

**Attachment E – Form of Decision Approving  
PDS2012-3300-12-010**

## MAJOR USE PERMIT PDS2012-3300-12-010 (MUP)

**PERMITEE:** SOITEC SOLAR DEVELOPMENT  
**MAJOR USE PERMIT:** PDS2012-3300-12-010 (MUP)  
**E.R. NUMBER:** PDS2012-3910-120005 (ER)  
**PROPERTY:** TIERRA DEL SOL ROAD, BOULEVARD, CA  
**APN(S):** 658-090-31, 658-090-54, 658-090-55, 658-120-02, 658-120-03

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Grant, this Major Use Permit (MUP) for the construction and operation of a concentrated photovoltaic (CPV) solar project consisting of fourteen sheets including plot plans and elevations dated December 15, 2014. This permit authorizes a Major Impact Service and Utility pursuant to Sections 2705b. and 2926b. of the Zoning Ordinance.

Grant, an exemption pursuant to Section 4620g. of the Zoning Ordinance to allow for overhead trunk lines up to 75 foot tall in height and to allow for gen-tie poles up to 150 feet tall in height.

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

The granting of this use permit also approves the Preliminary Grading and Improvement Plan dated December 15, 2014 consisting of eight sheets. In accordance with the [Section 87.207 of the County Grading Ordinance](#), Environmental Mitigation Measures or other conditions of approval required and identified on the plan(s), shall be completed or implemented on the final engineering plan before any final improvement or grading plan can be approved and any permit issued in reliance of the approved plan. Any Substantial deviation therefrom the Preliminary Grading and Improvement Plan may cause the need for further environmental review. Additionally, approval of the preliminary plan does not constitute approval of a final engineering plan. A final engineering plan shall be approved pursuant to [County of San Diego Grading Ordinance \(Sec 87.701 et. al.\)](#)

**MAJOR USE PERMIT EXPIRATION:** This Major Use Permit shall expire on **February 4, 2017** at 4:00 p.m. (or such longer period as may be approved pursuant to Section 7376 of The Zoning Ordinance of the County of San Diego prior to said expiration date) unless construction or use in reliance on this Major Use Permit has commenced prior to said expiration date.

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**SPECIFIC CONDITIONS:** Compliance with the following Specific Conditions (Mitigation Measures when applicable) shall be established before the property can be used in reliance upon this Major Use Permit. Where specifically indicated, actions are required prior to approval of any grading, improvement, building plan and issuance of grading, construction, building, or other permits as specified:

**ANY PERMIT:** *(Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).*

**1. COST RECOVERY**

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

**2. RECORDATION OF DECISION**

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

**3. SALES AND USE TAX: [PDS, PCC] [UO]**

**Intent:** In order to ensure economic benefits to the County by obtaining the receipt of sales and use tax revenues, the applicant will work with the County and the contractors that will be responsible for the acquisition of materials and the construction of the Project so sales and use tax shall be accepted in the unincorporated area of the County of San Diego. **Description of Requirement:** A signed and notarized statement from someone authorized to sign on behalf of the applicant shall include terms mutually acceptable to the County and the applicant indicating a good faith effort will be made to ensure the receipt of sales and use tax revenue in the unincorporated area of the County of San Diego. Terms that would ensure the receipt of sales and use tax could include, but not be limited to, the following:

- a. Make a good-faith effort to have all transactions that will generate sales and use taxes, including transactions of applicant's contractors, occur in the unincorporated area of the County;
- b. Encourage the contractors to establish a business location and tax resale account, and take other reasonable steps, to maximize receipt of sales and use tax revenues for the County;

- c. Include in a master contract and any other contract for construction, language ensuring that the County will receive the benefit of any sales and use tax generated by the Project to the fullest extent permitted by law;
- d. Include the following provision from California Board of Equalization, Regulation 1806(b), in all construction contracts:

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

- e. In all agreements related to the Project, identify the jobsite as the project address, which is located within the unincorporated area of the County of San Diego;
- f. If the applicant enters into a joint venture or other relationship with a contractor, supplier, or designer, the applicant shall either establish a buying company within San Diego County under the terms and conditions of Board of Equalization Regulation 1699(h), to take possession of any goods on which sales and use taxes are applicable but are not defined by Regulation 1806 and shall include in its their requests for bids, procurement contracts, bid documents, and any other agreement whereby California Sales and Use Taxes may be incurred, that the sale occurs at that place of business in the unincorporated area of San Diego County; or, alternatively, any entity that may sell goods on which sales taxes are applicable may establish its own place of business within the unincorporated area of San Diego County where delivery is ultimately made to the applicant; principle negotiations for all such sales shall be carried on in San Diego County;
- g. Provide notice to all out-of-state suppliers of goods and equipment, no matter where originating, that San Diego County is the jurisdiction where the first functional use of the property is made.

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

#### 4. **AIR QUALITY RIDE SHARE (Mitigation Measure M-AQ-PP-2)**

**Intent:** In order to comply with M-AQ-PP-2 to reduce NO<sub>x</sub> and PM<sub>10</sub> emissions associated with construction worker trips a rideshare program shall be implemented.

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

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

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

5. **GREENHOUSE GAS EMISSIONS CREDITS (Project Objective 5)** **Intent:** To ensure the Tierra del Sol solar farm would result in a zero net-increase in GHG emissions as required by Project Objective 5 (no net additional emission of GHGs, including GHG emissions from employee transportation, consistent with the methodology employed by the California Air Resources Board (CARB) pursuant to Division 25.5 (commencing with Section 38500) of the Health and Safety Code) and *AB 900 Application for the Soitec Solar Energy Project*, the project applicant shall obtain carbon offsets or GHG credits from a qualified GHG emission broker or equivalent in the amount of 858 MTCO<sub>2</sub>E per year for the thirty year project life, or a one-time purchase of 25,740 MTCO<sub>2</sub>E to offset total projected construction and operational GHG emissions. **Documentation :** The applicant shall comply with the requirements of this condition and provide proof that credits have been obtained. **Timing:** Credits shall be obtained prior to the approval of any plan, and prior to issuance of any permit,. **Monitoring:** The [PDS, PCC] shall review the credits to ensure compliance with this condition.

6. **FIRE AND EMERGENCY PROTECTION SERVICES AGREEMENT (Project Design Feature PDF-PS-1)** **Intent:** In order to comply with project design feature PDF-PS-1, as a condition of providing service and pursuant to the Safety Element of the General Plan, the applicant shall enter into a fire and emergency protection services agreement with the San Diego County Fire Authority. **Description:** A fire and emergency services agreement between

the applicant and the San Diego County Fire Authority shall be entered into and shall include an initial paramedic staff and startup equipment kit (total cost of \$60,000) and annual funding for one paramedic staff firefighter (total annual cost of \$73,000 with an annual 5% escalator). **Documentation:** The applicant shall provide a copy of the fire and emergency services agreement executed by the applicant. **Timing:** Prior to approval of any plan, issuance of any permit, and prior to use of the premises in reliance of this permit, the fire and emergency services agreement shall be executed by the applicant. **Monitoring:** The [PDS, PCC] shall review the agreement for compliance with this condition. NOTE: This condition need only be completed once. Therefore, if it is completed for the Rugged Solar Project, PDS2012-3300-12-007, then nothing further is required under this condition

## 7. TRAIL EASEMENT

**INTENT:** In order to promote orderly development and to comply with the [Community Master Trails Plan](#), the applicant shall dedicate a public multi-use non-motorized trail easement. **DESCRIPTION OF REQUIREMENT:** Dedicate by separate document to the County of San Diego, a 10' non-motorized multi-use trail easement along the project boundary as shown on the approved Plot Plan. **DOCUMENTATION:** The applicant shall prepare the legal descriptions of the easement(s), submit them to [DGS, RP], and pay all applicable fees. Upon acceptance by the County of the dedication, the applicant shall submit the recorded copy of the easement(s) to [DPR, TC]. **TIMING:** Prior to obtaining any building or other permit pursuant to this Permit, and prior to commencement of construction or use of the property in reliance on this permit, the applicant shall dedicate the trail/pathway easement to the County by separate document. **MONITORING:** Upon submittal of the easement legal description(s), application and fees, [DGS, RP] shall review the documents and application for approval, and accept the dedication. A copy of the recorded trail easement document(s) shall be transmitted to [DPR, TC] and/or [PDS, LDR] and [PDS, PCC]. The [DPR, TC] shall review the recorded easement for compliance with this condition.

## 8. TRAIL IMPROVEMENTS

**INTENT:** In order to promote orderly development and to comply with the [Community Master Trails Plan](#), the applicant shall improve the trail. **DESCRIPTION OF REQUIREMENT:** Improve or agree to improve to the satisfaction of the Department of Parks and Recreation and/or Department of Planning & Development Services, a trail to a width of 10' within the dedicated trail easement as indicated on the approved Plot Plan. The trail shall be constructed pursuant to the [Community Trails Master Plan Design and Construction Guidelines](#). **DOCUMENTATION:** The applicant shall prepare improvement plans and provide securities for the construction of the trail and all associated work. The plans shall be submitted to [DPR, TC] and/or [PDS, LDR], for review and approval. **TIMING:** With each development permit prior to building or other permit pursuant to this permit, and prior to commencement of construction or use of the property in reliance on this Permit, the applicant shall improve the trail. **MONITORING:** The [DPR, TC] and/or [PDS, LDR] shall review the plans for conformance with the Community Trails Master Plan Design and Construction Guidelines, and approve all financial securities for the construction of the trail facility.

## 9. WELL DESTRUCTION

**INTENT:** In order to ensure that the water wells located on the property and noted on the approved plot plan for destruction are removed, and to comply with the [County Regulatory Code Section 67.431](#), the wells shall be properly destroyed. **DESCRIPTION OF REQUIREMENT:** The water wells shown on the approved plot plan for destruction shall be properly destroyed by a California C-57 licensed well driller. A Well Destruction Permit shall be obtained from the [DEH, LWQ] and all applicable inspection fees shall be paid. **DOCUMENTATION:** The applicant shall provide copies of the Well Destruction Logs to [DEH, LWQ] upon completion of the well destruction. **TIMING:** Prior to the approval of any plan, issuance of any permit (Excluding Well Destruction Permit), and prior to occupancy or use of the premises in reliance of this permit, the applicant shall destroy the well. **MONITORING:** Upon submittal of the well destruction logs, [DEH, LWQ] shall perform a field inspection to verify that the well has been properly destroyed. The destruction logs shall be stamped and returned to the applicant.

## 10. ROADS#1–IRREVOCABLE OFFER OF DEDICATION

**INTENT:** In order to promote orderly development and to comply with the [County Public Road Standards](#) and [Policy I-18](#), an irrevocable offer of dedication (IOD) for road purposes shall be executed. **Description of requirement:** Execute an Irrevocable Offer to Dedicate (IOD) real property, for public highway as indicated below:

- a. An IOD shall be executed to complete a thirty-foot (30') wide, one-half right-of-way width on the project side along the westerly and northerly boundary from the ultimate centerline, plus slope rights and drainage easements for **Tierra Del Sol Road** along the project frontage.
- b. The IOD(s) shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required, and shall be accepted in the future for public use as determined by the Director of Planning & Development Services (PDS). The affected utility company/district shall enter into a joint use agreement with the County of San Diego to the satisfaction of the County of San Diego, Director of PDS.

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

**11. UTILITIES#1–PAVEMENT CUT POLICY**

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

**DESCRIPTION OF REQUIREMENT:** All adjacent property owners shall be notified who may be affected by this policy and are considering development of applicable properties, this includes requesting their participation in the extension of utilities to comply with this policy. No trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface.

**DOCUMENTATION:** The applicant shall sign a statement that they are aware of the County of San Diego Pavement Cut Policy and submit it to the [PDS LDR] for review.

**TIMING:** Prior to approval of any grading or improvement plan and prior to issuance of any grading or construction permit, and prior to use of the property in reliance of this permit, the letters must be submitted for approval.

**MONITORING:** [PDS, LDR] shall review the signed letters to determine compliance with the condition.

**12. ROADS#4–ENCROACHMENT PERMIT/FRANCHISE AGREEMENT**

**INTENT:** In order to allow the placement of the proposed generation tie line within the County right-of-way and in accordance with the [County of San Diego Public Road Standards](#), a franchise agreement or an Encroachment permit shall be obtained.

**DESCRIPTION OF REQUIREMENT:**

- a. Any transmission facility within County ROW shall be undergrounded and shall meet or exceed the requirements set forth in the San Diego County Design Standards and SD Area Regional Standard Drawings M-15, M-22, and M-23 to the satisfaction of [PDS, LDR]. An encroachment permit shall be obtained from Construction/Road right-of-way Permits Services Section, for the improvements to be made within the public right-of-way. A copy of the permit and evidence from the issuing agency that all requirements of the permit have been met shall be submitted to the [PDS, LDR].
- b. Undergrounded transmission lines within public paved roads will require repair of distressed pavement and full-width resurfacing utilizing rubberized asphalt. Including any necessary shoulder backing and associated striping.
- c. Undergrounded transmission lines shall be installed below existing County drainage facilities and allow sufficient clearance for future improvements or upsizing.

**DOCUMENTATION:** The applicant shall obtain the encroachment permit and provide a copy of the permit, proof of payment, and evidence that all the requirements of the permit have been met, to the [PDS, LDR].

**TIMING:** Prior to construction of anything within the County right of way, the permit shall be obtained. **MONITORING:** The [PDS, LDR] shall review the permit for compliance with this condition and the applicable



improvement plans, and implement any conditions of the permit in the County improvement plans.

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

### 13. ROADS#3–HAUL ROUTE PLAN

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

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

- a. The implementation of the HRP shall be a condition of any grading, construction, or excavation permit issued by the County. The applicant is responsible for the road maintenance (sweeping as necessary) and repair of any damage caused by them to the on-site and off-site County maintained roads that serve the property either during construction or subsequent operations.
- b. Contractor to be responsible for maintenance of identified haul route roads during construction. The contractor shall review these roads at the end of each work shift and schedule needed repairs, including pothole patching and resurfacing.
- c. Contractor shall resurface identified haul route roads at project completion including any necessary shoulder backing and associated striping.
- d. The applicant will repair those portions of the roads that are damaged by the heavy loaded trucks and resurface identified haul route roads at project completion including any necessary shoulder backing and associated striping. An agreement shall be executed, to require (1) a cash deposit for emergency traffic safety repairs; (2) long-term security for road maintenance and repair of any damage caused by the project to the County maintained roads that serve the project during construction phase on the route identified; and (3) All the roads identified on the haul route plan shall be returned to the existing condition or better.
- e. Prior to the import/export, all affected property owners in the residential neighborhood shall be notified; no equipment or material storage on public roads will be allowed, and sweeping to be performed at the end of each week or more frequently depending on hauling schedule.

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

*Maintenance*]. **TIMING:** Prior to the approval of any grading and/or improvement plans and issuance of any Grading, Construction, or Excavation Permits, a HRP shall be prepared and approved. **MONITORING:** The [PDS, LDR] shall review the HRP for compliance with this condition.

#### 14. PLAN CONFORMANCE

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

**DESCRIPTION OF REQUIREMENT:** The Grading Plans shall conform to the approved Conceptual Grading and Development Plan. All conditions, requirements, mitigation measures and information stated on the sheets of the plans shall be made conditions of the permit's issuance and shall be implemented pursuant to the adopted Mitigation Monitoring and Reporting Program (MMRP) of this Permit. No deviation of the requirements can be made without modification of this permit. **DOCUMENTATION:**

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

#### 15. TEMPORARY SCREENING FENCING (PDF-AE-2)

**Intent:** In order to comply with project design feature PDF-AE-2 to reduce the visibility of construction work areas from nearby roads, residences, and recreational areas, staging material and equipment storage areas shall be screened. **Description:** The applicant shall prepare fencing and screening plan for all staging areas. The staging material and equipment storage areas, including storage sites for excavated materials, shall be visually screened using temporary screening fencing. Fencing shall be of an appropriate design and color for the location. **Documentation:** The applicant shall install the fencing and provide documentation (i.e., photographs) and a certification statement to the [PDS, PCC]. **Timing:** Prior to issuance of any Grading or Construction Permits, prior to the staging of any materials, and during all construction activities. A grading permit may be issued to do any incidental grading to establish a lay down facility that would comply with the intent of this condition. **Monitoring:** The [PDS, PCC] shall review the photos and certification statement for compliance with this condition.

#### 16. AIR QUALITY NO<sub>x</sub> EMISSIONS (M-AQ-PP-1)

**Intent:** To comply with Mitigation Measure M-AQ-PP-1 to reduce construction NO<sub>x</sub> emissions, emission-reducing measures applicable to construction equipment shall be implemented. **Description of Requirements:** Mitigation Measures M-AQ-PP-1 requires the following be implemented by the applicant to reduce NO<sub>x</sub> emissions during construction:

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

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

#### 17. **BIOLOGICAL HABITAT COMPENSATION (M-BI-PP-1)**

**Intent:** In order to comply with M-BI-PP-1 to mitigate for the impacts to sensitive biological resources, offsite compensation shall be provided. **Description:** The applicant will preserve in permanent open space acreage of native habitats equivalent to or greater than the acreage of total project impacts; the native habitats shall be generally consistent with the assemblage of vegetation communities impacted by the project. This will mitigate for project impacts to upland scrub and chaparral communities in accordance with Table 2.3-18 of the Soitec Solar Development Program Environmental Impact Report (PEIR) as well as habitat loss of special-status plant and wildlife species (additional acreage to be preserved to equal the total acreage of project impacts, at a minimum). The off-site open space conservation area shall be evaluated to determine if the off-site area provides similar or greater biological function and value when compared with the identified significant impacts. This assessment shall include vegetation community mapping and an assessment of associated flora and fauna to the extent necessary to determine if the off-site conservation area provides commensurate biological function and value for each significantly impacted biological resource (vegetation communities, special-status plant species, and special-status wildlife species). The off-site open space conservation area may be composed of more than one set of contiguous parcels. Mitigation for the loss of special-status plant species shall be a minimum of 2:1 mitigation to impact ratio for Jacumba milk-vetch and Tecate tarplant and 1:1 mitigation to impact ratio for sticky geraea and desert beauty unless otherwise negotiated to a different ratio with the Wildlife Agencies. The assessment of the number of individuals of these species supported within the impact and mitigation areas shall be conducted in comparable survey years to appropriately account for potential annual variation in the number of individuals. Preservation of off-site open space shall be provided through one of the following options:

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

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

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

- a. Prior to purchasing the land for the proposed mitigation, the location should be pre-approved by the County Department of Planning and Development Services (PDS).
- b. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego *Guidelines for Determining Significance and Report Format and Content Requirements: Biological Resources* to the satisfaction of the director of PDS. If the off-site mitigation is proposed to be managed by Department of Parks and Recreation (DPR), the RMP shall also be prepared and approved to the satisfaction of the director of DPR.
- c. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the director of PDS. The land shall be protected in perpetuity.
- d. The purchase and dedication of the land and selection of the resource manager and establishment of an endowment to ensure funding of annual ongoing basic stewardship costs shall be complete prior to approval of the RMP.

In lieu of providing a private habitat manager, the applicant may contract with a federal, state, or local government agency with the primary mission of resource management to take fee title and manage the mitigation land). Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity. **Documentation:** The applicant shall purchase the off-site mitigation credits and provide evidence to PDS for review and approval. If the off-site

mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to PDS that DPR agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to PDS for a pre-approval. If an RMP is going to be submitted in lieu of purchasing credits, then the RMP shall be prepared, and an application for the RMP shall be submitted to PDS. **Timing:** Prior to issuance of a grading permit or land disturbances, the mitigation shall occur. **Monitoring:** PDS shall review the mitigation purchase for compliance with this condition. Upon request from the applicant, PDS can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option 2, then PDS shall accept an application for an RMP, and PDS and DPR shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

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

**Intent:** In order to mitigate in accordance with M-BI-PP-2, 3, & 7 for inadvertent disturbances to areas outside the limits of grading, all construction activities shall be monitored by a biologist. **Description of Requirement:** A County-approved biologist shall be contracted to perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities. The project biologist shall supervise and monitor all grading activities to ensure against damage to biological resources that are intended to be protected and preserved. The Project Biologist shall perform the monitoring duties before, occasionally during, and after construction pursuant to the most current version of the County of San Diego *Guidelines for Determining Significance and Report Format and Content Requirements: Biological Resources*, and this permit. The contract provided to the County shall include an agreement that this will be completed, and a Memorandum of Understanding (MOU) between the biological consulting company and the County of San Diego [PDS] shall be executed. The contract shall include a cost estimate for the monitoring work and reporting. In addition to performing monitoring duties pursuant to the most current version of the County of San Diego Report Format and Content Requirements, Biological Resources, the Project Biologist also will perform the following duties:

- a. Attend the preconstruction meeting with the contractor and other key construction personnel prior to clearing, grubbing, or grading to reduce conflict between the timing and location of construction activities and other mitigation requirements (e.g., seasonal surveys for nesting birds);
- b. Conduct meetings with the contractor and other key construction personnel describing the importance of restricting work to designated areas prior to clearing, grubbing, or grading;
- c. Discuss procedures for minimizing harm to or harassment of wildlife encountered during construction with the contractor and other key construction personnel prior to clearing, grubbing, or grading;
- d. Review and/or designate the construction area in the field with the contractor in accordance with the final grading plan prior to clearing, grubbing, or grading;

- e. Conduct a field review of the staking to be set by the surveyor, designating the limits of all construction activity prior to clearing, grubbing, or grading;
- f. Be present during initial vegetation clearing, grubbing, and grading;
- g. Flush special-status species (i.e., avian or other mobile species) from occupied habitat areas immediately prior to brush-clearing and earth-moving activities. If brush-clearing and earth-moving activities take place within the bird breeding season, flushing shall not occur in an area identified as having an active nest and thus resulting in a potential take of a species (see M-BI-PP-10);
- h. To address hydrology impacts, the Project Biologist shall verify that grading plans include a Stormwater Pollution Prevention Plan (SWPPP; see M-BI-PP-3 for required best management practices (BMPs)).
- i. The Project Biologist shall verify implementation of the following design requirements for compliance with **M-BI-PP-3**:
  - 1. No planting or seeding of invasive plant species on the most recent version of the California Invasive Plant Council (Cal-IPC) California Invasive Plant Inventory for the project region will be permitted.
  - 2. When construction operations are completed, any excess materials or debris will be removed from the work area.
  - 3. Fully covered trash receptacles that are animal-proof and weatherproof will be installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Prohibit littering and remove trash from construction areas daily. All food-related trash and garbage shall be removed from the construction sites on a daily basis.
  - 4. Pets on or adjacent to construction sites will not be permitted by the operator.
  - 5. Enforce speed limits in and around all construction areas. Vehicles shall not exceed 15 miles per hour on unpaved roads and the right-of-way accessing the construction site or 10 miles per hour during the night.
- j. As outlined in mitigation measure **M-BI-PP-7**, operation and maintenance personnel will be prohibited from engaging in the following activities:
  - 1. Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species;
  - 2. Traveling (either on foot or in a vehicle) outside of the project footprint in undisturbed portions of the project area;

3. Bringing pets on the project area; and
4. Littering on the project area.

**Documentation:** The applicant shall provide a copy of the biological monitoring contract, cost estimate, and MOU to PDS. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **Timing:** Prior to approval of any grading and or improvement plans and issuance of any grading or construction permits. **Monitoring:** PDS shall review the contract, MOU, and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to the project manager for inclusion in the grading bond cost estimate and grading bonds. DPW shall add the cost of the monitoring to the grading bond costs.

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

**Intent:** In order to comply with Mitigation Measure M-BI-PP-5 and the San Diego County Air Pollution Control District regulations to reduce particulate matter less than 10 microns (PM<sub>10</sub>) and fine particulate matter less than 2.5 microns (PM<sub>2.5</sub>) emissions during construction, the applicant shall develop a Fugitive Dust Control Plan. **Description of Requirement:** A Fugitive Dust Control Plan shall be prepared and include the following:

- a. The name(s), address(es), and phone number(s) of person(s) responsible for the preparation, submission, and implementation of the plan.
- b. A description of and location of operation(s).
- c. A listing of all fugitive dust emissions sources included in the operation.
- d. The following dust control measures shall be implemented:
  1. On-site fire access roads shall be effectively stabilized using an aggregate base material, such as disintegrated granite (DG), as early as practical during construction.
  2. All material excavated or graded shall be sufficiently watered to prevent excessive dust. Watering will occur as needed with complete coverage of disturbed areas. The excavated soil piles shall be watered hourly for the duration of construction or covered with temporary coverings.
  3. Construction activities that occur on unpaved surfaces will be discontinued during windy conditions when winds exceed 25 miles per hour and when those activities cause visible dust plumes. All grading activities shall be suspended when wind speeds are greater than 30 miles per hour.
  4. Track-out shall not extend 25 feet or more from an active operation, and track-out shall be removed at the conclusion of each workday.

5. All haul trucks hauling soil, sand, or other loose materials shall be covered (e.g., with tarps or other enclosures that would reduce fugitive dust emissions).
6. Soil loads should be kept below 18 inches of the freeboard of the truck.
7. Drop heights should be minimized when loaders dump soil into trucks.
8. Traffic speeds on unpaved roads shall be limited to 25 miles per hour.
9. Disturbed areas should be stabilized using soil binders that can be determined to be as efficient, or more efficient for fugitive dust control than California Air Resources Board-approved soil stabilizers, as soon as possible after disturbance and shall not increase any other environmental impacts including loss of vegetation.
10. Disturbed areas should be revegetated as soon as possible after disturbance.

**Documentation:** The applicant shall provide the Fugitive Dust Control Plan to County [PDS] for review and shall comply with the requirements of this condition. **Timing:** Prior to approval of any grading and or improvement plans and issuance of any grading or construction permits. **Monitoring:** The [PDS, PCC] shall monitor construction activities to ensure that dust control measures are implemented and maintained.

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

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

- a. Nest survey protocols describing the nest survey methodologies;
- b. A management plan describing the methods to be used to avoid nesting birds and their nests, eggs, and chicks;
- c. A monitoring and reporting plan detailing the information to be collected for incorporation into a regular Nest Monitoring Log (NML) with sufficient details to enable USFSW and CDFW to monitor the applicant's compliance with Fish and Game Code Sections 3503, 3503.5, 3511, and 3513;
- d. A schedule for the submittal (usually weekly) of the nesting monitoring logs (NML);
- e. Standard buffer widths deemed adequate to avoid or minimize significant project-related edge effects (disturbance) on nesting birds and their nests, eggs, and chicks;



- f. A detailed explanation of how the buffer widths were determined; and
- g. All measures the applicant will implement to preclude birds from utilizing project-related structures (i.e., construction equipment, facilities, or materials) for nesting.
- h. Conduct preconstruction nesting bird surveys within 72 hours of construction-related activities; conduct preconstruction survey sweeps immediately prior to ground-disturbing activities; and implement the appropriate avoidance measures for identified nesting birds. Preconstruction nesting bird surveys shall be conducted prior to commencement of project activities during the breeding season (February 1 to August 31, and as early as January 1 for some raptors).

To determine the presence of nesting birds that the project activities may affect, surveys should be conducted beyond the project area—300 feet for passerine birds and 500 feet for raptors. The survey protocols should include a detailed description of methodologies utilized by CDFW-approved avian biologists to search for nests and describe avian behaviors that indicate active nests. The protocols should include but are not limited to the size of the project area being surveyed, method of search, and behavior that indicates active nests.

Each nest identified in the project area should be included in the NML. The NMLs should be updated daily and submitted to the CDFW weekly. Since the purpose of the NMLs is to allow the CDFW to track compliance, the NMLs should include information necessary to allow comparison between nests protected by standard buffer widths recommended for the project (300 feet for passerine birds, 500 feet for raptors) and nests whose standard buffer width was reduced by encroachment of project-related activities. The NMLs should provide a summary of each nest identified, including the species, status of the nest, buffer information, and fledge or failure data. The NMLs will allow for tracking the success and failure of the buffers and will provide data on the adequacy of the buffers for certain species.

The applicant(s) will rely on its avian biologists to determine the appropriate standard buffer widths for nests within the project area to employ based on the sensitivity levels of specific species or guilds of avian species. The determination of the standard buffer widths should be site- and species-/guild-specific and data-driven and not based on generalized assumptions regarding all nesting birds. The determination of the buffer widths should consider the following factors:

- 1. Nesting chronologies;
- 2. Geographic location;

3. Existing ambient conditions (human activity within line of sight—cars, bikes, pedestrians, dogs, noise);
4. Type and extent of disturbance (e.g., noise levels and quality—punctuated, continual, ground vibrations—blasting-related vibrations proximate to tern colonies are known to make the ground-nesting birds flush the nests);
5. Visibility of disturbance;
6. Duration and timing of disturbance;
7. Influence of other environmental factors; and
8. Species' site-specific level of habituation to the disturbance.

Application of the standard buffer widths should avoid the potential for project-related nest abandonment and failure of fledging, and minimize any disturbance to the nesting behavior. If project activities cause or contribute to a bird being flushed from a nest, the buffer must be widened.

Implementation of this Plan is not required outside the breeding season.

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

## 21. **RESOURCE AVOIDANCE (Mitigation Measure M-BI-PP-10)**

**INTENT:** In order to comply with Mitigation Measure M-BI-PP-10 to avoid impacts to raptors and migratory nesting birds all construction activities shall be in compliance with the approved Nesting Bird Management, Monitoring, and Reporting Plan (NBMMRP).

### **DESCRIPTION OF REQUIREMENT:**

- a. Prior to commencement of project activities during the breeding season (February 1 to August 31, and as early as January 1 for some raptors). Preconstruction nesting bird surveys shall be conducted within 72 hours of construction-related activities. Implementation of this Plan is not required outside the breeding season.
- b. Comply with any buffers or requirements as detailed in the approved NBMMRP.
- c. Preconstruction nesting bird surveys within 72 hours of construction-related activities and implement the appropriate avoidance measures for identified nesting birds. To determine the presence of nesting birds that the project

activities may affect, surveys should be conducted beyond the project area—300 feet for passerine birds and 500 feet for raptors. The survey protocols should include a detailed description of methodologies utilized by CDFW-approved avian biologists to search for nests and describe avian behaviors that indicate active nests. The protocols should include but are not limited to the size of the project area being surveyed, method of search, and behavior that indicates active nests.

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

## 22. **WETLAND PERMITTING (Mitigation Measure M-BI-PP-14)**

**Intent:** In order to comply with Mitigation Measure M-BI-PP-14 and the state and federal regulations for impacts to “waters of the United States and state”, the following agency permits, or verification that they are not required shall be obtained. **Description:** Provide evidence of the following permit and agreement shall be obtained, or provide evidence from the respective resource agency satisfactory to the director of PDS that such an agreement or permit is not required for constructing the gen-tie:

- a. A Clean Water Act, Section 401/404 permit issued by the California Regional Water Quality Control Board (RWQCB) and the U.S. Army Corps of Engineers (ACOE) for all project-related disturbances of waters of the United States and/or associated wetlands.
- b. A Section 1602 Streambed Alteration Agreement issued by the CDFW for all project-related disturbances of any streambed.

**Documentation:** The applicant shall consult each agency to determine if a permit or agreement is required. Upon completion of the agency review of this project, the applicant shall provide a copy of the permit(s)/agreement(s), or evidence from each agency that such an agreement or permit is not required to [PDS] for compliance. **Timing:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits. **Monitoring:** The [PDS, PCC] shall review the permits/agreement for compliance with this condition. Any conditions of these permits shall be implemented on the grading and construction plans.

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

**INTENT:** In order to comply with mitigation measure M-BI-PP-15 to protect groundwater resources and to protect groundwater dependent habitat a Groundwater Monitoring and Mitigation Plan (GMMP) shall be implemented. **DESCRIPTION OF REQUIREMENT:** The applicant shall implement the County approved Tierra del Sol

Solar Farm Project GMMP dated November 2013. The GMMP shall establish baseline conditions, and address ongoing construction monitoring, and post construction monitoring. Implementation prior to construction shall include the following:

- a. Groundwater dependent habitat baseline data collection shall occur up to approximately 1 year prior to project-related groundwater extraction. Potentially affected native trees within the study area will be evaluated for overall physical condition and attributes. The trees shall be inventoried by an ISA Certified Arborist or Registered Professional Forester with specific experience evaluating native oak species. Baseline data collection shall include components within Section 3.2.1. of the GMMP.
- b. Groundwater level monitoring baseline data collection shall occur beginning at least one month prior to project-related groundwater extraction and up to the date extraction commences. Pressure transducers will be maintained in a network of 6 on-site monitoring wells (Well 1, Well 2, Well 3, Well 4, Well 5, and Well A) and 11 off-site monitoring wells (GR-1, GS-1, GS-2, LK-1, RM-1, RM-3, RSD-1, RSH-1, RSH-2, RSH-3, and WHH-1). At least 90 days prior to project-related extraction, additional residential well owners within a one-mile radius of pumping Well B shall be given the opportunity to have their well added to the monitoring well network provided by the applicant at no cost to the well owner.

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

- c. Setup and fund a deposit account for PDS staff review time for the GMMP at [PDS, ZONING], for the first year of enrollment and establishment of the program.
- d. Provide a signed copy of the County Memorandum of Understanding (MOU), for the Hydrogeologist from the County CEQA Consultant list to the [PDS, PCC] for approval by the County Groundwater Geologist.
- e. Approximately two weeks prior to groundwater extraction, all previously collected groundwater level monitoring data from all on-site and offsite wells shall be submitted to the [PDS, Groundwater Geologist]. A proposed baseline groundwater level shall be established by the PDS Groundwater Geologist in each of the wells in coordination with the project Hydrogeologist(s). Groundwater pumping at the site shall not commence until baseline groundwater levels are established.

**TIMING:** Prior to any activities that utilize groundwater from on-site, or prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits whichever comes first, the preconstruction baseline evaluations and monitoring network infrastructure shall be completed. **MONITORING:** [PDS, ZONING] shall collect the fee and forward the receipt and MOU to [PDS, PCC] for approval. The [PDS,

*Groundwater Geologist]* shall verify enrollment and baseline groundwater levels. The *[PDS Groundwater Geologist]* shall contact the applicant to set up future submittal dates of GMMP documents.

**24. PRE-CONSTRUCTION GROUNDWATER MMRP, JACUMBA COMMUNITY SERVICES DISTRICT GROUNDWATER USE (Mitigation Measure M-BI-PP-15): [PDS, PCC] [UO] [PDS, FEE]**

**INTENT:** In order to protect groundwater resources a Groundwater Monitoring and Mitigation Plan (GMMP) shall be implemented. **DESCRIPTION OF REQUIREMENT:** The applicant shall implement the County approved Jacumba Community Services District GMMP dated December 2013. The GMMP shall establish baseline conditions, and address ongoing construction monitoring, and post construction monitoring. Implementation prior to construction shall include the following:

- a. Groundwater level monitoring baseline data collection shall occur beginning at least one month prior to project-related groundwater extraction and up to the date extraction commences. Pressure transducers will be maintained in a network of five Jacumba Community Services District wells (Well 4, Well 6, Well 7, Well 8, and Park Monitoring Well). If the Soitec Rugged Solar Project or any other County-approved project already has performed baseline groundwater level monitoring, the baseline conditions as estimated for the Soitec Rugged Solar Farm project or other County approved project shall apply to this project.

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

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

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

*[PDS Groundwater Geologist]* shall contact the applicant to set up future submittal dates of GMMP documents.

**25. ARCHAEOLOGICAL MONITORING (M-CR-PP-1)**

**Intent:** In order to comply with mitigation measure M-CR-PP-1, which mitigates for potential impacts to undiscovered buried archaeological resources on the project site, an archaeological monitoring program and potential data recovery program shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources: Archaeological and Historic Resources and California Environmental Quality Act (CEQA). **Description:** A County Approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform cultural resource grading monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities. The Archaeological Monitoring Program shall include the following:

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources: Archaeological and Historic Resources, and this permit. The contract or Letter of Acceptance provided to the County shall include an agreement that the grading monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or Letter of Acceptance shall include a cost estimate for the monitoring work and reporting.
- b. The Project Archeologist shall provide evidence that a Kumeyaay Native American has also been contracted to perform Native American Grading Monitoring for the project.
- c. The cost of the monitoring shall be added to the grading bonds or bonded separately

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

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

**Intent:** In order to comply with project design feature PDF-HZ-2 and to reduce the risk of fire during construction a construction fire prevention plan shall be prepared. **Description:** Pursuant to the San Diego County Consolidated Fire Code Section 4903

and OSHA Regulation 1926.24, Fire Protection and Prevention, the applicant shall prepare a Construction Fire Prevention Plan (CFPP). The CFPP will identify potential sources of ignition and fuel during construction and decommissioning, and will detail the specific fire-prevention measures that will be employed during construction and decommissioning. Appendix 3.1.4-7 of the Final EIR provides a conceptual outline for preparation of the CFPP. **Documentation:** The applicant shall prepare the plan and submit the plan to [PDS, PCC] for review and approval by the County of San Diego Fire Authority (SDCFA). **Timing:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits. **Monitoring:** The [PDS, PCC] and the SDCFA shall review the plan in compliance with this condition.

**27. TRAFFIC CONTROL PLAN (Project Design Feature PDF-TR-1)**

**Intent:** In order to comply with project design feature PDF-TR-1 and to ensure safe and efficient traffic flow in the area and on the project sites during construction activities, a traffic control plan (TCP) shall be prepared. **Description:** Pursuant to the County of San Diego Code of Regulatory Ordinances, Sections 71.602, 71.603 and 71.605, the project applicant shall obtain a traffic control permit and prepare a traffic control plan that addresses construction traffic within the County's public rights-of-way and contain project-specific measures to be implemented during construction for noticing, signage, policy guidelines, and the limitation of lane closures to off-peak hours (although it is noted that no requirement for roadway or lane closures has been identified). The traffic control plan would include provisions for construction times, and control plans for allowance of bicyclists, pedestrians, and bus access throughout construction. The traffic control plan shall also include provisions to ensure emergency vehicle passage at all times. The TPC shall be prepared by a Registered Civil Engineer or a licensed Traffic Control Contractor to the satisfaction of the Director of DPW. The traffic control plan shall include a construction notification that shall identify the procedures that will be used to inform property owners of the location and duration of construction identify approvals that would be needed prior to posting or publication of construction notices, and include text of proposed public notices and advertisements. The construction notification plan would address at a minimum the two following components:

- a. **Public notice mailer.** A public notice mailer would be prepared and mailed no fewer than 15 days prior to construction. The notice would identify construction activities that would restrict, block, remove parking, or require a detour to access existing residential properties, and would provide alternative access, if required. The notice would state the type of construction activities that would be conducted and the location and duration of construction, including all helicopter activities. The project applicant or construction contractor would mail the notice to all residents or property owners within 1,000 feet of project components. If construction delays of more than 7 days occur, an additional notice would be prepared and distributed.
- b. **Public liaison person and toll-free information hotline.** The project applicant or construction contractor would identify and provide a public liaison person before and during construction to respond to concerns of neighboring property owners about noise, dust, and other construction disturbance. Procedures for

reaching the public liaison officer via telephone or in person would be included in notices distributed to the public. The project applicants would also establish a toll-free telephone number for receiving questions or complaints during construction and shall develop procedures for responding to callers. Procedures for handling and responding to calls would be addressed in the construction notification plan.

To facilitate access to properties that might be obstructed by construction activities, the project applicant or construction contractor would notify property owners and tenants at least 24 hours in advance of construction activities and would provide alternative access if required. **Documentation:** The applicant shall have the traffic control plan prepared by a Registered Civil Engineer or a licensed Traffic Control Contractor and submit it to [PDS, LDR] for review by [DPW, Traffic]. The applicant shall obtain the traffic control permit from [DPW, Traffic]. For the construction notification plan, the following actions shall occur throughout the duration of grading and construction. **Timing:** Prior to the approval of any plan, issuance of any permit, any grading and/or improvement plans and issuance of any Grading, Construction, or Excavation Permits, a traffic control plan shall be prepared and approved. **Monitoring:** The [PDS, LDR] shall review the traffic control plan and traffic control permit for compliance with this condition. For the construction notification plan, the DPW, PDCI shall ensure that the grading contractor complies with the requirements of this condition. The DPW, PDCI shall contact the PDS, PCC, if the applicant fails to comply with this condition.

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

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

**INTENT:** In order to ensure the removal of the Solar Energy System and to comply with Zoning Ordinance Section 6952.b.3.iv a decommissioning plan shall be executed.

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

**29. O&M BUILDING & COLLECTOR SYSTEM DESIGN (PDF-AE-3, PDF-AE-4, & PDF-ES-AE-1)**

**Intent:** In order to comply with PDF-AE-3, PDF-AE-4, & PDF-ES-AE-1 and to reduce the anticipated visual contrast with the surrounding landscape, the Operations and Maintenance (O&M) building shall be painted with muted-earth toned colors and non-



specular conductors shall be specified for any new overhead lines. **Description:** Muted-earth toned colors shall be applied to the exterior of the O&M building and materials, coatings, or paints having little or no reflectivity shall be used whenever possible. In addition, new overhead conductors on the collector system shall be non-specular in design to reduce conductor visibility, glare, and visual contrast. Weathered or cor-ten steel shall be used for gen-tie monopoles to reduce the potential for color contrast between structures and existing vegetation and terrain. **Documentation:** The applicant shall ensure that the site conforms to condition by indicating on the building plans the details described above. **Timing:** Prior to approval of any building plan and the issuance of any building permit. **Monitoring:** The [PDS, PCC] shall review the building plans for compliance with this condition.

**30. OUTDOOR LIGHTING (PDF-AE-5)**

**Intent:** In order to comply with PDF-AE-5 to protect nighttime views and dark sky environments, lighting at the solar farm site shall conform to County of San Diego Light Pollution Code Zone A standards for lamp type and shielding requirements. **Description:** Zone “A” standards shall be applicable for all Class I (i.e., lighting for assembly areas where color rendition is important) and Class II (i.e., lighting for general illumination and security) lighting at the solar farm site and all outdoor lighting fixtures shall be fully shielded and directed downward. Furthermore, fully shielded motion sensor lighting shall be installed at the on-site private substation yard, next to the entrance door to the substation control house, and mounted atop entrance gates and shall be turned off when no one is on site. Additionally, motion sensor infrared cameras shall be installed at the project site to avoid illumination of the site and surrounding area during nighttime hours. **Documentation:** Lighting specifications shall be included on the Building Plans. **Timing:** Prior to approval of any building plan and the issuance of any building permit. **Monitoring:** The [PDS, PCC] shall review the building plans for compliance with this condition.

**31. TRANSMISSION TOWERS LINE CONFORMANCE (Mitigation Measure M-BI-PP-13)**

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

**32. NOISE ATTENUATING INVERTERS STRUCTURE (Mitigation Measure M-N-TDS-1)**

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

- a. Locate non-enclosed inverters a minimum of 800 feet or greater from the nearest property line, or enclose inverters within 800 feet of property lines in cement blocks or other type of structure capable of achieving a minimum 10 dB attenuation. Inverters located within 130 feet of a residential property line require an enclosure capable of achieving a minimum of 15 dB attenuation.
- b. Direct all switch station doorways and exterior ventilation ducts away from adjacent property lines.
- c. A noise analysis shall be prepared that demonstrates that the inverters comply with the County Noise Ordinance.

For the noise analysis, a County approved Acoustician, shall prepare a final noise monitoring report, which summarizes the noise levels generated by inverters enclosed within noise attenuating structures. **Documentation:** The applicant shall submit the final noise monitoring report to the [PDS, PCC] for review and approval. The location of non-enclosed and enclosed inverters shall be noted on building plans. **Timing:** Prior to approval of any building plan and the issuance of any building permit for any structure that can have operational noise. **Monitoring:** The [PDS, PCC] shall review the noise report and building plans for compliance with this condition.

**33. CONSTRUCTION NOISE MANAGEMENT PLAN (Mitigation Measure M-N-TDS-3)**

**Intent:** In order to comply with Mitigation Measure M-N-TDS-3 and the County Noise Ordinance Sections Sections 36.408 and 36.409 for compliance with the County's 8-hour average 75 dB standard at the property lines or edge of construction easement, for occupied residences along the gen-tie route, the applicant shall prepare a construction noise management plan. **Description:** The construction management plan shall demonstrate compliance with the County Noise ordinance for the impacts caused by gen-tie construction activities within 100 feet of the affected property boundary. Components of the plan shall include the following.

- a. Affected property owners shall be notified prior to construction activity within 100 feet of their property boundaries.
- b. The duration of heavy equipment for construction shall comply with the following limitations, for the specified distance between heavy equipment operations and property line of (or edge of construction easement within the) occupied parcel:
  1. Within 50 feet – no more than 4 hours per 8-hour period
  2. Within 75 feet – no more than 6 hours per 8-hour period

3. Within 100 feet or greater - no use restriction
- c. All construction equipment operations associated with the gen-tie route shall incorporate all recommended noise reducing measures; such as, but not limited to; limiting construction equipment operations, installation of temporary noise barriers, etc.

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

#### 34. **BLASTING PLAN (Mitigation Measure M-N-TDS-4)**

**Intent:** In order to comply with mitigation measure M-N-TDS-4 and the County Code Noise Ordinance, Sections 36.408, 36.409, and 36.410, the applicant shall prepare and comply with a blasting plan that will reduce impacts associated with construction-related noise and vibrations related to blasting. **Description:** If blasting is required during construction of the gen-tie line, the applicant shall obtain a blasting permit from the County and shall prepare a blasting plan that is site-specific, based on general and exact locations of required blasting and the results of a project-specific geotechnical investigation if prepared. The blasting plan will include a description of the planned blasting methods, an inventory of receptors potentially affected by the planned blasting, and calculations to determine the area affected by the planned blasting. Noise calculations in the blasting plan will account for blasting activities and all supplemental construction equipment. The final blasting plan and pre-blast survey shall meet the requirements provided below.

- a. Blasting associated with gen-tie transmission line construction shall be prohibited within 430 feet of the boundary of any occupied parcels zoned for agricultural use. Alternate non-impulsive methods (i.e., chemical fracturing of the rock) shall be used, as necessary, to facilitate pole installation when bedrock is encountered within this blast prohibition radius.
- b. Blasting associated with gen-tie transmission line construction shall be prohibited within 1,700 feet of existing structures. Alternate non-explosive methods (i.e., chemical fracturing of the rock) shall be used, as necessary, to facilitate pole installation when bedrock is encountered within this blast prohibition radius.
- c. A schedule to demonstrate, where feasible, construction blasting to occur infrequently enough that it will not exceed the County's impulsive noise standard because blasting would not occur for more than 25% (15 minutes) during a 1-hour period due to the short time duration of a blast. Where this is not possible, other construction blasting would be coordinated with impacted building occupants to occur in their absence, or at other acceptable times, to avoid nuisance or annoyance complaints.

- d. To ensure that potentially impacted residents are informed, the applicant will provide notice by mail to all property owners within 1,700 feet of the project at least 1 week prior to the start of construction activities.
- e. Blasting would be completed between 7 a.m. and 7 p.m. to be compliant with County Noise Ordinance.
- f. All blasting associated activities (specifically drilling operations) shall incorporate all recommended noise reducing measures such as; but not limited to; limiting drilling operations, installation of temporary noise barriers, etc. that demonstrate compliance with the County Code Noise Ordinance, Sections 36.408, 36.409, and 36.410.

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

**35. GEN-TIE HELICOPTER NOISE PLAN (Mitigation Measure M-N-TDS-5)**

**Intent:** In order to comply with mitigation measure M-N-TDS-5 and the County Noise Ordinance Sections Section 36.409 for compliance with the County's 8-hour average 75 dB standard at the property lines or edge of construction easement, for occupied residences along the gen-tie route, the applicant shall prepare a construction helicopter noise plan. **Description:** A Construction Helicopter Noise Control Plan shall be prepared that indicates where helicopters would be used and the frequency and duration for such use during construction. The plan shall demonstrate compliance with the County Noise ordinance for the impacts caused by helicopter noise on properties with an occupied residence, and with property lines within 1,600 feet of proposed helicopter use locations. Components of the plan shall include the following.

- a. Affected property owners shall be notified prior to the use of helicopters for construction activity within 1,600 feet of their property boundaries.
- b. In order to comply with the County Noise Ordinance (Section 36.409, Construction Equipment), the duration of helicopter use for construction shall comply with the following limitations, for the specified distance between helicopter operations and property line of occupied parcel:
  - 1. Within 400 feet – no more than 1 hour per 8-hour period
  - 2. Within 600 feet – no more than 5 hours per 8-hour period
  - 3. Within 800 feet or greater – no use restriction

**Documentation:** The applicant shall prepare the plan and submit the plan to [PDS, PCC] for review and approval. **Timing:** Prior to approval of any building plan and the

issuance of any building permit for the gen-tie line. **Monitoring:** The [PDS, PC] review the plan in compliance with this condition.

**36. AVOIDANCE OF POTENTIALLY CONTAMINATED SOILS (Project Design Feature PDF-HZ-1)**

**Intent:** In order to comply with project design feature PDF-HZ-1 and reduce potential risks to human health and the environment the project shall be designed to avoid areas containing potentially contaminated soils. **Description:** The project shall be designed to ensure that surface soils within the railroad right of way or on APN 658-051-07-00 where burn ash was observed will not be disturbed during construction of the gen-tie line. **Documentation:** Areas of potential soil contamination shall be identified on plot plans and provided to (PDS, PCC) for review and approval. Evidence showing how areas of potential soil contamination will not be disturbed shall be provided. **Timing:** Prior to approval of any building plan and the issuance of any building permit for the gen-tie line. **Monitoring:** The [PDS, PCC] shall review to ensure compliance with this condition.

**37. ROADS#1–TRANSPORTATION IMPACT FEE**

**INTENT:** In order to mitigate potential cumulative traffic impacts to less than significant, and to comply with the [Transportation Impact Fee \(TIF\) Ordinance Number 77.201-77.223](#), the TIF shall be paid. **DESCRIPTION OF REQUIREMENT:** The TIF shall be paid pursuant to the [County TIF Ordinance number 77.201-77.223](#). The fee is calculated pursuant to the ordinance, and will be based on 14 Average Daily Trips (ADT) generated by this project per the Select Industrial Uses Category for a Power Generation Plant in the Mountain Empire TIF Region. **DOCUMENTATION:** The applicant shall pay the TIF at the [PDS, ZONING] and provide a copy of the receipt to the [PDS, BD] at time of permit issuance. The cost of the fee shall be calculated at time of payment. **TIMING:** Prior to approval of any building plan and the issuance of any building permit, or use of the premises in reliance of this permit, the TIF shall be paid. **MONITORING:** The [PDS, ZONING] shall calculate the fee pursuant to the ordinance and provide a receipt of payment for the applicant. [PDS, BD] shall verify that the TIF has been paid before the first building permit can be issued. The TIF shall be verified for each subsequent building permit issuance.

**38. ROADS#2–GEN-TIE LINE GRADING**

**INTENT:** In order to allow the placement of the 138kV generation tie line within private properties and in accordance with the [County of San Diego Grading Ordinance](#), a grading permit shall be obtained. **DESCRIPTION OF REQUIREMENT:** The undergrounding shall meet or exceed the requirements set forth in the San Diego County Design Standards and San Diego Regional Standard Drawings M-15, M-22, and M-23 to the satisfaction of [PDS, LDR]. **DOCUMENTATION:** The applicant shall obtain the grading permit and provide a copy of the permit, proof of payment, and evidence that all the requirements of the permit have been met, to [PDS, LDR]. **TIMING:** Prior to approval of any building plan and the issuance of any building permit, or use of the premises in reliance of this permit, the offsite grading permit for gen-tie shall be obtained. **MONITORING:** [PDS, LDR] shall review the permit for compliance with this

condition and the applicable improvement plans, and implement any conditions of the permit in the County improvement plans.

**39. LANDSCAPE DOCUMENTATION (Mitigation Measures M-AE-PP-1 & M-BI-PP-6)**

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

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

- a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit approving the variety, location, and spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit and a letter stating that all landscaping within the said right(s) -of-way shall be maintained by the landowner(s) shall be submitted to PDS.
- b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.
- c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring a permanent, and/or temporary irrigation system.
- d. The watering system configuration shall indicate how water flow, including irrigation runoff, low head drainage, overspray or other similar conditions will not impact adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas, including trails and pathways by causing water to flow across, or onto these areas.
- e. Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.
- f. The location and detail of all walls, fences, and walkways shall be shown on the plans, including height from grade and type of material. A lighting plan and light standard details shall be included in the plans (if applicable) and shall be in compliance with the [County's Light Pollution Code](#).
- g. No landscaping material or irrigation or other infrastructure shall be located within a proposed trail easement or designated pathway.

- h. Additionally, the following items shall be addressed as part of the Landscape Documentation Package: The applicant shall install landscape screens as specified in Appendix 2.1-4, Landscape Screening Design for the Soitec Solar Development Program EIR (also referred to here as the Landscape Screening Design Report). It is also referenced in the approved plot plans.
- i. **Mitigation Measure (M-BI-PP-6):** Any landscaping, plant palettes shall be reviewed by the Project Biologist to minimize the effects that proposed landscape plants could have on biological resources outside of the project footprint due to potential naturalization of landscape plants in the undeveloped lands. Landscape plants will not include invasive plant species on the most recent version of the Cal-IPC California Invasive Plant Inventory for the project region. Landscape plans will include a plant palette composed of climate-appropriate, drought-tolerant species.

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

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

**40. GROUNDWATER MMRP, ON-SITE GROUNDWATER USE (Mitigation Measure M-BI-PP-15) INTENT:** In order to comply with mitigation measure M-BI-PP-15 to protect groundwater resources and to protect groundwater dependent habitat a Groundwater Monitoring and Mitigation Plan (GMMP) shall be implemented. **DESCRIPTION OF REQUIREMENT:** The applicant shall implement the County approved Tierra del Sol Solar Farm Project GMMP dated November 2013. The GMMP shall establish baseline conditions, and address ongoing construction monitoring, and post construction monitoring. Implementation for the construction period shall include the following:

- a. **Construction Production Limitations:** Groundwater production shall be metered and monitored at pumping well B with production limited to a sum total of 18 acre-feet extraction during the construction period. Groundwater production shall further be limited to no more than 7 acre-feet extraction during the first 90 days of construction.
- b. **Construction Groundwater Level Thresholds:** During groundwater extraction for construction, a groundwater level threshold of 10 feet of drawdown below baseline conditions shall be enforced at offsite monitoring wells RM-1, RM-3, and RSD-1. Additionally, a water level threshold of 20 feet of drawdown below baseline will be enforced at offsite monitoring wells GR-1, GS-1, GS-2, LK-1,

RSH-1, RSH-2, WHH-1, and any additional offsite residential wells included in the well monitoring network. If a water level threshold is exceeded, pumping at Well B will cease until the water level at the well that experienced the threshold exceedance has increased above the threshold and remained there for at least 30 days. Additionally, written permission from *[PDS Groundwater Geologist]* must be obtained before production may be resumed.

- c. Groundwater at the site shall be pumped from Well B only. Groundwater pumped from Well B must be used at the project site and is not permitted to be exported for use offsite.
- d. Flow rate and volume measurements from Well B will be recorded daily during project construction.
- e. Pressure transducers will be maintained in a network of 6 on-site monitoring wells (Well 1, Well 2, Well 3, Well 4, Well 5, and Well A) and 11 off-site monitoring wells (GR-1, GS-1, GS-2, LK-1, RM-1, RM-3, RSD-1, RSH-1, RSH-2, RSH-3, and WHH-1). Transducer data will be downloaded on a once a week basis during the first 90 days of construction, and then at least monthly for the rest of the construction phase.
- f. Groundwater dependent habitat monitoring shall be conducted in accordance to the procedures outlined within Section 3.2 of the GMMP. This includes baseline data collection of up to approximately 1 year prior to project-related groundwater extraction. Ongoing monitoring shall occur quarterly during the 1 year construction period. If less than 3 feet of drawdown is observed in monitoring wells RM-1 and RM-3 at the end of construction extraction and no deleterious health effects are observed in the oak woodland habitat, groundwater dependent habitat monitoring may cease. Otherwise, monitoring will continue in year 2 through 5 in accordance to the components contained within the GMMP.
- g. If evidence of deterioration of groundwater dependent habitat persists after the monitoring period is completed, mitigation will consist of oak woodland credits at a 3:1 ratio.
- h. The property owner and permittee shall comply with the requirements of the GMMP and this condition. Minor alterations to the GMMP may be approved by the Director of PDS, provided alterations achieve the goals and objectives of the GMMP, and are supported by the record. Water level thresholds and groundwater production limits may not be altered.
- i. The applicant shall setup and maintain a deposit account with the County to pay for County staff time in review of groundwater monitoring reports.

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



- a. Groundwater production data and water level data shall be reported to [PDS, Groundwater Geologist] on a once every two weeks basis during the first 90 days of construction and a monthly basis during the remainder of the construction phase of the project. An appendix documenting groundwater dependent habitat monitoring as described within the GMMP shall also be included.
- b. If the baseline water levels at any off-site monitoring wells are initially exceeded by 5 feet, the [PDS, Groundwater Geologist] will be notified via letter and electronic mail within five working days of the exceedance.
- c. If production or water level thresholds are exceeded pursuant to Description of Requirement a. or b. above, pumping of Well B shall cease and the [PDS Groundwater Geologist] will be notified via letter and electronic mail within one working day of the exceedance.

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

**41. GROUNDWATER MMRP, JACUMBA COMMUNITY SERVICES DISTRICT GROUNDWATER USE (Mitigation measure M-BI-PP-15) INTENT:** In order to comply with mitigation measure M-BI-PP-15 to protect groundwater and resources and to protect groundwater dependent habitat a Groundwater Monitoring and Mitigation Plan (GMMP) shall be implemented. **DESCRIPTION OF REQUIREMENT:** The applicant shall implement the County approved Jacumba Community Services District GMMP dated December 2013. The GMMP includes establishing baseline conditions, ongoing construction monitoring, and post construction monitoring. Implementation for the construction period shall include the following:

- a. Construction Production Limitations: Groundwater production shall be metered and monitored at pumping Well 6 with production limited to a sum total of 21 acre-feet extraction during the construction period.
- b. Construction Groundwater Level Thresholds: During groundwater extraction for construction, a groundwater level threshold of 5 feet of drawdown below baseline conditions shall be enforced at offsite Well 4, Well 7, Well 8, and Park Monitoring Well. If a water level threshold is exceeded, pumping at Well 6 will cease until the water level at the well that experienced the threshold exceedance has increased above the threshold and remained there for at least 30 days. Additionally, written permission from [PDS Groundwater Geologist] must be obtained before production may be resumed.
- c. Construction Groundwater Level Thresholds, Well 4: In addition to the water level thresholds in Description of Requirement b., a water level threshold of 23 feet below the ground surface shall be enforced in offsite Well 4. If the water level

threshold is exceeded, pumping at Well 6 will cease until the water level at Well 4 has increased above the threshold and remained there for at least 30 days. Additionally, written permission from [PDS Groundwater Geologist] must be obtained before production may be resumed.

- d. Groundwater Dependent Habitat Monitoring: In the event of the water level threshold of 23 feet below the ground surface is exceeded in Well 4, groundwater dependent habitat monitoring would be required to commence in accordance to the requirements specified in Section 3.2. This includes baseline data collection and quarterly monitoring during an 18-month monitoring period. If no deleterious health effects are observed in the groundwater dependent habitat during this monitoring period, groundwater dependent habitat monitoring may cease. Otherwise, monitoring will continue in year 2 through 5 in accordance with the components contained within the GMMP.
- e. If evidence of deterioration of groundwater dependent habitat persists after the groundwater dependent monitoring period is completed, mitigation will consist of offsite wetland/oak woodland credits at a 3:1 ratio.
- f. Groundwater at the site shall be pumped from Well 6 only. Groundwater pumped from Well 6 must be used at the project site and is not permitted to be exported for use at other sites.
- g. Flow rate and volume measurements from Well 6 will be recorded daily during project construction.
- h. Pressure transducers will be maintained in a network of five Jacumba Community Services District wells (Well 4, Well 6, Well 7, Well 8, and Park Monitoring Well). Transducer data will be downloaded on a twice a month basis during the first month of construction, and then at least monthly for the rest of the construction phase. The pressure transducers shall remain in the wells after project pumping is complete. The transducers shall be maintained either by the Jacumba Community Services District or the County of San Diego.
- i. The property owner and permittee shall comply with the requirements of the GMMP and this condition. Minor alterations to the GMMP may be approved by the Director of PDS, provided alterations achieve the goals and objectives of the GMMP, and are supported by the record. Water level thresholds and groundwater production limits may not be altered.
- j. Pay all associated GMMP Fees annually, until all GMMP requirements have been completed..

**DOCUMENTATION:** Groundwater production data and water level data shall be reported to [PDS, Groundwater Geologist] on a monthly basis during the construction phase of the project. If the production or water level thresholds are exceeded pursuant to Description of Requirement a. or b. above, pumping from Well 6 shall cease and the [PDS Groundwater Geologist] will be notified via letter and electronic mail within one working day of the exceedance. **TIMING:** Upon establishment of the use, the GMMP shall be complied with until all GMMP requirements have been completed. **MONITORING:** The [PDS, Groundwater Geologist] shall review all GMMP reports to

ensure that the project complies with on-going groundwater production conditions and water level thresholds. The *[PDS, Code Enforcement Division]* is responsible for enforcement of this permit. The Jacumba Community Services District is the water service agency providing this water to the project and is responsible for ensuring its water service to its existing customer base is not interrupted by providing water to external customers. Therefore, Jacumba Community Services District is responsible for evaluating water production and water level data to ensure existing obligations to serve their existing customer base is maintained.

**42. NOISE REDUCTION MEASURES (Condition of Approval and Project Design Feature PDF-N-2)**

**Intent:** In order to comply with noise reduction measures that shall be implemented as conditions of project approval to reduce construction noise to the extent feasible and to comply with the County Noise Ordinance for project design feature PDF-N-2 the following shall be implemented. **Description:** The applicant shall implement the following:

- a. **Conditions of Approval:** The applicant will implement the following noise-reducing features during construction activities:
  1. Whenever feasible, electrical power will be used to run air compressors and similar power tools.
  2. Equipment staging areas will be located as far as feasible from occupied residences or schools.
- b. **PDF-N-2:** As part of the project design and to ensure noise from pile driving activities will comply with the County Noise Ordinance, the project's construction schedule shall be phased so that geologic testing and any pre-drilling for tracker mast installation will be completed before any pile driving to install tracker masts occurs.

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

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

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

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

**Documentation :** The applicant shall comply with the requirements of the approved construction notification plan and provide adequate access for residents. **Timing:** The following actions shall occur throughout the duration of grading and construction. **Monitoring:** The County DPW, PDCI and PDS, BI shall ensure that the contractors comply with the requirements of this condition. The DPW, PDCI shall contact the PDS, PCC, if the applicant fails to comply with this condition.

**44. PROPERTY ACCESS DURING CONSTRUCTION (Project Design Feature PDF-TR-1)**

**Intent:** In order to comply with project design feature PDF-TR-1 and to ensure that residents near the project construction are not unduly impacted during construction activities, access to residential properties shall be provided and maintained.

**Description:** To facilitate access to properties that might be obstructed by construction activities, the project applicant or construction contractor would notify property owners and tenants at least 24 hours in advance of construction activities and would provide alternative access if required. **Documentation:** Copies of notification to property owners shall be submitted to [DPS, PCC] for verification.

**Timing:** The following actions shall occur throughout the duration of construction.

**Monitoring:** The DPW, PDCI shall ensure that the construction contractor complies with the requirements of this condition. The [DPW, PDCI shall contact the PDS, PCC, if the applicant fails to comply with this condition.

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

**45. INSPECTION FEE**

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

**46. SITE PLAN IMPLEMENTATION**

**INTENT:** In order to comply with the approved project design indicated on the approved plot plan, the project shall be constructed as indicated on the approved building and construction plans. **DESCRIPTION OF REQUIREMENT:** The site shall conform to the approved Major Use Permit plot plan and the building plans. This includes, but is not limited to: improving all parking areas trails, parks and driveways, installing all required design features, painting all structures with the approved colors, trash enclosures are properly screened, required and approved signage is installed and located properly, and all temporary construction facilities have been removed from the site. **DOCUMENTATION:** The applicant shall ensure that the site conforms to the approved plot plan and building plans. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall conform to the approved plans. **MONITORING:** The [PDS, BI] and [DPR TC, PP] shall inspect the site for compliance with the approved Building Plans.

**47. SALES AND USE TAX: [PDS, PCC] [UO]**

**INTENT:** In order to ensure economic benefits to the County by obtaining the receipt of sales and use tax, the applicant will work with the County and the contractors that will be responsible for the acquisition of materials and the construction of the Project so sales and use tax shall be accepted in the unincorporated area of the County of San Diego. **DESCRIPTION OF REQUIREMENT:** Provide documentation that demonstrates the equipment, labor, supplies, etc. for the project that were paid for and received in the unincorporated area of the County of San Diego. **DOCUMENTATION:** The applicant shall provide at a minimum an organized summary to demonstrate the total estimated amount of sales tax and use revenue the project produced. The evidence shall be provided to the [PDS, PCC] for approval to the satisfaction of the Director of PDS. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final evidence and or report shall be provided to the County. **MONITORING:** The [PDS, PCC] shall review the evidence for compliance to this condition.

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

**INTENT:** In order to comply with mitigation measures M-AE-PP-1 and reduce anticipated visual contrast and partially screen trackers from public viewpoints along

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

**49. AIR QUALITY RIDE SHARE (Mitigation Measure M-AQ-PP-2)**

**Intent:** In order to comply with M-AQ-PP-2 to reduce NO<sub>x</sub> and PM<sub>10</sub> emissions associated with construction worker trips, a rideshare program shall be implemented. **Description:** A ride share program shall be implemented to encourage at least 30% workers to carpool to and from the construction site to reduce single-occupancy vehicle trips. A plan shall be provided that includes a daily log of construction worker trips using the San Diego iCommute program (SANDAG 2013) (accessed at <http://www.icommutesd.com/>) or similar program. The plan shall include the following:

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

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

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

**INTENT** In order to comply with Mitigation Measure M-BI-PP-2- 4 & 7 to prevent inadvertent disturbance to sensitive habitat outside the limits of disturbance, all grading shall be monitored by a biological monitor and a final Biological Monitoring Report shall be prepared. **DESCRIPTION OF REQUIREMENT:** The "Project Biologist" shall prepare final biological monitoring report. The report shall substantiate the supervision of the grading activities, and state that grading or construction activities did not impact any additional areas outside the project area or beyond the limits of disturbance or any other sensitive biological resources. The report shall conform to the County of San Diego Report Format Guidelines for Biological Resources, and include the following items:

- a. Photos of the temporary fencing that was installed during the trenching, grading, or clearing activities.
- b. Monitoring logs showing the date and time that the monitor was on site.
- c. Photos of the site after the grading and clearing activities.
- d. Supervise and verify placement of temporary fencing of open space easements. The placement of such fencing shall be approved by the [PDS, PCC].
- e. The preconstruction meeting was attended with the contractor and other key construction personnel prior to clearing, grubbing, or grading to reduce conflict between the timing and location of construction activities and other mitigation requirements (e.g., seasonal surveys for nesting birds);
- f. Documentation of Meetings with the contractor and other key construction personnel describing the importance of restricting work to designated areas prior to clearing, grubbing, or grading;
- g. Procedures for minimizing harm to or harassment of wildlife encountered during construction with the contractor and other key construction personnel prior to clearing, grubbing, or grading;
- h. Indicate the construction area in the field with the contractor in accordance with the final grading plan prior to clearing, grubbing, or grading;
- i. Evidence of a field review of the staking to be set by the surveyor, designating the limits of all construction activity prior to clearing, grubbing, or grading;
- j. Proof of being present during initial vegetation clearing, grubbing, and grading;
- k. Flush special-status species (i.e., avian or other mobile species) were flushed from occupied habitat areas immediately prior to brush-clearing and earth-moving activities. If brush-clearing and earth-moving activities take place within the bird breeding season, flushing shall not occur in an area identified as having an active nest and thus resulting in potential take of a species (see M-BI-PP-10);

- l. Verify that grading plans include a Stormwater Pollution Prevention Plan (SWPPP) in compliance with the Construction General Storm Water Permit, State Water Resources Control Board Order No. 2009-0009-DWQ, as amended by Order No. 2010-0014-DWQ; see M-BI-PP-3 for required best management practices (BMPs)) to address hydrology impacts.
- m. The Project Biologist shall verify implementation of the following design requirements for compliance with **M-BI-PP-3**:
  - 1. No planting or seeding of invasive plant species on the most recent version of the California Invasive Plant Council (Cal-IPC) California Invasive Plant Inventory for the project region will be permitted.
  - 2. When construction operations are completed, any excess materials or debris will be removed from the work area.
  - 3. Fully covered trash receptacles that are animal-proof and weatherproof will be installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Prohibit littering and remove trash from construction areas daily. All food-related trash and garbage shall be removed from the construction sites on a daily basis.
  - 4. Pets on or adjacent to construction sites will not be permitted by the operator.
  - 5. Enforced speed limits in and around all construction areas. Vehicles shall not exceed 15 miles per hour on unpaved roads and the right-of-way accessing the construction site or 10 miles per hour during the night.
- n. As outlined in mitigation measure **M-BI-PP-7**, operation and maintenance personnel will be prohibited from engaging in the following activities:
  - 1. Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species;
  - 2. Traveling (either on foot or in a vehicle) outside of the project footprint in undisturbed portions of the project area;
  - 3. Bringing pets on the project area; and
  - 4. Littering on the project area.

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



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

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

**Intent:** In order to comply with Mitigation Measure M-BI-PP-8 and to assure fire safety in compliance with the County Fire Code Sections 96.1.4703 and 96.1.4707, the site shall be maintained in conformance with the approved Fire Protection Plan (PDF-HZ-3). The approved Fire Protection Plan shall be prepared in accordance with County Fire Code Section 96.1.4903. **Description:** The specific project design features shall be implemented in accordance with the approved Fire Protection Plan. **Documentation:** The applicant shall provide documentation (inspection report or photographs) that demonstrates compliance with the Fire Protection Plan (FPP), prepared in accordance with the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements: Wildland Fire and Fire Protection. **Timing:** Prior to the occupancy of the first structures built in association of this permit, the Fire Protection Plan requirements shall be implemented for the phase or portion of the project that it is associated with. **Monitoring:** The [PDS, PCC] and County of San Diego Fire Authority (SDCFA) shall verify that the mitigation measures have been initially implemented pursuant to the approved building plans and the fire protection plan.

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

**INTENT:** In order to comply with mitigation measure M-CR-PP-1 and to ensure that the Archaeological Monitoring occurred during the grading phase of the project a final report shall be prepared. **DESCRIPTION OF REQUIREMENT:** A final Archaeological Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program shall be prepared. The report shall include the following items:

- a. DPR Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural resources collected during the survey, testing, and archaeological monitoring program have been curated as follows:
  1. All prehistoric cultural materials shall be curated at a San Diego curation facility or a culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to an appropriate curation facility in San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

2. Historic materials shall be curated at a San Diego curation facility as described above, and shall not be curated at a Tribal curation facility. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.
- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the grading monitoring activities have been completed. Daily Monitoring Logs must be submitted with the negative monitoring report.

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

### 53. GEN-TIE MAINTENANCE NOISE (Mitigation Measure M-N-TDS-2)

**Intent:** In order to comply with Mitigation Measure M-N-TDS-2 to reduce maintenance activity noise and to comply with the County Noise Ordinance standards the following noise control plan shall be prepared. **Description:** As part of an operations and maintenance program, prepare a Noise Control Plan that addresses the use of helicopters for annual line inspection, and for delivery of repair parts or materials to limited access portions of the gen-tie line. The plan shall demonstrate compliance with the County Noise Ordinance for the impacts caused by helicopter noise on properties with an occupied residence, and with property lines within 3,000 feet of proposed helicopter use locations. Components of the plan shall include the following:

- a. Affected property owners shall be notified prior to the use of helicopters for repair/maintenance activity within 3,000 feet of their property boundaries.
- b. Helicopter operations for line inspection and repair materials delivery shall be restricted to an altitude not less than 400 feet above ground level within 1,125 feet of a noise sensitive land use, unless a helicopter quieter than a Bell 407 or Kman Kmax is proposed to be used.
- c. The area for take-off and landing of helicopters associated with line inspection or repair operations shall not be located within 3,000 feet of a property line with an occupied residence.

- d. Brush clearance along the gen-tie route shall be accomplished using non-motorized equipment and hand tools when performing work within 1,125 feet of a noise sensitive land use.
- e. For equipment maintenance or replacement associated with the gen-tie facilities, the number of simultaneously operating trucks or other support equipment shall be limited to the minimum practicable number to accomplish the task, with a maximum of two trucks to be operating simultaneously once in position.

**Documentation:** The applicant shall submit the noise control plan to the [PDS, PCC] for review and approval. **Timing:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the noise protocol report shall be prepared. **Monitoring:** The [PDS, PCC] shall review the noise report and building plans for compliance with this condition.

#### 54. TRAIL/PATHWAY ACCEPTANCE

**INTENT:** In order to ensure the trail has been constructed and/or improved in accordance with to the [Community Trails Master Plan Design and Construction Guidelines](#), a final field inspection and acceptance must be made by the County.

**DESCRIPTION OF REQUIREMENT:** The applicant shall improve to the satisfaction of the Department of Parks and Recreation and/or the Department of Planning & Development Services, a trail to a width of 10' within the dedicated trail easement as indicated on the approved plot plan. The trail/pathway shall be constructed in accordance with the Community Trails Master Plan Design and Construction Guidelines. **DOCUMENTATION:** Upon completion of the trail, the applicant request in writing a final acceptance of the trail improvements. The applicant shall pass a final inspection and acceptance of the trail. A final inspection shall be coordinated with the [DPR, TC], and all applicable inspection fees shall be paid. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the applicant shall improve the trail). **MONITORING:** The [DPR,TC] and or [DPW, Private Development Construction Inspection] shall review the trail for conformance with the plans for and with the [Community Trails Master Plan Design and Construction Guidelines](#). Upon acceptance of the trail, all financial securities (if any), for the construction of the trail facility shall be released.

#### 55. ROADS#1–ACCESS IMPROVEMENTS

**INTENT:** In order to promote orderly development and to comply with the [Policy I-18](#) and the [County Consolidated Fire Code Sec. 503 et al.](#), a project access shall be improved. **DESCRIPTION OF REQUIREMENT:** Improve or agree to improve and provide security for:

- a. The project driveway, which shall be designed and constructed per standard drawing G14A or DS7 to the satisfaction of the Director of Planning & Development Services.
- b. The Pavement taper from the ultimate right-of-way line to the existing edge of pavement, with asphalt concrete to the satisfaction of the Director of PDS.

- c. The project entry gate, which shall be designed and constructed to the satisfaction of the San Diego County Fire Authority and the Director of PDS.

**DOCUMENTATION:** The applicant shall obtain the construction permit and provide a copy of the permit, proof of payment, and evidence that all the requirements of the permit have been met, to [PDS, LDR]. **TIMING:** Prior to occupancy or use of the premises in reliance of this permit, the permit shall be obtained. **MONITORING:** The [PDS, LDR] and [DPR, TC] shall review the permit for compliance with this condition.

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

## 56. SITE CONFORMANCE

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

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

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

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

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

**INTENT:** In order to ensure the removal of the Solar Energy System and to comply with Zoning Ordinance Sections 7372 and 6952.b.3.iv.a, the decommissioning plan shall be implemented upon discontinuance of the use. **DESCRIPTION OF REQUIREMENT:**

The approved decommissioning plan shall be implemented if at such time the use of the property as a photovoltaic solar farm is discontinued for a period of time pursuant to Section 7372 of the Zoning Ordinance as determined by the Director of PDS.

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

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

**Intent:** In order to comply with the requirements of specific Project Design Features (PDF) and Mitigation Measures that are part of the Project Environmental Impact Report the following shall be complied with during the operations of the project. **Description of Requirement:** The following shall be complied with:

- a. In order to comply with **Mitigation Measure M-BI-PP-7**, operation and maintenance personnel will be prohibited from engaging in the following activities:
  1. Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species;
  2. Traveling (either on foot or in a vehicle) outside of the project footprint in undisturbed portions of the project area;
  3. Bringing pets on the project area; and
  4. Littering on the project area.
- b. In order to comply with **Mitigation Measure M-BI-PP-9**: Weed control treatments shall include any legally permitted chemical, manual, and mechanical methods applied with the authorization of the San Diego County agriculture commissioner. The application of herbicides shall be in compliance with all state and federal laws and regulations under the prescription of a pest control advisor (PCA) and implemented by a licensed applicator. Where manual and/or mechanical methods are used, disposal of the plant debris shall follow the regulations set by the San Diego County agriculture commissioner. The timing of the weed control treatment shall be determined for each plant species in consultation with the PCA, the San Diego County agriculture commissioner, and Cal-IPC with the goal of controlling populations before they start producing seeds.

**DOCUMENTATION:** The applicant shall assume responsibility pursuant to this condition. **TIMING:** Upon establishment of use, the following conditions shall apply

during the term of this permit. **MONITORING:** *The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.*

**59. POST-CONSTRUCTION GROUNDWATER MMRP, ON-SITE GROUNDWATER USE (Mitigation measure M-BI-PP-15) INTENT:** In order to comply with mitigation measure M-BI-PP-15 to protect groundwater and resources and to protect groundwater dependant habitat a Groundwater Monitoring and Mitigation Plan (GMMP) shall be implement. **DESCRIPTION OF REQUIREMENT:** The applicant shall implement the County approved Tierra del Sol Solar Farm Project GMMP dated November 2013. The GMMP includes establishing baseline conditions, ongoing construction monitoring, and post construction monitoring. Implementation for the post-construction period shall include the following:

- a. Ongoing Production Limitations: For ongoing operational water use, groundwater production shall be metered and monitored at pumping well B with production limited to a sum total of 7 acre-feet extraction per year.
- b. Post-Construction Groundwater Level Thresholds: During groundwater extraction for the first five years of water use, a groundwater level threshold of 10 feet of drawdown below baseline conditions shall be enforced at offsite monitoring wells RM-1, RM-3, and RSD-1. Additionally, a water level threshold of 20 feet of drawdown below baseline will be enforced at offsite monitoring wells GR-1, GS-1, GS-2, LK-1, RSH-1, RSH-2, WHH-1, and any additional offsite residential wells included in the well monitoring network. If a water level threshold is exceeded, pumping at Well B will cease until the water level at the well that experienced the threshold exceedance has increased above the threshold and remained there for at least 30 days. Additionally, written permission from [PDS Groundwater Geologist] must be obtained before production may be resumed.
- c. Groundwater at the site shall be pumped from Well B only. Groundwater pumped from Well B must be used at the project site and is not permitted to be exported for use offsite.
- d. Flow rate and volume measurements from Well B will be recorded monthly during ongoing project operation. These measurements shall continue for the life of the project.
- e. Pressure transducers will be maintained in a network of 6 on-site monitoring wells (Well 1, Well 2, Well 3, Well 4, Well 5, and Well A) and 11 off-site monitoring wells (GR-1, GS-1, GS-2, LK-1, RM-1, RM-3, RSD-1, RSH-1, RSH-2, RSH-3, WHH-1, and any additional offsite residential wells included in the well monitoring network prior to commencement of project related extraction). Transducer data will be downloaded on at least a quarterly basis during ongoing project operations. Groundwater level monitoring will be conducted for the first five years of the project. If after five years groundwater impacts are shown to be minimal from project pumping, offsite groundwater level monitoring may cease. However, on-site groundwater level monitoring shall continue for the life of the project on at least a quarterly basis.

- f. Groundwater dependent habitat monitoring shall be conducted in accordance to the procedures outlined within Section 3.2 of the GMMP. This includes baseline data collection for up to approximately 1 year prior to project-related groundwater extraction. Ongoing monitoring shall occur quarterly during the 1 year construction period. If less than 3 feet of drawdown is observed in monitoring wells RM-1 and RM-3 at the end of construction extraction and no deleterious health effects are observed in the oak woodland habitat, groundwater dependent habitat monitoring may cease. Otherwise, monitoring will continue in year 2 through 5 in accordance to the components contained within the GMMP. PDS shall be given the option to receive the pressure transducers from offsite wells no longer being monitored for the project.
- g. If evidence of deterioration of groundwater dependent habitat persists after the groundwater dependent monitoring period is completed, mitigation will consist of offsite wetland/oak woodland credits at a 3:1 ratio.
- h. The property owner and permittee shall comply with the requirements of the GMMP and this condition. Minor alterations to the GMMP may be approved by the Director of PDS, provided alterations achieve the goals and objectives of the GMMP, and are supported by the record. Water level thresholds and groundwater production limits may not be altered.
- i. The applicant shall setup and maintain a deposit account with the County to pay for County staff time in review of groundwater monitoring reports.

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

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

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

**60. BIRD AND BAT STRIKES SELF MONITORING AND REPORTING (Condition of Approval)**

**Intent:** In order comply with the bird and bat strike self-monitoring and reporting condition of approval and to reduce the potential risk for avian and bat mortality resulting from construction and operations, self-monitoring and reporting of the project sites for avian and bat strikes shall be implemented. **Description:** The applicant shall comply with the following:

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

The applicant will contract a County approved biologist to train site O&M staff to perform self-monitoring of the project site. O&M staff will walk down every east-west corridor between solar panels once a week and will search for carcasses in and around each tracker and all facilities. Data collected during weekly monitoring will be sent to the County approved biologist identification, mapping and further analysis to be included in the quarterly reported submitted to the County PDS. The quarterly report will include the following sections: 1. Introduction; 2. Site Assessment Review and Summary of Background Information; 3. Post Construction Monitoring Methods and Results. Since there are no official post-construction monitoring methods, the bird and bat strike self-monitoring and reporting condition of approval details the methods that would be implemented at the project sites. **Documentation:** The applicant shall submit quarterly reports to County DPS for review and to assist in regional data collection efforts. **Timing:** Reports shall be prepared on a quarterly basis for a period of three years during project operations. **Monitoring:** County PDS shall review quarterly reports once completed and submitted. The *[PDS, Code Enforcement Division]* is responsible for enforcement of this permit.

**61. GEN-TIE MAINTENANCE NOISE (Mitigation Measure M-N-TDS-2)**

**Intent:** In order to comply with Mitigation Measure M-N-TDS-2 to reduce maintenance activity noise and to comply with the County Noise Ordinance standards the approved Noise Control Plan for gen-tie maintenance shall be implemented. **Description:** The following maintenance protocol for the generator tie line (Transmission Lines) shall be implemented:

- a. Brush clearance along the gen-tie route shall be accomplished using non-motorized equipment and hand tools when performing work within 1,125 feet of a noise sensitive land use.



- b. For equipment maintenance or replacement associated with the gen-tie facilities, the number of simultaneously operating trucks or other support equipment shall be limited to the minimum practicable number to accomplish the task, with a maximum of two trucks to be operating simultaneously once in position.
- c. Any use of helicopters for annual line inspection, and for delivery of repair parts or materials to limited access portions of the gen-tie line shall demonstrate compliance with the County Noise Ordinance for the impacts caused by helicopter noise on properties with an occupied residence, and with property lines within 3,000 feet of proposed helicopter use locations. Compliance with the following is required:
  - 1. Affected property owners shall be notified prior to the use of helicopters for repair/maintenance activity within 3,000 feet of their property boundaries.
  - 2. Helicopter operations for line inspection and repair materials delivery shall be restricted to an altitude not less than 400 feet above ground level within 1,125 feet of a noise sensitive land use, unless a helicopter quieter than a Bell 407 or Kman Kmax is proposed to be used.
  - 3. The area for take-off and landing of helicopters associated with line inspection or repair operations shall not be located within 3,000 feet of a property line with an occupied residence.

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

## 62. **SOLAR TRACKER WASHING PROCEDURES (Project Design Feature PDF-N-1)**

**Intent:** In order to comply with the requirements of Project Design Features (PDF-N-1) and to comply with the County Noise Ordinance operational procedures and equipment procedures shall be implemented as a part of project design. **Description of Requirement:** To ensure noise from tracker washing activities will comply with the County Noise Ordinance, the following operational procedures and equipment will be implemented as a part of project design:

- a. Wash Station Gasoline Engine Enclosure: The proposed IPC Eagle Wash Station has a reference noise level of 99 dBA, at 9 feet from the engine. The wash station incorporates a new generation Honda GX-160 gasoline powered engine. In the factory configuration, this engine is mounted to an open frame on the wash station. A number of manufacturers produce acoustic panels suitable for exterior use, fabricated with steel casing and foam insulation, which have a sound transmission class (STC) rating up to 40. Acoustic-rated louvers are also available to permit air circulation while dampening sound propagation; such louvers can achieve an STC rating up to approximately 25. A cubic enclosure

constructed with solid panels on 5 sides, and an acoustic louver on the remaining face, would achieve a composite STC of 32. Such an enclosure would reduce the operational sound level of the wash station to 67 dBA at 9 feet. As a design feature, the applicant is proposing to employ a sound enclosure for the wash station engine to achieve a sound level of not greater than 67 dBA at 9 feet; as long as this maximum noise level is respected, other equipment may be substituted.

- b. North/South Panel Washing Operations: Because of the orientation of the trackers (long axis north–south), tracker washing would take place in a north–south direction, using the service roads oriented in this direction. Along the northern and southern property lines, washing of the closest tracker to the property line would require 10 minutes, after which the adjacent tracker (at the end of the next row over) would be washed for another 10 minutes, and then then equipment would be moved down the row, away from the property line. The maximum amount of time within a critical 130 foot distance from the property line would therefore be 20 minutes in an hour.
- c. Wash Station Operations Setback Distance: Using simple distance attenuation formulas, it was determined that continuous operation of the wash station within 130 feet of a property line with adjacent residential use would exceed the applicable portion of the San Diego County Noise ordinance (Section 36.404 Sound Level Limits). For eastern and western property lines, the distance from tracker washing activity would remain constant, as the equipment moves parallel to the property line; therefore a design feature is to place the IPC Eagle Wash Station a minimum of 130 feet from the eastern and western property lines. This would equate to following the center-line of the service road on the interior side of the solar tracker row closest to the east and west property lines. The noise produced by the water spray nozzle itself was not calculated because the noise level is anticipated to be at least 10 dBA less than the enclosed engine, which would not affect the composite noise level from the wash station.
- d. Note: This condition can be modified at any time if approved by the Director of PDS if the applicant changes the type or method of washing that complies with the County Noise Ordinance. The applicant is required to demonstrate compliance with a new noise analysis.

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

### 63. BIOLOGICAL HABITAT COMPENSATION

**Intent:** In order to comply with Conditions 42g. and 62g., offsite compensation shall be provided to mitigate for wetland/oak woodland impacts should they occur as a result of groundwater pumping. **Description:** The applicant shall provide compensatory

mitigation should impacts occur as a result of groundwater pumping onsite. Mitigation shall be provided through one of the following options:

- a. **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Wildlife. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
  1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
  2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
  3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
  4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.
- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation habitat of the same amount and type of land located in East San Diego County as indicated below:
  1. Prior to purchasing the land for the proposed mitigation, the location should be pre-approved by [PDS].
  2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite-mitigation is proposed to be managed by DPR, the RMP shall also be prepared and approved to the satisfaction of the Director of DPR.
  3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
  4. The purchase and dedication of the land and the selection of the Resource Manager and establishment of an endowment to ensure funding of annual ongoing basic stewardship costs shall be complete prior to the approval of the RMP.
  5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land). Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat,

and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

In lieu of providing a private habitat manager, the applicant may contract with a federal, state, or local government agency with the primary mission of resource management to take fee title and manage the mitigation land). Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity. **DOCUMENTATION:** The applicant shall purchase the offsite mitigation credits and provide the evidence to the [PDS, PCC] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [PDS PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [PDS, PCC], for a pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **TIMING:** Upon an impact occurring in accordance with Conditions 42g. and 62g., the mitigation shall occur. **MONITORING:** The [PDS, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PCC] can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [PDS, ZONING] shall accept an application for an RMP, and [PDS, PPD] [DPR, GPM] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

#### 64. **ROADS#1–SIGHT DISTANCE**

**INTENT:** In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.(E) of the [County of San Diego Public Road Standards](#), an unobstructed sight distance shall be maintained for the life of this permit. **DESCRIPTION OF REQUIREMENT:** There shall be a minimum unobstructed sight distance in both directions along **Tierra Del Sol Road** from the project driveways opening for the life of this permit. **DOCUMENTATION:** A minimum unobstructed sight shall be maintained. The sight distance of adjacent driveways and street openings shall not be adversely affected by this project at any time. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Compliance Division] is responsible for compliance of this permit.

#### **GRADING PLAN NOTES:**

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

#### **(BIOLOGICAL RESOURCES)**

#### **GP1. BIOLOGICAL MONITORING [Mitigation Measures, M-BI-PP-2 ,3 & 7]**

**INTENT:** In order to comply with Mitigation Measure M-BI-PP-2, 3, & 7 prevent inadvertent disturbance to sensitive habitat outside the limits of disturbance, all grading shall be monitored by a biological monitor. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities. The Project Biologist shall also perform the following duties before construction to comply with the conditions of this Grading Plan:

- a. Supervise and verify placement of temporary fencing of open space easements. The placement of such fencing shall be approved by the [PDS, PCC].
- b. Attend the preconstruction meeting with the contractor and other key construction personnel prior to clearing, grubbing, or grading to reduce conflict between the timing and location of construction activities and other mitigation requirements (e.g., seasonal surveys for nesting birds);
- c. Conduct meetings with the contractor and other key construction personnel describing the importance of restricting work to designated areas prior to clearing, grubbing, or grading;
- d. Discuss procedures for minimizing harm to or harassment of wildlife encountered during construction with the contractor and other key construction personnel prior to clearing, grubbing, or grading;
- e. Review and/or designate the construction area in the field with the contractor in accordance with the final grading plan prior to clearing, grubbing, or grading;
- f. Conduct a field review of the staking to be set by the surveyor, designating the limits of all construction activity prior to clearing, grubbing, or grading;
- g. Be present during initial vegetation clearing, grubbing, and grading;
- h. Flush special-status species (i.e., avian or other mobile species) from occupied habitat areas immediately prior to brush-clearing and earth-moving activities. If brush-clearing and earth-moving activities take place within the bird breeding season, flushing shall not occur in an area identified as having an active nest and thus resulting in a potential take of a species (see M-BI-PP-10);
- i. To address hydrology impacts, the Project Biologist shall verify that grading plans include a Stormwater Pollution Prevention Plan (SWPPP; see M-BI-PP-3 for required best management practices (BMPs)).
- j. The Project Biologist shall verify implementation of the following design requirements for compliance with **M-BI-PP-3**:

1. No planting or seeding of invasive plant species on the most recent version of the California Invasive Plant Council (Cal-IPC) California Invasive Plant Inventory for the project region will be permitted.
  2. When construction operations are completed, any excess materials or debris will be removed from the work area.
  3. Fully covered trash receptacles that are animal-proof and weatherproof will be installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Prohibit littering and remove trash from construction areas daily. All food-related trash and garbage shall be removed from the construction sites on a daily basis.
  4. Pets on or adjacent to construction sites will not be permitted by the operator.
  5. Enforce speed limits in and around all construction areas. Vehicles shall not exceed 15 miles per hour on unpaved roads and the right-of-way accessing the construction site or 10 miles per hour during the night.
- k. As outlined in mitigation measure **M-BI-PP-7**, operation and maintenance personnel will be prohibited from engaging in the following activities:
1. Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species;
  2. Traveling (either on foot or in a vehicle) outside of the project footprint in undisturbed portions of the project area;
  3. Bringing pets on the project area; and
  4. Littering on the project area.

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

## **GP2. TEMPORARY FENCING [PDS, FEE]**

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

**DESCRIPTION OF REQUIREMENT:** Prior to the commencement of any grading

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

### **GP3. RESOURCE AVOIDANCE [PDS, FEE X2]**

**INTENT:** In order to avoid impacts to raptors and migratory nesting birds, which are sensitive biological resources pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT:** There shall be no brushing, clearing and/or grading such that none will be allowed during the breeding season of raptors and migratory nesting birds within the RAA as indicated on these plans. The breeding season is defined as occurring between February 1 and August 31 (and as early as January 1 for some raptors). All construction activities shall be in compliance with the approved Nesting Bird Management, Monitoring, and Reporting Plan (NBMMRP). The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no raptors and migratory nesting birds are present in the vicinity of the brushing, clearing or grading. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, No Grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDC] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.”

### **(CULTURAL RESOURCES)**

### **GP4. ARCHAEOLOGICAL MONITORING (Mitigation Measure M-CR-PP-1)**

**INTENT:** In order to comply with mitigation measure M-CR-PP-1 to protect undiscovered cultural and historic resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION:** The County approved Project Archaeologist,

Kumeyaay Native American Monitor, and [PDS, PCC], shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the grading monitoring program. The Project Archaeologist and the Kumeyaay Native American Monitor shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources. **DOCUMENTATION:** The applicant shall have the contracted Project Archeologist and Kumeyaay Native American attend the preconstruction meeting to explain the monitoring requirements. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall invite the [PDS, PCC] to the preconstruction conference to coordinate the Archaeological Resource Monitoring requirements of this condition. The [PDS, PCC] shall attend the preconstruction conference and confirm the attendance of the approved Project Archaeologist.

## (CULTURAL RESOURCES)

### GP5. TEMPORARY FENCING (Mitigation Measure M-CR-PP-2)

**INTENT:** In order to comply with mitigation measure M-CR-PP-2 and to prevent inadvertent disturbance to archaeological sites within the avoidance areas and to the sites outside of the Major Use Permit boundaries, temporary construction fencing shall be installed. **DESCRIPTION:** Prior to commencement of any earth-disturbing activities, temporary orange construction fencing shall be placed to protect from inadvertent disturbance archaeological sites within the avoidance areas and to the unimpacted portions of sites outside of the Major Use Permit boundaries. Temporary fencing shall include but is not limited to the following:

- a. Temporary fencing is required in all locations of the project where proposed grading or clearing is within 100 feet of any archaeological site within avoidance areas or the unimpacted portions of sites outside of the Major Use Permit boundaries.
- b. The placement of such fencing shall be approved by the PDS, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of earth-disturbing activities after which the fencing shall be removed.

**DOCUMENTATION:** The applicant shall have a California licensed surveyor install and certify the installation of the temporary fencing in consultation with the Project Archaeologist. The applicant shall submit photos of the fencing along with the certification letter to the [PDS, PCC] for approval. **TIMING:** Prior to preconstruction meeting, and prior to any clearing, grubbing, trenching, grading, or any land disturbances the fencing shall be installed, and shall remain for the duration of the earth-disturbing activities. **MONITORING:** The [PDS, PCC] shall either attend the Preconstruction Meeting and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant's surveyor.



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

**(BIOLOGICAL RESOURCES)**

**GP6. BIOLOGICAL MONITORING [Mitigation Measures, M-BI-PP-2, 3, 7, 11, & 12]**

**INTENT:** In order to comply with Mitigation Measure M-BI-PP-2, 3, 7, 11, & 12 prevent inadvertent disturbance to sensitive habitat outside the limits of disturbance, all grading shall be monitored by a biological monitor. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities. The Project Biologist shall supervise and monitor grading activities to ensure against damage to biological resources that are intended to be protected and preserved. The monitor(s) shall be on site during all grading and clearing activities that are in or adjacent to any sensitive Biological open space areas or habitats. If there are disturbances, the monitor must report them immediately to the [PDS PCC]. Additionally, the biologist shall perform the following duties:

- a. Perform weekly inspection of fencing and erosion control measures (daily during rain events) near proposed preservation areas and report deficiencies immediately to the DPW Construction Inspector;
- b. Perform periodic monitoring of the work area for excessive dust generation in compliance with the County grading ordinance and report deficiencies immediately to the DPW Construction Inspector;
- c. Conduct training for contractors and construction personnel, including the purpose for resource protection, a description of the gnatcatcher and its habitat, and the conservation measures that should be implemented during project construction;
- d. Monitor construction lighting periodically to ensure lighting is the lowest illumination possible allowed for safety, selectively placed, shielded, and directed away from preserved habitat;
- e. Monitor equipment maintenance, staging, and fuel dispensing areas to ensure there is no runoff to Waters of the US;
- f. Stop or divert all work when deficiencies require mediation and notify DPW Construction Inspector and [PDS PCC] within 24 hours; (8) produce periodic (monthly during grading) and final reports and submit to the Wildlife Agencies and the PDS (final report will release bond);
- g. Confer with the Wildlife Agencies and [PDS PCC] within 24 hours any time protected habitat or gnatcatchers are being affected by construction;
- h. Attend construction meetings and other meetings as necessary.

- i. The Project Biologist shall verify implementation of the following design requirements for compliance with mitigation measure **M-BI-PP-3**:
  - 1. No planting or seeding of invasive plant species on the most recent version of the California Invasive Plant Council (Cal-IPC) California Invasive Plant Inventory for the project region will be permitted.
  - 2. When construction operations are completed, any excess materials or debris will be removed from the work area.
  - 3. Fully covered trash receptacles that are animal-proof and weatherproof will be installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Prohibit littering and remove trash from construction areas daily. All food-related trash and garbage shall be removed from the construction sites on a daily basis.
  - 4. Pets on or adjacent to construction sites will not be permitted by the operator.
  - 5. Enforce speed limits in and around all construction areas. Vehicles shall not exceed 15 miles per hour on unpaved roads and the right-of-way accessing the construction site or 10 miles per hour during the night.
- j. As required by mitigation measure **M-BI-PP-7**, operation and maintenance personnel will be prohibited from engaging in the following activities:
  - 1. Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species;
  - 2. Traveling (either on foot or in a vehicle) outside of the project footprint in undisturbed portions of the project area;
  - 3. Bringing pets on the project area; and
  - 4. Littering on the project area.
- k. As required by mitigation measure **M-BI-PP-11**: Cover and/or provide escape routes for wildlife from excavated areas and monitor these areas daily. All steep trenches, holes, and excavations during construction shall be covered at night with backfill, plywood, metal plates, or other means, and the edges covered with soils and plastic sheeting such that small wildlife cannot access them. Soil piles will be covered at night to prevent wildlife from burrowing in. The edges of the sheeting will be weighed down by sandbags. These areas may also be fenced to prevent wildlife from gaining access. Exposed trenches, holes, and excavations shall be inspected twice daily (i.e., each morning and prior to sealing the exposed

area) by a qualified biologist to monitor for wildlife entrapment. Excavations shall provide an earthen ramp to allow for a wildlife escape route.

- I. As required by mitigation measure **M-BI-PP-12**: Minimize night construction lighting adjacent to native habitats. Lighting of construction areas at night shall be the minimum necessary for personnel safety and shall be low illumination, selectively placed, and directed/shielded appropriately to minimize lighting in adjacent native habitats.

**DOCUMENTATION:** The Project Biologist shall prepare and submit to the satisfaction the [PDS, PCC] monitoring reports, which indicate that the monitoring has occurred as indicated above. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDCI] shall assure that the Project Biologist is on-site performing the Monitoring duties of this condition during all applicable grading activities as determined by the Biologist. The [DPW, PDCI] shall contact the [PDS, PCC] if the Project Biologist or applicant fails to comply with this condition. The [PDS, PCC] shall review and approve the monitoring reports for compliance with this condition.

## (CULTURAL RESOURCES)

### GP7. ARCHAEOLOGICAL MONITORING (Mitigation Measure M-CR-PP-1)

**INTENT:** In order to comply with mitigation measure M-CR-PP-1 to protect undiscovered cultural resources in accordance with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist and Kumeyaay Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the following requirements during earth-disturbing activities:

- a. During the original cutting of previously undisturbed deposits, the Project Archaeologist and Kumeyaay Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor.
- b. In the event that previously unidentified potentially significant cultural resources are discovered, the Project Archaeologist, in consultation with the Kumeyaay Native American monitor, shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. At the time of discovery, the Project

- Archaeologist shall contact the PDS Staff Archaeologist. The Project Archaeologist, in consultation with the PDS Staff Archaeologist and the Kumeyaay Native American monitor, shall determine the significance of the discovered resources. Construction activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation. Isolates and clearly non-significant deposits shall be minimally documented in the field. Should the cultural materials for isolates and non-significant deposits not be collected by the Project Archaeologist, then the Kumeyaay Native American monitor may collect the cultural material for transfer to a Tribal Curation facility or repatriation program. A Research Design and Data Recovery Program to mitigate impacts to significant cultural resources shall be prepared by the Project Archaeologist in coordination with the Kumeyaay Native American Monitor. The County Archaeologist shall review and approve the Program, which shall be carried out using professional archaeological methods. The Research Design and Data Recovery Program shall include (1) avoidance of Traditional Cultural Properties, (2) reasonable efforts to preserve (avoidance) "unique" cultural resources or Sacred Sites (3) the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible, and (4) data recovery for non-unique cultural resources. Traditional Cultural Properties shall be avoided.
- c. If any human remains are discovered, the property owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission, shall be contacted by the property owner or their representative in order to determine proper treatment and disposition of the remains. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted. Public Resources Code Section 5097.98, CEQA Section 15064.5 and Health & Safety Code Section 7050.5 shall be followed in the event that human remains are discovered.
  - d. The Project Archaeologist shall submit monthly status reports to the Director of Planning and Development Services starting from the date of the Notice to Proceed to termination of implementation of the archaeological monitoring program. The report shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.

**Documentation:** The applicant shall implement the grading monitoring program pursuant to this condition. **Timing:** The following actions shall occur throughout the duration of the grading construction. **Monitoring:** The [DPW, PDCI] shall ensure that

the Project Archeologist is on-site performing the Monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the Project Archeologist or applicant fails to comply with this condition.

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

## **(BIOLOGICAL RESOURCES)**

### **GP8. BIOLOGICAL MONITORING [Mitigation Measure, M-BI-PP-2-4, 7, 11, & 12]**

**INTENT:** In order to comply with Mitigation Measure **M-BI-PP-2-4, 7, 11, & 12** to prevent inadvertent disturbance to sensitive habitat outside the limits of disturbance, all grading shall be monitored by a biological monitor. **DESCRIPTION OF REQUIREMENT:** The Project Biologist shall prepare and submit a final letter report substantiating his/her supervision of the grading activities and substantiating that grading did not impact any areas outside the limits of disturbance. The report shall conform to the [County of San Diego Report Format Guidelines for Biological Resources](#). It shall also include but not be limited to the following items:

- a. Photos of the temporary fencing that was installed during the trenching, grading, or clearing activities.
- b. Monitoring logs showing the date and time that the monitor was on site.
- c. Photos of the site after the grading and clearing activities.
- d. The following design requirements for compliance with **M-BI-PP-3**:
  1. No planting or seeding of invasive plant species on the most recent version of the California Invasive Plant Council (Cal-IPC) California Invasive Plant Inventory for the project region will be permitted.
  2. When construction operations are completed, any excess materials or debris will be removed from the work area.
  3. Fully covered trash receptacles that are animal-proof and weatherproof will be installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Prohibit littering and remove trash from construction areas daily. All food-related trash and garbage shall be removed from the construction sites on a daily basis.
  4. Pets on or adjacent to construction sites will not be permitted by the operator.
  5. Enforce speed limits in and around all construction areas. Vehicles shall not exceed 15 miles per hour on unpaved roads and the right-of-way accessing the construction site or 10 miles per hour during the night.

- e. As required by mitigation measure **M-BI-PP-7**, operation and maintenance personnel will be prohibited from engaging in the following activities:
  - 1. Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species;
  - 2. Traveling (either on foot or in a vehicle) outside of the project footprint in undisturbed portions of the project area;
  - 3. Bringing pets on the project area; and
  - 4. Littering on the project area.
- f. As required by mitigation measure **M-BI-PP-11**: Cover and/or provide escape routes for wildlife from excavated areas and monitor these areas daily. All steep trenches, holes, and excavations during construction shall be covered at night with backfill, plywood, metal plates, or other means, and the edges covered with soils and plastic sheeting such that small wildlife cannot access them. Soil piles will be covered at night to prevent wildlife from burrowing in. The edges of the sheeting will be weighed down by sandbags. These areas may also be fenced to prevent wildlife from gaining access. Exposed trenches, holes, and excavations shall be inspected twice daily (i.e., each morning and prior to sealing the exposed area) by a qualified biologist to monitor for wildlife entrapment. Excavations shall provide an earthen ramp to allow for a wildlife escape route.
- g. As required by mitigation measure **M-BI-PP-12**: Minimize night construction lighting adjacent to native habitats. Lighting of construction areas at night shall be the minimum necessary for personnel safety and shall be low illumination, selectively placed, and directed/shielded appropriately to minimize lighting in adjacent native habitats.

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

## (CULTURAL RESOURCES)

### GP9. ARCHAEOLOGICAL MONITORING (Mitigation Measure M-CR-PP-1)

**INTENT:** In order to comply with mitigation measure M-CR-PP-1 to protect undiscovered cultural and historic resources and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project

Archaeologist shall prepare one of the following reports upon completion of the grading activities that require monitoring:

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

**DOCUMENTATION:** The applicant shall submit the Archaeological Monitoring report to the [PDS, PCC] for review and approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center and the culturally-affiliated Tribe.

**TIMING:** Upon completion of all earth-disturbing activities, and prior to Rough Grading Final Inspection ([Grading Ordinance SEC 87.421.a.2](#)), the report shall be completed.

**MONITORING:** The [PDS, PCC] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

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

#### **GP10. AIR QUALITY (Mitigation Measures M-AQ-PP-1 and PDF-AQ-1 )**

**Intent:** In order to comply with Mitigation Measures M-AQ-PP-1 and PDF-AQ-1 minimize fugitive dust (PM<sub>10</sub>) and comply the grading ordinance within County Code Section 87.428, the project will implement several construction-related measures to reduce air emissions. **Description of Requirement:** The project shall comply with the following Air Quality measures included in PDF-AQ-1:

- a. All haul/dump trucks entering or leaving the site with soil or fill material must maintain at least 2 feet of freeboard or cover loads of all haul/dump trucks securely.
- b. The applicants will apply water three times per day or as necessary depending on weather conditions to suppress fugitive dust during grubbing, clearing, grading, trenching, and soil compaction and/or apply a nontoxic soil binding agent to help with soil stabilization during construction. These measures will be

applied to all active construction areas, unpaved access roads, parking areas, and staging areas as necessary.

- c. Exposed stockpiles (e.g., dirt, sand) will be covered and/or watered or stabilized with nontoxic soil binders, tarps, fencing or other suppression methods as needed to control emissions.
- d. Grading is to be terminated in winds exceed 25 mph (unnumbered design measure).
- e. Sweepers and water trucks shall be used to control dust and debris at public street access points.
- f. Internal fire access roadways will be stabilized by paving, application of an aggregate base material (such as disintegrated granite), or chip sealing after rough grading.
- g. Disturbed areas will be covered with a nontoxic soil binding agent (Such as EP&A's Envirotac II and Rhinosnot Dust Control, Erosion Control and Soil Stabilization).
- h. Traffic speeds on unpaved roads will be limited to 15 miles per hour (mph).
- i. Provide any of the following or equally effective track out/carryout and erosion control measures to minimize transfer of soil or other materials to public roads: track out grates or gravel beds at each egress point wheel washing at each egress during muddy conditions.
- j. Mitigation Measures M-AQ-PP-1 requires the following be implemented by the applicant to reduce NOx emissions during construction:
  - 1. All construction equipment with engines shall be properly maintained and the engines tuned to the engine manufacturer's specifications.
  - 2. Construction equipment will employ electric motors when feasible.
  - 3. No mobile or portable construction equipment over 50 horsepower shall use engines certified as meeting CARB or EPA Tier 1 standards. All engines shall comply preferably with Tier 3 standards, but no less than Tier 2 at a minimum.

**DOCUMENTATION:** The applicant shall comply with the Air Quality requirements of this condition. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDCI] shall make sure that the grading contractor complies with the Air Quality requirements of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.



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

**GP11. ARCHAEOLOGICAL MONITORING (Mitigation Measure M-CR-PP-1)**

**INTENT:** In order to comply with mitigation measure M-CR-PP-1 to protect undiscovered cultural and historic resources and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources](#), an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program if cultural resources were encountered during earth-disturbing activities. The report shall include the following:

- a. Department of Parks and Recreation Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural materials have been curated as follows:
  1. Evidence that all prehistoric materials collected during the survey, testing, and the archaeological monitoring program have been submitted to a San Diego curation facility or culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that archaeological materials have been received and that all fees have been paid.
  2. Historic materials shall be curated at a San Diego curation facility as described above and shall not be curated at a Tribal curation facility. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.
- d. If no cultural resources are discovered, a Negative Archaeological Monitoring Report must be submitted stating that the archaeological monitoring activities have been completed. Daily Monitoring Logs must be submitted with the negative monitoring report.

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

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

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

Section 21081(b) further states:

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

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

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

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

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

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

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

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

Conditions: 4, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, 36, 37, 38, 42, 43, 51, 52, 53, 54, 55, 56, 61, 62, 64, GP1, GP3, GP4, GP5, GP6, GP7, GP8, GP9, GP10

## MAJOR USE PERMIT FINDINGS

### Project Specific Information:

The project consists of 2,499 concentrating photovoltaic (CPV) dual-axis solar tracking systems ("trackers") located on approximately 420 acres comprised of five adjoining parcels. Each CPV tracking system consists of 12 individual (8' X 12' foot) CPV modules mounted on a steel tracker table affixed to a 28-30" inch steel mast that is driven approximately 15-30' feet below grade. Each complete tracker system is 48' feet across by 25' feet tall with a fully assembled system height of 30' feet above grade.

The trackers are generally grouped into 48 electrical blocks total and consist of approximately 50-60 trackers that are connected to an enclosed inverter skid. There are 48 inverter skid locations dispersed throughout each of the four subareas. Each inverter skid is 400 square feet (10' X 40') with a height of 10' feet. The trackers are installed in parallel rows, oriented north-south with an estimated spacing of 21 meters north-south and 25 meters east-west. Each inverter skid is centrally located within each grouping of trackers to minimize cable runs from each tracker.

The project also includes the following components:

- A 7,500 square foot private on-site collector substation and associated control room located north of the Southwest Powerlink ROW.
- A 7,500 square foot operations and maintenance (O&M) annex located approximately 300 feet west of the collector substation.
- There are two aboveground conductor trunk lines that will be installed on opposite sides of the same pole structures, which will run adjacent to the south side of the Southwest Powerlink ROW from the western to eastern project boundary. The collector trunk lines have a height of 75' feet with approximately 15 to 20 transmission poles in total.
- Power from the project is conveyed from the on-site collector substation to the 138 kilovolt (kV) bus SDG&E's Rebuilt Boulevard Substation via a 6-mile long, dual circuit, underground and overhead 138 kV generator tie line (gen-tie). From the onsite substation, the gen-tie will be installed underground for approximately 0.9 miles and will then transition to an overhead alignment for approximately 3.5 miles. The overhead alignment will traverse the landscapes of Tierra Del Sol and Jewel Valley. West of Jewel Valley Road, the gen-tie transitions to an underground alignment for the final 1.5 miles to the Rebuilt Boulevard Substation. The overhead segment of the 138 kV transmission line is supported by approximately 20 to 25 125-foot tall transmission poles. Two 150

foot tall transition poles will be installed at the underground/overhead transition locations.

- Perimeter fencing with a height of six feet and a one foot tree strand barbed wire.

#### Existing Setting and Surrounding Uses:

The Tierra Del Sol solar farm site is currently unoccupied and primarily undeveloped and is situated adjacent the U.S.-Mexico border in the unincorporated southeastern San Diego County community of Tierra Del Sol. The Tierra Del Sol community consists of scattered rural residences and undeveloped chaparral and exposed boulder covered lands. The topography of the site generally slopes from east to west towards a central north-south trending ridge. In addition to mixed chaparral communities, flat-topped buckwheat, big sagebrush scrub and occasional boulder outcrops dominate the onsite land cover. Several tall and prominent Tecate cypress trees are located near the southern boundary of the site and a small cluster of tall pine trees occur near a centrally located north-south trending ridge. The 500 kilovolt (kV) Southwest Powerlink transmission line, four large, 150-foot tall steel lattice towers, and an associated dirt access road traverse the site from east to west. In addition, there are remnants of several small buildings located near the western and middle portions of the project site. Off site, the topography of the surrounding area tends to rise to the north, east, and west and gently falls to the south towards Mexico. As such, with the exception of downward sloping terrain to the south, the surrounding area topography generally encloses the landscape of the Tierra Del Sol site.

The Tierra Del Sol site consists of five adjoining parcels. Off-site land uses generally consist of transportation (i.e., Tierra Del Sol Road), rural residential development, and undeveloped lands. An approximate 0.2-mile segment of Tierra Del Sol Road and rural residential lots ranging in size from approximately 4 acres to 7.5 acres border the project site on the west. Residential lots support modest one- and two-story structures, limited equestrian facilities and undeveloped lands covered with chaparral vegetation and occasionally traversed by dirt access roads. South of Tierra Del Sol Road and west of the project site, residential lots are crossed by the 500 kV Southwest Powerlink transmission line.

North of the project site the local topography briefly rises and then slowly falls towards the defunct San Diego and Arizona Eastern railroad tracks. While the entirety of the northern project site border is adjacent to Tierra Del Sol Road, the County of San Diego maintains the approximate 0.75-mile paved segment of the roadway that travels west and parallel to the site. The remaining portion (approximately 0.45-mile) is a dirt access road used by residential properties located north, northeast and east of the project site. North of the project site and Tierra Del Sol Road, rural residential lots ranging in size from approximately 4 acres to 55 acres populate the landscape and support modest one-story structures, cleared areas, undeveloped lands covered with chaparral vegetation and occasionally, by rock outcrops, oak woodlands, and dirt access roads. In addition, properties are typically delineated by post and rail fencing.

The area between the Tierra Del Sol site and State Route 94 includes the White Star Communications Facility (owned and operated by the County of San Diego) and adjacent CAL FIRE WhiteStar Station (Station 28). The facilities are located adjacent to one another on Tierra Del Sol Road. The White Star Communications Facility includes three 50-75 foot tall

communication towers and approximately 1,000 square feet of control buildings/structures. The CAL FIRE station also includes a tall, approximately 50-75 foot communication tower as well as approximately 5,000 square feet of buildings/structures.

East of the project site, the topography gently falls and then rises towards a series of elevated, north-south trending, granitic boulder and chaparral covered ridgelines. On the east, the project site is bound by a large, 160-acre parcel supporting several indeterminate structures, a storage yard, and dirt access roads. The parcel is spanned by the 500kV Southwest Powerlink transmission line (one 150-foot tall steel lattice tower is located on site) and with the exception of structures, yards, and access roads, the land cover of the parcel is populated by chaparral and oak woodland vegetation.

South of the project site, the terrain gently falls towards the U.S.- Mexico international border and continues a downward slope into the south of the border community of Ejido Jardines Del Rincon. On the south, the project boundary is located adjacent and parallel to the 60-foot wide, dirt-surfaced public reserve utilized by U.S. Customs and Border Protection to conduct patrols along the U.S. – Mexico international border fence. The border fence (approximately 10-feet tall) is located adjacent to the public reserve and separates the project site from the community of Ejido Jardines Del Rincon. Organized in a grid-like development pattern, the community is connected to Federal Highway 2 by a centrally located north-south dirt road. Modest one- and two-story residences are surrounded by cleared lands, occasional trees and crops, and rock outcrops.

The Tierra Del Sol Solar project also includes an approximately 6-mile long, dual circuit, underground and aboveground 138 kV gen-tie line that delivers power from the on-site substation to the 138 kV bus at SDG&E's Rebuilt Boulevard Substation. Lands traversed by the 138 kV gen-tie include undulating ridgelines covered with chaparral vegetation and granitic, lightly colored rock outcrops and rolling terrain featuring dense clusters of chaparral vegetation interspersed by clumps of lightly colored exposed soils, dirt access roads and sparse rural residential development. From the solar farm site, the gen-tie line will be installed underground along Tierra Del Sol Road for approximately 0.6-mile and will turn east prior to crossing tracks of the defunct San Diego and Arizona Eastern railroad. Approximately 1,600 feet east of Tierra Del Sol Road, the underground gen-tie line will transition to an aboveground line and will be installed on approximately 20-25 125-foot tall transmission towers. The gen-tie line will follow a northerly and easterly alignment across primarily undeveloped and gently rising terrain towards a ridgeline located north of Rattlesnake Mountain.

North of Rattlesnake Mountain the gen-tie will descend higher elevation terrain and traverse the chaparral and boulder covered east-facing slopes lining Jewel Valley. After traversing a rural valley landscape that supports agricultural uses (i.e., livestock grazing) and random groupings of large oak trees, the aboveground gen-tie line will transition to an underground line. A transition pole (approximately 150 feet in height) and the beginning of underground duct bank installation will be located approximately 365 feet west of Jewel Valley Road. Between the underground transition and SDG&E's Rebuilt Boulevard Substation, the gen-tie line will cross Jewel Valley Road and undeveloped, chaparral covered terrain. Along this underground segment, the gen-tie alignment will be located within 350 feet of rural residential lots ranging in

size from approximately 4 acres to 45 acres and supporting one-story residential structures typically surrounded by undeveloped, chaparral covered lands.

#### Existing Energy Facilities in the Project Vicinity

Traversing the project site from east to west, the 500 kV Southwest Powerlink is supported by steel lattice towers (approximately 150-feet tall) and features three sets of transmission lines with attached insulators. Four steel lattice towers are distributed laterally across the project site and each tower is connected to the next by a graded access road. In addition, a cleared area is provided around each tower base for fire management. Due to their tall, vertical form, the steel lattice towers are visible from residential lots and local roadways in the community of Tierra Del Sol.

Located on the Campo Kumeyaay Nation Native American reservation, the 50 MW Kumeyaay Wind Farm consists of 25 wind turbines situated on the western rim of the McCain Valley atop the Tecate Divide, approximately 6.5 miles north of the Tierra Del Sol site, and within view of Interstate 8. Each wind turbine is approximately 400 feet tall measured from the ground surface to the tip of the fully extended blade. Due to their large vertical scale and prominent location atop the Tecate Divide, wind turbines are visible from elevated ridgelines in the Tierra Del Sol area and from northerly segments of Tierra Del Sol Road.

While not visible from the solar farm site or from the surrounding Tierra Del Sol community, the approved Tule Wind Project will be visible from northerly segments of Jewel Valley Road and from SDG&E's Rebuilt Boulevard Substation. In addition, similar to the Tierra Del Sol solar farm site, County of San Diego jurisdictional components of the Tule Wind Project are located in the Boulevard Subregional Plan Area. The approved Tule Wind Project is primarily located in the McCain Valley, north of Interstate 8, and consists of approximately 87 wind turbines up to 492 feet in height capable of producing up to 186 megawatts (MW) of wind energy. The Tule Wind Project has obtained Right of Way documents from the United States Bureau of Land Management (BLM) and the United States Bureau of Indian Affairs (BIA), as well as a Major Use Permit from the County of San Diego. The Tule Wind Project is further seeking land use approvals from the California State Lands Commission (CLSC) for permission to place additional wind turbines on land administrated by the CSLC. In addition to wind turbines and associated generator step-up transformers, the Tule Wind Project includes a 34.5 kV overhead and underground collector cable system, with steel poles up to 80 feet in height, linking the wind turbines to the collector substation, a 5-acre collector substation site and a 5-acre operations and maintenance (O&M) building site, three permanent meteorological (MET) towers and one sonic detecting and ranging (SODAR) unit or one light detecting and ranging (LIDAR) unit, a 138 kV overhead transmission line supported by 75-foot high steel poles running south from the collector substation to be interconnected with the Rebuilt Boulevard Substation, and 36.76 miles of newly constructed access roads and 23.44 miles of temporarily widened and improved existing access roads.

A component of the ECO Substation Project, the 2-acre Rebuilt Boulevard Substation includes 138, 69, and 12 kV facilities to accommodate the ECO Substation 138 kV transmission line as well as the potential to interconnect four gen-ties. In addition, the rebuilt substation provides 12 kV service to the surrounding area via an existing 69 kV transmission line. To connect the existing 69 kV transmission line to the rebuilt Boulevard Substation, two new direct embedded

steel poles (approximately 85 feet tall) were installed southwest of the rebuilt substation site. Electrical facilities installed at the rebuilt Boulevard Substation include 138, 69, and 12 kV air-insulated buses, transformers, circuit breakers, disconnect switches, communication equipment, and protective relays. The tallest structure at the rebuilt Boulevard Substation, a transformer A-frame structure, is approximately 40 feet high.

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

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

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

Scale and Bulk:

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

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

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

Appearance with Natural Surroundings:

The CPV tracker has a light translucence and gray appearance that creates a subtle visual contrast when compared to the existing vegetation, topography, and surrounding uses. As distance increases from the project any appearance of bulk and scale will diminish because of the light and translucent appearance of the CPV systems that have a light and gray color that creates a subtle visual contrast when compared to the surrounding topography. This reduction in visual

scale and appearance is enhanced because of the tracker spacing that is approximately 68 feet from north to south and 82 feet east to west thus exposing more of the natural ground and vegetation.

Due to the presence of intervening topography and vegetation, the viewshed of the solar farm site is limited in geographic extent. As such, views of the site are not available from roadways included in the County's Scenic Highway System (i.e., Interstate 8, State Route 94, and Old Highway 80). Furthermore, due to the limited extent of the project viewshed, views of the solar farm site are not visible from any designated scenic vistas. CPV trackers installed on the project site will be visible from area residences and public roadways in the viewshed including Tierra Del Sol Road. When viewed from a distance, the light color of the trackers blend the project with the surrounding area, further reducing color contrast of the project and the perceptible bulk of the solar farm. Design features and mitigation measures incorporated into the project will lessen the visual contrast between the project and areas of undeveloped landscape in the vicinity. Construction fencing and landscape screening, as well as buffering, will reduce the visibility of construction activities. Additionally, landscape screening and setbacks will reduce the visibility of the CPV trackers during operation from local residences and public viewpoints along Tierra Del Sol Road.

Consistency with Surrounding Uses:

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

Project Features	Surrounding facility/feature comparison
<ul style="list-style-type: none"> <li>Two collector transmission lines 75 feet high each</li> <li>125 foot generator tie-line</li> </ul> <p>The features would be visible to residents and motorists in the community of Tierra del Sol and Jewell Valley area.</p>	<ul style="list-style-type: none"> <li>Tule Wind Farm 34.5kV Collector line (75 feet high) – located approximately 8.4 miles northeast of collector transmission lines and 5.1 miles northeast of aboveground segment of generator tie line. While not visible from the community of Tierra del Sol due to intervening terrain, these features would be visible to residents and recreationists in the McCain Valley area.</li> <li>Southwest Powerlink 500kV Transmission Line (up to 170 feet high) – located approximately 5.3 miles northeast of collector transmission lines and 2.2 miles northeast of aboveground segment of generator tie line. These</li> </ul>



	<p>features are visible to residents in the community of Tierra del Sol.</p> <ul style="list-style-type: none"> <li>• Tule Wind 138kV Transmission Line (75 feet high) –located approximately 4.5 miles northeast of collector transmission lines and 1.4 miles northeast of aboveground segment of generator tie line. While not visible from the community of Tierra del Sol due to intervening terrain, these features would be visible to residents in Boulevard, motorists on Old Highway 80 and I-8, and residents and recreationists in the McCain Valley area.</li> <li>• White Star Communication Facility Communication Towers (3 @ 50-75 feet high) – located approximately 2.6 miles north of collector transmission lines and 1.3 miles west of aboveground segment of generator tie-line. These features are visible to residents in Tierra del Sol and motorists on Tierra del Sol Road.</li> <li>• CAL FIRE White Star Station Communication Tower (50-75 feet high) – located approximately 2.6 miles north of collector transmission lines and 1.3 miles west of aboveground segment of generator tie line. These features are visible to residents in Tierra del Sol and motorists on Tierra del Sol Road.</li> <li>• Kumeyaay Wind Turbines (400 feet high) – southernmost turbine located approximately 6.4 miles northwest of collector transmission lines and 3.9 miles northwest of aboveground segment of generator tie –line. These features are visible from the communities of Tierra del Sol, Boulevard, and the McCain Valley.</li> <li>• Tule Wind Turbines (492 feet high) – southernmost turbine (G18) located approximately 7.9 miles northeast of collector transmission lines and 4.0 miles northeast of aboveground segment of generator tie line. Due to intervening terrain these features are unlikely to be visible from the community of Tierra del Sol. These features would be visible to residents in Boulevard and the McCain Valley and to passing motorists on Old Highway 80 and Interstate 8.</li> </ul>
<ul style="list-style-type: none"> <li>• 7,500 sq/ft. Operations and Maintenance Building</li> </ul>	<ul style="list-style-type: none"> <li>• 5,000 sq/ft. CAL FIRE White Star station – located approximately 2.8</li> </ul>

<ul style="list-style-type: none"> <li>• 7,500 sq/ft. onsite substation</li> </ul> <p>These features will be screened from external views by trackers.</p>	<p>miles north of Operations and Maintenance Building and on-site substation. The station is located adjacent to Tierra del Sol Road and is visible to passing motorists and local residents.</p> <ul style="list-style-type: none"> <li>• 2 acre SDG&amp;E Rebuilt Boulevard Substation – located approximately 4.7 miles northeast of Operations and Maintenance Building and on-site substation. While not visible from the community of Tierra del Sol due to intervening terrain, the rebuilt substation is visible to residents located near the facility in Boulevard and to passing motorists on Old Highway 80 and Interstate 8.</li> <li>• 5 acre Tule Substation – located approximately 8.7 miles northeast of Operations and Maintenance Building and on-site substation. While not visible from the community of Tierra del Sol due to intervening terrain, the substation would be visible to recreationists in the McCain Valley.</li> <li>• 5 acre Tule Wind O&amp;M Facility located approximately 8.7 miles northeast of Operations and Maintenance Building and on-site substation. While not visible from the community of Tierra del Sol due to intervening terrain, the facility would be visible to recreationists in the McCain Valley.</li> </ul>
<ul style="list-style-type: none"> <li>• 48 Inverter Skids (400 sq/ft. each) 19,200 sq/ft. total</li> </ul> <p>These features will be screened from external views by trackers because they are approximately 10 feet high. As such, they will be difficult to see. Additionally, the inverters are spaced throughout the project site thus reducing any cumulative bulk appearance.</p>	<ul style="list-style-type: none"> <li>• 5,000 sq/ft. CAL FIRE White Star station – located approximately 2.6 miles northeast of closest inverter skid on project site. The station is located adjacent to Tierra del Sol Road and is visible to passing motorists and local area residents.</li> <li>• 2 acre SDG&amp;E Rebuilt Boulevard Substation - located approximately 4.5 miles northeast of closest inverter skid on project site. The rebuilt substation is visible to residents in Boulevard near the substation and from Old Highway 80 and briefly from Interstate 8.</li> <li>• 5 acre Tule Substation – located approximately 8.5 miles northeast of closest inverter skid on project site. While not visible from the community of Tierra del Sol due to intervening terrain, the substation would be visible to recreationists in the McCain Valley.</li> <li>• 5 acre Tule Wind O&amp;M Facility - – located approximately 8.5 miles</li> </ul>

	northeast of closest inverter skid on project site. While not visible from the community of Tierra del Sol due to intervening terrain, the facility would be visible to recreationists in the McCain Valley.
<ul style="list-style-type: none"> <li>2,499 CPV Tracker Systems</li> </ul> <p>Trackers would be visible to residents and motorists in the community of Tierra del Sol.</p>	The 30-foot maximum height of the CPV trackers is consistent with the scale of surrounding energy facilities and private and public structures as stated above in the discussion above on tracker behavior and appearance with natural surroundings.

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

Consistency with Local Plans and Policies: The proposed Tierra Del Sol solar project is in compliance with identified policies of the Boulevard Community Plan. Policy LU 1.1.1 prohibits 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. In addition, Policy 1.2.2 requires development including regional infrastructure and public facilities, to comply and maintain a rural bulk and scale in accordance with Boulevard's community character. The proposed project is not an "industrial-scale project or facility" as defined by the Boulevard Community Plan. By specifically excluding solar and other renewable energy development from consideration in Policies LU 1.1.1 and LU 1.2.2, the Boulevard Community Plan acknowledges both the potential impacts associated with renewable energy development and the changing character of the local area landscape. Further, solar projects are not categorized in the class of projects which are identified to detract from or degrade groundwater resources, water and air quality, visual and natural resources, wildlife, and the historic rural character of Boulevard. As stated above, the project as a whole is consistent with the bulk and scale of the surrounding uses because individual project components display a similar size and scale as existing features in the landscape. Therefore, the Tierra Del Sol solar project is consistent with the local policies of the Boulevard Community Plan.

#### Coverage:

Coverage for parcels adjacent to and in the immediate vicinity of the project site was calculated using GIS. A total of twenty-seven parcels surrounding the project site were assessed. Lot coverage of the parcels ranges from less than 0.1% (APN 658-090-55-00) to as much as 3.1% (APN 658-090-39-00) with an average

lot coverage of 1%. Improvements considered in the lot coverage calculations of parcels were limited to buildings/structures.

The majority of coverage on the project site will result from construction of 2,499 CPV trackers. Each individual tracker will have a footprint ranging from approximately 195 square feet to 1,200 square feet depending on position of the tracker and its orientation toward the sun. From sunset to sunrise trackers will be in a vertical sleep mode with the lowest lot coverage. As the sun rises and the trackers follow it across the sky, coverage will increase as the trackers become more horizontal, with coverage peaking around midday when the trackers are at their most horizontal position.

In addition to the CPV trackers, additional coverage will result from construction of the inverter pads, O&M facility (7,500 square feet), and onsite collection substation (7,500 square feet). Including all project components, coverage will range from approximately 2.8% when trackers are in the vertical sleep mode to a maximum total coverage of 16.4% when trackers are horizontal at midday.

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

Therefore, the project's lot coverage will range depending on the time of day. During nighttime and early and late daytime hours, the project's lot coverage ratio (approximately 2.8%) will be approximately 2% more than the average for the surrounding area (1%). During late morning and early afternoon, the project's lot coverage will be up to 16.4% and will be approximately 15.4% more than the average for the surrounding area (1%). The project will exceed the maximum lot coverage ratio already present in the area 3.1% (APN 658-090-39-00) at all times of the day. However, CPV tracker spacing, color, and translucence will reduce the overall appearance of coverage on the project site and result in a project that is compatible with surrounding uses. Furthermore, design features and mitigation measures incorporated into the project will lessen the perceptible coverage and bulk of the project site and landscape screening and setbacks will reduce the visibility of the CPV trackers during operation. Accordingly, lot coverage will be consistent and in harmony with surrounding uses.

#### Density:

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

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

Fire Services

An Emergency Services Capabilities Assessment prepared for the project found that the current fire response capabilities, including primary response from San Diego County Fire Authority Boulevard Fire Station and secondary response from CalFire's Whitestar Station, will be adequate to meet the County standard for response time. Any additional response will be provided from San Diego Rural Fire Protection District's Lake Morena and Jacumba Fire Stations, and San Diego County Fire Authority's CalFire Campo Fire Stations. The project will not result in the need for increased fire protection facilities or services in the area. First responders to emergency medical responses are usually fire response units.

The implementation of the Tierra Del Sol project's Fire Protection Plan (FPP), including clear Delineation of access routes and response methods, will be beneficial to fire response in the surrounding community, as well as to the project site.

With regard to suppressing any potential electrical fires, firefighters are trained to stay back a safe distance and use a "fog stream". Firefighters may use Class A foam or a Dry Chemical extinguisher, which many fire engines carry. Most likely, water will be used as it is most plentiful and can cool burning material below ignition temperatures. Another form of fire extinguisher, carbon dioxide (CO<sub>2</sub>) extinguishers, could be used in lieu of dry chemical as they leave no residue. Most fire engines do not carry CO<sub>2</sub> extinguishers. As indicated in the FPPs, portable carbon dioxide (CO<sub>2</sub>) fire extinguishers will be mounted at the inverter enclosures and medium voltage transformer units throughout the project sites. Furthermore, the Tierra Del Sol gen-tie line support structures will consist of non-combustible, steel poles designed for extreme winds that meet or exceed current California Public Utilities Commission (CPUC) standards. New steel poles will be accessible to firefighters via existing and newly constructed roads. In addition, the gen-tie line will have an overhead static wire to improve lightning performance and vegetation management around steel poles and overhead power lines will reduce fire danger. Vegetation within the gen-tie right-of-way will be cleared around steel poles a minimum of 48 inches up to 10 feet, and access roads will include fuel management along both edges, where not prohibited by environmental constraints.

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

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

#### Police Services

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

#### Water Supply

The project will require approximately 68-acre feet of water over the 12 month construction period, including a peak water demand of approximately 246,930 gpd during days 1-60 of construction. The annual operational water use is estimated to be up to approximately 7 acre-feet per year. The project will obtain water for construction from one on-site production well (Well B) and will obtain additional supply from the Jacumba Community Services District (JCSD), and Padre Dam Municipal Water District (PDMWD). The groundwater resources investigation prepared for the Tierra Del Sol solar farm has determined that the on-site production well has capacity to provide up to 18-acre feet of groundwater during construction and the entirety of its 76 acre-feet per year operational demand (Dudek 2014a). The JCSD is expected to provide up to 2128 acre-feet from Well 6 during the construction period (Dudek 2014b), and JCSD has provided a will serve letter, dated April 1, 2014. PDMWD also is expected to be able to supply up to 29 acre feet of water during the peak construction period (Dudek 2014b). PDMWD has provided a will serve letter dated July 3, 2014.

#### Wastewater

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

#### Solid Waste

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

#### Schools

Because of the small number of permanent workers associated with the project, the project will not require new or expanded school facilities or result in an increase in demand for other services.

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

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

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

Due to the inclusion of existing, approved and proposed energy facilities, the Boulevard Subregional Plan Area has and continued to experience changes in its neighborhood character. The area that originally was predominantly rural in nature with large homesteads is becoming increasingly developed with private facilities, civic uses and energy infrastructure and facilities. The subregional plan area supports a range of development including large lot rural residential structures, private use equestrian facilities, small-scale rural commercial businesses, undeveloped open space, communication facilities and electrical infrastructure, and existing and approved wind energy facilities. Furthermore, in addition to the Tierra Del Sol solar farm, the Chapman Ranch Solar Project has been proposed in the Boulevard subregion and will be located north of Interstate 8 and west of McCain Valley Road. An additional solar facility, Cameron Solar, is proposed along Lake Morena Drive in the neighboring Lake Morena/Campo subregional area and the Jacumba Solar Project is proposed along Old Highway 80 in the neighboring Jacumba subregional area. As such, the neighborhood character of the plan area and surroundings can be described as varied. The commercial core of the community of Boulevard is situated along State Route 94 and Old Highway 80 and is located approximately 4 miles northeast of the Tierra Del Sol project site.

Near the project site, there are scattered rural residences and limited agriculture uses, undeveloped lands, an observatory site, the defunct San Diego and Arizona Eastern railroad, and tribal lands. The 60-foot wide public reserve line utilized by U.S. Customs and Border Protection to conduct patrols in the area and the adjacent 10-foot tall, rust colored U.S. – Mexico international border fence are located immediately south of the project site. The White Star Communications Facility (owned and operated by the County of San Diego) and adjacent CAL FIRE WhiteStar station (Station 28) are located approximately 2.6 miles to the north of the site along Tierra Del Sol Road. There are a variety of energy uses existing and proposed in the immediate area of the project. The 500 kV Southwest Powerlink traverses the project site from east to west and four large, approximately 150-foot tall steel lattice support towers are located on site. The Kumeyaay Wind Farm with 25 wind turbines is an existing use located atop

the Tecate Divide, and the approved Tule Wind Project, including a new transmission line, is expected to begin construction in McCain Valley in 2016. Both the Kumeyaay Wind Farm and the Tule Wind Project are visible from northerly segments of Tierra Del Sol Road or from landscapes traversed by the Tierra Del Sol project gen-tie line. Furthermore, solar energy facilities are proposed along State Route 94 and Old Highway 80 and the proposed gen-tie line will interconnect with SDG&E's Rebuilt Boulevard Substation. The currently under construction ECO Substation 138 kV transmission line and the approved Tule Wind project 138 kV gen-tie line will also interconnect to the rebuilt substation. The 500 kV Sunrise Powerlink transmission line also traverses the Boulevard Subregional Plan Area and large steel lattice support towers are generally located north of Interstate 8 and east of McCain Valley Road. The Chapman Ranch solar energy facility is also proposed in the plan area and would be located north of Interstate 8 at McCain Valley Road and Rocky Knoll Road.

The Boulevard Community Plan provides guidance and policies to shape the future character of the community. The Boulevard Community Plan was recently amended by approval of the Wind Energy ordinance in 2013. The project is consistent with policies of this Plan, including LU 1.1.1 which specifically states that solar projects are not "industrial-scale projects or facilities," and therefore, not categorized in the class of projects which are identified to detract from or degrade groundwater resources, water and air quality, visual and natural resources, wildlife, and the historic rural character of Boulevard. In addition, the project is consistent with the policies of the Boulevard Community Plan that aim to protect the natural environment, including protection of dark skies (LU 3.1.1), preservation of native and riparian habitat (LU 3.2.1), and protection of historic sites (LU 3.3.1). In addition, the project will provide funding towards improved emergency response equipment and personnel (LU 5.1.1 and S 1.1.1) and will provide buffers from public roads and surrounding properties and residences (LU 6.1.3).

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

Design features and mitigation measures incorporated into the project will lessen the visual contrast between the project and areas of undeveloped landscape in the vicinity. As previously discussed, swaths of native vegetation along the northern and western project boundary will remain in place to maintain existing visual resources and reduce the visibility of the ground plane of the project site as viewed from Tierra Del Sol Road. Construction fencing and landscape screening, as well as buffering, will reduce the visibility of construction activities.



Similarly, landscape screening and setbacks will reduce the visibility of the CPV trackers during operation.

Night lighting will be minimal and will be limited to security lighting around the O&M facility. Impacts to dark skies will be less than significant. Noise impacts will be primarily temporary and related to construction activities; all noise impacts will be mitigated. Short-term construction traffic will be managed by a traffic control plan and will not decrease level of service on the local roadways. Operation of the project will result in the addition of approximately 14 trips per day and will not affect roadway service levels.

Water use for construction will be carefully monitored and extraction levels are capped by County thresholds. Operational water use will be minimal (approximately 6 acre-feet per year) and limited primarily to tracker washing, application of soil binders, irrigation of landscape screening and potable water needs.

As described above, the project will not have a harmful effect on desirable neighborhood character. Therefore, the project is considered to be consistent with this finding.

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

The project will not alter the physical character of Tierra Del Sol Road, State Route 94, Old Highway 80 or Ribbonwood Road because operation of the project will only result in the addition of up to 14 daily trips for worker commutes. In addition, panel washing will occur approximately every 6 weeks and will thus add approximately 36 trips per year to project area roadways. An increase in traffic will occur during the approximate 12-month construction period, with an average of 58 daily trips, but this effect will be temporary. The construction and operational increases in traffic will not cause the level of service (LOS) of affected roads (currently operating at LOS A) to fall below the County's acceptable LOS (LOS D) or affect existing intersection operations and Delay. Nor will the project cause affected roads to exceed their assumed design capacity. A traffic control plan will be implemented to ensure safe and efficient traffic flow in the area and on the project site during construction. A construction notification plan will be used to inform property owners of potential effects of construction on roads and traffic. Property owners and tenants whose property access will potentially be impacted will be specifically notified in advance and provided alternative access.

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

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

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

Compatibility with Land Use Designations and Planning Documents

The project site is designated RL-80, Rural Lands, in the General Plan and zoned S92 (General Rule) and A70 (Limited Agriculture). A solar farm is defined as a "Civic Use Type" which is allowed within these zones if a Major Use Permit is obtained. A General Plan Analysis Report prepared by the County shows that the project is consistent with all applicable General Plan policies, as well as the Mountain Empire Subregional Plan and the Boulevard Community Plan.

A portion of the Tierra del Sol site zoned A70 (the entirety of APN 658-090-31-00) also contains an "A" designator which denotes inclusion of the parcel within an adopted County of San Diego agricultural preserve. The project proposes to disestablish the agricultural preserve (Maupin Agricultural Preserve No. 96) by shifting the boundary to exclude the subject parcel (658-090-31-00) within the Tierra del Sol site. The Agricultural Preserve Disestablishment Report for the Tierra del Sol Solar Farm Project shows that disestablishment will be consistent with surrounding land uses and character of the community and will not significantly impact the viability of the remaining Agricultural Preserve as a protected area because the subject parcel has long since ceased to be an agricultural resource.

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

Environmental Suitability

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

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

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

Water cost and availability is a serious constraint for agricultural use in the project area. Approximately 160 acres of the 420 acre project site is zoned for agricultural use, which is a high water demand use. In comparison, the project is estimated to only require approximately 6 acre-feet per year of water for operation.

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

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

The project will generate glare at certain places and times of the year that will be received by residences, and motorists. The intensity of glare produced by CPV trackers will be lower than that of glare produced by man-made surfaces (metal roofs, glass etc.) and water. The generated reflection values are not considered hazardous to vision.

There are approximately 50 residences located within 1 mile of the Tierra del Sol solar farm site. The project will generate glare that will be received by seven residences in the immediate surrounding area. Two residences located west of the project site will receive glare throughout the year with duration ranging from 46 minutes in the winter to 60 minutes in the summer. Five residences located north of the project site will receive glare during summer months for less than 35 minutes per day.

The project will generate glare that will be received by motorists certain times of the year when traveling Tierra Del Sol Road. Glare will be received by motorists along an approximate 1-mile long segment of Tierra Del Sol Road. The daily duration of glare exposure along this segment will be longest during the summer months, and glare will be received along the entire 1-mile long segment of the roadway in the early morning following sunrise and in the evening prior to sunset. Daily exposure along the approximate 1-mile long segment during the summer months would range from 47 minutes to 120 minutes. Motorists will experience both focus glare (glare received within the 60-degree angle of the cone of vision) and peripheral glare (glare experienced outside of the 60-degree angle of the cone of vision) as they pass the project site. During the spring and fall, glare will be received along a 0.3-mile long segment of the roadway and daily duration of glare exposure will be 40 minutes or less. During winter, glare will be received

along a 0.2-mile long segment of the roadway and daily duration of glare exposure will be 26 minutes or less. Due to the limited extent of the solar farm viewshed, glare from the Tierra Del Sol solar farm will not be received by motorists on Interstate 8, State Route 94 or Old Highway 80.

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

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

The County's General Plan Analysis Report for the project showed that the project is consistent with the General Plan Rural General Plan Regional Category and Rural Lands Land Use Designation. The Report analyzed consistency with all applicable policies, including 58 policies in the Land Use, Mobility, Conservation and Open Space, Safety, and Noise Elements. The Analysis also found that the project will be consistent with all applicable policies of the Boulevard Community Plan and the Mountain Empire Subregional Plan.

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

The project complies with the requirements of the California Environmental Quality Act (CEQA) because a Draft Programmatic Environmental Impact Report (PEIR) dated January 2014, Environmental Review Number 3910-120005, was prepared for the project that complies with the State and County CEQA Guidelines. The DPEIR was advertised for a 60-day public review commencing on January 2, 2014 and closing on March 3, 2014. Comments were received that required minor changes to the PEIR and the project. This new information clarified or amplified information already found in the DPEIR, and did not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines. A Final Programmatic Environmental Impact Report, including Responses to Comments and dated December 2014 is on file with PDS as Environmental Review Number 3910-120005.

In addition, the applicant made voluntary changes to the project, including reducing the development footprint by increasing project setbacks along Tierra Del Sol Road and removing CPV trackers. These revisions did not constitute significant new information and such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

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

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

**LIGHTING ORDINANCE COMPLIANCE:** In order to comply with the [County Lighting Ordinance 59.101](#) et seq. and Zoning Ordinance Sections 6322, 6324, and 6326, the onsite lighting shall comply with the approved plot plan(s), specific permit conditions and approved building plans associated with this permit. All light fixtures shall be designed and adjusted to reflect light downward, away from any road or street, and away from adjoining premises, and shall otherwise conform to the [County Lighting Ordinance 59.101](#) et seq. and Zoning Ordinance Sections 6322, and 6324. The property owner and permittee shall conform to the approved plot plan(s), specific permit conditions, and approved building plans associated with this permit as they pertain to lighting. No additional lighting is permitted. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance.

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

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

**STORMWATER ORDINANCE COMPLIANCE:** In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [San Diego Regional Water Quality Control Board \(RWQCB\)](#) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control [Ordinance No. 10096](#) and all other applicable ordinances and standards for

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

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

[http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/stormwater/docs/sd\\_permit/r9\\_2007\\_0001/2007\\_0001final.pdf](http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/docs/sd_permit/r9_2007_0001/2007_0001final.pdf).

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

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

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

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

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

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

**TRANSPORTATION IMPACT FEE:** The project is subject to County of San Diego Transportation Impact Fee (TIF) pursuant to [County TIF Ordinance number 77.201 – 77.223](#). The Transportation Impact Fee (TIF) shall be paid. The fee is required for the entire project, or

it can be paid at building permit issuance for each phase of the project. The fee is calculated pursuant to the ordinance at the time of building permit issuance. The applicant shall pay the TIF at the [PDS, LD Counter] and provide a copy of the receipt to the [PDS, BD] at time of permit issuance.

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

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

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

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

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

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

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

**NOTICE:** The 90 day period in which the applicant may file a protest of the fees, dedications or exactions begins on February 4, 2015.

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

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

email cc:  
 Ed Sinsay, Team Leader, Land Development, PDS  
 Mindy Fogg, Planning Manager, Project Planning, PDS