



The County of San Diego

Planning Commission Hearing Report

Date:	March 21, 2025	Case/File No.:	PDS2024-MUP-12-007W1TE, PDS2024-ER-12-21-005C
Place:	County Operations Center 5520 Overland Avenue San Diego, CA 92123	Project:	Major Use Permit Time Extension for a Solar Facility
Time:	9:00 a.m.	Location:	Ribbonwood Road and McCain Valley Road
Agenda Item:	2	General Plan:	Rural Lands (RL-80)
Appeal Status:	Appealable to the Board of Supervisors	Zoning:	General Rural (S92) and A72 (General Agricultural)
Applicant/Owner:	Rough Acres Ranch Foundation	Community:	Mountain Empire (Boulevard)
Environmental:	CEQA Guidelines § 15164 Addendum	APNs:	611-060-04, 611-090-02, 611-090-04, 611-091-03, 611-091-07, 611-100-07, 612-030-01, 612-030-19, 611-110-01

A. OVERVIEW

This report provides the Planning Commission with the necessary information to consider the proposed Rugged Solar Major Use Permit (MUP) Time Extension (MUP Time Extension) (PDS2024-MUP-12-007W1TE) and the associated environmental findings in compliance with the California Environmental Quality Act (CEQA). The Rugged Solar Project, originally approved on October 14, 2015, as part of the Soitec Solar Project, entails the development of a 74-megawatt (MW) utility-scale solar energy facility. On October 12, 2022, the Board of Supervisors (Board) approved a Time Extension and Modification to the MUP, along with a Fire Protection and Emergency Services Agreement.

The MUP Modification approved in 2022 transitioned the project from concentrated photovoltaic (CPV) technology to photovoltaic (PV) solar technology, reduced the maximum panel height from 30 feet to 12 feet, and decreased the development footprint by 21 percent, from 498 acres to 391 acres. Despite these adjustments, the project maintains its capacity to generate 74 MW of renewable electricity, sufficient to power approximately 56,000 homes annually.

The project site totals 764 acres, with project impacts occurring on 391 acres, within the Boulevard Subregional Planning Area of the Mountain Empire Subregional Plan Area. Key components include the solar facility, access roads, and staging areas. The current MUP Time Extension request does not propose any changes to the project as approved in 2022. Through this request the applicant seeks three

years to address delays caused by funding challenges, fluctuations in the renewable energy market, and time required for pre-construction activities such as permitting, final engineering design, and coordination with utility providers. Granting this time extension to the Major Use Permit will ensure the project remains viable, compliant with its existing approvals, and capable of proceeding as planned. No changes to the project are being requested as part of this extension.

This hearing report provides an overview of the previously approved and modified Rugged Solar Project, detailing its development proposal, technical analysis, feedback from the community planning group, compliance with CEQA guidelines, and the Planning & Development Services (PDS) recommendation. It highlights the project's objectives, the rationale behind its design, and the extensive evaluation conducted to ensure alignment with local and state policies.

The project previously underwent review for consistency with the General Plan, Zoning Ordinance, and applicable policies and was determined to meet the necessary standards, with specific conditions established in the Project Form of Decision (Attachment B). A recommendation for approval of the time extension has been received from the Boulevard Community Planning Group and incorporated into the review process. The previous analysis confirms that the project continues to align with regulatory, safety, and environmental requirements, including full compliance with CEQA standards and the time extension will ensure the project's continued viability and compliance with existing approvals.

B. STAFF RECOMMENDATIONS

This is a request for the Planning Commission to evaluate the MUP Time Extension; determine if the required findings can be made; and, if so, take the following actions:

1. Adopt the Environmental Findings included in Attachment A, which includes a finding that the previously certified Program Environmental Impact Report (PEIR) is adequate upon completion of an Addendum pursuant to Sections 15162 through 15164 of the California Environmental Quality Act (CEQA) Guidelines.
2. Adopt the Form of Decision of Approval for a Time Extension to Major Use Permit Modification PDS2024-MUP-12-007W1TE (Attachment B).

C. PROJECT BACKGROUND

Originally Approved Project

On October 14, 2015, the Board of Supervisors (Board) approved the Rugged Solar Project (originally Approved Project) as well as another solar project called the Tierra Del Sol Project (Approved Tierra Del Sol Project). Both projects were analyzed in the Soitec Solar Development Program Environmental Impact Report (Soitec PEIR), which was certified by the Board on October 14, 2015. An additional two solar projects (LanEast and LanWest) were also analyzed in the Soitec PEIR; however, those two projects were ultimately rejected by the Board on October 14, 2015. The four projects (Rugged Solar, Tierra Del Sol, LanEast, and LanWest) analyzed in the Soitec PEIR totaled approximately 1,490 acres within the Boulevard Subregional Planning area (Figure 1). The Rugged Solar Project site is located north of Interstate 8, east of Ribbonwood Road and is bisected by McCain Valley Road.

The originally Approved Rugged Solar Project included the development of an 80 megawatt (MW) concentrated photovoltaic (CPV) solar facility on 498 acres. The originally Approved Rugged Solar Project was comprised of CPV dual-axis trackers grouped into four subareas throughout the originally Approved Rugged Solar Project site.

Approved Project

In 2017, the former Applicant, Rugged Solar LLC, submitted a Time Extension and Modification to the Rugged Solar Major Use Permit (MUP). The project included utilizing photovoltaic (PV) solar technology rather than concentrated photovoltaic (CPV), which resulted in a reduction of the panel height from a maximum of 30-feet to a maximum of 12-feet and the reduction of the development footprint by about 21 percent from 498 acres to 391 acres. The Rugged Solar project would include 74 megawatts of renewable electricity, which is enough energy for approximately 56,000 homes for one year. On July 22, 2022, the Planning Commission recommended approval to the Board and on October 12, 2022, the Board approved the Modification and Time Extension to the Major Use Permit and Fire Protection and Emergency Services Agreement.

Previously Approved Project Analysis

Planning & Development Services (PDS) previously reviewed the Rugged Solar Project for conformance with all applicable ordinances, plans, and guidelines, including the San Diego County General Plan, the Mountain Empire Subregional Plan, the County Zoning Ordinance, and the California Environmental Quality Act (CEQA). The following summary identifies the key elements that were previously analyzed and approved, offering context for the environmental impacts and mitigation measures previously identified and addressed. For further detail of the analysis of the previously approved project, please see attached Planning Commission Report and Board Letter in Attachment C. Below is a summary of the impact analysis evaluated in the originally approved and certified Soitec PEIR, with a focus on the Rugged Solar project site.

Aesthetics and Visual Resources

The Soitec PEIR determined that the Rugged Solar Project would result in significant and unavoidable impacts to aesthetics and visual resources due to conflicts with the existing visual character of the area and glare from the solar panels. A Visual Resources Analysis and Glare Study identified mitigation measures, such as landscaping along McCain Valley Road, to screen the project and reduce glare impacts. While the project would have significant visual impacts, mitigation measures were incorporated to reduce these impacts as much as possible.

Air Quality

The Soitec PEIR concluded that construction activities for the Rugged Solar project could result in significant and unavoidable short-term impacts to air quality if overlapping with other projects. However, the emissions from construction and operation of the Rugged Solar Project on its own were determined to be below County thresholds. Mitigation measures were implemented to ensure compliance with air quality standards and to minimize impacts to public health and welfare.

Biological Resources

The project's impacts on biological resources were evaluated, including potential effects on native habitats and sensitive species. Mitigation measures required the preservation of on-site and off-site habitats, totaling 333.6 acres within an Open Space Preserve and an additional 18.92 acres off-site. These measures ensured that impacts to biological resources were minimized and brought to less-than-significant levels.

Cultural Resources

The Soitec PEIR identified potential impacts to cultural resources due to ground-disturbing activities. Monitoring during grading and other mitigation measures were included to ensure that any potential impacts to cultural resources would be addressed and reduced to less-than-significant levels.

Greenhouse Gas Emissions

Greenhouse gas (GHG) emissions from the Rugged Solar Project were determined to be below the screening criteria threshold of 900 MT CO₂e per year. The project's renewable energy generation would contribute to statewide and countywide goals for reducing GHG emissions, displacing fossil-fuel-generated electricity. Mitigation measures ensured that GHG emissions remained less than significant and aligned with state emission reduction targets.

Groundwater Resources

The Soitec PEIR concluded that the Rugged Solar project would not significantly impact groundwater resources. The project's water demand for construction and operation was determined to be within acceptable limits, with mitigation measures in place to ensure groundwater resources remained sustainable.

Wildfire and Fire Protection

The Soitec PEIR determined that the Rugged Solar project would not expose people or structures to significant wildfire risks. Adequate emergency access and water supplies were incorporated into the project design. The project also required a Fire and Emergency Protection Services Agreement to provide funding for fire protection services, ensuring that emergency response resources would be sufficient for the project's needs.

Community Benefit Agreement

Although not required, the applicant voluntarily proposed a one-time donation of \$887,000 to benefit the Boulevard community. These funds would be allocated to community improvement projects, such as remodeling the Backcountry Resource Center. This agreement was presented to the Boulevard Community Planning Group and reflects the applicant's commitment to supporting the local community. This agreement is a condition of the Form of Decision (Attachment B).

Under the CEQA Guidelines (Sections 15162–15164), the Rugged Solar Project continues to rely on the certified Soitec PEIR for environmental analysis. The Addendum confirmed that no new or supplemental EIR was required, as the modifications did not introduce substantial environmental effects or change project circumstances. Additionally, no new mitigation measures were necessary, as the environmental conclusions remained consistent with the previously certified EIR. This time extension request does not

propose any changes to the approved project, and all environmental analysis remains based on the existing certified EIR.

D. REGIONAL SETTING AND PROJECT LOCATION

The 764-acre Project site is located north of Interstate 8, east of Ribbonwood Road and is bisected by McCain Valley Road, in the community of Boulevard, as shown in Figures 2 and 3 below. The larger portion of the site west of McCain Valley Road includes central, northwest, and southern subareas while the smaller site to the east of McCain Valley Road comprises the eastern subarea.

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

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

Please refer to Attachment C– Planning Documentation, for maps of surrounding land uses and zoning designations.

Table D-1: Surrounding Zoning and Land Uses

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

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

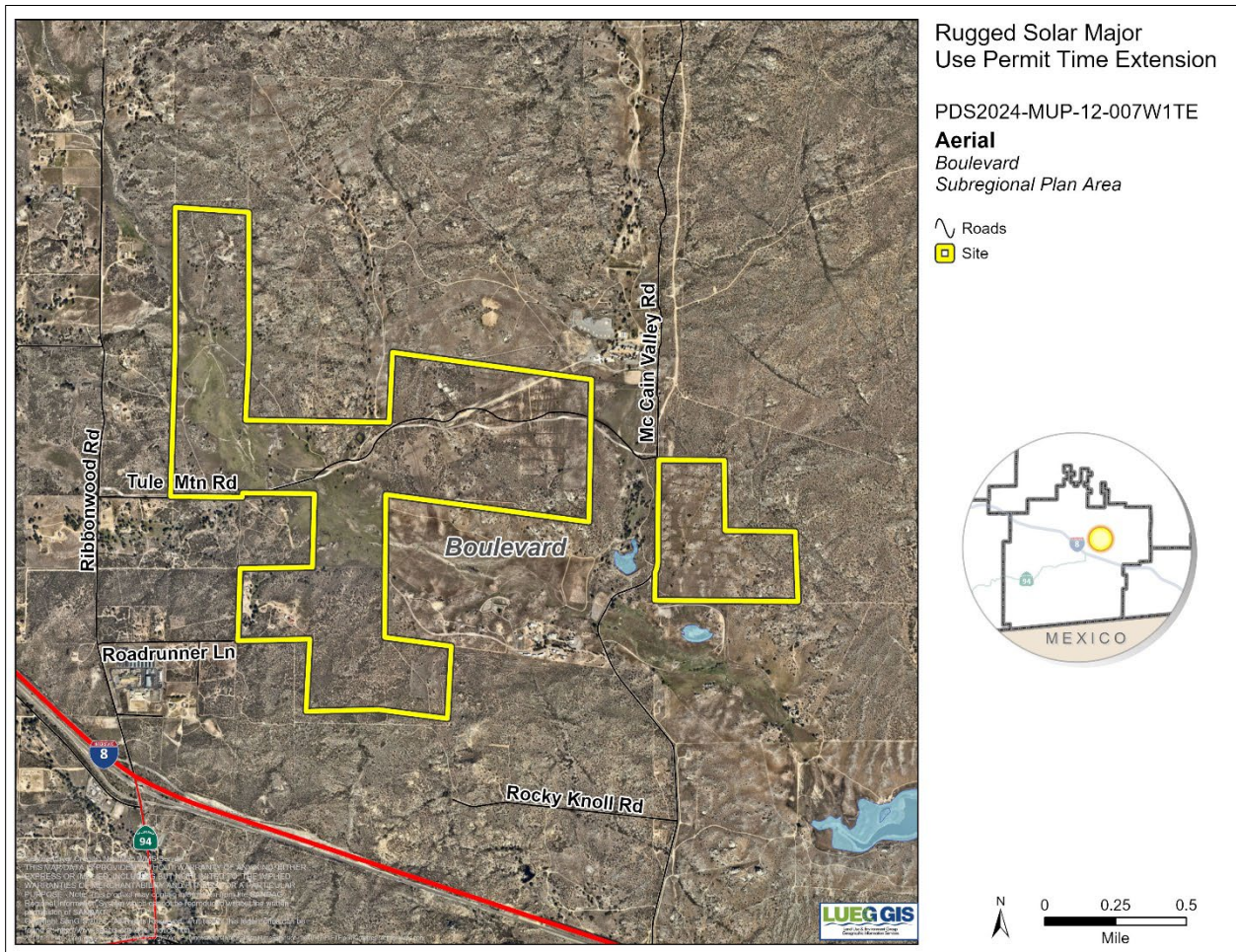


Figure 1: Regional Location Map

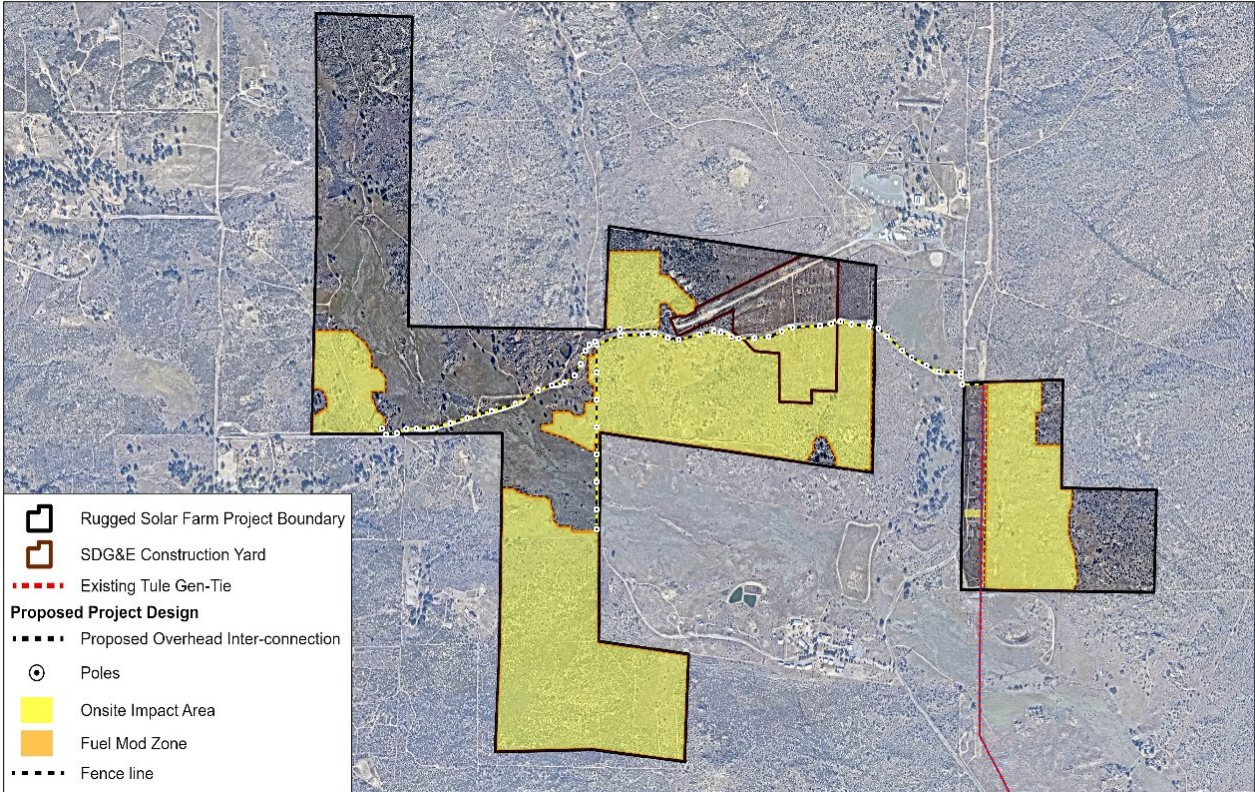


Figure 2: Project Site

E. DEVELOPMENT PROPOSAL

1. Project Description

The requested MUP Time Extension for the Rugged Solar project is required to ensure the project remains viable and compliant with existing approvals while addressing practical challenges encountered during the development process. The MUP Time Extension does not propose any changes or modifications to the scope, design, or environmental impacts of the project as previously analyzed and approved. Through this request, the applicant seeks an additional three years to provide time to complete pre-construction activities, satisfy all conditions of approval, obtain all necessary permits, and construct the project. This extension also accounts for external factors that have delayed project implementation, including funding challenges, fluctuations in the renewable energy market, and coordination with utility providers. Granting this time extension will ensure the project remains viable, compliant with its existing approvals, and capable of proceeding as planned. No changes to the project are being requested as part of this extension.

F. ANALYSIS AND DISCUSSION

The project has been reviewed for conformance with all relevant ordinances and guidelines, including the San Diego County General Plan, the Mountain Empire Subregional Plan, the County Zoning Ordinance, and CEQA Guidelines. A discussion of the project's consistency with applicable codes, policies, and ordinances is described on the following pages.

1. Key Requirements

- a. Is the proposed Project consistent with the vision, goals, and policies of the General Plan?
- b. Does the Project comply with the policies set forth under the Mountain Empire Subregional Plan?
- c. Is the proposed Project consistent with the County's Zoning Ordinance?
- d. Is the Project consistent with other applicable County regulations?
- e. Does the Project comply with California Environmental Quality Act (CEQA)?

2. Project Analysis

The MUP Time Extension proposes no changes or modifications to the approved Rugged Solar project. The project analysis was previously completed and discussed in the Background Section (Section C) of this report. For additional detail on the analysis, see the previous Planning Commission Report and Board Letter provided in Attachment C of this report.

The Rugged Solar project, originally approved on October 14, 2015, and subsequently modified on October 12, 2022, transitioned the technology from concentrated photovoltaic (CPV) technology to photovoltaic (PV) technology. This modification reduced the maximum panel height from 30 feet to 12 feet and decreased the overall development footprint by approximately 21 percent, from 498 acres to 391 acres, while maintaining the project's renewable energy capacity of 74 megawatts (MW). These modifications were reviewed and approved under the existing MUP Modification, and no further changes or alterations have been proposed as part of this Time Extension request.



Figure 4: Example of single-axis trackers

The MUP Time Extension does not involve any alterations to the project's approved design, scale, or environmental mitigation measures. Key components of the approved project, including its 74 MW capacity, PV technology, reduced development footprint, and mitigation measures, remain intact. The extension is solely intended to grant the applicant additional time to complete pre-construction

activities, satisfy all conditions of approval, obtain necessary permits, and construct the project, ensuring it proceeds as previously planned and approved.

The environmental analysis for the Rugged Solar project, conducted in compliance with CEQA, thoroughly addressed all potential impacts, including aesthetics, air quality, biological resources, cultural resources, greenhouse gas emissions, groundwater resources, and wildfire risk. The project was approved with mitigation measures and conditions designed to ensure compliance with environmental standards. Because the Time Extension does not propose any modifications, there are no new or increased environmental impacts. Therefore, the CEQA findings and mitigation measures from the prior analysis remain fully applicable. The County has prepared an Addendum for this time extension request documenting these findings.

The Rugged Solar project continues to align with the San Diego County General Plan, the Mountain Empire Subregional Plan, the County Zoning Ordinance, and other applicable policies and guidelines. By delivering 74 MW of clean energy, the project directly supports local and state renewable energy goals aimed at reducing dependence on fossil fuels.

3. General Plan Consistency

Because the analysis for the Rugged Solar project has already been conducted and outlined in the previous Planning Commission Report (Attachment A), no additional analysis is required. For further details on the project's alignment with relevant plans and policies, refer to the General Plan Policy Tables in Attachment A.

The project site is designated under the General Plan Regional Category Rural and Land Use Designation Rural Lands 80 (RL-80). The Rugged Solar project has been determined to be consistent with the goals, policies, and actions outlined in the General Plan, as detailed in Table F-1 of Attachment A. This includes policies that support the County's renewable energy goals, encourage sustainable development practices, and maintain compatibility with the surrounding rural character.

The previously completed analysis affirms that the project adheres to these policies, ensuring that it aligns with the County's broader objectives for responsible land use and renewable energy development. No further evaluation is required as the Time Extension does not propose any modifications to the approved project.

4. Subregional Plan Consistency

The project is situated within the Boulevard Subregional Planning Area, which is part of the Mountain Empire Subregional Planning Area. Because the analysis for the Rugged Solar Project has already been completed and outlined in the previous Planning Commission Report (Attachment A), no additional analysis is required. For further details on the project's consistency with subregional plans, refer to Table F-2 in Attachment A.

The approved project aligns with key goals, policies, and actions outlined in both the Mountain Empire Subregional Plan and the Boulevard Subregional Plan. These plans emphasize the importance of balancing renewable energy development with the preservation of rural character and natural resources. The Rugged Solar project complies with these objectives, supporting sustainable

land use and contributing to the region's renewable energy goals while maintaining compatibility with the local planning framework.

The prior analysis confirms that the project meets the necessary standards and policies of the subregional plans, ensuring no further evaluation is required as part of the Time Extension.

5. Zoning Ordinance Consistency

The project site is zoned Limited Agricultural (A70) and General Rural (S92). The MUP Time Extension is consistent with the Zoning Ordinance and the previously approved Major Use Permit (MUP) Modification, as it does not introduce any changes to the project design, use, or conditions of approval established in the 2022 modification.

Table F-4: Zoning Ordinance Development Regulations

ZONING REGULATIONS	CURRENT	CONSISTENT?
Use Regulation:	A72 and S92	Yes, approved with previous MUP Modification.
Animal Regulation:	O	Yes
Density:	-	N/A
Lot Size:	8 AC	N/A
Building Type:	C	Yes
Height:	G (35')	Yes
Lot Coverage:	-	N/A
Setback:	D / C	Yes
Open Space:	-	N/A
Special Area Regulations:	-	N/A

6. Applicable Regulations

Because the analysis for the Rugged Solar project has already been conducted and documented, as outlined in the previous Planning Commission Report (Attachment A), no additional analysis is required for the regulations summarized in Table E-4: Applicable Regulations. This table provides a detailed overview of the project's conformance with relevant County regulations, including the Resource Protection Ordinance (RPO), County Consolidated Fire Code, Noise Ordinance, Light Pollution Code, and Watershed Protection Ordinance (WPO).

The project's compliance with these regulations was confirmed during the original approval process, with all necessary measures incorporated to meet applicable standards. For further details, refer to the explanations provided in Table E-4 and the comprehensive findings in Attachment A of this report. These findings affirm that the approved project adheres to all relevant policies and ordinances, requiring no additional evaluation as part of the Major Use Permit Time Extension.

7. California Environmental Quality Act (CEQA) Compliance

The California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164 establish the criteria for determining whether additional environmental documentation is required when a previously certified environmental impact report (EIR) applies to subsequent discretionary

ATTACHMENTS:

Attachment A – Environmental Findings

Attachment B – Form of Decision

Attachment C – Previous Board Letter and Planning Commission Hearing Report

Attachment D – Planning Documentation

Attachment E – Environmental Documentation

Attachment F – Public Documentation

Attachment G – Ownership Disclosure

Attachment A – Environmental Findings

ENVIRONMENTAL FINDINGS

RUGGED SOLAR
PDS2024-MUP-12-007W1TE, PDS2024-ER-12-21-005C
March 21, 2025

1. Find that the Revised Final Program Environmental Impact Report for the Soitec Solar Development Project dated October 14, 2015 (SCH NO. 2012-121-018) on file with Planning & Development Services (PDS) was completed in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines and that the Planning Commission has reviewed and considered information contained therein and the Addendum thereto dated March 21, 2025 on file with PDS as Environmental Review Number PDS2024-ER-12-21-005C before making a recommendation on the Rugged Solar project; and
2. Find that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously certified EIR dated October 14, 2015 that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the EIR was certified as explained in the Environmental Review Update Checklist dated March 21, 2025.
3. Find that the proposed project is consistent with the Resource Protection Ordinance (County Code, section 86.601 et seq.).
4. Find that plans and documentation have been prepared for the proposed project that demonstrate that the project complies with the Watershed Protection, Stormwater Management, and Discharge Control Ordinance (County Code, section 67.801 et seq.).

Attachment B – Form of Decision

VINCE NICOLETTI
Director



COMMISSIONERS

Douglas Barnhart
Ronald Ashman (Chair)
Michael Edwards (Vice Chair)
Molly Weber
Yolanda Calvo
David Pallinger

County of San Diego
PLANNING & DEVELOPMENT SERVICES

5510 OVERLAND AVENUE, SUITE 210, SAN DIEGO, CALIFORNIA 92123
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcounty.ca.gov/pds

MAJOR USE PERMIT PDS2024-MUP-12-007W1TE ~~PDS2012-3300-12-007~~ (MUP)

PERMITEE: SOITEC SOLAR DEVELOPMENT
MAJOR USE PERMIT: PDS2024-MUP-12-007W1TE (MUP)
E.R. NUMBER: PDS2024-ER-12-21-005CPDS2012-3910-120005 (ER)
PROPERTY: RIBBONWOOD ROAD AND MCCAIN VALLEY ROAD, BOULEVARD, CA
APN(S): 611-060-04, 611-090-02, 611-090-04, 611-091-03, 611-091-07
(PORTION), 611-100-07, 612-030-01, 612-030-19, 611-110-01

.....
Grant, this Major Use Permit (MUP) for the construction and operation of a concentrated photovoltaic (CPV) solar project consisting of seventeen sheets including plot plans and elevations dated April 12, 2022. This permit authorizes a Major Impact Service and Utility pursuant to Sections 2725b. and 2926b. of the Zoning Ordinance.

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

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

The granting of this use permit also approves the Preliminary Grading and Improvement Plan dated December 16, 2014 consisting of eleven sheets. In accordance with the [Section 87.207 of the County Grading Ordinance](#), Environmental Mitigation Measures or other conditions of approval required and identified on the plan(s), shall be completed or implemented on the final engineering plan before any final improvement or grading plan can be approved and any permit issued in reliance of the approved plan. Any Substantial deviation therefrom the Preliminary Grading and Improvement Plan may cause the need for further environmental review. Additionally, approval of the preliminary plan does not constitute approval of a final engineering plan. A final engineering plan shall be approved pursuant to [County of San Diego Grading Ordinance \(Sec 87.701 et. al.\)](#)

MAJOR USE PERMIT EXPIRATION: This Major Use Permit shall expire on **March 21, 2028**, at 4:00 p.m. (or such longer period as may be approved pursuant to Section 7376 of The

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

SPECIFIC CONDITIONS: Compliance with the following Specific Conditions (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_x and PM₁₀ emissions associated with construction worker trips a rideshare program shall be implemented.

DESCRIPTION OF REQUIREMENT: 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 Rugged 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 ~~614,722.16~~ 18,420,665 MTCO₂E per year for the thirty year project life, or a one-time purchase of ~~18,420,665~~ MTCO₂E to offset total projected construction and operational GHG emissions. **DESCRIPTION OF REQUIREMENT:** 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. **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 Protection District. **DESCRIPTION OF REQUIREMENT:** A fire and emergency services agreement between the applicant and the San Diego County Fire Protection District. **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 Tierra Del Sol Solar Project, PDS2012-3300-12-010, then nothing further is required under this condition.

7. BIO#1–BIOLOGICAL EASEMENT: [PDS, FEE X 2]

INTENT: In order to protect sensitive biological resources, pursuant to the Resource Protection Ordinance (RPO) and the County's Guidelines for Determining Significance for Biological Resources, a biological open space easement shall be granted. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego by separate document, an open space easement, as shown on the approved Plot Plan. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. The only exception(s) to this prohibition are:

1. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, (<http://www.sdcounty.ca.gov/PDS/docs/MemoofUnder.pdf>) between the wildlife agencies and the fire districts and any subsequent amendments thereto. Activities conducted

pursuant to a revegetation or habitat management plan approved by the Director of PDS, DPW or DPR.

- 2. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the DEH.

DOCUMENTATION: The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. **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 easements shall be recorded. **MONITORING:** The [DGS, RP] shall prepare and approve the easement documents and send them to [PDS, PCC] for pre-approval. The [PDS, PCC] shall pre-approve the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [PDS, PCC] [DPR, TC] for satisfaction of the condition.

8. **BIO#2-LBZ EASEMENT: [PDS, FEE X 2]**

INTENT: In order to protect sensitive biological resources, pursuant to the Resource Protection Ordinance (RPO) and the County’s Guidelines for Determining Significance for Biological Resources, a Limited Building Zone Easement shall be granted to limit the need to clear or modify vegetation for fire protection purposes within an adjacent biological resource area. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego a Limited Building Zone Easement as shown on the Plot Plan. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibit the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:

- 1. Decking, fences, and similar facilities.
- 2. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, which are designed, constructed, and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.

DOCUMENTATION: The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. **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 easements shall be recorded. **MONITORING:** The [DGS, RP] shall prepare and approve the easement documents and send them to [PDS, PCC] for pre-approval. The [PDS, PCC] shall pre-approve the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [PDS, PCC] for satisfaction of the condition.

9. **BIO#3-HABITAT PRESERVATION: (M-BI-PP-1(a)) [PDS, FEE X2]**

INTENT: In order to mitigate for the impacts to vegetation communities, habitats for special-status wildlife species, and occurrences of special-status plant species, suitable mitigation land shall be acquired. **DESCRIPTION OF REQUIREMENT:** The applicant shall provide for the conservation of habitat, in permanent open space, in accordance with Table 3-2 of the Biological Resource Report (DUDEK, April 2022). The on-site Open Space Preserve would provide the majority of the requirement and a small portion, approximately 18.92 acres, would be provided off-site within the Soitec Mitigation Site. The location of the Soitec Mitigation Site is shown in Figure 1 of the Off-Site Conceptual Resource Management Plan dated April 2022. The off-site open space conservation area may be composed of more than one set of contiguous parcels.

The project applicant shall provide for the conservation of habitat generally consistent with the assemblage of vegetation communities impacted by the project as indicated below:

1. 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.
2. 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.
3. 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.
4. 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 RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **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 mitigation shall occur. **MONITORING:** 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.

10. **BIO#4–REVEGETATION PLAN : (M-BI-PP-1(c))**

INTENT: In order to mitigate for the impacts to special-status plants, revegetation shall occur. **DESCRIPTION OF REQUIREMENT:** A Revegetation Plan for Special-Status Plants (RPSP), shall be prepared, which mitigates impacts to County List A and B plant species. County List A species will be mitigated at a 2:1 ratio and List B species at a 1:1 ratio. Mitigation for the loss of special-status plant species as summarized in Table 3-1 of the Biological Resource Report, shall be as follows: 2:1 mitigation ratio for a total of 2,112

Jacumba milk vetch individuals, 1:1 ratio for a total of 138 sticky geraea individuals, and 1:1 ratio for a total of 190 desert beauty individuals. 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. The revegetation plan shall conform to the Conceptual Revegetation Plan for Special-Status Plants (DUDEK, March 2022), and the most current version of the County of San Diego Report Format and Content Requirements for Revegetation Plans. The Revegetation Plan shall include the following:

- a. The monitoring plan shall be for a length of 5 years and have an 80 percent success criterion.
- b. A preservation plan over the land to be revegetated shall be included in the Revegetation Plan. The preservation plan shall include evidence of dedication of an open space easement to the County of San Diego or evidence of protection in perpetuity by some other means to the satisfaction of the Director PDS.
- c. The report shall be prepared by a County approved biologist and the construction plans shall be prepared by a State of California Licensed Landscape Architect.
- d. Revegetation objectives, revegetation site biological resource map, 24" x 36" landscape plan, map showing revegetation areas according to mitigation type and amount, site preparation information, type of planting materials (e.g. species ratios, source, size material, etc.), planting program, 80 percent success criteria, and a detailed cost estimate.
- e. A cost estimate based on a 3% annual inflation rate shall be submitted and approved, which includes the cost of the plant stock and its installation, irrigation system and installation, cost of monitoring and maintenance of the revegetation area for the required monitoring period, and report preparation and staff time to review.

DOCUMENTATION: The applicant shall prepare the Revegetation Plan pursuant to this condition and by using the Applicants Guide to Preparing Revegetation Plans, PDS Form # 717 then submit it to the *[PDS, ZONING]* and pay all the applicable review fees and deposits. **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 Revegetation Plan shall be approved. **MONITORING:** The *[PDS, LA]* shall review the Revegetation Plan for conformance with this condition and the Report Format and Content Requirements for Revegetation Plans. Upon approval of the Plan, a Director's Decision of approval shall be issued to the applicant, and a request for compliance with condition BIO#5 shall be made to enter into a Secured Agreement for the implementation of the Plan

11. **BIO#5-SECURED AGREEMENT: (M-BI-PP-1(c))**

INTENT: In order to assure project completion and success of the Revegetation Plan in condition BIO#4, a surety shall be provided and an agreement shall be executed. **DESCRIPTION OF REQUIREMENT:** The applicant shall enter into a Secured Agreement with the County of San Diego as follows:

- a. The security shall consist of a letter of credit, bond, or cash for 100 percent of the estimated costs associated with the implementation of the Revegetation Plan;

- b. Provide a 10 percent cash deposit of the cost of all improvements, but no less than \$3,000 and no more than \$30,000;
- c. The monitoring time and the length of time the Secured Agreement and cash deposit will be in effect starts at the time the installation is accepted by a County staff representative. The Secured Agreement and cash deposit shall be released upon completion of the Revegetation Plan implementation provided the installed vegetation is in a healthy condition and meets the 80 percent success criteria. Eighty percent success rate and one hundred percent vegetative cover, excluding herbaceous species, shall be considered satisfactory completion of the Revegetation Plan.

DOCUMENTATION: The applicant shall execute a Secured Agreement provided with the Revegetation Plan Final Decision and provide the approved securities and the cash deposit for County monitoring time. The executed Agreement, cash deposit, and the securities shall be submitted to the [PDS, LA] for final review and approval. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, and after the approval of the Revegetation Plan, the agreement shall be executed and the securities provided for the revegetation implementation. **MONITORING:** The [PDS, LA] shall review the Agreement cash deposit and securities provided are in compliance with this condition, and the Revegetation Plan Final Decision. The [PDS, LA] shall sign the Agreement for the Director of PDS and ensure the cash deposit is collected by [PDS, FISCAL]. Upon acceptance of the Agreement, securities, and cash deposit, the [PDS, LA], shall provide a confirmation letter-acknowledging acceptance of securities.

12. **BIO#6-ONSITE RESOURCE MANAGEMENT PLAN: (M-BI-PP-1(b))**

INTENT: In order to provide for the long-term management of the proposed onsite open space preserve, a Resource Management Plan (RMP) shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** Submit to and receive approval from the Director of PDS, a RMP consistent with the Onsite Conceptual RMP dated April 2022 on file with the Environmental Review Number PDS2017-ER-12-21-005A. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS and in cases where DPR has agreed to be the owner/manager, to the satisfaction of the Director of DPR:

- a. The plan shall be prepared and approved pursuant to the most current version of Attachment E of the County of San Diego Report Format and Content Requirements for Biological Resources.
- b. The habitat land to be managed shall be completely purchased.
- c. The easements shall be dedicated to ensure that the land is protected in perpetuity.
- d. A Resource Manager shall be selected, and evidence provided by applicant as to the acceptance of this responsibility by the proposed Resource Manager.
- e. The RMP funding mechanism to fund annual costs for basic stewardship shall be identified and approved by the County.
- f. A contract between applicant and County shall be executed for the implementation of the RMP.

DOCUMENTATION: The applicant shall prepare the RMP and submit it to the [PDS, ZONING] and pay all applicable review fees. **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 RMP shall be approved. **MONITORING:** The [PDS, PPD] [DPR, GPM] shall review the RMP for compliance with the content guidelines, the conceptual RMP, and this condition.

13. BIO#7-OFFSITE RESOURCE MANAGEMENT PLAN: (M-BI-PP-1(b))

INTENT: In order to provide for the long-term management of the proposed offsite open space preserve, a Resource Management Plan (RMP) shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** Submit to and receive approval from the Director of PDS, a RMP consistent with the Offsite Conceptual RMP dated April 2022 on file with the Environmental Review Number PDS2017-ER-12-21-005A. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS and in cases where DPR has agreed to be the owner/manager, to the satisfaction of the Director of DPR:

- a. The plan shall be prepared and approved pursuant to the most current version of Attachment E of the County of San Diego Report Format and Content Requirements for Biological Resources.
- g. The habitat land to be managed shall be completely purchased.
- h. The easements shall be dedicated to ensure that the land is protected in perpetuity.
- i. A Resource Manager shall be selected, and evidence provided by applicant as to the acceptance of this responsibility by the proposed Resource Manager.
- j. The RMP funding mechanism to fund annual costs for basic stewardship shall be identified and approved by the County.
- k. A contract between applicant and County shall be executed for the implementation of the RMP.

DOCUMENTATION: The applicant shall prepare the RMP and submit it to the [PDS, ZONING] and pay all applicable review fees. **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 RMP shall be approved. **MONITORING:** The [PDS, PPD] [DPR, GPM] shall review the RMP for compliance with the content guidelines, the conceptual RMP, and this condition.

14. PLN#1- COMMUNITY BENEFITS PACKAGE

INTENT: In order to provide community benefits to the community of Boulevard, the Board of Supervisors required the applicant to provide benefits in the amount of at least \$887,000. The applicant and the County will hold meetings with the community to decide on how it will be spent. **DOCUMENTATION:** Provide \$887,000 toward community benefits in Boulevard. The applicant shall receive approval from Planning & Development Services on how funds will be spent prior to any commitments of funds. The applicant shall provide evidence of community benefit payments to the satisfaction of Planning & Development. **TIMING:** Prior to the approval of any grading and/or improvement plans and issuance of Grading or Construction Permits, the Community Benefits Package will be provided and executed to the satisfaction of Planning & Development. **MONITORING:**

The [PDS, PPD] shall review Community Benefits Package, reports, and any additional evidence for compliance with this condition.

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

15. 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.

1. The implementation of the HRP shall be a condition of any grading, construction, or excavation permit issued by the County. The applicant is responsible for the road maintenance (sweeping as necessary) and repair of any damage caused by them to the on-site and offsite County maintained roads that serve the property either during construction or subsequent operations.
2. The applicant will repair those portions of the roads that are damaged by the heavy loaded trucks. An agreement shall be executed, to require (1) a cash deposit for emergency traffic safety repairs; (2) long-term security for road maintenance and repair of any damage caused by the project to the County maintained roads that serve the project during construction phase on the route identified; and (3) All the roads identified on the haul route plan shall be returned to the existing condition or better.
3. 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.

16. ROADS#3 DEBRIS MANAGEMENT PLAN (DMP):

INTENT: In order to comply with the Grading Material Diversion Program, project recycling and diversion is designed to increase diversion of grading, land clearing, and

brushing materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements. This includes grading, clearing and brushing material for grading projects over 5,000 cubic yards. For additional questions, please call (858) 694-2463 or email CDRecycling@sdcounty.ca.gov, **DESCRIPTION OF REQUIREMENT:** To divert (recycle, reuse, repurpose) 100% of excavated soils, trees, stumps, rocks, and associated vegetation and soils from the following types of projects: (1) non-residential excavation and grading projects; (2) residential projects that require Major Grading permits. Grading projects greater than 5,000 cubic yards shall prepare a Debris Management Plan (DMP) prior to plan approval. All documentation must be submitted and approved by a DPW Compliance Official. Specific requirements are as follows:

- a. Prior to Grading plan approval, a Debris Management Plan (DMP) is required, consisting of:
 - The type of project.
 - The total cubic yardage for the project.
 - The estimated weight of grading or land clearing debris, by material type, that the project is expected to generate.
 - The estimated maximum weight of grading or land clearing debris that can feasibly be diverted via reuse, salvage, or recycling.
 - The estimated weight of grading or land clearing debris that is planned to be disposed of in a landfill.
 - The name of the facility (or facilities) which debris will be exported to.
- b. During grading activities, a Daily Log of all grading, land clearing, and brushing material that is exported or reused/repurposed, must be prepared and retained onsite. The Daily Log must include all export receipts from an inert processing facility, green material processing operation, a C&D processing facility, or other vendor or disposal or transfer station facility that accepted grading material from the approved grading project. If material was reused onsite, other forms of documentation (such as photos) will be accepted in lieu of receipts. Daily logs shall include:
 - Identify the project location.
 - Log the date that material was transported off site.
 - Log the type of graded or cleared material.
 - Estimated material weight, tonnage, or cubic yards.
 - Name of entity transporting the material.
 - Name of the receiving facility or exporter, and detailing whether the material was salvaged, recycled, or disposed of in a landfill.
 - Daily log entries shall correspond to receipts by materials transporter or receiving facility. If grading contractor exported materials off-site, receipts shall be compiled within 90 days of the receipts.
 - Daily logs shall include separate entries for each occurrence of materials reused on site.

- Daily logs and all receipts shall be maintained at the project site and made available to any County Inspector for compliance with this condition.

c. Exemption:

- Excavated soil and land-clearing debris that is contaminated by disease or pests are not required to be reused on- or off-site, provided that: (I) the County Agricultural Commissioner has made a determination of disease or pest contamination and permittee follows commissioner’s direction for recycling or disposal of the material, (ii) the materials are generated in a known pest and/or disease quarantine zone identified by the California Department of Food and Agriculture, or (iii) the materials are otherwise not required to be reused under the CalGreen Code.

DOCUMENTATION: The applicant shall prepare the Debris Management Plan (DMP) and submit the plan for review and approval by the DPW Recycling Compliance Official. During grading operations a daily log shall be prepared and kept on-site. For additional questions, please call (858) 694-2463 or email CDRecycling@sdcounty.ca.gov. Templates for all forms required are available at:

https://www.sandiegocounty.gov/content/sdc/dpw/recycling/NewCD_Grading.html.

TIMING: Prior to approval of any plan or issuance of any permit, the Debris Management Plan shall be prepared and submitted to the DPW Recycling Official [DPW CO] for review and approval. **MONITORING:** The [DPW, CO] shall review and approve the DMP documents for the project. The [DPW, CO], shall forward the approval of the DMP to [PDS, LDR] for compliance with this condition.

17. **STRMWTR#1-EROSION CONTROL:**

INTENT: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the State Construction General Permit, Order No. 2009-00090-DWQ, or subsequent order and the County Watershed Protection Ordinance (WPO) No.10410, County Code Section 67.801 et. seq., and all other applicable ordinances and standards for this priority project.

DESCRIPTION OF REQUIREMENT: The applicant shall maintain the appropriate on-site and offsite Best Management Practices pursuant to the approved Stormwater Quality Management Plan (SWQMP) and Erosion Control Plan including, but not limited to the erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipators, and silt control measure.

- An agreement and instrument of credit shall be provided for an amount equal to the cost of this work as determined or approved by the [PDS, LDR], in accordance with the County of San Diego Grading Ordinance Section 87.304. The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. The developer shall submit a letter to [PDS, LDR] authorizing the use of this deposit for emergency measures.
- An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County to unilaterally withdraw any part of or all

the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County PDS and/or DPW by the date agreed.

DOCUMENTATION: The applicant shall process an Erosion Control Plan and provide the letter of agreement and any additional security and/or cash deposit to the [PDS, LDR].

TIMING: Prior to approval of any grading or improvement plan or construction permit, and prior to use of the property in reliance of this permit, the Erosion Control Plan shall be approved and the agreement and securities shall be executed.

MONITORING: The [PDS, LDR] shall ensure that the Erosion Control Plan adequately satisfies the requirements of the conditions to potentially perform the required erosion control and stormwater control measures proposed on all construction and grading plans. [DPW, PDCI] shall use the securities pursuant to the agreement to implement and enforce the required stormwater and erosion control measures pursuant to this condition during all construction phases as long as there are open and valid permits for the site.

18. 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.

19. 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 OF REQUIREMENT: 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.

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

INTENT: To comply with **Mitigation Measure M-AQ-PP-1** to reduce construction NO_x emissions, emission-reducing measures applicable to construction equipment shall be implemented. **DESCRIPTION OF REQUIREMENT:** **Mitigation Measure M-AQ-PP-1** requires the following be implemented by the applicant to reduce NO_x emissions during construction:

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

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

21. 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 OF REQUIREMENT:** 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 Revised Final Environmental Impact Report (RFPEIR) 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.

22. **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) 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)).
- 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 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.

23. FUGITIVE DUST CONTROL PLAN: (Mitigation Measure M-BI-PP-5)

INTENT: In order to comply with **Mitigation Measure M-BI-PP-5** and the San Diego County Air Pollution Control District regulations to reduce particulate matter less than 10 microns (PM₁₀) and fine particulate matter less than 2.5 microns (PM_{2.5}) emissions during construction, the applicant shall develop a Fugitive Dust Control Plan. **DESCRIPTION OF REQUIREMENT:** A Fugitive Dust Control Plan shall be prepared and include the following:

- a. *The name(s), address(es), and phone number(s) of person(s) responsible for the preparation, submission, and implementation of the plan.*
- b. *A description of and location of operation(s).*
- c. *A listing of all fugitive dust emissions sources included in the operation.*

d. *The following dust control measures shall be implemented:*

1. All on-site fire access roads shall be effectively stabilized using an aggregate base material, such as disintegrated (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 minimized.
10. 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.

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.

24. **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 OF REQUIREMENT:** 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 the 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.

25. 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.

26. 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 OF REQUIREMENT: 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:

- 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.

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

INTENT: In order to comply with **Mitigation Measure M-BI-PP-15** to protect groundwater and resources and to protect groundwater dependent habitat a Groundwater Monitoring and Mitigation Plan (GMMP) shall be implemented.

DESCRIPTION OF REQUIREMENT: The applicant shall implement the County approved Rugged Solar Farm Project GMMP dated February 2022. The GMMP shall establish baseline conditions 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. Install pressure transducers with owner's permission in wells on Assessor Parcels Number (APN) 611-091-07, APN 611-090-02, APN 611-090-20, APN 611-091-14, and APN 611-090-19. At least 90 days prior to project-related extraction, additional residential wells within a one mile radius of pumping Well 8, Well 6a and Well 6b shall be given the opportunity to have their wells added to the monitoring well network by the applicant at no cost to the well owner. The pressure transducers shall be installed at least one month prior to groundwater extraction.
- c. Groundwater level monitoring baseline data collection shall occur beginning at least one month prior to project-related groundwater extraction and up to the date extraction commences. Pressure transducers will be maintained in a network as follows:
 - 5 on-site monitoring wells (Well PZ-1, Well 6, Well 8A, Well 9, and Old Ag Well)

- 2 on-site production wells (Well 6b and Well 8)
- 5 off-site monitoring wells (Well 1, Well 2, Well 3, Well 4, Well 5, and any offsite residential wells included in the well monitoring network prior to commencement of project related extraction).

DOCUMENTATION: The applicant shall complete the following:

- a. 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.
- b. 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.
- c. 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].

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

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

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

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

DOCUMENTATION: The applicant shall complete the following:

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

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

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

INTENT: In order to comply with **Mitigation Measure M-BI-PP-15** to protect groundwater resources and to protect groundwater dependent habitat a Groundwater Monitoring and Mitigation Plan (GMMP) shall be implemented. **DESCRIPTION OF REQUIREMENT:** The applicant shall implement the County approved Pine Valley Mutual Water Company GMMP dated December 2013. The GMMP includes establishing baseline conditions, ongoing construction monitoring, and post construction monitoring. Implementation prior to construction shall include the following:

- a. Groundwater level monitoring baseline data collection shall occur beginning at least one month prior to project-related groundwater extraction and up to the date extraction commences. Pressure transducers will be maintained in a network of three Pine Valley Mutual Water Company wells (Well No. 3, Well No. 5, and Well No. 7).
- b. Install pressure transducers with owner's permission in any private wells listed in Table 1 of the GMMP.

- c. Groundwater dependent habitat baseline data collection shall occur approximately 1 month prior to project-related groundwater extraction. Potentially affected native trees within the study area will be evaluated for overall physical condition and attributes. The trees shall be inventoried by an ISA Certified Arborist or Registered Professional Forester. Baseline data collection shall include components within Section 3.2.1. of the GMMP.

DOCUMENTATION: The applicant shall complete the following:

- d. Pay the GMMP Fee at [PDS, ZONING], for the first year of enrollment and establishment of the program.
- e. Provide a signed copy of the County Memorandum of Understanding (MOU), for the Hydrogeologist from the County CEQA Consultant list to the [PDS, PCC] for approval by the County Groundwater Geologist.
- f. Approximately two weeks prior to groundwater extraction, all previously collected groundwater level monitoring data from the three Pine Valley Mutual Water Company wells shall be submitted to the [*PDS, Groundwater Geologist*]. A proposed baseline groundwater level in each of the wells shall be established by the PDS Groundwater Geologist in coordination with the project Hydrogeologist(s). Groundwater pumping from Well No. 5 shall not commence until baseline groundwater levels are established.

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

32. **WETLAND HABITAT COMPENSATION: (Mitigation Measure M-BI-R-1)**

INTENT: In order to comply with **Mitigation Measure M-BI-R-1** and to mitigate for impacts to jurisdictional aquatic resources, which are a sensitive biological resource pursuant to the ACOE, RWQCB, CDFW, and the County, wetland habitat compensation shall be provided. **DESCRIPTION OF REQUIREMENT:** To mitigate for impacts to jurisdictional waters, the applicant may purchase mitigation bank credits, including establishment, re-establishment, enhancement, or rehabilitation (Option 1) -OR- a suitable mitigation site shall be selected and approved by the Resource Agencies during the permitting process (Option 2). A functional assessment, such as the California Rapid Assessment Method (CRAM), of the jurisdictional areas proposed to be impacted and preserved at the mitigation site shall be conducted. The purpose of the functional assessment is to evaluate the existing functions and services within the jurisdictional drainages and ensure that the functions and values of the jurisdictional areas lost are

replaced at the mitigation site. The precise mitigation ratio shall depend on the functions and values of the mitigation site and any restoration activities that may be conducted to further increase the functions and values of the mitigation site.

To comply with Section 86.604, Permitted Uses and Development Criteria, of the San Diego County Code of Regulatory Ordinances, impacts to Resource Protection Ordinance (RPO) wetlands shall be mitigated at a minimum of ratio 3:1, with a minimum of 1:1 impact-to-creation ratio; restoration/enhancement of existing wetlands may be used to make up the remaining requirements. This would result in no net loss of County RPO wetlands. The mitigation requirements for impacts to jurisdictional non-wetland waters and wetlands is summarized in Table 4-2 of the Biological Resource Report (DUDEK, April 2022).

1.

Option 1: Prepare a Wetlands Mitigation and Monitoring Plan to the satisfaction of the Director of Planning & Development Services (or his/her designee) for impacts to jurisdictional aquatic resources. The Wetlands Mitigation and Monitoring Plan shall conform to the most current version of the County's Report Format and Content Requirements for Revegetation Plans. The Wetlands Mitigation and Monitoring Plan shall include a description of the mitigation site, existing resources, and a pre-project assessment of the functions and values for the stream and associated riparian habitat within the limits of work. The Wetlands Mitigation and Monitoring Plan shall, at a minimum, prescribe site preparation, planting, irrigation, and a 5-year maintenance and monitoring program with qualitative and quantitative evaluation of the revegetation effort, specific performance criteria to determine successful revegetation (refer to Table 4-3 for specific criteria), and final sign-off, including parameters tied to the documented existing functions and values of the site, as well as the specific project impact mitigation acreage requirements. The Wetlands Mitigation and Monitoring Plan will also cover potential contingency measures, as well as estimated costs to implement and monitor the program. The Wetlands Mitigation and Monitoring Plan, survey results and post-construction revegetation reports shall be provided to the County; as well as reports demonstrating compliance with the project and Long-Term Monitoring and Long-Term Management Plans. The stated performance standards for wetland habitats are based on reasonable expected vegetative cover within the established timeframe and shall apply to any vegetated portion of the site restored with native wetland habitat. The performance standards included in Table 4-3 are intended as a guide for potential onsite restoration of wetland habitat and may be modified, as needed, to better suit target communities to be restored, pending further discussion with regulatory agencies.

Table 4-3. Summary of Performance Standards and Success Criteria for Wetland Habitats

Year	Native Species Richness	Native Species Cover (Absolute)	Non-native Species Cover
1	3	20%	<10% absolute cover 0% Cal-IPC rated high or moderate perennial species
2	4	30%	<10% absolute cover 0% Cal-IPC rated high or moderate perennial species
3	5	40%	<10% absolute cover 0% Cal-IPC rated high or moderate perennial species
4	6	50%	<10% absolute cover 0% Cal-IPC rated high or moderate perennial species
5	7	60%	<10% absolute cover 0% Cal-IPC rated high or moderate perennial species

In order to ensure project completion and success of the Wetlands Mitigation and Monitoring Plan, a surety shall be provided and an agreement shall be executed with the County of San Diego consisting of a letter of credit, bond, or cash for 100% of the estimated costs associated with the implementation of the Revegetation Plan and a 10% cash deposit of the cost of all improvements (no less than \$3,000; no more than \$30,000). The surety shall be released upon completion of the Wetlands Mitigation and Monitoring Plan provided the installed vegetation is in a healthy condition and meets the plan’s success criteria.

DOCUMENTATION: The applicant shall prepare the Wetlands Mitigation and Monitoring Plan pursuant to this condition and by using the, [Applicants Guide to Preparing Revegetation Plans, PDS Form # 717](#) then submit it to the [PDS, ZONING] and pay all the applicable review fees and deposits. An RMP shall be prepared and approved pursuant to the County of San Diego Report Format and Content Requirements for Biological Resources to the satisfaction of the Director of PDS. If the off-site mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits, the Wetlands Mitigation and Monitoring Plan shall be approved. **MONITORING:** The [PDS, LA] shall review the Wetlands Mitigation and Monitoring Plan for conformance with this condition and the [Report Format and Content Requirements for Revegetation Plans](#). Upon approval of the Plan, a Director’s Decision of approval shall be issued to the applicant, and the applicant shall enter into a Secured Agreement with the County of San Diego for the implementation of the Plan.

2.

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

- 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. This shall include the total amount of credits available at the bank, the amount required by this project, and the amount remaining after utilization by this project.

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

33. **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 OF REQUIREMENT:** 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, 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.
- d.

- 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.
- e.
- c. The cost of the monitoring shall be added to the grading bonds or bonded separately.
- f.

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.

34. **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 OF REQUIREMENT:** The applicant shall prepare a Construction Fire Prevention Plan (CFPP), pursuant to the San Diego County Consolidated Fire Code Section 4903 and OSHA Regulation 1926.24, Fire Protection and Prevention. 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 Revised 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 Protection District (SDCFPD). **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 SDCFPD shall review the plan in compliance with this condition.

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

INTENT: In order to comply with project design feature PDF-TR-1 and to ensure safe and efficient traffic flow in the area and on the project sites during construction activities, a traffic control plan (TCP) shall be prepared. **DESCRIPTION OF REQUIREMENT:** 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]. **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. For the construction notification plan, the following actions shall occur throughout the duration of grading and construction. **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).**36. 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.

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

INTENT: In order to comply with PDF-AE-3 & 4 and to reduce the anticipated visual contrast with the surrounding landscape, the Operations and Maintenance (O&M) building shall be painted with muted-earth toned colors and non-specular conductors shall be specified for any new overhead lines. **DESCRIPTION:** Muted-earth toned colors shall be applied to the exterior of the O&M building and materials, coatings, or paints having little or no reflectivity shall be used whenever possible. In addition, new overhead conductors on the collector system shall be non-specular in design to reduce conductor visibility, glare, and visual contrast. Weathered or cor-ten steel shall be used for gen-tie monopoles to reduce the potential for color contrast between structures and existing vegetation and terrain. **DOCUMENTATION:** The applicant shall ensure that the site conforms to condition by indicating on the building plans the details described above. **TIMING:** Prior to approval of any building plan and the issuance of any building permit. **MONITORING:** The [PDS, PCC] shall review the building plans for compliance with this condition.

38. 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 OF REQUIREMENT:** 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.

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

INTENT: In order to comply with **Mitigation Measure M-BI-PP-13** and to conform to the Avian Power Line Interaction Committee (APLIC) standards, all transmission and distribution towers and lines shall be designed as appropriate to protect raptors and other birds from electrocution. **DESCRIPTION OF REQUIREMENT:** 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.

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

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

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

DOCUMENTATION: The applicant shall submit the final noise monitoring report to the [PDS, PCC] for review and approval. The location of non-enclosed and enclosed inverters shall be noted on building plans. **TIMING:** Prior to approval of any building plan and the issuance of any building permit for any structure that can have operational noise. **MONITORING:** The [PDS, PCC] shall review the noise report and building plans for compliance with this condition.

~~41. ENERGY STORAGE (Project Design Feature PDF-ES-AE-1)~~

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

~~42. ENERGY STORAGE NOISE COMPLIANCE (Project Design Feature PDF-ES-N-1)~~

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

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

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

41. ROADS#2 – TRANSPORTATION IMPACT FEE:

INTENT: In order to mitigate potential cumulative traffic impacts to less than significant, and to comply with the [Transportation Impact Fee \(TIF\) Ordinance Number 77.201-77.219](#), the TIF shall be paid. **DESCRIPTION OF REQUIREMENT:** The TIF shall be paid pursuant to the [County TIF Ordinance number 77.201-77.223](#) and will be based on 40 Average Daily Trips (ADT) generated by this project per the Select Industrial Uses Category for a Power Generation Plant in the Mountain Empire TIF Region. **DOCUMENTATION:** The applicant shall pay the TIF at the [PDS, LD Counter] and provide a copy of the receipt to the [PDS, BD] at time of permit issuance. **TIMING:** Prior to approval of any building plan and the issuance of any building permit, the TIF shall be paid. **MONITORING:** The [PDS, LD Counter] shall calculate the fee pursuant to the ordinance and provide a receipt of payment for the applicant. [PDS, BD] shall verify that the TIF has been paid before the first building permit can be issued. The TIF shall be verified for each subsequent building permit issuance.

42. ROADS#5 DEBRIS MANAGEMENT REPORT (DMR):

INTENT: In order to comply with the Grading Material Diversion Program, project recycling and diversion is designed to increase diversion of grading, land clearing, and brushing materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements. This includes grading, clearing and brushing material for grading projects over 5,000 cubic yards. For additional questions, please call (858) 694-2463 or email CDRecycling@sdcounty.ca.gov. **DESCRIPTION OF REQUIREMENT:** Prior to Rough Grade Inspection and release, and prior to issuance of any building permit, a Final Debris Management Report must be submitted for review and approval by the DPW Recycling Compliance Official. The report shall include:

- Project name.
- List of total weight, tonnage, or cubic yards of materials, by type, which was recycled, salvaged, or disposed of in a landfill.
- Provide copies of receipts for export facilities, haulers, or materials reused on site.
- Signed self-certification letter (see template).

DOCUMENTATION: Prior to Rough Grade Release and prior to issuance of any building permit, a final report shall be prepared and submitted for review and approval to the DPW Recycling Compliance Official. For additional questions, please call (858) 694-2463 or email CDRecycling@sdcounty.ca.gov. Templates for all forms required are available at: https://www.sandiegocounty.gov/content/sdc/dpw/recycling/NewCD_Grading.html.

TIMING: Prior to building permit issuance, and Rough Grading release, the Debris Management Final Report shall be prepared and submitted to DPW Recycling Official [DPW CO] for review and approval. **MONITORING:** The [DPW, CO] shall review and approve the DMR documents for the project. The [DPW, CO], shall forward the approval of the DMR to [DPW, PDCI] and [PDS, Building PCC] for compliance with this condition.

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

INTENT: In order to comply with **Mitigation Measures M-AE-PP-1** and **M-BI-PP-6** and reduce anticipated visual contrast and partially screen trackers from public viewpoints along McCain Valley 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 Revised Final 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).

44. GROUNDWATER MMRP, JACUMBA COMMUNITY SERVICES DISTRICT GROUNDWATER USE: (Mitigation Measure M-BI-PP-15)

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

- a. Construction Production Limitations: Groundwater production shall be metered and monitored at pumping well 6 with production limited to a sum total of 27 acre-feet extraction during the construction period.
- b. Construction Groundwater Level Thresholds: During groundwater extraction for construction, a groundwater level threshold of 5 feet of drawdown below baseline conditions shall be enforced at offsite Well 4, Well 7, Well 8, and Park Monitoring Well. If a water level threshold is exceeded, pumping at Well 6 will cease until the water level at the well that experienced the threshold exceedance has increased above the threshold and remained there for at least 30 days. Additionally, written permission from [PDS Groundwater Geologist] must be obtained before production may be resumed.
- c. Construction Groundwater Level Thresholds, Well 4: In addition to the water level thresholds in Description of Requirement b., a water level threshold of 23 feet below the ground surface shall be enforced in offsite Well 4. If the water level

- threshold is exceeded, pumping at Well 6 will cease until the water level at Well 4 has increased above the threshold and remained there for at least 30 days. Additionally, written permission from [PDS Groundwater Geologist] must be obtained before production may be resumed.
- d. Groundwater Dependent Habitat Monitoring: In the event of the water level threshold of 23 feet below the ground surface is exceeded in Well 4, groundwater dependent habit monitoring would be required to commence in accordance to the requirements specified in Section 3.2. This includes baseline data collection and quarterly monitoring during an 18-month monitoring period. If no deleterious health effects are observed in the groundwater dependent habitat during this monitoring period, groundwater dependent habitat monitoring may cease. Otherwise, monitoring will continue in year 2 through 5 in accordance with the components contained within the GMMP.
 - e. If evidence of deterioration of groundwater dependent habitat persists after the groundwater dependent monitoring period is completed, mitigation will consist of offsite wetland/oak woodland credits at a 3:1 ratio.
 - f. Groundwater at the site shall be pumped from Well 6 only. Groundwater pumped from Well 6 must be used at the project site for the Rugged Solar Farm project only and is not permitted to be exported for use at other sites.
 - g. Flow rate and volume measurements from Well 6 will be recorded daily during project construction.
 - h. Pressure transducers will be maintained in a network of five Jacumba Community Services District wells (Well 4, Well 6, Well 7, Well 8, and Park Monitoring Well). Transducer data will be downloaded on a twice a month basis during the first month of construction, and then at least monthly for the rest of the construction phase. The pressure transducers shall remain in the wells after project pumping is complete. The transducers shall be maintained either by the Jacumba Community Services District or the County of San Diego.
 - i. The property owner and permittee shall comply with the requirements of the GMMP and this condition. Minor alterations to the GMMP may be approved by the Director of PDS, provided alterations achieve the goals and objectives of the GMMP, and are supported by the record. 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.

**45. GROUNDWATER MMRP, PINE VALLEY MUTUAL WATER COMPANY
GROUNDWATER USE: (Mitigation Measure M-BI-PP-15)**

INTENT: In order to comply with **Mitigation Measure M-BI-PP-15** to protect groundwater and resources and to protect groundwater dependent habitat a Groundwater Monitoring and Mitigation Plan (GMMP) shall be implemented.

DESCRIPTION OF REQUIREMENT: The applicant shall implement the County approved Pine Valley Mutual Water Company GMMP dated December 2013. The GMMP includes establishing baseline conditions, ongoing construction monitoring, and post construction monitoring. Implementation for the construction period shall include the following:

- a. Construction Production Limitations: Groundwater production shall be metered and monitored at Pine Valley Mutual Water Company Well No. 5 with production limited to a sum total of 16 acre-feet extraction during the construction period.
- b. Construction Groundwater Level Thresholds: During groundwater extraction for construction, a groundwater level threshold of 10 feet of drawdown below baseline conditions shall be enforced at Pine Valley Mutual Water Company Well No. 3, Well No. 7, and any other private wells that are part of the groundwater monitoring network. Additionally, Pine Valley Mutual Water Company Well No. 5 shall not exceed its historical low static water level (lowest recorded static water level was 50 feet below ground surface in September 2004).
If a water level threshold is exceeded, pumping at Well No. 5 will cease until the water level at the well that experienced the threshold exceedance has increased above the threshold and remained there for at least 30 days. Additionally, written permission from [PDS Groundwater Geologist] must be obtained before production may be resumed.
- c. Groundwater at the site shall be pumped from Pine Valley Mutual Water Company Well No. 5 only. Groundwater pumped from Well No. 5 must be used at the project site for the Rugged Solar Farm project only and is not permitted to be exported for use at other sites.
- d. Flow rate and volume measurements from Pine Valley Mutual Water Company Well No. 5 will be recorded daily during project construction.
- e. Pressure transducers will be maintained in a network of three Pine Valley Mutual Water Company wells (Well No. 3, Well No. 5, and Well No. 7). Transducer data will be downloaded on a twice a month basis during the first month of construction, and then at least monthly for the rest of the construction phase. Manual water levels will also be recorded for Pine Valley Mutual Water Company Wells No. 4, No. 6 and No. 9 on a weekly basis during Project pumping. The pressure transducers shall remain in the wells after project pumping is complete. The transducers shall be maintained either by the Pine Valley Mutual Water Company or the County of San Diego.

- f. Groundwater dependent habitat monitoring shall be conducted in accordance to the procedures outlined within Section 3.2 of the GMMP. This includes baseline data collection of up to approximately one month prior to project-related groundwater extraction. Ongoing monitoring shall occur quarterly during an 18-month monitoring period. If no deleterious health effects are observed in the groundwater dependent habitat during this monitoring period, groundwater dependent habitat monitoring may cease. Otherwise, monitoring will continue in year 2 through 5 in accordance with the components contained within the GMMP.
- g. If evidence of deterioration of groundwater dependent habitat persists after the groundwater dependent monitoring period is completed, mitigation will consist of offsite wetland/oak woodland credits at a 3:1 ratio.
- h. The property owner and permittee shall comply with the requirements of the GMMP and this condition. Minor alterations to the GMMP may be approved by the Director of PDS, provided alterations achieve the goals and objectives of the GMMP, and are supported by the record. Water level thresholds and groundwater production limits may not be altered.
- i. Pay all associated GMMPs 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. Groundwater dependent habitat monitoring shall be included on a quarterly basis for 18 months after commencement of groundwater pumping for this project. If the production or water level thresholds are exceeded pursuant to Description of Requirement a. or b. above, pumping from Well No. 5 shall cease and the *[PDS Groundwater Geologist]* will be notified via letter and electronic mail within 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 Pine Valley Mutual Water Company is the water service agency providing this water to the project and is responsible for ensuring its water service to its existing customer base is not interrupted by providing water to external customers. Therefore, Pine Valley Mutual Water Company is responsible for evaluating water production and water level data to ensure existing obligations to serve their existing customer base is maintained.

46. NOISE REDUCTION MEASURES: (Conditions 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 OF REQUIREMENT:** The applicant shall implement the following:

- a. Conditions of Approval: The applicant will implement the following noise-reducing features during construction activities:

- Whenever feasible, electrical power will be used to run air compressors and similar power tools.
 - 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.

47. 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 OF REQUIREMENT:** 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.

48. PROPERTY ACCESS DURING CONSTRUCTION: (Project Design Feature PDF-TR-3)

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 OF REQUIREMENT: 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).

49. 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.

50. 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.

51. 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.

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

INTENT: In order to comply with **Mitigation Measure M-AE-PP-1** and reduce anticipated visual contrast and partially screen trackers from public viewpoints along McCain Valley 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 Revised Final 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.

53. AIR QUALITY RIDE SHARE: (Mitigation Measure M-AQ-PP-2)

INTENT: In order to comply with **Mitigation Measure M-AQ-PP-2** to reduce NO_x and PM₁₀ emissions associated with construction worker trips, a rideshare program shall be implemented. **DESCRIPTION:** A ride share program shall be implemented to encourage at least 30% workers to carpool to and from the construction site to reduce single-occupancy vehicle trips. A plan shall be provided that includes a daily log of construction worker trips using the San Diego iCommute program (SANDAG 2013) (accessed at <http://www.icommutesd.com/>) or similar program. The plan shall include the following:

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

DOCUMENTATION: The construction manager shall log all daily construction worker trips using the San Diego iCommute or similar program, and 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.

54. **BIO#21 – OPEN SPACE SIGNAGE: (PDS, FEE)**

INTENT: In order to protect the proposed open space easement from entry, informational signs shall be installed. **DESCRIPTION OF REQUIREMENT:** Open space signs shall be placed along the biological open space boundary as indicated on the approved Plot Plan. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

Sensitive Environmental Resources Area Restricted by Easement

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,
Planning & Development Services
Reference: PDS2017-MUP-12-007W1

DOCUMENTATION: The applicant shall install the signs as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor, that the open space signs have been installed at the boundary of the open space easement. **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 open space signs shall be installed. **MONITORING:** The [PDS, PCC] shall review the photos and statement for compliance with this condition.

55. BIOLOGICAL MONITORING FINAL REPORT: (Mitigation Measures M-BI-PP-2,3,4,& 7)

INTENT: In order to comply with **Mitigation Measures 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. Indicate whether 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 a potential take of a species;

- i. Verify that grading plans include a Stormwater Pollution Prevention Plan (SWPPP; 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 **Mitigation Measure M-BI-PP-3**:
 - g. 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.
 - h.
 6. When construction operations are completed, any excess materials or debris will be removed from the work area.
 7. 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.
 8. Pets on or adjacent to construction sites will not be permitted by the operator.
 9. 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.

56. 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, which has been prepared in accordance with the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirement: Wildland Fire and Fire Protection (PDF-HZ-3). The approved Fire Protection Plan shall be prepared in accordance with County Fire Code Section 96.1.4903. **DESCRIPTION OF REQUIREMENT:** The specific project design features shall be implemented in accordance with the approved Fire Protection Plan. **DOCUMENTATION:** The applicant shall provide documentation (inspection report or photographs) that demonstrates compliance with the Fire Protection Plan (FPP). **TIMING:** Prior to the occupancy of the first structures built in association of this permit, the Fire Protection Plan requirements shall be implemented for the phase or portion of the project that it is associated with. **MONITORING:** The [PDS, PCC] and County of San Diego Fire Protection District (SDCFPD) shall verify that the mitigation measures have been initially implemented pursuant to the approved building plans and the fire protection plan.

57. 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 pursuant to the County of San Diego Guidelines for Determining Significance and Report Format Requirements for Cultural Resources: Archeological and Historic Resources. 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.

or

i. Evidence that all prehistoric materials collected during the survey, testing, and grading monitoring program have been repatriated to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

j.

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.

k.

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.

58. ROADS#4 – SIGHT DISTANCE:

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

a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is _____ feet of unobstructed intersectional sight distance in both directions along **Ribbonwood Road** from Rough Acres Ranch Road in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of _____ as described in Table 5 based on a speed of _____, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have

exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”

- b. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is _____feet of unobstructed intersectional sight distance in both directions along **McCain Valley Road** from Rough Acres Ranch Road in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of _____as described in Table 5 based on a speed of _____,which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”
- c. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is _____feet of unobstructed intersectional sight distance in both directions along **McCain Valley Road** from the proposed driveway serving APN 611-110-01 in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of _____as described in Table 5 based on a speed of _____,which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”
- d. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

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

59. DRNG#2 – FLOODPLAIN COMPLIANCE:

INTENT: In order to provide protection from flood damage for the structure from flows coming from the Tule Creek and to comply with the [County Flood Damage Prevention Ordinance \(Title 8, Division 11 Sec 501 \(c\)\(2\)\)](#), [County Watershed Protection Ordinance \(WPO\) No.9926, County Code Section 67.801 et. seq.](#), all inverters and transformers units and the bottom edge of the trackers within 100-year inundation area shall be elevated 1 foot above the 100-year base flood elevation. **DESCRIPTION OF REQUIREMENT:** All the solar panels at maximum tilt will be above the 100-year base flood elevation. **DOCUMENTATION:** The applicant shall indicate on the building plans that the requirements above have been met. **TIMING:** Prior to approval of any building plan and the issuance of any building permit associated with the structures referenced

above, compliance with this condition is required. **MONITORING:** The [PDS, BPPR] shall review the building plans for consistency with this condition.

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

60. 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.

61. 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.

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

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

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

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

63. 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 dependent habitat a Groundwater Monitoring and Mitigation Plan (GMMP) shall be implement.

DESCRIPTION OF REQUIREMENT: The applicant shall implement the County approved Rugged Solar Farm Project GMMP dated February 2022. The GMMP shall establish baseline conditions, and address ongoing construction monitoring, and post construction monitoring. Implementation for the post-construction period shall include the following:

- a. Ongoing Production Limitations: Groundwater production shall be metered and monitored at pumping Well 6a, Well 6b, and Well 8. For ongoing operational water use, groundwater production shall not exceed a combined total of 7.34 acre-feet per year from Well 6a, Well 6, and Well 8.
- b. Groundwater Level Thresholds, Production Wells 6a and 6b: During groundwater extraction for the first five years of use, a groundwater level threshold of 3.5 below the static groundwater level baseline at Well PZ-1 will be allowed. A groundwater level threshold of 10 feet of drawdown below static groundwater level baseline shall be enforced at any additional offsite residential wells included in the well monitoring network prior to commencement of project related extraction. If a water level threshold is exceeded, pumping at Well 6a and Well 6b will cease until the water level at the well that experienced the threshold exceedance has stayed below the threshold and remained there for at least 30 days. Additionally, written permission from [PDS Groundwater Geologist] must be obtained before production may be resumed. If after five years groundwater impacts are shown to be minimal from pumping from Wells 6a and 6b, the groundwater level thresholds may be discontinued.
- c. Construction Groundwater Level Thresholds, Production Well 8: During groundwater extraction for the first five years of use, a groundwater level threshold of 4.1 feet of drawdown below baseline conditions shall be enforced at Well 8a. If a water level threshold is exceeded, pumping at Well 8 will cease until the water level at Well 8a has stayed below the threshold and remained there for at least 30 days. Additionally, written permission from [PDS Groundwater Geologist] must be obtained before production may be resumed. If after five years groundwater impacts are shown to be minimal from pumping from Well 8, the groundwater level thresholds may be discontinued.
- d. Groundwater at the site shall be pumped from Well 6a, Well 6b, and Well 8 only. Groundwater pumped must be used at the project site and is not permitted to be exported for use offsite.
- e. Flow rate and volume measurements from Well 6a, Well 6b, and Well 8 will be recorded monthly during ongoing project operation. These measurements shall continue for the life of the project.
- f. Pressure transducers will be maintained in a well network as follows:
 - 4 on-site monitoring wells (Well 6, Well 8A, Well 9, and Old Ag Well)
 - 2 on-site production wells (Well 6b and Well 8)
 - 5 off-site monitoring wells (Well 1, Well 2, Well 3, Well 4, Well 5, 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.

- g. Groundwater Dependent Habitat Monitoring: Groundwater dependent habitat monitoring shall be conducted if groundwater levels exceed thresholds described within Section 3.3 of the GMMP. Groundwater dependent habitat monitoring shall be conducted in accordance to the procedures outlined within Section 3.2 of the GMMP. This includes baseline data collection up to approximately 1 year prior to project-related groundwater extraction.
- h. If evidence of deterioration of groundwater dependent habitat persists after the groundwater dependent monitoring period is completed, mitigation will consist of offsite wetland/oak woodland credits at a 3:1 ratio.
- i. The property owner and permittee shall comply with the requirements of the GMMP and this condition. Minor alterations to the GMMP may be approved by the Director of PDS, provided alterations achieve the goals and objectives of the GMMP, and are supported by the record. Water level thresholds and groundwater production limits may not be altered.
- j. The applicant shall setup and maintain a deposit account with the County to pay for County staff time to review 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 for the life of the project. As required, an appendix documenting groundwater dependent habitat monitoring as described within the GMMP shall also be included.
- b. If the baseline water levels at any monitoring wells are 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., b. or c. above, pumping of the associated pumping Well 6a and 6b or Well 8 shall cease and the [PDS Groundwater Geologist] will be notified via letter and electronic mail within 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.

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.

64. 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 OF REQUIREMENT:** 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.

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

INTENT: In order to comply with the requirements of Project Design Feature (PDF-N-1) and to comply with the County Noise Ordinance operational procedures and equipment procedures shall be implemented as part of the 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 the 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.*

66. ROADS#5 – SIGHT DISTANCE:

INTENT: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.(E) of the [County of San Diego Public Road Standards](#), an unobstructed sight distance shall be maintained for the life of this permit. **DESCRIPTION OF REQUIREMENT:** There shall be a minimum unobstructed sight distance in both directions along **McCain Valley Road** and **Ribbonwood Road** from the project

driveways/private roads opening for the life of this permit. **DOCUMENTATION:** A minimum unobstructed sight shall be maintained. The sight distance of adjacent driveways and street openings shall not be adversely affected by this project at any time. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Compliance Division] is responsible for compliance of this permit.

67. **BIOLOGICAL HABITAT COMPENSATION:**

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

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

- b. Option 2: If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation habitat of the same amount and type of land located in East San Diego County as indicated below:
 1. Prior to purchasing the land for the proposed mitigation, the location should be pre-approved by [PDS].
 2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite-mitigation is proposed to be managed by DPR, the RMP shall also be prepared and approved to the satisfaction of the Director of DPR.
 3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
 4. The purchase and dedication of the land and the selection of the Resource Manager and establishment of an endowment to ensure funding of annual

ongoing basic stewardship costs shall be complete prior to the approval of the RMP.

5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land). Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

In lieu of providing a private habitat manager, the applicant may contract with a federal, state, or local government agency with the primary mission of resource management to take fee title and manage the mitigation land). Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

DOCUMENTATION: The applicant shall purchase the offsite mitigation credits and provide the evidence to the [PDS, PCC] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [PDS PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [PDS, PCC], for a pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **TIMING:** Upon an impact occurring in accordance with Conditions 37j., 39g., or 58h., the mitigation shall occur. **MONITORING:** The [PDS, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PCC] can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [PDS, ZONING] shall accept an application for an RMP, and [PDS, PPD] [DPR, GPM] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

GRADING PLAN NOTES:

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

(BIOLOGICAL RESOURCES)

GP1. BIOLOGICAL MONITORING (Mitigation Measures, M-BI-PP-2 ,3 & 7):

INTENT: In order to comply with **Mitigation Measures 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 **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.
 - l.
 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 ORANGE 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, 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.”

(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 periodically 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.
- m.

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.
- l. 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, PDC] 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, PDC] 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 Historical 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).

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.
 - n.
 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.

GP9. DPW RECYCLING - GRADING MATERIAL DIVERSION:

INTENT: In order to comply with the Grading Material Diversion Program, project recycling and diversion is designed to increase diversion of grading, land clearing, and brushing materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements.

DESCRIPTION OF REQUIREMENT: At the conclusion of the grading activities and prior to the release of Rough Grade Inspection, and prior to issuance of any building permit, the Final Debris Management Report (DMR) must be prepared and submitted for review and approval. **DOCUMENTATION:** The DMR final report (see template) shall be prepared and submitted for review and approval by the [DPW, CO] and shall include:

- A. Project name.
- B. List of total weight, tonnage, or cubic yards of materials, by type, which was recycled, salvaged, or disposed of in a landfill.
- C. Provide copies of receipts for export facilities, haulers, or materials reused on site.
- D. Signed self-certification letter (see template).

TIMING: The final report shall be prepared and submitted at Rough Grade inspection.

MONITORING: The [DPW, PDCI] shall ensure that the grading contractor has prepared and submitted the final report to [DPW, CO]. The [DPW, PDCI] shall contact the [DPW, CO] if the grading contractor or applicant fails to comply with this condition.

(CULTURAL RESOURCES)**GP10. ARCHAEOLOGICAL MONITORING (Mitigation Measure M-CR-PP-1):**

INTENT: In order to comply with **Mitigation Measure M-CR-PP-1** to protect undiscovered cultural and historic resources and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archaeological Resources](#), an Archaeological Monitoring Program shall be implemented.

DESCRIPTION OF REQUIREMENT: The Project Archaeologist shall prepare 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).*

GP11. AIR QUALITY (Mitigation Measures M-AQ-PP-1 and PDF-AQ-1):

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

DESCRIPTION OF REQUIREMENT: The project shall comply with the following Air Quality measures 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.*

- k. *Project Design Feature PDS-AQ-2 requires the project-related construction activities to use 100% Tier 4 construction equipment as defined by the Unities States (U.S.) Environmental Protection Agency (EPA)/California Air Resources Board (CARB) certified construction equipment.*

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, PDC] shall make sure 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.

GP12. DPW RECYCLING - GRADING MATERIAL DIVERSION:

INTENT: In order to comply with the Grading Material Diversion Program, project recycling and diversion is designed to increase diversion of grading, land clearing, and brushing materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements. **DESCRIPTION OF REQUIREMENT:** For all grading projects >5,000 cubic yards, a Daily Log of all grading, land clearing, and brushing material that is exported or reused/repurposed must be retained onsite. The Daily Log must include all export receipts or other vendor or disposal or transfer station facility information that accepted grading material from the approved grading project. **DOCUMENTATION:** Daily Logs shall be prepared and kept on-site for inspection and include the following:

- A. Identify the project location.
- B. Log date that material was transported off the site
- C. Log type of grading or clearing material
- D. Weight of the material or its approximate tonnage or cubic yards
- E. Name of the party transporting the materials
- F. Name of the receiving facility or exporter, and whether the material was disposed of in a landfill, salvaged for future use off-site, or recycled.
- G. Each log entry shall correspond with a receipt issued by the party that transported the material off-site or by facility that accepted the materials. If the materials were hauled by the grading contractor, export receipts shall be compiled within 90 days of the date of the log entry.
- H. The Daily Log shall include separate entries for each occurrence of materials reused on-site.
- I. The Daily Log and all receipts shall be maintained at the project site and made available to any County inspector responsible to ensure compliance with this requirement

TIMING: The following actions and logs shall occur throughout the duration of the earth disturbing activities. **MONITORING:** The [DPW, PDCI] shall ensure that the grading contractor is preparing and maintaining the daily logs on-site. The [DPW, PDCI] shall contact the [DPW, CO] if the grading contractor or 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).

GP13. 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: 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.
or
 - o. Evidence that all prehistoric materials collected during the survey, testing, and grading monitoring program have been repatriated to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.
 2. Historic materials shall be curated at a San Diego curation facility as described above and shall not be curated at a Tribal curation facility. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the

fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.

- d. If no cultural resources are discovered, a Negative Archaeological Monitoring Report must be submitted stating that the archaeological monitoring activities have been completed. Daily Monitoring Logs must be submitted with the negative monitoring report.

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

GP14. BIO#32–BIOLOGICAL MONITORING FINAL REPORT (M-BI-PP-2, M-BI-PP-3, M-BI-PP-4, M-BI-PP-7) [PDS, FEE]:

INTENT: In order to comply with **Mitigation Measures M-BI-PP-2, 3, 4, and 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 and submit a final letter report substantiating his/her supervision of the grading activities and substantiating that grading did not impact any additional areas outside the project area or beyond the limits of disturbance or any other sensitive biological resources. The final report shall conform to the County of San Diego [Report Format and Content Requirements for Biological Resources](#). It shall also include but not be limited to the following items:

- a. Photos of the temporary fencing that was installed and maintained 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. Indicate whether 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 a potential take of a species;
- l. Verify that grading plans include a Stormwater Pollution Prevention Plan (SWPPP; 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 **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. 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 MI-B-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 submit the final biological monitoring report to the [PDS, PCC] for review and approval. **TIMING:** Upon completion of all grading activities, and prior to final grading release Inspection ([Grading Ordinance SEC 87.421.a.2](#)), the final report shall be submitted and approved. **MONITORING:** The [PDS, PCC] shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

GP15. BIO#33 – PERMANENT OPEN SPACE SIGNAGE (PDS, FEE):

INTENT: In order to protect the proposed open space easements from entry, the permanent signage shall be installed. **DESCRIPTION OF REQUIREMENT:** The permanent fences open space signs shall be placed along the open space boundary as shown on the approved grading plans and the approved project development Plans for PDS2017-MUP-12-007W1:

- a. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent open space signs have been installed.
- b. The signs must be corrosion resistant, a minimum of 6” x 9” in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**Sensitive Environmental Resources
Area Restricted by Easement**

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,

Planning & Development Services

Reference: PDS2017-MUP-12-007W1

DOCUMENTATION: The applicant shall install the permanent fencing and signage and provide the documentation photos and certification statement to the [PDS, PCC]. **TIMING:** Prior to the occupancy of any structure, final grading release or use of the premises in reliance of this permit, fencing and signage shall be installed. **MONITORING:** The [PDS, PCC] shall review the photos and statement for compliance with this condition.

GP16. BIO#34 – EASEMENT AVOIDANCE (PDS, FEE):

INTENT: In order to protect sensitive resources, pursuant to [County Grading Ordinance Section 87.112](#) the open space easements shall be avoided. **DESCRIPTION OF REQUIREMENT:** The easement indicated on this plan is for the protection of sensitive environmental resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. It is unlawful to grade or clear within an open space easement, any disturbance shall constitute a violation of the [County Grading Ordinance Section 87.112](#) and will result in enforcement action and restoration. The only exception(s) to this prohibition are:

- 1. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this

easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, (<http://www.sdcounty.ca.gov/PDS/docs/MemoofUnder.pdf>) between the wildlife agencies and the fire districts and any subsequent amendments thereto. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of PDS, DPW or DPR.

- 3. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the DEH.

DOCUMENTATION: The applicant shall provide a letter statement to the [PDS, PCC] stating that all Sensitive Resource Easements were avoided during the grading construction, and that no impacts or encroachment into the open space occurred.

TIMING: Prior to Final Grading Release the letter verifying the easements were not disturbed shall be submitted. **MONITORING:** The [DPW, PDC] shall not allow any grading, clearing or encroachment into the open space easement.

.....

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

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

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

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

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

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

.....

MAJOR USE PERMIT FINDINGS

Project Specific Information:

The project consists of 225,264 photovoltaic (PV) modules, which would be placed on a single-axis solar tracking system (“trackers”) located on approximately 764 acres. The trackers are arranged into four subareas on the 764 acre project site:

Modules are approximately 6.5 feet in length, 3.5 feet in width, and 1.5 inches thick. The trackers would be installed on support masts in parallel rows. Each tracker would be approximately 290 feet in length. The rows would be spaced approximately 20 feet apart in the north-south direction and 10.5 feet apart in the east-west. The trackers would be grouped into approximately 38 building blocks grouped around inverter stations. The average height of the trackers would be 7 feet, with the maximum height not exceeding 12 feet.

The project also includes the following components:

- A 26,000 square foot private on-site collector substation.
- A 5,400 square foot operations and maintenance (O&M) building
- ~~A 160 megawatt hour (MWhr) Energy Storage system consisting of 160 steel sea cargo containers that are 400 square feet each (10 feet X 40 feet) with a height of 12 feet. The 1 MWhr trailers are configured in two rows of 80 (or four rows of 40). The energy storage system is located adjacent to the project substation within the center of the Harmony Grove parcel.~~ A collection system linking the trackers to the on-site substation would consist of 1,500-volt (V) DC underground conductors leading to 34.5 kV underground and overhead AC conductors. The collection system would be located within the same development footprint as the Photovoltaic Array.
- Perimeter fencing with a height of six feet and a one foot tree strand barbed wire.

Existing Setting and Surrounding Uses:

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

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

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

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

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

The area between the Rugged site and Interstate 8 includes the McCain Valley Conservation Camp, a rural prison facility managed jointly by the California Department of Corrections and Rehabilitation and the California Department of Forestry and Fire Protection (CalFire), gently rising, chaparral-covered undeveloped lands and occasionally, rural residential structures. The McCain Valley Conservation Camp is located southeast of the project boundary between the Rugged site and McCain Valley Road. The prison facility, with an estimated 60,550 square feet of existing buildings and structures, consists of a cluster of approximately 30 buildings and structures located in the southern portion of the property and west of McCain Valley Road. Water

quality ponds and generally undeveloped lands within the Tule Creek floodplain are also located on the property. To the southwest of the project site between the Thibodaux property and I-8 is a 29,000-square-foot Department of Homeland Security facility. The facility includes a main primary building for 250 Border Patrol agents; a vehicle and facility maintenance building; an equestrian compound with a stable and an arena; a 160-foot communications tower; a fueling station; a helicopter landing pad; and a 10-lane, 50-meter indoor firing range.

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

Existing Energy Facilities in the Project Vicinity:

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

Traversing McCain Valley south to north on the east side of McCain Valley Road and briefly bordering the discontinuous eastern portion of the Rugged Project, the 500 kV Sunrise Powerlink consists of 160-foot tall steel lattice towers with two circuits consisting of 3 conductors each with associated insulators. Each tower is connected to the next by a graded access road, and a cleared area around each tower base is provided for fire management. As east and westbound interstate motorists approach the McCain Valley Road overpass, steel lattice towers dot the landscape located north and south of the interstate and multiple transmission lines cross overhead.

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

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

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

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

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

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

Scale and Bulk:

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

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

The tracking system is mounted on a single-axis tracking system that tracks the sun in the east-west direction. The tracking radius is 60 degrees from flat in either direction. 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 single-axis PV trackers have an average height of 7 feet. The project will result in a change from undeveloped to developed land and would introduce elements that are inconsistent with the surrounding natural vegetation and topography. However, from public and scenic vantage points in the area, views of the project site are obscured by distance, intervening topography and vegetation, allowing the apparent bulk and scale of the project to be reduced and blend into the landscape. In addition, when viewed from a distance, the light color of the trackers blend the

project with the surrounding area, further reducing color contrast of the project and the perceptible bulk of the solar farm. Design features and mitigation measures incorporated into the project will also lessen the visual contrast between the project and areas of undeveloped landscape in the vicinity. Construction fencing and landscape screening, as well as buffering, will reduce the visibility of construction activities. Additionally, landscape screening and setbacks will reduce the visibility of the trackers during operation.

Consistency with Surrounding Uses:

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

Project Features	Surrounding facility/feature comparison
<ul style="list-style-type: none"> • Overhead collector transmission lines 50 feet high. • Generator tie-line <p>These features would be visible to residents and recreationists in the McCain Valley area.</p>	<ul style="list-style-type: none"> • Tule Wind Farm 34.5kV Collector line (75 feet high) – located approximately 1.84 miles north of the collector transmission lines and 2 miles south of generator tie line (the generator tie line will be co-located on Tule Wind transmission line poles). These features would be visible to residents and recreationists in the McCain Valley area. • Sunrise Powerlink 500kV Transmission Line (up to 170 feet high) – located adjacent to collector transmission lines and generator tie line along McCain Valley Road. These features are visible to residents and recreationists in the McCain Valley and to motorists on Old Highway 80 and Interstate 8. • Tule Wind 138kV Transmission Line (160 feet high) – located adjacent to collector transmission line along McCain Valley Road and generator tie line will be co-located on Tule Wind transmission line poles. 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. • Border Patrol Station Communication Tower (160 feet high) – located approximately 1.0 mile south of collector transmission line on northeastern portion of project site and 1.9 miles west of

	<p>generator tie line. The tower is visible to residents and recreationists in the McCain Valley area and motorists on Interstate 8 and Ribbonwood Road.</p> <ul style="list-style-type: none"> • Several MET Towers (198 feet high) – closest MET tower located approximately 4.2 miles west of collector transmission line on northeastern portion of project site and 5.6 miles west of generator tie line. These features are visible to residents in the Boulevard area and motorists on Jewell Valley Road. • Kumeyaay Wind Turbines (400 feet high) – southernmost turbine located approximately 2.5 miles west of collector transmission line on northeastern portion of project site and 3.9 miles west of generator tie line along McCain Valley Road. These features are visible from the communities of Tierra del Sol, Boulevard, and the McCain Valley area. • Tule Wind Turbines (492 feet high) – southernmost turbine, G18, located 0.70 mile north of collector transmission line and 0.90 mile northwest of generator tie line (generator tie line will be co-located on Tule Wind transmission line poles located within 0.34 mile of turbine G18). These features would be visible to residents in Boulevard and the McCain Valley area and to passing motorists on Old Highway 80 and Interstate 8.
<ul style="list-style-type: none"> • 5,400sq/ft. Operations and Maintenance Building • 26,000 sq/ft. onsite substation <p>These features are within the project area will be primarily screened from external views by trackers and by the landscape screen installed west of McCain Valley Road.</p>	<ul style="list-style-type: none"> • 29,000 sq/ft. Border Patrol station – located approximately 1.67 miles southwest of Operations and Maintenance Building and on-site substation. The station is visible to residents and recreationists in the McCain Valley and to motorists on Interstate 8 and Ribbonwood Road. • 60,220 sq/ft. Rough Acres Ranch – Rough Acres Ranch facilities located approximately 0.21 miles northeast of Operations and Maintenance Building and on-site substation. These features are visible to residents and recreationists in the McCain Valley and to motorists on McCain Valley Road. • 60,550 sq/ft. McCain Valley Conservation Camp (Prison) – prison facilities located approximately 0.75 mile south of Operations and Maintenance Building and on-site substation. The camp is visible to residents and recreationists in the McCain Valley and to motorists on McCain Valley Road.

	<ul style="list-style-type: none"> • 2 acre SDG&E Rebuilt Boulevard Substation – located approximately 2.3 miles southeast of Operations and Maintenance Building and on-site substation. The rebuilt substation is visible to residents located near the facility in Boulevard and to passing motorists on Old Highway 80 and Interstate 8. • 5 acre Tule Substation – located approximately 1.86 miles north of Operations and Maintenance Building and on-site substation. The substation would be visible to recreationists in the McCain Valley. • 5 acre Tule Wind O&M Facility – located approximately 1.86 miles north of Operations and Maintenance Building and on-site substation. The facility would be visible to recreationists in the McCain Valley.
<ul style="list-style-type: none"> • 38 Inverter Stations (800 sq/ft. each) 30,400 sq/ft. total • 160 Sea Cargo Containers (400 sq/ft. each) 65,600 sq/ft. total <p>These features are within the project area and will be screened from external views by trackers because they are only approximately 12 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"> • 29,000 sq/ft. Border Patrol station – located approximately 0.60 mile southwest of closest inverter skid and 1.35 miles southwest of Sea Cargo Containers (Energy Storage System). The station is visible to residents and recreationists in the McCain Valley and to motorists on Interstate 8 and Ribbonwood Road. • 60,220 sq/ft. Rough Acres Ranch – located approximately 0.15 mile northeast of closest inverter skid and 0.55 mile northeast of Sea Cargo Containers (Energy Storage System). These features are visible to residents and recreationists in the McCain Valley and to motorists on McCain Valley Road. • 60,550 sq/ft. McCain Valley Conservation Camp (Prison) – prison facilities located approximately 0.10 mile north of closest inverter skid and 0.70 mile south of Sea Cargo Containers (Energy Storage System). The camp is visible to residents and recreationists in the McCain Valley and to motorists on McCain Valley Road. • 2 acre SDG&E Rebuilt Boulevard Substation – located approximately 1.25 miles south of closest inverter skid and 2.2 miles south of Sea Cargo Containers (Energy Storage System). The rebuilt substation is visible to residents located near the facility in Boulevard and to passing motorists on Old Highway 80 and Interstate 8. • 5 acre Tule Substation (located approximately 1.75 miles northeast of

	<p>closest inverter skid and 2.0 miles northeast of Sea Cargo Containers (Energy Storage System). The substation would be visible to recreationists in the McCain Valley.</p> <ul style="list-style-type: none"> • 5 acre Tule Wind O&M Facility – Substation (located approximately 1.75 miles northeast of closest inverter skid and 2.0 miles northeast of Sea Cargo Containers (Energy Storage System). The facility would be visible to recreationists in the McCain Valley.
<p>Approximately 225,264 PV modules placed on a single-axis tracking system Trackers would be visible to residents and recreationists in the McCain Valley area and to eastbound motorists on Interstate 8 and motorists on Ribbonwood Road and McCain Valley Road.</p>	<p>The 12-foot maximum height of the PV trackers is consistent with the scale of surrounding energy facilities and private and public structures as stated above in the discussion above on tracker behavior and appearance with natural surroundings.</p>

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

Consistency with Local Plans and Policies: The proposed Rugged 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 Rugged 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-two parcels surrounding the project site were assessed. Lot coverage of the parcels ranges from less than 0.1% (APN 611-060-08-00) to as much as 19.3% (APN 611-090-20-00) with an average lot coverage of 3.9%. Improvements considered in the lot coverage calculations of parcels were limited to buildings/structures.

The majority of coverage on the project site will result from construction of the PV trackers. From sunset to sunrise trackers will be in a vertical sleep mode with the lowest lot coverage. As the sun rises and the trackers follow it across the sky, coverage will increase as the trackers becomes more horizontal, with coverage peaking around midday when the trackers are at their most horizontal position.

~~In addition to the PV trackers, additional coverage will result from construction of the inverter pads, O&M facility (5,400 square feet), and switchyard (26,000 square feet). If the optional energy storage system (approximately 57,760 square feet of coverage) is selected, then 47 CPV trackers (approximately 56,400 square feet of coverage) will be removed from the Rugged solar farm. Therefore, selection of the optional energy storage system will result in a net increase of approximately 1,360 square feet of coverage when compared to coverage associated with 47 CPV trackers. With selection of the optional energy storage system, the increase in coverage will be negligible (approximately 0.02%) when trackers are in both vertical sleep mode and when trackers are horizontal at midday.~~

Trackers will be arranged in rows and spaced approximately 290 feet in length. The rows will be spaced approximately 20 feet apart in the north-south direction and 10.5 feet apart in the east-west direction. The trackers would move throughout the day to track the sun as it rises from the east and sets in the west. The project's lot coverage will range depending on the time of day. The tracker spacing, color, and height will reduce the overall appearance of coverage on the project site and result in a project that is compatible with surrounding uses. Accordingly, lot coverage will be consistent and in harmony with surrounding uses.

Density:

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

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

An Emergency Services Capabilities Assessment prepared for the project found that the current fire response capabilities, including primary response from San Diego County Fire Authority Boulevard Fire Station and secondary response from

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

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

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

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

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

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

Police Services

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

Water Supply

The project requires approximately 83-acre feet of water over the 12 month construction period, including a peak water demand of approximately 318,501 gpd during days 1-60 of construction. The annual operational water use is estimated to be approximately 8.7 acre-feet per year. The project will obtain water for construction from three on-site production wells (Well 6a, Well 6b, and Well 8), and can draw additional supply from the Jacumba Community Services District (JCSD), Pine Valley Mutual Water Company (PVMWC), and Padre Dam Municipal Water District (PDMWD). The groundwater resources investigation prepared for the Rugged solar farm has determined that on-site production wells have capacity to provide up to 54-acre feet of groundwater during construction and the entirety of its 8.7 acre-feet per year operational demand (Dudek 2014a). The JCSD is expected to provide up to 16 acre-feet from Well 6 during the 60-day peak construction period (Dudek 2014b), and JCSD has provided a will serve letter, dated December 12, 2012. The project will be conditioned to allow for up to 27 acre-feet to be obtained from JCSD. PVMWC also is expected to be able to supply up to 16-acre feet of water during the peak construction period (Dudek 2013c), and has entered into a bilateral water supply agreement with the Rough Acres Water Company and has provided a will serve letter dated July 3, 2013.

Wastewater

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

Solid Waste

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

Schools

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

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

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

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

As described above, Boulevard can be described as a community in transition. The area which originally was predominantly rural in nature with large homesteads is becoming increasingly developed with private facilities, civic uses and energy infrastructure. The community surrounding the project includes a range of different land uses, such that the neighborhood character is varied. The main Boulevard community is located to the south of the project area, separated by the dominant feature of Interstate 8.

North of Interstate 8, in the vicinity of the project, there are scattered rural residences, undeveloped land, the Boulevard U.S. Border Patrol Station, Rough Acres Ranch (former Charger's training facility), and the McCain Valley Conservation Camp, a prison camp. The Golden Acorn casino is a few miles to the west. There are a variety of energy uses existing and proposed in the immediate area of the project. The Sunrise Powerlink consists of steel lattice towers with a 500 kV transmission line, immediately adjacent to the project site. The Kumeyaay Wind Farm with 25 wind turbines is an existing use located atop the Tecate Divide, and the approved Tule Wind Project, including a new transmission line, is expected to begin construction in McCain Valley in 2016. Associated meteorological towers, 200 feet in height, are also scattered across the landscape within the vicinity of the project area. Further, 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. There is also undeveloped federal and tribal land in the area designated and planned for renewable energy development.

The Boulevard Community Plan provides guidance and policies to shape the future character of the community. The Boulevard Community Plan was recently amended by approval of the Wind Energy ordinance in 2013. The project is consistent with policies of this Plan, including LU 1.1.1 which specifically states that solar projects are not "industrial-scale projects or facilities," and therefore, not categorized in the class of projects which are identified to detract from or degrade groundwater resources, water and air quality, visual and natural resources, wildlife,

and the historic rural character of Boulevard. In addition, the project is consistent with the policies of the Boulevard Community Plan that aim to protect the natural environment, including protection of dark skies (LU 3.1.1), preservation of native and riparian habitat (LU 3.2.1), and protection of historic sites (LU 3.3.1). In addition, the project will provide funding towards improved emergency response equipment and personnel (LU 5.1.1 and S 1.1.1) and will provide buffers from public roads and surrounding properties and residences (LU 6.1.3).

The project has been designed to minimize impacts on the natural and developed environment on the project site and within the vicinity. Tracker arrangement on the project site has been designed to avoid cultural resources, riparian and sensitive habitat areas, and to minimize impacts to steep slopes and reduce the need for grading. A number of biological impacts will be mitigated by off-site open space conservation areas. These will be accomplished either via a mitigation bank, or directly on lands located within San Diego County. Design features and mitigation measures incorporated into the project will lessen the visual contrast between the project and areas of undeveloped landscape in the vicinity. Construction fencing and landscape screening, as well as buffering, will reduce the visibility of construction activities. By the same token, landscape screening and setbacks will reduce the visibility of the CPV trackers during operation.

Night lighting will be minimal and will be limited to security lighting around the O&M facility. No impacts to dark skies will result. Noise impacts will be primarily temporary and related to construction activities; all noise impacts will be mitigated. Short-term construction traffic is managed by a traffic control plan and will not decrease level of service on the local roadways. Operation of the project will result in the addition of approximately 40 trips per day and will not affect roadway service levels.

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

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

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

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

The project will not alter the physical character of McCain Valley Road, Ribbonwood Road, or Rough Acres Ranch Road because the project will generate

minimal trips during operation of the project for maintenance and panel washing. An increase in traffic will occur during the approximate 12-month construction period, with an average of 160 daily trips, but this effect will be temporary. The construction and operational increases in traffic will not cause the level of service (LOS) of affected roads (currently operating at LOS A) to fall below the County's acceptable LOS (LOS D) or affect existing intersection operations and delay. The project will not cause affected roads to exceed their assumed design capacity. A traffic control plan will be implemented to ensure safe and efficient traffic flow in the area and on the project site during construction. A construction notification plan will be used to inform property owners of potential effects of construction on roads and traffic. Property owners and tenants whose property access potentially will be impacted will be specifically notified in advance and provided alternative access.

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

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

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

Compatibility with Land Use Designations and Planning Documents

The project site is designated RL-80, Rural Lands, in the General Plan and zoned S92 (General Rule) and A72 (General Agriculture). A solar farm is defined as a "Civic Use Type" which is allowed within these zones if a Major Use Permit is obtained. A General Plan Analysis Report prepared by the County shows that the project is consistent with all applicable General Plan policies, as well as the Mountain Empire Subregional Plan and the Boulevard Community Plan.

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

Environmental Suitability

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

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

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

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

Shared Facilities

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

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

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

The project generates minimal glare at certain places in the surrounding area and times of the year that will be received by residences, recreationalists, and motorists(see Chapter 2.1, Aesthetics (Section 2.1.3.3, Light and Glare) of the ~~DPEIR~~RFPEIR). The intensity of glare produced by CPV trackers will be lower than that of glare produced by man-made surfaces (metal roofs, glass etc.) and water. The generated reflection values are not considered hazardous to vision.

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

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

months and prior to sunset. Maximum daily duration of glare exposure will be approximately 37 minutes and glare exposure on McCain Valley Road will be brief (motorists will experienced glare for approximately 20 seconds assuming a travel speed of 35 miles per hour). According to the Boulevard Glare Study prepared for the Rugged Solar Project, no project-generated glare will experienced by motorists on Interstate 8.

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

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

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

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

The project complies with the requirements of the California Environmental Quality Act (CEQA) because a Draft Programmatic Environmental Impact Report (DPEIR) 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 DPEIR and the project, including voluntary reductions by the applicant to the development footprint by removing CPV trackers from some areas of 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~~ was placed on file with PDS as Environmental Review Number 3910-120005.

On July 8, 2015, San Diego Superior Court Judge Joel R. Wohlfeil issued his Minute Order and Ruling (Decision) on the Court's June 25, 2015, hearing on the merits of Petitioners Backcountry Against Dumps' and Donna Tisdale's Petition for Writ of Administrative Mandate. The Decision ruled in favor of the Petitioners, in part, and in favor of the San Diego County Board of Supervisors (Board) and Real Parties in Interest Soitec Solar Development, LLC, Rugged Solar, LLC, and Tierra del Sol Solar Farm, LLC (jointly, Soitec), in part. The Decision found that the Final Program EIR (certified by the Board on February 4, 2015) violated CEQA in several respects, all of which were related to an optional energy storage system on approximately seven (7) acres of the Rugged Solar Farm that was added to the Final Program EIR in an Additional Information Statement

after the Draft Program EIR had been circulated for public review. The Decision found no legal fault with any other aspects of the Final Program EIR.

On July 29, 2015, Judge Wohlfeil issued a Peremptory Writ of Mandate (Peremptory Writ) to the Board requiring that the County rescind and vacate its approval of the Final Program EIR, associated Findings and Statement of Overriding Considerations, and land use approvals for the Rugged and Tierra del Sol Solar Farms. The Peremptory Writ further ordered the County to report to the Court by way of return on the Peremptory Writ on the steps the County has taken to comply by November 2, 2015. The Board is complying with the Peremptory Writ by eliminating the optional energy storage system from the Rugged Solar Farm in this Revised Final Program EIR.

~~In addition, the applicant made voluntary changes to the project, including reducing the development footprint by removing CPV trackers from some areas of the project. Also, selection of the optional energy storage system will result in the removal and replacement of 47 trackers in the central subarea of the Rugged project site. These revisions did~~Modifications to the Final Program EIR for inclusion in the Revised Final Program EIR do not constitute significant new information and such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines. A Revised Final Programmatic Environmental Impact Report (RFPEIR) dated September 2015 is on file with PDS as Environmental Review Number 3910-120005. An Addendum to the previously certified Revised Final Programmatic Environmental Impact Report is on file with PDS.

Findings related under CEQA Guidelines sections 15091 and 15093 have been prepared for the project, in accordance with CEQA. The RFPEIR is hereby adopted for the reasons set forth in the CEQA Findings for the project. The previously certified RFPEIR is adequate upon completion of an Addendum pursuant to Sections 15162 through 15164 of the California Environmental Quality Act (CEQA) Guidelines.

.....
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.sdcounty.ca.gov/PDS/docs/LID-Handbook.pdf>.

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

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

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

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

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

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

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

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

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

NOTICE: The subject property contains habitat which may be used for nesting by migratory birds. Any grading, brushing or clearing conducted during the migratory bird breeding season, February 1 – August 31, has a potential to impact nesting or breeding birds in violation of the Migratory Bird Treaty Act. The applicant may submit evidence that nesting or breeding migratory birds will not be affected by the grading, brushing or clearing to these agencies: California Department of Fish and Wildlife, 3883 Ruffin Rd., San Diego, CA 92123, (858) 467-4201,

2 - 111

PDS2012-3300-12-007 PDS2024-MUP-12-007W1TE

March 21, 2025

<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 October 14, 2014.

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

**Attachment C – Previous Board Letter and
Planning Commission Hearing Report**



The County of San Diego

Planning Commission Hearing Report

Date:	July 22, 2022	Case/File No.:	Rugged Solar
Place:	County Operations Center 5520 Overland Avenue San Diego, CA 92123	Project:	Major Use Permit Modification and Time Extension for a Solar Facility
Time:	9:00 a.m.	Location:	Ribbonwood Road and McCain Valley Road
Agenda Item:	#5	General Plan:	Rural Lands (RL-80)
Appeal Status:	N/A	Zoning:	General Rural (S92) and A72 (General Agricultural)
Applicant/Owner:	Rugged Solar LLC	Community:	Mountain Empire (Boulevard)
Environmental:	CEQA Guidelines § 15162 through 15164 Addendum	APN:	611-060-04, 611-090-02, 611-090-04, 611-091-03, 611- 091-07, 611-100-07, 612-030- 01, 612-030-19, 611-110-01

A. OVERVIEW

The purpose of this staff report is to provide the Planning Commission with the information necessary to provide a recommendation to the Board of Supervisors to approve, approve with modifications, or deny the proposed Modification and Time Extension to the Rugged Solar Major Use Permit (Proposed Project), which was one of four individual solar energy projects that made up the Soitec Solar Project approved by the Board of Supervisors on October 14, 2015 (Approved Project).

B. STAFF RECOMMENDATIONS

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

1. Adopt the Environmental Findings included in Attachment A, which includes a finding that the previously certified Program Environmental Impact Report (PEIR) is adequate upon completion of an Addendum pursuant to Sections 15162 through 15164 of the California Environmental Quality Act (CEQA) Guidelines.
2. Adopt the Form of Decision of Approval for a Modification and Time Extension to Major Use Permit PDS2017-MUP-12-007W1 and PDS2017-MUP-12-007TE (Attachment B).

C. PROJECT BACKGROUND

The applicant, Rugged Solar LLC, is requesting a time extension and modification to Major Use Permit (MUP-12-007), which was approved by the Board of Supervisors on October 14, 2015. The Rugged Solar Project was one of four individual solar energy projects (Rugged Solar, Tierra Del Sol, LanEast, and LanWest) analyzed in the Soitec Solar Development Program EIR (Soitec PEIR), which was certified by the Board of Supervisors on October 15, 2015. The Rugged Solar and Tierra Del Sol Solar projects were reviewed at a project level as part of the Soitec PEIR while the LanWest and LanEast projects were evaluated at a program level of analysis. Based on the processing of the Soitec PEIR and comments received during the public review, changes were made to the Rugged Solar and Tierra Del Sol Solar projects to address concerns of stakeholders. The changes were reflected in the Soitec PEIR with the addition of Alternative 2A or the “Tailored Proposed Project and No LanEast and LanWest Alternative”, which was both the applicant’s preferred project and the staff recommended project. This alternative reduced the Rugged Solar and Tierra Del Sol Solar projects and entirely removed the LanEast and LanWest projects. Alternative 2A as approved by the Board (composed of the Tierra del Sol Solar and Rugged Solar Projects) is referred to as the Approved Project in this report.

Soitec Solar did not proceed with the Approved Project, and the Rugged Solar Project was acquired by the Applicant. In 2017, the Applicant submitted a Time Extension and Modification to the Rugged Solar MUP. The Applicant proposes to utilize the same development footprint of the Approved Rugged Project, reduced by about 21% due to a different solar technology. The Tierra Del Sol Project was acquired by a different owner; however, the modification and time extension for the Tierra Del Sol Project is still being processed and is not under consideration at this time.

D. REGIONAL SETTING AND PROJECT LOCATION

The 764-acre Proposed Project site is located north of Interstate 8, east of Ribbonwood Road and is bisected by McCain Valley Road, in the community of Boulevard, as shown in the aerial photo in Figure 2 below. The larger portion of the site west of McCain Valley Road includes central, northwest, and southern subareas while the smaller site to the east of McCain Valley Road comprises the eastern subarea.

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

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

extent of the In-Ko-Pah Mountains to the east. Right-of-way and transmission structures associated with the Sunrise Powerlink are located west of the project site.

Please refer to Attachment C– Planning Documentation, for maps of surrounding land uses and zoning designations.

Table D-1: Surrounding Zoning and Land Uses

Location	General Plan	Zoning	Adjacent Streets	Description
North	Rural Lands (RL-80), Public Agency Lands	General Agriculture (A72)	N/A	Vacant Lands
East	Rural Lands (RL-80), Public Agency Lands	General Agricultural (A72), General Rural (S92)	McCain Valley Road	McCain Valley Conservation Camp, Rough Acres Ranch Camp, Vacant Lands
South	Rural Lands (RL-80), Rural Lands (RL-40), Public Agency Lands	General Rural (S92), Open Space (S80)	Interstate 8	Border Patrol Station, Interstate 8, Rural Residential, Vacant Lands
West	Rural Lands (RL-80), Rural Lands (RL-40)	General Rural (S92)	Ribbonwood Road	Rural Residential

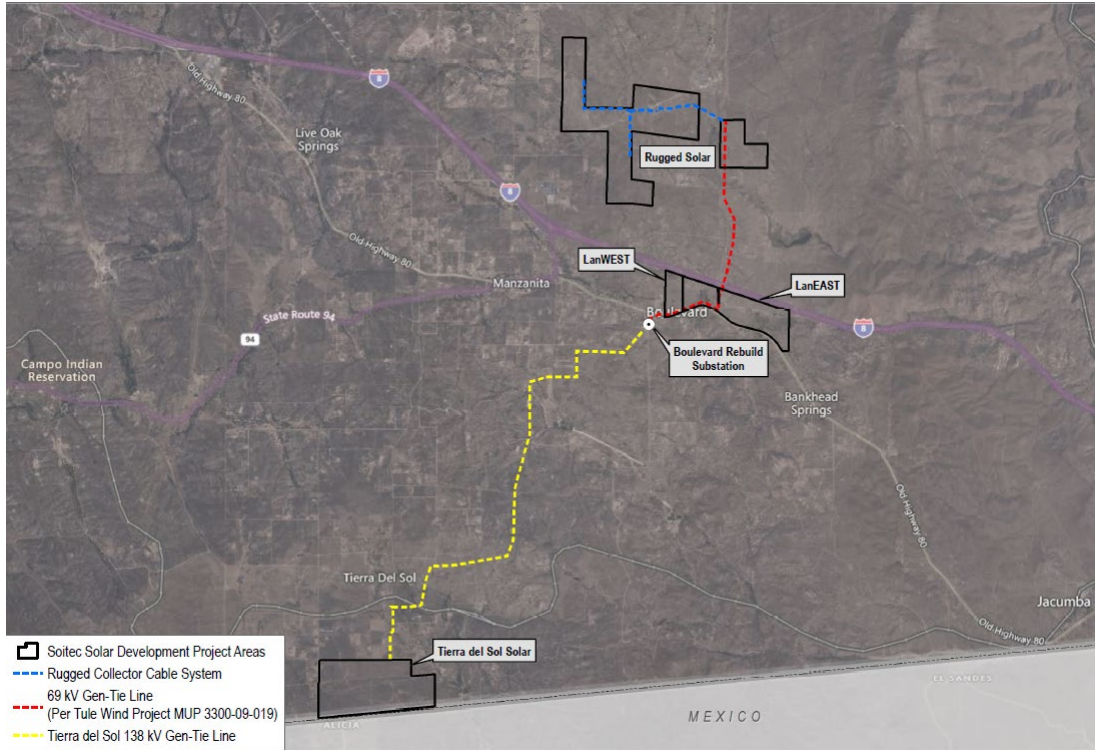


Figure 1: Regional Location Map

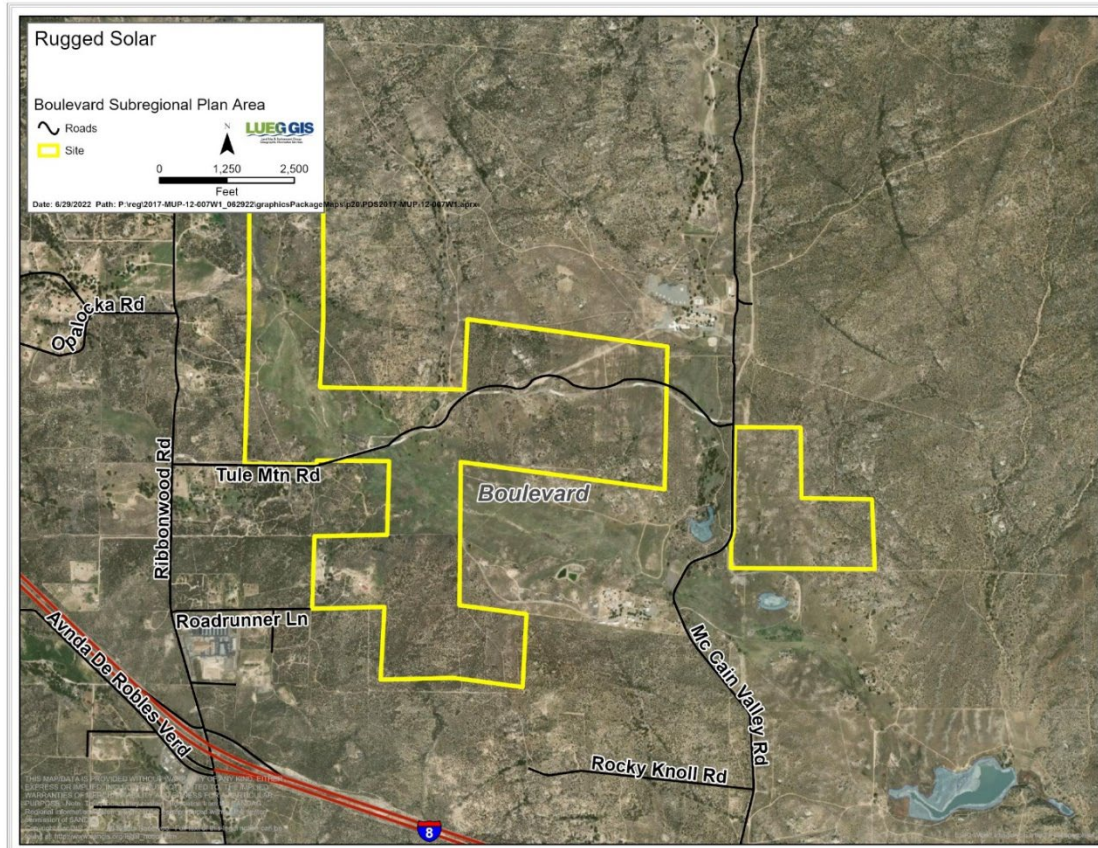


Figure 2: Aerial Map

E. DEVELOPMENT PROPOSAL

1. Project Description

Approved Project

The Approved Project is for the development of an 80 megawatts (MW) concentrator photovoltaic (CPV) solar facility on 498 acres of the 765-acre site. The Approved Project included 3,261 CPV dual-axis trackers grouped into four subareas throughout the Project site. The CPV tracker assembly is made up of photovoltaic (PV) modules placed on a steel mast pole. The dual axis tracker can track the sun in both the east-west direction and the north-south direction.

The CPV trackers measured at approximately 48 feet across by 25 feet tall and would be mounted on a 28-inch diameter steel mast pole. In their most horizontal position, the trackers would have a maximum height of 13 feet, six inches and in their most vertical position, the trackers would not exceed 30 feet in height (Figure 3). The trackers would be installed 69 feet apart on center in a north-south direction and approximately 82 feet apart on center in an east-west direction.



Figure 3: CPV Tracker

The Approved Rugged Project was anticipated to be monitored on site from an operations and maintenance (O&M) building, and off site through a supervisory control and data acquisition (SCADA) system. The O&M building was anticipated to be a 60-foot by 125-foot (7,500 square feet) facility that would be used for storage, employee operations, and maintenance of equipment.

Power from the CPV trackers would be delivered through an underground collection system to the inverters which convert direct current (DC) power to alternating current (AC) power which is compatible with the San Diego Gas and Electric (SDG&E) system. In addition to the underground collection system, the project would require an on-site overhead collector system both of which would deliver power to an approximately 6,000 square foot private on-site collector substation which would increase the voltage from 34.5 kilovolt (kV) to 69 kV. Once the voltage is increased to 69 kV, the power would be conveyed through a single 35-foot-high dead-end structure (a fully self-supporting

steel tower) that connects the on-site substation with the 138 kV Tule gen-tie. The Tule gen-tie line was approved by the Board on August 8, 2012 for Tule Wind Energy Project (PDS2009-3300-09-019) and has since been constructed. Power from the Rugged Solar on-site substation would be delivered to the existing SDG&E Rebuilt Boulevard Substation via the Tule gen-tie. The 138 kV gen-tie for the Tule Wind Energy project includes a 69 kV undersling line, which will be used to service the Rugged Solar project. The Tule gen-tie runs south along the east side of McCain Valley Road and SDG&E's Sunrise Powerlink and across Interstate 8, after which it crosses McCain Valley Road and runs parallel to Old Highway 80 along the north side until it crosses Old Highway 80 at the Rebuilt Boulevard Substation.

Access to the Approved Project site was originally analyzed from Ribbonwood Road and McCain Valley Road via construction of a new road that would connect the Approved Project's central subarea to McCain Valley Road. This road, Tule Mountain Road, has since been constructed.

Proposed Project

The Applicant is requesting a Time Extension and Modification to the Approved Project. The Proposed Project is for the development of a 74-MW solar facility on 391 acres of the 764-acre site. The Applicant proposes to reduce the project site by one acre from 765 acres to 764 acres and development footprint from 498 to 391 acres. The 391-acre development footprint includes all solar facility components, access roads, and staging areas. The Proposed Project would be divided into five array subareas. Four of the subareas would be located to the west of McCain Valley Road and one array subarea would be located to the east (Figure 4).

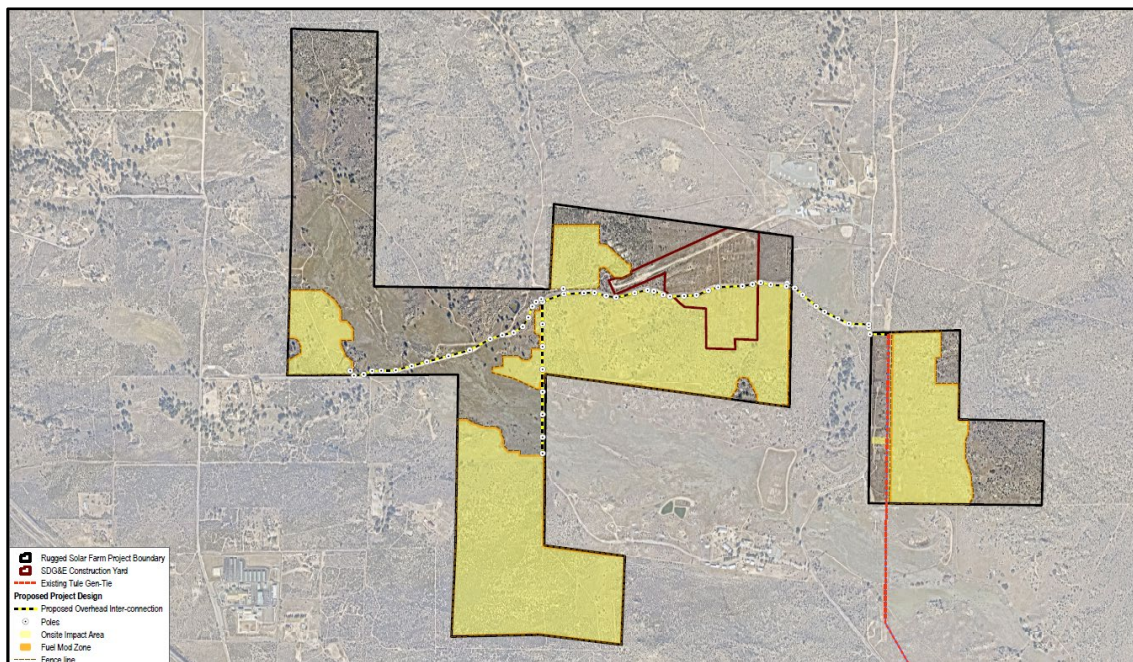


Figure 4: Proposed Project Site

The Proposed Project would consist of approximately 225,264 photovoltaic (PV) modules, which would be placed on a single axis tracking system. Modules are approximately 6.5 feet in length, 3.5 feet in width, and 1.5 inches thick. The tracking system (referred to as trackers) would be oriented in

north-south rows, which would move throughout the day to track the sun as it rises from the east and sets in the west.

Trackers would be installed on support masts in parallel rows. Each tracker row would be approximately 290 feet in length. The rows would be spaced approximately 20 feet apart in the north-south direction and 10.5 feet apart in the east-west. The trackers would be grouped into approximately 38 building blocks grouped around inverter stations. The average height of the trackers would be 7 feet, with the maximum height not exceeding 12 feet (Figure 5).



Figure 5: Example of single-axis trackers

Power from the PV modules would be delivered through an underground collection system to the inverters which convert direct current (DC) power to alternating current (AC) power which is compatible with the San Diego Gas & Electric (SDG&E) system. The underground collection system would be located within the same development footprint of the PV array.

An onsite collector substation would be located within a fenced in area approximately 26,000 square feet in size. The onsite substation would include a 450 square foot control enclosure. The onsite substation would collect the energy received from the underground collector system and increase the voltage from 34.5 kV to 69 kV. Once the voltage is stepped up to 69 kV, the power would be conveyed through a 50-foot-high steel tower that connects the project to the existing overhead transmission line for the Tule Wind Energy Project (Tule gen-tie). The Tule gen-tie would deliver power from the Project to the SDG&E Rebuilt Boulevard East Substation, which is located just west of Ribbonwood Road on the southern side of Old Highway 80.

The solar facility would be operated remotely, including automatic start-up, shutdown, self-diagnosis, and fault detection. As a result, the Proposed Project would not require any full-time onsite employees, but instead would only generate operational traffic in the event of emergency repair work or routine or annual maintenance.

The Proposed Project would operate, at a minimum, for the life of the Applicant's long long-term Power Purchase Agreement (PPA). The initial term of the PPA is anticipated to be 25 years, with additional terms anticipated. The lifespan of the solar facility is estimated to be 30 to 40 years or longer. At the end of the useful life of the solar facility, the facility would be decommissioned and dismantled.

Comparison of Approved Project and Proposed Project

The Proposed Project would reduce the development footprint from 498 acres to approximately 391 acres, an approximately 21% reduction. The Proposed Project would produce up to 74 MW of solar energy from single-axis photovoltaic (PV) trackers and would not use the CPV dual-axis technology as originally contemplated for the Approved Project. Due to the Proposed Project's change in technology from CPV dual-axis trackers to PV single-axis trackers, the Proposed Project would require significantly less concrete because the single-axis trackers do not require concrete foundations for installation. Additionally, this change from CPV dual-axis to PV single-axis technology would reduce the height of the solar array and pole-mount structures from approximately 30 feet to approximately 7 feet, with a maximum panel height of 12 feet.

The Proposed Project would increase the amount of grading from 28,410 cubic yards to 75,000 cubic yards. This is due to the change in technology. The CPV trackers were 30 feet in height with each tracker installed with their own foundation, whereas the single-axis trackers as part of the Proposed Project are lower in height at approximately 7 to 12 feet. The Proposed Project requires a maximum grade that is tolerable for the tracking system, which requires additional site grading.

The Proposed Project would include a larger on-site collector substation that would increase the size of the substation from 6,000 square feet as analyzed under the Approved Project to 26,000 square feet. Upon completion, the Proposed Project would be remotely monitored through a supervisory control and data acquisition (SCADA) system and would not have physical on-site monitoring as originally contemplated under the Approved Project. Aside from maintenance and repairs, the Proposed Project would not generate any operational traffic. The Proposed Project would reduce the size of the operations and maintenance (O&M) building from 7,500 square feet under the Approved Project to a 6,300 square warehouse building that would be used for storage of parts and equipment. A comparison of the components for the Approved Rugged Project and the Proposed Project is provided below in Table E-1.

Table E-1: Comparison of Approved Project and Proposed Project

Project Component	Approved Rugged Project	Proposed Project
System Technology	Dual-Axis CPV	Single-Axis PV
Solar Energy Produced (megawatts)	80	74
Tracker Panel Height (feet)	Up to 30	7 (average), up to 12
Installation Method	Concrete foundations; 20-foot mast depth; on-site concrete batch plant	Pile-driving with isolated pre-drilling 7-foot depth; on-site concrete batch plant
Exterior Lighting	Project-Wide	Storage building and substation only
Project Site Acreage (acres)	765	764
Development Footprint (acres)	498.2	391.2
Grading Cut and Fill Quantities (cubic yards)	28,410	75,000
Substation Size (square feet)	6,000	26,000
Overhead Collection System	34.5 kV; steel poles 50 to 75 feet in height	34.5 kV; steel poles 50 feet in height

Operations and Maintenance Building (square feet)	7,500	6,300
Construction Water Use (acre feet)	59	36.5
Operational Water Use (acre/year)	8.7	1.41
Panel Washing Frequency	Every 6 weeks (nine washings per year)	Once per year
Operational day-to-day Employees	20	0

F. ANALYSIS AND DISCUSSION

The Project has been reviewed for conformance with all relevant ordinances and guidelines, including the San Diego County General Plan, the Mountain Empire Subregional Plan, the County Zoning Ordinance, and CEQA Guidelines. A discussion of the Project’s consistency with applicable codes, policies, and ordinances is described on the following pages.

1. Key Requirements

- a. Is the proposed Project consistent with the vision, goals, and policies of the General Plan?
- b. Does the Project comply with the policies set forth under the Mountain Empire Subregional Plan?
- c. Is the proposed Project consistent with the County’s Zoning Ordinance?
- d. Is the Project consistent with other applicable County regulations?
- e. Does the Project comply with California Environmental Quality Act (CEQA)?

2. Project Analysis

a. Aesthetics

The Soitec PEIR determined that the Approved Project would result in significant and unavoidable aesthetic impacts. The Approved Project conflicted with the existing visual character of the surrounding area and would create daytime glare that would impact local residences and motorists.

A Visual Resources Analysis and Glare Study was prepared to analyze the potential aesthetics impacts of the Proposed Project as compared to the Approved Project. The Proposed Project and the Approved Project would both have significant and unavoidable visual impacts related to conflicts with existing visual character or quality, but the Proposed Project would have less of an impact compared to the Approved Project due to the reduced bulk and scale of the single-axis PV trackers as compared to the CPV trackers, and the smaller developed area footprint. The average height of the Proposed Project trackers would be 7 feet and would not exceed 12 feet in height. In comparison, the Approved Project CPV tracker panel height was approved to be a maximum of 30 feet tall.

The Proposed Project would also reduce impacts related to lighting and glare compared to the Approved Project. With respect to glare, the Proposed Project would eliminate glare received by adjacent residences and would eliminate glare received by passing motorists

on McCain Valley Road and Ribbonwood Road. The panels in the Approved Project were made out of clear glass Fresnel lenses, a tracker technology that is designed to concentrate incoming light on a PV cell, resulting in glare impacts. However, the PV panels of the Proposed Project are designed to efficiently absorb all incoming light (and not reflect).

The Proposed Project's overall visual impact on motorists would be reduced due to the Proposed Project's reduced visibility from roadways. The Proposed Project would continue to implement mitigation measures, including the installation of landscaping along McCain Valley Road to screen the Proposed Project.

b. Air Quality

The Soitec PEIR determined that the Approved Project would result in significant and unavoidable impacts to air quality due to the overlapping construction of the Tierra Del Sol Solar and Rugged Solar Projects, which would result in short-term construction emissions that exceed screening thresholds. However, construction and operation for only the Rugged Solar Project of the Approved Project would have emission levels that do not exceed applicable screening thresholds.

Air quality impacts from construction and operation of the Proposed Project were evaluated in the Air Quality Assessment. The air quality analysis for the Proposed Project indicated the estimated maximum daily emissions resulting from the construction and operation will not exceed the County's threshold for each of the air pollutants. Air pollutants include particulate matter, nitrogen oxides, sulfur oxides, carbon monoxide, and volatile organic compounds that can impact air quality. Compared to the Approved Project, construction emissions for the Proposed Project would be reduced, and all emissions levels would still fall below screening level thresholds.

As noted in the Air Quality Assessment and Soitec PEIR, cumulative construction impacts could occur if construction activities for adjacent/nearby projects occur simultaneously. The Tierra del Sol Solar Project is not anticipated to be constructed concurrently with the Proposed Project. However, because the Tierra del Sol Project is still in process, it is possible that construction could overlap with the Proposed Project. In that case, as contemplated by the Soitec PEIR, these combined cumulative impacts would be significant when construction emissions occur simultaneously. However, potential cumulative impacts under the Proposed Project would not pose impacts to air quality greater than those analyzed under the Soitec PEIR.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant air quality impacts.

c. Biological Resources

The Soitec PEIR determined that the Approved Project would result in potential impacts to biological resources, including:

- i. Impacts to the following habitats: Big Sagebrush Scrub, Montane Buckwheat Scrub/Red Shank Chaparral, Granitic Chamise Chaparral, Granitic Chamise Chaparral/Montane Buckwheat Scrub, Granitic Northern Mixed Chaparral, Granitic Northern Mixed Chaparral/Montane Buckwheat

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

In order to mitigate for impacts of the Approved Project on biological resources, the Soitec PEIR included the following mitigation measures:

- i. M-BI-PP-1: Preservation of off-site open space for impacts to upland scrub and chaparral communities, and habitat for special-status plant and wildlife species.
- ii. M-BI-PP-2: Biological monitoring during ground disturbance.
- iii. M-BI-PP-3: Preparation of construction Stormwater Pollution Prevention Plan.
- iv. M-BI-PP-4: Preparation of biological monitoring report following ground disturbance activities.
- v. M-BI-PP-5: Preparation of Fugitive Dust Control Plan.
- vi. M-BI-PP-6: Landscaping plant palette to be reviewed and approved by Project Biologist.
- vii. M-BI-PP-7: O&M personnel prohibited from harming, harassing or feeding wildlife; travelling outside of the project footprint, bringing pets onsite, or littering.
- viii. M-BI-PP-8: All measures from project Fire Protection Plan shall be implemented.
- ix. M-BI-PP-9: Weed control treatments and associated requirements.
- x. M-BI-PP-10: Implementation of Nesting Bird Management, Monitoring, and Reporting Plan; and conduct preconstruction nesting bird surveys.
- xi. M-BI-PP-11: Cover and/or provide escape routes for wildlife and conduct daily monitoring.
- xii. M-BI-PP-12: Minimize nighttime construction lighting.
- xiii. M-BI-PP-13: Design all transmission and distribution towers and lines in accordance with Avian Power Line Interaction Committee (APLIC) standards.
- xiv. M-BI-PP-14: Obtain necessary federal and state permits
- xv. M-BI-PP-15: Implement the Groundwater Monitoring and Mitigation Plan to prevent impacts to oak woodland.

Impacts from the Proposed Project on biological resources were evaluated in the Biological Resources Report. The Proposed Project would reduce the total project footprint from approximately 498 acres resulting from the Approved Rugged Project to approximately 391 acres. Despite the reduction in the project footprint, the Proposed Project would have similar

potentially significant impacts that would need to be reduced through implementation of M-BI-PP-1 through M-BI-PP-15 so that impacts would be less than significant. Specifically, the Proposed Project's impacts to on-site sensitive upland habitat would be 71.5 acres less as compared to the Approved Rugged Project. Only two sensitive upland vegetation communities would have minor increases in impacts under the Proposed Project: granitic chamise chaparral and coast live oak woodland; however, the same mitigation would apply, and impacts would be reduced to less than significant, like the Approved Project.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to biology and biological resources.

d. Cultural Resources

The Soitec PEIR determined that for the Approved Project impacts to cultural resources discovered would be potentially significant and impacts to potential cultural resources would be less than significant with implementation of mitigation requiring monitoring during grading (M-CR-PP-1)

A Cultural Resources Addendum Report was prepared for the Proposed Project. The Proposed Project would have similar types of potential impacts to cultural resources as the Approved Project because they are sited in the same area. However, because the Proposed Project would have a smaller development footprint by approximately 21%, it would result in reduced overall ground disturbance and extent of possible cultural resources impacts as compared to the Approved Rugged Project.

The Proposed Project would also implement Mitigation Measures M-CR-PP-2 and M-CR-PP-3, similar to the Approved Rugged Project. M-CR-PP-2 requires the installation of temporary construction fencing around known archaeological sites prior to the start of ground-disturbing activities, and M-CR-PP-3 requires implementation of an Archaeological Treatment Plan in the event that known previously recorded cultural resources cannot be avoided. As determined for the Approved Project, these mitigation measures would reduce potential impacts to known cultural resources to less than significant because they provide specific provisions to proactively avoid and/or treat known resources.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to cultural resources.

e. Greenhouse Gas Emissions

The Soitec PEIR determined that the total operational carbon dioxide equivalent (CO₂e) emissions associated with the Approved Project, including amortized construction-related emissions—which were calculated at 135 metric tons (MT) of CO₂e per year—would be approximately 722 MT CO₂e per year, which was less than the screening criteria of 900 MT CO₂e that was used to evaluate greenhouse gas (GHG) impacts of the Approved Project. GHGs are gases that absorb infrared radiation in the atmosphere and contribute to global climate change.

A GHG Screening Analysis was prepared for the Proposed Project to analyze the GHG impacts from operation and construction. The Proposed Project's annual emissions, including operations and amortized construction emissions, would be 556 MT CO₂e per year; therefore, emissions would be less than 900 MT CO₂e per year, and would be less than significant. Additionally, according to the Soitec PEIR, the Approved Project's annual operational emissions were estimated to be 722 MT CO₂e per year. Therefore, the annual emissions from the Proposed Project would be 166 MT CO₂e less than the Approved Project. All impacts associated with GHG emissions for the Proposed Project were determined to be less than significant.

The Proposed Project, like the Approved Project, would provide a potential reduction in GHG emissions each year of operation if the electricity generated by the solar farm were to be used instead of electricity generated by fossil-fuel sources. Therefore, the Proposed Project would assist in the attainment of the State's and County's renewable energy goals by using a renewable source of energy that could displace electricity generated by fossil-fuel-fired power plants. The Proposed Project would further statewide and countywide efforts to reduce reliance on fossil fuels and would not preclude the attainment of long-term emissions reductions goals.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant GHG emissions impacts.

f. Groundwater Resources

The Soitec PEIR determined that the Approved Project would not significantly impact groundwater resources. A Groundwater Resources Investigation Report was prepared to analyze the Proposed Project's impact on groundwater resources. The Proposed Project would demand less water for both the construction and operation phases as compared to the Approved Project, which is due, in part, to its smaller development footprint and less-frequent operational activities, including panel washing. The Approved Project would use approximately 59 acre-feet of water during construction and 8.7 acre-feet annually for operational use and, while the Proposed Project would use 36.5 acre-feet during construction and 1.41 acre-feet/year for operational water use. These changes represent reductions of 38% for construction and 83.8% for operational water used. Therefore, impacts related to groundwater would be reduced compared to the Approved Project.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to groundwater resources.

g. Noise

The Soitec PEIR determined that the Approved Project would result in potentially significant impacts related to operational noise but those impacts could be reduced to less than significant with the implementation of the following mitigation measures: locating any non-enclosed inverters a minimum of 800 feet from the nearest property line; directing all switch station doorways and exterior ventilation ducts away from adjacent property lines; and locating the maintenance building no closer than 1,250 feet from the property line.

A noise assessment was prepared to analyze any potential noise impacts of the Proposed Project. The assessment concluded that the Proposed Project would have similar noise impacts of the Approved Project. The Proposed Project would require the implementation of the same mitigation measures required by the Approved Project.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified noise impacts.

h. Transportation

The Soitec PEIR determined that the Approved Project's transportation related impacts would be less than significant. After the certification of the Soitec PEIR, the CEQA Guidelines were updated to focus the transportation analysis on vehicle miles traveled (VMT) rather than level of service (LOS).

A Transportation Screening Analysis was prepared to analyze any potential transportation impacts of the Proposed Project. Since the Approved Project was analyzed using LOS guidelines, and because the Proposed Project is being evaluated under an Addendum to the Soitec PEIR, the transportation analysis used LOS rather than VMT. The analysis determined that impacts from the Proposed Project on unsignalized intersections from construction would remain less than significant. Construction traffic associated with the Proposed Project would generate approximately 160 daily trips over the 12-month construction period, and a maximum of 197 daily trips during the 6-month peak construction traffic period. These daily trip estimates are similar to those analyzed under the Approved Project (160 daily trips over the 12-month period and 200 daily trips during the 6-month period). A traffic control plan would be required as a condition of approval for the Proposed Project, which would manage the construction trips and would keep impacts to less than significant.

Operations and maintenance impacts associated with the Proposed Project would be minimal and less than significant because Proposed Project facilities would be operated remotely and would only generate operational traffic in the case of routine maintenance and repairs. In comparison, the Approved Project would be staffed with up to 20 day-to-day employees (equaling 40 daily trips). Therefore, the Proposed Project would have reduced traffic impacts.

The Proposed Project is not subject to VMT standards or thresholds because the Soitec PEIR was certified before CEQA Guidelines were changed in 2020 to require VMT analysis. However, for informational purposes, the Proposed Project was analyzed for any VMT impacts. The Proposed Project would have less-than-significant impacts related to VMT because the Proposed Project would only generate traffic in the event of maintenance or repair work and would not be expected to generate a significant number of trips on the days employees would be required to be on site, such as for yearly panel washing. Specifically, projects generating fewer than 110 average daily trips are exempt from preparing VMT analyses because they are presumed to have a less-than-significant impact due to the de-minimis number of trips.

The Proposed Project does not propose any changes that would cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to transportation/traffic.

i. Wildfire

The Soitec PEIR determined that the Approved Project would not expose people or structures to significant risk involving wildfires and would not result in service level decline through implementation of PDF-PS-1, which would require the applicant to enter into a Fire and Emergency Protection Services Agreement. The Approved Project would provide adequate emergency access and sufficient water supplies to service the project.

A Fire Protection Technical Memorandum was prepared which compared the Proposed Project to the Approved Project. As compared to the Approved Project, the Proposed Project would reduce potential wildfire risk because the overall development footprint of the Proposed Project would be reduced by 107 acres, representing an approximately 21% smaller footprint compared to the Approved Project, and thus resulting in fewer potential ignition sources. Additionally, changes to the Proposed Project include a less-complicated solar tracker system, significantly less on-site maintenance activities, and reduction of the on-site daily worker population from 20 with the Approved Project to zero with the Proposed Project. The Fire Protection Technical Memorandum determined that the potential emergency services impacts on fire response resources from the Proposed Project do not rise to a level of significance given the current response resources in the project area, and anticipates a reduction in demand for emergency services from the Proposed Project compared to the Approved Project because the Proposed Project would not require full-time staffing whereas the Approved Project would have had employees on the project site daily.

The Proposed Project, like the Approved Project, requires the Applicant to enter into a Fire and Emergency Protection Services Agreement for fair-share funding to the San Diego County Fire Protection District. However, based on the Proposed Project's reduction in demand for emergency services, the funding requirement is proposed to be reduced. The startup funding is proposed to be reduced from \$360,000 to \$250,000 and annual funding is proposed to be reduced from \$73,000 to \$24,667.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified wildfire impacts.

3. General Plan Consistency

The site is subject to the General Plan Regional Category Rural and Land Use Designation Rural Lands 80 (RL-80). The proposed Project is consistent with the following relevant General Plan goals, policies, and actions as described in Table F-1.

Table F-1: General Plan Conformance

General Plan Policy	Explanation of Project Conformance
<p>Policy LU-2.8: Mitigation of Development Impacts. Require measures that minimize significant impacts to surrounding areas from uses or operations that cause excessive noise, vibrations, dust, odor, aesthetic impairment, and/or are detrimental to human health and safety.</p>	<p>The Proposed Project will require mitigation measures to reduce project-generated impacts to the extent feasible. The mitigation measures would ensure that noise and vibratory impacts would not be significant and air quality impacts, including dust, would be reduced to the extent feasible. While the Proposed Project will result in significant and unmitigated impacts to aesthetics, landscape screening along portions of the Project frontage along McCain Valley Road would help minimize potential public views into the site.</p>
<p>Policy LU-6.9: Development Conformance with Topography. Require development to conform to the natural topography to limit grading; incorporate and not significantly alter the dominant physical characteristics of a site; and to utilize natural drainage and topography in conveying stormwater to the maximum extent practicable.</p>	<p>Grading required for the Proposed Project would be consistent with the requirements of the Grading Ordinance. The Proposed Project would require approximately 75,000 cubic yards of balanced cut and fill. Grading would be required, primarily to accommodate solar arrays, ancillary equipment and access roads through the site, and to smooth selected elevated areas of the site to be more level for solar trackers. During construction, the implementation of required erosion control plans, stormwater management plans, and best management practices (BMPs) would minimize potential erosion and sedimentation impacts.</p>
<p>Policy LU-8.2: Groundwater Resources. Require development to identify adequate groundwater resources in groundwater dependent areas, as follows: _ In areas dependent on currently identified groundwater overdrafted basins, prohibit new development from exacerbating overdraft conditions. _ Encourage programs to alleviate overdraft conditions in Boulevard. _ In areas without current overdraft groundwater conditions, prohibit new groundwater-dependent development where overdraft conditions are foreseeable.</p>	<p>The Proposed Project would use groundwater from on-site wells as well as offsite sources such as water serving districts. Ongoing water use would utilize on-site wells. Groundwater Investigations were prepared for each of the water sources identified for use by the proposed project. The Proposed Project would use groundwater for construction and for operations such as annual washing of the panels, and no potable water is anticipated because the project would be unmanned. A Groundwater Resources Investigation Report was performed to analyze the Proposed Project's impact on groundwater resources. The Groundwater Resources Investigation Report determined that the Proposed Project would have a less-than-significant impact to groundwater storage and water quality.</p>

<p>Policy M-4.4 Accommodate Emergency Vehicles. Design and construct public and private roads to allow for necessary access for appropriately sized fire apparatus and emergency vehicles while accommodating outgoing vehicles from evacuating residents.</p>	<p>Primary access to the Project site would be provided by McCain Valley Road. The majority of the Proposed Project site would be located to the west of McCain Valley Road. The Proposed Project would include on-site fire access roads, including a perimeter access road with connecting roads between the solar arrays.</p>
<p>Policy COS-11.1: Protection of Scenic Resources. Require the protection of scenic highways, corridors, regionally significant scenic vistas, and natural features, including prominent ridgelines, dominant landforms, reservoirs, and scenic landscapes.</p>	<p>The Proposed Project site is located approximately two miles north of Interstate 8 (a County designated scenic highway) and due to topography and intervening landforms, the Project would be visible from the Interstate by passing motorists for only short intervals of time. The Project site does not contain regionally significant scenic vistas and would not result in significant impacts on scenic highways or corridors.</p>
<p>Policy COS-13.1 Restrict Light and Glare. Restrict outdoor light and glare from development projects in Semi-Rural and Rural Lands and designated rural communities to retain the quality of night skies by minimizing light pollution.</p>	<p>Nighttime lighting during operations would be restricted to minimal maintenance and security lighting and all project lighting would be directed downward, shielded and would comply with the County of San Diego Light Pollution Code. The materials used to construct the panels are designed to minimize the potential for reflection and retain as much of the solar spectrum as possible, thereby reducing glare and would affect surrounding viewers or that would produce reflective light that would create adverse disability or discomfort glare to the public.</p>
<p>Policy COS-18.1: Alternate Energy Systems Design. Work with San Diego Gas and Electric and non-utility developers to facilitate the development of alternative energy systems that are located and designed to maintain the character of their setting.</p>	<p>The Proposed Project would result in the operation of a 74 MW PV solar facility. The Proposed Project has been sited to minimize impacts to the rural character of the surrounding community. The Proposed Project would reduce the development footprint compared to the Approved Project. The Proposed Project includes design measures such as installation of landscape along McCain Valley Road to help screen the Project.</p>
<p>Policy S-6.3: Funding Fire Protection Services. Require development to contribute its fair share towards funding the provision of appropriate fire and emergency medical services as determined necessary to adequately serve the project.</p>	<p>As a condition of project approval, the Proposed Project would be required to enter into a fire and emergency protection services agreement with the San Diego County Fire Protection District to make a fair share contribution to fund appropriate fire and emergency medical services.</p>

4. Subregional Plan Consistency

The Project is located in the Boulevard Subregional Planning area which is within the Mountain Empire Subregional Planning area. The proposed projects are consistent with the following relevant Mountain Empire Subregional Plan and Boulevard Subregional Plan goals, policies, and actions as described in Table F-2.

Table F-2: Mountain Empire Subregional Plan Conformance

Subregional Plan Policy	Explanation of Project Conformance
<p>Land Use (Policy and Recommendation 4). Ensure that all development be planned in a manner that provides adequate public facilities prior to or concurrent with need.</p>	<p>The Proposed Project site is located within the San Diego County's responsibility area. The County would provide fire and emergency medical response. Emergency response for the Project would be provided, initially, by the County and/or CAL FIRE from the County's co-located Fire Station 47 in the Boulevard Community. The Boulevard Station is between 2 and 6 miles from the most remote areas of the project, depending on which of the Proposed Project subareas are involved. Travel time to these subareas is approximately 2.6 and 10.3 minutes, which is within the County General Plan's allowable 20 minutes for the Project Area's zoning. Based on the existing services as well as the contribution of funding toward appropriate fire and emergency protection services, there would be adequate public facilities to serve the Project.</p>
<p>Environmental Resources (Policy and Recommendation 4). The dark night sky is a significant resource for the Subregion and appropriate steps shall be taken to preserve it.</p>	<p>The Proposed Project would include minimal nighttime lighting for purposes of safety and emergency maintenance. The outdoor lighting will be installed at the on-site private substation yard, next to the entrance door to the substation control house and mounted atop entrance gates. The lighting will be turned off when no one is on site and will be fully shielded and on motion sensor lighting. All nighttime lighting would be designed and installed in conformance with the San Diego Light Pollution Ordinance.</p>

Table F-3: Boulevard Subregional Plan Conformance

Subregional Plan Policy	Explanation of Project Conformance
<p>Policy LU 1.1.1. Prohibit higher density, clustered subdivisions, or industrial-scale projects or facilities that induce growth and detract from or degrade the limited groundwater resources, water and air water quality, visual and natural resources, abundant wildlife, and historic rural character of the Boulevard area. Renewable energy projects, such as solar and wind projects, are not “industrial-scale projects or facilities” for purposes of this Community Plan.</p>	<p>The Proposed Project is for a solar project and therefore, are not considered an “industrial-scale projects or facilities” as defined by the Boulevard Community Plan.</p>
<p>Policy LU 6.1.1. Require commercial, industrial development and large-scale energy generation projects to mitigate adverse impacts to the rural community character, charm, quiet ambiance and life-style, or the natural resources, wildlife, and dark skies of Boulevard, if feasible, in accordance with the California Environmental Quality Act.</p>	<p>The Project impacts, where feasible, have been mitigated to a less than significant level. Where impacts cannot be reduced to a less than significant level, measures have been incorporated to lessen the impacts to the extent feasible. Adverse impacts to the rural community character, specifically in relation to aesthetic resources, although not mitigated to less than significant have been mitigated to the extent feasible as described in section F.2 of this report. Impacts to natural resources, including biological and cultural resources have been mitigated to less than significant through avoidance and compensatory mitigation measures. Impacts to dark skies would be avoided by the project’s conformance with the County Lighting Ordinance.</p>
<p>Policy LU 6.1.2. Encourage commercial, industrial development and large scale energy generation projects to create and maintain adequate buffers between residential areas and incompatible activities that create heavy traffic, noise, infrasonic vibrations, lighting, odors, dust and unsightly views and impacts to groundwater quality and quantity.</p>	<p>A limited number of residential uses are scattered in the vicinity of the Proposed Project site. The Project has been designed to incorporate landscape buffers, fire clearing requirements and perimeter access roads along the project boundary to provide a buffer between the PV trackers and the nearby residential uses. Measures have been incorporated into the Proposed Project to reduce potential impacts from noise, infrasonic vibrations, lighting dust and unsightly views and impacts to groundwater quality and quantity.</p>

5. Zoning Ordinance Consistency

The Project site is zoned Limited Agricultural (A70) and General Rural (S92), which will not change with the proposed Project.

Table F-4: Zoning Ordinance Development Regulations

ZONING REGULATIONS	CURRENT	CONSISTENT?
Use Regulation:	A72 and S92	Yes, upon approval of a Major Use Permit.
Animal Regulation:	O	Yes
Density:	-	N/A
Lot Size:	8 AC	N/A
Building Type:	C	Yes
Height:	G (35')	Yes
Lot Coverage:	-	N/A
Setback:	D / C	Yes
Open Space:	-	N/A
Special Area Regulations:	-	N/A

6. California Environmental Quality Act (CEQA) Compliance

The California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164 set forth criteria for determining what additional environmental documentation, if any, must be completed when a previously certified environmental impact report (EIR) covers the project for which a subsequent discretionary action (or actions) is required. The Rugged Solar Project is one of four individual solar energy projects analyzed in the Revised Final Soitec Solar Development Program EIR (Soitec PEIR), which was certified by the County of San Diego Board of Supervisors on October 14, 2015.

The impacts of the Proposed Project were evaluated compared to the Approved Project. The Proposed Project would reduce the environmental impacts associated with the Approved Project. The Proposed Project would use single-axis PV tracker technology with a maximum tracker panel height of 12 feet and an average height of 7 feet, whereas the Approved Project would have used dual-axis CPV tracker technology with a maximum tracker panel height of 30 feet. The change in height and scale of the solar technology would reduce the Proposed Project’s aesthetic impacts. The Proposed Project would impact 391 acres, whereas the Approved Project would have impacted 498 acres.

The Soitec PEIR adequately covers the impacts associated with the Proposed Project because there are no substantial changes proposed as part of the Proposed Project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the Soitec PEIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no “new information of substantial importance” as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously certified Soitec PEIR is adequate upon completion of an Addendum.

7. Applicable County Regulations

Table E-4: Applicable Regulations

County Regulation Policy	Explanation of Project Conformance
a. Resource Protection Ordinance (RPO)	The Project is consistent with the RPO because the Project would not impact any floodways/floodplains, steep slopes, or sensitive habitat lands. There will be a total of The property has been surveyed, and it has been determined that the project sites contain archaeological sites. Testing and other investigation determined the archaeological sites do not meet the definition of a significant site and therefore do not need to be preserved under the RPO. Therefore, it has been found that the proposed project complies with the ordinance requirements.
b. County Consolidated Fire Code	A Fire Protection Plan (FPP) has been prepared for the Proposed Project. The FPP would ensure that the projects would implement particular design measures to ensure compliance with the San Diego County Consolidated Fire Code.
c. Noise Ordinance	A noise assessment was prepared for the Proposed Project. The project will comply with the requirements of the County Noise Ordinance by locating all non-enclosed inverters a minimum of 800 feet from the nearest property line; directing all switch station doorways and exterior ventilation ducts away from adjacent property lines; and locating the maintenance building no closer than 1,250 feet from the property line.
d. Light Pollution Code	Nighttime lighting during operations would be restricted to minimal maintenance and security lighting. All project lighting would be directed downward, would be shielded and would comply with the County of San Diego Light Pollution Code.
e. Watershed Protection Ordinance (WPO)	A Stormwater Quality Management Plan (SWQMP) has been prepared for the Proposed Project. The Proposed Project would be in compliance with the WPO.
f. Resource Protection Ordinance (RPO)	The Project is consistent with the RPO because the Project would not impact any floodways/floodplains, steep slopes, or sensitive habitat lands. There will be a total of The property has been surveyed, and it has been determined that the project sites contain archaeological sites. Testing and other investigation determined the archaeological sites do not meet the definition of a significant site and therefore do not need to be preserved under the RPO. Therefore, it has been found that the proposed project complies with the ordinance requirements.

<p>g. Community Benefit Agreement</p>	<p>The County does not currently have a program to require specific projects to provide community benefits. However, the Applicant is proposing community benefits and has presented their proposal to the Boulevard Community Planning Group. The Applicant proposes to contribute \$887,000 to setup a community benefit fund that would be utilized to fund initiatives that benefit the community. Specifically, an example of what the funds could be used for include an interior remodel of the Backcountry Resource Center, which is the Boulevard community center.</p>
---------------------------------------	--

G. COMMUNITY PLANNING GROUP (CPG)

The Proposed Project is located within the Boulevard Community Planning Group (CPG) area. The Boulevard CPG considered the Proposed Project at their May 5, 2022 meeting. At the meeting, a motion was made to deny the Proposed Project; however, that motion failed for lack of a second. A motion was then made to remain neutral on the Proposed Project, which was seconded. The group then voted on the motion to remain neutral, which received a vote of 3-1-3 (3-Yes, 1-No, 3-Vacant/Absent). However, the motion to remain neutral failed since it did not receive support by a majority of the CPG’s authorized membership. The authorized membership for the CPG is seven; therefore, four members would have needed to support the motion to remain neutral. No further motions were made by the CPG.

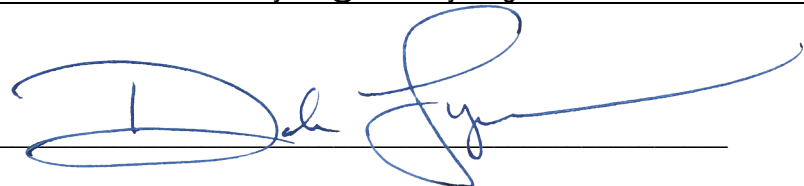
H. PUBLIC INPUT

The Proposed Project was first submitted to PDS in 2017. At the time of application submittal and in accordance with Board Policy I-49, public notices were sent to property owners within a minimum radius of 300 feet of the Project site. Notices were sent again to surrounding property owners and interested parties that previously commented on the Soitec PEIR to provide a 30-day disclosure period of the Addendum to the Soitec PEIR. During the 30-day public disclosure period, which occurred between April 21, 2022 and May 23, 2022, four comment letters were received from the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife as a joint letter, San Diego County Archeological Society, and from two individuals. The U.S. Fish and Wildlife Service and California Department of Fish and Wildlife raised concerns on potential effects for the Proposed Project on wildlife and sensitive habitats. The San Diego County Archeological Society commented that they agreed with the environmental findings regarding cultural resources. Staff evaluated all comments and did not find any new information that was not adequately addressed in the Addendum to the Soitec PEIR prepared for the Proposed Project. Responses to all comments are included in Attachment E.

Report Prepared By:
 Regina Ochoa, Project Manager
 619-323-8090
 regina.ochoa@sdcounty.ca.gov

Report Approved By:
 Dahvia Lynch, Director
 858-694-2962
 dahvia.lynch@sdcounty.ca.gov

AUTHORIZED REPRESENTATIVE:



DAHVIA LYNCH, DIRECTOR

ATTACHMENTS:

- Attachment A – Environmental Findings
- Attachment B – Form of Decision
- Attachment C – Planning Documentation
- Attachment D – Environmental Documentation
- Attachment E – Public Documentation
- Attachment F – Ownership Disclosure
- Attachment G – Fire and Emergency Services Agreement

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS - LAND USE
WEDNESDAY, OCTOBER 12, 2022

MINUTE ORDER NO. 5

**SUBJECT: NOTICED PUBLIC HEARING:
RUGGED SOLAR MAJOR USE PERMIT MODIFICATION AND TIME
EXTENSION (DISTRICT: 2)**

OVERVIEW

Today's requested action is for the Board of Supervisors (Board) to consider a modification to an approved large-scale utility solar project. The request includes the following changes to the Rugged Solar Project (Proposed Project): a proposed Modification and Time Extension to an approved Major Use Permit, Fire Protection and Emergency Services Agreement to contribute ongoing funding toward fire services, and the environmental findings. The Rugged Solar Project site is located in the Boulevard Subregional Planning Area, which is part of the Mountain Empire Subregional Plan Area.

The Rugged Solar Project alongside a different solar project called the Tierra Del Sol Project were previously approved by the Board on October 14, 2015 (2). These projects are referred to as the Approved Rugged Solar Project and Approved Tierra Del Sol Project in this report. Both projects were analyzed in the Soitec Solar Development Program Environmental Impact Report (Soitec PEIR), which was certified by the Board on October 14, 2015 (2). An additional two solar projects (LanEast and LanWest) were also analyzed in the Soitec PEIR; however, those two projects were ultimately rejected by the Board on October 14, 2015, when the PEIR was adopted without the inclusion of the LanEast and LanWest projects.

Soitec Solar, the previous proponent of the Approved Rugged Solar and Tierra Del Sol Projects, did not proceed with either project, and both of these projects were acquired by new owners. The Approved Rugged Solar Project was acquired by the current Applicant, Rugged Solar LLC, in 2016. The Tierra Del Sol Project was acquired by a different owner. The modification and time extension for the Tierra Del Sol Project is still being processed and is not under consideration at this time.

In 2017, the current Applicant for Rugged Solar submitted a Time Extension and Modification to the Rugged Solar Major Use Permit (MUP). The Applicant proposes to utilize photovoltaic (PV) solar technology rather than concentrator photovoltaic (CPV), which results in a reduction of the panel height from a maximum of 30-feet to a maximum of 12-feet and the reduction of the development footprint by about 21% from 498 acres to 391 acres. The proposed Rugged Solar project would provide 74 megawatts of renewable electricity, which is enough energy for approximately 56,000 homes for one year.

In today's action, the Board is considering whether to approve, approve with modifications, or deny the proposed Modification and Time Extension to the Rugged Solar Major Use Permit, Fire Protection and Emergency Services Agreement to contribute ongoing funding toward fire services, and the environmental findings for the Proposed Project.

**RECOMMENDATION(S)
PLANNING COMMISSION**

On July 22, 2022, the Planning Commission made the following recommendations to the Board of Supervisors (Board):

1. Adopt the Environmental Findings included in Attachment A, which includes a finding that the previously certified Program Environmental Impact Report (PEIR) is adequate upon completion of an Addendum pursuant to Sections 15162 through 15164 of the California Environmental Quality Act (CEQA) Guidelines.
2. Adopt the Form of Decision of Approval for a Modification and Time Extension to Major Use Permit PDS2017-MUP-12-007W1 and PDS2017-MUP-12-007TE with the following modifications:
 - i. Change the site fencing to remove the concertina wire (razor wire) on top of the fence.
 - ii. Underground utilities (electrical lines) onsite within the footprint of the solar facility.
 - iii. Provide an annual endowment of \$25,000 to the Community.

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services (PDS) concurs with Planning Commission's recommendation 2.i above requiring the applicant to remove the razor wire on top of the site fencing.

PDS does not concur with Planning Commission's recommendation 2.ii. above. Undergrounding utilities was studied in the PEIR and rejected from consideration due to potential significant environmental impacts to cultural resources that were not studied in the PEIR.

Regarding the Planning Commission recommendation 2.iii. above, the applicant has indicated they do not agree with the annual endowment of \$25,000 to the community. The developer has voluntarily proposed to donate one-time funds of \$887,000 to benefit the community. This donation is not related to any specific project impact. The developer cannot be required to provide the payment of a \$25,000 annual endowment to the community because there is no nexus to any project impacts that have been identified that would be mitigated by funding an annual endowment to the community.

As a result, PDS recommends the Board of Supervisors (Board):

1. Adopt the Environmental Findings, which includes a finding that the previously certified Program Environmental Impact Report (PEIR) is adequate upon completion of an Addendum pursuant to Sections 15162 through 15164 of the California Environmental Quality Act (CEQA) Guidelines (Attachment A, on file with the Clerk of the Board).
2. Adopt the Form of Decision of Approval for a Modification and Time Extension to Major Use Permit PDS2017-MUP-12-007W1 and PDS2017-MUP-12-007TE (Attachment B, on file with the Clerk of the Board).
3. Approve the Fire and Emergency Services Agreement between the County of San Diego and Rugged Solar LLC and authorize San Diego County Fire Protection Director or their designee to sign the agreement for the County (Attachment C, on file with the Clerk of the Board).

4. Require Rugged Solar LLC (Applicant) to enter into a standard Defense and Indemnification Agreement with the County of San Diego (County) in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board’s action on this Project, require the Applicant to provide security in the amount of \$500,000 in the form of an irrevocable letter of credit or bond, in the form acceptable to County Counsel, within 10 days of litigation being filed (Attachment I, on file with the Clerk of the Board).

EQUITY IMPACT STATEMENT

The Rugged Solar Major Use Permit Modification and Time Extension (Proposed Project) will produce renewable energy. The Applicant does not currently have a Power Purchase Agreement (PPA) with a Community Choice Aggregator (CCA); however, the Applicant intends to secure an agreement with a CCA. CCAs create an opportunity to address community needs through clean energy access, job creation, economic benefits, and healthier environments. Unlike investor-owned utilities, CCAs are governed by local public officials who are close to the communities they serve, allowing the CCA to guide their respective agency’s formation, policies, procurement, and rate design with community priorities; prioritize equity and inclusion in a wide range of planning and policy decisions; and put policy into practice through programs to reduce energy- and transportation-related greenhouse gas emissions in the built environment and bring underrepresented community members into the energy workforce.

SUSTAINABILITY IMPACT STATEMENT

Implementation of the Proposed Project to construct a 74 MW solar facility will contribute to the County of San Diego Sustainability Goals: reduce greenhouse gas emissions, support grid decarbonization, and reduce air pollution. The Proposed Project will generate renewable energy that will be used by the San Diego Gas and Electric (SDG&E) grid. The development of the utility-scale solar facility will be able to power approximately 56,000 homes for one year. The Proposed Project will help reduce GHG emissions regionwide and help the region achieve State mandated emissions reduction goals.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. Any costs incurred for this project will be paid for by the applicant (or owner/developer). There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Anderson, seconded by Supervisor Fletcher, the Board of Supervisors closed the Hearing and took the following actions:

1. Adopted the Environmental Findings, which includes a finding that the previously certified Program Environmental Impact Report (PEIR) is adequate upon completion of an Addendum pursuant to Sections 15162 through 15164 of the California Environmental Quality Act (CEQA) Guidelines (Attachment A, on file with the Clerk of the Clerk of the Board).
2. Adopted the Form of Decision of Approval for a Modification and Time Extension to Major Use Permit PDS2017-MUP-12-007W1 and PDS2017-MUP-12-007TE (Attachment B, on file with the Clerk of the Board).

3. Approved the Fire and Emergency Services Agreement between the County of San Diego and Rugged Solar LLC and authorized San Diego County Fire Protection Director or their designee to sign the agreement for the County (Attachment C, on file with the Clerk of the Board).
4. Required Rugged Solar LLC (Applicant) to enter into a standard Defense and Indemnification Agreement with the County of San Diego (County) in accordance with County Code Section 86.201 et seq. and authorized the Director of PDS to execute the Agreement. If litigation is filed challenging the Board’s action on this Project, require the Applicant to provide security in the amount of \$500,000 in the form of an irrevocable letter of credit or bond, in the form acceptable to County Counsel, within 10 days of litigation being filed (Attachment I, on file with the Clerk of the Board).
5. Direct the Chief Administrative Officer to report back to the Board within 180 days with the following options for the Mountain Empire area:
 1. Options to pursue funding sources to operate the resource and community centers for intergenerational programming activities
 2. Explore locations where the County can provide funding, match funding or pursue grants/scholarships for educational and workforce training opportunities
 3. Coordinate with the Mountain Empire Union School District to pursue opportunities to close funding and programming gaps

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter

Attachment D – Planning Documentation

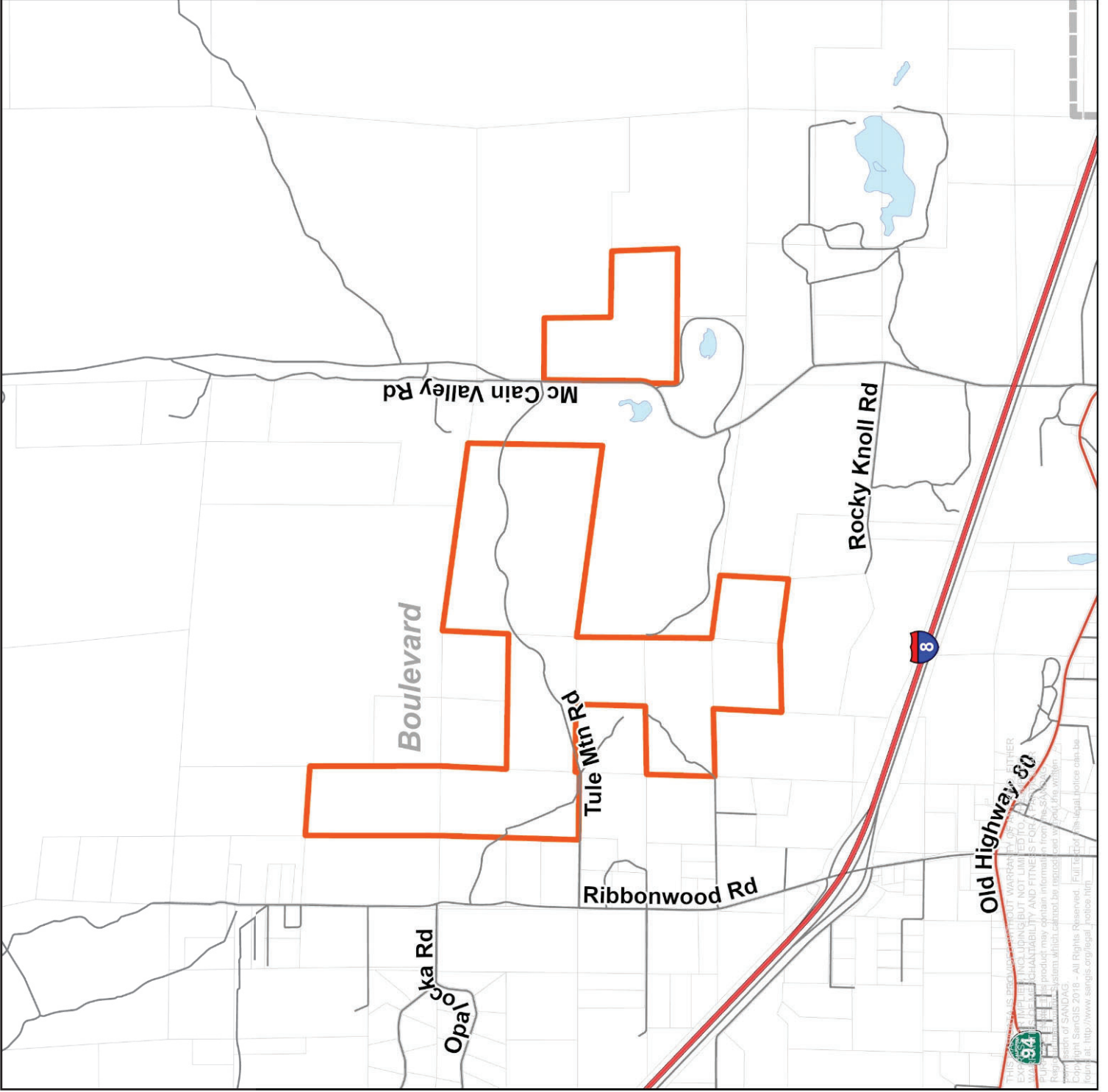
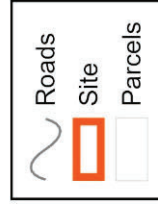
Rugged Solar

Vicinity Map

Boulevard
Subregional Planning Area



1:3,500,000



THIS PRODUCT IS PROVIDED WITHOUT WARRANTY OF ANY KIND, INCLUDING MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. The user assumes all liability for any damage or loss resulting from the use of this product. The user agrees to hold the provider harmless from any and all claims, damages, and expenses, including reasonable attorneys' fees, that may be asserted against or incurred by the provider in connection with the use of this product. Copyright © 2018. All Rights Reserved. Full Text: For the legal notice click the link at: http://www.sandagis.org/legal_notice.htm

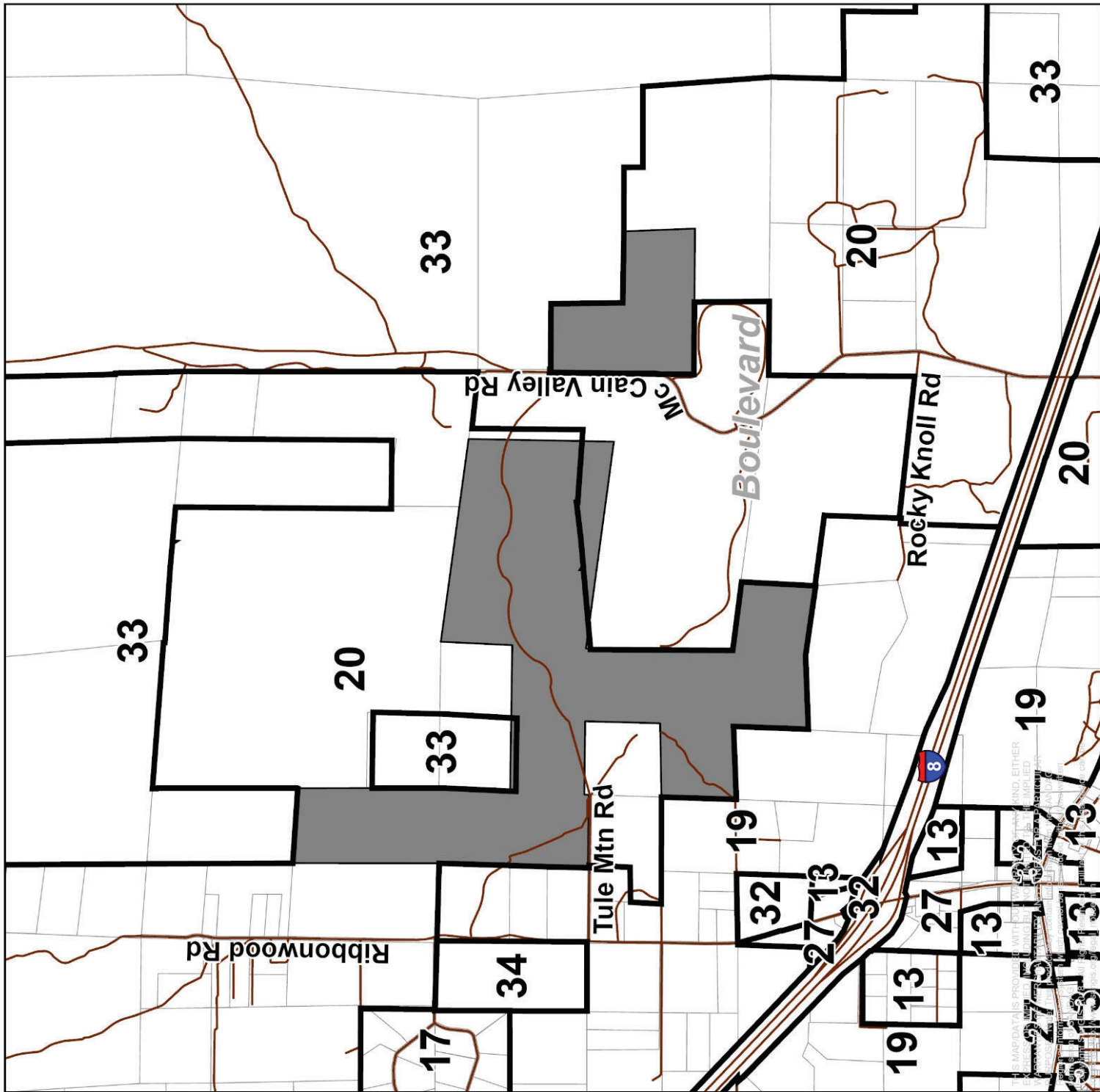
Rugged Solar

General Plan

Boulevard
Subregional Planning Area

- (5) Village Residential (VR-7.3)
- (13) Semi-Rural Residential (SR-4)
- (17) Semi-Rural Residential (SR-10)
- (19) Rural Lands (RL-40)
- (20) Rural Lands (RL-80)
- (27) Rural Commercial
- (32) Public/Semi-Public Facilities
- (33) Public Agency Lands
- (34) Tribal Lands

	Roads
	Site
	Parcels
	Planning



Rugged Solar

Zoning

Boulevard

Subregion Planning Area

A72 - General Agricultural

C36 - General Commercial

C40 - Rural Commercial

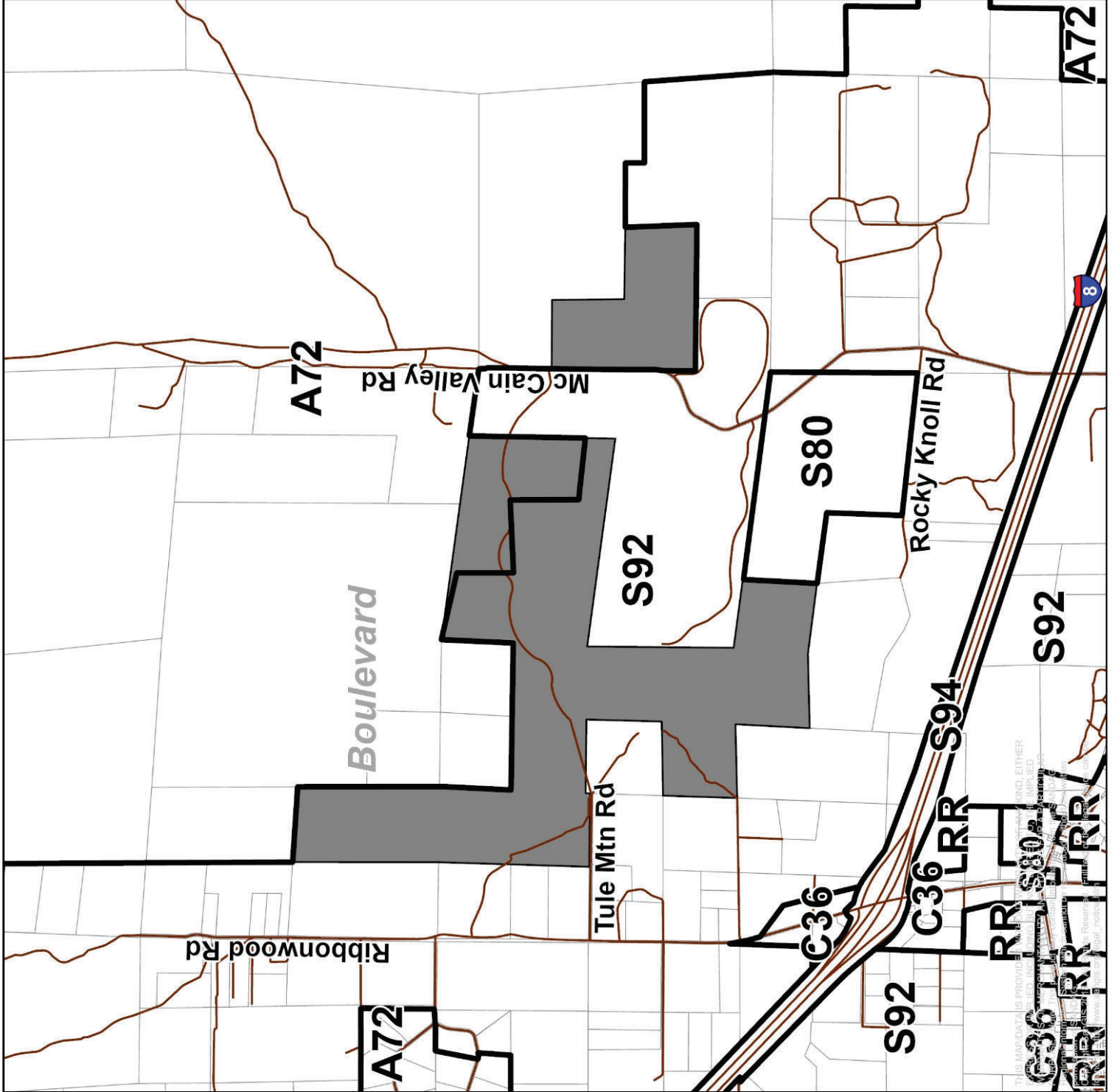
RMH6 - Mobilehome Residential

RR - Rural Residential

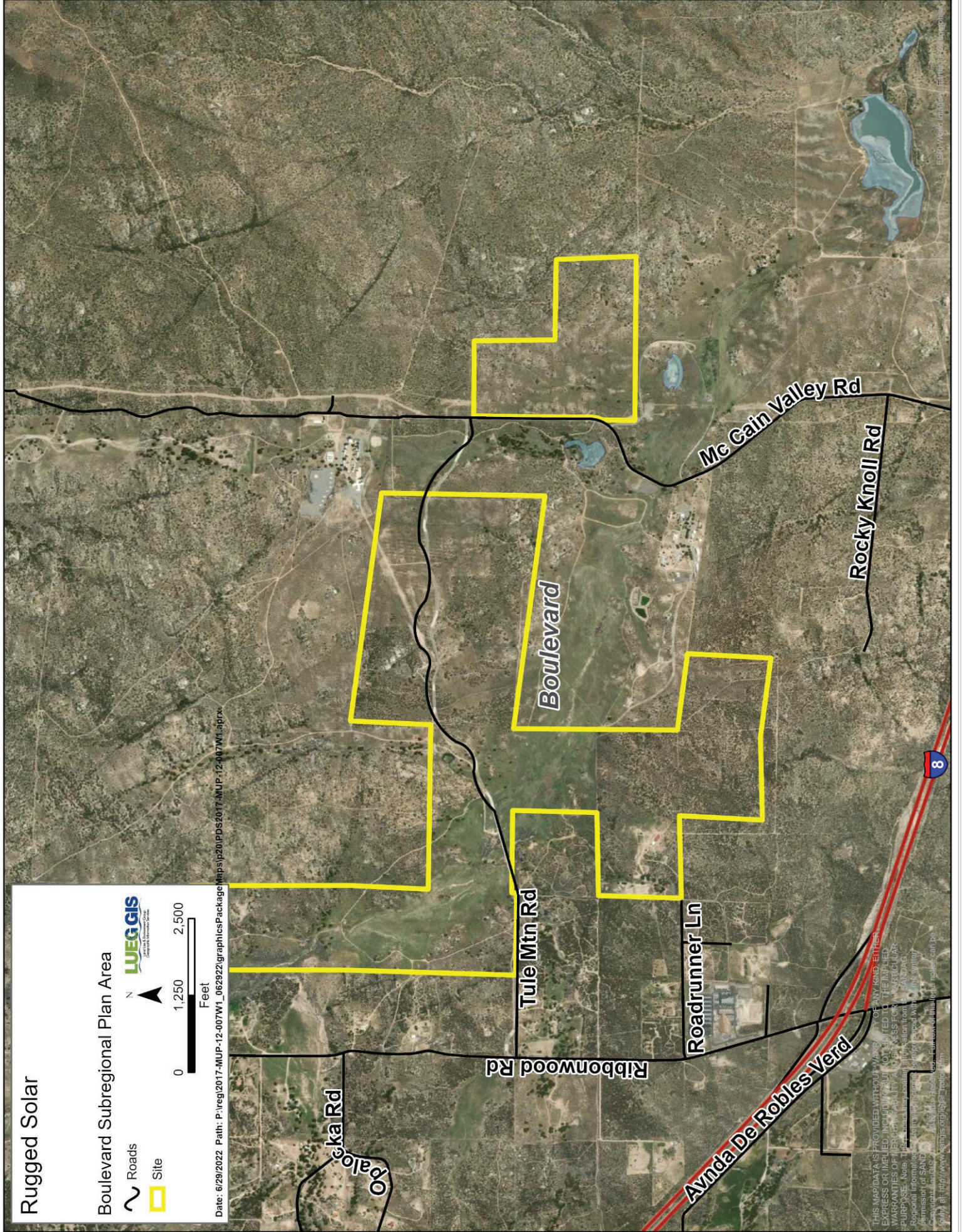
S80 - Open Space

S92 - General Rural

S94 - Transportation/Utility Corridor



THIS MAP DATA IS PROVIDED AS IS AND, EITHER EXPRESSLY OR IMPLIED, WITHOUT WARRANTIES OR REPRESENTATIONS, AND IS NOT INTENDED TO BE USED FOR LEGAL PURPOSES. PLEASE CONTACT THE PROVIDER FOR MORE INFORMATION.
www.lueggis.com



Rugged Solar

Boulevard Subregional Plan Area

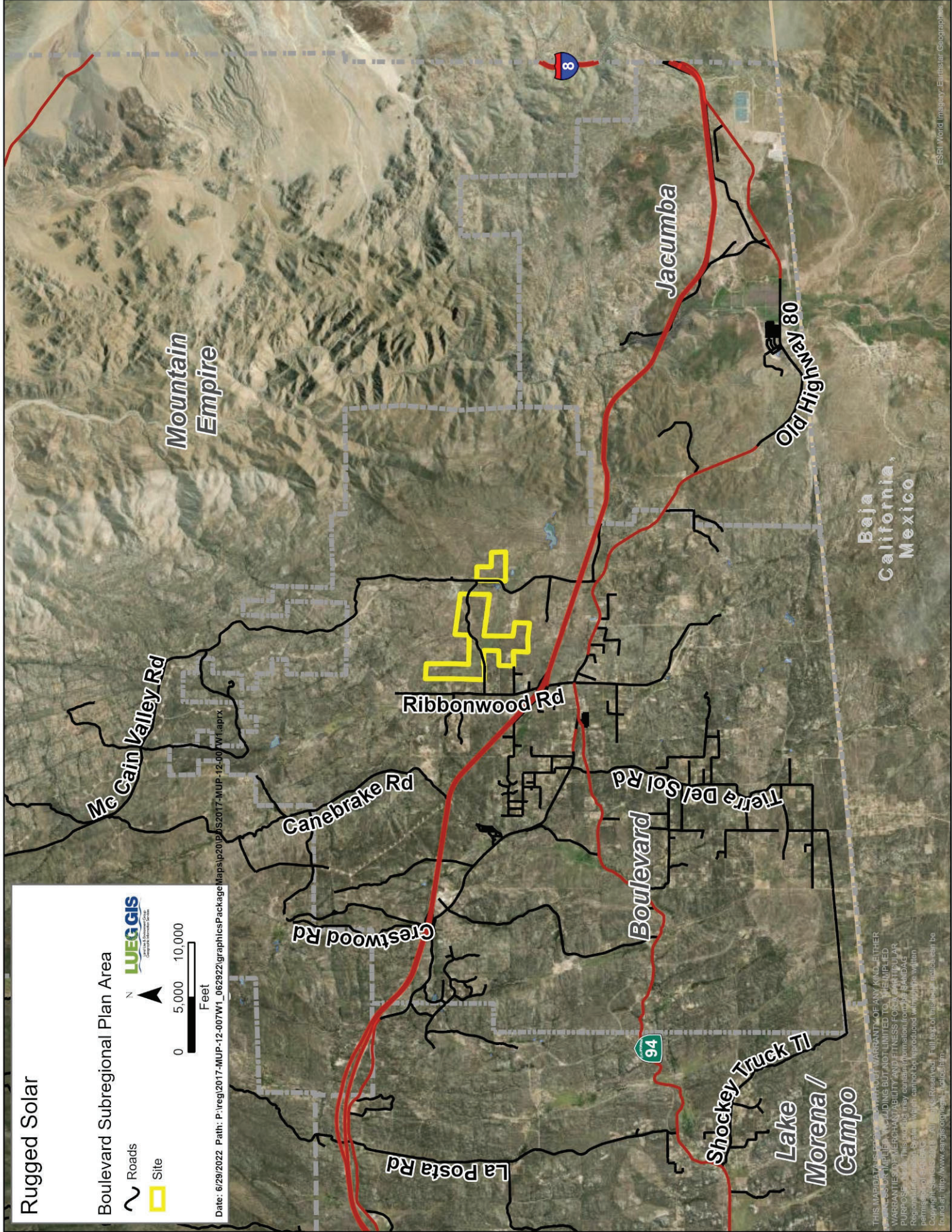
 Roads
 Site

 N
 0 1,250 2,500 Feet



Date: 6/29/2022 Path: P:\reg\2017-MUP-12-007\W1_062822\graphicsPackage\Maps\p20\pDS2017_MUP-12-007\1.aprx

THIS MAP/DATA IS PROVIDED WITHOUT WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE. Note: This map was prepared in accordance with the standards of the National Map Accuracy Council (NMAC) and the National Standard for Geographic Information Systems (NSGIS). The user assumes all responsibility for the use of this map/digital data. For more information, please contact the provider at: <http://www.luegis.com>



Rugged Solar

Boulevard Subregional Plan Area

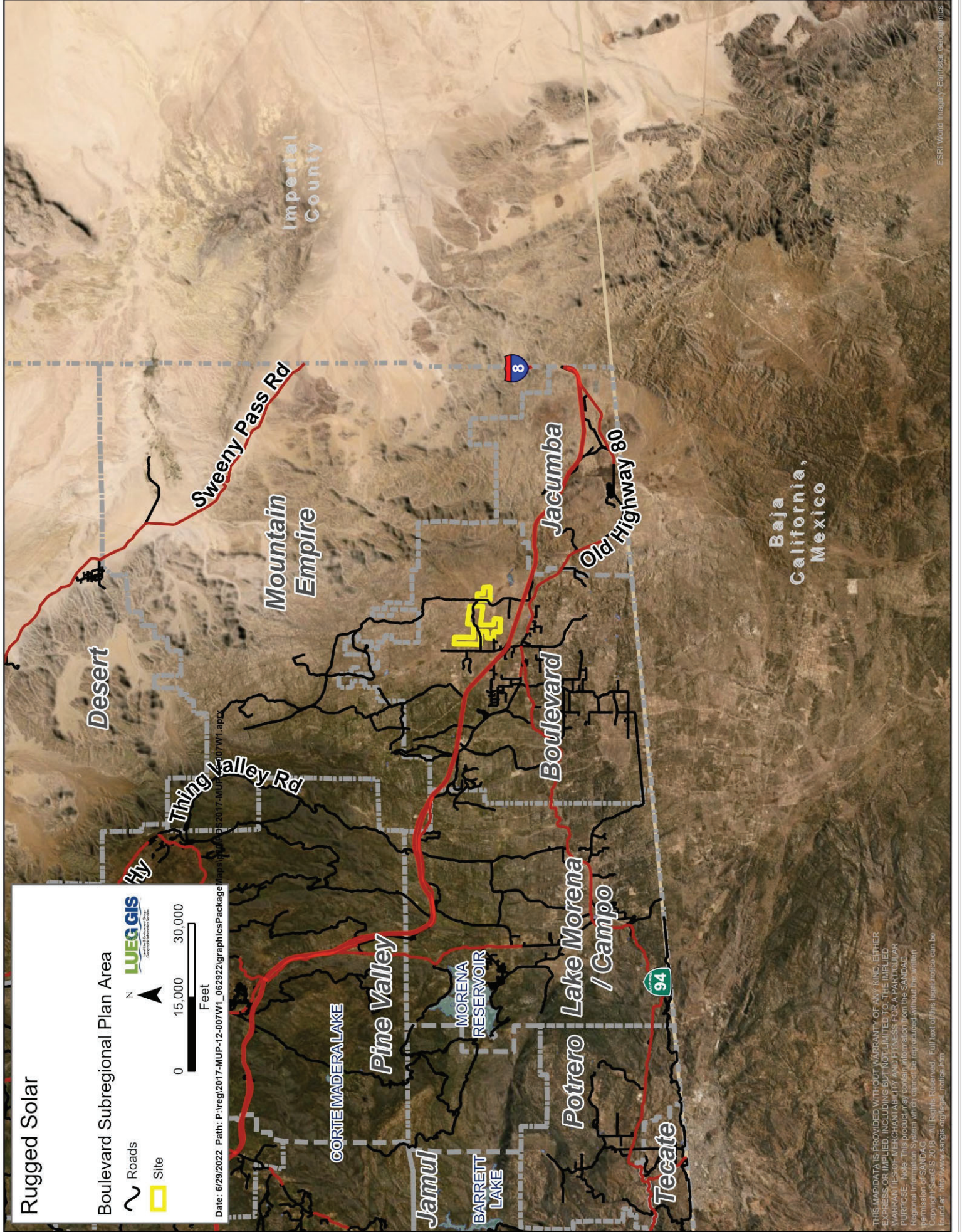
Roads

Site




Date: 6/29/2022 Path: P:\reg\2017-MUP-12-007\W1_062922\graphicsPackage\Maps\p2017-MUP-12-007\W1.aprx

THIS MAP/DATA IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. This product may contain information from the SANDAG Regional Geographic Information System (GIS) which cannot be reproduced without the written permission of SANDAG. Copyright © 2018 Esri. All Rights Reserved. Full text of this legal notice can be found at: <http://www.esri.com/legal/notice.html>



Rugged Solar

Boulevard Subregional Plan Area

 Roads
 Site

 N
 0 15,000 30,000 Feet

Date: 6/29/2022 Path: P:\reg\2017-MUP-12-007\W1_062922\graphicsPackage\maps\12-007\W1_062922.aprx

THIS MAP/DATA IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. Note: This product may contain information from the SANDAG Regional Information System which cannot be reproduced without the written permission of SANDAG. Copyright © SANDAG 2019. All Rights Reserved. Full text of this legal notice can be found at: http://www.sandag.org/legal_notice.htm

Mountain Empire

Boulevard

Jacumba

OLD HIGHWAY 80

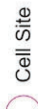
94

8

Rugged Solar

2 Mile Radius

Boulevard Subregional Planning Area



Cell Site



Site



2 Mile Radius

0

2,000

4,000

Feet

Date: 6/29/2022 Path: P:\reg\2017-MUP-12-007\W1_062922\graphicsPackage\Map\p20\pDS2017_MUP-12-007\1.aprx

THIS MAP/DATA IS PROVIDED WITH THE UNDERSTANDING THAT THE USER ACCEPTS ALL RISKS AND WAIVES, EITHER EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. Note: This product may contain information from the SANDAG Regional Information System, which cannot be reproduced without the written permission of SANDAG. Copyright: SanGIS 2017. All Rights Reserved. Full text of the license can be found at: <http://www.sandag.ca.gov/legal/notice.htm>

RUGGED SOLAR

COUNTY OF SAN DIEGO, CA

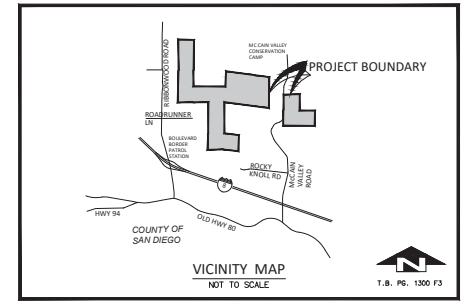
MAJOR USE PERMIT MODIFICATION

PDS 2017-MUP-12-007W1

PDS 2017-MUP-12-007TE

Project # PDS2017-MUP-12-007W1 incl. 12 sheets
was approved on 10/12/2022 by
 The Director of Planning & Development Services
 The Zoning Administrator
 The San Diego County Planning Commission
 The San Diego County Board of Supervisors

By Ashley Smith Chief, Project Planning
Name Title



GENERAL NOTES

1. APPROVAL OF THIS MODIFICATION TO EXISTING MAJOR USE PERMIT MUP 3300-12-007, AUTHORIZES THE FOLLOWING: THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A SOLAR PHOTOVOLTAIC FACILITY ALLOWED UNDER SECTION 6660 OF THE ZONING ORDINANCE, COUNTY OF SAN DIEGO.

2. THIS PLAN IS PROVIDED TO ALLOW FOR FULL AND ADEQUATE DISCRETIONARY REVIEW OF A PROPOSED DEVELOPMENT PROJECT. THE PROPERTY OWNER ACKNOWLEDGES THAT ACCEPTANCE OR APPROVAL OF THIS PLAN DOES NOT CONSTITUTE AN APPROVAL TO PERFORM ANY GRADING SHOWN HEREON AND AGREES TO OBTAIN VALID GRADING PERMISSION BEFORE COMMENCING SUCH ACTIVITY.

3. ASSOCIATED REQUESTS: NONE

4. GENERAL PLAN REGIONAL CATEGORY: RURAL LANDS

5. LAND USE DESIGNATION: RURAL LANDS (RL-80)

6. EXISTING ZONING:

APN 611-100-07 392A72

APN 611-110-01 GENERAL AGRICULTURE (A72)

ALL REMAINING APN'S GENERAL RURAL (R9)

7. PROJECT AREA: 763.35 ACRES

8. MAJOR USE PERMIT AREA: 763.35 ACRES

9. SOLAR DEVELOPMENT AREA: 391.5 ACRES

10. THIS PROJECT MAY BE IMPLEMENTED IN MULTIPLE PHASES WITHOUT REGARD TO IMPLIED SEQUENCING.

11. SOLAR RELATED FACILITIES SUCH AS PHOTOVOLTAIC PANELS, ARRAY RACKS, ELECTRICAL CONNECTIONS, INVERTERS, TRANSFORMERS, O&M BUILDINGS, CONTROL ROOMS, EMERGENCY GENERATORS, SUBSTATION, SWITCHGEAR YARD, FENCING, AND INTERNAL ACCESS, SHOWN ON THE PLAN MAY BE RELOCATED, RECONFIGURED, AND/OR RESIZED WITHIN THE SOLAR FACILITY DEVELOPMENT AREA (EXCLUSIVE OF OPEN SPACE AREAS) WITH THE ADMINISTRATIVE APPROVAL OF THE DIRECTOR OF FDS WHEN FOUND IN CONFORMANCE WITH THE INTENT AND CONDITIONS OF THE PERMIT'S APPROVAL. THE LOCATION OF TRANSFORMERS, INVERTERS AND GENERATORS MAY BE RELOCATED/RECONFIGURED WITHOUT THE REQUIREMENT OF A MINOR DEVIATION PERMIT. THE LOCATIONS OF TRANSFORMERS, INVERTERS AND GENERATORS MUST COMPLY WITH THE COUNTY'S NOISE ORDINANCE AND MUST BE ELEVATED TO 1 FT. ABOVE THE BASE FLOOD ELEVATION.

12. NO DEVELOPMENT WILL OCCUR IN AREAS IDENTIFIED ON THE PLOT PLAN AS "OPEN SPACE".

13. ENTRANCE TO EACH SITE ACCESS GATE WILL BE FROM AN IMPROVED DRIVEWAY DESIGNED IN ACCORDANCE WITH RSD G-14E.

14. A SYSTEM IDENTIFICATION SIGN SHALL BE LOCATED AT GATED ENTRANCES. SIGN SHALL BE 17'X11'. SIGN SHALL LIST NAME OF SITE AND CONTACT INFORMATION AS PROVIDED BY SDGE.

15. ALL SITE ACCESS GATES ARE TO BE EQUIPPED WITH FIRE AUTHORITY APPROVED STROBE LIGHT ACTIVATION AND KNOX KEY-OPERATED SWITCH.

16. PRIVATE PROPERTY NO TRESPASSING AND HIGH VOLTAGE SIGNS SHALL BE LOCATED AT GATED ENTRANCES AND AT 100' INTERVALS ALONG FENCING. THE SIGN SHALL BE 10'X14". MISC. INTERIOR DIRECTIONAL AND SAFETY SIGNAGE ARE PERMITTED.

17. THE 30' PERIMETER FIRE ACCESS ROAD WIDTHS MAY BE REDUCED ADMINISTRATIVELY WITH THE APPROVAL OF THE COUNTY AND FIRE AUTHORITY HAVING JURISDICTION.

18. MAX. GRADIENT OF ALL ACCESS ROADS NOT TO EXCEED 10%.

19. TURNAROUND SHALL BE DESIGNED IN ACCORDANCE WITH COUNTY OF SAN DIEGO DESIGN STANDARD DS-06 FOR A COUNTY EMERGENCY FIRE APPARATUS.

20. 3-FT. WIDE PED-GATES WILL BE LOCATED ALONG THE LENGTH OF THE PERIMETER FENCING AT AN INTERVAL NOT TO EXCEED 800 FEET. GATES SHALL BE PADLOCKED WITH A CHAIN AND FIRE KEY.

21. LIGHTING FOR MAINTENANCE AND SECURITY PURPOSES ONLY. OUTDOOR LIGHTING CIRCUITS SHALL INCORPORATE OVER-THE-WALL PHOTOCELL CONTROLLERS, OCCUPANCY SENSORS, AND/OR SWITCHES AS APPROPRIATE. SHIELDED LIGHTING LOCATED AT GATES AND SUBSTATION/O&M BUILDING SHALL CONFORM TO COUNTY OF SAN DIEGO OUTDOOR LIGHTING REQUIREMENTS.

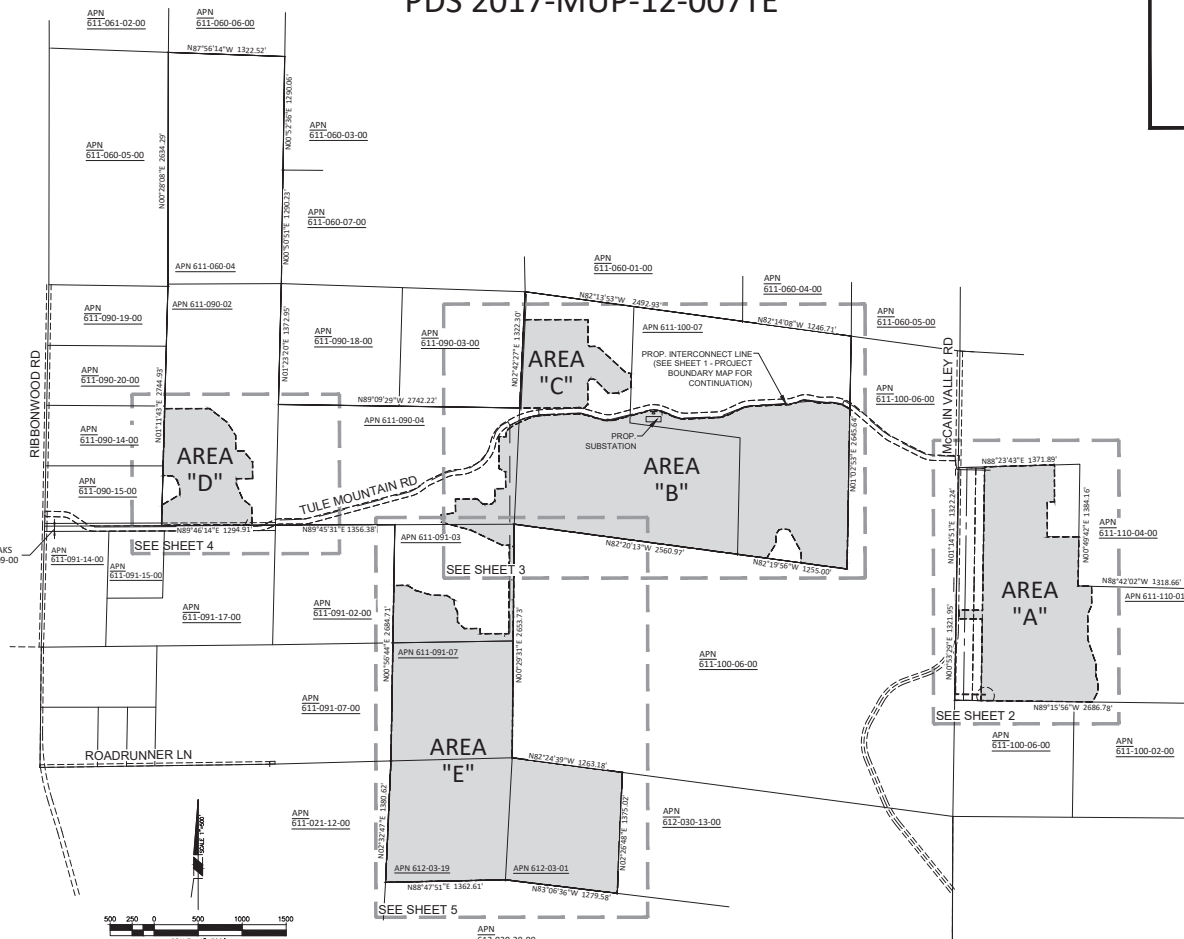
22. SEE PRELIMINARY GRADING PLAN FOR PROPOSED GRADING.

23. A PORTION OF THE SITE IS SUBJECT TO INUNDATION BY THE 100-YEAR FLOOD. LIMITS OF THE 100-YEAR INUNDATION ARE SHOWN ON THE PLOT PLAN.

24. PROPOSED LANDSCAPE SCREENING ARE SHOWN ON THE PLOT PLAN WHERE REQUIRED.

25. ALL BUILDINGS ARE TO BE CONSTRUCTED OF NON-COMBUSTIBLE MATERIALS SUCH AS CONCRETE, METAL OR EQUIVALENT. EXTERIOR BUILDING COLOR SHALL BE OF EARTH-TONE COLORS.

26. THE PROJECT WILL UTILIZE GROUNDWATER FROM EXISTING WELLS 6A, 6B AND 8. ALL REMAINING WELLS ON SITE TO REMAIN. REFER TO THE FINAL GROUNDWATER MONITORING AND MITIGATION PLAN, RUGGED SOLAR FARM PROJECT, MAJOR USE PERMIT 3300-12-004, DATED: NOVEMBER, 2013 PREPARED BY OJER.



PARCEL ZONING SETBACK SCHEDULE

APN	SETBACK SCHEDULE DESIGNATION
611-00-07	C-1
611-00-08	D
611-00-09	D
611-00-10	D
611-00-11	D
611-00-12	D
611-00-13	D
611-00-14	D
611-00-15	D
611-00-16	D
611-00-17	D
611-00-18	D
611-00-19	D
611-00-20	D

SETBACKS

SETBACK	FEET
FRONT YARD SETBACK (FROM CL)	60'
EXTERIOR SIDE YARD	30'
INTERIOR SIDE YARD	15'
REAR YARD SETBACK	25'

APPLICANT
RUGGED SOLAR, LLC
150 MATILDA PLACE
SUITE #106
SUNNYVALE, CA 94086
CONTACT: JIM WHALEN
(619) 893-5544

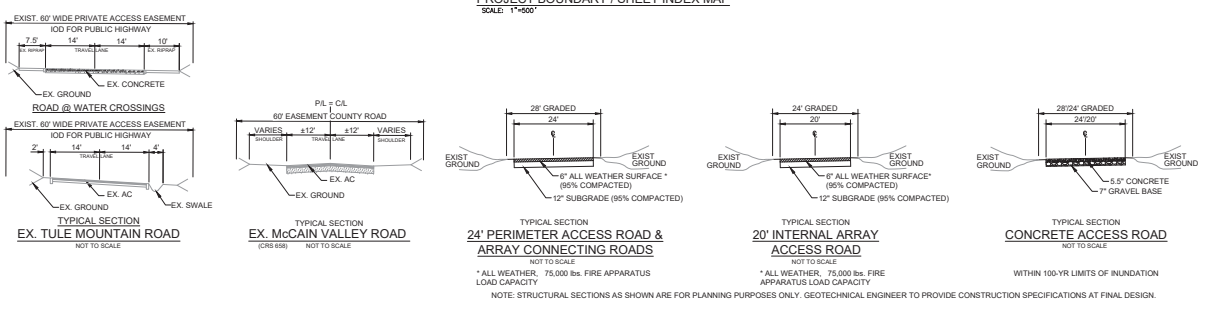
PLANNER/ENGINEER
MICHAEL BAKER INTERNATIONAL
STEVE WRAGG
8765 CLAREMONT MESA BLVD.
SAN DIEGO, CA 92124
(619) 614-0000

SHEET INDEX

SHEET	TITLE
1	TITLE SHEET
2	AREA "A" PLOT PLAN
3	AREA "B" & "C" PLOT PLAN
4	AREA "D" PLOT PLAN
5	AREA "E" PLOT PLAN
6	DETAILS
7	DETAILS

OWNER INFORMATION

NAME	Address	Phone	Address	Phone	Address	Phone
Waterstone Support	3923 Professional #1420B	(619) 789-6100	Wata Dots Business Park	(619) 440-7624	Harmony Group Partners	(619) 440-7624
Provisional for Jim Gilman			John Gilman		John Gilman	
2023 Professional #1420B			1300 Harbor Way		1600 Pioneer Way	
Colorado Springs			Escondido		Escondido	
CA			CA		CA	
ZIP	92094	92093	92020	92020	92020	92020
PHONE	(619) 440-7428	(619) 789-6100	(619) 440-7624	(619) 440-7624	(619) 440-7624	(619) 440-7624
APN's	611-110-01 (B3.72)	611-09-07 (A2.35)	611-09-04 (D3.07)	611-09-01 (A4.62)	611-09-07 (D1.84)	611-100-07 (D1.84)
(Pctgms)	611-09-07 (D1.84)	611-09-01 (A4.62)	611-09-04 (D3.07)	611-09-07 (D1.84)	611-09-04 (E.146)	611-09-04 (E.146)
TOTAL	434	799	617	1441		
TRACKERS						



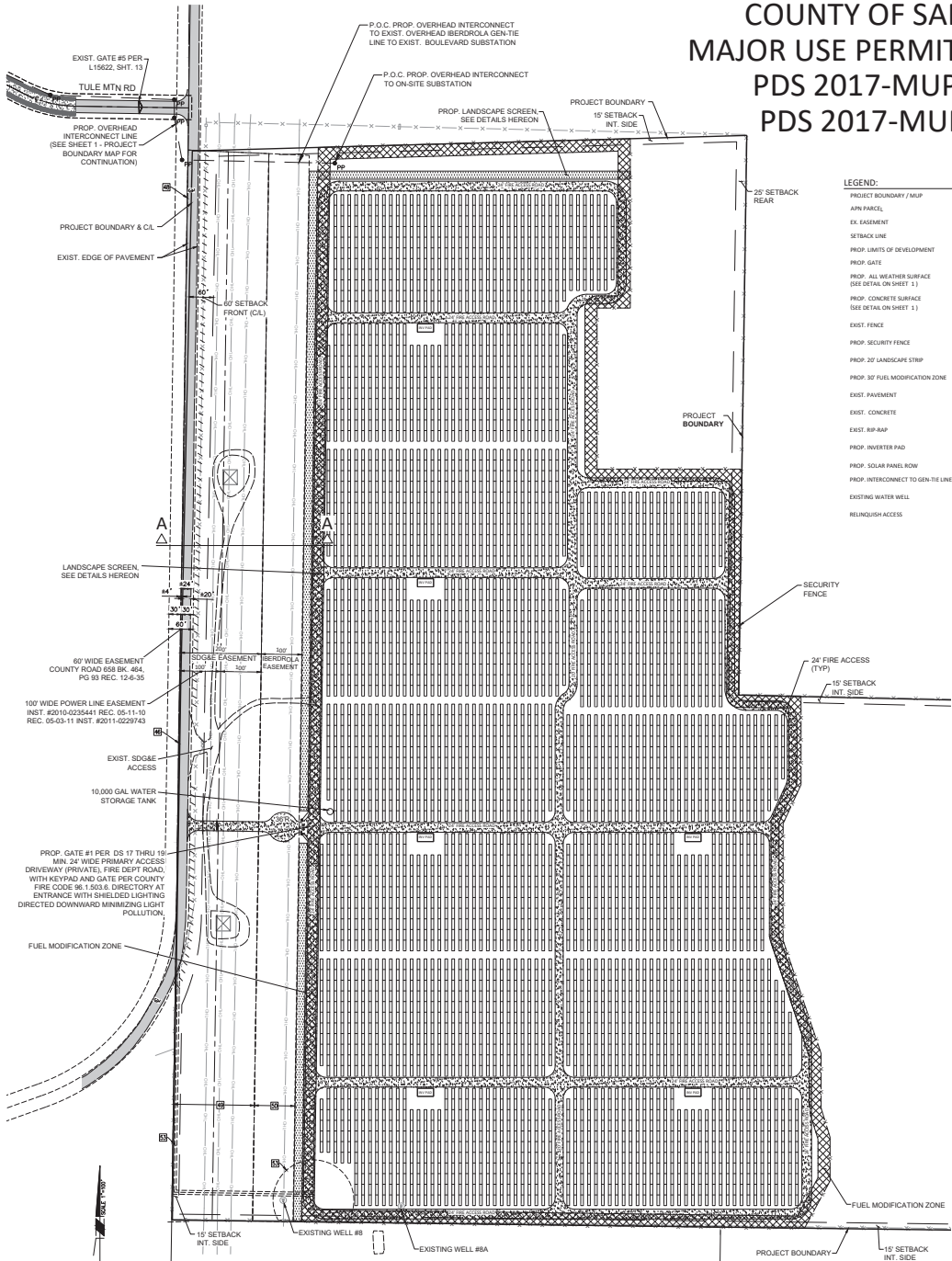
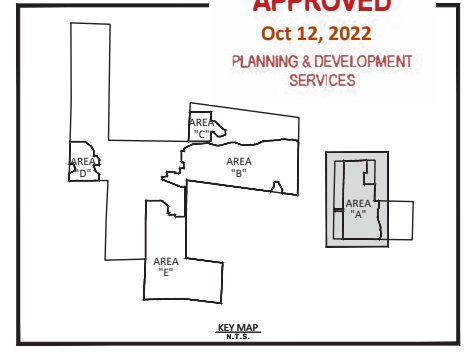
RUGGED SOLAR
COUNTY OF SAN DIEGO, CA
MAJOR USE PERMIT MODIFICATION
PDS 2017-MUP-12-007W1
PDS 2017-MUP-12-007TE



RUGGED SOLAR

COUNTY OF SAN DIEGO, CA
MAJOR USE PERMIT MODIFICATION
PDS 2017-MUP-12-007W1
PDS 2017-MUP-12-007TE

APPROVED
Oct 12, 2022
PLANNING & DEVELOPMENT
SERVICES

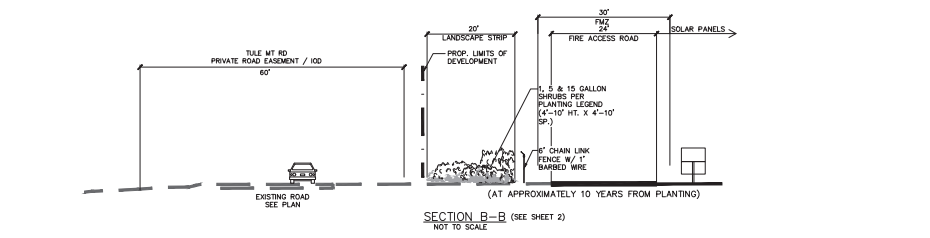
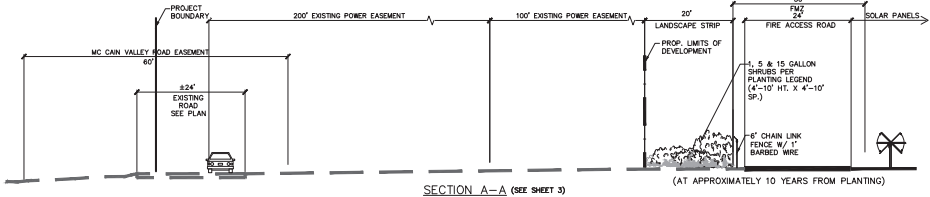
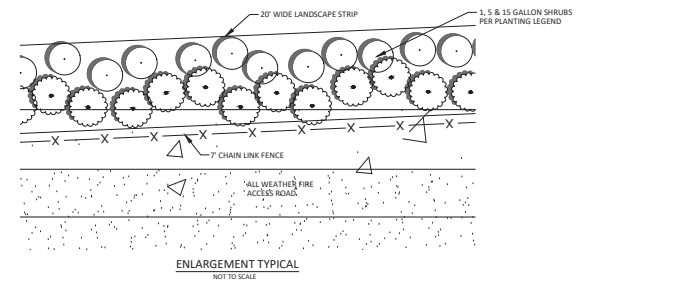


LEGEND:

PROJECT BOUNDARY / MAP	---
APN PARCEL	---
EX. EASEMENT	---
SETBACK LINE	---
PROP. LIMITS OF DEVELOPMENT	---
PROP. GATE	---
PROP. ALL WEATHER SURFACE (SEE DETAIL ON SHEET 1)	---
PROP. CONCRETE SURFACE (SEE DETAIL ON SHEET 1)	---
EXIST. FENCE	---
PROP. SECURITY FENCE	---
PROP. 20' LANDSCAPE STRIP	---
PROP. 30' FUEL MODIFICATION ZONE	---
EXIST. PAVEMENT	---
EXIST. CONCRETE	---
EXIST. RP-RAP	---
PROP. INVERTER PAD	---
PROP. SOLAR PANEL ROW	---
PROP. INTERCONNECT TO GEN-TIE LINE	---
EXISTING WATER WELL	---
REINQUISH ACCESS	---

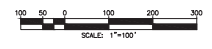
PLANT LEGEND

SHRUBS	BOTANICAL NAME / COMMON NAME	SIZE SPACING	WATER USE
1 & 5 GALLON	QUERCUS BERBERIDIFOLIA / SCRUB OAK	VARIES 15'-20' L	
5 & 15 GALLON	HETEROMELES ARBUSTIFOLIA / TOYON	VARIES 8'-10' L	



EXISTING EASEMENTS

DESCRIPTION	DISPOSITION	DOC #
10 PUBLIC UTILITY EASEMENT - MT EMPRIE ELECTRIC CO.	TO REMAIN	INSTR. 46897, 3117197
11 PUBLIC UTILITY EASEMENT - JAMES TOWNLEY CO.	TO REMAIN	INSTR. 10686, 4719193
12 PUBLIC UTILITY EASEMENT - YORK & TWA HYDROPOWER	TO REMAIN	INSTR. 2002-038992, 8162002
13 ROAD CORSE EASEMENT - 3RD EMPIRE ELECTRIC CO.	TO REMAIN	INSTR. 2012-001194, 1796202
14 INGRESS AND EGRESS - ROUGH ACRE WATER CO.	TO REMAIN	INSTR. 2013-020218, 4322013
15 GRANT OF EASEMENT	TO REMAIN	INSTR. 2013-020218, 4322013
16 INGRESS AND EGRESS - HANMONEY GROVE PARTNERS	TO REMAIN	INSTR. 2013-020824, 4322013
17 GRANT OF EASEMENT	TO REMAIN	INSTR. 2016-02-2422, 1025018
20 DITCHES AND CANALS - USA	TO REMAIN	SK. 688, PG. 344, 10541937
27 RIGHT TO USE AND INDUSTRIAL PURPOSES - STATE CA.	TO REMAIN	SK. 688, PG. 344, 10541937
30 RECREATION MEMORANDUM OF LEASE - SEDGE	TO REMAIN	INSTR. 2010-017121, 4322013
31 RECREATION MEMORANDUM OF LEASE - SEDGE	TO REMAIN	INSTR. 2010-017121, 4322013
32 MEMORANDUM OF ACCESS EASEMENT AGREEMENT	TO REMAIN	INSTR. 2012-020186, 1796202
33 MEMORANDUM OF ACCESS AND ROAD CONTRIBUTION	TO REMAIN	INSTR. 2012-020186, 1796202
34 GRANT OF ACCESS	TO REMAIN	INSTR. 2013-020824, 4322013
37 GRANT OF ROAD ACCESS AND ROAD CONTRIBUTION	TO REMAIN	INSTR. 2013-020824, 4322013
38 GRANT OF CHARGER WAY	TO REMAIN	INSTR. 2016-02-2422, 1025018
41 OLD FOW PUBLIC HIGHWAY	TO REMAIN	SK. 464, PG. 81, 12581538
43 COUNTY HIGHWAY - COUNTY OF SAN DIEGO	TO REMAIN	SK. 797, PG. 368, 12151928
44 AGREEMENT ACCESS & MAINTENANCE OF FENCE	TO REMAIN	INSTR. 2010-024444, 6210203
45 PARTY POSESS - BOOK	TO REMAIN	INSTR. 2011-022743, 4322013
50 MEMORANDUM OF POWER LINE AGREEMENT	TO REMAIN	INSTR. 2011-022743, 4322013
51 ACCESS & MAINTENANCE - ROAD ACCESS TO THE COC INC	TO REMAIN	INSTR. 2013-020824, 4322013



RUGGED SOLAR
COUNTY OF SAN DIEGO, CA
MAJOR USE PERMIT MODIFICATION
PDS 2017-MUP-12-007W1
PDS 2017-MUP-12-007TE
AREA "A" PLOT PLAN

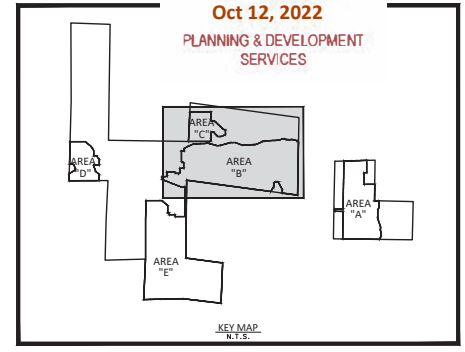
2 - 150

RUGGED SOLAR COUNTY OF SAN DIEGO, CA MAJOR USE PERMIT MODIFICATION PDS 2017-MUP-12-007W1 PDS 2017-MUP-12-007TE

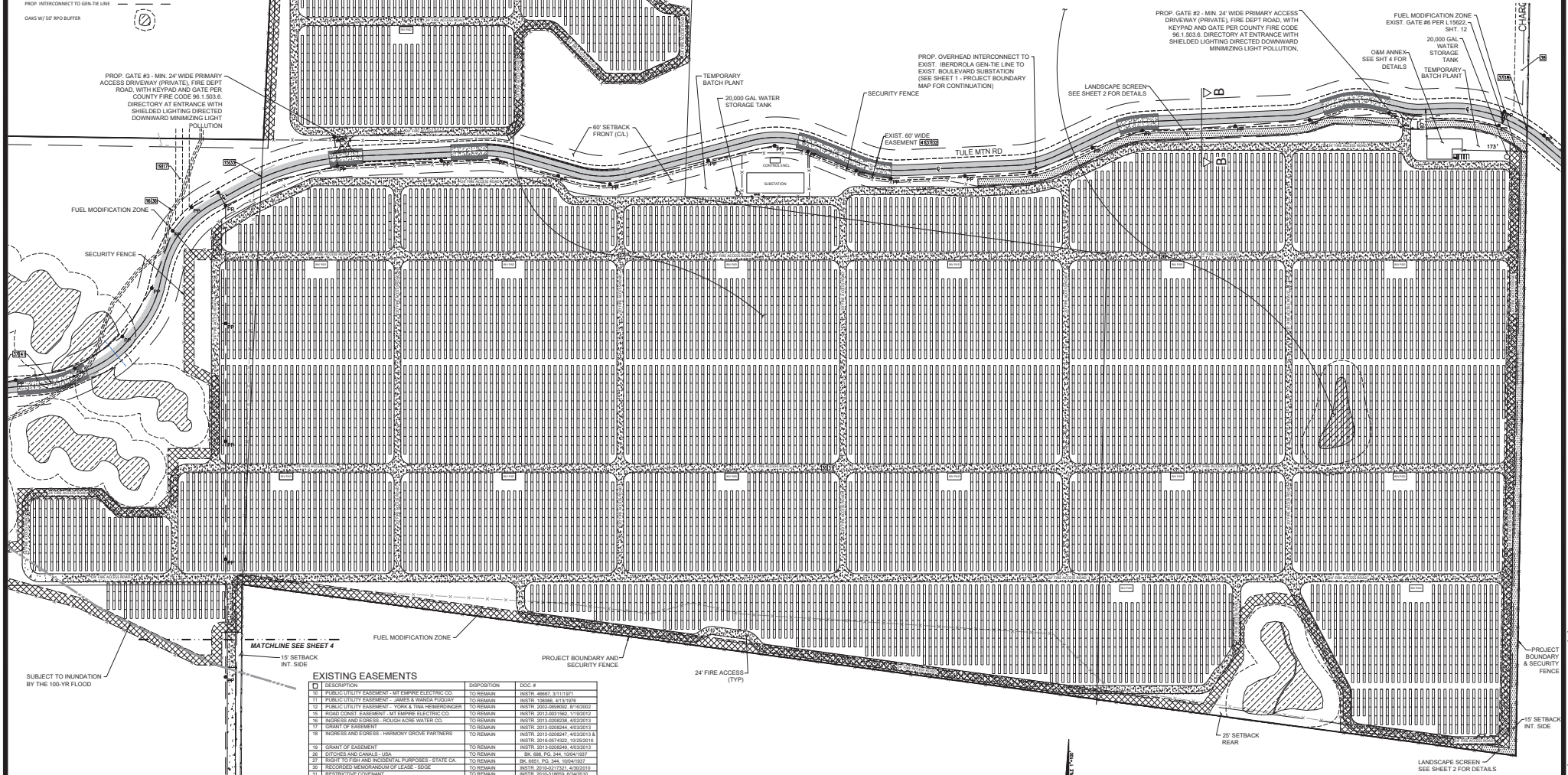
APPROVED

Oct 12, 2022

PLANNING & DEVELOPMENT
SERVICES



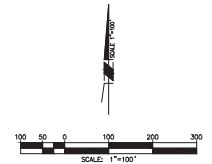
- LEGEND:**
- PROJECT BOUNDARY / MUP
 - APN PARCEL
 - EX. EASEMENT
 - SETBACK LINE
 - PROP. LIMITS OF DEVELOPMENT
 - PROP. GATE
 - PROP. ALL WEATHER SURFACE (SEE DETAIL ON SHEET 1)
 - PROP. CONCRETE SURFACE (SEE DETAIL ON SHEET 1)
 - EXIST. FENCE
 - PROP. SECURITY FENCE
 - PROP. 20' LANDSCAPE STRIP
 - PROP. 30' FUEL MODIFICATION ZONE
 - EXIST. PAVEMENT
 - EXIST. CONCRETE
 - EXIST. PAV. ASP
 - PROP. INVERTER PAD
 - PROP. SOLAR PANEL ROW
 - 100-YR LIMITS OF FOUNDATION
 - PROP. INTERCONNECT TO GEN-TIE LINE
 - 0.5M W/ 50' RPO BUFFER



EXISTING EASEMENTS

DESCRIPTION	TO	FROM	DOC #
10	EMPIRE ELECTRIC CO	TO REMAIN	INSTR. 48667 3/11/2011
11	JAMES & WANDA FOGARTY	TO REMAIN	INSTR. 108966 4/7/1978
12	EMPIRE ELECTRIC CO	TO REMAIN	INSTR. 1002400002 8/1/2002
13	EMPIRE ELECTRIC CO	TO REMAIN	INSTR. 2012-0011982 1/19/2012
14	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
15	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
16	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
17	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
18	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
19	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
20	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
21	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
22	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
23	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
24	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
25	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
26	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
27	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
28	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
29	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
30	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
31	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
32	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
33	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
34	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
35	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
36	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
37	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
38	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
39	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
40	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
41	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
42	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
43	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
44	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
45	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
46	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
47	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
48	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
49	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013
50	ROUGH ACRES WATER CO	TO REMAIN	INSTR. 2013-0005624 4/8/2013

AREA "B" & "C"



LANDSCAPE SCREEN - SEE SHEET 2 FOR DETAILS

RUGGED SOLAR
COUNTY OF SAN DIEGO, CA
MAJOR USE PERMIT MODIFICATION
PDS 2017-MUP-12-007W1
PDS 2017-MUP-12-007TE
AREA "B" & "C" PLOT PLAN

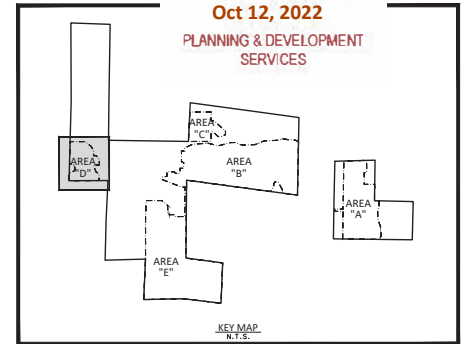
RUGGED SOLAR

COUNTY OF SAN DIEGO, CA
 MAJOR USE PERMIT MODIFICATION
 PDS 2017-MUP-12-007W1
 PDS 2017-MUP-12-007TE

APPROVED

Oct 12, 2022

PLANNING & DEVELOPMENT
 SERVICES



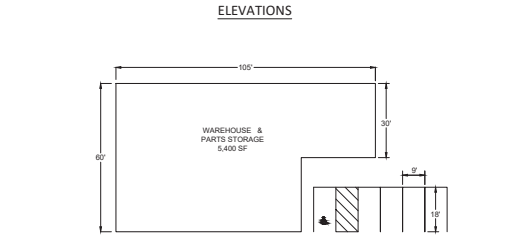
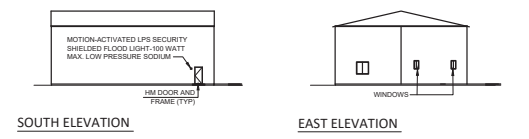
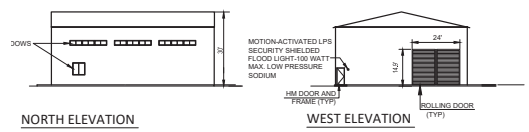
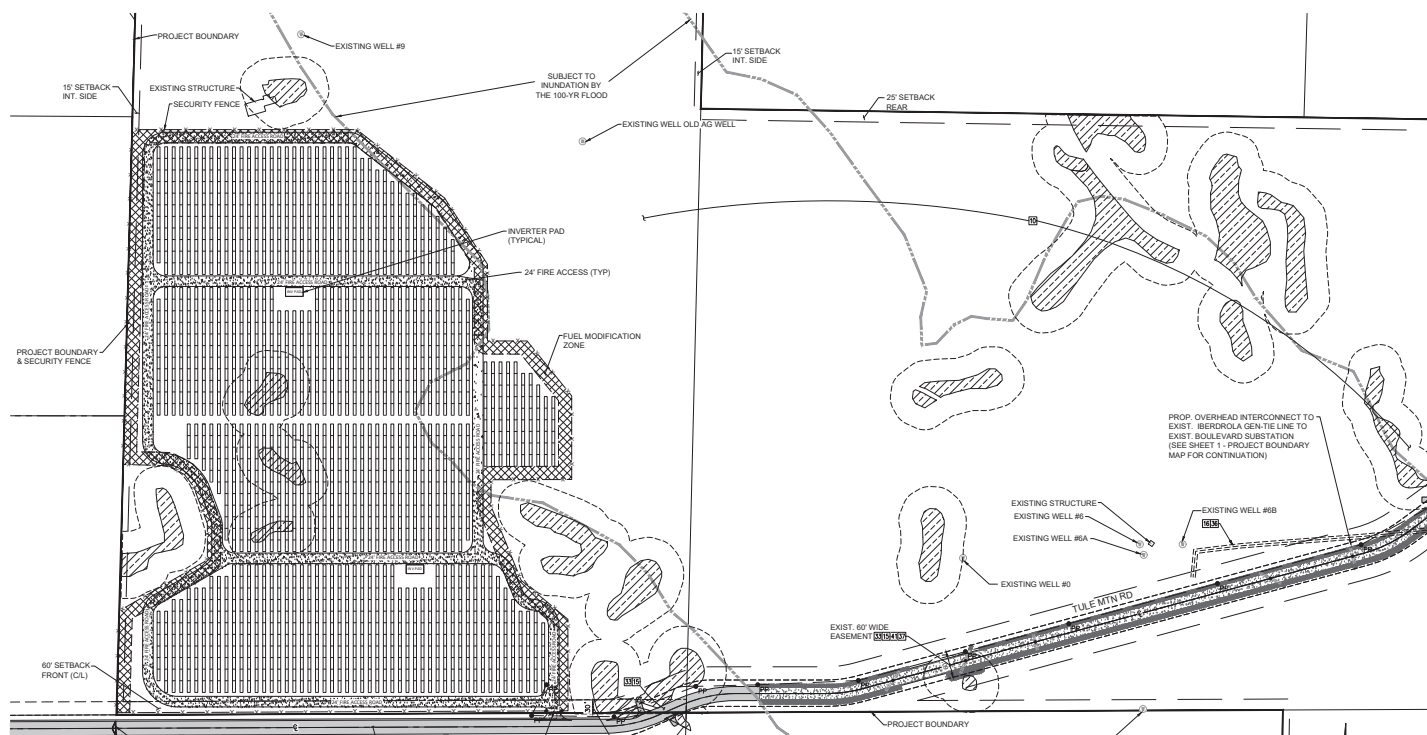
LEGEND:

- PROJECT BOUNDARY / MAP
- APR PANELS
- EX EASEMENT
- SETBACK LINE
- PROP. LIMITS OF DEVELOPMENT
- PROP. GATE
- PROP. ALL WEATHER SURFACE (SEE DETAIL ON SHEET 1)
- PROP. CONCRETE SURFACE (SEE DETAIL ON SHEET 1)
- EXIST. FENCE
- PROP. SECURITY FENCE
- PROP. 30' LANDSCAPE STRIP
- PROP. 30' FUEL MODIFICATION ZONE
- EXIST. PAVEMENT
- EXIST. CONCRETE
- EXIST. RIP-RAP
- PROP. INVERTER PAD
- PROP. SOLAR PANEL ROW
- 100-YR LIMITS OF FLOODATION
- PROP. INTERCONNECT TO GEN-TIE LINE
- EXISTING WATER WELL
- OAS W/ 50' RPO BUFFER

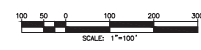
EXISTING EASEMENTS

NO.	DESCRIPTION	DISPOSITION	DOC. #
10	PUBLIC UTILITY EASEMENT - MT EMPIRE ELECTRIC CO.	TO REMAIN	INSR. 48687 3/11/97
11	PUBLIC UTILITY EASEMENT - JAMES & WANDA TULLOY	TO REMAIN	INSR. 18066 4/13/93
12	PUBLIC UTILITY EASEMENT - YORK & TINA HERMENDORFER	TO REMAIN	INSR. 2052 05/05/02 8/10/2002
13	ROAD CORNERS EASEMENT - MT EMPIRE ELECTRIC CO.	TO REMAIN	INSR. 2013-020624 4/03/2013
14	INGRESS AND EGRESS - ROUGH ACRE WATER CO.	TO REMAIN	INSR. 2013-020624 4/03/2013
15	TORRY TOP EASEMENT	TO REMAIN	INSR. 2013-020624 4/03/2013
16	INGRESS AND EGRESS - HARMONY GROVE PARTNERS	TO REMAIN	INSR. 2013-020624 4/03/2013 & INSR. 2016-001468 10/05/2016
17	GRANT OF EASEMENT	TO REMAIN	INSR. 2013-020624 4/03/2013
18	DITCHES AND CANALS - USA	TO REMAIN	BK. 699, PG. 344, 10/04/1937
19	RIGHT TO REMAIN FOR RESIDENTIAL PURPOSES - STATE CA	TO REMAIN	BK. 699, PG. 344, 10/04/1937
20	RECORDED MEMORANDUM OF LEASE - SOBE	TO REMAIN	INSR. 2010-021721 4/20/2010
21	RESTRICTIVE COVENANT	TO REMAIN	INSR. 2010-18696 8/24/2010
22	MEMORANDUM OF ACCESS EASEMENT AGREEMENT	TO REMAIN	INSR. 2013-021160 1/19/2013
23	MEMORANDUM OF ACCESS AND ROAD CONSTRUCTION	TO REMAIN	INSR. 2013-021160 1/19/2013
24	GRANT OF ACCESS	TO REMAIN	INSR. 2013-020624 4/03/2013
25	GRANT OF ROAD ACROSS WANDY ROAD	TO REMAIN	INSR. 2013-020624 4/03/2013
26	GRANT OF CHARGER WAY	TO REMAIN	INSR. 2013-020624 4/03/2013
27	LOT FOR PUBLIC HIGHWAY	TO REMAIN	INSR. 2016-002303 2/23/2016
28	COUNTY HIGHWAY - COUNTY OF SAN DIEGO	TO REMAIN	BK. 484, PG. 53, 1/26/1935
29	ADJACENT ACCESS & MAINTENANCE OF FENCE	TO REMAIN	BK. 780, PG. 308, 10/15/1988
30	UTILITY ACCESS - SOBE	TO REMAIN	INSR. 2010-020448 8/17/2010
31	MEMORANDUM OF POWER LINE AGREEMENT	TO REMAIN	INSR. 2011-020743 3/29/2011
32	ACCESS & MAINTENANCE - ROUGH ACRE WATER CO. INC.	TO REMAIN	INSR. 2013-020624 4/03/2013

EASEMENTS AND RESTRICTIONS (FOR FIRST AMERICAN TITLE INSURANCE COMPANY PRELIMINARY REPORT UNDER NUMBER 300-10140604 UPDATED MAY 27, 2020):



BUILDING WILL BE EARTH TONE COLORS, WITH EITHER WOOD FRAME CONSTRUCTION WITH STUCCO OR METAL SIDING.
 ROOF CONSTRUCTION WILL BE TILE OR METAL MATERIAL.



2 - 152

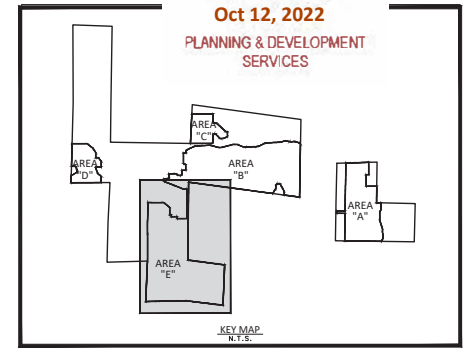
RUGGED SOLAR

COUNTY OF SAN DIEGO, CA
MAJOR USE PERMIT MODIFICATION
PDS 2017-MUP-12-007W1
PDS 2017-MUP-12-007TE

APPROVED

Oct 12, 2022

PLANNING & DEVELOPMENT
SERVICES



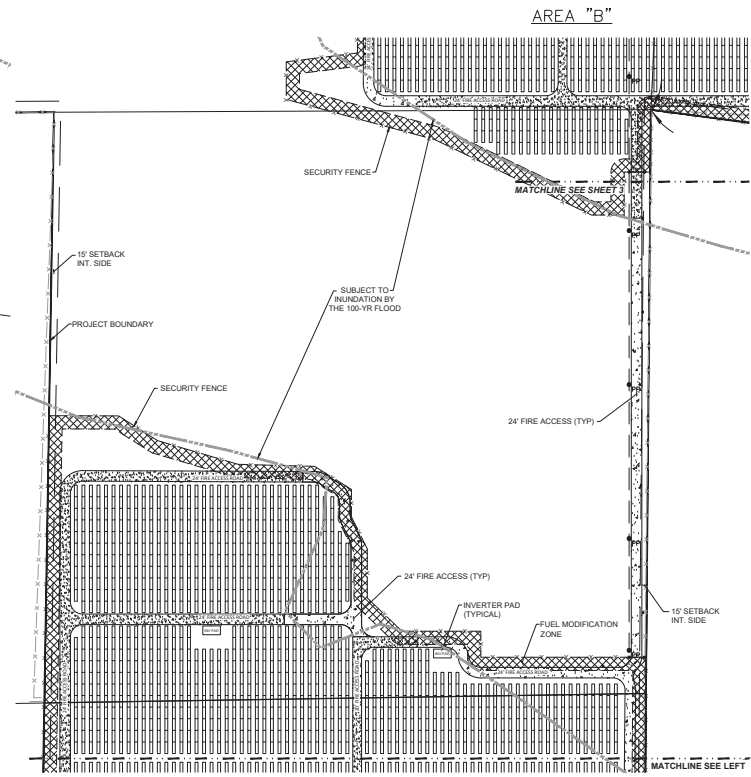
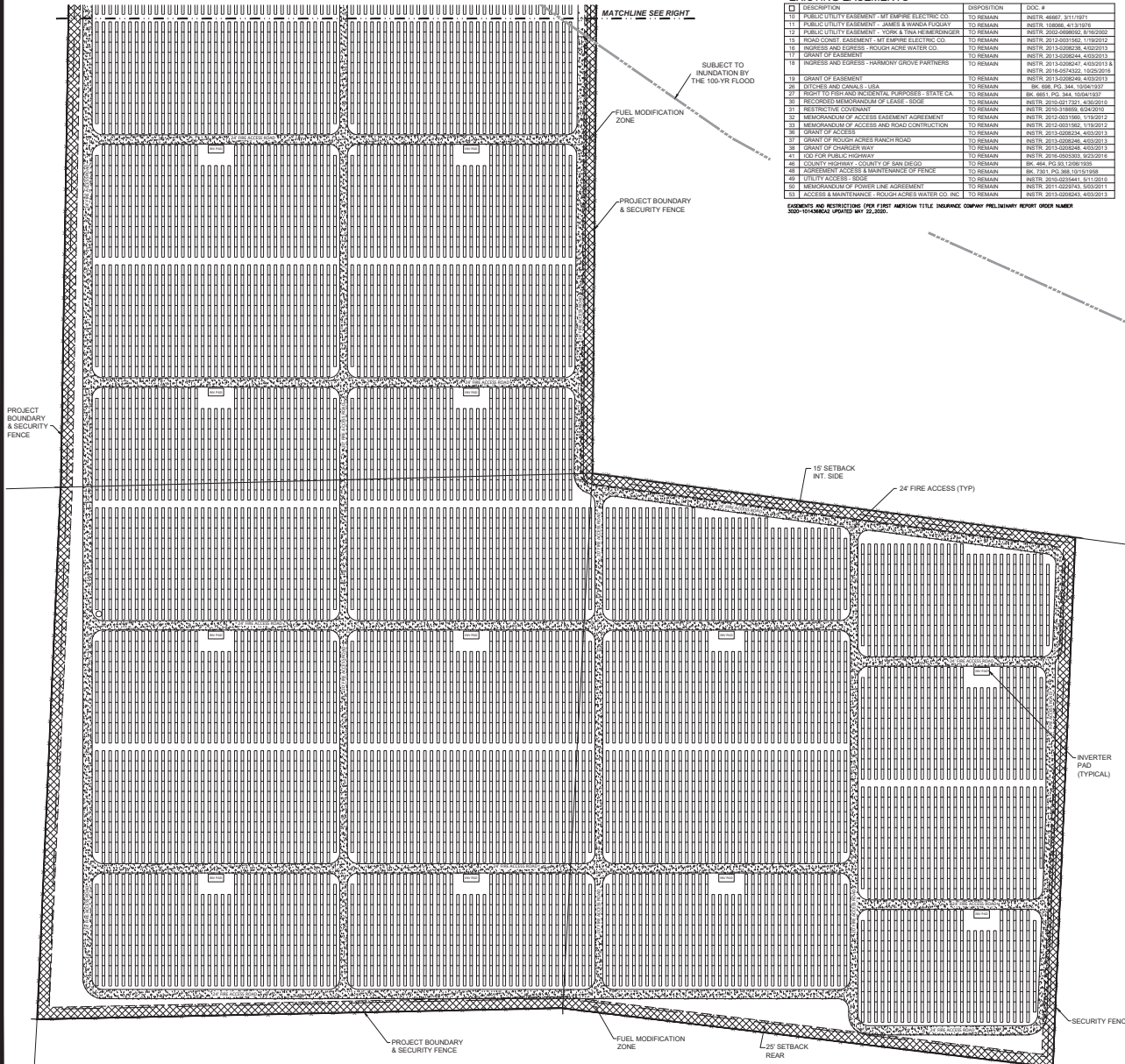
EXISTING EASEMENTS

DOC #	DESCRIPTION	DISPOSITION	DOC #
01	GRANT FOR		
02	PUBLIC UTILITY EASEMENT - MT EMPIRE ELECTRIC CO	TO REMAIN	INSTR. 46667, 3/11/91
11	PUBLIC UTILITY EASEMENT - JAMES & WANDA FUGARY	TO REMAIN	INSTR. 10889, 4/11/97
12	PUBLIC UTILITY EASEMENT - VORP & VAN HEEBENROOYER	TO REMAIN	INSTR. 3007-006959, 8/16/02
13	ROAD CORSE EASEMENT - MT EMPIRE ELECTRIC CO	TO REMAIN	INSTR. 2012-001190, 1/19/07
14	FOREST AND FOREST-ROUGH ACRE WATER CO	TO REMAIN	INSTR. 2013-002639, 4/23/07
17	GRANT OF EASEMENT	TO REMAIN	INSTR. 2013-025844, 4/23/07
18	FOREST AND FOREST-ROUGH ACRE WATER CO	TO REMAIN	INSTR. 2013-002639, 4/23/07
19	FOREST AND FOREST-ROUGH ACRE WATER CO	TO REMAIN	INSTR. 2016-027432, 10/25/16
20	GRANT OF EASEMENT	TO REMAIN	INSTR. 2012-002240, 4/23/07
23	CRUISE AND CRUISE - USA	TO REMAIN	BK. 885, PG. 344, 10/04/03
27	RIGHT TO FISH AND INCIDENTAL PURPOSES - STATE CA	TO REMAIN	BK. 885, PG. 344, 10/04/03
30	PROVISIONAL MEMORANDUM OF UNDERSTANDING	TO REMAIN	INSTR. 2010-017751, 4/26/09
31	RESTRICTIVE COVENANT	TO REMAIN	INSTR. 2010-018658, 04/26/09
32	MEMORANDUM OF ACCESS EASEMENT AGREEMENT	TO REMAIN	INSTR. 2012-002788, 1/10/07
33	MEMORANDUM OF ACCESS AND ROAD CONSTRUCTION	TO REMAIN	INSTR. 2012-001190, 1/10/07
35	FOREST OF ACCESS	TO REMAIN	INSTR. 2013-002639, 4/23/07
37	GRANT OF ROUGH ACRE RANCH ROAD	TO REMAIN	INSTR. 2013-025846, 4/23/07
38	GRANT OF CHANGING WAY	TO REMAIN	INSTR. 2013-002639, 4/23/07
41	OD FOR PUBLIC HIGHWAY	TO REMAIN	INSTR. 2016-020333, 9/23/07
46	COUNTY HIGHWAY - COUNTY OF SAN DIEGO	TO REMAIN	BK. 464, PG. 03, 12/09/09
48	AGREEMENT ACCESS & MAINTENANCE OF FENCE	TO REMAIN	BK. 781, PG. 308, 10/10/08
49	UTILITY ACCESS - SDGE	TO REMAIN	INSTR. 2010-023441, 5/11/05
50	MEMORANDUM OF POWER LINE AGREEMENT	TO REMAIN	INSTR. 2011-022743, 02/02/11
53	ACCESS & MAINTENANCE - ROUGH ACRE'S WATER CO, INC	TO REMAIN	INSTR. 2013-025843, 4/23/07

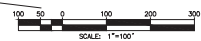
COMMENTS AND RESTRICTIONS: FOR FURTHER ACTION TITLE INSURANCE COMPANY PRELIMINARY REPORT GROUP NUMBER 000-10-00000, DATED BY 10/000.

LEGEND:

- PROJECT BOUNDARY / MUP
- APN PARCEL
- EX. EASEMENT
- SETBACK LINE
- PROP. LIMITS OF DEVELOPMENT
- PROP. GATE
- PROP. ALL WEATHER SURFACE (SEE DETAIL ON SHEET 1)
- PROP. CONCRETE SURFACE (SEE DETAIL ON SHEET 1)
- EXIST. FENCE
- PROP. SECURITY FENCE
- PROP. 20' LANDSCAPE STRIP
- PROP. 30' FUEL MODIFICATION ZONE
- PROP. INVERTER PAD
- PROP. SOLAR PANEL ROW
- 100-YR LIMITS OF INUNDATION
- PROP. INTERCONNECT TO GEN-TIE LINE



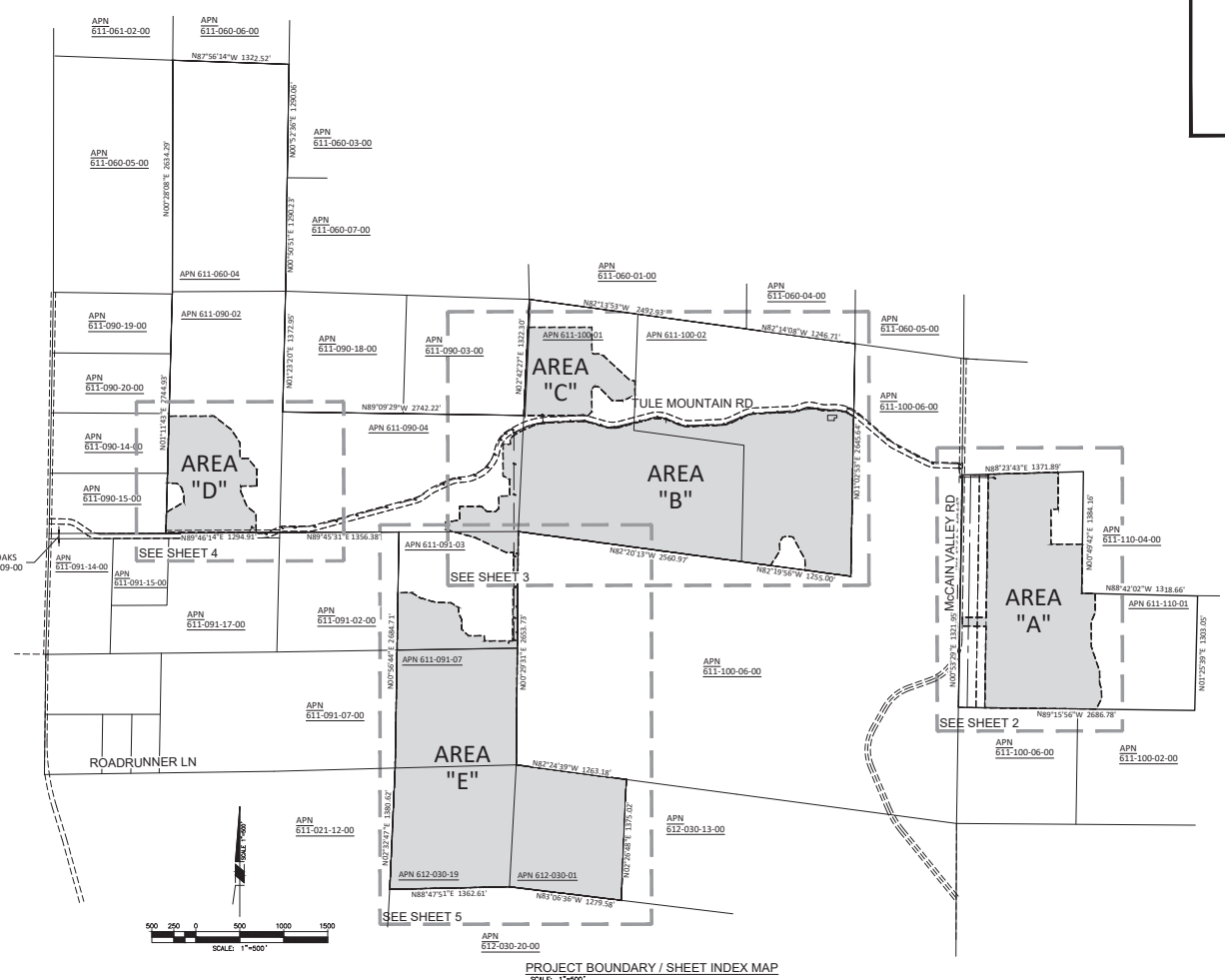
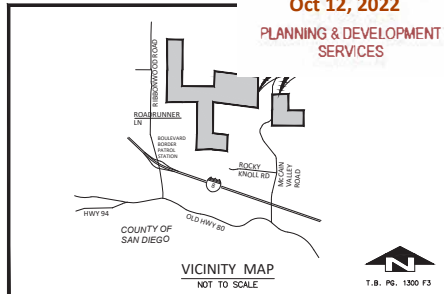
AREA "E"



RUGGED SOLAR
COUNTY OF SAN DIEGO, CA
MAJOR USE PERMIT MODIFICATION
PDS 2017-MUP-12-007W1
PDS 2017-MUP-12-007TE
AREA "E" PLOT PLAN

2 - 155 RUGGED SOLAR COUNTY OF SAN DIEGO, CA PRELIMINARY GRADING PLAN

APPROVED
Oct 12, 2022
PLANNING & DEVELOPMENT
SERVICES



SOURCE OF TOPOGRAPHY

THE BASIS OF EXISTING CONTOURS WAS PROVIDED IN A DIGITAL TERRAIN MODEL (DTM) TIED TO THE CGCS83 GRID. THE DTM CREATED IN CONJUNCTION WITH AN AERIAL TOPOGRAPHICAL SURVEY AT 20 SCALE 2 FOOT CONTOUR INTERVALS PERFORMED JANUARY 2012 & AUGUST 2015. FLOWN TOPOGRAPHY BY PROJECT DESIGN CONSULTANTS PHOTOGRAMMETRY DEPARTMENT DATE: 4/17/2009.

EARTHWORK

CUT: 75,000 CUBIC YARDS
FILL: 75,000 CUBIC YARDS
IMPORT: 0.0 CUBIC YARDS
EXPORT: 0.0 CUBIC YARDS

NOTE:

- QUANTITIES SHOWN ASSUMED 6" UNDERCUTS FOR DG/GRAVEL ROADS AND PARKING AREAS, 12" UNDERCUTS FOR ODM BUILDING AND INVERTER PADS AND 12" UNDERCUTS FOR CONCRETE CREEPER ROADS.
- QUANTITIES SHOWN ARE RAW VALUES ONLY. SUBJECT TO CHANGE DUE TO SHRINKAGE OR BULKING FACTORS AND ACTUAL FOUNDATION/ROADWAY SECTIONS TO BE DETERMINED BY GEOTECHNICAL/STRUCTURAL ENGINEER AT FINAL DESIGN.
- QUANTITIES SHOWN DO NOT INCLUDE SITE PREPARATION/CLEAR AND GRUB OR UTILITY TRENCH SPILLS.
MAX CUT SLOPE HEIGHT: 14 FT.
MAX CUT SLOPE RATIO: 2:1
MAX FILL SLOPE HEIGHT: 7 FT.
MAX FILL SLOPE RATIO: 2:1
MAX VERTICAL DEPTH OF CUT: 32 FT.
MAX VERTICAL HEIGHT OF FILL: 8 FT.

NOTICE

THE SUBJECT PROPERTY CONTAINS WETLANDS, A LAKE, A STREAM, AND/OR WATERS OF THE U.S. AND/OR STATE 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
915 WILSHIRE BLVD., SUITE 1101,
LOS ANGELES, CA 90017
(213) 462-3333
HTTP://WWW.USACE.ARMY.MIL/

REGIONAL WATER QUALITY CONTROL BOARD
2375 NORTHSHORE DR., SUITE 100
SAN DIEGO, CA 92108
R99_DWDREGFILE@WATERBOARDS.CA.GOV
HTTP://WWW.WATERBOARDS.CA.GOV/SANDIEGO/

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
3885 RUFFIN RD.,
SAN DIEGO, CA 92123
(858) 636-1160
ASDR@WILDLIFE.CA.GOV
HTTP://WWW.WILDLIFE.CA.GOV/

GENERAL NOTES

- THIS PLAN IS PROVIDED TO ALLOW FOR FULL AND ADEQUATE DISCRETIONARY REVIEW OF A PROPOSED DEVELOPMENT PROJECT. THE PROPERTY OWNER ACKNOWLEDGES THAT ACCEPTANCE OR APPROVAL OF THIS PLAN DOES NOT CONSTITUTE AN APPROVAL TO PERFORM ANY GRADING SHOWN HEREON AND AGREES TO OBTAIN VALID GRADING PERMISSION BEFORE COMMENCING SUCH ACTIVITY.
- THIS PROJECT MAY BE IMPLEMENTED IN MULTIPLE PHASES WITHOUT REGARD TO IMPLIED SEQUENCING.
- PROJECT BOUNDARY / MUP AREA: 763.35 ACRES
- SOLAR DEVELOPMENT AREA: 391.5 ACRES
- TOTAL DISTURBED AREA BEFORE PROJECT: 22.8 ACRES
- TOTAL DISTURBED (CLEARED AND GRUBBED) AREA AFTER PROJECT: 391.5 ACRES
- TOTAL IMPERVIOUS AREA BEFORE PROJECT: 8.1 ACRES (TULE MTN. RD. & MC CAIN VALLEY ROAD)
- TOTAL IMPERVIOUS AREA AFTER PROJECT: 11.3 ACRES
- TO MINIMIZE DUST, ALL DISTURBED AREAS WILL BE SURFACED WITH GRAVEL, DECOMPOSED GRANITE WITH BINDING AGENT OR EQUIVALENT.
- A PORTION OF THE SITE IS SUBJECT TO INUNDATION BY THE 100-YEAR FLOOD. THE 100-YEAR INUNDATION LIMITS ARE SHOWN ON THE PRELIMINARY GRADING PLAN.
- NO RETAINING WALLS ARE PROPOSED.
- MAX. GRADIENT OF ALL ACCESS ROADS NOT TO EXCEED 10%.

APPLICANT:

RUGGED SOLAR, LLC
150 MATHELD PLACE
SUITE #109
SUNNYVALE, CA 94086
CONTACT: JIM WHELAN
(651) 683-5544

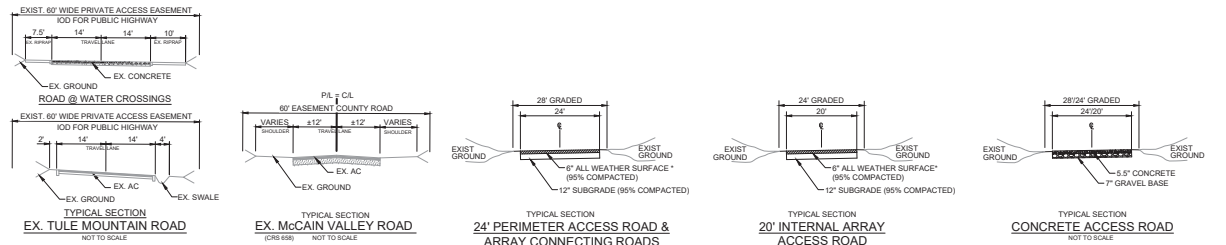
PLANNER/ENGINEER

MICHAEL BAKER
INTERNATIONAL
STEVE WRAGG
9765 CLAREMONT MESA BLVD.
SAN DIEGO, CA 92124
(858) 614-5000

SHEET INDEX

- SHEET 1 - TITLE SHEET
- SHEET 2 - AREA "A" GRADING PLAN
- SHEET 3 - AREA "B" & "C" GRADING PLAN
- SHEET 4 - AREA "D" GRADING PLAN
- SHEET 5 - AREA "E" GRADING PLAN

PROJECT BOUNDARY / SHEET INDEX MAP
SCALE: 1"=500'



* ALL WEATHER, 75,000 lbs. FIRE APPARATUS LOAD CAPACITY
NOTE: STRUCTURAL SECTIONS AS SHOWN ARE FOR PLANNING PURPOSES ONLY. GEOTECHNICAL ENGINEER TO PROVIDE CONSTRUCTION SPECIFICATIONS AT FINAL DESIGN.

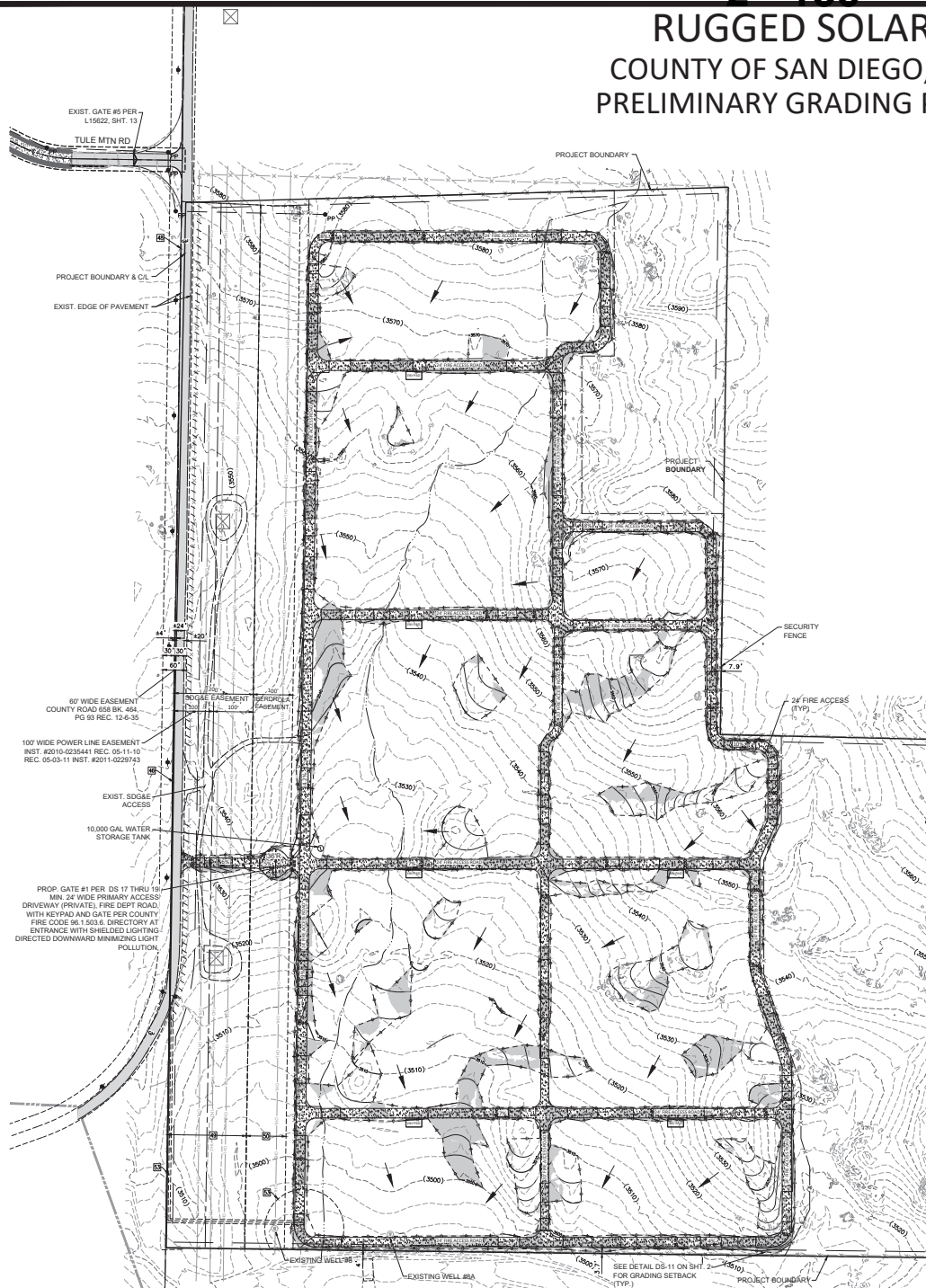
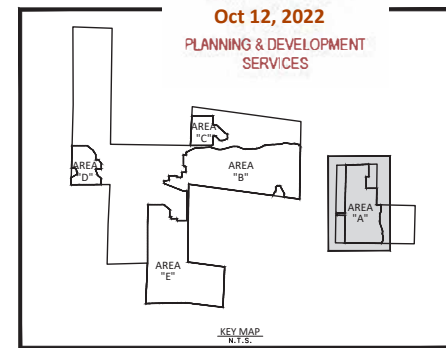
RUGGED SOLAR
COUNTY OF SAN DIEGO, CA
PRELIMINARY GRADING PLAN
PDS 2017-MUP-12-007W1
PDS 2017-MUP-12-007E
TITLE SHEET

2 - 156 RUGGED SOLAR COUNTY OF SAN DIEGO, CA PRELIMINARY GRADING PLAN

APPROVED

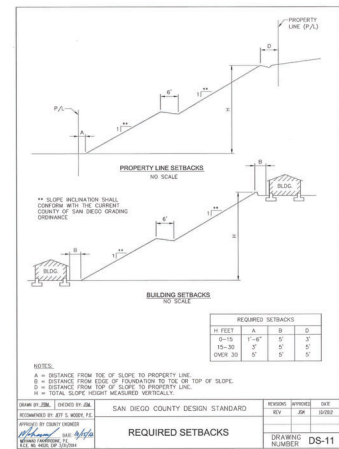
Oct 12, 2022

PLANNING & DEVELOPMENT
SERVICES



LEGEND:

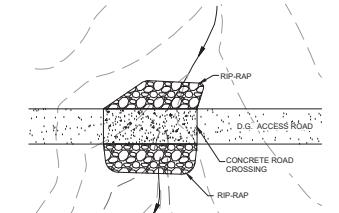
PROJECT BOUNDARY / MUP	
APN PANELS	
EX. EASEMENT	
SETBACK LINE	
PROP. LIMITS OF DEVELOPMENT	
PROP. GATE	
PROP. ALL WEATHER SURFACE (SEE DETAIL ON SHEET 3)	
PROP. CONCRETE SURFACE (SEE DETAIL ON SHEET 3)	
EXIST. FENCE	
PROP. SECURITY FENCE	
DIRECTION OF FLOW	
EXIST. PAVEMENT	
EXIST. CONCRETE	
EXIST. RIP-RAP	
PROP. INVERTER PAD	
100-YR LIMITS OF INUNDATION	
EXIST. WATER WELL	
EXIST. CONTOUR	
PROP. CONTOUR	
RENOUNISH FLOW	
EXIST. DRAINAGE FLOW	
OAKS W/ 50' RPD BUFFER	
PROP. FILL SLOPE	



EXISTING EASEMENTS

ID	DESCRIPTION	DISPOSITION	DOC #
01	PUBLIC UTILITY EASEMENT - MT EMPIRE ELECTRIC CO.	TO REMAIN	INSTR. 00001, 31117071
11	PUBLIC UTILITY EASEMENT - JAMES & WANDA FUDJAY	TO REMAIN	INSTR. 108066, 4131976
12	PUBLIC UTILITY EASEMENT - TONY & PATRICIA WISNIEWSKI	TO REMAIN	INSTR. 2000000002, 0100002
13	ROAD CORN. EASEMENT - MT EMPIRE ELECTRIC CO.	TO REMAIN	INSTR. 2015001550, 1100207
14	INGRESS AND EGRESS - ROUGH ACRE WATER CO.	TO REMAIN	INSTR. 2013000238, 4032013
17	GRANT OF EASEMENT	TO REMAIN	INSTR. 2013000544, 4032013
18	INGRESS AND EGRESS - HARBONY GROVE PARTNERS	TO REMAIN	INSTR. 2013000247, 4032013 & INSTR. 2016004030, 4032013
19	GRANT OF EASEMENT	TO REMAIN	INSTR. 2013000249, 4032013
20	RIGHT TO FISH AND INCIDENTAL PURPOSES - STATE CA.	TO REMAIN	SR. 0031, PG. 344, 10301103
23	STORY-AND-GRACE-USA	TO REMAIN	INSTR. 2010021724, 4032013
31	RESTRICTIVE COVENANT	TO REMAIN	INSTR. 2013011860, 6240010
32	MEMORANDUM OF ACCESS EASEMENT AGREEMENT	TO REMAIN	INSTR. 2012001160, 1100207
33	MEMORANDUM OF ACCESS AND ROAD CONSTRUCTION	TO REMAIN	INSTR. 2012001162, 1100207
36	GRANT OF ACCESS	TO REMAIN	INSTR. 2013000234, 4032013
37	GRANT OF ROOF ACCESS BRANCH ROAD	TO REMAIN	INSTR. 2013000248, 4032013
38	GRANT OF CHARGER WAY	TO REMAIN	INSTR. 2013000248, 4032013
41	TOO FOR PUBLIC HIGHWAY	TO REMAIN	INSTR. 2013000230, 4032013
46	COUNTY HIGHWAY - COUNTY OF SAN DIEGO	TO REMAIN	SR. 464, PG. 81, 12001105
47	INGRESS AND EGRESS - MAINTENANCE OF FENCE	TO REMAIN	SR. 7201, PG. 368, 10101068
49	UTILITY ACCESS - BOSE	TO REMAIN	INSTR. 2010023441, 01102010
50	MEMORANDUM OF POWER LINE EGRESS	TO REMAIN	INSTR. 2011020043, 4032013
53	ACCESS & MAINTENANCE - ROUGH ACRE WATER CO. INC.	TO REMAIN	INSTR. 2013000241, 4032013

EASEMENTS AND RESTRICTIONS (SEE FIRST AMERICAN TITLE INSURANCE COMPANY PRELIMINARY REPORT ORDER NUMBER 300-1144000) SHOWN W/ 25' BUFFER.



CONCRETE ROAD CROSSING

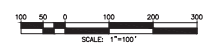
- WIDTH: WIDTH OF ACCESS ROAD
- LENGTH: 20'-100'

RIP-RAP: 1/2 TON TO 1 1/2 TON

- WIDTH: LENGTH OF CONCRETE ROAD CROSSING
- LENGTH: 10' MIN.
- RIP-RAP SHALL BE INSTALLED FLUSH WITH SURROUNDING GROUND AND INCLUDE UNDERLAYMENT OF FILTER FABRIC.

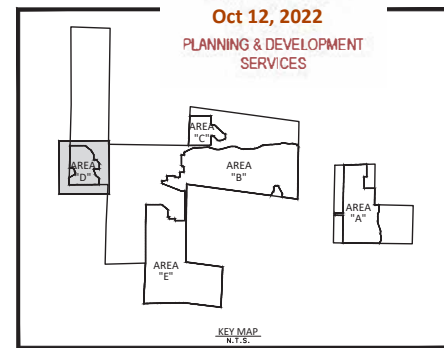
RUGGED SOLAR
COUNTY OF SAN DIEGO, CA
PRELIMINARY GRADING PLAN
PDS 2017-MUP-12-007W1
PDS 2017-MUP-12-007E

AREA "A" GRADING PLAN



2 - 158 RUGGED SOLAR COUNTY OF SAN DIEGO, CA PRELIMINARY GRADING PLAN

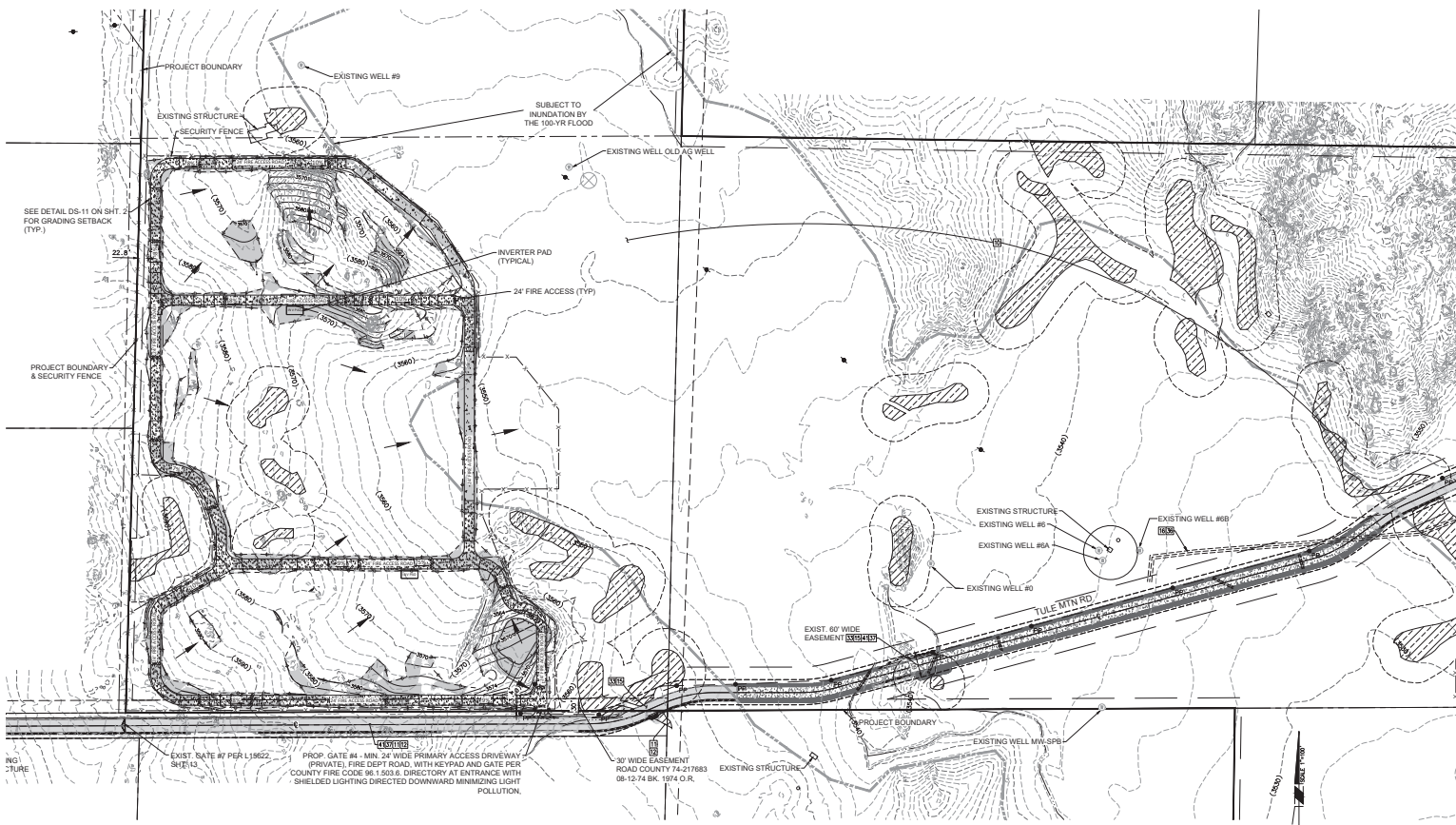
APPROVED
Oct 12, 2022
PLANNING & DEVELOPMENT
SERVICES



EXISTING EASEMENTS

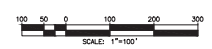
ID	DESCRIPTION	DISPOSITION	DOC #
01	PUBLIC UTILITY EASEMENT - MY EMPIRE ELECTRIC CO.	TO REMAIN	INSTR. 48992, 3111971
11	PUBLIC UTILITY EASEMENT - JAMES & WANDA FLOQUY	TO REMAIN	INSTR. 18862, 4181976
12	PUBLIC UTILITY EASEMENT - YORK & TINA HENNINGHOUS	TO REMAIN	INSTR. 2002-009506, 8190260
13	ROAD CORSE EASEMENT - MY EMPIRE ELECTRIC CO.	TO REMAIN	INSTR. 2012-0031562, 11162012
14	PROFESS AND EXPRESSE EASEMENT FROM WATER CO.	TO REMAIN	INSTR. 2013-005518, 4032013
17	GRANT OF EASEMENT	TO REMAIN	INSTR. 2013-005244, 4032013
18	PROGRESS AND EXPRESSE - WARMONT GRIFF PARTNERS	TO REMAIN	INSTR. 2014-004300, 10052016
19	GRANT OF EASEMENT	TO REMAIN	INSTR. 2013-005249, 4032013
20	OWNER AND OWNERS - USA	TO REMAIN	EX. 488, PG. 344, 10061907
27	RIGHT TO FISH AND INCIDENTAL PURPOSES - STATE CA	TO REMAIN	BK. 6881, PG. 344, 10061907
29	RESERVED MEMORANDUM OF EASE - SOGE	TO REMAIN	INSTR. 2010-011241, 40002010
31	RESTRICTIVE COVENANT	TO REMAIN	INSTR. 2010-010860, 4042010
32	MEMORANDUM OF ACCESS EASEMENT AGREEMENT	TO REMAIN	INSTR. 2012-0031562, 11162012
33	MEMORANDUM OF ACCESS AND ROAD CONSTRUCTION	TO REMAIN	INSTR. 2012-0031562, 11162012
34	GRANT OF ACCESS	TO REMAIN	INSTR. 2013-005244, 4032013
37	GRANT OF ROUGH ACCESS RANCH ROAD	TO REMAIN	INSTR. 2013-005244, 4032013
38	GRANT OF CHANGEMAN WAY	TO REMAIN	INSTR. 2013-005244, 4032013
41	DOT FOR PUBLIC HIGHWAY	TO REMAIN	INSTR. 2014-005033, 8222014
46	COUNTY HIGHWAY - COUNTY OF SAN DIEGO	TO REMAIN	BK. 484, PG. 23, 10061907
48	RESERVED ACCESS & MEMORANDUM OF EASE	TO REMAIN	EX. 726, PG. 344, 10061907
49	UTILITY ACCESS - SOGE	TO REMAIN	INSTR. 2010-022441, 81102010
50	MEMORANDUM OF POWERLINE AGREEMENT	TO REMAIN	INSTR. 2011-002243, 4032011
51	ACCESS & MAINTENANCE - ROUGH ACRES WATER CO. INC.	TO REMAIN	INSTR. 2013-005243, 4032013

EASEMENTS AND RESTRICTING (PER FIRST AMERICAN TITLE INSURANCE COMPANY PRELIMINARY REPORT ORDER NUMBER 2007-10-0004) REVISED 08/22/2020.



LEGEND:

PROJECT BOUNDARY / MUP	---
APN PARCEL	----
EX. EASEMENT	-----
SETBACK LINE	=====
PROP. LIMITS OF DEVELOPMENT	=====
PROP. GATE	=====
PROP. ALL WEATHER SURFACE (SEE DETAIL ON SHEET 1)	=====
PROP. CONCRETE SURFACE (SEE DETAIL ON SHEET 1)	=====
EXIST. FENCE	-----
PROP. SECURITY FENCE	-----
DIRECTION OF FLOW	----->
EXIST. PAVEMENT	=====
EXIST. CONCRETE	=====
EXIST. RIP-RAP	=====
PROP. INVERTER PAD	=====
100-YR LIMITS OF INUNDATION	-----
EXIST. WATER WELL	○
EXIST. CONTOUR	-----
PROP. CONTOUR	-----
EXIST. DRAINAGE FLOW	-----
OAKS W/ 50' RPO BUFFER	○
PROP. FILL SLOPE	-----
EXISTING LOW FLOW CULVERT	-----



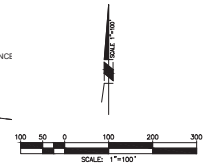
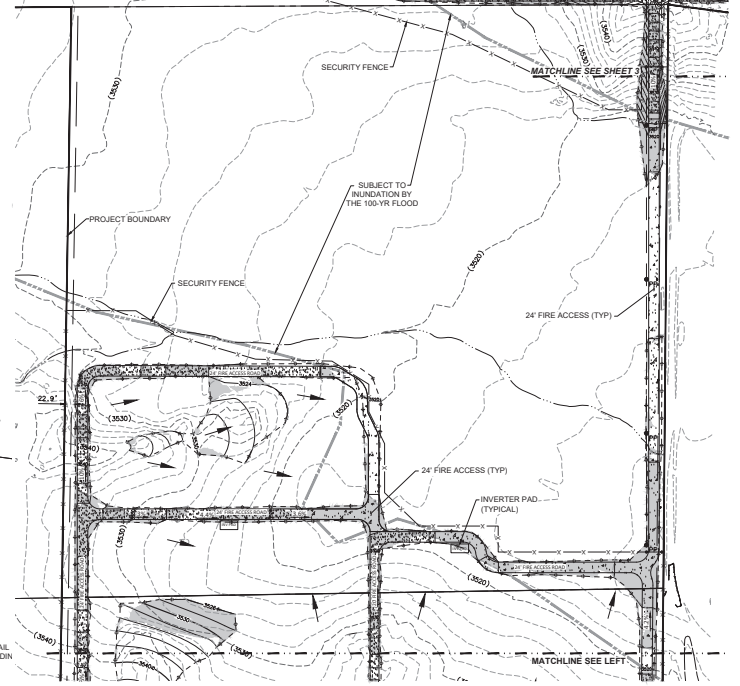
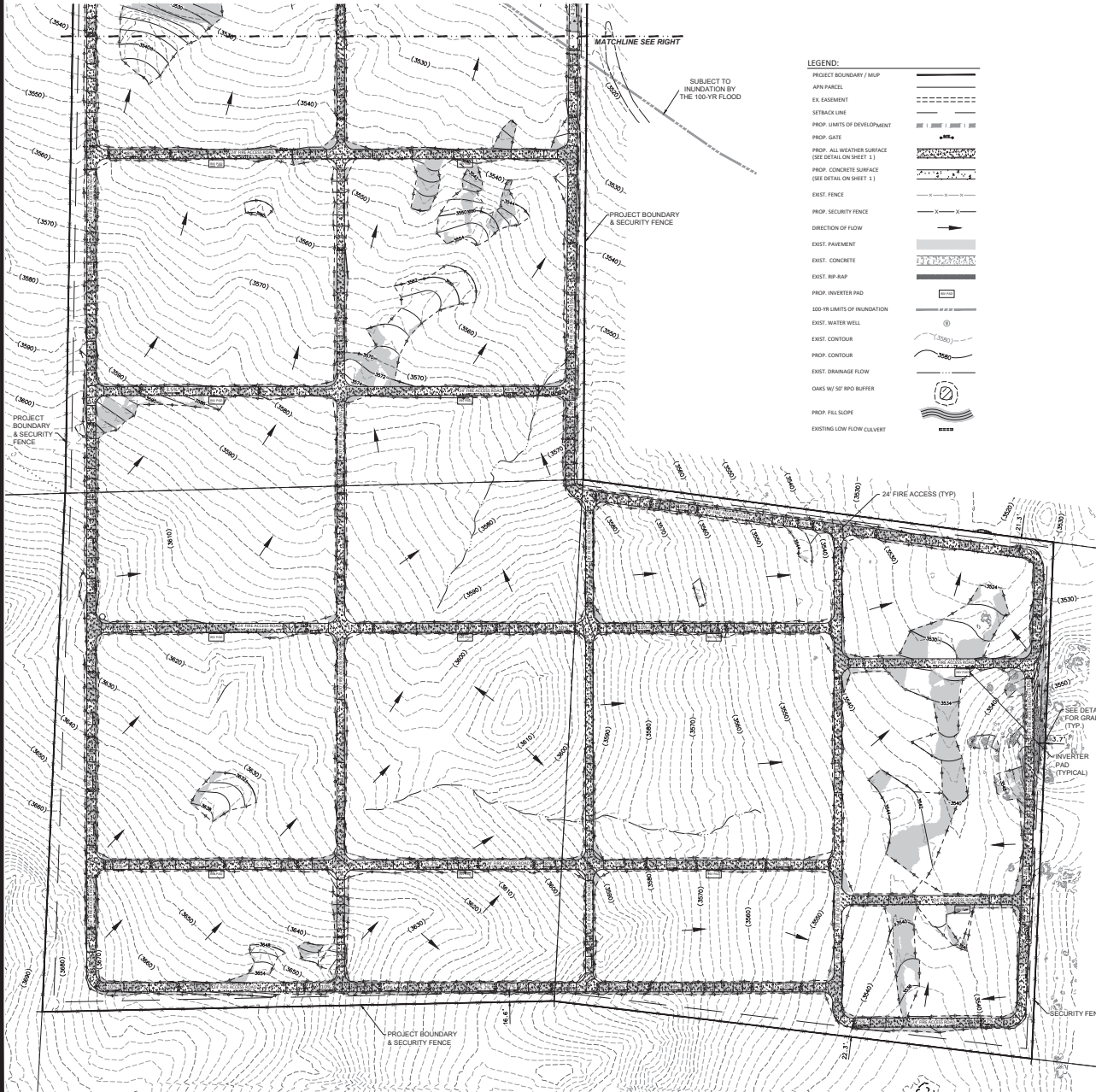
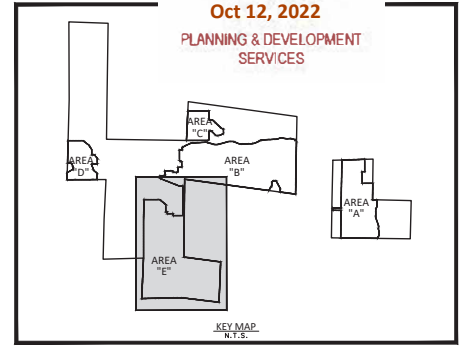
RUGGED SOLAR
COUNTY OF SAN DIEGO, CA
PRELIMINARY GRADING PLAN
PDS 2017-MUP-12-007W1
PDS 2017-MUP-12-007TE

2 - 159 RUGGED SOLAR COUNTY OF SAN DIEGO, CA PRELIMINARY GRADING PLAN

APPROVED

Oct 12, 2022

PLANNING & DEVELOPMENT
SERVICES



RUGGED SOLAR
COUNTY OF SAN DIEGO, CA
PRELIMINARY GRADING PLAN
PDS 2017-MUP-12-007W1
PDS 2017-MUP-12-007TE

AREA "E" GRADING PLAN

5 OF 5
APRIL 13, 2022

0755 Cleaver Road
San Diego, CA 92124
Phone: (619) 814-6000
info@pds.com



Attachment E - Environmental Documentation



County of San Diego

VINCE NICOLETTI
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
(858) 505-6445 General • (858) 694-2705 Codes
(858) 565-5920 Building Services
www.SDCPDS.org

March 21, 2025

An Addendum to the Previously Certified Environmental Impact Report for the Soitec Solar Development Program

FOR PURPOSES OF CONSIDERATION OF RUGGED SOLAR MAJOR USE PERMIT TIME EXTENSION (PDS2024-MUP-12-007W1TE)

The California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164 set forth the criteria for determining what additional environmental documentation, if any, must be completed when a previously certified environmental impact report (EIR) covers the project for which a subsequent discretionary action (or actions) is required. The Rugged Solar Project is one of four individual solar energy projects analyzed in the Revised Final Soitec Solar Development Program EIR, which was certified by the County of San Diego Board of Supervisors on October 14, 2015. In this case, the County of San Diego (County) must assess whether the Revised PEIR for the Rugged Solar Project (Approved Rugged Project) adequately covers the impacts associated with the owner/applicant-initiated Time Extension for the Major Use Permit Modification (Proposed Project). This Environmental Review Update Checklist Form has been prepared in accordance with CEQA Guidelines Section 15164(e) to explain the rationale for determining whether any additional environmental documentation is needed for the subject discretionary actions.

1. Background on previously certified EIRs:

Revised Final Soitec Solar Development Program EIR (Revised PEIR). On October 14, 2015, the County of San Diego Board of Supervisors adopted the Tailored Proposed Project and No LanEast and LanWest Alternative (Alternative 2A) as the "project," and certified the Revised Final Program Environmental Impact Report (Revised PEIR) (SCH NO. 2012-121-018) for the Soitec Solar Development Project (Soitec Project) (County of San Diego 2015a). The Soitec Project analyzed in the Revised PEIR encompassed approximately 1,490 acres within the Mountain Empire Subregional Plan area in unincorporated San Diego County. The Soitec Project was composed of four individual solar farms. The Tierra del Sol Solar and

Rugged Solar Projects were analyzed at a project level, and the LanEast Solar and LanWest Solar Projects were analyzed at a program level. The four individual solar farms proposed to use concentrator photovoltaic (CPV) electric generation system technology on dual-axis trackers to produce solar energy at the utility-scale. Together, these four solar farms comprised the whole of the action as defined by CEQA and were intended to produce up to 168.5 megawatts. However, the County Board of Supervisors approved Alternative 2A, which eliminated the LanEast and LanWest Solar Projects entirely, reduced the Tierra del Sol Solar Project by 99 trackers, and reduced the Rugged Solar Project by 177 trackers within the western subarea (Assessor's Parcel Number [APN] 611-060-04-00) near the Tule Creek corridor. Alternative 2A as approved by the County Board of Supervisors—composed of the Tierra del Sol Solar and Rugged Solar Projects—is referred to herein as the Approved Project.

The Revised PEIR evaluated potentially significant effects of the Soitec Project for the following environmental areas of potential concern: Aesthetics; Agricultural and Forestry Resources; Air Quality; Biological Resources; Cultural Resources; Geology, Soils, and Seismicity; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Mineral Resources; Noise; Paleontological Resources; Population and Housing; Public Services; Parks and Recreation; Transportation and Traffic; and Utilities and Service Systems.

Of these environmental subject areas, the Revised PEIR found that the Approved Project, consisting of just the Tierra del Sol Solar and Rugged Solar Projects, would result in less-than-significant impacts to Agricultural and Forestry Resources; Geology, Soils, and Seismicity; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Paleontological Resources; Public Services; Transportation and Traffic; Utilities and Service Systems; Parks and Recreation; Mineral Resources; and Population and Housing. The Revised PEIR further found that the Approved Project would cause significant impacts that could be mitigated to a level below significance to Biological Resources, Cultural and Paleontological Resources, and Noise. Finally, the Revised PEIR found that impacts to Aesthetics and Air Quality would remain significant and unavoidable. The County Board of Supervisors made CEQA Findings and approved a Statement of Overriding Considerations when it certified the Revised PEIR and approved the Approved Project.

Rugged Solar Project Addendum. On October 12, 2022, the Board of Supervisors approved an Addendum to the Revised PEIR for a Time Extension and Modification to the Major Use Permit along with a Fire Protection and Emergency Services Agreement for the Rugged Solar Project (2022 Addendum). This modification transitioned the project from CPV technology to photovoltaic (PV) solar technology, reducing the maximum panel height from 30 feet to 12 feet and decreasing the development footprint by approximately 21%, from 498 acres to 391 acres.

The development covers 391 acres within a 764-acre project site, located in the Boulevard Subregional Planning Area, which is part of the Mountain Empire Subregional Plan Area. The project includes all essential components, such as the solar facility, access roads, and staging areas.

2. Lead agency name and address:

County of San Diego, Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, California 92123

- a. Contact: Bronwyn Brown
- b. Phone number: 619-309-9949
- c. Email: Bronwyn.brown2@sdcounty.ca.gov

3. Project applicant's name and address:

Rugged Solar LLC
c/o J. Whalen Associates Inc.
2851 Camino del Rio S., Suite 200
San Diego, California 92108

- a. Jean-Paul La Marche
- b. Phone number: (858) 349-2666
- c. Email: jean-paul.lamarche@cleanfocus.us

4. Summary of the activities authorized by present permit/entitlement application(s):

The previously approved project was a Major Use Permit Modification to develop a large-scale utility solar energy facility.

5. Does the project for which a subsequent discretionary action is now proposed differ in any way from the previously approved project?

This Time Extension request does not introduce any scope or design changes or modifications to the project as approved in 2022. The extension is necessary to address delays in securing funding, fluctuations in renewable energy market conditions, and the time required for essential pre-construction tasks, including permitting, final engineering design, and coordination with utility providers. Extending the timeline will ensure the project remains viable and compliant with its existing approvals while allowing sufficient time for large-scale renewable energy development.

6. Subject areas determined to have new or substantially more severe significant environmental effects compared to those identified in the previous Negative Declaration (ND) or EIR. The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> NONE | | |
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology and Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards and Hazardous Materials |
| <input type="checkbox"/> Hydrology and Water Quality | <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities and Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION:

On the basis of this analysis, Planning & Development Services has determined that:

- No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or MND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no “new information of substantial importance” as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously certified EIR is adequate upon completion of an ADDENDUM.
- No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no “new information of substantial importance” as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, because the project is a residential project in conformance with, and pursuant to, a Specific Plan with an EIR completed after January 1, 1980, the project is exempt pursuant to CEQA Guidelines Section 15182.
- Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is “new information of substantial importance,” as that term is used in CEQA Guidelines Section 15162(a)(3). However all new significant environmental effects or a substantial increase in severity of previously identified significant effects are clearly avoidable through the incorporation of mitigation measures agreed to by the project applicant. Therefore, a SUBSEQUENT ND is required.
- Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND or EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is “new information of substantial importance,” as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a SUBSEQUENT or SUPPLEMENTAL EIR is required.

<i>Bronwyn Brown</i>	March 21, 2025
Signature	Date
Bronwyn Brown	Project Manager
Printed Name	Title

INTRODUCTION

CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration (ND) or a previously certified Environmental Impact Report (EIR) for the project.

CEQA Guidelines, Section 15162(a) and 15163 state that when an EIR has been certified or a ND has been adopted for a project, no Subsequent or Supplemental EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the ND was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or ND;
 - b. Significant effects previously examined will be substantially more severe than shown in the previously certified EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines, Section 15164(a) states that the lead agency or responsible agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent EIR have occurred.

If the factors listed in CEQA Guidelines Sections 15162, 15163, or 15164 have not occurred or are not met, no changes to the previously certified EIR or previously adopted ND are necessary.

The following responses detail any changes in the project, changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that may cause one or more effects to environmental resources. The responses support the “Determination,” above, as to the type of environmental documentation required, if any.

ENVIRONMENTAL REVIEW

The applicant for the Rugged Solar Project is requesting a Time Extension for the previously approved Major Use Permit Modification to develop a large-scale utility solar energy facility. The Time Extension does not propose any changes or modifications to the scope and/or design of the project as previously analyzed and approved in 2022. Since the Time Extension does not propose any changes to the project design or development footprint there would be no change in the analysis from the 2022 Addendum. All previously established mitigation measures, project design features, and environmental commitments approved in 2022 continue to be maintained as part of this Time Extension request.

Therefore, the proposed project would not require major revisions to the Revised PEIR due to new significant effects or the substantial increase in the severity of previously identified significant effects. There are no substantial changes with respect to the circumstances under which the proposed project would be undertaken that would require major revisions to the Revised PEIR due to new significant effects or the substantial increase in the severity of previously identified significant effects. Likewise, there is no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Revised PEIR was certified that shows that the proposed project would result in new significant effects or substantially more severe effects than those analyzed in the Revised PEIR.

ATTACHMENTS

An Addendum to the Previously Certified Environmental Impact Report for the Soitec Solar Development Program, 2022

REFERENCES

County of San Diego. 2015a. *Revised Final Program Environmental Impact Report, Soitec Solar Development Project*. SCH NO. 2012-121-018. Certified by the County of San Diego Board of Supervisors on October 14, 2015. <https://www.sandiegocounty.gov/content/sdc/pds/ceqa/Soitec-Solar-RFPEIR.html>.

County of San Diego. 2015b. *Final Program Environmental Impact Report, Soitec Solar Development Project*. January 2015. <https://www.sandiegocounty.gov/content/dam/sdc/pds/ceqa/Soitec-Documents/Final-EIR-Files/00.Cover-TOC.pdf>.

Attachment F – Public Documentation



County of San Diego, Planning & Development Services
**COMMUNITY PLANNING OR SPONSOR
GROUP PROJECT RECOMMENDATION**
ZONING DIVISION

Record ID(s): PDS2024-MUP-12-007W1TE

Project Name: Rugged Solar Time Extension

Planning/Sponsor Group: Boulevard Community Planning Group

Results of Planning/Sponsor Group Review

Meeting Date: 1st Thursday of the Month 11/7/2024

A. Comments made by the group on the proposed project.

VERIFIED THIS PERMIT WAS TIME EXTENSION ONLY.

B. Advisory Vote: The Group **Did** **Did Not** make a formal recommendation, approval or denial on the project at this time.

If a formal recommendation was made, please check the appropriate box below:

- MOTION:**
- Approve without conditions
 - Approve with recommended conditions
 - Deny
 - Continue

VOTE: 4 Yes 0 No 1 Abstain 2 Vacant / Absent

C. Recommended conditions of approval:

NONE

Reported by: *Earla Goodnight* Position: CHAIR Date: 11/7/2024

EARLA GOODNIGHT

Please email recommendations to BOTH EMAILS;
Project Manager listed in email (in this format): Firstname.Lastname@sdcounty.ca.gov and to CommunityGroups.LUEG@sdcounty.ca.gov

5510 OVERLAND AVE, SUITE 110, SAN DIEGO, CA 92123 • (858) 694-8985 • (888) 267-8770
<http://www.sdcounty.ca.gov/pds>

From: york.heimerdinger
To: Brown, Bronwyn
Cc: yorksells@att.net; Andrew Heimerdinger
Subject: [External] Comments - Rugged Solar [SDC PDS RCVD 10-17-24], MUP12-007W1TE
Date: Friday, November 15, 2024 12:15:12 PM

We oppose this project.

This project, if allowed to proceed, will decimate 763 pristine acres of historic Mc Cain Valley. This is a large-scale project that decimates, to bare soil, a vast area of "meadow land". The proposed "solar farm" would be environmental and visual blight on one of San Diego Counties historically important areas of range land. Not only is this a proposed complete destruction of habitat but also harms local landowners' property value. The intense ground grading required of this project destroys all habitat within its fenced boundaries (763 acres). When local landowners and residents acquired their parcels, they never expected or "signed on" for this type of adjacent land destruction.

If this project proceeds significant financial harm will be done to many landowners. This project is proposed as a "solar farm" but we now understand this will not be any sort of "farm", but just the opposite, creating a total environmental destruction a 763 acres of pristine nature that has acted as important range land for over a century.

Please consider the financial harm to people; destruction to habitat to all local wildlife and biologic vegetation that will be created if this is approved.

Sincerely,
York Heimerdinger

Please post to public record file.

Attachment G – Ownership Disclosure



2172
County of San Diego, Planning & Development Services
APPLICANT'S DISCLOSURE OF OWNERSHIP
INTERESTS ON APPLICATION FOR ZONING
PERMITS/ APPROVALS
ZONING DIVISION

Record ID(s) _____

Assessor's Parcel Number(s) _____

Ordinance No. 4544 (N.S.) requires that the following information must be disclosed at the time of filing of this discretionary permit. The application shall be signed by all owners of the property subject to the application or the authorized agent(s) of the owner(s), pursuant to Section 7017 of the Zoning Ordinance. **NOTE:** Attach additional pages if necessary.

A. List the names of all persons having any *ownership interest* in the property involved.

_Frankie Thibodeau Irrevocable Trust 11-09-11	

B. If any person identified pursuant to (A) above is a corporation or partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

C. If any person identified pursuant to (A) above is a non-profit organization or a trust, list the names of any persons serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

_Brendan Thiessen, President	

NOTE: Section 1127 of The Zoning Ordinance defines Person as: "Any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit."

 Signature of Applicant

_____ *Brendan Thiessen - President* _____
 Print Name

----- OFFICIAL USE ONLY -----