by the Boulevard Community Plan.
Policy LU-1.1.2: Encourage development to protect the quality and quantity of ground and surface water resources, air quality, dark skies, visual resources, and low ambient noise levels, as well as retain and protect the existing natural and historic features characteristic of the community's landscape and natural environment.	Groundwater Resources Investigation Reports, Air Quality Technical Reports, Visual Resources Reports and Acoustical Assessment Reports were completed for the Tierra Del Sol Solar and Rugged Solar projects. These studies analyzed the projects for compliance with all applicable federal, state and local regulations and ordinances. The projects have been designed to protect the quality and quantity of ground and surface water resources, air quality, dark skies, visual resources, and low ambient noise levels, as well as retain and protect the existing natural and historic features characteristic of the community's landscape and natural environment to the maximum extent possible.
Policy LU-1.1.3.: Encourage development to respectfully incorporate existing topography and landforms, watersheds, riparian areas, oaks, and other native vegetation and wildlife, ridgelines, historic and cultural resources, views, and sustainability design factors.	The Tierra Del Sol Solar site slopes gently from a central north-south ridgeline, limited grading for the panel foundations and access roads is anticipated. The existing topography and landforms of the site would not be substantially manipulated and the project site does not contain any riparian areas, oaks, ridgelines or historic and cultural resources. The Rugged Solar site contains an existing north-south ridgeline located in the western extent of the project site, limited grading for the panel foundations and access roads is anticipated. The existing topography and landforms of the site would not be substantially manipulated and the project site does not contain any ridgelines or historic and cultural resources. The project has been designed to avoid on-site riparian areas and oak woodlands.

Subregional Plan Policy	Explanation of Project Conformance
Policy LU-1.1.6: Require landscaping in new development to emphasize the use of xeriscape design with native, drought-tolerant, and fire-resistant plants to conserve water resources and help prevent the spread of fire.	The projects will include a landscape screening buffer along visually prominent areas of the project sites as further described in sections D.1.f. and D.2.f. of this report. The landscaping buffer includes plants which are on the County of San Diego (2004) "Suggested Plant List for a Defensible Space". To the extent possible, non-invasive, drought tolerant plants will be utilized which will thrive in the climate zone of the Boulevard area. The landscaping irrigation will consist of water-efficient drip irrigation and a solar irrigation clock to minimize water use for the proposed landscaping.
Policy LU-1.2.2: Require development, including regional infrastructure and public facilities, to comply and maintain a rural bulk and scale in accordance with Boulevard's community character. Renewable energy projects, such as wind and solar projects, are not "regional infrastructure or public facilities" for purposes of this policy.	The proposed projects are solar projects and therefore are not considered "industrial-scale projects or facilities" as defined by the Boulevard Community Plan.
Policy LU-3.1.1.: Encourage development to preserve dark skies with reduced lighting and increased shielding requirements.	Nighttime lighting during operations would be restricted to minimal maintenance and security lighting and all project lighting would be directed downward, shielded and would comply with the County of San Diego Light Pollution Code.
Policy LU-3.3.1.: Encourage the designation, protection, and long-term management of historic sites in the Boulevard area.	Archaeological evaluations were completed for the Tierra Del Sol Solar and Rugged Solar projects. While archeological resources were identified on the project sites, no resources were determined to be potentially eligible for listing on the California Register of Historical Resources nor considered significant cultural resources under the standards of the County's Resource Protection Ordinance.

Subregional Plan Policy	Explanation of Project Conformance
Policy LU-6.1.1.: Require commercial, industrial development and large scale energy generation projects to mitigate adverse impacts to the rural community character, charm, quiet ambiance and life-style, or the natural resources, wildlife, and dark skies of Boulevard, if feasible, in accordance with the California Environmental Quality Act.	As presented in the EIR, project impacts, where feasible, have been mitigated to a less than significant level. Where impacts cannot be reduced to a less than significant level, measures have been incorporated to lessen the impacts to the extent feasible. Adverse impacts to the rural community character, specifically in relation to aesthetic resources, although not mitigated to less than significant have been mitigated to the extent feasible as described in sections D.1.f. and D.2.f. of this report. Impacts to natural resources, including biological and cultural resources have been mitigated to less than significant through avoidance and compensatory mitigation measures. Impacts to dark skies would be avoided by the project's conformance with the County Lighting Ordinance.
Policy LU-6.1.3.: Encourage commercial, industrial development and large scale energy generation projects to provide buffers from public roads, adjacent and surrounding properties and residences, recreational areas, and trails.	Residential uses exist along the northern and western project boundaries of the Tierra Del Sol Solar site and a limited number of residential uses are scattered in the vicinity of the Rugged Solar site. The projects have been designed to incorporate landscape buffers, trail easements, fire clearing requirements and perimeter access roads along the project boundaries in order to provide a buffer between the trackers and the nearby residential uses. In addition, trackers have been removed in visually prominent portions of the sites which would provide additional buffers from residential uses. Measures have been incorporated into the project as demonstrated in the EIR and project technical studies to reduce potential impacts from noise, infrasonic vibrations, lighting dust and unsightly views and impacts to groundwater quality and quantity.

Subregional Plan Policy	Explanation of Project Conformance
Policy CM-8.1.1.: Prohibit development and the exportation or sale of groundwater that would adversely impact the ground and surface water resources.	Groundwater Resources Investigation Reports were prepared for each of the proposed water sources, including the Tierra Del Sol Solar project site, the Rugged Solar project site, the PVMWC and the JCSD. These investigations demonstrate that the County significance thresholds for groundwater storage and well interference would not be met or exceeded, either during construction or during operation and maintenance. The project does not propose the exportation or sale of groundwater from the project sites. With the implementation of required BMPs, the projects would not have an adverse impact on surface waters.
Policy CM-8.5.1.: Prohibit development from altering natural drainage patterns.	Preliminary Hydrology and Drainage Studies were prepared for the Tierra Del Sol Solar and Rugged Solar projects. The studies confirm that existing drainage patterns and peak flow rates would generally be maintained. The project would not substantially affect hydrology and drainage patterns due to the limited alteration of topography and small amount of new impervious surface. According to the preliminary drainage design, the additional detained within infiltration trenches and allowed to infiltrate into the soil.

5. Zoning Ordinance Consistency

The proposed projects comply with all applicable zoning requirements of the General Rural (S92), A72 (General Agricultural) and A70 (Limited Agricultural) zones with the incorporation of conditions of approval. The Planning Commission should consider whether the included conditions of approval ensure compatibility of the proposed project with the surrounding properties and overall community character.

Table D-4: Rugged Solar Zoning Ordinance Development Regulations

CURRENT ZONING REGULATIONS			CONSISTENT?
Use Regulation:	A72	S92	Yes, upon approval of a Major Use Permit.
Animal Regulation:	O	W	N/A
Density:	--	--	N/A
Lot Size:	40AC	8AC	N/A
Building Type:	C	C	Yes
Height:	G	G	Yes, upon approval of a Major Use Permit.
Lot Coverage:	--	--	N/A
Setback:	C	D	Yes, upon approval of a Major Use Permit.
Open Space:	--	--	N/A
Special Area Regulations:	--	--	N/A

Development Standard	Proposed/Provided	Complies?
Sections 2725b. and 2926b. of the Zoning Ordinance allow for Major Impact Services and Utilities upon issuance of a Major Use Permit.	The Rugged Solar project is a solar facility which is classified in the Zoning Ordinance as a Major Impact Service and Utility.	Yes ☒ No ☐ Upon approval of a Major Use Permit.
Section 4600 of the Zoning Ordinance sets the maximum height requirements. This parcel has a designated height of "G" which requires structures to be no more than 35 feet in height.	The Rugged Solar project includes up to 75-foot tall overhead trunk lines. The temporary batch plant would include structures up to 40-feet in height. All other structures would not exceed 35-feet in height.	Yes ☒ No ☐ Upon granting of an exception pursuant to Section 4620g. of the Zoning Ordinance.
Section 4800 of the Zoning Ordinance sets minimum setback requirements. The project site has a "C" and "D" setback designators that require proposed structures to be setback at a minimum of 60-feet from centerline of the frontage roadway, 15-feet from interior side lot lines, 35-feet from centerline of an exterior side roadway and 25-feet from the rear lot line.	The Rugged Solar project includes perimeter fencing within portions of the interior side yard and rear yard setbacks. All other structures would meet all setback requirements.	Yes ☒ No ☐ Upon granting of an exception pursuant to Section 4813 of the Zoning Ordinance.

Table D-5: Tierra Del Sol Solar Zoning Ordinance Development Regulations

CURRENT ZONING REGULATIONS			CONSISTENT?
Use Regulation:	A70	S92	Yes, upon approval of a Major Use Permit.
Animal Regulation:	L	W	N/A
Density:	--	--	N/A
Lot Size:	8AC	8AC	N/A
Building Type:	C	C	Yes
Height:	G	G	Yes, upon approval of a Major Use Permit.
Lot Coverage:	--	--	N/A
Setback:	D	D	Yes, upon approval of a Major Use Permit.
Open Space:	--	--	N/A
Special Area Regulations:	A	--	Yes, upon approval of a Rezone and Agricultural Preserve Disestablishment.

Development Standard	Proposed/Provided	Complies?
Sections 2705b. and 2926b. of the Zoning Ordinance allow for Major Impact Services and Utilities upon issuance of a Major Use Permit.	The Tierra Del Sol Solar project is a solar facility which is classified in the Zoning Ordinance as a Major Impact Service and Utility.	Yes ☒ No ☐ Upon approval of a Major Use Permit.
Section 4600 of the Zoning Ordinance sets the maximum height requirements. This parcel has a designated height of "G" which requires structures to be no more than 35 feet in height.	The Tierra Del Sol Solar project includes up to 75-foot tall overhead trunk lines and the overhead portion of the Tierra Del Sol Solar gen-tie includes up to 150-feet tall poles. All other structures would not exceed 35-feet in height.	Yes ☒ No ☐ Upon granting of an exception pursuant to Section 4620g. of the Zoning Ordinance.

Development Standard	Proposed/Provided	Complies?
Section 4800 of the Zoning Ordinance sets minimum setback requirements. The project site has a "D" setback designators that requires proposed structures to be setback at a minimum of 60 feet from centerline of the frontage roadway, 15 feet from interior side lot lines, 35 feet from centerline of an exterior side roadway and 25 feet from the rear lot line.	The Tierra Del Sol Solar project includes perimeter fencing within portions of the interior side yard and rear yard setbacks. All other structures would meet all setback requirements.	Yes ☒ No ☐ Upon granting of an exception pursuant to Section 4813 of the Zoning Ordinance.
Section 4830 requires a 90 foot open space corridor for any parcels within the Mountain Empire Subregional Plan Area in the vicinity of the International Border (in addition to the 60' Public Reserve Area immediately proximate to the Border).	The Tierra Del Sol Solar requires a waiver of the 90 foot Border setback. The Department of Homeland Security was notified of this waiver request in October of 2012.	Yes ☒ No ☐ Upon granting of an exception pursuant to Section 4813 of the Zoning Ordinance and the granting of a Major Use Permit in lieu of an Administrative Permit.
Section 5100 of the Zoning Ordinance requires that the Agricultural Preserve Regulations be applied to areas that contain an "A" Special Area Designator.	A portion of the Tierra Del Sol Solar project site is within County Agricultural Preserve 77-46.	Yes ☒ No ☐ Upon approval of a Rezone and Agricultural Preserve Disestablishment

In accordance with Section 7358 of the Zoning Ordinance, the following findings must be made for the Rugged Solar and Tierra Del Sol Solar Major Use Permits:

(a) That 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;
   2. The availability of public facilities, services and utilities;
   3. The harmful effect, if any, upon desirable neighborhood character;
   4. The generation of traffic and the capacity and physical character of surrounding streets;
   5. The suitability of the site for the type and intensity of use or development, which is proposed;
   6. Any other relevant impact of the proposed use; and

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

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

In accordance with finding (a) above, the Tierra Del Sol and Rugged Solar projects have been found to be compatible with the harmony of surrounding uses, residents, buildings, or structures in scale, bulk, coverage and density due to their similarity with other large-scale facilities and uses in the project areas including the 500 kV Southwest Powerlink which runs through the Tierra Del Sol Solar site, the 500 kV Sunrise Powerlink which runs adjacent to the Rugged Solar site, the White Star Fire Station and White Star Communication Towers, the SDG&E Rebuilt Boulevard Substation, the Border Patrol Station, the Kumeyaay Wind Turbines, the McCain Valley Conservation Camp, Rough Acres Ranch. Measures have been taken to minimize impacts such as lighting, noise and visual impacts to reduce potential harmful effects upon desirable neighborhood character. All public facilities, services and utilities have been found to be available and the generation of traffic and the capacity and physical character of surrounding streets has been found to be acceptable due to the projects low intensity ongoing use.

As previously demonstrated in Tables D-1, D-2, and D-3 of this report, the Rugged Solar and Tierra Del Sol Solar projects have been found to be consistent with the San Diego County General Plan as required by finding (b) above.

As previously demonstrated in sections D.1. and D.2. of this report above and section D.7. of this report below, the project has been found to comply with the requirements of CEQA as demonstrated through the completion of an EIR on file with Planning & Development Services under PDS2012-3910-120005.

The Major Use Permit decisions for the Rugged Solar and Tierra Del Sol Solar projects (Attachments D and E), include detailed discussions for each finding in accordance with Section 7358 of the Zoning Ordinance.

6. Applicable County Regulations

Table D-6: Applicable Regulations

County Regulation Policy		Explanation of Project Conformance
1.	Resource Protection Ordinance (RPO)	The projects have been found to be consistent with the RPO because the projects would not impact any wetlands, floodways/floodplains, steep slopes, or sensitive habitat lands. The properties have been surveyed, and it has been determined that the project sites contain archaeological sites. Testing and other investigation determined the archaeological sites do not meet the definition of a significant site and therefore do not need to be preserved under the RPO. Therefore, it has been found that the proposed project complies with the ordinance requirements.

County Regulation Policy	Explanation of Project Conformance
2. San Diego County Consolidated Fire Code	FPPs have been prepared for the Tierra Del Sol Solar and Rugged Solar projects. The FPPs would ensure that the projects would implement particular design measures to ensure compliance with the San Diego County Consolidated Fire Code.
3. Watershed Protection Ordinance (WPO)	Stormwater Management Plans have been prepared for the Tierra Del Sol Solar and Rugged Solar projects and have been found to be in compliance with the WPO.
4. Light Pollution Code	Nighttime lighting during operations would be restricted to minimal maintenance and security lighting. All project lighting would be directed downward, would be shielded and would comply with the County of San Diego Light Pollution Code.
5. Noise Ordinance	Acoustical Assessment Reports have been prepared for the Tierra Del Sol Solar and Rugged Solar projects. With the incorporation of mitigation including the use of noise attenuating structures, a maintenance protocol for gen-tie maintenance and the completion of a Construction Management Plan, a Blasting Plan and a Helicopter Noise Control Plan, the project will comply with the requirements of the County Noise Ordinance.

County Regulation Policy	Explanation of Project Conformance
6. Board of Supervisors Policies	~~The Tierra Del Sol Solar and Rugged Solar projects have requested a waiver in accordance with Board of Supervisors Policy I-92 (Undergrounding of Utilities—Waiver Requests) and the Tierra Del Sol Solar project has requested a waiver in accordance with Board of Supervisors Policy I-111 (Land Use Policy for Discretionary Permits Adjacent to the International Border).~~Board of Supervisors Policy I-92 requires the undergrounding of utilities; however, it only applies to new subdivisions and centerline projects. Therefore, Tierra Del Sol Solar and Rugged Solar are not subject to this policy. Board of Supervisors Policy I-111 establishes a land use policy for discretionary permits adjacent to the international border, such as the Tierra Del Sol Solar Project. Policy I-111 states that it does not apply, however, to "[d]iscretionary applications for properties which are subject to a setback designator or D designator, which prescribe specific actions to be taken relative to development along the International Border." All five parcels that constitute the Tierra del Sol property -- 658-090-31-00, 658-090-55-00, 658-120-03-00, 658-090-54-00, and 658-120-02-00 -- all are subject to a D setback designator, and hence, may not be subject to Policy I-111. The Tierra Del Sol project is subject to Board of Supervisors Policy I-38 (Agricultural Preserves). The Agricultural Preserve over a portion of the Tierra Del Sol Solar project site will be disestablished in accordance with this policy.

7. California Environmental Quality Act (CEQA) Compliance

The project has been reviewed in compliance with the CEQA because an EIR under CEQA was prepared and was available during Public Review from January 2, 2014 to March 3, 2014, on file under PDS2012-3910-120005.

E. COMMUNITY PLANNING GROUP

Throughout the processing of the project, the Boulevard Community Planning Group has discussed and taken several action on the project:

- On June 14, 2012, by a vote of 4-0-0-0, a recommendation was made to oppose/deny the Rugged Solar project.
- On August 2, 2012, by a vote of 5-0-0-0, a recommendation was made to submit a letter to the County regarding the Rugged Solar project.

- On September 6, 2012, by a vote of 5-0-0-0, a recommendation was made to submit additional comments including a letter dated September 5, 2012 to the County regarding the Tierra Del Sol Solar project and by a vote of 5-0-0-0, a recommendation was made to submit additional comments including a letter dated August 28, 2012 to the County regarding the Rugged Solar project.

- On December 13, 2012, by a vote of 5-0-0-0, a motion was made to request a 30-day extension on the Notice of Preparation for the EIR.

- On July 11, 2013, by a vote of 5-0-0-0, a recommendation was made to send a letter to District 2 Supervisor Dianne Jacob and Mark Wardlaw regarding the Soitec project's AB900 certification.

- On February 6, 2014, by a vote of 4-0-1-0, a recommendation was made to approve a draft proposed action/motion for the Soitec Solar Draft PEIR, and by a vote of 5-0-0-0, a recommendation was made to endorse Dr. Ponce's report entitled "Impacts of Soitec Solar Projects on Boulevard and Surrounding Communities" which recommends using imported water only.

- On August 7, 2014, by a vote of 7-0-0-0, a motion was made to authorize the Chair to request clarification on whether or not Soitec Solar maintains site control of the Tierra Del Sol Solar project through a current lease or purchase option.

F. PUBLIC INPUT

Throughout the processing of these projects, there was a significant interest by the public and a large amount of correspondence received from members of the public and other stakeholders. Several comments were received during the Notice of Preparation of the EIR. In addition, during the public review period of the EIR, a total of 143 comment letters containing over 1,300 comments were received, as well as 141 postcards. Responses to comments received during the public review period can be found in the EIR on file under PDS2012-3910-120005.

G. RECOMMENDATIONS

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

a. Adopt the environmental findings included in Attachment G, which includes the certification of an EIR.

b. Adopt the Ordinance titled, AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY IN THE BOULEVARD SUBREGIONAL PLAN AREA; REF: PDS2012-3600-12-005 (REZ) (Attachment C).

c. Adopt the Resolution titled RESOLUTION OF THE BOARD OF SUPERVISORS DISESTABLISHING A PORTION OF THE MAUPIN AGRICULTURAL PRESERVE NO. 96 (Attachment B) for the reasons stated therein and discussed in this report.

d. Grant Major Use Permit PDS2012-3300-12-010 and impose the requirements and conditions set forth in the Form of Decision (Attachment D).

e. Grant Major Use Permit PDS2012-3300-12-007 and impose the requirements and conditions set forth in the Form of Decision (Attachment E).

Report Prepared By:	***Report Approved By:***
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AUTHORIZED REPRESENTATIVE: _____

FOR MARK WARDLAW, DIRECTOR

ATTACHMENTS:

Attachment A – Planning Documentation
Attachment B – Resolution Approving PDS2012-77-046-01
Attachment C – Ordinance Approving PDS2012-3600-12-005
Attachment D – Form of Decision Approving PDS2012-3300-12-010
Attachment E – Form of Decision Approving PDS2012-3300-12-007
Attachment F – Environmental Documentation
Attachment G – Environmental Findings
Attachment H – Public Documentation
Attachment I – Ownership Disclosure
Attachment J – Franchise Agreement for the Tierra Del Sol Solar Project
Attachment K – Fire and Emergency Services Agreement for the Rugged Solar Project
Attachment L – Fire and Emergency Services Agreement for the Tierra Del Sol Solar Project

The attachments to this Planning Commission Hearing Report are superseded by the attachments to the Board Letter dated February 4, 2015 and March 4, 2015