

STAFF REPORT
Planning Commission
November 18, 2021

Subject:

- A. Adoption of Addendum to the Final EIR (SCH# 2017121078) for the Laurel Cluster Solar Farms Project, subject to the Mitigation, Monitoring and Reporting Program (MMRP) and Findings
- B. Zone Change #21-0002
- C. Conditional Use Permit #21-0013 (Laurel 2 North)
- D. Conditional Use Permit #21-0014 (Laurel 2 South)
- E. Lot Line Adjustment #00321

Project Name: Laurel 2 North and Laurel 2 South Project

Applicants: 92JT 8me, LLC and 38KM 8me LLC

Project Location:

The proposed Laurel 2 South Solar Farm (L2S) and Laurel 2 North Solar Farm (L2N) Projects are located approximately eight miles southwest of the City of El Centro in an unincorporated area of the County of Imperial. The L2S project site encompasses approximately 160 acres and is located north of West Diehl Road, west of Derrick Road, and east of Jessup Road. The L2N project site encompasses approximately 120 acres and is located south of Interstate 8 (I-8), west of Jessup Road, north of West Vaughn Road and east of Fern Canal.

Project Background:

On January 15, 2019, the Imperial County Board of Supervisors certified the Final Environmental Impact Report (EIR) and adopted four Conditional Use Permits (CUPs) for the Laurel Cluster Solar Farms Project. The Laurel Cluster Solar Farms Project consisted of four photovoltaic (PV) solar farm facilities and associated infrastructure, which would collectively generate up to 325 megawatts on approximately 1,380 acres. 92JT 8me LLC and 90FI 8me LLC applied for individual CUPs for each of the proposed locations: Laurel Cluster Solar Farm 1 (CUP 17-0028), Laurel Cluster Solar Farm 2 (CUP 17-0029), Laurel Cluster Solar Farm 3 (CUP 17-0030), and Laurel Cluster Solar Farm 4 (CUP 17-0027). Table 1 provides the acreage and proposed MW output of each of the projects.

Table 1. Laurel Cluster Solar Farms Acreage and Proposed Megawatt Output

Project	CUP	Acreage	Proposed MW
Laurel Cluster Solar Farm 1	17-0028	171	40
Laurel Cluster Solar Farm 2	17-0029	280	70
Laurel Cluster Solar Farm 3	17-0030	587	140
Laurel Cluster Solar Farm 4	17-0027	342	75
Total	--	1,380	325

The Board-certified Laurel Cluster Solar Farms Project Final EIR (State Clearinghouse No. 2017121078) determined that all significant impacts could be reduced to a level less than significant with the incorporation of mitigation measures. The potentially significant effects that were mitigated consisted of the following: Aesthetics (specifically related to light and glare), Agriculture Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, and Hydrology/Water Quality.

Project Summary:

The project applicant is requesting approval of two CUPs for the construction and operation of two individual utility-scale solar farms, Laurel 2 South Solar Farm (L2S) and Laurel 2 North Solar Farm (L2N), within the previously-approved Laurel Cluster Solar Farms project area. Specifically, the projects would be located within the Laurel Cluster Solar Farm 2 project area (Assessor Parcel Numbers 051-300-032, 051-300-036, 051-310-027, and 051-310-028). The two CUPs will simply be the reorganization of the previously-approved Laurel Cluster Solar Farm 2 project area, as follows:

- L2S Project (CUP 21-0013) – 40 MW PV solar facility on 160 acres
- L2N Project (CUP 21-0014) – 30 MW PV solar facility on 120 acres

With approval of these two CUPS, the Laurel Cluster Solar Farms Projects would have a total of 5 CUPs covering 5 individual solar farm facilities.

The project applicant is also requesting a lot line adjustment to change the property lines on three existing APNs (APN 051-300-032, 051-300-035, and 051-300-036). The lot line adjustment proposes the following:

- Reconfiguration of APN 051-300-032
- Combine a portion of APN 051-300-032 with APN 051-300-036
- Combine a portion of APN 051-300-032 with APN 051-300-035

Because APN 051-300-032 is proposed to be reconfigured, the project applicant is requesting to change the zoning designation of the entire parcel from A-2-R-

RE/A-3-RE to A-3-RE. In doing so, all resulting parcels from the proposed lot line adjustment will have the same A-3-RE zoning designation.

No substantial changes to the previously-approved project are proposed. The proposed L2S and L2N Projects would involve the development of PV energy facilities, battery storage facilities (up to 40 megawatts and up to 30 megawatts, respectively) and associated infrastructure on 160 acres and 120 acres, respectively. Power generated by each Project would be delivered from the project sites via 230-kilovolt overhead and/or underground electrical transmission line(s) originating from an on-site substation(s)/switchyard(s) and terminating at the proposed Imperial Irrigation District (IID) Fern Substation, as stated in the CUP applications. Alternatively, power from the projects may be transmitted via the existing Campo Verde's 230 kV gen-tie line to SDG&E's Imperial Valley Substation located on Bureau of Land Management land. The Laurel Solar Farms Project Final EIR analyzed development of on-site operations and maintenance (O&M), substation, and/or transmission facilities as part of the previously approved Laurel Cluster Solar Farm (CUP 17-0029). As stated in the CUP applications, the proposed L2S and L2N Projects may involve the development of these facilities or may instead share such facilities with nearby solar projects and/or may be remotely operated.


RECOMMENDED ACTIONS

Staff recommends that the Planning Commission hold a public hearing and hear all proponents and opponents of the proposed project, and consider the following actions to advise the Board to approve the following actions:

- A. Adopt the Addendum to the Final Impact Report EIR (SCH# 2017121078) for the Laurel Cluster Solar Farms Project, subject to the Mitigation, Monitoring and Reporting Program as well as the Findings and Resolution;
- B. Resolution for the Codified Ordinance with Findings for Zone Change #21-0002 modifying APNs 051-300-036, -035 and -032-000 to "A-3-RE" (Heavy Agriculture with Renewable Energy Overlay) and adopt the Ordinance modifying Division 25, Chapter 40;
- C. Resolution for the Approval of Conditional Use Permit #21-0013 for the Laurel 2 South Project, subject to all of the conditions of approval and Findings;
- D. Resolution for the Approval of Conditional Use Permit #21-0014 for the Laurel 2 North Project, subject to all of the conditions of approval and Findings;
- E. Make the finding that the Lot Line Adjustment #00321 is categorically exempt from CEQA under Government Code 15305 and that no further environmental document is necessary; and

F. Find that Lot Line Adjustment #00321 is consistent with applicable zoning, State Laws, and County Building Ordinances and make the findings and approve Lot Line Adjustment #00321, subject to the conditions.

PREPARED BY: 
Diana Robinson, Planning Division Manager

REVIEWED BY: 
Michael Abraham, AICP, Asst. Planning Director
Planning & Dev. Services Department

APPROVED BY: 
Jim Minnick, Director
Planning & Dev. Services Department

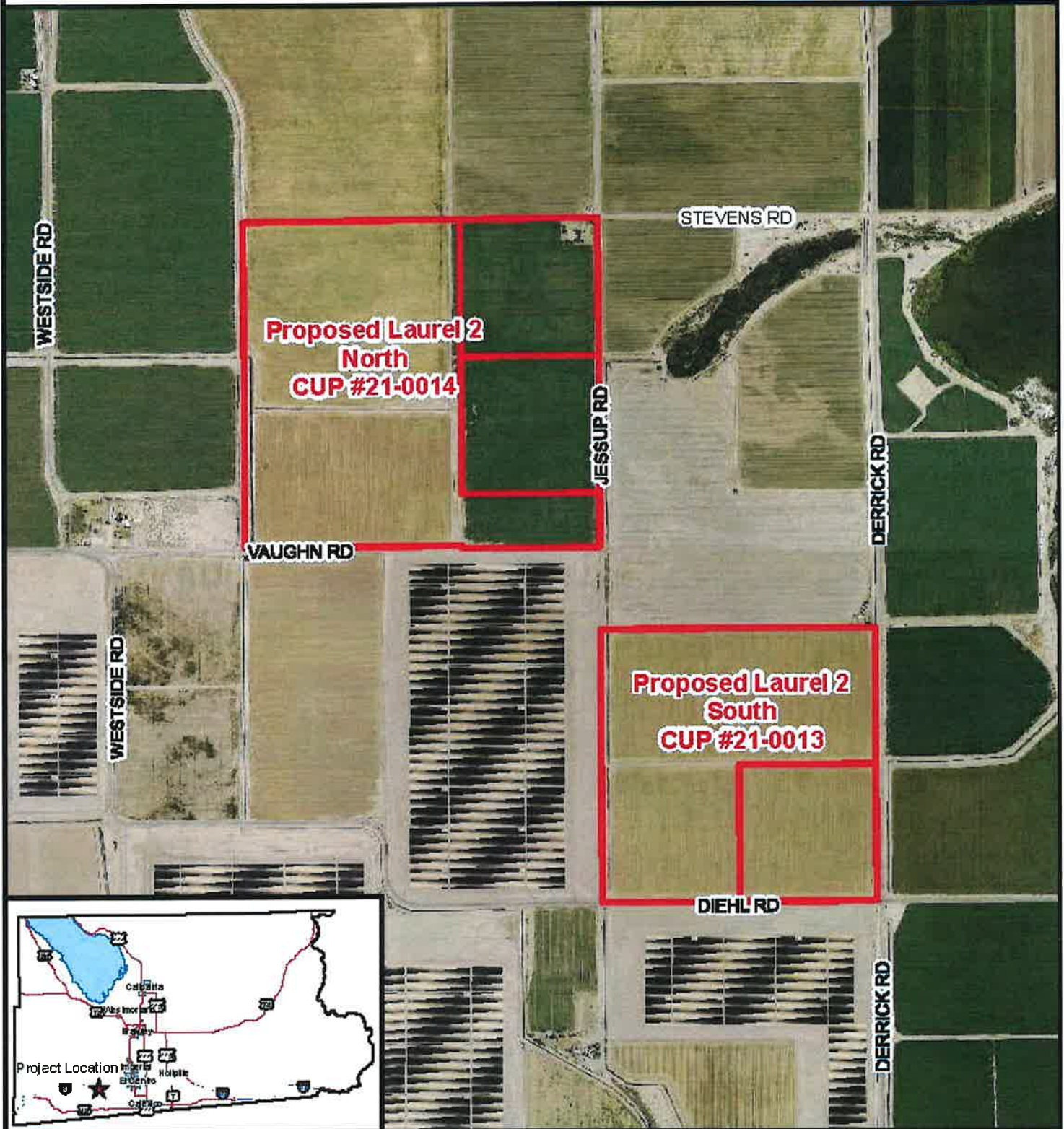
Attachments:

- Attachment A: Location Map
- Attachment B: Site Plans
- Attachment C: Planning Commission Resolution
- Attachment D: Zone Change Ordinance & Findings
- Attachment E: Resolution for Conditional Use Permit CUP 21-0013
- Attachment F: Resolution for Conditional Use Permit CUP21-0014
- Attachment G: EEC package (including Addendum to FEIR)
- Attachment H: LLA Findings and Conditions

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Attachment A: Location Map

PROJECT LOCATION MAP

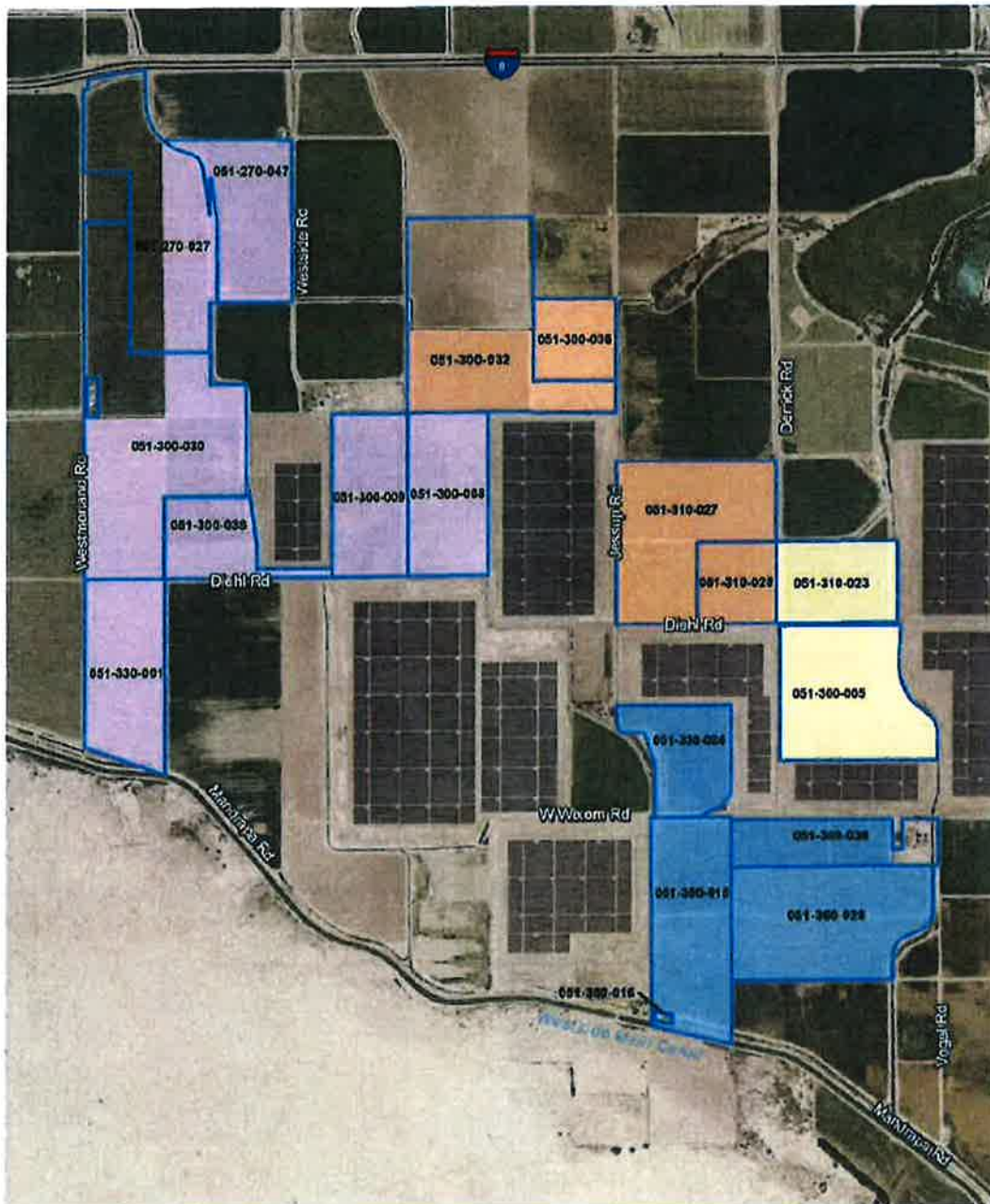


**LAUREL 2 NORTH AND
LAUREL 2 SOUTH PROJECT
CUP #21-0014 / CUP #21-0013
ZC #21-0002 / LLA #00321
IS #21-0016
APN #051-300-032 ET AL.**

 Project Parcels
 Centerline



Attachment B: Site Plans



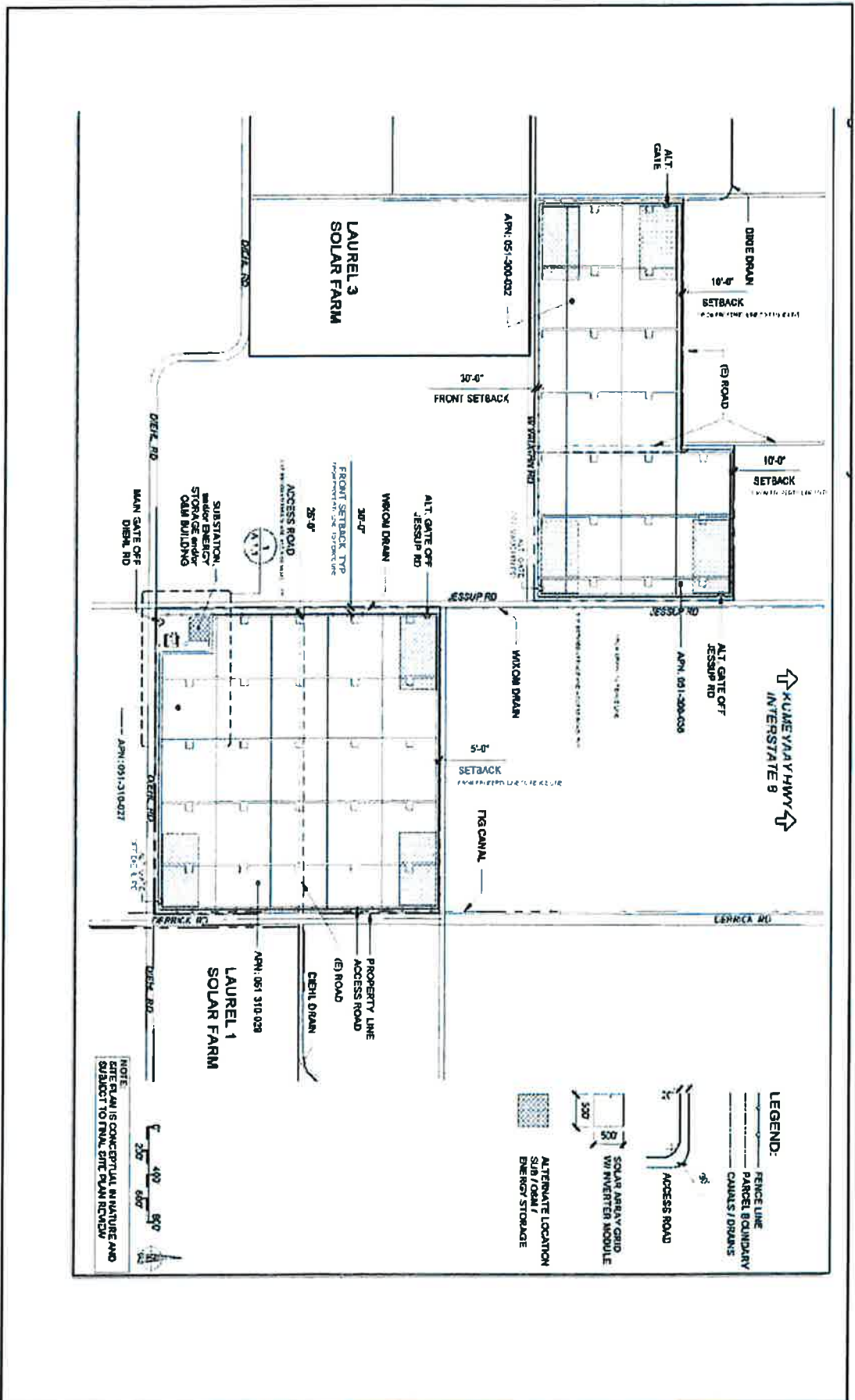
LEGEND

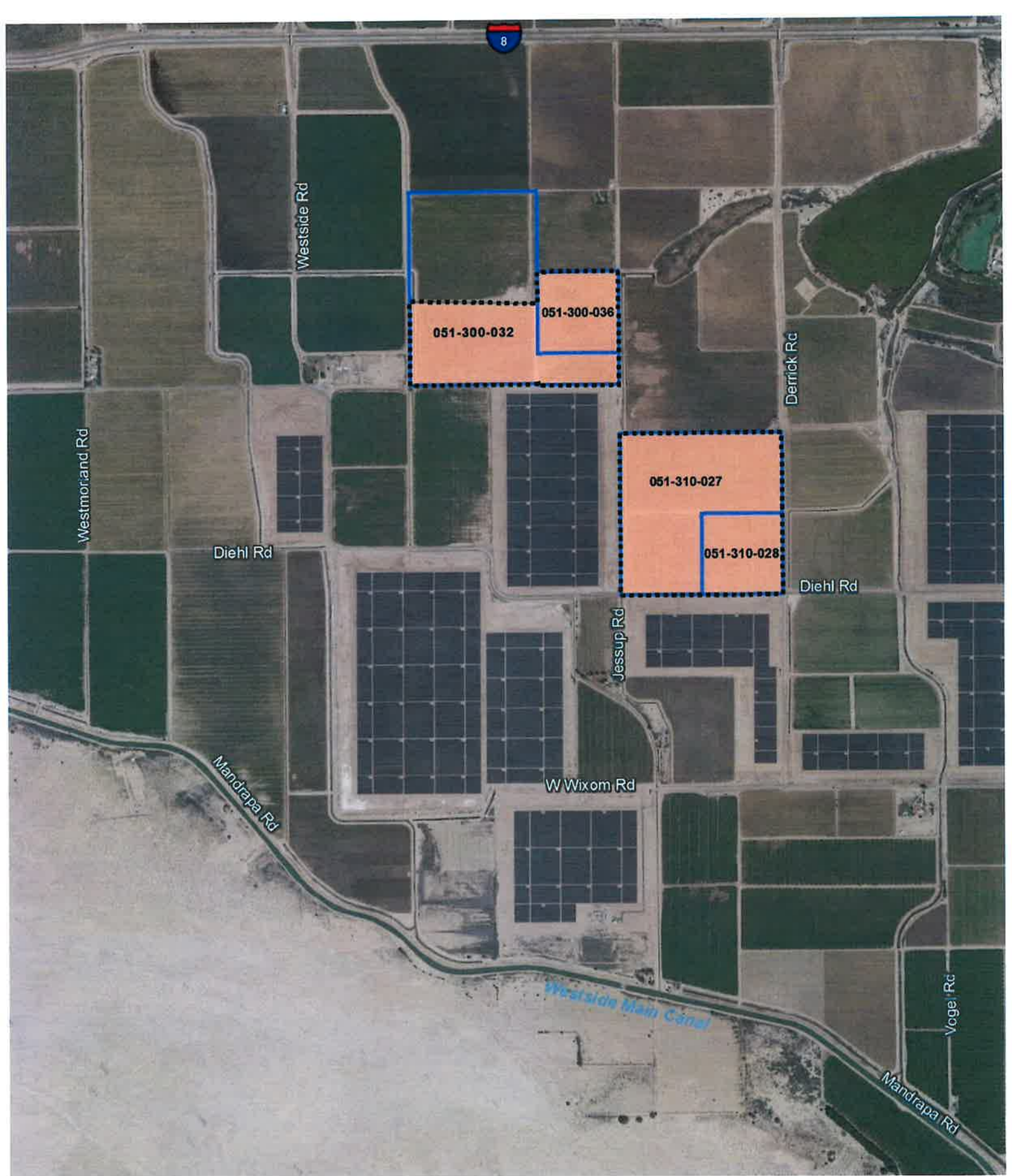
- Big Rock 1 Solar Farm
- Assessor Parcels
- Laurel 1 Solar Farm
- Laurel 2 Solar Farm
- Laurel 3 Solar Farm






Figure 1 Site Location

Figure 2 Site Plan

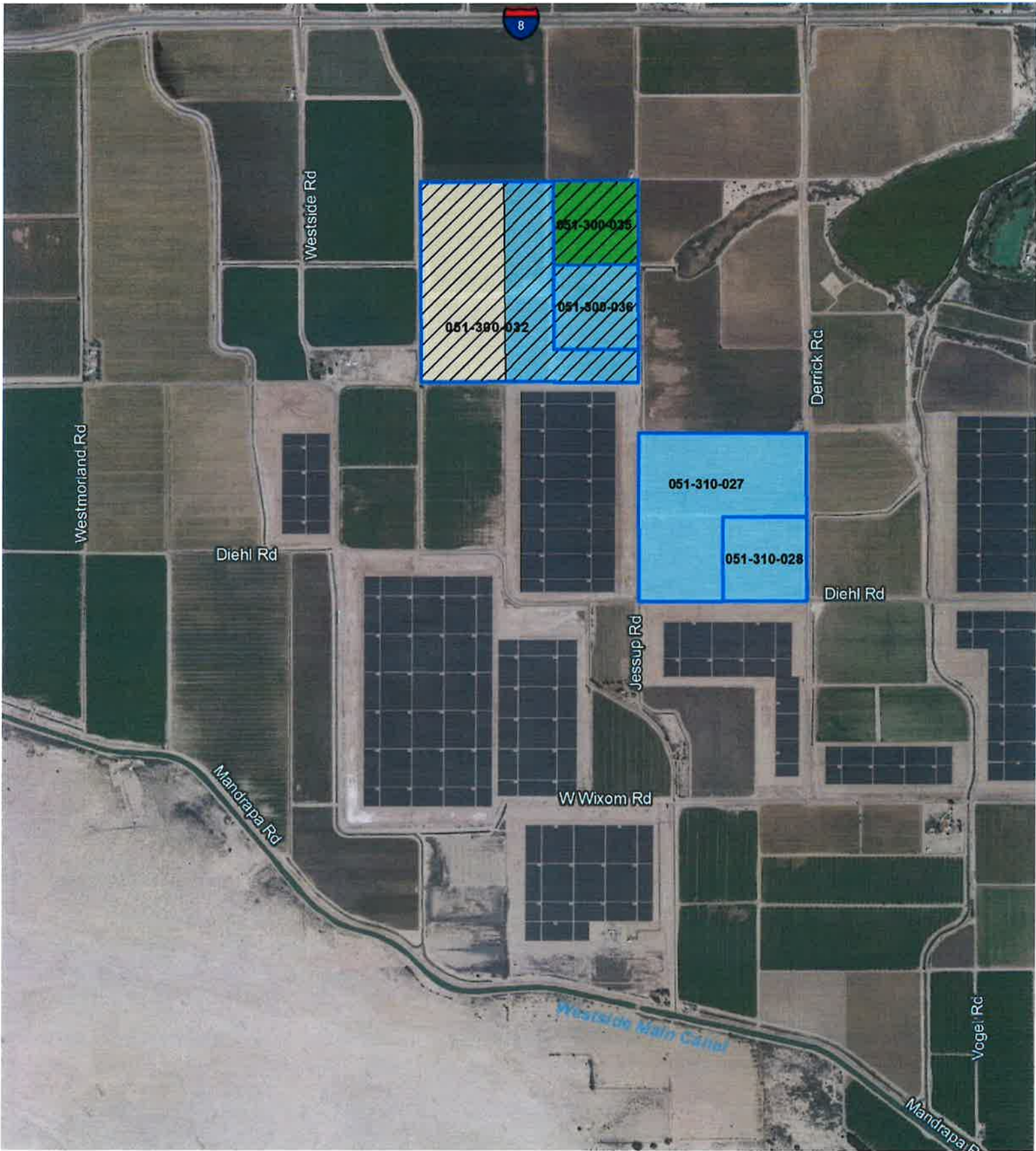




LEGEND

-  Proposed CUP Modification Area
-  Previously Approved Laurel Solar Farm 2 Project – CUP 17-0029
-  Assessor Parcels






LEGEND

 Proposed A-3-RE Zone (Heavy Agriculture- Renewable Energy Overlay Zone)

Existing Zoning

 A-2-R-RE (General Agricultural - Rural- Renewable Energy Overlay Zone)

 A-3 (Heavy Agriculture)

 A-3-RE (Heavy Agriculture- Renewable Energy Overlay Zone)



**Attachment C: Planning Commission
Resolution**

RESOLUTION NO. _

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, RECOMMENDING TO THE IMPERIAL COUNTY BOARD OF SUPERVISORS APPROVAL OF ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE LAUREL CLUSTER SOLAR FARM PROJECT.

WHEREAS, 92JT 8me LLC and 38KM 8me LLC have filed a request for an Addendum to the Final Environmental Impact Report for the Laurel Cluster Solar Farm Project, and

WHEREAS, on January 15, 2019, the Imperial County Board of Supervisors certified a Final Environmental Impact Report (SCH #2017121078) and adopted a Statement of Findings, and a Mitigation Monitoring and Reporting Plan, and based thereon approved four (4) Laurel Cluster Solar Farm Conditional Use Permits, and

WHEREAS, the Planning Commission of the County of Imperial has been delegated with the responsibility of making recommendations to the Imperial County Board of Supervisors for changes to General Plan including the Land Use Element; and

WHEREAS, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on November 18, 2021;

NOW THEREFORE, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

SECTION 1. The Planning Commission has considered the proposed Addendum prior to making a decision to recommend that the Board of Supervisors approve the proposed Addendum. The Planning Commission finds and determines that the Project will not result in any new or additional significant adverse impacts. An addendum is the proper and appropriate environmental document for the Project in accordance with the provision of California Environmental Quality Act (CEQA).

The Project will not result in substantial changes that would lead to the identification of a new or previously unidentified significant environmental effect that would require revision of the Final Environmental Impact Report for the Laurel Cluster Solar Farm Project.

**PLANNING COMMISSION RESOLUTION FOR
Addendum for the Laurel Cluster Solar Farm Project
Page 2 of 2**

No 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 Environmental Impact Report for the Laurel Cluster Solar Farm Project was certified, has been discovered which would require revision of the previously certified Environmental Impact Report.

NOW, THEREFORE, based on the above, the Planning Commission of Imperial County **DOES HEREBY RECOMMEND** that the Board of Supervisors approve Addendum for the Laurel Cluster Solar Farm Project.

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certify that the preceding resolution was taken by the Planning Commission at a meeting conducted on November 18, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Jim Minnick, Director of Planning and Development Services
Secretary to the Planning Commission

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, FOR THE RECOMMENDATION TO THE BOARD OF SUPERVISORS FOR AN APPROVAL OF A ZONE CHANGE TO CHANGE THE ZONING CLASSIFICATION FROM “A-2-R-RE” (GENERAL AGRICULTURE-RURAL-RE OVERLAY), “A-3” (HEAVY AGRICULTURE) AND “A-2-R” (GENERAL AGRICULTURE-RURAL) TO “A-3-RE” (HEAVY AGRICULTURE-RE OVERLAY) AND THE ADOPTION OF THE ZONE CHANGE TO THE CODIFIED ORDINANCE.

WHEREAS, Project Applicant 38KM 8me LLC has filed an application to re-zone parcels 051-300-032, -035 and -036-000 from “A-2-R-RE” (General Agriculture-Rural-RE Overlay), “A-3” (Heavy Agriculture) and “A-2-R” (General Agriculture-Rural) to “A-3-RE” (Heavy Agriculture with RE Overlay) as part of the Laurel 2 North and Laurel 2 South Project. The project site is surrounded by agricultural fields and solar farms approved under the Laurel Cluster Solar Farms project.

WHEREAS, the Planning Commission of the County of Imperial has been delegated with the responsibility of making a recommendation to the Board of Supervisors on a decision for changes to Zoning Map No.40 :Westside School Area”; and

WHEREAS, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on November 18, 2021;

NOW THEREFORE, the Planning Commission of the County of Imperial DOES HEREBY RESOLVE as follows:

SECTION 1. The Planning Commission has considered the proposed Zone Change #21-0002, prior to making a recommendation to the Board of Supervisors on a decision for the proposed amendment to the Zoning Map. Planning Commission finds and determines that the Environmental Impact Report is adequate and prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), which analyzes environmental effects, based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning law and the County of Imperial General Plan and Zoning Ordinances, the following findings for the approval of Zone Change #21-0002 have been made as follows:

1. The proposed Zone Change has been analyzed relative to its potential to be detrimental to the health, safety, comfort and welfare of the persons residing or working within the neighborhood of the proposed Zone Change. Staff concluded that the project does not propose land uses, densities, or development patterns

**PLANNING COMMISSION RESOLUTION FOR
ZONE CHANGE #21-0002**

Page 2 of 3

that will jeopardize the health and safety of the persons residing or working within the neighborhood of the property. Health, safety, and welfare will not be degraded as a result of this project.

2. The Zone Change is consistent with the General Plan's underlying land use designation.
3. The proposed Zone Change subject to this recommendation is consistent with the uses allowed by Imperial County's Land Use Ordinance 90509.02, provided that the applicant obtains a conditional use permit since said code section allows solar facilities subject to a Conditional Use Permit.
4. The site physically is suitable of this type of development and zoning. The project site consists of generally low-lying level topography.
5. The change of zone will not conflict with any easements required by the public at large for access through or use of the property with the proposed zone change.
6. The change of zone is also consistent with the General Plan Land Use Element goals and objectives as shown on FEIR (SCH #2017121078).

**PLANNING COMMISSION RESOLUTION FOR
ZONE CHANGE #21-0002
Page 3 of 3**

NOW, THEREFORE, based on the above findings, the Planning Commission of the County of Imperial DOES HEREBY recommend for the Board of Supervisors to approve the proposed Zone Change #21-0002 to rezone from the current zoning of "A-2-R-RE" (General Agriculture-Rural-RE Overlay), "A-3" (Heavy Agriculture) and "A-2-R" (General Agriculture-Rural) to "A-3-RE" (Heavy Agriculture with RE Overlay) and the proposed change to the Imperial County Codified Zoning Ordinance.

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certify that the preceding resolution was taken by the Planning Commission at a meeting conducted on **November 18, 2021** by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Jim Minnick, Director of Planning & Development Services
Secretary to the Planning Commission

Attachment D: Zoning Ordinance and Findings

Ordinance No. _____

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF
THE COUNTY OF IMPERIAL RELATING TO ZONES**

The Board of Supervisors of the County of Imperial, State of California, ordain as follows:

SECTION 1: Section **92540.02**, is added to Chapter 40 of Division 25 of Title 9, of the Codified Ordinances of the County of Imperial, State of California, to read as follows:

Section **92540.02** Amendment to Zoning Map No. 40 "Westside School Area" Zone Change #21-0002 Laurel 2 North and Laurel 2 South Project. The map entitled "Westside School Area" Zoning Map No. 40 (Section 92540.02 of the Codified Ordinances) is hereby amended in the particular only.

LEGAL DESCRIPTION:

The zone classification of a certain parcel of real property situated in the County of Imperial, State of California, and more particularly described as:

PAR 3 COC 2078 POR W½ SECTION 22, T16S R12E 051-300-032-000
PAR 1 COC 2078 TR 55, T16S R12E 051-300-035-000
PAR 2 COC 2078 TR 55, T16S R12E 051-300-036-000

"A-2-R-RE" (General Agriculture-Rural- Renewable Energy Overlay), A-3 (Heavy Agriculture) and A-2-R (General Agriculture-Rural) rezone into "A-3-RE" (Heavy Agriculture-Renewable Energy Overlay).

SECTION 3: This Ordinance shall take effect thirty (30) days after the date of its adoption and prior to the expiration of fifteen (15) days from the passage thereof, shall be published at least once in a newspaper of general circulation printed and published in the County of Imperial, State of California, together with the names of the Board of Supervisors voting for and against the same.

SECTION 4: That in accordance with State Planning and Zoning law and the County of Imperial General Plan and zoning ordinances, the following findings for the approval of Zone Change #21-0002 have been made as follows:

1. The proposed Zone Change has been analyzed relative to its potential to

be detrimental to the health, safety, comfort and welfare of the persons residing or working within the neighborhood of the proposed Zone Change. Staff concluded that the project does not propose land uses, densities, or development patterns that will jeopardize the health and safety of the persons residing or working within the neighborhood of the property. Health, safety, and welfare will not be degraded as a result of this project.

2. The proposed Zone Change from "A-2-R-RE" (General Agriculture-Rural-Renewable Energy Overlay), A-3 (Heavy Agriculture) and A-2-R (General Agriculture-Rural) to rezone into "A-3-RE" (Heavy Agriculture-Renewable Energy Overlay) subject to this recommendation is consistent with the uses allowed by Imperial County's Land Use Ordinances 90509.02 for properties in the aforementioned zones, provided that the applicant obtains a conditional use permit. Title 9 Land Use Ordinance Section 90509.02 represents the county's long-standing determination that conditionally-approved solar projects are not inconsistent with A-3 zones.
3. The site physically is suitable of this type of development and zoning. The project site consists of generally flat terrain with very gentle topography.
4. The change of zone will not conflict with any easements required by the public at large for access through or use of the property with the proposed zone change. Several easements surround and traverse the area. The Imperial Irrigation District (IID) owns several easements associated with existing canals, drains and electrical lines. The easements and their associated facilities will be retained, vacated or realigned as appropriate.
5. The change of zone is also consistent with the General Plan Land Use Element goals and objectives, including objectives to "[d]iversify employment and economic opportunities in the County while preserving agricultural activity" (Goal 2) and to "[p]reserve agriculture and natural resources while promoting diverse economic growth through sound land use planning" (Goal 3, Objective 3.2).

PASSED, ADOPTED AND APPROVED by the Board of Supervisors of
the County of Imperial this _____.

ATTEST:

Clerk of the Board of Supervisors

Michael W. Kelley
Chairman of the Board
Board of Supervisors

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**Attachment E: Resolutions for
Conditional Use Permits #21-0014
and #21-0013**

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, RECOMMENDING APPROVAL TO THE BOARD FOR “CONDITIONAL USE PERMIT #21-0014” FOR LAUREL 2 NORTH PROJECT.

WHEREAS, 92JT 8me, LLC and 38KM 8me LLC have submitted an application to divide the previously approved Conditional Use Permit (CUP#17-0029) into two (2) CUPs #21-0014 and #21-0013 for solar generation and battery storage, known as the Laurel 2 North and Laurel 2 South Project.

WHEREAS, an Addendum to the Final Environmental Impact Report (FEIR) (SCH #2017121078) and CEQA Findings have been prepared in accordance with the requirements of the California Environmental Quality Act, the State Guidelines, and the County’s “Rules and Regulations to Implement CEQA,” as Amended;

WHEREAS, the Planning Commission of the County of Imperial has been delegated with the responsibility of approvals, certifications and making recommendations to the Imperial County Board of Supervisors for approvals of conditional use permits;

WHEREAS, public notice of said application has been given, and the Planning Commission has heard, received and considered all oral and written protests, objections and evidence presented by interested parties at a public hearing held with respect to this item on November 18, 2021; and

NOW, THEREFORE, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

SECTION 1. The Planning Commission has considered the proposed Conditional Use Permit #21-0014 prior to recommending approval and the County’s consideration of the Project has been noticed in compliance with law.

SECTION 2. That the Project complies with the requirements of the Imperial County Code and is in accordance with State Planning and Zoning law therefore, the following findings are made pursuant to Imperial County Code § 90203.09 as follows:

A. The proposed use is consistent with goals and policies of the adopted County General Plan. (Imperial County Code § 90203.09.A)

The project consists of splitting the previously approved CUP #17-0029 (part of the previously approved Laurel Cluster Solar Farms project) into two CUP's. The project description did not change and is consistent with the County's General Plan.

B. The proposed use is consistent with the purpose of the zone or sub-zone within which the use will be used. (Imperial County Code § 90203.09.B)

The intent of the zone change is to make all three parcels (APNs: 051-300-032, -035 and -036-000) consistent and to avoid dual zoning on the parcels. All three parcels would have the same zoning of A-3-RE (Heavy Agriculture-Renewable Energy Overlay). Section 90509.02 (A-3) lists uses subject to a Conditional Use Permit and the project is consistent with these uses.

C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed conditional use according to the procedures of Section 90203.00. (Imperial County Code § 90203.09.C)

The project is listed as a use within A-3 Zone subject to a Conditional Use Permit. The project area is within the previously approved Laurel Cluster Solar Farm project which was approved by the Board of Supervisors on January 15, 2019.

D. The proposed use meets the minimum requirements of this Title applicable to the use and complies with all applicable laws, ordinances and regulation of the County of Imperial and the State of California. (Imperial County Code § 90203.09.D)

The Project complies with the minimum requirements of this Title by, among other things, obtaining a CUP, complying with the California Environmental Quality Act, and participating in the public review and hearing process. Development standards have been established for the Project pursuant to these processes, and will be enforced via imposition and enforcement of the previously approved Mitigation Monitoring and Reporting Program under the Laurel Cluster Solar Farm project, as well as the conditions of approval imposed on these CUPs. The Conditions of Approval will further insure that the project complies with all applicable regulations of the County of Imperial and the State of California. Therefore, the proposed

project meets the minimum requirements of the Land Use Ordinance, Section 90203.00.

E. The proposed use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity. (Imperial County Code § 90203.09.E)

The Addendum for the Final Environmental Impact Report prepared for the Project analyzed the Project's potential effects on the health, safety, and welfare of the public and property and found that, with mitigation, the Project has less than significant effects in all resources areas. Finally, the Project applicant has agreed to conditions of approval that support and promote the protection of the health, safety, and welfare of the County's citizens and property, and ensures that the County will not be negatively impacted environmentally or fiscally.

F. The proposed use does not violate any other law or ordinance. (Imperial County Code § 90203.09.F)

The proposed project will be subject to the Conditional Use Permit and current Federal, State and Local regulations. State Planning and Zoning Law (Cal. Govt. Code §§ 65000-66035) establishes minimum statewide standards for the regulation of local land use through planning and zoning. The County regulates local land use via Title 9 of the Imperial County Code. The County is aware of no other laws or ordinances that might be implicated by the Project, and thus the finds that the proposed use does not violate any other law or ordinance.

G. The proposed use is not granting a special privilege. (Imperial County Code § 90203.09.G)

The proposed use can be found under the Title 9 Land Use Ordinance list of uses permitted with a Conditional Use Permit; therefore, no special privileges are being or will be granted.

SECTION 3. Approval of the Project should be conditioned upon the terms and conditions set forth in the Agreement for Conditional Use Permit #21-0014 attached hereto and incorporated herein by this reference.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY RECOMMEND APPROVAL** of Conditional Use Permit #21-0014 to the Board of Supervisors, subject to the attached Conditions of Approval.

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certify that the preceding resolution was taken by the Planning Commission at a meeting conducted on **November 18, 2021** by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Jim Minnick, Director of Planning & Development Services
Secretary to the Planning Commission

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RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, RECOMMENDING APPROVAL TO THE BOARD FOR “CONDITIONAL USE PERMIT #21-0013” FOR LAUREL 2 SOUTH PROJECT.

WHEREAS, 92JT 8me, LLC and 38KM 8me LLC have submitted an application to divide the previously approved Conditional Use Permit (CUP#17-0029) into two (2) CUPs #21-0014 and #21-0013 for solar generation and battery storage, known as the Laurel 2 North and Laurel 2 South Project.

WHEREAS, an Addendum to the Final Environmental Impact Report (FEIR) (SCH #2017121078) and CEQA Findings have been prepared in accordance with the requirements of the California Environmental Quality Act, the State Guidelines, and the County’s “Rules and Regulations to Implement CEQA,” as Amended;

WHEREAS, the Planning Commission of the County of Imperial has been delegated with the responsibility of approvals, certifications and making recommendations to the Imperial County Board of Supervisors for approvals of conditional use permits;

WHEREAS, public notice of said application has been given, and the Planning Commission has heard, received and considered all oral and written protests, objections and evidence presented by interested parties at a public hearing held with respect to this item on November 18, 2021; and

NOW, THEREFORE, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

SECTION 1. The Planning Commission has considered the proposed Conditional Use Permit #21-0013 prior to recommending approval and the County’s consideration of the Project has been noticed in compliance with law.

SECTION 2. That the Project complies with the requirements of the Imperial County Code and is in accordance with State Planning and Zoning law therefore, the following findings are made pursuant to Imperial County Code § 90203.09 as follows:

A. The proposed use is consistent with goals and policies of the adopted County General Plan. (Imperial County Code § 90203.09.A)

The project consists of splitting the previously approved CUP #17-0029 (part of the previously approved Laurel Cluster Solar Farms project) into two CUP's. The project description did not change and is consistent with the County's General Plan.

B. The proposed use is consistent with the purpose of the zone or sub-zone within which the use will be used. (Imperial County Code § 90203.09.B)

The intent of the zone change is to make all three parcels (APNs: 051-300-032, -035 and -036-000) consistent and to avoid dual zoning on the parcels. All three parcels would have the same zoning of A-3-RE (Heavy Agriculture-Renewable Energy Overlay). Section 90509.02 (A-3) lists uses subject to a Conditional Use Permit and the project is consistent with these uses.

C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed conditional use according to the procedures of Section 90203.00. (Imperial County Code § 90203.09.C)

The project is listed as a use within A-3 Zone subject to a Conditional Use Permit. The project area is within the previously approved Laurel Cluster Solar Farm project which was approved by the Board of Supervisors on January 15, 2019.

D. The proposed use meets the minimum requirements of this Title applicable to the use and complies with all applicable laws, ordinances and regulation of the County of Imperial and the State of California. (Imperial County Code § 90203.09.D)

The Project complies with the minimum requirements of this Title by, among other things, obtaining a CUP, complying with the California Environmental Quality Act, and participating in the public review and hearing process. Development standards have been established for the Project pursuant to these processes, and will be enforced via imposition and enforcement of the previously approved Mitigation Monitoring and Reporting Program under the Laurel Cluster Solar Farm project, as well as the conditions of approval imposed on these CUPs. The Conditions of Approval will further insure that the project complies with all applicable regulations of the County of Imperial and the State of California. Therefore, the proposed

project meets the minimum requirements of the Land Use Ordinance, Section 90203.00.

E. The proposed use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity. (Imperial County Code § 90203.09.E)

The Addendum for the Final Environmental Impact Report prepared for the Project analyzed the Project's potential effects on the health, safety, and welfare of the public and property and found that, with mitigation, the Project has less than significant effects in all resources areas. Finally, the Project applicant has agreed to conditions of approval that support and promote the protection of the health, safety, and welfare of the County's citizens and property, and ensures that the County will not be negatively impacted environmentally or fiscally.

F. The proposed use does not violate any other law or ordinance. (Imperial County Code § 90203.09.F)

The proposed project will be subject to the Conditional Use Permit and current Federal, State and Local regulations. State Planning and Zoning Law (Cal. Govt. Code §§ 65000-66035) establishes minimum statewide standards for the regulation of local land use through planning and zoning. The County regulates local land use via Title 9 of the Imperial County Code. The County is aware of no other laws or ordinances that might be implicated by the Project, and thus the finds that the proposed use does not violate any other law or ordinance.

G. The proposed use is not granting a special privilege. (Imperial County Code § 90203.09.G)

The proposed use can be found under the Title 9 Land Use Ordinance list of uses permitted with a Conditional Use Permit; therefore, no special privileges are being or will be granted.

SECTION 3. Approval of the Project should be conditioned upon the terms and conditions set forth in the Agreement for Conditional Use Permits #21-0014 and #21-0013 attached hereto and incorporated herein by this reference.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY RECOMMEND APPROVAL** of Conditional Use Permit #21-0013 to the Board of Supervisors, subject to the attached Conditions of Approval.

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certify that the preceding resolution was taken by the Planning Commission at a meeting conducted on **November 18, 2021** by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Jim Minnick, Director of Planning & Development Services
Secretary to the Planning Commission

S:\AllUsers\APN\051\300\036\CUP21-0014 21-0013\PC\CUP21-0014 PC CUP 21-0013 Resolution.docx

1 When Recorded Return To:

2 _____
3 Imperial County
4 Planning & Development Services
5 801 Main Street
6 El Centro, California 92243
7 _____

8 **“Draft” AGREEMENT FOR**
9 **CONDITIONAL USE PERMIT #21-0014**
10 **LAUREL 2 NORTH**
11 **APNs 051-300-036-000 & 051-300-032-000**
12 **NOVEMBER 2021**

13 **APNs: 051-300-036-000 & 051-300-032-000**

14 Parcel 3 Certificate of Compliance (COC) 2078 of Portion of West ½ Section 22, T16S,
15 R12E, 166.91AC (051-300-032); & Parcel 2 COC 2078 of Tract 55, T16S, R12E 40.02AC
16 (051-300-036).

17 This Agreement is made and entered into on this ___ day of _____, 2021, by and
18 between 38KM 8me LLC hereinafter referred to as the Permittee (Permittee), and the
19 COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter
20 referred to as "COUNTY") related to the Laurel 2 North Solar Farm Project within the
21 previously approved Laurel Cluster Solar Farms project area, specifically, within the Laurel
22 Cluster Solar Farm 2 (CUP #17-0029) project area.

23 **RECITALS**

24 **WHEREAS**, Permittee is the lessee or successor-in-interest of certain land in
25 Imperial County to be improved with the proposed utility-scale solar farm within the
26
27
28

1 previously-approved Laurel Cluster Solar Farm 2 project area (CUP #17-0029). The
2 project, CUP #21-0014, consists of a proposed 30 MW photovoltaic solar energy facility,
3 energy (battery) storage facility (up to 30 MW and not to exceed a 2 to 1 solar/battery
4 ratio) and associated infrastructure, including but not limited to, electrical switch station,
5 substation, on-site operations and maintenance (O&M), and internal solar development
6 transmission lines, on approximately 120 acres within Imperial County. The proposed
7 facility is located in the south western portion of Imperial County, California, approximately
8 eight miles southwest of the City of El Centro and located south of Interstate 8 (I-8).
9

10 **WHEREAS**, Permittee has applied to the County of Imperial for a Conditional Use
11 Permit #21-0014 for constructing and operating a new solar energy facility, energy
12 (battery) storage facility (up to 30 MW and not to exceed a 2 to 1 solar/battery ratio) with
13 ancillary support facilities, including electrical interconnections to be transmitted to a
14 proposed IID Substation (Fern). Alternatively, power may be transmitted via the existing
15 Campo Verde’s 230kV gen-tie line to SDG&E’s Imperial Valley Substation located on
16 Bureau of Land Management land (the “Project”).
17

18 **WHEREAS**, the Project is the reorganization of the previously approved Laurel
19 Cluster Solar Farm 2 project, creating two (2) CUP’s: CUP#21-0014 and CUP#21-0013 on
20 different properties within the County which are the subject of separate resolutions.
21

22 **WHEREAS**, The Permittee for the Laurel 2 North Solar Farm (CUP #21-0014) project
23 shall fully comply with all of the terms and conditions of the Project as specified hereinafter
24 within this Conditional Use Permit.
25

26 The rest of this page is intentionally left blank.
27
28

1 **GENERAL CONDITIONS:**

2 The "GENERAL CONDITIONS" are shown by the letter "G". These conditions are conditions that are
3 either routinely and commonly included in all Conditional Use Permits as "standardized conditions"
4 and/or are conditions that the Imperial County Planning Commission has established as a requirement
5 on all CUP's for consistent application and enforcement. The Permittee is hereby advised that the
6 General Conditions are as applicable as the SITE SPECIFIC conditions. The General Conditions are in
7 addition to the MMRP and any and all other requirements for the project.

6 **G-1 GENERAL LAW and other Requirements:**

7
8 The Permittee shall comply with all local, state and/or federal laws, rules,
9 regulations, ordinances, and/or standards (LORS) as they may pertain to the
10 Project, whether specified herein or not. The Project shall be constructed
11 and operated as described in the General Plan Amendment, Zone Change,
12 Conditional Use Permit applications and the Final Environmental Impact
13 Report, (FEIR) and Mitigation and Monitoring Reporting Program (MMRP). A
14 violation of any such LORS or conditions, applications, the FEIR or the
15 MMRP shall be a violation of this CUP.

13 **G-2 PERMITS/LICENSES:**

14 The Permittee shall obtain any and all local, state and/or federal permits,
15 licenses, and/or other approvals for the construction and/or operation of the
16 Project. This shall include, but shall not be limited to, local requirements by
17 the Imperial County EHS/Health Department, Imperial County Planning and
18 Development Services Department, Imperial County Air Pollution Control
19 District (ICAPCD), Imperial Irrigation District (IID), Imperial County Public
20 Works Department, Imperial County Sheriff/Coroner's office, and the
21 Imperial County Fire Protection/Office of Emergency Services, among
22 others. Permittee shall likewise comply with all such permit requirements.
23 Additionally, Permittee shall submit a copy of such additional permits and/or
24 licenses to the Imperial County Planning and Development Services
25 Department within thirty (30) days of receipt, including amendments or
26 alternatives thereto, when requested.

22 **G-3 RECORDATION:**

23 This permit shall not be effective until it is recorded at the Imperial County
24 Recorder's Office and payment of the recordation fee shall be the
25 responsibility of the Permittee. If the Permittee fails to pay the recordation
26 fee within six (6) months from the date of approval, this permit shall be
27 deemed null and void. Recording is an action of notice and does not convey
28 any rights to Permittee

1 **G-4 DURATION OF AGREEMENT**

2 Unless otherwise specified within the specific conditions, this permit shall be
3 limited to a maximum of thirty (30) years from the recordation of the CUP.
4 The CUP may be extended for an additional ten (10) year period by the
5 appropriate County entity (either the Planning Director, the Planning
6 Commission or the Board of Supervisors as set forth in the applicable
7 Imperial County Ordinances) upon a finding that the Project is in compliance
8 with all conditions of the CUP as stated herein and any applicable Land Use
9 regulation of the County of Imperial. If an extension is necessary, the
10 Permittee shall file a written extension request with the Planning Director at
11 least sixty (60) days prior to the expiration date of the permit. Such an
12 extension request shall include the appropriate extension fee. Nothing stated
13 or implied within this permit shall constitute a guarantee that an extension
14 will be granted. An extension may not be granted if the Project is in violation
15 of any one or all of the conditions or if there is a history of non-compliance
16 with the permit conditions.

17 **G-5 INDEMNIFICATION:**

18 In addition to any other indemnifications provided for the Project, and as a
19 condition of this permit, Permittee shall defend, indemnify, hold harmless,
20 and release the County, its agents, officers, attorneys, and employees from
21 any claim, action, or proceeding brought against any of them, the purpose of
22 which is to attack, set aside, void, or annul the entitlements, any permits,
23 approvals or adoption of the environmental document which accompanies it.
24 This indemnification obligation shall include, but not be limited to, damages,
25 costs, expenses, attorneys' fees for counsel chosen by County, or expert
26 witness fees that may be asserted by any person or entity, including the
27 Permittee, arising out of or in connection with the approval of this permit,
28 whether there is concurrent, passive or active negligence on the part of the
29 County, its agents, officers, attorneys, or employees. This indemnification
30 shall include Permittee's actions or failure to act involved in drilling, grading,
31 construction, operation or abandonment of the permitted activities. Failure to
32 provide payment of any fees or other costs for this indemnification shall
33 cause Permittee to be in non-compliance with this permit. Upon notification
34 of non-compliance, County may, at its sole discretion, cease processing,
35 defending any lawsuit or paying for costs associated with this project.

36 **G-6 INSURANCE:**

37 For the term of the CUP and any period thereafter for decommissioning and
38 reclamation, the Permittee and/or Permittee's prime contractor assigned site
39 control during construction, shall secure and maintain liability in tort and
40 property damage, commercial liability and all risk builders' insurance at a
41 minimum of **\$1,000,000 each, combined single limit property damage
42 and personal injury**, to protect persons or property from injury or damage

1 caused in any way by construction and/or operation of permitted facilities.
2 Such insurance shall be endorsed to name the County, its officers, agents,
3 and employees as additional insureds and shall be in a form and from a
4 company acceptable to County. The Permittee shall require that proper
5 Workers' Compensation insurance cover all laborers working on such
6 facilities as required by the State of California. The Permittee and/or
7 Permittee's prime contractor assigned site control during construction, shall
8 also secure liability insurance and such other insurance as may be required
9 by the State and/or Federal Law. Evidence of such insurance shall be
10 provided to the County prior to commencement of any activities authorized
11 by this permit, e.g. an endorsed Certificate of Insurance is to be provided to
12 the Imperial County Planning and Development Services Department by the
13 insurance carrier and said insurance and certificate shall be kept current for
14 the life of the permitted Project. Certificate(s) of Insurance shall be sent
15 directly to the Imperial County Planning and Development Services
16 Department by the insurance carrier and shall be endorsed to name the
17 Department as a recipient of both renewal and cancellation notices.

11 **G-7 INSPECTION AND RIGHT OF ENTRY:**

12 The County reserves the right to enter the premises to make appropriate
13 inspection(s) and to determine if the condition(s) of this permit are complied
14 with. The owner or operator shall allow an authorized County representative
15 access into the site upon the presentation of credentials and other
16 documents as may be required by law to:

- 16 (A) Enter at reasonable times upon the owner's or operator's premises
17 where a permitted facility or activity is located or conducted, or where
18 records must be kept under the conditions of the permit.
- 18 (B) Have access to and copy, at reasonable times, any records that must
19 be kept under the conditions of the permit.
- 20 (C) Inspect at reasonable times any facilities, equipment (including
21 monitoring and control equipment), practices, or operations regulated or
22 required under the permit.
- 22 (D) Sample or monitor, at reasonable times, for the purpose of assuring
23 permit compliance or, otherwise authorized by law, any substances or
24 parameters at any location.

24 **G-8 SEVERABILITY:**

25 Should any condition(s) of this permit be determined by a Court or other
26 agency with proper jurisdiction to be invalid for any reason, such
27 determination shall not invalidate the remaining provision(s) of this permit.
28

1 **G-9 PROVISION TO RUN WITH THE LAND/PROJECT:**

2 The provisions of this Permit are to run with the land/project and shall bind
3 the current and future owner(s), successor(s)-in-interest, assignee(s) and/or
4 transferee(s) of said Project pursuant to the recordation required by
5 Condition G-3. Permittee shall not without prior notification to the Imperial
6 County Planning and Development Services Department assign, sell or
7 transfer, or grant control of Project or any right or privilege therein granted by
8 this permit. The Permittee shall provide a minimum of thirty (30) days written
9 notice prior to any proposed transfer becoming effective. The permitted use
10 identified herein is limited for use upon the permitted properties described
11 herein and may not be transferred to any another other parcel(s) without
12 prior approval.

13 The Permittee shall pay any and all amounts determined by the County to
14 defray any and all cost(s) for the review of reports, field investigations,
15 monitoring, and other activities directly related to the enforcement/monitoring
16 for compliance of this Conditional Use Permit, County Ordinance, MMRP or
17 any other applicable law. All County Departments, directly involved in the
18 monitoring/enforcement of this permit may bill Permittee under this provision;
19 however said billing shall only be through and with the approval of the
20 Imperial County Planning and Development Services Department. All County
21 staff time will be billed on a time and materials basis. Failure by Permittee to
22 provide any payment required of Permittee to the County in the CUP shall
23 cause Permittee to be in non-compliance of the CUP. Upon Permittee being
24 in such noncompliance, County may, at its sole discretion, cease processing,
25 defending any lawsuit or paying for costs associated with the Project.

17 **G-10 REPORTS/INFORMATION:**

18 If requested by the Imperial County Planning Director, Permittee at its sole
19 expense shall provide any such documentation/report as necessary to
20 ascertain compliance with the Conditional Use Permit. The format, content
21 and supporting documentation shall be as required by the Imperial County
22 Planning Director.

22 **G-11 DEFINITIONS:**

23 In the event of a dispute the meaning(s) or the intent of any word(s),
24 phrase(s) and/or conditions or sections herein shall be determined by the
25 Imperial County Planning Commission. Their determination shall be final
26 unless an appeal is made to the Imperial County Board of Supervisors within
27 the required time.

26 **G-12 MINOR AMENDMENTS:**

27 Unless as otherwise required by law (including but not limited to County
28 ordinance interpretations and minor modifications or changes can be made

1 to the Project with the mutual agreement of Developer and County and only
2 in one of the following circumstances:

3 (A) Where the change is ministerial, mutually agreeable to Imperial County
4 Planning & Development Services Director and Developer and
5 constitutes an administrative interpretation, less than significant
6 amendment or change or technical modification to the design,
7 construction and/or operation of the Project under the existing
8 applicable rules, regulations, and laws of the County and does not

9 (1) Alter the permitted uses of the Property as a whole or within any
10 CUP; or

11 (2) Increase the density or intensity of use of the Property as a whole
12 or within any CUP; or,

13 (3) Increase the maximum height and size of permitted buildings or
14 structures; or,

15 (4) Delete a requirement for the reservation or dedication of land for
16 public purposes within the Property as a whole; or

17 (5) Conflict with a condition of approval or MMRP; or

18 (6) Constitute a discretionary approval by the County for which a
19 subsequent or supplemental environmental impact report would be
20 required pursuant to Section 21166 of the Public Resources Code.

21 (B) Where the change is ministerial, mutually agreeable to Developer and
22 constitutes an administrative interpretation, less than significant
23 amendment or change or technical modification to the design,
24 construction and/or operation of the Project under the existing
25 applicable rules, regulations, and laws of non-County agencies as to
26 Project matters within their sole jurisdiction.

27 **G-13 SPECIFICITY:**

28 The issuance of this permit provides a temporary use right on the project
property within the requirements set out here and does not authorize the
Permittee to construct or operate the Project in violation of any LORS or
beyond the duration, term or specified boundaries of the Project as shown
the application/project description/permit, nor shall this permit allow any
accessory or ancillary use not specified herein. This permit does not provide
any prescriptive right or use to the Permittee for future addition and or
modifications to the Project.

1 **G-14 NON-COMPLIANCE (ENFORCEMENT & TERMINATION):**

2 Should the Permittee violate any condition herein, the County shall give
3 written notice of such violation and actions required of Permittee to correct
4 such violation. If Permittee does not act to correct the identified violation
5 within forty-five (45) days after written notice, County may revoke the CUP.
6 If Permittee pursues correction of such violation with reasonable diligence,
7 the County may extend the cure period. Upon such revocation, County may,
8 at its sole discretion, cease processing, defending any lawsuit or paying for
costs associated with the Project. County may include in such notice of
violation and subsequent process default and/or termination of the
Development Agreement along with violation or revocation of the CUP, and
the procedures set out here shall govern.

9 **G-15 GENERAL WELFARE:**

10 All construction and operations of the solar energy facility shall be conducted
11 with consistency with all laws, conditions, adopted County policies, plans,
12 mitigation measures and the permit application so that the Project will be in
13 harmony with the area and not conflict with the public health, safety, comfort,
convenience, and general welfare of those residing in the area.

14 **G-16 PERMITS OF OTHER AGENCIES INCORPORATED:**

15 Permits granted by other governmental agencies in connection with the
16 Project are incorporated herein by reference. The County reserves the right
17 to apply conditions of those permits, as the County deems appropriate and
18 subject to its having jurisdiction; provided, however, that enforcement of a
19 permit granted by another governmental agency shall require written
concurrency by the respective agency. Permittee shall provide to the
County, upon request, copies and amendments of all such permits.

20 **G-17 HEALTH HAZARD:**

21 If the County Health Officer reasonably determines that a significant health
22 or safety hazard exists to the public, the County Health Officer may require
23 appropriate measures and the Permittee shall implement such measures to
24 mitigate the health hazard. If the hazard to the public is determined to be
25 imminent, such measures may be imposed immediately and may include
temporary suspension of permitted activities. The measures imposed by the
County Health Officer shall not prohibit the Permittee from requesting a
special Imperial County Planning Commission meeting, provided the
Permittee bears all related costs.

26 **G-18 APPROVALS AND CONDITIONS SUBSEQUENT TO GRANTING PERMIT:**

27 Permittee's acceptance of this permit shall be deemed to constitute
28 agreement with the terms and conditions contained herein. Where a

1 requirement is imposed in this permit that Permittee conduct a monitoring
2 program, and where the County has reserved the right to impose or modify
3 conditions with which the Permittee must comply based on data obtained
4 there from, or where the Permittee is required to obtain additional conditional
5 use permits for County approval for subsequent activities, and disagreement
6 arises, the Permittee, operator and/or agent, the Imperial County Planning
7 and Development Services Director or other affected party, as determined by
8 the Imperial County Planning and Development Services Director, may
9 request that a hearing before the Imperial County Planning Commission.
10 Upon receipt of a request, the Imperial County Planning Commission shall
11 conduct a hearing and make a written determination. The Imperial County
12 Planning Commission may request support and advice from a technical
13 advisory committee. Failure of the Imperial County Planning Commission to
14 act shall constitute endorsement of staff's determination with respect to
15 implementation.

16 **SITE SPECIFIC CONDITIONS:**

17 **S-1 AUTHORIZED SCOPE OF ACTIVITIES:**

- 18 (A) Permittee shall be responsible as for all improvements, septic, sewer,
19 approved potable water system(s), pipelines, roads and other
20 improvements discussed in the Conditional Use Permit Application and
21 Conditions of Approval, FEIR, and MMRP. If Permittee sells all or part
22 of this Project, an approved agreement shall be in place for new Project
23 owner to build and maintain as agreed to by the conditions set forth in
24 this CUP. The Imperial County Planning and Development Services
25 Director shall approve of such agreement between Permittee and a new
26 master Developer for this Project. The County Assessor's Office shall
27 be notified of any ownership change.
- 28 (B) Permittee shall develop this CUP property as a separate solar energy
facility. Any development with a combination of parcels will require the
owner(s) to have a recorded deed restriction to "hold the parcel as one
parcel" that runs with the land. This deed restriction shall be for a
minimum of thirty (30) years and shall only be released upon the
expiration of the thirty (30) years, the expiration or termination of the
Conditional Use Permit, or upon approval of the Imperial County
Planning and Development director that the restriction is no longer
needed based on a change in the development or regulation.
- (C) The Permittee shall construct and operate the solar energy and energy
(battery) storage facility in compliance with the Conditional Use Permit,
the County's General Plan's Land Use Element, Land Use Ordinance
and all other applicable local, state, and federal laws, ordinances,
regulations and standards (LORS), to include any other permits which
are incorporated herein by reference.

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(D) Construction, operation, maintenance, replacement and removal of a solar energy facility & energy (battery) storage system as described in Permittee’s CUP Application and previously approved FEIR & DEIR for the Laurel Cluster Solar Farm, specifically the Laurel Cluster Solar Farm 2 project (CUP17-0029). The solar energy facility and energy (battery) storage facility would include photovoltaic modules, mounting structures, electrical wiring, inverters, transformers and AC electric collector system, project electric substation and ancillary facilities. Ancillary facilities would include safety and security equipment, retention basins, perimeter fencing, access gates, lighting systems, access roads, and could include temporary construction trailers, an operations and maintenance (O&M) building, equipment enclosures, water treatment system and building, septic system, parking, and fire protection including a minimum 10,000 gallon fire water tank, and monitoring and control systems. The project proposes to use either thin film or crystalline solar photovoltaic (PV) technology modules mounted on fixed or horizontal single-axis tracker (HSAT) systems.

(E) PV module arrays would be mounted on racks supported by driven piles. The depth of the piles would be dependent on the geotechnical recommendations for the Project. The fixed-frame racks would be secured at a fixed tilt of 20° to 25° from horizontal facing a southerly direction. If HSAT technology is used, the PV modules would rotate around the north-south HSAT axis so that the PV modules would face the sun as it moves across the sky throughout the day. The PV modules would reach their maximum height (up to nine feet above the ground, depending on the final design) when the HSAT is rotated to point the modules at the rising or setting sun at both sunrise and sunset. When the HSAT system is rotated so that the PV modules are horizontal (at noon, or when stowed during high winds), the nominal height would be approximately six feet above the ground, depending on the final design. The individual PV systems would be configured in large arrays by placing them in columns spaced approximately ten feet apart to maximize operational performance and to allow access for panel cleaning and maintenance. These arrays would be separated from each other and the perimeter security fence by nominal 20-foot wide roads, consistent with emergency access requirements.

(F) The Project will be interconnected to the regional transmission system from the on-site substation/switchyard via the Gen-Tie interconnection. The CUP is anticipated to utilize the Gen-Tie line extending from the CUP to the inverter stations. Alternatively, the CUP may independently construct its own 230-kV (maximum) step-up transformer and switchyard. During normal operation, each substation will “back feed” power to maintain “house” power. This would include O&M buildings, security systems, SCADA, communication systems, plant control

1 systems, etc. Therefore, much of the electrical equipment will be in
2 some stage of electrical operation 24 hours-a-day.

3 (G) The energy (battery) storage component for the Project is likely to be
4 shared by all four CUP's under the previously-approved Laurel Cluster
5 Solar Farm projects (CUPs 17-0027, 17-0028, 17-0030 and CUP21-
6 0013). The field of energy (battery) storage is rapidly advancing, and a
7 wide variety of technology is available to choose from. To date, a single
8 technology or provider has not been selected for this component of the
9 Project. The analysis contained in this EIR reflects the worst-case
10 scenario for impacts from these technologies in order to mitigate any
11 impacts from these technologies. Thus the analysis covers the
12 full-range of technologies for when the final decision is made on which
13 technology to construct. The energy (battery) storage component will
14 utilize technologies that operate based upon the principles of potential
15 energy (e.g. pumped storage), chemical energy (e.g. batteries),
16 mechanical/kinetic energy (e.g. flywheel), or any combination thereof.
17 The energy (battery) storage component may be centralized and
18 located adjacent to the substation or switchgear or, alternatively, the
19 energy (battery) storage component may be distributed throughout the
20 facility adjacent to individual power conversion centers. The energy
21 (battery) storage component would be housed in a warehouse type
22 building or in smaller modular structures such as cargo shipping
23 containers.

15 **S-2 AESTHETICS:**

16 The Permittee shall design and maintain all buildings and equipment
17 enclosures to have exterior surfaces with neutral, non-reflective colors.
18 The construction and maintenance of County-approved landscaping
19 along the access into the Operation/Maintenance Facility shall be in
20 compliance with the Land Use Ordinance, Division 3, Chapters 1 and 2,
21 Sections 90302.00 through 90302.19. As applied to other solar projects
22 and as indicated in the previously approved Laurel Cluster Solar Farm
23 FEIR and as indicated in the FEIR and Mitigation Monitoring and
24 Reporting Program.

25 (A) The Permittee shall design and install lighting at construction storage
26 yards and staging areas, such that light bulbs and reflectors are not
27 visible from public viewing areas; lighting does not create reflected
28 glare; and illumination of the Project facilities, vicinity, and nighttime sky
is minimized.

(B) Lighting shall be designed so exterior light fixtures are hooded, with
lights directed downward or toward the area to be illuminated and so
that backscatter to the nighttime sky is minimized. The design of the
lighting shall be such that the luminescence or light source is shielded
to minimize light trespass outside the Project boundary.

1
2 (C) All lighting shall be of minimum necessary brightness consistent with
3 worker safety and OSHA-Requirements.

4 (D) High illumination areas not occupied on a continuous basis shall have
5 switches or motion detectors to light the area only when occupied.

6 **S-3 AGRICULTURE:**

7 (A) Prior to the issuance of the initial grading permit or building permit,
8 Permittee shall submit to County of Imperial a Reclamation Plan to
9 return the property to conditions comparable to its -pre-construction
10 agricultural condition at the conclusion or abandonment of the project.
11 The Reclamation Plan shall include a description of the farming
12 infrastructure to include but not limited to a crop history, water delivery
13 system, drainage system, physical infrastructure, the parties
14 responsible for conducting reclamation and a detailed description of the
15 recycling, and/or disposal of all solar arrays, inverters, transformers and
16 other structures on site. The plan must be submitted to Agricultural
17 Commissioner's Office for approval. The plan shall also include field
18 access, field roads, grading aspects, reclamation cost estimate
19 prepared by a California-licensed general contractor or civil engineer.
20 The developer shall provide financial assurance/bonding in the amount
21 equal to the reclamation cost estimate to restore all agricultural
22 land/farmland to its pre-construction condition including removal of all
23 structures and equipment, soil testing for and clean-up of contaminants
24 in the soil, disking, leveling, and any other clean up and repair
25 necessary to return the land to an agriculturally productive farmable
26 condition prior to the issuance of the initial grading permit or building
27 permit. The Reclamation Plan with appropriate bonding will need
28 approval from the Imperial County Planning and Development Services
Director, and County Counsel before any grading or building permit is
issued.

(B) Permittee shall minimize paving and ground disturbing activities to the
maximum extent practical within agricultural fields to retain soil
characteristics.

(C) The Project Developer shall:

(1) Develop and implement an approved Pest Management Plan for
the duration of the project that will reduce negative impacts to
surrounding farmland. Plan shall be reviewed and approved by the
Imperial County Agricultural Commissioner's Office.

(2) Monitor for all pests including insects, vertebrates, weeds, and
pathogens. Promptly control or eradicate pests when found, or
when notified by the County Agricultural Commissioner's office

1 that a pest problem is present on the project site. The assistance
2 of a licensed pest control advisor (PCA) is recommended. All
3 treatments must be performed by a qualified applicator or a
4 licensed pest control operator (PCO).

- 5 (3) "Control" means to reduce the population of common pests below
6 economically damaging levels, and includes attempts to exclude
7 pests before infestation, and effective control methods after
8 infestation. Effective control methods may include
9 physical/mechanical removal, bio-control, cultural control, or
10 chemical treatments.
- 11 (4) Use of "permanent" soil sterilants to control weeds or other pests
12 is prohibited due to the fact that this would interfere with
13 reclamation.
- 14 (5) Notify the County Agricultural Commissioner's office immediately
15 regarding any suspected exotic/invasive pest species such as A-
16 and Q-rated pest species as defined by the California Department
17 of Food Agriculture (CDFA). Eradication of exotic pests will be
18 done under the direction of the Agricultural Commissioner's Office
19 and/or CDFA.
- 20 (6) Obey all pesticide use laws, regulations, and permit conditions.
- 21 (7) Allow access for County Agricultural Commissioner staff for routine
22 visual and trap pest surveys, compliance inspections, eradication
23 of exotic pests, and other official duties.
- 24 (8) Ensure that all project employees that handle pest control issues
25 are appropriately trained and certified, that all required records are
26 maintained and available for inspection, and that all permits and
27 other required legal documents are current.
- 28 (9) Maintain records of pests found and treatments or pest
management methods used. Records should include the date,
location/block, project name (current and previous if changed), and
methods used. For pesticides include the chemical(s) used, EPA
Registration numbers, application rates, etc. A pesticide use report
may be used for this. All records shall be maintained and
controlled and either have them available for review, or submit
them to the County Agricultural Commissioner's office on a
quarterly basis.
- (10) Submit a report of monitoring, pest finds, and treatments, or other
pest management methods to the Agricultural Commissioner
quarterly within 15 days after the end of the previous quarter, and
upon request. The report is required even if no pests were found

1 or treatment occurred. It may consist of a copy of all records for
2 the previous quarter, or may be a summary letter/report as long as
3 the original detailed records are available upon request.

4 (11) The Permittee shall reimburse the County Agricultural
5 Commissioner's office for the actual cost of investigations,
6 inspections, or other required non-routine responses to the site
7 that are not funded by other sources.

8 (12) Reclamation/Decommissioning Plan and Security. The DOC has
9 clarified the goal of a reclamation and decommissioning plan: the
10 land must be restored to land which can be farmed. In addition to
11 MM AG-1b, for Prime Farmland and Non-Prime Farmland, the
12 Applicant shall submit to Imperial County a Reclamation Plan prior
13 to issuance of a grading permit. The Reclamation Plan shall
14 document the procedures by which each CUP will be returned to
15 its current agricultural condition/LESA score. Permittee also shall
16 provide financial assurance/bonding in an amount equal to a cost
17 estimate prepared by a California-licensed general contractor or
18 civil engineer for implementation of the Reclamation Plan in the
19 event Permittee fails to perform the Reclamation Plan. MM AG-1b,
20 prior to the issuance of a grading permit or building permit
21 (whichever is issued first).

22 **S-4 AIR QUALITY:**

23 (A) The Permittee shall comply at all times with the Imperial County Air
24 Pollution Control District's (ICAPCD) Regulation VIII, Fugitive Dust
25 Control. The primary pollutant controlled by this regulation is PM10,
26 "fugitive dust." All identified PM10 sources associated with the
27 construction and operation of the facility, such as open areas, roads,
28 stock piles, material transport and grading activities, shall be controlled
such that surface areas are stabilized and visible dust emissions are
below 20%. Any control measure not listed within the appropriate
sections of Regulation VIII, such as but not limited to watering,
graveling, chemical stabilizers and wind barriers shall not be utilized
without prior approval from the ICAPCD.

(B) Prior to commencing construction, each CUP owner shall submit a Dust
Control Plan to the ICAPCD for approval identifying all sources of PM10
emissions and associated mitigation measures during the construction
and operational phases of the Project. The Project Proponent shall
submit a "Construction Notification Form" to the ICAPCD ten (10) days
prior to the commencement of any earthmoving activity. The Dust
Control Plan submitted to the ICAPCD shall meet all applicable
requirements for control of fugitive dust emissions, including the
following measures designed to achieve the no greater than 20%
opacity performance standard for dust control:

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- (1) All on-site and off-site unpaved roads shall be effectively stabilized, and visible emissions shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants, and/or watering.
 - (2) All unpaved traffic areas one acre or more in size with seventy-five (75) or more average vehicle trips per day, shall be effectively stabilized, and visible emissions shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.
 - (3) The transport of bulk materials shall be completely covered, unless six inches of freeboard space from the top of the container is maintained with no spillage and loss of bulk material. In addition, the cargo compartment of all haul trucks shall be cleaned and/or washed at the delivery site after removal of bulk material.
 - (4) All track-out or carry-out, which includes bulk materials that adhere to the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto the pavement, shall be cleaned at the end of each workday, or immediately when mud or dirt extends a cumulative distance of fifty (50) linear feet or more onto a paved road within an urban area.
 - (5) Movement of bulk material handling or transfer shall be stabilized prior to handling, or at points of transfer with application of sufficient water, chemical stabilizers, or by sheltering or enclosing the operation and transfer line.
 - (6) The construction of new unpaved roads is prohibited within any area with a population of five hundred (500) or more, unless the road meets ICAPCD's definition of a "temporary unpaved road." Any temporary unpaved road shall be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emission by paving, chemical stabilizers, dust suppressants and/or watering.
 - (7) Shall comply with the Mitigation and Monitoring Program and applicable mitigations.
- (C) The CUP owner shall implement all applicable standard mitigation measures for construction combustion equipment for the reduction of excess NOx emissions as contained in the Imperial County CEQA Air Quality Handbook and associated regulations. These measures include:

- (1) Use of alternative fueled or catalyst equipped diesel construction equipment, including all off-road and portable diesel-powered equipment.
 - (2) Minimize idling time, either by shutting equipment off when not in use or reducing the time of idling to five minutes at a maximum.
 - (3) Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use.
 - (4) Replace fossil-fueled equipment with electrically driven equivalents (assuming powered by a portable generator set and are available, cost effective, and capable of performing the task in an effective, timely manner).
 - (5) Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing construction activity during the peak hour of vehicular traffic on adjacent roadways.
 - (6) Implement activity management (e.g. rescheduling activities to avoid overlap of construction phases, which would reduce short-term impacts).
- (D) The CUP owner shall use all available EPA TEIR 2 or better (TIER 2+) construction equipment. **AQ-1**
- (E) Consistent with the requirements of ICAPCD Policy 5, the CUP owner shall pay an emission mitigation fee sufficient to off-set the amount by which the Project's NO_x emissions exceed the 100 lbs/day threshold. ICAPCD allows a project to pay in-lieu impact fees using the most current Carl Moyer Cost Effective methodology to reduce excess NO_x emissions. Under the ICAPCD program, the exact amount of the fee cannot be calculated until the time of construction when more precise data regarding the construction equipment types and hours of operation are known and ICAPCD can calculate the fee. Prior to any earthmoving activity, each CUP owner shall submit to the ICAPCD a complete list of all construction equipment to be utilized during the construction phase identifying make, model, year, horsepower, and estimated hours of usage.
- (F) Each CUP shall comply with all mitigations in the Mitigation Monitoring and Reporting Program listed **AQ-1 THRU AQ-5**.

S-5 GEOLOGY/SOILS and MINERAL RESOURCES

- (A) Prior to approval of final building plans/As part of Project design, the proposed Project shall be designed in accordance with the engineering

1 and design standards contained in the 2019 California Building Code
2 (CBC), the Seismic Regulations, Special Publication 117A, and the
3 County of Imperial building requirements. Prior to approval of final
4 building plans, a registered civil engineer or certified engineering
5 geologist, having at least five years of experience in the field of seismic
6 hazard evaluation and mitigation, shall prepare a Final Geotechnical
7 and GeoHazards Report containing site-specific evaluations of the
8 ground shaking hazards affecting the Project, identify the portions of the
9 Project site containing ground shaking hazards, and identify appropriate
10 Project design measures pursuant to the established and proven
11 methodologies set forth in Special Publication 117A and otherwise in
12 compliance with the requirements of Special Publication 117A. All
13 recommended Project design measures as set forth in the Final
14 Geotechnical and GeoHazards Report shall be incorporated into and
15 reflected on the final design and building plans. The Final Geotechnical
16 and GeoHazards Report and Project plans shall be submitted for review
17 and approval by the Imperial County Planning and Development
18 Services Department prior to approval of the final building plans.

12 (B) Prior to approval of final building plans/As part of Project design/Prior to
13 issuance of building permits, a Final Geotechnical and GeoHazards
14 Report shall be prepared by a licensed professional engineer during the
15 final design phase of the Project. The proposed solar field site parcels
16 and Gen-Tie shall be designed in accordance with the Final
17 Geotechnical and GeoHazards Report. The Report shall be submitted
18 to, and reviewed and approved by, the Imperial County Department of
19 Public Works prior to issuance of building permits. The Geotechnical
20 and GeoHazards Report shall include, but not be limited to, an analysis
21 and recommendations regarding site-specific design provisions for
22 mitigating the following on-site conditions as identified in the Preliminary
23 Geotechnical and GeoHazards Report.:

19 (1) Soil liquefaction (All solar field site parcels)

20 (2) Expansive and corrosive soils (All solar field site parcels)

21 (3) All measures and design specifications identified in the Final
22 Geotechnical and GeoHazards Report shall be incorporated into
23 and reflected on the Project design and building plans.

24 (C) Prior to approval of final building plans, the proposed Project shall be
25 designed in accordance with the engineering and design standards
26 contained in the 2019 CBC relating to expansive soils. Prior to approval
27 of final building plans, a registered civil engineer or certified engineering
28 geologist, having at least five years of experience in the field of
expansive soils evaluation and mitigation, shall prepare a Final
Geotechnical and GeoHazards Report containing site-specific
evaluations of expansive and corrosive soils for all solar field site

1 parcels and identify appropriate Project design measures pursuant to
2 the established and proven methodologies set forth in the 2013 CBC.
3 All recommended Project design measures as set forth in the Final
4 Geotechnical and GeoHazards Report shall be incorporated into and
5 reflected on the final design and building plans. The Final Geotechnical
6 and GeoHazards Report and project plans shall be submitted for review
7 and approval by the Imperial County Department of Planning and
8 Development Services prior to approval of the final building plans.

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10 (D) Prior to Issuance of Building Permit, the Project's wastewater treatment
11 and disposal system(s) shall comply with all applicable provisions of the
12 OWTS Policy; Imperial County Code, including the Plumbing Code and
13 ordinances governing Regulation of Sewage Disposal Systems and
14 Sanitation Permits, as set forth in Title 9, Division 10, Chapters 4, 12
15 and 13; and the Imperial County Uniform Policy and Method for Soils
16 Evaluation, Testing and Reporting (Relative to Applications for Private
17 Sewage System Permits) ("County Policy"); and the Pressure
18 Distribution Guidelines (if a pressure distribution system is used). At
19 each location where on-site wastewater treatment systems associated
20 with the construction of an O&M facility are proposed, a site-specific
21 study shall be prepared by a qualified engineer, as defined in the
22 OWTS Policy and the County Policy to (a) determine the capability of
23 the soils to provide the minimum required 5-foot vertical separation
24 between each on-site wastewater treatment system and groundwater,
25 (b) determine the capability of the soils to satisfy percolation
26 requirements, and (c) perform other soil and site evaluations to
27 determine the capability of the soils to otherwise support on-site
28 wastewater treatment systems. If the soils are determined to be suitable
for on-site wastewater treatment systems, the qualified engineer shall
design on-site wastewater treatment systems to comply with the OWTS
Policy, including with regard to maintenance of minimum setbacks from
specified land uses, ensuring that effluent does not surface at any time,
that percolation of effluent will not adversely affect beneficial uses of
waters of the State, the maintenance of at least 12 inches of soil cover
(or 6 inches for pressure distribution systems) above on-site wastewater
treatment system, designation of a 100% replacement area that is
equivalent and separate and available for future use, and that no
impermeable surface cover shall be placed above any on-site
wastewater treatment system.

(E) If a qualified engineer determines that soils are not suitable for on-site
wastewater treatment systems at O&M building sites, then the applicant
shall be required to obtain an operation and discharge permit from the
Regional Water Quality Control Board for the discharge of wastewater
generated by the Project's O&M buildings. If permitted, wastewater
shall be treated onsite and then used onsite as irrigation water for
landscaping or as dust control water in compliance with Title 22
Standards. If on site use of wastewater cannot be permitted, then an

1 application will be made to the Imperial Irrigation District to permit
2 treated wastewater to be conveyed to the nearest drain maintained by
3 the Imperial Irrigation District for discharge under Regional Water
Quality Control Board Waste Discharge Requirements.

- 4 (F) Prior to issuance of Building permit, a Field Resistivity and Ground
5 Potential Rise Evaluation shall be prepared by a qualified engineer
6 having at least five years of experience in the field of corrosive soils
7 evaluation and mitigation during the final design phase of the Project.
8 The Evaluation shall identify Project components potentially subject to
9 corrosive soils, as well as specific, accepted, proven construction
10 engineering practices and measures that could be implemented to
11 avoid adverse corrosion impacts. Potential measures may include, but
12 are not limited to: galvanization, epoxy coatings, thicker steel, and
13 cathodic protection and shall be applied and implemented in a manner
14 that protects the functionality of Project components from being
15 compromised as a result of exposure to corrosive soils. Concrete
16 utilizing mixes of quantities of Type II or Type V Portland cement to
17 achieve a minimum strength of 4,500 pounds per square inch (psi)
18 compressive strength and a low water-cement ratio (0.45 maximum by
19 weight) can also be used to encase steel as an effective measure of
20 protection against corrosive soils. The Field Resistivity and Ground
21 Potential Rise Evaluation shall be submitted for review and approval to
22 the Imperial County Department of Public Works. Measures identified in
23 the Field Resistivity and Ground Potential Rise Evaluation shall be
24 identified on and incorporated into the Project's final design plans.

17 **S-6 CULTURAL RESOURCES:**

- 18 (A) Prior to issuance of grading permits, the project applicant shall retain a
19 qualified archaeologist defined as one meeting the Secretary of the
20 Interior's Professional Qualification Standards (U.S. Department of the
21 Interior 2008) to oversee Phase I cultural resources surveys for the
22 Laurel Cluster, to determine if previously unidentified cultural resources
23 exist within the project sites and to relocate and evaluate the previously
24 identified resources that have not yet been evaluated. The methods
25 and results of the surveys, as well as the records search, shall be
26 summarized in a Phase I cultural resources survey report that follows
27 the guidelines in *Archaeological Resource Management Reports:
28 Recommended Contents and Format*, Department of Parks and
Recreation, Office of Historic Preservation, State of California, 1990.
The report shall address the requirements of CEQA. Prior to issuance
of a grading permit for each CUP site, Department of Planning and
Development Services shall verify that a Phase I cultural resources
survey has been conducted and report prepared.

- 1 (B) If previously documented but unevaluated and/or newly documented
2 archaeological resources are identified within the project sites, they
3 should be evaluated for inclusion in the California Register of Historic
4 Resources (CRHR) and/or as unique archaeological resources. Should
5 newly documented archaeological resources be found eligible for listing
6 in the CRHR and/or constitute unique archaeological resources,
7 avoidance and preservation in place is the preferred manner of
8 mitigation. If avoidance is not feasible, a treatment plan should be
9 developed by the qualified archaeologist in coordination with the project
10 applicant and the lead agency that provides for the adequate recovery
11 of the scientifically consequential information contained in the
12 archaeological resources. Prior to issuance of a grading permit for each
13 CUP site, Department of Planning and Development Services shall
14 verify that any recommendations for cultural resources treatment as a
15 result of the Phase I survey required by MM CR-2, be implemented
16 prior to grading.
- 17 (C) Development within the project sites shall avoid impacts on the
18 following resources: P-13-008334 (Westside Main Canal) and -013760
19 (Westside Drain) located within or immediately adjacent to the project
20 sites that have been previously determined or recommended as eligible
21 for listing in the CRHR. Prior to issuance of a grading permit for each
22 CUP site, Department of Planning and Development Services shall
23 verify that site plans and construction plans avoid impacts to these
24 resources.
- 25 (D) Pursuant to CEQA Guidelines §15064.5(f), in the event that previously
26 unidentified unique archaeological resources are encountered during
27 construction or operational repairs, archaeological monitors will be
28 authorized to temporarily divert construction work within 100 feet of the
area of discovery until significance and the appropriate mitigation
measures are determined by a qualified archaeologist familiar with the
resources of the region. Applicant shall notify the County within 24
hours. Applicant shall provide contingency funding sufficient to allow for
implementation of avoidance measures or appropriate mitigation.
During grading and construction for each CUP site, the archaeological
monitor shall have the authority to divert construction work, develop and
implement appropriate mitigation, and notify the County within 24 hours.
- (E) In the event of the discovery of previously unidentified archaeological
materials, the contractor shall immediately cease all work activities
within approximately 100 feet of the discovery. Prehistoric
archaeological materials might include obsidian and chert flaked-stone
tools (e.g., projectile points, knives, and scrapers) or tool making debris;
culturally darkened soil (“midden”) containing heat-affected rocks,
artifacts, or shellfish remains; and stone milling equipment (e.g.,
mortars, pestles, handstones, or milling slabs); and battered stone
tools, such as hammerstones and pitted stones. Historic-period

1 materials might include stone, concrete, or adobe footings and walls;
2 filled wells or privies; and deposits of metal, glass, and/or ceramic
3 refuse. After cessation of excavation, the contractor shall immediately
4 contact the Imperial County Department of Planning and Development
5 Services. Except in the case of cultural items that fall within the scope
6 of the Native American Grave Protection and Repatriation Act, the
7 discovery of any cultural resource within the project areas shall not be
8 grounds for a “stop work” notice or otherwise interfere with the projects’
9 continuation except as set forth in this paragraph. In the event of an
10 unanticipated discovery of archaeological materials during construction,
11 the applicant shall retain the services of a qualified professional
12 archaeologist, meeting the Secretary of the Interior’s Standards for a
13 Qualified Archaeologist, to evaluate the significance of the materials
14 prior to resuming any construction-related activities in the vicinity of the
15 find. If the qualified archaeologist determines that the discovery
16 constitutes a significant resource under CEQA and it cannot be
17 avoided, the applicant shall implement an archaeological data recovery
18 program. During grading and construction for each CUP site, the
19 archaeological monitor shall have the authority to divert construction
20 work, develop and implement appropriate mitigation (including a data
21 recovery program, if necessary), and notify the County within 24 hours
22 (per MM CR-5).

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**S-7 HEALTH, SAFETY AND HAZARDOUS MATERIAL/FIRE AND FUELS
MANAGEMENT**

- (A) All trash and debris within the Project site shall be disposed of off-site, in accordance with current, local, state, and federal disposal regulations. Compliance with this measure shall be verified by the Planning and Development Services Department.
- (B) If it is determined that hazardous wastes are, or will be generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5).
- (C) If it is determined that hazardous wastes will be generated, the Permittee should also obtain a United States Environmental Protection Agency, Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous material, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting the local CUPA.

1 (D) Firearms shall be prohibited in all Project areas except for those used
2 by licensed security personnel.

3 (E) The Permittee shall ensure that the AST, farm equipment area, and any
4 other debris have been cleared from the site.

5 Prior to the demolition of any building, structure, or transite pipe, the
6 Applicant shall hire a California Certified Lead Inspector/Assessor and
7 Certified asbestos Consultant to evaluate these features for the
8 presence of lead-based paint (LBP) and/or asbestos containing
9 materials (ACM). Confirmed LBP and/or ACM shall be handled by a
10 licensed LBP contractor and/or Licensed Asbestos Contractor. All
11 contaminants shall be remediated in compliance with California
12 environmental regulations and policies. LBP and/or ACM shall be
13 disposed of according to appropriate regulations.

14 (F) **Phase II ESA:** A Phase II ESA (drilling, sampling, and analytical
15 program) shall be completed if the LSF1 project is to be constructed in
16 the area of the septic system. This ESA will assist to determine if the
17 previous septic system is still onsite and if soil contamination exists.
18 Prior to issuance of a grading permit for the LSF1 CUP only, the
19 Department of Planning and Development Services shall verify that a
20 Phase II ESA has been completed.

21 (G) **Hazardous Materials Discovery:** All construction contractor(s) shall be
22 instructed to immediately stop all subsurface construction activities in
23 the event that petroleum is discovered, an odor is identified, or
24 significantly stained soil is visible during construction. Contractors shall
25 be instructed to follow all applicable regulations regarding discovery and
26 response for hazardous materials encountered during the construction
27 process. During construction, discovery of hazardous materials shall
28 result in the immediate stop of all subsurface construction activities.

20 S-8 HYDROLOGY AND WATER QUALITY

21 A. Prior to construction and site restoration for the CUP site, the
22 Applicant shall acquire appropriate Clean Water Act regulatory permits;
23 prepare SWPPP with incorporated control measures outlined in Mitigation
24 Measure 4.9-1a; and implement BMPs. **Prepare SWPPP and Implement
25 Best Management Practices (BMP) Prior to Construction and Site
26 Restoration.** The project applicant or its contractor shall prepare a SWPPP
27 specific to the project and be responsible for securing coverage under
28 SWRCB's National Pollution Discharge Elimination System (NPDES)
stormwater permit for general construction activity (Order 2009-0009-DWQ).
The SWPPP shall identify specific actions and BMPs relating to the
prevention of stormwater pollution from project-related construction sources
by identifying a practical sequence for site restoration, BMP implementation,

1 contingency measures, responsible parties, and agency contacts. The
2 SWPPP shall reflect localized surface hydrological conditions and shall be
3 reviewed and approved by the project applicant prior to commencement of
4 work and shall be made conditions of the contract with the contractor
5 selected to build and decommission the project. The SWPPP(s) shall
6 incorporate control measures in the following categories:

- 7 • Soil stabilization and erosion control practices (e.g., hydroseeding,
8 erosion control blankets, mulching) Dewatering and/or flow diversion
9 practices, if required.)
- 10 • Sediment control practices (temporary sediment basins, fiber rolls).
- 11 • Temporary and post-construction on- and off-site runoff controls.
- 12 • Special considerations and BMPs for water crossings, wetlands, and
13 drainages
- 14 • Monitoring protocols for discharge(s) and receiving waters, with
15 emphasis place on the water quality.
- 16 • Waste management, handling, and disposal control practices
- 17 • Corrective action and spill contingency measures
- 18 • Agency and responsible party contact information
- 19 • Training procedures that shall be used to ensure that workers are
20 aware of permit requirements and proper installation methods for
21 BMPs specified in the SWPPP

22 B. The SWPPP shall be prepared by a qualified SWPPP practitioner with
23 BMPs selected to achieve maximum pollutant removal and that represent
24 the best available technology that is economically achievable. Emphasis for
25 BMPs shall be placed on controlling discharges of oxygen-depleting
26 substances, floating material, oil and grease, acidic or caustic substances or
27 compounds, and turbidity. BMPs for soil stabilization and erosion control
28 practices and sediment control practices will also be required. Performance
and effectiveness of these BMPs shall be determined either by visual means
where applicable (i.e., observation of above-normal sediment release), or by
actual water sampling in actives: dissolved oxygen, floating material, oil and
grease, pH, and turbidity cases where verification of contaminant reduction
or elimination, (inadvertent petroleum release) is required to determine
adequacy of the measure.

22 C. Prior to issuance of a grading permit for the CUP site, the Applicant
23 shall provide Colorado River Basin Regional Water Quality Control Board
24 with the location, type of discharge, and methods treatment and monitoring
25 for all groundwater dewatering discharges if the project requires
26 construction dewatering. **Properly Dispose of Construction Dewatering
27 in Accordance with the Colorado River Basin Regional Water Quality
28 Control Board.** If required, all construction dewatering shall be discharged
to an approved land disposal area or drainage facility in accordance with
Colorado River Basin RWQCB requirements. The project applicant or its
construction contractor shall provide the Colorado River Basin RWQCB with
the location, type of discharge, and methods of treatment and monitoring for
all groundwater dewatering discharges. Emphasis shall be placed on those

1 discharges that would occur directly or in proximity to surface water bodies
2 and drainage facilities.

3 D. Post construction for the CUP site, the Applicant shall implement a
4 Drainage Plan in accordance with the County and Imperial Irrigation District
5 guidelines as outlined. **Incorporate Post-Construction Runoff BMPs into
6 Project Drainage Plan and Maximize Opportunities for Low Impact
7 Development.** The project Drainage Plan shall adhere to County and IID
8 guidelines to treat, control, and manage the on- and off-site discharge of
9 stormwater to existing drainage systems. Low Impact Development
10 opportunities, including, but not limited to infiltration trenches or bioswales,
11 will be investigated and integrated into the Drainage Plan to the maximum
12 extent practical. The Drainage Plan shall provide both short- and long-term
13 drainage solutions to ensure the proper sequencing of drainage facilities
14 and treatment of runoff generated from project impervious surfaces prior to
15 off-site discharge. The project applicant shall ensure the provision of
16 sufficient outlet protection through the use of energy dissipaters, vegetated
17 rip-rap, soil protection, and/or other appropriate BMPs to slow runoff
18 velocities and prevent erosion at discharge locations, access roads,
19 electrical distribution, and solar array locations. A long-term maintenance
20 plan shall be developed and implemented to support the functionality of
21 drainage control devices. The facility layout(s) shall also include sufficient
22 container storage and on-site containment and pollution-control devices for
23 drainage facilities to avoid the off-site release of water quality pollutants,
24 including, but not limited to oil and grease, fertilizers, treatment chemicals,
25 and sediment.

17 **S-9 BIOLOGICAL RESOURCES:**

18 (A) **GENERAL CONSTRUCTION** The CUP owner shall identify and
19 retain a qualified biologist(s) approved by CDFW. The name,
20 documented experience, any permit numbers, and resumes for the
21 qualified biologist(s) shall be submitted to the CDFW for approval at
22 least seven (7) days prior to initiation of construction. It is assumed
23 CDFW will approve qualified biologist(s) within fifteen (15) days of the
24 submittal. The qualified biologist(s) shall be present on-site during all
25 ground-disturbing phases of construction to regularly monitor
26 construction activities and ensure construction is proceeding in
27 compliance with the avoidance, minimization, and mitigation measures
28 committed to by the Applicant, as well as measures required (project
manager, resident engineer) to ensure that issues relating to biological
resources are appropriately and lawfully managed. The qualified
biologist shall be responsible for reporting any noncompliance issues
to CDFW within forty-eight (48) hours. The resident engineer shall be
immediately notified to halt work, if necessary. The qualified
biologist(s) shall provide a report to CDFW at least monthly identifying
construction activities and the results of compliance monitoring related

1 to implementation of avoidance and minimization measures. The
2 qualified biologist(s) shall meet the following minimum qualifications:

- 3 (1) Have a bachelor's degree in biological sciences, zoology, botany,
4 ecology, or a closely related field or at least four (4) years of
5 experience in field biology or current certification of a nationally
6 recognized biological society, such as The Ecological Society of
7 America or The Wildlife Society;
- 8 (2) Have at least one (1) year of field experience with biological
9 resources found in the geographic region of the Project; and
- 10 (3) Have extensive knowledge of the biology and ecology of sensitive
11 species occurring and potential occurring within the Project site.
- 12 (4) Have specialized avian experience necessary to conduct nesting
13 surveys and monitor buffers.
- 14 (5) The CUP owner shall develop and implement a Worker
15 Environmental Awareness Program (WEAP) prior to the start of
16 construction. The WEAP shall be submitted to the Imperial County
17 Planning and Development Services Department for review and
18 approval prior to the issuance of building permits. The WEAP
19 training shall be led by the qualified biologist(s) and shall cover the
20 following:
- 21 (a) The potential presence and ecology of sensitive biological
22 resources found on-site, such as potential jurisdictional
23 waters and nesting avian species;
- 24 (b) Flagging/fencing of exclusion areas;
- 25 (c) Proper implementation of protective measures to avoid
26 impacts to special-status species; The reasons, need, and
27 method by which employees should report on wildlife
28 mortality, follow nest management protocols, dispose of
carcasses, comply with applicable regulations (including the
consequences of noncompliance), and the appropriate
agencies and personnel that should be contacted after
incidents; and
- (d) Other permit requirements and environmental issues.
- (6) All construction site personnel shall be required to attend the
WEAP training in conjunction with hazard and safety training prior
to working on-site.

- 1 (7) Parking of vehicles shall occur within the fenced Project area or
2 within previously disturbed areas prior to construction of the
3 fencing, and away from sensitive habitats.
- 4 (8) Grading shall only occur where necessary and as specified by the
5 Project's final engineering plans, and shall be avoided wherever
6 possible to minimize the amount of ground disturbance.
- 7 (9) To the extent possible, Project layout and design shall generally
8 follow existing contours of the Project site to minimize the amount
9 of grading required. To the extent possible, nighttime construction
10 shall be avoided. When activities must occur at night, all Project
11 lighting (e.g., staging areas, equipment storage sites, roadway)
12 shall be directed downward and away from natural vegetation
13 communities. Light glare shields shall be used to reduce the extent
14 of illumination into adjoining areas.
- 15 (10) Nighttime and daytime on-site construction vehicle speeds shall be
16 restricted to ten (10) miles per hour and twenty (20) miles per hour,
17 respectively. Speed limit signs shall be posted throughout the site
18 to remind construction workers of travel speed restrictions.
- 19 (11) Spoils, trash, and any construction-generated debris shall be
20 removed to an approved off-site disposal facility. A trash
21 abatement program shall be established. Trash and food items
22 shall be contained in closed containers and removed daily to
23 reduce the attraction of opportunistic predators such as common
24 ravens, coyotes, and feral cats and dogs that may prey on
25 sensitive species.
- 26 (12) When handling toxic substances, construction vehicles shall carry
27 a Hazardous Material Spill Kit for use in the event of a spill. All
28 construction personnel working on-site shall be trained in using
these kits. Spill containment materials must be on-site or readily
available for any equipment maintenance or refueling.
- (13) Construction workers shall be prohibited from bringing domestic
pets and firearms to the site.
- (14) A SWPPP or equivalent shall be prepared prior to the start of
construction to comply with applicable RWQCB storm water
management provisions. The SWPPP or SWPPP equivalent
document shall identify the design features and BMPs that shall be
used to effectively manage drainage-related issues (e.g., erosion
and sedimentation) during construction. Erosion control measures
shall be regularly checked by inspectors, the qualified biologists,
and/or resident engineer. Fencing and erosion control measures of
all construction areas shall be inspected a minimum of once per

1 week (refer to mitigation measure MM 4.11.1b in Section 4.11,
2 Hydrology and Water Quality).

3 (15) All construction activities shall cease during heavy rains to prevent
4 unnecessary erosion, runoff, and sedimentation, and shall not
5 resume until conditions are suitable for the movement of
6 equipment and materials.

7 (16) No planting or seeding of invasive plant species on the most
8 recent version of the California Invasive Plant Council (Cal-IPC)
9 California Invasive Plant Inventory for the Project region shall be
10 permitted.

11 (17) To prevent indirect effects to sensitive natural resources from
12 fugitive dust associated with construction of the Project, all active
13 construction areas shall be watered down as necessary. All trucks
14 hauling soil, sand, and other loose materials shall be covered or
15 shall maintain at least 2 feet of free-board. All unpaved access
16 roads, parking areas, and staging areas at construction sites shall
17 have non-potable water or nontoxic soil stabilizers applied as
18 needed.

19 (18) At the completion of construction, all construction-related materials
20 shall be removed from the site.

21 (19) The CUP owner shall develop a Weed Management Plan prior to
22 the commencement of construction activities. The Weed
23 Management Plan shall include a variety of measures that shall be
24 undertaken during construction and operation activities to prevent
25 the introduction and spread of new weed species. The Weed
26 Management Plan shall also address monitoring, plus educating
27 personnel on weed identification and methods for avoiding and
28 treating infestations. Weed control methods may include both
physical and chemical control. All chemical applications require
oversight by a holder of a valid Qualified Applicator's License
(QAL) issued by the California Department of Pesticide Regulation
(CADPR) Recommendations for use of chemical products will be
made in writing by a Pest Control Advisor (PCA) with a valid
CADPR license. Chemical products will be registered, non-
restricted, general-use herbicides. Treatment applications will
follow use and safety guidelines available on product labels.
Typical active ingredients expected for chemical treatments are
glyphosate and triclopyr. Glyphosate and triclopyr are found in
broad-spectrum, systemic herbicides, and available in numerous
products intended for control of post-emergent vegetation.
Chemical treatment of vegetation in and around aquatic or wetland
features requires products approved for use within such habitats,
as described on product labels. The Weed Management plan shall

1 be submitted to the Imperial County Planning and Development
2 Services Department for review and approval prior to issuance of
3 building permits.

4 (B)

5 (1) The CUP owner shall develop and implement an Operation and
6 Maintenance Worker Education Plan to advise personnel on
7 general operations measures. The Worker Education Plan shall be
8 submitted to the County of Imperial Planning and Development
9 Services Department for review and approval prior to issuance of
10 building permits. The following provisions shall be included in the
11 Worker Education Plan and implemented throughout the
12 operational lifespan of the CUP:

13 (a) Operation and maintenance personnel shall be prohibited from:

- 14 (1) Harming, harassing, or feeding wildlife and/or collecting
15 special-status plant or wildlife species.
- 16 (2) Traveling (either on foot or in a vehicle) outside of Project
17 footprint except on public roads.
- 18 (3) Littering on the Project area.
- 19 (4) Allowing persons not employed at the facility to remain on
20 site after daylight hours
- 21 (5) Exceeding normal nighttime operational noise or lighting
22 levels.

23 (2) All operation and maintenance equipment, including cranes and
24 personnel, shall stay within the permanent impact footprint of CUP
25 boundaries, the Electrical Collector Line Corridor, or the Gen-Tie
26 line corridor, except when not physically feasible or when
27 necessary to protect human life or property. Operation and
28 maintenance vehicles shall be parked in designated areas and
away from sensitive habitats.

(3) Nighttime and daytime vehicle speeds within the CUP, the
Electrical Collector Line Corridor, and the Gen-Tie line corridor
shall be restricted to ten (10) miles per hour and twenty-five (25)
miles per hour, respectively. Speed limit signs shall be posted
throughout the Project site to remind workers of travel speed
restrictions.

(4) The CUP, the Electrical Collector Line Corridor, and the Gen-Tie
line corridor shall be kept clear of trash and other litter to reduce

1 the attraction of opportunistic predators such as common ravens,
2 coyotes, and feral dogs that may prey on sensitive species.

3 (5) Operation and maintenance employees shall be prohibited from
4 bringing domestic pets and firearms to the site.

5 (6) The General Construction Permit shall specify post-construction
6 storm water control standards, and preparation and
7 implementation of a Long-Term Maintenance Plan for the
8 retention/detention basins

9 (7) Operation and maintenance activities at each CUP, the Electric
10 Collector Line Corridor, and the Gen-Tie corridor shall be carried
11 out in accordance with the Weed Management Plan

12 **(C) JURISDICTIONAL WATERS AND WETLANDS MEASURES - ALL**
13 **CUPs**

14 (1)

15 (a) The CUP owner shall implement the following measures
16 during decommissioning activities occurring within the CUP.

17 (1) All mitigation measures required during construction of
18 the Project to avoid or minimize impacts to biological
19 resources shall also be implemented during
20 decommissioning activities.

21 (2) Decommissioning of the Project shall minimize new site
22 disturbance and removal of native vegetation to the
23 maximum extent possible.

24 (3) Topsoil removed during decommissioning shall be
25 stockpiled and used as topsoil during restoration efforts
26 associated with decommissioning disturbance.

27 (4) Soil shall be stabilized and vegetated with plant species
28 characteristic of native species within adjacent habitats,
except where immediately reclaimed as agriculture.
Local seed sources shall be used where feasible.

(5) Surface water flows shall be restored to pre-disturbance
conditions. Unnecessary stream crossings, roads, and
pads shall be removed and revegetated. Erosion control
measures shall be installed in all disturbance areas.

(6) Petroleum and chemical spills shall be remediated prior
to the completion of decommissioning.

- 1 (b) The CUP owner shall implement the following measures prior
2 to and during construction activities of the Electric Collector
3 line Corridor and Gen-Tie line corridor to avoid construction-
4 related impacts to jurisdictional waters and wetlands.
- 5 (c) The CUP and Project design shall avoid direct and indirect
6 impacts to jurisdictional waters to the greatest extent feasible.
7 Construction within jurisdictional waters and/or wetlands shall
8 be subject to prior authorization by USACE, RWQCB, and
9 CDFW.
- 10 (d) All equipment operating in and near jurisdictional waters or
11 wetlands shall be in good working condition and free of leaks.
12 All vehicles shall have drip pans during storage to contain
13 minor spills and drips. No refueling or storage shall take place
14 within 100 feet of a drainage channel or structure. In addition,
15 all maintenance crews working with heavy equipment shall be
16 trained in spill containment and response.
- 17 (e) Discharges shall not permanently restrict or impede the
18 passage of normal or expected high flows, or cause the
19 permanent relocation or diversion of the flows.
- 20 (f) Where turbidity or erosion occurs or is expected to occur from
21 drainage structures, biofilters, detention basins or other
22 appropriate drainage catchment structures shall be installed
23 where flow conveyance occurs from the Project directly into a
24 jurisdictional area.
- 25 (g) Temporary impacts to jurisdictional waters and wetlands will
26 be recontoured to pre-construction conditions. Temporary
27 impacts to vegetated jurisdictional waters and wetlands will
28 also be revegetated with appropriate native vegetation or
non-native compatible with the landscape palette.
- (h) Permanent impacts to jurisdictional waters and wetlands shall
be mitigated either through on-site and/or off-site re-
establishment and/or enhancement of jurisdictional waters
and wetlands or through an approved-mitigation bank or in-
lieu fee program, if one is available. The type of mitigation,
mitigation location, and the final mitigation ratios will be
established during the permit process for the Project's
USACE Section 404 permit, the RWQCB Section 401 Water
Quality Certification, and a CDFW Streambed Alteration
Agreement. The federal agencies have published guidance
on mitigation, i.e., the final rule for Compensatory Mitigation
for Losses to Aquatic Resources that was issued by USACE
and USEPA. Issuance of required permits/authorizations and

1 preparation of a detailed Wetland/Waters Mitigation Plan to
2 be submitted for review and approval by the USACE,
3 RWQCB, and CDFW before impacts to jurisdictional waters.

4 (i) The CUP owner shall comply with additional measures
5 identified during permitting through the USACE, RWQCB,
6 and CDFW. In addition, the determination of whether the
7 Project may be permitted under USACE's NWP program, or
8 whether an individual permit shall be required, shall be
9 determined formally as part of the CWA Section 404 permit
10 process. To qualify for an NWP, the proposed action and the
11 associated unavoidable impacts to jurisdictional waters based
12 on final project designs must satisfy all terms and conditions
13 of the applicable NWP, as well as all general conditions and
14 any relevant regional conditions of the NWP program.

15 (j) The Wetland/Waters Mitigation Plan shall describe proposed
16 on-site and off-site mitigation. For all habitat restoration
17 proposed, this plan shall include details regarding site
18 preparation (e.g., grading), planting specifications, and
19 irrigation design, as well as maintenance and monitoring
20 procedures. The plan shall also outline yearly success criteria
21 and remedial measures should the mitigation effort fall short
22 of the success criteria, and a strategy for long-term mitigation
23 site management. Alternatively, mitigation obligations may be
24 satisfied by participating in a fee-based mitigation program
25 (e.g., a wetland mitigation bank) in which case, long-term
26 management for such mitigation shall be covered under the
27 terms of the formal banking agreement or by purchasing
28 appropriate mitigation credits from a regulatory approved
bank.

(k) The following measures shall apply to construction activities:.

(1) A qualified biologist shall be on-site during all ground-
disturbing construction activities in potential BUOW
habitat. The qualified biologist shall be responsible for
implementing and overseeing BUOW avoidance and
minimization measures.

(2) The qualified biologist shall have the authority to stop
construction if activities are in violation of avoidance and
minimization measures. A qualified biologist possesses
a bachelor's degree in wildlife biology or a related field
and has demonstrated field experience in the
identification and life history of BUOW.

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(3) Per CDFW guidance, a take avoidance survey (i.e., pre-construction clearance survey) will be conducted by a qualified biologist to determine presence or absence of BUOW no less than fourteen (14) days and no more than thirty (30) days prior to initiating construction activities. Surveys shall include areas within the Project footprint and a surrounding 500-foot (150-meter) buffer. The survey shall consist of walking parallel transects and noting any fresh BUOW sign or presence. The results of the take avoidance survey shall be provided to CDFW. If more than thirty (30) days pass between the take avoidance survey and initiation of Project construction, additional take avoidance surveys may be required, depending on what actions have been implemented to deter BUOW from moving into the Project footprint and buffer area. A final take avoidance survey shall be conducted within the Project footprint within twenty-four (24) hours prior to initiation of construction activities. Given the total duration of construction and the size of the Project, it is expected that take avoidance surveys will be conducted in phases, in order to stay within the required survey windows associated with construction activities.

(4) If occupied burrows are found during take avoidance surveys, appropriate construction buffers or setback distances shall be determined by the qualified biologist on a case-by-case basis, depending on the season in which disturbance will occur, the type of disturbance, and other factors that could influence susceptibility to disturbance (e.g., topography, vegetation, existing disturbance levels, etc.). To the extent feasible, buffers of 246 feet (75 meters) will be used during the breeding season (February 1 through August 31) and 164 feet (50 meters) will be used during nonbreeding season (September 1 through January 31). "Shelter in place" techniques shall be used if necessary to create a visual and auditory barrier between construction activities and the occupied burrow. Techniques shall include placing hay bales, fencing, or another physical barrier between the occupied burrow and construction activities. The qualified biologist shall determine if and/or when shelter in place is necessary and feasible for implementation. When construction activities commence adjacent to the buffer area, a qualified biologist shall be present on-site full time to monitor the behavior of BUOW for at least 3 days. The qualified biologist shall have the authority to increase the setback distance if there are signs of

1 disturbance, such as changes in behavior as a result of
2 construction or other indications of distress by BUOW.

3 (a) If BUOW activity is detected at a burrow within the
4 Project footprint during the non-breeding season
5 (September 1 through January 31), BUOW shall
6 be excluded from active burrows and encouraged
7 to passively relocate to suitable, unoccupied
8 habitat outside of the exclusion area. BUOW shall
9 be excluded by installing one-way doors in burrow
10 entrances. Although passive relocation does not
11 result in control of the recipient area for BUOW,
12 the qualified biologists shall verify that there is an
13 acceptable "recipient" area within a reasonable
14 distance that provides the necessary subsidies to
15 support BUOW with the goal to minimize the
16 stress of relocation. Subsidies to be considered
17 include suitable burrows (primary and satellite)
18 and habitat quality (e.g., vegetation cover,
19 diversity) that is equal to or greater than that from
20 which they were relocated. If, during pre-
21 construction surveys, BUOW activity is detected at
22 a burrow within the Project footprint during the
23 breeding season (February 1 through August 31),
24 then an appropriate construction buffer or setback
25 distance shall be determined by the qualified
26 biologist on a case-by-case basis. This buffer shall
27 be flagged and all Project-related activity shall
28 remain outside of the flagged area until a qualified
biologist determines the burrow is no longer
occupied (e.g., juveniles are foraging
independently and are capable of independent
survival).

(b) In the event that BUOW will be excluded from the
Project footprint and occupied burrows will be
impacted, a mitigation site with suitable burrows
and habitat shall be secured and a Burrowing Owl
Exclusion Plan shall be developed and approved
by CDFW prior to excluding BUOW from burrows.
Specific objectives for BUOW protection
addressed by this Burrowing Owl Exclusion Plan
shall describe exclusion methodology, burrow
excavation procedures, on-site and post-relocation
monitoring of occupied burrows, and reporting.

(c) Occupied BUOW burrows directly impacted shall
be replaced by installing artificial burrows on

1 mitigation sites (i.e., conservation easements,
2 in-lieu fee lands, Farm Contract land), or other
3 land as agreed to by CDFW, at a ratio of 1:1. If
4 the mitigation sites identified for the Project have
5 at least two suitable BUOW burrows for each
6 occupied burrow directly impacted, then artificial
7 burrows shall not be installed. Suitable burrows
8 are defined as burrows greater than approximately
9 4 inches (10 centimeters) in diameter (height and
10 width) and greater than approximately 60 inches
11 (150 centimeters) in depth. Burrows shall be
12 scoped to ensure they are of proper depth for
13 BUOW.

14 (d) A security in an amount equal to the fair market
15 value of the cost of a perpetual conservation
16 easement and long-term endowment for the
17 number of acres of burrowing owl habitat
18 mitigation obligation for each CUP Phase (one or
19 more CUPs for which a security is posted) prior to
20 commencement of construction shall be posted to
21 fulfill the mitigation obligations for lost burrowing
22 owl habitat.

23 (e) The CUP owner shall proffer compensatory
24 mitigation when a total of four CUP Phases have
25 posted security and proffered compensatory
26 mitigation or eighteen (18) months from the date of
27 posting security on the first CUP Phase, whichever
28 is longer. Security shall be returned to the CUP
owner upon proffer of compensatory mitigation. CDFW may extend the 18-month period if the CUP owner is making a good-faith effort to proffer mitigation and demonstrating progress in securing mitigation. If the 18-month period elapses and the CUP owner cannot proffer mitigation or demonstrate a good faith effort to secure mitigation, CDFW may cash in the security to secure mitigation itself.

(l) The CUP owner shall proffer mitigation for lost burrowing owl core foraging habitat, as identified in the BUOW occupancy analysis and model by (1) securing a CUP owner purchased conservation easement or similar instrument that protects the agricultural use of the land in perpetuity at a ratio of 1:1; (2) participating in the Burrowing Owl Habitat Mitigation Plan administered by the Imperial Community Foundation-Burrowing Owl Stewardship and Education Fund (IVCF-

1 BOSEF) (or similar qualified non-profit organization and
2 approved by CDFW), if available; and/or (3) using a CDFW-
3 approved in-lieu fee program, if one is available at the time
4 the compensatory mitigation is proffered. To be available as
5 compensatory mitigation for this Project, the Burrowing Owl
6 Habitat Mitigation Plan shall be developed for approval by
7 CDFW and the IVCF-BOSEF Board of Directors (or the
8 Board of Directors of similar qualified non-profit organization)
9 before the time compensatory mitigation is proffered.

10 (m) The Burrowing Owl Habitat Mitigation Plan would be
11 developed to compensate for impacts to core foraging
12 habitat, and include the following components:

13 (1) Avoiding higher quality habitat to the extent practicable.
14 [Note: The Project Applicant has already implemented
15 this measure by removing portions of the Project based
16 on the occupancy model.]

17 (2) A strategy and methods to enroll farmers in a program
18 to grow and retain Burrowing Owl Friendly Crops
19 (BOFC) identified by the occupancy model (i.e., wheat
20 and alfalfa). Core BUOW foraging habitat shall be
21 mitigated at a 1:1 ratio by entering farm land into short-
22 term (minimum 3 years) farm agreements to
23 predominantly grow BOFC.

24 (3) A strategy and method for integrating owl-friendly farm
25 practices to reduce mortality of owls. For farm land
26 enrolled in BOFC agreements that include requirements
27 to implement BUOW safe farm practices, impacts to
28 core BUOW foraging habitat shall be mitigated at a
reduced ratio of 0.7:1, which reflects the combined
benefit of farming BOFC using BOSFP through short-
term (minimum of 3 years) farm

(n) A long-term financing plan and a defined program-sufficient
to fund the BOFC/BOSFP agreement program through the
end of the Project's operational life (anticipated to be
approximately 30 years) (e.g. endowment account).

(o) A Bird and Bat Conservation Strategy (BBCS) will be
developed by the Project Applicant in coordination with the
County of Imperial, USFWS, and CDFW. The BBCS will
include the following components:

(1) A description and assessment of the existing habitat and
avian and bat species;

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- (2) An avian and bat risk assessment and specific measures to avoid, minimize, reduce, or eliminate avian and bat injury or mortality during all phases of the Project.
- (3) A post-construction monitoring plan that will be implemented to assess impacts on avian and bat species resulting from the Project. The post-construction monitoring plan will include a description of standardized carcass searches, scavenger rate (i.e., carcass removal) trials, searcher efficiency trials, and reporting.
- (4) Statistical methods will be used to estimate Project avian and bat species, including special status species, annual mortality by taxa and season. Analysis will also determine collision rates during diurnal and nocturnal periods; species mortality composition; and assess the spatial distribution mortalities. Sufficient data (i.e., sample sizes) will dictate the extent that fatality models can be used to generate fatality estimates within the various categories. Fatality estimates will be generated using the most appropriate fatality estimator given the data set.
- (5) An injured bird response plan that delineates care and curation of any and all injured birds.
- (6) A nesting bird management strategy to outline actions to be taken for avian nests detected within the impact footprint during operation of the Project.
- (7) A conceptual adaptive management and decision-making framework for reviewing, characterizing, and responding to monitoring results.
- (8) Monitoring studies following commencement of commercial operation of each CUP area. Monitoring results will be reviewed annually by the Applicant and the County of Imperial, in consultation with CDFW and USFWS, to inform adaptive management responses.
- (9) During Project construction, incidental avian carcasses or injured birds found during construction shall be documented. Should a carcass be found by Project personnel, the carcass shall be photographed, the location shall be marked, the carcass shall not be

1 moved, and a qualified biologist shall be contacted to
2 examine the carcass. When a carcass is detected, the
3 following data shall be recorded (to the extent possible):
4 observer, date/time, species or most precise species
5 group possible, sex, age, estimated time since death,
6 potential cause of death or other pertinent information,
7 distance and bearing to nearest structure (if any) that
8 may have been associated with the mortality, location
9 (recorded with a Global Positioning System [GPS]), and
10 condition of carcass.

11 (10) If any federal listed, state listed or fully protected avian
12 carcasses or injured birds are found during construction
13 or post-construction monitoring, the Project Applicant
14 shall notify USFWS and CDFW within 24 hours via
15 email or phone and work with the resource agencies to
16 determine the appropriate course of action for these
17 species. For such listed species, the CUP owner shall
18 obtain or retain a biologist with the appropriate USFWS
19 Special Purpose Utility Permit(s) and CDFW Scientific
20 Collecting Permit(s) to collect and salvage all dead and
21 injured birds, and store/curate them in freezers for later
22 disposition and analysis.

23 (11) Although take is not anticipated, it is possible. Should
24 mortality of a federally listed species be documented,
25 the take will be addressed by applying for an incidental
26 take permit through the development of a Habitat
27 Conservation Plan (HCP) that satisfies the permit
28 issuance criteria stipulated under Section 10(a)(1)(B) of
the Endangered Species Act or through consultation
under Section 7 of the federal Endangered Species Act.
If mortality of a State-listed species is documented, the
CUP owner shall apply for a 2081(b) incidental take
permit from CDFW. Alternatively, if available, the CUP
owner may elect to obtain incidental take authorization
through participation in the Desert Renewable Energy
Conservation Plan.

(12) Utility lines constructed above-ground shall conform to
Avian Power Line Interaction Committee (APLIC)
standards.

(13) Post-construction monitoring studies shall be conducted
by a third-party independent contractor for at least two
(2) years following commencement of commercial
operation of each CUP area. Monitoring results shall be
reviewed annually by the Applicant and the County of

1 Imperial, in consultation with CDFW and USFWS, to
2 determine if and to what extent post-construction
3 monitoring studies shall be continued in future years.

4 (2) To the extent possible, construction shall occur outside the typical
5 avian breeding season (February 15 through September 15). If
6 construction must occur during the general avian breeding season,
7 a pre-construction nest survey shall be conducted within the
8 impact area and a 500-foot (150-meter) buffer by qualified
9 biologist no more than seven (7) days prior to the start of
10 vegetation clearing and/or ground disturbing construction activities
11 in any given area of the Project footprint. Construction crews shall
12 coordinate with the qualified biologist at least seven (7) days prior
13 to the start of construction in a given area to ensure that the
14 construction area has been adequately surveyed. A nest is defined
15 as active once birds begin constructing or repairing the nest in
16 readiness for egg-laying. A nest is no longer an "active nest" if
17 abandoned by the adult birds or once nestlings or fledglings are no
18 longer dependent on the nest. If no active nests are discovered,
19 construction may proceed. If active nests are observed that could
20 be disturbed by construction activities, these nests and an
21 appropriately sized buffer (typically a 200-foot (61-meter) buffer for
22 non-raptor species nests and at least a 500-foot (150-meter) buffer
23 for raptor or federally listed species nests) would be avoided until
24 the young have fledged. Final construction buffers or setback
25 distances shall be determined by the qualified biologist in
26 coordination with USFWS and CDFW on a case-by-case basis,
27 depending on the species, season in which disturbance shall
28 occur, the type of disturbance, and other factors that could
influence susceptibility to disturbance (e.g., topography,
vegetation, existing disturbance levels, etc.). Active nests shall be
avoided until the young have fledged and/or the monitor
determines that no impacts are anticipated to the nesting birds or
their young. If vegetation clearing and/or ground disturbing
activities cease for fourteen (14) or more consecutive days during
the nesting season in areas where suitable nesting habitat
remains, repeat nesting bird surveys shall be required to ensure
new nesting locations have not been established within the impact
area and the defined buffers.

(3) Construction-generated noise may result in disturbance to nesting
migratory birds. The following measures shall be incorporated to
minimize noise generated from construction activities:

(a) The qualified biologist shall coordinate with contractors to
ensure that heavy equipment will be repaired as far as
practical from habitats where nesting birds may be present.

1 (b) Construction equipment, including generators and
2 compressors, shall be equipped with manufacturers' standard
3 noise-control devices or better (e.g., mufflers, acoustical
lagging, and/or engine enclosures).

4 (c) The construction contractor shall maintain all construction
5 vehicles and equipment in proper operating condition and
6 provide mufflers on all gas- and diesel-powered equipment.

7 (d) The Project's BBCS shall be implemented during the
8 construction. Incidental avian carcasses or injured birds
9 found during construction shall be documented. If a carcass
10 be found by Project personnel, the carcass shall be
11 photographed, the location shall be marked, the carcass shall
12 not be moved, and a qualified biologist shall be contacted to
13 examine the carcass. When a carcass is detected, the
14 following data shall be recorded (to the extent possible):
15 observer, date/time, species or most precise species group
16 possible, sex, age, estimated time since death, potential
17 cause of death or other pertinent information, distance and
18 bearing to nearest structure (if any) that may have been
19 associated with the mortality, location (recorded with a Global
20 Positioning System [GPS]), and condition of carcass.

21 (4) During decommissioning, Project improvements associated with
22 the Electric Collector Corridor Line and the Mount Signal Solar
23 Farm Project Gen-Tie line shall be removed. In addition, all
24 unnecessary overhead power lines and poles shall be removed by
25 the CUP owner.

26 (5) Adhere to all mitigations outlined in the Mitigation Monitoring and
27 Reporting Program (MM&RP) for the previously-approved Laurel
28 Cluster Solar Farm project.

S-10 PUBLIC SERVICES:

21 (A) If Permittee receives an exclusion of applicable sales and use tax
22 payable to the County of Imperial under Senate Bill 71 under the State
23 Public Resource Code (Section 26003, et al.) and the California
24 Alternative Energy and Advanced Transportation Financing Authority
25 (CAETF), Permittee shall pay to the County and Local Transportation
26 Authority an amount equal to the sales tax (currently at 1.5%) which
27 would have been received if Permittee had not obtained such exclusion.

28 (B) Permittee shall require that its general construction contractor exercise
its option to obtain a Board of Equalization (BOE) sub-permit for the
jobsite and allocate all eligible use tax payments to Imperial County and
LTA. Permittee will require that the general contractor provide County of
Imperial with either a copy of their BOE account number and sub-

1 permit. To accomplish this, Permittee shall either cause its general
2 construction contractor to treat the project in accordance with California
3 Regulation 1521(b)(2)(B), California Regulation 1521(c)(13)(B), and
4 California Regulation 1826(b) for sales and use tax purposes or form a
5 "Buying Company" as defined in the State of California Board of
6 Equalization Regulation 1699(h). Permittee can adopt an alternate
7 methodology to accomplish this goal if such methodology is approved
8 by the County Executive Officer prior to issuance of building permits.
9 Permittee shall require its general construction contractor to use
10 commercially reasonable best efforts to cause its subcontractors and
11 vendors to obtain similar sub-permits for the jobsite and to allocate all
12 eligible sales and use tax payment to Imperial County and LTA.

13 (C) Permittee shall direct use taxes on out-of-County taxable purchased
14 construction related items to Imperial County, to the extent permitted
15 and consistent with state use tax law.

16 (D) Permittee shall use its best efforts, consistent with state law, to source
17 taxable purchases from price competition construction retail vendors
18 within the County of Imperial in order to further source sales to County.

19 (E) The Permittee shall exclude from assessment and taxation under
20 California Revenue and Taxation Code Section 73 (AB 1451) only that
21 property qualifying as an Active Solar Energy System, pursuant to the
22 applicable guidelines issued by the Board of Equalization.

23 (1) The Permittee shall widely publicize to County residents the
24 availability of job opportunities associated with the project (whether
25 or not those job opportunities are within Imperial County or are
26 regional). Since the majority of the population residents in the
27 incorporated Cities of the County, dissemination of the information
28 should be relatively easy. Postings at City Halls, newspaper and
television advertisements, local job centers, and dedicated website
shall offer sufficient avenues of communication. The Imperial
County Office of Employment and Training in addition to the
Imperial Valley College presents viable sources for community
awareness. The information shall provide available positions,
details of positions including qualifications, number of openings,
indicated the anticipated start date for each, and application
process. In order to maintain oversight of the process, the
application process can be completed both on a dedicated website
and at dedicated computers at the County which would afford
those without Internet connection the ability to apply. The
Permittee's information shall be forwarded to the Permittee or their
contractor and copies of applications files are maintained at the
County.

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- (2) During the development phase of the project, the Permittee shall provide a roster of employees to include their position and place of residence. Permittee shall also attempt to coordinate a ride-share program with Caltrans and other regional employers to facilitate the employment of Imperial County residents in jobs related to this project.
- (3) Unless prohibited by local, state or federal law or regulation, Permittee shall make good faith efforts to hire qualified residents of the Imperial County with the objective that a majority of the total work force is comprised of the Imperial County residents.
- (4) The Permittee shall install and implement security measures which may include, but not limited to, secured perimeter fencing with barbed wire, sensors, with controlled access points, security alarms, security camera systems, security guard vehicle patrols to deter trespass or unauthorized activities that would interfere with operation of the proposed project.
- (5) Permittee shall compensate the County pursuant to the Department of Environmental Health Fee Schedule for any costs of calls related to bees and mosquitoes.
- (6) The Permittee shall reimburse the Sheriff's Department for any investigations regarding theft on the Project site and related law enforcement.
- (7) All construction supervisors and foremen shall be provided with communication devices, cell phones or walkie-talkies, in the event of an emergency situation on-site.
- (8) All construction-related activities shall take place within the development footprint of the Project as defined by the final engineering plans. The anticipated impact areas, including staging areas, equipment access, and disposal or temporary placement of spoils, shall be delineated with staking and/or orange construction fencing prior to construction to avoid natural resources where possible. No construction-related activities shall occur outside of the designated impact area. All construction materials, staging, storage, dispensing, fueling, and maintenance activities shall be designated on construction maps and shall be situated a minimum of fifty (50) feet from all drainages. Staging and temporary access shall occur on existing roadways whenever possible.
- (9) For operation and maintenance fees associated with Fire Department/OES: Compare to DA

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(a) Permittee shall pay a fee of \$50 per acre per year prior to commencement of the construction period to address the Imperial County Fire/OES expenses for service calls within the Project's Utility/Transmission area. Said amount shall be prorated on a monthly basis for periods of time less than a full year. Permittee shall provide advance, written notice to County Executive Office of the construction schedule and all revisions thereto.

Permittee shall pay an annual fee of \$20 per acre per year during the post-construction, operational phase of the Project to address the Imperial County Fire/OES expenses for service calls within the Project's Utility/Transmission area. Said fee will be paid to the Fire Department to cover on-going maintenance and operations costs created by the project.

(b) Costs associated with items two above items shall be annually adjusted on January 1st to add a CPI (Los Angeles) increase. Such costs associated with these items can be readjusted in the County's sole discretion if a new service analysis is prepared and that service analysis is approved by both the County and the Permittee.

(10) **FIRE** – In lieu of providing all-weather access roads for fire protection vehicles, the Permittee shall be permitted to provide compacted dirt roads (in compliance with ICAPCD's rules and regulations) for fire protection vehicles if prior to the issuance of any grading permit for the Project shall purchase an All-Terrain Capabilities (Type 3 Engine) as specified and approved by the Fire Department.. The Fire Engine cost estimate will be at Current Market Value for approved Fire Engine. Final cost, conditions and equipment of the Fire Engine shall be determined prior to the issuance of the initial grading permit. The County agrees to require, as a condition of approval, other developers in the area to reimburse the Applicant for the expenses associated with the purchase of the Fire Engine. The Permittee shall be reimbursed only for those expenses in excess of their proportionate share for the purchase of the Fire Engine that the Permittee would have been required to pay. Furthermore, if a Fire Engine was already purchased by another developer in the area, then the Permittee shall only be required to pay a fire mitigation in the amount of up to \$100 per acre that would represent their proportionate share to reimburse the purchaser of the Fire Engine. The County shall be responsible for managing the reimbursement component of this condition of approval.

1 **S-11 COMMENCEMENT OF WORK:**

2 If the project for which a Conditional Use Permit has been approved has not
3 commenced, or permits for said project have not been issued, within one (1)
4 year from approval date the Conditional Use Permit shall be null and void. If
5 a Conditional Use Permit has been unused, abandoned, discontinued, or
6 ceased for one (1) year, the Conditional Use Permit shall be null and void,
 and be of no effect. Notice to applicant/permittee under this division will not
 be required or provided by Department.

7 If an applicant cannot initiate or obtain permits for the approved use during
8 the one (1) year, applicant may request a one (1) year extension from the
9 Department. The request for an extension shall be in writing and be
10 submitted with explanation to the Planning & Development Services
11 Department at least sixty (60) days prior to the end of the one (1) year
 period. The Director shall have the authority to extend the initial startup
 period of a Conditional Use Permit two times for a maximum of one (1) year
 each. No extension under this section shall be extended for more than two
 (2) years.

12 **S-12 CONSTRUCTION STANDARDS:**

13 The solar energy and energy (battery) storage facility structures shall be built
14 in accordance with the California Building Code requirements applicable to
15 "Seismic Category D". All structures and facilities shall be designed in
16 accordance with the publication entitled "Recommended Lateral Force
17 Requirements and Commentary by the Structural Engineers Association of
18 California". The structural components of the permitted facilities shall be
19 reviewed by the Building Official/Planning and Development Services
 Director. Applicable building permits shall be procured from the County for
 facilities prior to commencement of construction of such facilities.

20 **S-13 EMERGENCY RESPONSE/ACTION PLAN:**

21 (A) The Permittee shall prepare an Emergency Response/Action Plan that
22 has been approved by the Imperial County Fire/OES Department, and
23 the Local Enforcement Agency. Any hazardous materials storage areas
24 shall be designed with curbs or other containment measures, e.g.
25 double-walled storage tanks, to contain spills and leaks and if on-site
 hazardous materials exceed fifty-five (55) gallons, a "Hazardous
 Material Management Plan" shall be prepared and approved by the
 County LEA and CUPA.

26 (B) The Emergency Response/Action Plan shall cover all possible
27 emergencies, e.g. major fluid spills, earthquakes, fires, floods or other
28 emergencies. At all times, there shall be at least one employee either
 on the facility premises or on-call (i.e., available to respond to an

1 emergency by reaching the facility within a short period of time) with the
2 responsibility of coordinating all emergency response measures. This
3 Emergency Coordinator shall be thoroughly familiar with all aspects of
4 the solar facility's Emergency Response/Action Plan, all operations and
5 activities at the facility, location of all records within the facility and the
6 facilities layout. This person shall have the authority to commit the
resources needed to carry out the contingency plan. Adequate
personnel and equipment shall be available to respond to emergencies
and to insure compliance with the conditions of the permit.

- 7 (C) The Emergency Response/Action Plan shall be prepared in
8 consultation with, but not be limited to, the Imperial County Fire
9 Protection/Office of Emergency Services, County Environmental Health
10 Services/Health Department, County Sheriff/Coroner's office, County
11 Public Works Department, Imperial County Planning and Development
12 Services Department, and other appropriate state and county agencies.
13 The plan shall include a notification list of response agencies which
14 shall be notified immediately upon the discovery of a reportable
15 unauthorized discharge and the list shall include: Imperial Fire
16 Protection/Office of Emergency Services, Imperial County Planning and
17 Development Services Department, County Environmental Health
18 Services/Health Department, County Department of Public Works
19 (DPW), California Highway Patrol, as applicable.
- 20 (D) All employees shall be trained by classroom and hands-on training on
21 safety procedures, maintenance programs and emergency response
22 protocols to ensure safety and reliability in the event of an unforeseen
23 emergency situation.
- 24 (E) The Permittee shall provide adequate safety devices against the hazard
25 of fire and explosion for activities that involve the use and storage of
26 flammable, explosive or highly corrosive or reactive materials as well as
27 provide adequate fire-fighting and fire suppression equipment and using
28 devices standard within the industry in compliance with all applicable
state and local laws as determined by the Fire Chief, Office of
Emergency Services.
- (F) The Permittee shall implement all State and County-approved worker
safety and fire protection plans and programs.
- (G) Any gates on-site shall have a "knock-box" lock and be rapidly
accessible by the Imperial Fire Protection/Office of Emergency
Services.
- (H) Appropriate first aid provisions for facility operations shall be made for
emergency response during Project construction, operation, and
maintenance activities with appropriate first aid training for Project
employees.

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- (I) During construction, a member of each working crew shall be trained in basic first aid and supplied with necessary medical equipment to respond to emergencies as provided for in the Emergency Response/Action Plan required above.
- (J) Permittee shall identify a responsible agent for emergency purposes, whose name, title, e-mail address and telephone number, which shall be provided to the County Department of Public Works, County Fire Protection/OES Department, County Environmental Health Services/Health Department, County Sheriff/Coroner's office, Imperial Irrigation District (IID), and Imperial County Planning and Development Services Department.

S-14 LAND USE IMPROVEMENTS

- (A) The Permittee shall prepare an appropriate parking plan for review and approval by the County Planning and Development Services and County Public Works Department for all proposed Operation & Maintenance buildings.
- (B) The Permittee shall surface with a minimum of three (3) inches of asphaltic concrete paving or material of higher quality all access drives, parking areas, and vehicular maneuvering areas from primary access to any constructed operation and maintenance buildings.

S-15 NOISE STANDARDS:

- (A) During the construction period, heavy truck traffic to/from the solar facilities shall be limited to the hours between 7:00 AM and 7:00 PM.
- (B) During construction, in accordance with Imperial County Noise Element of the General Plan, the noise level shall not exceed 75 dBA_{Leq} at the property boundary when averaged over an 8-hour period.
- (C) During operation of the facility, the maximum permitted continuous sound level shall be not more than 45 dBA_{Leq}, as measured at the nearest residence using the "A" scale and measured with a sound level meter and associated octave band analyzer. The level may be exceeded by ten percent (10%) if the noise is intermittent and during daylight hours.
- (D) Haul trucks and other engine-powered equipment shall be muffled and operated with engine exhaust brake use limited to emergencies.

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S-16 ODOR CONTROL:

The Permittee shall control all odor-causing, harmful, noxious emissions to insure that quantities or air contaminants released as a result of the permitted facilities do not exceed County, State or Federal standards, nor constitute a public nuisance, per the Imperial County Land Use Ordinance, Division 13, Enforcement, Chapter 2, Abatement of Nuisances, Sections 91302.00 through 91301.02.

S-17 PLAN APPROVALS:

Permittee shall submit to the Imperial County Planning and Development Services Department, architectural, landscaping and lighting plans prior to construction of those facilities, to include painting of structures, planting of trees and/or vegetation, and shall receive all approvals prior to commencing construction of the applicable permitted facilities. Approval shall not be unreasonably withheld so long as the plans are consistent with applicable Imperial County Land Use Ordinance requirements.

S-18 PROJECT DESIGN:

- (A) All facility access and parking areas shall be constructed to the standards of the Imperial County Land Use Ordinance.
- (B) All permitted activities shall provide for the minimum feasible surface land disturbance for compatibility with the existing uses wherever possible.
- (C) All equipment and electrical interconnection facilities used at the solar plant facilities shall be maintained in a manner that prevents breaking, cracking, and leaking, e.g. operator staffing and training, including appropriate quality assurance procedures, with the operation of back-up or auxiliary facilities when necessary.
- (D) A Storm-water Pollution Prevention Plan (SWPPP) shall be prepared for construction of the project in accordance with the requirements of the County of Imperial and the RWQCB (See S-8, Hydrology and Water Quality, Item #1).
- (E) All on-site basins shall be designed and constructed under the supervision of a California-licensed Civil Engineer meeting sound engineering standards, with all applicable regulations and all requirements of the County Environmental Health Services/Health Department and Public Works Departments are complied with.
- (F) Obtain encroachment permits for any construction or operation on IID existing right of way or easements.

1 **S-19 REPORTING AND MONITORING:**

- 2 (A) The Permittee shall furnish to the County, at its sole cost within a
3 reasonable time, any relevant reports/information which the County
4 requires for monitoring purposes to determine whether cause exists for
5 revoking this permit, or to determine compliance with this permit. The
6 Permittee shall submit all required reports to the Planning Director,
7 County Planning and Development Services Department, 801 Main
8 Street, El Centro, CA 92243.
- 9 (B) Permittee and Imperial County Planning and Development Services
10 Department Director shall agree upon an environmental consultant for
11 overseeing all the required mitigation, conditional use permit conditions
12 and public benefit agreement requirements during the construction of
13 project.
- 14 (C) Permittee shall pay for a third-party environmental consultant
15 monitoring and compliance.
- 16 (D) The Planning and Development Services Department, in consultation
17 with the third-party Environmental Consultant and the County Executive
18 Office, will require that all mitigation measures be satisfied, all
19 mitigation monitoring and Reporting Program requirements have been
20 satisfied, all Conditions of Approval in the Conditional Use Permit are in
21 full compliance and all conditions of the Development Agreement have
22 been satisfied before the Final Certificate of Occupancy Certificate is
23 issued.
- 24 (E) During the operation of solar facility, an Annual Compliance Report
25 shall be submitted to the Imperial County Planning and Development
26 Services Department, documenting the implementation of the
27 conditions and general measures as well as any resource-specific
28 measures.
- (F) The Permittee shall reimburse the Imperial County Planning and
 Development Services Department for County as well as monitoring
 and investigations related to the construction and operation of the
 Project. Permittee shall compensate the County pursuant to the
 Imperial County Planning & Development Services Department Fee
 Schedule for any costs incurred.
- (G) Permittee shall pay for all costs as required to comply with the
 Conditions of Approval and MMRP, and shall implement all required
 mitigation measures as indicated in the previously-approved Laurel
 Cluster Solar Farm Project Final Environmental Impact Report (FEIR)
 and Mitigation Monitoring, Reporting Program (MMRP). If mitigation
 measures for FEIR and MM&RP are more stringent than the conditions
 in this permit, the FEIR & MM&RP mitigations will be required.

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2 (H) All County staff time will be billed on a time and materials basis. Failure
3 by Permittee to provide any payment required of Permittee to the
4 County in the CUP shall cause Permittee to be in non-compliance of
5 the CUP. Upon Permittee being in such noncompliance, County may, at
6 its sole discretion, cease processing, defending any lawsuit or paying
7 for costs associated with the Project.

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11 **S-20 SPILLS AND RUNOFF:**

12 The Permittee shall design and construct the permitted facilities to prevent
13 spills from endangering adjacent properties and to prevent runoff from any
14 source being channeled or directed in an unnatural way so as to cause
15 erosion, siltation, or other detriments pursuant to the construction Storm
16 Water Pollution Prevention Plan approved by the Regional Water Quality
17 Control Board.

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21 **S-21 SOLAR FACILITIES CLOSURE AND SITE RESTORATION:**

22 (A) Permittee shall implement the site restoration plan as outlined within the
23 plan at the earlier of when the operation of the permitted facilities herein
24 authorized has ceased or the term of the CUP has expired. At such
25 time, all facilities shall be dismantled, and the lands involved restored to
26 their pre-construction condition and available for agricultural production
27 uses as agreed to by the Imperial County Planning and Development
28 Services Director.

(B) Within thirty (30) days prior to ground disturbance, a decommissioning
and restoration plan shall be submitted and approved by the Imperial
County Planning and Development Services Director.

(C) Within thirty (30) days prior to ground disturbance, a Bond, or other
acceptable surety, in the amount of the estimated site restoration
financial calculations/bond, for the developed project area as specified
in the [or grading plan(s) area], or other forms of security acceptable to
County Counsel's office, shall be filed with the County that guarantees
restoration of the land to its condition prior to the permitted solar plant
development.

(D) Upon completion of such site restoration, and demonstration that the
land has been restored to the agriculturally productive/farmable
condition prior to the permitted solar plant development the Bond or
other surety shall be released by the County.

(E) The above financial calculations/bond shall be reviewed every five (5)
years in December and adjusted on January 1st to add a Consumer
Price Index (CPI) (Los Angeles) increase by the Planning and
Development Services Director. This readjustment can be made in the

1 County's sole discretion and must be funded by the Permittee within
2 ninety (90) calendars after notice of the additional amount of such
3 adjustment.

4 **S-22 PUBLIC WORKS** ¹

- 5 (A) All survey monuments, including those within the interior of the project,
6 shall be protected and their locations shall remain accessible to any
7 surveyor throughout the duration of the project, or have their locations
8 perpetuated prior to construction. Section 8774 of the Business and
9 Professions Code, and Section 846.5 of the Civil Code, each provide
10 the right of entry to utilize boundary evidence and perform surveys,
11 without undue delay, to any person authorized to practice land
12 surveying. The right of entry is not contingent upon prior notice
- 13 (B) A corner record, or record of survey, is required for every survey
14 monument that may be adversely affected by construction. Section
15 8771(b) of the Professional Land Surveyors' Act requires that a corner
16 record, or record of survey, shall be filed with the County Surveyor prior
17 to construction. (Emphasis added)
- 18 (C) Derrick Road is classified as Minor Collector - Local Collector, two (2)
19 lanes, requiring seventy feet (70) of right of way, being thirty five (35)
20 feet from existing centerline. It is required that sufficient right of way be
21 provided to meet this road classification. (As directed by Imperial
22 County Board of Supervisors per Minute Order #6 dated 11/22/1994 per
23 the Imperial County Circulation Element Plan of the General Plan).
- 24 (D) Diehl Road is classified as Minor Collector - Local Collector, two (2)
25 lanes, requiring seventy feet (70) of right of way, being thirty five (35)
26 feet from existing centerline. It is required that sufficient right of way be
27 provided to meet this road classification. (As directed by Imperial
28 County Board of Supervisors per Minute Order #6 dated 11/22/1994 per
the Imperial County Circulation Element Plan of the General Plan).
- (E) Jessup Road is classified as Local County (Residential) - two (2) lanes,
requiring sixty feet (60) of right of way, being (30) feet from existing
centerline. It is required that sufficient right of way be provided to meet
this road classification. (As directed by Imperial County Board of
Supervisors per Minute Order #6 dated 11/22/1994 per the Imperial
County Circulation Element Plan of the General Plan).
- (F) Vaugh Road is classified as Local County (Residential) – two (2) lanes,
requiring sixty feet (60) of right of way, being (30) feet from existing
centerline. It is required that sufficient right of way be provided to meet

1 Department of Public Works Comment Letter dated 8/10/2021

1 this road classification. (As directed by Imperial County Board of
2 Supervisors per Minute Order #6 dated 11/22/1994 per the Imperial
3 County Circulation Element Plan of the General Plan).

- 4 (G) The Applicant shall furnish a Drainage and Grading Plan/Study to
5 provide for property grading and drainage control, which shall also
6 include prevention of sedimentation of damage to off-site properties.
7 Said plan shall be completed per *County of Imperial Department of
8 Public Works Engineering Design Guidelines Manual for the
9 Preparation and Checking of Street Improvement, Drainage, and
10 Grading Plans within Imperial County*. The Study/Plan shall be
11 submitted to the Department of Public Works for review and approval.
12 The applicant shall implement the approved plan. Employment of the
13 appropriate Best Management Practices (BMP's) shall be included
14 (Per Imperial County Code of Ordinances, Chapter 12.10.020 B).
- 15 (H) Easements shall be obtained for those portions of the projects
16 situated on land owned by persons other than the Applicant (such as
17 transmission/connection lines). Executed and recorded easements
18 shall be provided to the Public Works Department prior to issuance of a
19 building permit
- 20 (I) The Applicant shall prepare and submit a haul route study for the
21 proposed construction haul route to evaluate any impacts to County
22 roads. Said study shall be submitted to this Department for review
23 and approval. The haul route study shall include pictures and/or
24 other documents to verify the existing conditions of the impacted
25 County roads along the proposed haul route before construction
26 begins. The haul route study shall also include recommended
27 mitigation improvements to impacted County roads along with any fair
28 share costs for such improvements. No building or grading permits shall
be issued until such time said haul route study has been approved this
Department.
- (J) The Applicant shall enter into a Roadway Maintenance Agreement
with the County of Imperial prior to issuance of a grading permit The
Applicant shall provide financial security to maintain the road on the
approved haul route study during construction.
- (K) The Applicant will be required to repair any damages caused to
County roads by construction traffic during construction and maintain
them in safe conditions.
- (L) Any activity and/or work within Imperial County right-of-way shall be
completed under a permit issued by this Department (encroachment
permit) as per Chapter 12.12 - EXCAVATIONS ON OR NEAR A
PUBLIC ROAD of the Imperial County Ordinance.

1 • Any activity and/or work may include, but not be limited to, the
2 installation of stabilized construction entrances, primary access
3 driveways, secondary access driveways, site fence installation,
4 underground/overhead electrical crossings, road repairs, road dust
mitigation practices and/or improvements, temporary traffic control, or
any other road improvements.

5 (M) The applicant for encroachment permits within Imperial County right-of-
6 way, grading plans and/or improvement plans is responsible for
7 researching, protecting, and preserving survey monuments per the
8 Professional Land Surveyor's Act (8771 (b)). This shall include a copy
9 of the referenced survey map and tie card(s) (if applicable) for all
10 monuments that may be impacted.

11 (N) Any unimproved access roads/routes shall be improved for all-
12 weather access. Such all- weather improvements shall be completed
13 as recommended by a Geotechnical Engineer licensed to practice in
14 the State of California.

15 (O) Each site along paved/improved County Roads shall have, as a
16 minimum, one (1) primary asphalt concrete paved driveway and one (1)
17 emergency asphalt concrete paved driveway.

18 (P) Each site along unpaved/unimproved County roads shall have, as a
19 minimum, one (1) primary Class 2 Base aggregate material driveway
20 and one (1) emergency access Class 2 Base aggregate material
21 driveway.

22 (Q) Portions of roads used for site access are unimproved. The Applicant
23 shall mitigate generation of dust caused by construction traffic as per
24 Rule 805 - Paved and Unpaved Roads of the Imperial County Air
25 Pollution Control District.

26 (R) All off-site improvements within Imperial County right-of-way shall be
27 financially secured by either a road improvement bond or letter of
28 credit as approved by this department. No building or grading permits
shall be issued until such time said financial security has been
provided

S-23 WASTE DISPOSAL

- 1 (A) The Permittee shall insure that all solar plant facilities waste, liquid, gas
2 or solid, which are generated on-site shall be disposed of in compliance
3 with appropriate local, state, and federal regulations, in effect or as
4 subsequently duly-enacted. All solid waste debris and/or any
5 hazardous wastes located on the Project site must be satisfactorily
6 removed to a permitted facility prior to the commencement of grading
7 earthen material at the site.
- 8 (B) Littering shall not be allowed. Project personnel shall not deposit or
9 leave any food or waste in the Project area, and no biodegradable or
10 non-biodegradable debris shall remain in the right-of-way or on the
11 Project site following completion of construction.
- 12 (C) The Permittee shall notify the Imperial County Planning and
13 Development Services Director thirty (30) days in advance of any
14 directional drilling required for the construction of facility.

11 **S-24 CALTRANS**

- 12 (A) An encroachment permit shall be required for any work performed
13 within Caltrans right-of-way. If required, any traffic control will need to
14 be addressed as part of Caltrans permit approval. Stoppage of traffic
15 for placement of aerial lines, installation or removal of overhead
16 conductors crossing a highway requires traffic control will be addressed
17 in accordance with the Caltrans Standard Plans and the California
18 Manual on Uniform Traffic Control Devices (MUTCD).
- 19 (B) Any work performed within Caltrans right-of-way must provide an
20 approved final environmental document including the California
21 Environmental Quality Act (CEQA) determination addressing any
22 environmental impacts within the Caltrans right-of-way and any
23 corresponding technical studies, if required. If these materials are not
24 included with the encroachment permit application, the Permittee will be
25 required to acquire and provide these to Caltrans before the permit
26 application will be accepted. Identification of avoidance and/or
27 mitigation measures will be a condition of encroachment permit
28 approval as well as procurement of any necessary regulatory and
resource agency permits.

23 **S-25 IID**

- 24 A. The projects may impact IID drains with project site runoff flows
25 draining into IID drains. To mitigate impacts, the project may require a
26 comprehensive IID hydraulic drainage system analysis. IID's hydraulic
27 drainage system analysis includes an associated drain impact fee.¹

28 ¹ IID's Comment letter dated and received July 28, 2021

1 B. An IID encroachment permit is necessary to utilize existing surface-
2 water drainpipe connections to drains and receive drainage service
3 from IID. Surface-water drainpipe connections are to be modified in
4 accordance with IID standards. A construction storm-water permit
5 from the California Regional Water Quality Control Board is required
6 before commencing construction and an industrial storm water permit
7 from CRWQCB is needed for the operation of the proposed facility.
8 Copies of these permits as well as the project's Storm Water Pollution
9 Prevention Plan are to be submitted to IID.

10 C. The IID Water Department, at a June 30, 2021, meeting was advised
11 by Fuscoe Engineering and 8 Minute Energy representatives of the
12 Laurel Cluster Solar Energy Project that the project will not require
13 any operational water for the battery storage and solar facilities. This
14 communication is a change from the 2018 Water Supply Assessment
15 and 2018 Final Environmental Impact Report prepared for the project.
16 Should it be determined at a future date that the project will
17 necessitate a water supply from II for operation needs, the project
18 proponent will be required to enter into a water supply agreement.
19 Such policies and regulations require, among other things, that all
20 potential environmental and water supply impacts of the project be
21 adequately addressed, appropriate mitigation developed if warranted,
22 including any necessary approval conditions adopted by the relevant
23 land use and permitting agencies. If IID implements a water allocation
24 or apportionment program pursuant to the IID Equitable Distribution
25 Plan, or any amending or superseding policy for the same or similar
26 purposes, during all or any part of the term of said water supply
27 agreement, IID shall have the right to apportion the project's water as
28 an industrial water user. For more information on how to obtain a
water supply agreement, please visit IID's website at
[http://www.iid.com/water/municipal-industrial-and-commercial-
customers](http://www.iid.com/water/municipal-industrial-and-commercial-customers) or contact Justina Gamboa-Arce at (760) 339-9085 or
jgamboarce@iid.com

S-26 FIRE PROTECTION: 3

21 A. Battery Storage plans and inspection reviews will be done by a third-
22 party consultant determined by the Fire Department at the applicant's
23 expense as per California Fire Code Chapter 1 A 104.7.2 Technical
24 Assistance. A Blast Analysis will need to be completed prior to any
Fire Department plans review begin.

25 B. Project will purchase a Type 1 Fire Engine "as further described
26 below". The fire engine cost estimate will be at current market value
27 for the approved Fire Engine. Final cost, conditions and equipment of

28

3 Imperial County Fire Department Comment Letter dated 7/29/2021

1 the fire engine shall be determined prior to the issuance of the initial
2 grading permit. (This may be a cost share fee with other projects in
3 your area).

4 C. Project will provide a Private Fire Line with Fire Hydrants every 300
5 feet or to the discretion of the Fire Department and will maintain Fire
6 Flows that will be analyzed by our consultant for final gmp and
7 duration.

8 D. Imperial County Fire Department is requiring the applicant to
9 purchase hazardous Material equipment to respond emergencies
10 within electrical energy storage systems. Air monitoring should be a
11 priority for responders during and after any electrical energy storage
12 system. 4-meter or other gas detection equipment to determine toxic
13 gas levels, thermite equipment determined by Imperial County Fire
14 Department and Imperial County Heat Team. Additional equipment
15 may be required upon determining the energy storage technology that
16 will be used for the project. The Imperial County Fire Department shall
17 make the determination of what is required to provide operational
18 safety to emergency responders. This equipment will be maintained
19 by Imperial County Fire Department and Imperial County Heat Team.
20 This equipment shall be determined by and provided to Imperial
21 County Fire Department before the issuance of the initial grading
22 permit. (This may cost share fee with other projects in your area).

23 E. Project will fund and provide Training for 6 personnel regionally a year
24 as response will be needed from outside of our agency (Mutual Aid)
25 for the life of the project or until all personnel regionally are trained at
26 the Hazardous Material Technician Level. Developer will also provide
27 courses specifically to battery storage yearly for Firefighters
28 Regionally and host mandatory yearly refresher courses specific to
Battery Storage Updates and Technology. All cost will be at the
Developers expense. (This may cost share fee with other projects in
your area).

F. Basic Firefighter, Office and HAZMAT training should emphasize ESS
safety; the potentially explosive nature of the gases and vapors
released during lithium-ion battery thermal runaway, vapor cloud
formation and dispersion; and the dynamics of deflagrations and blast
wave propagation.

G. Research certified expert in battery storage which the Fire
Department provide that includes full-scale testing should be
conducted to understand the most effective and safest tactics for the
fire service in response to lithium-ion battery ESS incidents.

H. Until definitive tactics and guidance can be established through full-
scale experiments, fire service personnel will define a conservative

1 potential blast radius and remain outside of it, while treating the
2 lithium-ion ESS as if the gas mixture in the enclosure is above the
3 LEL until proven otherwise.

- 4 I. An online educational tool should be developed to proliferate the
5 appropriate base knowledge about lithium-ion battery ESS hazard and
6 fire service tactical considerations annually.
- 7 J. Laptops, tablets, and/or software may need to be purchased for the
8 fire department for remote access to assist in remove access to gas
9 monitors. The project will provide lithium-ion battery ESSs should
10 incorporate gas monitoring that can be accessed remotely.
- 11 K. Research that includes multi-scale testing should be conducted to
12 evaluate the effectiveness and limitations of stationary gas monitoring
13 systems for lithium-ion battery ESSs. (This may cost share fee with
14 other projects in your area).
- 15 L. Lithium-ion battery ESSs must incorporate robust communication
16 systems to ensure remote access to data from the BMS, sensors
17 throughout the ESS, and the fire alarm control panel remains
18 uninterrupted.
- 19 M. Owners and operators of ESS must develop an Emergency Operation
20 Plan in conjunction with local fire service personnel and the AHJ and
21 hold a comprehensive understanding of the hazards associated with
22 lithium-ion battery technology.
- 23 N. Signage that identifies the contents of an ESS is required on all ESS
24 installations to alert first responders to the potential hazards
25 associated with the installation.
- 26 O. Lithium-ion battery ESSs must incorporate adequate explosion
27 prevention protection as required in NFPA 855 or International Fire
28 Code Chapter 12, where applicable, in coordination with the
emergency operations plan.
- P. Research focused on emergency decommissioning best practices and
the role of the fire service in an emergency should be conducted.
- Q. Fiscal Impacts fee requirements for solar array farm and battery
storage(BESS) installation within the project are two different fees.
For operation and maintenance, fees associated with Fire
Department/OES.
- R. Fiscal Impacts fee requirements for solar array farm installation.
 - (a) Permittee shall pay a fee of \$50 per acre per year prior to
commencement of the construction period to address the

1 Imperial County Fire/OES expenses for service calls within the
2 project Utility/Transmission area. Said amount shall be
3 prorated monthly for periods of time less than a full year.
4 Permittee shall provide advance, written notice to County
5 Executive Office of the construction schedule and all revisions
6 thereto.

7 Permittee shall pay an annual fee of \$20 per acre per year
8 during the post-construction, operational phase of the project to
9 address the Imperial County Fire/OES expenses for service
10 calls within the Project Utility/Transmission area. Said fee will
11 be paid to the Fire Department to cover on-going maintenance
12 and operations cost created by the project.

13 (b) Cost associated with two above items shall annually adjusted
14 on January 1st to add a CPI (Los Angeles) increase. Such
15 costs associated with these items can be readjusted in the
16 County's sole discretion if a new service analysis is prepared
17 and that service analysis is approved by both the County and
18 the Permittee.

19 S. Fire- In lieu of providing all-weather access roads for fire protection
20 vehicles, the permittee shall be permitted to provide compacted dirt roads
21 (in compliance with ICAPCD's rules and regulations) for fire protection
22 vehicles if prior to the issuance of any grading permit for the Project shall
23 purchase a Fire Engine with All Terrain Capabilities (Type 3 Engine) as
24 specified and approved by the Fire Department. The Fire Engine cost
25 estimate will be at Current Market Value for approved Fire Engine. Final
26 Cost, conditions and equipment of the Fire Engine shall be determined
27 prior to the issuance of the initial grading permit. The County agrees to
28 require, as a condition of approval, other developers in the area to
reimburse the Applicant for the expenses associated with the purchase of
the Fire Engine. The Permittee shall be reimbursed only for those
expenses more than their proportionate share for the purchase of the Fire
Engine that the Permittee would have been required to pay. Furthermore,
if a Fire Engine was already purchased by another developer in t the
area, then the Permittee shall only be required to pay a fire mitigation in
the amount of up to \$100 per acre that would represent their
proportionate share to reimburse the purchaser of the Fire Engine. The
County shall be responsible for the managing the reimbursement
component of this condition of approval

T. Further requirements and condition may be required for any solar
installation within the project. Imperial County Fire Department reserve
the right to comment on solar components within the project.

U. Other impacts from this project shall be evaluated by Imperial County Fire
Department Fire Chief and Fire Code Official in determining any impacts
of the project can or will cause a negative effect on Imperial County Fire
Department and/or County of Imperial. Any impacts will be address

1 between Imperial County Fire Department official, County of Imperial
2 officials, applicants and/or developers which may include but not limited
3 to:

- 4 • Capital purchases which may be required in providing services to
5 this project
- 6 • Hazmat Operational Equipment
- 7 • Training
- 8 • Fiscal and operational costs

9 V. Additional requirements to follow but not limited to:

- 10 • An approved water supply capable of supplying the required fire
11 flow determined by appendix B in the California Fire Code shall be
12 installed and maintained. Private fire service mains and
13 appurtenance shall be installed in accordance with NFPA 24.
- 14 • An approved automatic fire suppression system shall be installed
15 on all required structures as per the California Fire Code. All fire
16 suppression systems will be installed and maintained to the
17 current adapted fire code and regulations.
- 18 • An approved automatic fire detection system shall be installed on
19 all required structures as per the California Fire Code. All fire
20 detection systems will be installed and maintained to the current
21 adapted fire code and regulations.
- 22 • Fire department access roads and gates will be in accordance with
23 the current adapted fire code and the facility will maintain a Knox
24 Box for access on site.
- 25 • Compliance with all required sections of the fire code.
- 26 • Applicant shall provide product containment area(s) for both
27 product and water run-off in case of fire applications and retained
28 for removal.
- A Hazardous Waste Material Plan shall be submitted to Certified
Unified Program Agency (CUPA) for their review and approval.
- All hazardous material and wastes shall be handled, store, and
disposed as per the approved Hazardous Waste Materials Plan.
All spills shall be documented and reported to Imperial County Fire
Department and CUPA as required by the Hazardous Waste
Material Plan

S-27 COUNTY EXECUTIVE OFFICE: 4

- 23 A. Fiscal and Economic Impact Analysis. The developer will be invoiced by
24 the Executive Office for expenses related to the procurement of a
25 consultant to produce an updated Fiscal and Economic Impact Analysis
26 (FEIA).

27
28 4 County Executive Office Comment Letter dated 7/26/2021

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B. Establishing either a Development Agreement (DA) or a Public Benefit Agreement (PBA). It will include detailed conditions and mitigation measures related to the Fire Department, Sheriff's Department and other County Departments.

C. Sales Tax Guarantee. The PBA will inform the developer on the process of providing the County of Imperial a copy of the CDTFA account number and sub-permit that its contractor and subcontractors (if any) for the jobsite and allocating all eligible use tax payments to the Imperial County 13998. Permittee shall provide in written verification to the County Executive Office that the necessary sales and use tax permits have been obtained, prior to the issuance of any building permits. The developer will provide a copy of its Construction and Materials budget.

D. Public Benefit Fee. The Public Benefit Fee may include both an Agricultural Benefit Fee and a Community Benefit Fee.

S-28 ACCEPTANCE:

Acceptance of this permit shall be deemed to constitute agreement by Permittee with all terms and conditions herein contained.

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NOW THEREFORE, County hereby issues the Conditional Use Permit #21-0014, and Permittee hereby accepts such permit upon the terms and conditions set forth herein.

IN WITNESS THEREOF, the parties hereto have executed this Agreement the day and year first written.

PERMITTEE:

Thomas Buttgenbach
President
38KM 8me LLC
5455 Wilshire Blvd Ste. 2010
Los Angeles, CA. 90036

Date

COUNTY OF IMPERIAL, a political subdivision of the STATE OF CALIFORNIA

Jim Minnick,
Director, Planning & Development Services
Department

Date

1 **PERMITTEE NOTARIZATION**

2
3 A notary public or other officer completing this certificate verifies only the identity of the individual who signed
4

5
6 STATE OF CALIFORNIA

7
8 COUNTY OF _____ } S.S.
9

10
11 On _____ before me, _____ a Notary
12 Public in and for said County and State, personally appeared
13 _____, who proved to on the basis of
14 satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument
15 and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies),
16 and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
17 which the person(s) acted, executed the instrument.
18

19 I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
20 paragraph is true and correct.
21

22 WITNESS my hand and official seal

23
24 Signature _____
25
26 _____
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ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document. _____

Title or Type of Document _____

Number of Pages _____ Date of Document _____

Signer(s) Other Than Named Above _____

Dated _____

1 **COUNTY NOTARIZATION**

2 A notary public or other officer completing this certificate verifies only the identity of the individual who signed

3
4 STATE OF CALIFORNIA

5 COUNTY OF IMPERIAL} S.S.

6 On _____ before me, _____ a Notary
7 Public in and for said County and State, personally appeared
8 _____, who proved to me on the basis of
9 satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument
10 and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies),
11 and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
12 which the person(s) acted, executed the instrument.
13

14 I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
15 paragraph is true and correct.
16

17 WITNESS my hand and official seal

18
19 Signature _____

20 ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could
21 prevent fraudulent attachment of this certificate to unauthorized document.
22

23 _____

24 Title or Type of Document _____

25 Number of Pages _____ Date of Document _____

26 Signer(s) Other Than Named Above _____

1 When Recorded Return To:

2 _____
3 Imperial County
4 Planning & Development Services
5 801 Main Street
6 El Centro, California 92243
7 _____

8 **“Draft” AGREEMENT FOR**
9 **CONDITIONAL USE PERMIT #21-0013**
10 **LAUREL 2 SOUTH**
11 **APNs 051-310-027-000 & 051-310-028-000**
12 **NOVEMBER 2021**

13 **APNs: 051-310-027-000 & 051-310-028-000**

14 S ½ of E ½ & W ½ TR 53 T16S R12E (051-310-027) and the W ½ of TR 45B T16S R12E
15 (051-310-028).

16 This Agreement is made and entered into on this ____ day of _____, 2021, by and
17 between 92JT 8me LLC hereinafter referred to as the Permittee (Permittee), and the
18 COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter
19 referred to as "COUNTY") related to the Laurel 2 South Solar Farm Project within the
20 previously approved Laurel Cluster Solar Farms project area, specifically, within the Laurel
21 Cluster Solar Farm 2 (CUP #17-0029) project area.

22 **RECITALS**

23 **WHEREAS**, Permittee is the lessee or successor-in-interest of certain land in
24 Imperial County to be improved with the proposed utility-scale solar farm within the
25 previously-approved Laurel Cluster Solar Farm 2 project area (CUP #17-0029). The
26 project, CUP #21-0013, consists of a proposed 40 MW photovoltaic solar energy facility,
27
28

1 energy (battery) storage facility (up to 40 MW and not to exceed a 2 to 1 solar/battery
2 ratio) and associated infrastructure, including but not limited to, electrical switch station,
3 substation, on-site operations and maintenance (O&M), and internal solar development
4 transmission lines, on approximately 160 acres within Imperial County. The proposed
5 facility is located in the south western portion of Imperial County, California, approximately
6 eight miles southwest of the City of El Centro and located south of Interstate 8 (I-8).
7

8 **WHEREAS**, Permittee has applied to the County of Imperial for a Conditional Use
9 Permit #21-0013 for constructing and operating a new solar energy facility, energy
10 (battery) storage facility (up to 40 MW and not to exceed a 2 to 1 solar/battery ratio) with
11 ancillary support facilities, including electrical interconnections to be transmitted to a
12 proposed IID Substation (Fern). Alternatively, power may be transmitted via the existing
13 Campo Verde's 230kV gen-tie line to SDG&E's Imperial Valley Substation located on
14 Bureau of Land Management land (the "Project").
15

16 **WHEREAS**, the Project is the reorganization of the previously-approved Laurel
17 Cluster Solar Farm 2 project, creating two (2) CUP's: CUP#21-0014 and CUP#21-0013 on
18 different properties within the County which are the subject of separate resolutions.
19

20 **WHEREAS**, The Permittee for the Laurel 2 South Solar Farm (CUP #21-0013)
21 project shall fully comply with all of the terms and conditions of the Project as specified
22 hereinafter within this Conditional Use Permit.
23

The rest of this page is intentionally left blank.

1 **GENERAL CONDITIONS:**

2 The "GENERAL CONDITIONS" are shown by the letter "G". These conditions are conditions that are
3 either routinely and commonly included in all Conditional Use Permits as "standardized conditions"
4 and/or are conditions that the Imperial County Planning Commission has established as a requirement
5 on all CUP's for consistent application and enforcement. The Permittee is hereby advised that the
6 General Conditions are as applicable as the SITE SPECIFIC conditions. The General Conditions are in
7 addition to the MMRP and any and all other requirements for the project.

8 **G-1 GENERAL LAW and other Requirements:**

9 The Permittee shall comply with all local, state and/or federal laws, rules,
10 regulations, ordinances, and/or standards (LORS) as they may pertain to the
11 Project, whether specified herein or not. The Project shall be constructed
12 and operated as described in the General Plan Amendment, Zone Change,
13 Conditional Use Permit applications and the Final Environmental Impact
14 Report, (FEIR) and Mitigation and Monitoring Reporting Program (MMRP). A
15 violation of any such LORS or conditions, applications, the FEIR or the
16 MMRP shall be a violation of this CUP.

17 **G-2 PERMITS/LICENSES:**

18 The Permittee shall obtain any and all local, state and/or federal permits,
19 licenses, and/or other approvals for the construction and/or operation of the
20 Project. This shall include, but shall not be limited to, local requirements by
21 the Imperial County EHS/Health Department, Imperial County Planning and
22 Development Services Department, Imperial County Air Pollution Control
23 District (ICAPCD), Imperial Irrigation District (IID), Imperial County Public
24 Works Department, Imperial County Sheriff/Coroner's office, and the
25 Imperial County Fire Protection/Office of Emergency Services, among
26 others. Permittee shall likewise comply with all such permit requirements.
27 Additionally, Permittee shall submit a copy of such additional permits and/or
28 licenses to the Imperial County Planning and Development Services
Department within thirty (30) days of receipt, including amendments or
alternatives thereto, when requested.

G-3 RECORDATION:

This permit shall not be effective until it is recorded at the Imperial County
Recorder's Office and payment of the recordation fee shall be the
responsibility of the Permittee. If the Permittee fails to pay the recordation
fee within six (6) months from the date of approval, this permit shall be
deemed null and void. Recording is an action of notice and does not convey
any rights to Permittee

1 **G-4 DURATION OF AGREEMENT**

2 Unless otherwise specified within the specific conditions, this permit shall be
3 limited to a maximum of thirty (30) years from the recordation of the CUP.
4 The CUP may be extended for an additional ten (10) year period by the
5 appropriate County entity (either the Planning Director, the Planning
6 Commission or the Board of Supervisors as set forth in the applicable
7 Imperial County Ordinances) upon a finding that the Project is in compliance
8 with all conditions of the CUP as stated herein and any applicable Land Use
9 regulation of the County of Imperial. If an extension is necessary, the
10 Permittee shall file a written extension request with the Planning Director at
11 least sixty (60) days prior to the expiration date of the permit. Such an
12 extension request shall include the appropriate extension fee. Nothing stated
13 or implied within this permit shall constitute a guarantee that an extension
14 will be granted. An extension may not be granted if the Project is in violation
15 of any one or all of the conditions or if there is a history of non-compliance
16 with the permit conditions.

17 **G-5 INDEMNIFICATION:**

18 In addition to any other indemnifications provided for the Project, and as a
19 condition of this permit, Permittee shall defend, indemnify, hold harmless,
20 and release the County, its agents, officers, attorneys, and employees from
21 any claim, action, or proceeding brought against any of them, the purpose of
22 which is to attack, set aside, void, or annul the entitlements, any permits,
23 approvals or adoption of the environmental document which accompanies it.
24 This indemnification obligation shall include, but not be limited to, damages,
25 costs, expenses, attorneys' fees for counsel chosen by County, or expert
26 witness fees that may be asserted by any person or entity, including the
27 Permittee, arising out of or in connection with the approval of this permit,
28 whether there is concurrent, passive or active negligence on the part of the
29 County, its agents, officers, attorneys, or employees. This indemnification
30 shall include Permittee's actions or failure to act involved in drilling, grading,
31 construction, operation or abandonment of the permitted activities. Failure to
32 provide payment of any fees or other costs for this indemnification shall
33 cause Permittee to be in non-compliance with this permit. Upon notification
34 of non-compliance, County may, at its sole discretion, cease processing,
35 defending any lawsuit or paying for costs associated with this project.

36 **G-6 INSURANCE:**

37 For the term of the CUP and any period thereafter for decommissioning and
38 reclamation, the Permittee and/or Permittee's prime contractor assigned site
39 control during construction, shall secure and maintain liability in tort and
40 property damage, commercial liability and all risk builders' insurance at a
41 minimum of **\$1,000,000 each, combined single limit property damage
42 and personal injury**, to protect persons or property from injury or damage

1 caused in any way by construction and/or operation of permitted facilities.
2 Such insurance shall be endorsed to name the County, its officers, agents,
3 and employees as additional insureds and shall be in a form and from a
4 company acceptable to County. The Permittee shall require that proper
5 Workers' Compensation insurance cover all laborers working on such
6 facilities as required by the State of California. The Permittee and/or
7 Permittee's prime contractor assigned site control during construction, shall
8 also secure liability insurance and such other insurance as may be required
9 by the State and/or Federal Law. Evidence of such insurance shall be
10 provided to the County prior to commencement of any activities authorized
11 by this permit, e.g. an endorsed Certificate of Insurance is to be provided to
12 the Imperial County Planning and Development Services Department by the
13 insurance carrier and said insurance and certificate shall be kept current for
14 the life of the permitted Project. Certificate(s) of Insurance shall be sent
15 directly to the Imperial County Planning and Development Services
16 Department by the insurance carrier and shall be endorsed to name the
17 Department as a recipient of both renewal and cancellation notices.

11 **G-7 INSPECTION AND RIGHT OF ENTRY:**

12 The County reserves the right to enter the premises to make appropriate
13 inspection(s) and to determine if the condition(s) of this permit are complied
14 with. The owner or operator shall allow an authorized County representative
15 access into the site upon the presentation of credentials and other
16 documents as may be required by law to:

- 16 (A) Enter at reasonable times upon the owner's or operator's premises
17 where a permitted facility or activity is located or conducted, or where
18 records must be kept under the conditions of the permit.
- 18 (B) Have access to and copy, at reasonable times, any records that must
19 be kept under the conditions of the permit.
- 20 (C) Inspect at reasonable times any facilities, equipment (including
21 monitoring and control equipment), practices, or operations regulated or
22 required under the permit.
- 22 (D) Sample or monitor, at reasonable times, for the purpose of assuring
23 permit compliance or, otherwise authorized by law, any substances or
24 parameters at any location.

24 **G-8 SEVERABILITY:**

25 Should any condition(s) of this permit be determined by a Court or other
26 agency with proper jurisdiction to be invalid for any reason, such
27 determination shall not invalidate the remaining provision(s) of this permit.
28

1 **G-9 PROVISION TO RUN WITH THE LAND/PROJECT:**

2 The provisions of this Permit are to run with the land/project and shall bind
3 the current and future owner(s), successor(s)-in-interest, assignee(s) and/or
4 transferee(s) of said Project pursuant to the recordation required by
5 Condition G-3. Permittee shall not without prior notification to the Imperial
6 County Planning and Development Services Department assign, sell or
7 transfer, or grant control of Project or any right or privilege therein granted by
8 this permit. The Permittee shall provide a minimum of thirty (30) days written
9 notice prior to any proposed transfer becoming effective. The permitted use
10 identified herein is limited for use upon the permitted properties described
11 herein and may not be transferred to any another other parcel(s) without
12 prior approval.

13 The Permittee shall pay any and all amounts determined by the County to
14 defray any and all cost(s) for the review of reports, field investigations,
15 monitoring, and other activities directly related to the enforcement/monitoring
16 for compliance of this Conditional Use Permit, County Ordinance, MMRP or
17 any other applicable law. All County Departments, directly involved in the
18 monitoring/enforcement of this permit may bill Permittee under this provision;
19 however said billing shall only be through and with the approval of the
20 Imperial County Planning and Development Services Department. All County
21 staff time will be billed on a time and materials basis. Failure by Permittee to
22 provide any payment required of Permittee to the County in the CUP shall
23 cause Permittee to be in non-compliance of the CUP. Upon Permittee being
24 in such noncompliance, County may, at its sole discretion, cease processing,
25 defending any lawsuit or paying for costs associated with the Project.

17 **G-10 REPORTS/INFORMATION:**

18 If requested by the Imperial County Planning Director, Permittee at its sole
19 expense shall provide any such documentation/report as necessary to
20 ascertain compliance with the Conditional Use Permit. The format, content
21 and supporting documentation shall be as required by the Imperial County
22 Planning Director.

22 **G-11 DEFINITIONS:**

23 In the event of a dispute the meaning(s) or the intent of any word(s),
24 phrase(s) and/or conditions or sections herein shall be determined by the
25 Imperial County Planning Commission. Their determination shall be final
26 unless an appeal is made to the Imperial County Board of Supervisors within
27 the required time.

26 **G-12 MINOR AMENDMENTS:**

27 Unless as otherwise required by law (including but not limited to County
28 ordinance interpretations and minor modifications or changes can be made

1 to the Project with the mutual agreement of Developer and County and only
2 in one of the following circumstances:

3 (A) Where the change is ministerial, mutually agreeable to Imperial County
4 Planning & Development Services Director and Developer and
5 constitutes an administrative interpretation, less than significant
6 amendment or change or technical modification to the design,
7 construction and/or operation of the Project under the existing
8 applicable rules, regulations, and laws of the County and does not

9 (1) Alter the permitted uses of the Property as a whole or within any
10 CUP; or

11 (2) Increase the density or intensity of use of the Property as a whole
12 or within any CUP; or,

13 (3) Increase the maximum height and size of permitted buildings or
14 structures; or,

15 (4) Delete a requirement for the reservation or dedication of land for
16 public purposes within the Property as a whole; or

17 (5) Conflict with a condition of approval or MMRP; or

18 (6) Constitute a discretionary approval by the County for which a
19 subsequent or supplemental environmental impact report would be
20 required pursuant to Section 21166 of the Public Resources Code.

21 (B) Where the change is ministerial, mutually agreeable to Developer and
22 constitutes an administrative interpretation, less than significant
23 amendment or change or technical modification to the design,
24 construction and/or operation of the Project under the existing
25 applicable rules, regulations, and laws of non-County agencies as to
26 Project matters within their sole jurisdiction.

27 **G-13 SPECIFICITY:**

28 The issuance of this permit provides a temporary use right on the project
property within the requirements set out here and does not authorize the
Permittee to construct or operate the Project in violation of any LORS or
beyond the duration, term or specified boundaries of the Project as shown
the application/project description/permit, nor shall this permit allow any
accessory or ancillary use not specified herein. This permit does not provide
any prescriptive right or use to the Permittee for future addition and or
modifications to the Project.

1 **G-14 NON-COMPLIANCE (ENFORCEMENT & TERMINATION):**

2 Should the Permittee violate any condition herein, the County shall give
3 written notice of such violation and actions required of Permittee to correct
4 such violation. If Permittee does not act to correct the identified violation
5 within forty-five (45) days after written notice, County may revoke the CUP.
6 If Permittee pursues correction of such violation with reasonable diligence,
7 the County may extend the cure period. Upon such revocation, County may,
8 at its sole discretion, cease processing, defending any lawsuit or paying for
costs associated with the Project. County may include in such notice of
violation and subsequent process default and/or termination of the
Development Agreement along with violation or revocation of the CUP, and
the procedures set out here shall govern.

9 **G-15 GENERAL WELFARE:**

10 All construction and operations of the solar energy facility shall be conducted
11 with consistency with all laws, conditions, adopted County policies, plans,
12 mitigation measures and the permit application so that the Project will be in
13 harmony with the area and not conflict with the public health, safety, comfort,
convenience, and general welfare of those residing in the area.

14 **G-16 PERMITS OF OTHER AGENCIES INCORPORATED:**

15 Permits granted by other governmental agencies in connection with the
16 Project are incorporated herein by reference. The County reserves the right
17 to apply conditions of those permits, as the County deems appropriate and
18 subject to its having jurisdiction; provided, however, that enforcement of a
19 permit granted by another governmental agency shall require written
concurrency by the respective agency. Permittee shall provide to the
County, upon request, copies and amendments of all such permits.

20 **G-17 HEALTH HAZARD:**

21 If the County Health Officer reasonably determines that a significant health
22 or safety hazard exists to the public, the County Health Officer may require
23 appropriate measures and the Permittee shall implement such measures to
24 mitigate the health hazard. If the hazard to the public is determined to be
25 imminent, such measures may be imposed immediately and may include
temporary suspension of permitted activities. The measures imposed by the
County Health Officer shall not prohibit the Permittee from requesting a
special Imperial County Planning Commission meeting, provided the
Permittee bears all related costs.

26 **G-18 APPROVALS AND CONDITIONS SUBSEQUENT TO GRANTING PERMIT:**

27 Permittee's acceptance of this permit shall be deemed to constitute
28 agreement with the terms and conditions contained herein. Where a

1 requirement is imposed in this permit that Permittee conduct a monitoring
2 program, and where the County has reserved the right to impose or modify
3 conditions with which the Permittee must comply based on data obtained
4 there from, or where the Permittee is required to obtain additional conditional
5 use permits for County approval for subsequent activities, and disagreement
6 arises, the Permittee, operator and/or agent, the Imperial County Planning
7 and Development Services Director or other affected party, as determined by
8 the Imperial County Planning and Development Services Director, may
9 request that a hearing before the Imperial County Planning Commission.
10 Upon receipt of a request, the Imperial County Planning Commission shall
11 conduct a hearing and make a written determination. The Imperial County
12 Planning Commission may request support and advice from a technical
13 advisory committee. Failure of the Imperial County Planning Commission to
14 act shall constitute endorsement of staff's determination with respect to
15 implementation.

16 **SITE SPECIFIC CONDITIONS:**

17 **S-1 AUTHORIZED SCOPE OF ACTIVITIES:**

- 18 (A) Permittee shall be responsible as for all improvements, septic, sewer,
19 approved potable water system(s), pipelines, roads and other
20 improvements discussed in the Conditional Use Permit Application and
21 Conditions of Approval, FEIR, and MMRP. If Permittee sells all or part
22 of this Project, an approved agreement shall be in place for new Project
23 owner to build and maintain as agreed to by the conditions set forth in
24 this CUP. The Imperial County Planning and Development Services
25 Director shall approve of such agreement between Permittee and a new
26 master Developer for this Project. The County Assessor's Office shall
27 be notified of any ownership change.
- 28 (B) Permittee shall develop this CUP property as a separate solar energy
facility. Any development with a combination of parcels will require the
owner(s) to have a recorded deed restriction to "hold the parcel as one
parcel" that runs with the land. This deed restriction shall be for a
minimum of thirty (30) years and shall only be released upon the
expiration of the thirty (30) years, the expiration or termination of the
Conditional Use Permit, or upon approval of the Imperial County
Planning and Development director that the restriction is no longer
needed based on a change in the development or regulation.
- (C) The Permittee shall construct and operate the solar energy and energy
(battery) storage facility in compliance with the Conditional Use Permit,
the County's General Plan's Land Use Element, Land Use Ordinance
and all other applicable local, state, and federal laws, ordinances,
regulations and standards (LORS), to include any other permits which
are incorporated herein by reference.

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(D) Construction, operation, maintenance, replacement and removal of a solar energy facility & energy (battery) storage system as described in Permittee’s CUP Application and previously-approved FEIR & DEIR for the Laurel Cluster Solar Farm, specifically the Laurel Cluster Solar Farm 2 project (CUP17-0029). The solar energy facility and energy (battery) storage facility would include photovoltaic modules, mounting structures, electrical wiring, inverters, transformers and AC electric collector system, project electric substation and ancillary facilities. Ancillary facilities would include safety and security equipment, retention basins, perimeter fencing, access gates, lighting systems, access roads, and could include temporary construction trailers, an operations and maintenance (O&M) building, equipment enclosures, water treatment system and building, septic system, parking, and fire protection including a minimum 10,000 gallon fire water tank, and monitoring and control systems. The project proposes to use either thin film or crystalline solar photovoltaic (PV) technology modules mounted on fixed or horizontal single-axis tracker (HSAT) systems.

(E) PV module arrays would be mounted on racks supported by driven piles. The depth of the piles would be dependent on the geotechnical recommendations for the Project. The fixed-frame racks would be secured at a fixed tilt of 20° to 25° from horizontal facing a southerly direction. If HSAT technology is used, the PV modules would rotate around the north-south HSAT axis so that the PV modules would face the sun as it moves across the sky throughout the day. The PV modules would reach their maximum height (up to nine feet above the ground, depending on the final design) when the HSAT is rotated to point the modules at the rising or setting sun at both sunrise and sunset. When the HSAT system is rotated so that the PV modules are horizontal (at noon, or when stowed during high winds), the nominal height would be approximately six feet above the ground, depending on the final design. The individual PV systems would be configured in large arrays by placing them in columns spaced approximately ten feet apart to maximize operational performance and to allow access for panel cleaning and maintenance. These arrays would be separated from each other and the perimeter security fence by nominal 20-foot wide roads, consistent with emergency access requirements.

(F) The Project will be interconnected to the regional transmission system from the on-site substation/switchyard via the Gen-Tie interconnection. The CUP is anticipated to utilize the Gen-Tie line extending from the CUP to the inverter stations. Alternatively, the CUP may independently construct its own 230-kV (maximum) step-up transformer and switchyard. During normal operation, each substation will “back feed” power to maintain “house” power. This would include O&M buildings, security systems, SCADA, communication systems, plant control

1 systems, etc. Therefore, much of the electrical equipment will be in
2 some stage of electrical operation 24 hours-a-day.

3 (G) The energy (battery) storage component for the Project is likely to be
4 shared by all four CUP's under the previously-approved Laurel Cluster
5 Solar Farm projects (CUPs 17-0027, 17-0028, 17-0030 and CUP21-
6 0013). The field of energy (battery) storage is rapidly advancing, and a
7 wide variety of technology is available to choose from. To date, a single
8 technology or provider has not been selected for this component of the
9 Project. The analysis contained in this EIR reflects the worst-case
10 scenario for impacts from these technologies in order to mitigate any
11 impacts from these technologies. Thus the analysis covers the
12 full-range of technologies for when the final decision is made on which
13 technology to construct. The energy (battery) storage component will
14 utilize technologies that operate based upon the principles of potential
15 energy (e.g. pumped storage), chemical energy (e.g. batteries),
16 mechanical/kinetic energy (e.g. flywheel), or any combination thereof.
17 The energy (battery) storage component may be centralized and
18 located adjacent to the substation or switchgear or, alternatively, the
19 energy (battery) storage component may be distributed throughout the
20 facility adjacent to individual power conversion centers. The energy
21 (battery) storage component would be housed in a warehouse type
22 building or in smaller modular structures such as cargo shipping
23 containers.

15 **S-2 AESTHETICS:**

16 The Permittee shall design and maintain all buildings and equipment
17 enclosures to have exterior surfaces with neutral, non-reflective colors.
18 The construction and maintenance of County-approved landscaping
19 along the access into the Operation/Maintenance Facility shall be in
20 compliance with the Land Use Ordinance, Division 3, Chapters 1 and 2,
21 Sections 90302.00 through 90302.19. As applied to other solar projects
22 and as indicated in the previously-approved Laurel Cluster Solar Farm
23 FEIR and as indicated in the FEIR and Mitigation Monitoring and
24 Reporting Program.

25 (A) The Permittee shall design and install lighting at construction storage
26 yards and staging areas, such that light bulbs and reflectors are not
27 visible from public viewing areas; lighting does not create reflected
28 glare; and illumination of the Project facilities, vicinity, and nighttime sky
is minimized.

(B) Lighting shall be designed so exterior light fixtures are hooded, with
lights directed downward or toward the area to be illuminated and so
that backscatter to the nighttime sky is minimized. The design of the
lighting shall be such that the luminescence or light source is shielded
to minimize light trespass outside the Project boundary.

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2 (C) All lighting shall be of minimum necessary brightness consistent with
3 worker safety and OSHA-Requirements.

4 (D) High illumination areas not occupied on a continuous basis shall have
5 switches or motion detectors to light the area only when occupied.

6 **S-3 AGRICULTURE:**

7 (A) Prior to the issuance of the initial grading permit or building permit,
8 Permittee shall submit to County of Imperial a Reclamation Plan to
9 return the property to conditions comparable to its -pre-construction
10 agricultural condition at the conclusion or abandonment of the project.
11 The Reclamation Plan shall include a description of the farming
12 infrastructure to include but not limited to a crop history, water delivery
13 system, drainage system, physical infrastructure, the parties
14 responsible for conducting reclamation and a detailed description of the
15 recycling, and/or disposal of all solar arrays, inverters, transformers and
16 other structures on site. The plan must be submitted to Agricultural
17 Commissioner's Office for approval. The plan shall also include field
18 access, field roads, grading aspects, reclamation cost estimate
19 prepared by a California-licensed general contractor or civil engineer.
20 The developer shall provide financial assurance/bonding in the amount
21 equal to the reclamation cost estimate to restore all agricultural
22 land/farmland to its pre-construction condition including removal of all
23 structures and equipment, soil testing for and clean-up of contaminants
24 in the soil, disking, leveling, and any other clean up and repair
25 necessary to return the land to an agriculturally productive farmable
26 condition prior to the issuance of the initial grading permit or building
27 permit. The Reclamation Plan with appropriate bonding will need
28 approval from the Imperial County Planning and Development Services
Director, and County Counsel before any grading or building permit is
issued.

(B) Permittee shall minimize paving and ground disturbing activities to the
maximum extent practical within agricultural fields to retain soil
characteristics.

(C) The Project Developer shall:

(1) Develop and implement an approved Pest Management Plan for
the duration of the project that will reduce negative impacts to
surrounding farmland. Plan shall be reviewed and approved by the
Imperial County Agricultural Commissioner's Office.

(2) Monitor for all pests including insects, vertebrates, weeds, and
pathogens. Promptly control or eradicate pests when found, or
when notified by the County Agricultural Commissioner's office

1 that a pest problem is present on the project site. The assistance
2 of a licensed pest control advisor (PCA) is recommended. All
3 treatments must be performed by a qualified applicator or a
4 licensed pest control operator (PCO).

- 5 (3) "Control" means to reduce the population of common pests below
6 economically damaging levels, and includes attempts to exclude
7 pests before infestation, and effective control methods after
8 infestation. Effective control methods may include
9 physical/mechanical removal, bio-control, cultural control, or
10 chemical treatments.
- 11 (4) Use of "permanent" soil sterilants to control weeds or other pests
12 is prohibited due to the fact that this would interfere with
13 reclamation.
- 14 (5) Notify the County Agricultural Commissioner's office immediately
15 regarding any suspected exotic/invasive pest species such as A-
16 and Q-rated pest species as defined by the California Department
17 of Food Agriculture (CDFA). Eradication of exotic pests will be
18 done under the direction of the Agricultural Commissioner's Office
19 and/or CDFA.
- 20 (6) Obey all pesticide use laws, regulations, and permit conditions.
- 21 (7) Allow access for County Agricultural Commissioner staff for routine
22 visual and trap pest surveys, compliance inspections, eradication
23 of exotic pests, and other official duties.
- 24 (8) Ensure that all project employees that handle pest control issues
25 are appropriately trained and certified, that all required records are
26 maintained and available for inspection, and that all permits and
27 other required legal documents are current.
- 28 (9) Maintain records of pests found and treatments or pest
management methods used. Records should include the date,
location/block, project name (current and previous if changed), and
methods used. For pesticides include the chemical(s) used, EPA
Registration numbers, application rates, etc. A pesticide use report
may be used for this. All records shall be maintained and
controlled and either have them available for review, or submit
them to the County Agricultural Commissioner's office on a
quarterly basis.
- (10) Submit a report of monitoring, pest finds, and treatments, or other
pest management methods to the Agricultural Commissioner
quarterly within 15 days after the end of the previous quarter, and
upon request. The report is required even if no pests were found

1 or treatment occurred. It may consist of a copy of all records for
2 the previous quarter, or may be a summary letter/report as long as
3 the original detailed records are available upon request.

4 (11) The Permittee shall reimburse the County Agricultural
5 Commissioner's office for the actual cost of investigations,
6 inspections, or other required non-routine responses to the site
7 that are not funded by other sources.

8 (12) Reclamation/Decommissioning Plan and Security. The DOC has
9 clarified the goal of a reclamation and decommissioning plan: the
10 land must be restored to land which can be farmed. In addition to
11 MM AG-1b, for Prime Farmland and Non-Prime Farmland, the
12 Applicant shall submit to Imperial County a Reclamation Plan prior
13 to issuance of a grading permit. The Reclamation Plan shall
14 document the procedures by which each CUP will be returned to
15 its current agricultural condition/LESA score. Permittee also shall
16 provide financial assurance/bonding in an amount equal to a cost
17 estimate prepared by a California-licensed general contractor or
18 civil engineer for implementation of the Reclamation Plan in the
19 event Permittee fails to perform the Reclamation Plan. MM AG-1b,
20 prior to the issuance of a grading permit or building permit
21 (whichever is issued first).

22 **S-4 AIR QUALITY:**

23 (A) The Permittee shall comply at all times with the Imperial County Air
24 Pollution Control District's (ICAPCD) Regulation VIII, Fugitive Dust
25 Control. The primary pollutant controlled by this regulation is PM10,
26 "fugitive dust." All identified PM10 sources associated with the
27 construction and operation of the facility, such as open areas, roads,
28 stock piles, material transport and grading activities, shall be controlled
such that surface areas are stabilized and visible dust emissions are
below 20%. Any control measure not listed within the appropriate
sections of Regulation VIII, such as but not limited to watering,
graveling, chemical stabilizers and wind barriers shall not be utilized
without prior approval from the ICAPCD.

(B) Prior to commencing construction, each CUP owner shall submit a Dust
Control Plan to the ICAPCD for approval identifying all sources of PM10
emissions and associated mitigation measures during the construction
and operational phases of the Project. The Project Proponent shall
submit a "Construction Notification Form" to the ICAPCD ten (10) days
prior to the commencement of any earthmoving activity. The Dust
Control Plan submitted to the ICAPCD shall meet all applicable
requirements for control of fugitive dust emissions, including the
following measures designed to achieve the no greater than 20%
opacity performance standard for dust control:

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- (1) All on-site and off-site unpaved roads shall be effectively stabilized, and visible emissions shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants, and/or watering.
 - (2) All unpaved traffic areas one acre or more in size with seventy-five (75) or more average vehicle trips per day, shall be effectively stabilized, and visible emissions shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.
 - (3) The transport of bulk materials shall be completely covered, unless six inches of freeboard space from the top of the container is maintained with no spillage and loss of bulk material. In addition, the cargo compartment of all haul trucks shall be cleaned and/or washed at the delivery site after removal of bulk material.
 - (4) All track-out or carry-out, which includes bulk materials that adhere to the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto the pavement, shall be cleaned at the end of each workday, or immediately when mud or dirt extends a cumulative distance of fifty (50) linear feet or more onto a paved road within an urban area.
 - (5) Movement of bulk material handling or transfer shall be stabilized prior to handling, or at points of transfer with application of sufficient water, chemical stabilizers, or by sheltering or enclosing the operation and transfer line.
 - (6) The construction of new unpaved roads is prohibited within any area with a population of five hundred (500) or more, unless the road meets ICAPCD's definition of a "temporary unpaved road." Any temporary unpaved road shall be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emission by paving, chemical stabilizers, dust suppressants and/or watering.
 - (7) Shall comply with the Mitigation and Monitoring Program and applicable mitigations.
- (C) The CUP owner shall implement all applicable standard mitigation measures for construction combustion equipment for the reduction of excess NOx emissions as contained in the Imperial County CEQA Air Quality Handbook and associated regulations. These measures include:

- (1) Use of alternative fueled or catalyst equipped diesel construction equipment, including all off-road and portable diesel-powered equipment.
 - (2) Minimize idling time, either by shutting equipment off when not in use or reducing the time of idling to five minutes at a maximum.
 - (3) Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use.
 - (4) Replace fossil-fueled equipment with electrically driven equivalents (assuming powered by a portable generator set and are available, cost effective, and capable of performing the task in an effective, timely manner).
 - (5) Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing construction activity during the peak hour of vehicular traffic on adjacent roadways.
 - (6) Implement activity management (e.g. rescheduling activities to avoid overlap of construction phases, which would reduce short-term impacts).
- (D) The CUP owner shall use all available EPA TEIR 2 or better (TIER 2+) construction equipment. **AQ-1**
- (E) Consistent with the requirements of ICAPCD Policy 5, the CUP owner shall pay an emission mitigation fee sufficient to off-set the amount by which the Project's NO_x emissions exceed the 100 lbs/day threshold. ICAPCD allows a project to pay in-lieu impact fees using the most current Carl Moyer Cost Effective methodology to reduce excess NO_x emissions. Under the ICAPCD program, the exact amount of the fee cannot be calculated until the time of construction when more precise data regarding the construction equipment types and hours of operation are known and ICAPCD can calculate the fee. Prior to any earthmoving activity, each CUP owner shall submit to the ICAPCD a complete list of all construction equipment to be utilized during the construction phase identifying make, model, year, horsepower, and estimated hours of usage.
- (F) Each CUP shall comply with all mitigations in the Mitigation Monitoring and Reporting Program listed **AQ-1 THRU AQ-5**.

S-5 GEOLOGY/SOILS and MINERAL RESOURCES

- (A) Prior to approval of final building plans/As part of Project design, the proposed Project shall be designed in accordance with the engineering

1 and design standards contained in the 2019 California Building Code
2 (CBC), the Seismic Regulations, Special Publication 117A, and the
3 County of Imperial building requirements. Prior to approval of final
4 building plans, a registered civil engineer or certified engineering
5 geologist, having at least five years of experience in the field of seismic
6 hazard evaluation and mitigation, shall prepare a Final Geotechnical
7 and GeoHazards Report containing site-specific evaluations of the
8 ground shaking hazards affecting the Project, identify the portions of the
9 Project site containing ground shaking hazards, and identify appropriate
10 Project design measures pursuant to the established and proven
11 methodologies set forth in Special Publication 117A and otherwise in
12 compliance with the requirements of Special Publication 117A. All
13 recommended Project design measures as set forth in the Final
14 Geotechnical and GeoHazards Report shall be incorporated into and
15 reflected on the final design and building plans. The Final Geotechnical
16 and GeoHazards Report and Project plans shall be submitted for review
17 and approval by the Imperial County Planning and Development
18 Services Department prior to approval of the final building plans.

12 (B) Prior to approval of final building plans/As part of Project design/Prior to
13 issuance of building permits, a Final Geotechnical and GeoHazards
14 Report shall be prepared by a licensed professional engineer during the
15 final design phase of the Project. The proposed solar field site parcels
16 and Gen-Tie shall be designed in accordance with the Final
17 Geotechnical and GeoHazards Report. The Report shall be submitted
18 to, and reviewed and approved by, the Imperial County Department of
19 Public Works prior to issuance of building permits. The Geotechnical
20 and GeoHazards Report shall include, but not be limited to, an analysis
21 and recommendations regarding site-specific design provisions for
22 mitigating the following on-site conditions as identified in the Preliminary
23 Geotechnical and GeoHazards Report.:

19 (1) Soil liquefaction (All solar field site parcels)

20 (2) Expansive and corrosive soils (All solar field site parcels)

21 (3) All measures and design specifications identified in the Final
22 Geotechnical and GeoHazards Report shall be incorporated into
23 and reflected on the Project design and building plans.

24 (C) Prior to approval of final building plans, the proposed Project shall be
25 designed in accordance with the engineering and design standards
26 contained in the 2019 CBC relating to expansive soils. Prior to approval
27 of final building plans, a registered civil engineer or certified engineering
28 geologist, having at least five years of experience in the field of
expansive soils evaluation and mitigation, shall prepare a Final
Geotechnical and GeoHazards Report containing site-specific
evaluations of expansive and corrosive soils for all solar field site

1 parcels and identify appropriate Project design measures pursuant to
2 the established and proven methodologies set forth in the 2013 CBC.
3 All recommended Project design measures as set forth in the Final
4 Geotechnical and GeoHazards Report shall be incorporated into and
5 reflected on the final design and building plans. The Final Geotechnical
6 and GeoHazards Report and project plans shall be submitted for review
7 and approval by the Imperial County Department of Planning and
8 Development Services prior to approval of the final building plans.

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10 (D) Prior to Issuance of Building Permit, the Project's wastewater treatment
11 and disposal system(s) shall comply with all applicable provisions of the
12 OWTS Policy; Imperial County Code, including the Plumbing Code and
13 ordinances governing Regulation of Sewage Disposal Systems and
14 Sanitation Permits, as set forth in Title 9, Division 10, Chapters 4, 12
15 and 13; and the Imperial County Uniform Policy and Method for Soils
16 Evaluation, Testing and Reporting (Relative to Applications for Private
17 Sewage System Permits) ("County Policy"); and the Pressure
18 Distribution Guidelines (if a pressure distribution system is used). At
19 each location where on-site wastewater treatment systems associated
20 with the construction of an O&M facility are proposed, a site-specific
21 study shall be prepared by a qualified engineer, as defined in the
22 OWTS Policy and the County Policy to (a) determine the capability of
23 the soils to provide the minimum required 5-foot vertical separation
24 between each on-site wastewater treatment system and groundwater,
25 (b) determine the capability of the soils to satisfy percolation
26 requirements, and (c) perform other soil and site evaluations to
27 determine the capability of the soils to otherwise support on-site
28 wastewater treatment systems. If the soils are determined to be suitable
for on-site wastewater treatment systems, the qualified engineer shall
design on-site wastewater treatment systems to comply with the OWTS
Policy, including with regard to maintenance of minimum setbacks from
specified land uses, ensuring that effluent does not surface at any time,
that percolation of effluent will not adversely affect beneficial uses of
waters of the State, the maintenance of at least 12 inches of soil cover
(or 6 inches for pressure distribution systems) above on-site wastewater
treatment system, designation of a 100% replacement area that is
equivalent and separate and available for future use, and that no
impermeable surface cover shall be placed above any on-site
wastewater treatment system.

(E) If a qualified engineer determines that soils are not suitable for on-site
wastewater treatment systems at O&M building sites, then the applicant
shall be required to obtain an operation and discharge permit from the
Regional Water Quality Control Board for the discharge of wastewater
generated by the Project's O&M buildings. If permitted, wastewater
shall be treated onsite and then used onsite as irrigation water for
landscaping or as dust control water in compliance with Title 22
Standards. If on site use of wastewater cannot be permitted, then an

1 application will be made to the Imperial Irrigation District to permit
2 treated wastewater to be conveyed to the nearest drain maintained by
3 the Imperial Irrigation District for discharge under Regional Water
Quality Control Board Waste Discharge Requirements.

- 4 (F) Prior to issuance of Building permit, a Field Resistivity and Ground
5 Potential Rise Evaluation shall be prepared by a qualified engineer
6 having at least five years of experience in the field of corrosive soils
7 evaluation and mitigation during the final design phase of the Project.
8 The Evaluation shall identify Project components potentially subject to
9 corrosive soils, as well as specific, accepted, proven construction
10 engineering practices and measures that could be implemented to
11 avoid adverse corrosion impacts. Potential measures may include, but
12 are not limited to: galvanization, epoxy coatings, thicker steel, and
13 cathodic protection and shall be applied and implemented in a manner
14 that protects the functionality of Project components from being
15 compromised as a result of exposure to corrosive soils. Concrete
16 utilizing mixes of quantities of Type II or Type V Portland cement to
17 achieve a minimum strength of 4,500 pounds per square inch (psi)
18 compressive strength and a low water-cement ratio (0.45 maximum by
19 weight) can also be used to encase steel as an effective measure of
20 protection against corrosive soils. The Field Resistivity and Ground
21 Potential Rise Evaluation shall be submitted for review and approval to
22 the Imperial County Department of Public Works. Measures identified in
23 the Field Resistivity and Ground Potential Rise Evaluation shall be
24 identified on and incorporated into the Project's final design plans.

17 **S-6 CULTURAL RESOURCES:**

- 18 (A) Prior to issuance of grading permits, the project applicant shall retain a
19 qualified archaeologist defined as one meeting the Secretary of the
20 Interior's Professional Qualification Standards (U.S. Department of the
21 Interior 2008) to oversee Phase I cultural resources surveys for the
22 Laurel Cluster, to determine if previously unidentified cultural resources
23 exist within the project sites and to relocate and evaluate the previously
24 identified resources that have not yet been evaluated. The methods
25 and results of the surveys, as well as the records search, shall be
26 summarized in a Phase I cultural resources survey report that follows
27 the guidelines in *Archaeological Resource Management Reports:
28 Recommended Contents and Format*, Department of Parks and
Recreation, Office of Historic Preservation, State of California, 1990.
The report shall address the requirements of CEQA. Prior to issuance
of a grading permit for each CUP site, Department of Planning and
Development Services shall verify that a Phase I cultural resources
survey has been conducted and report prepared.

- 1 (B) If previously documented but unevaluated and/or newly documented
2 archaeological resources are identified within the project sites, they
3 should be evaluated for inclusion in the California Register of Historic
4 Resources (CRHR) and/or as unique archaeological resources. Should
5 newly documented archaeological resources be found eligible for listing
6 in the CRHR and/or constitute unique archaeological resources,
7 avoidance and preservation in place is the preferred manner of
8 mitigation. If avoidance is not feasible, a treatment plan should be
9 developed by the qualified archaeologist in coordination with the project
10 applicant and the lead agency that provides for the adequate recovery
11 of the scientifically consequential information contained in the
12 archaeological resources. Prior to issuance of a grading permit for each
13 CUP site, Department of Planning and Development Services shall
14 verify that any recommendations for cultural resources treatment as a
15 result of the Phase I survey required by MM CR-2, be implemented
16 prior to grading.
- 17 (C) Development within the project sites shall avoid impacts on the
18 following resources: P-13-008334 (Westside Main Canal) and -013760
19 (Westside Drain) located within or immediately adjacent to the project
20 sites that have been previously determined or recommended as eligible
21 for listing in the CRHR. Prior to issuance of a grading permit for each
22 CUP site, Department of Planning and Development Services shall
23 verify that site plans and construction plans avoid impacts to these
24 resources.
- 25 (D) Pursuant to CEQA Guidelines §15064.5(f), in the event that previously
26 unidentified unique archaeological resources are encountered during
27 construction or operational repairs, archaeological monitors will be
28 authorized to temporarily divert construction work within 100 feet of the
area of discovery until significance and the appropriate mitigation
measures are determined by a qualified archaeologist familiar with the
resources of the region. Applicant shall notify the County within 24
hours. Applicant shall provide contingency funding sufficient to allow for
implementation of avoidance measures or appropriate mitigation.
During grading and construction for each CUP site, the archaeological
monitor shall have the authority to divert construction work, develop and
implement appropriate mitigation, and notify the County within 24 hours.
- (E) In the event of the discovery of previously unidentified archaeological
materials, the contractor shall immediately cease all work activities
within approximately 100 feet of the discovery. Prehistoric
archaeological materials might include obsidian and chert flaked-stone
tools (e.g., projectile points, knives, and scrapers) or tool making debris;
culturally darkened soil (“midden”) containing heat-affected rocks,
artifacts, or shellfish remains; and stone milling equipment (e.g.,
mortars, pestles, handstones, or milling slabs); and battered stone
tools, such as hammerstones and pitted stones. Historic-period

1 materials might include stone, concrete, or adobe footings and walls;
2 filled wells or privies; and deposits of metal, glass, and/or ceramic
3 refuse. After cessation of excavation, the contractor shall immediately
4 contact the Imperial County Department of Planning and Development
5 Services. Except in the case of cultural items that fall within the scope
6 of the Native American Grave Protection and Repatriation Act, the
7 discovery of any cultural resource within the project areas shall not be
8 grounds for a “stop work” notice or otherwise interfere with the projects’
9 continuation except as set forth in this paragraph. In the event of an
10 unanticipated discovery of archaeological materials during construction,
11 the applicant shall retain the services of a qualified professional
12 archaeologist, meeting the Secretary of the Interior’s Standards for a
13 Qualified Archaeologist, to evaluate the significance of the materials
14 prior to resuming any construction-related activities in the vicinity of the
15 find. If the qualified archaeologist determines that the discovery
16 constitutes a significant resource under CEQA and it cannot be
17 avoided, the applicant shall implement an archaeological data recovery
18 program. During grading and construction for each CUP site, the
19 archaeological monitor shall have the authority to divert construction
20 work, develop and implement appropriate mitigation (including a data
21 recovery program, if necessary), and notify the County within 24 hours
22 (per MM CR-5).

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**S-7 HEALTH, SAFETY AND HAZARDOUS MATERIAL/FIRE AND FUELS
MANAGEMENT**

- (A) All trash and debris within the Project site shall be disposed of off-site, in accordance with current, local, state, and federal disposal regulations. Compliance with this measure shall be verified by the Planning and Development Services Department.
- (B) If it is determined that hazardous wastes are, or will be generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5).
- (C) If it is determined that hazardous wastes will be generated, the Permittee should also obtain a United States Environmental Protection Agency, Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous material, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting the local CUPA.

1 (D) Firearms shall be prohibited in all Project areas except for those used
2 by licensed security personnel.

3 (E) The Permittee shall ensure that the AST, farm equipment area, and any
4 other debris have been cleared from the site.

5 Prior to the demolition of any building, structure, or transite pipe, the
6 Applicant shall hire a California Certified Lead Inspector/Assessor and
7 Certified asbestos Consultant to evaluate these features for the
8 presence of lead-based paint (LBP) and/or asbestos containing
9 materials (ACM). Confirmed LBP and/or ACM shall be handled by a
10 licensed LBP contractor and/or Licensed Asbestos Contractor. All
11 contaminants shall be remediated in compliance with California
12 environmental regulations and policies. LBP and/or ACM shall be
13 disposed of according to appropriate regulations.

14 (F) **Phase II ESA:** A Phase II ESA (drilling, sampling, and analytical
15 program) shall be completed if the LSF1 project is to be constructed in
16 the area of the septic system. This ESA will assist to determine if the
17 previous septic system is still onsite and if soil contamination exists.
18 Prior to issuance of a grading permit for the LSF1 CUP only, the
19 Department of Planning and Development Services shall verify that a
20 Phase II ESA has been completed.

21 (G) **Hazardous Materials Discovery:** All construction contractor(s) shall be
22 instructed to immediately stop all subsurface construction activities in
23 the event that petroleum is discovered, an odor is identified, or
24 significantly stained soil is visible during construction. Contractors shall
25 be instructed to follow all applicable regulations regarding discovery and
26 response for hazardous materials encountered during the construction
27 process. During construction, discovery of hazardous materials shall
28 result in the immediate stop of all subsurface construction activities.

20 S-8 HYDROLOGY AND WATER QUALITY

21 A. Prior to construction and site restoration for the CUP site, the
22 Applicant shall acquire appropriate Clean Water Act regulatory permits;
23 prepare SWPPP with incorporated control measures outlined in Mitigation
24 Measure 4.9-1a; and implement BMPs. **Prepare SWPPP and Implement
25 Best Management Practices (BMP) Prior to Construction and Site
26 Restoration.** The project applicant or its contractor shall prepare a SWPPP
27 specific to the project and be responsible for securing coverage under
28 SWRCB's National Pollution Discharge Elimination System (NPDES)
stormwater permit for general construction activity (Order 2009-0009-DWQ).
The SWPPP shall identify specific actions and BMPs relating to the
prevention of stormwater pollution from project-related construction sources
by identifying a practical sequence for site restoration, BMP implementation,

1 contingency measures, responsible parties, and agency contacts. The
2 SWPPP shall reflect localized surface hydrological conditions and shall be
3 reviewed and approved by the project applicant prior to commencement of
4 work and shall be made conditions of the contract with the contractor
5 selected to build and decommission the project. The SWPPP(s) shall
6 incorporate control measures in the following categories:

- 7 • Soil stabilization and erosion control practices (e.g., hydroseeding,
8 erosion control blankets, mulching) Dewatering and/or flow diversion
9 practices, if required.)
- 10 • Sediment control practices (temporary sediment basins, fiber rolls).
- 11 • Temporary and post-construction on- and off-site runoff controls.
- 12 • Special considerations and BMPs for water crossings, wetlands, and
13 drainages
- 14 • Monitoring protocols for discharge(s) and receiving waters, with
15 emphasis place on the water quality.
- 16 • Waste management, handling, and disposal control practices
- 17 • Corrective action and spill contingency measures
- 18 • Agency and responsible party contact information
- 19 • Training procedures that shall be used to ensure that workers are
20 aware of permit requirements and proper installation methods for
21 BMPs specified in the SWPPP

22 B. The SWPPP shall be prepared by a qualified SWPPP practitioner with
23 BMPs selected to achieve maximum pollutant removal and that represent
24 the best available technology that is economically achievable. Emphasis for
25 BMPs shall be placed on controlling discharges of oxygen-depleting
26 substances, floating material, oil and grease, acidic or caustic substances or
27 compounds, and turbidity. BMPs for soil stabilization and erosion control
28 practices and sediment control practices will also be required. Performance
and effectiveness of these BMPs shall be determined either by visual means
where applicable (i.e., observation of above-normal sediment release), or by
actual water sampling in actives: dissolved oxygen, floating material, oil and
grease, pH, and turbidity cases where verification of contaminant reduction
or elimination, (inadvertent petroleum release) is required to determine
adequacy of the measure.

22 C. Prior to issuance of a grading permit for the CUP site, the Applicant
23 shall provide Colorado River Basin Regional Water Quality Control Board
24 with the location, type of discharge, and methods treatment and monitoring
25 for all groundwater dewatering discharges if the project requires
26 construction dewatering. **Properly Dispose of Construction Dewatering
27 in Accordance with the Colorado River Basin Regional Water Quality
28 Control Board.** If required, all construction dewatering shall be discharged
to an approved land disposal area or drainage facility in accordance with
Colorado River Basin RWQCB requirements. The project applicant or its
construction contractor shall provide the Colorado River Basin RWQCB with
the location, type of discharge, and methods of treatment and monitoring for
all groundwater dewatering discharges. Emphasis shall be placed on those

1 discharges that would occur directly or in proximity to surface water bodies
2 and drainage facilities.

3 D. Post construction for the CUP site, the Applicant shall implement a
4 Drainage Plan in accordance with the County and Imperial Irrigation District
5 guidelines as outlined. **Incorporate Post-Construction Runoff BMPs into
6 Project Drainage Plan and Maximize Opportunities for Low Impact
7 Development.** The project Drainage Plan shall adhere to County and IID
8 guidelines to treat, control, and manage the on- and off-site discharge of
9 stormwater to existing drainage systems. Low Impact Development
10 opportunities, including, but not limited to infiltration trenches or bioswales,
11 will be investigated and integrated into the Drainage Plan to the maximum
12 extent practical. The Drainage Plan shall provide both short- and long-term
13 drainage solutions to ensure the proper sequencing of drainage facilities
14 and treatment of runoff generated from project impervious surfaces prior to
15 off-site discharge. The project applicant shall ensure the provision of
16 sufficient outlet protection through the use of energy dissipaters, vegetated
17 rip-rap, soil protection, and/or other appropriate BMPs to slow runoff
18 velocities and prevent erosion at discharge locations, access roads,
19 electrical distribution, and solar array locations. A long-term maintenance
20 plan shall be developed and implemented to support the functionality of
21 drainage control devices. The facility layout(s) shall also include sufficient
22 container storage and on-site containment and pollution-control devices for
23 drainage facilities to avoid the off-site release of water quality pollutants,
24 including, but not limited to oil and grease, fertilizers, treatment chemicals,
25 and sediment.
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S-9 BIOLOGICAL RESOURCES:

18 (A) **GENERAL CONSTRUCTION** The CUP owner shall identify and
19 retain a qualified biologist(s) approved by CDFW. The name,
20 documented experience, any permit numbers, and resumes for the
21 qualified biologist(s) shall be submitted to the CDFW for approval at
22 least seven (7) days prior to initiation of construction. It is assumed
23 CDFW will approve qualified biologist(s) within fifteen (15) days of the
24 submittal. The qualified biologist(s) shall be present on-site during all
25 ground-disturbing phases of construction to regularly monitor
26 construction activities and ensure construction is proceeding in
27 compliance with the avoidance, minimization, and mitigation measures
28 committed to by the Applicant, as well as measures required (project
manager, resident engineer) to ensure that issues relating to biological
resources are appropriately and lawfully managed. The qualified
biologist shall be responsible for reporting any noncompliance issues
to CDFW within forty-eight (48) hours. The resident engineer shall be
immediately notified to halt work, if necessary. The qualified
biologist(s) shall provide a report to CDFW at least monthly identifying
construction activities and the results of compliance monitoring related

1 to implementation of avoidance and minimization measures. The
2 qualified biologist(s) shall meet the following minimum qualifications:

- 3 (1) Have a bachelor's degree in biological sciences, zoology, botany,
4 ecology, or a closely related field or at least four (4) years of
5 experience in field biology or current certification of a nationally
6 recognized biological society, such as The Ecological Society of
7 America or The Wildlife Society;
- 8 (2) Have at least one (1) year of field experience with biological
9 resources found in the geographic region of the Project; and
- 10 (3) Have extensive knowledge of the biology and ecology of sensitive
11 species occurring and potential occurring within the Project site.
- 12 (4) Have specialized avian experience necessary to conduct nesting
13 surveys and monitor buffers.
- 14 (5) The CUP owner shall develop and implement a Worker
15 Environmental Awareness Program (WEAP) prior to the start of
16 construction. The WEAP shall be submitted to the Imperial County
17 Planning and Development Services Department for review and
18 approval prior to the issuance of building permits. The WEAP
19 training shall be led by the qualified biologist(s) and shall cover the
20 following:
 - 21 (a) The potential presence and ecology of sensitive biological
22 resources found on-site, such as potential jurisdictional
23 waters and nesting avian species;
 - 24 (b) Flagging/fencing of exclusion areas;
 - 25 (c) Proper implementation of protective measures to avoid
26 impacts to special-status species; The reasons, need, and
27 method by which employees should report on wildlife
28 mortality, follow nest management protocols, dispose of
carcasses, comply with applicable regulations (including the
consequences of noncompliance), and the appropriate
agencies and personnel that should be contacted after
incidents; and
 - (d) Other permit requirements and environmental issues.
- (6) All construction site personnel shall be required to attend the
WEAP training in conjunction with hazard and safety training prior
to working on-site.

- 1 (7) Parking of vehicles shall occur within the fenced Project area or
2 within previously disturbed areas prior to construction of the
3 fencing, and away from sensitive habitats.
- 4 (8) Grading shall only occur where necessary and as specified by the
5 Project's final engineering plans, and shall be avoided wherever
6 possible to minimize the amount of ground disturbance.
- 7 (9) To the extent possible, Project layout and design shall generally
8 follow existing contours of the Project site to minimize the amount
9 of grading required. To the extent possible, nighttime construction
10 shall be avoided. When activities must occur at night, all Project
11 lighting (e.g., staging areas, equipment storage sites, roadway)
12 shall be directed downward and away from natural vegetation
13 communities. Light glare shields shall be used to reduce the extent
14 of illumination into adjoining areas.
- 15 (10) Nighttime and daytime on-site construction vehicle speeds shall be
16 restricted to ten (10) miles per hour and twenty (20) miles per hour,
17 respectively. Speed limit signs shall be posted throughout the site
18 to remind construction workers of travel speed restrictions.
- 19 (11) Spoils, trash, and any construction-generated debris shall be
20 removed to an approved off-site disposal facility. A trash
21 abatement program shall be established. Trash and food items
22 shall be contained in closed containers and removed daily to
23 reduce the attraction of opportunistic predators such as common
24 ravens, coyotes, and feral cats and dogs that may prey on
25 sensitive species.
- 26 (12) When handling toxic substances, construction vehicles shall carry
27 a Hazardous Material Spill Kit for use in the event of a spill. All
28 construction personnel working on-site shall be trained in using
these kits. Spill containment materials must be on-site or readily
available for any equipment maintenance or refueling.
- (13) Construction workers shall be prohibited from bringing domestic
pets and firearms to the site.
- (14) A SWPPP or equivalent shall be prepared prior to the start of
construction to comply with applicable RWQCB storm water
management provisions. The SWPPP or SWPPP equivalent
document shall identify the design features and BMPs that shall be
used to effectively manage drainage-related issues (e.g., erosion
and sedimentation) during construction. Erosion control measures
shall be regularly checked by inspectors, the qualified biologists,
and/or resident engineer. Fencing and erosion control measures of
all construction areas shall be inspected a minimum of once per

1 week (refer to mitigation measure MM 4.11.1b in Section 4.11,
2 Hydrology and Water Quality).

3 (15) All construction activities shall cease during heavy rains to prevent
4 unnecessary erosion, runoff, and sedimentation, and shall not
5 resume until conditions are suitable for the movement of
6 equipment and materials.

7 (16) No planting or seeding of invasive plant species on the most
8 recent version of the California Invasive Plant Council (Cal-IPC)
9 California Invasive Plant Inventory for the Project region shall be
10 permitted.

11 (17) To prevent indirect effects to sensitive natural resources from
12 fugitive dust associated with construction of the Project, all active
13 construction areas shall be watered down as necessary. All trucks
14 hauling soil, sand, and other loose materials shall be covered or
15 shall maintain at least 2 feet of free-board. All unpaved access
16 roads, parking areas, and staging areas at construction sites shall
17 have non-potable water or nontoxic soil stabilizers applied as
18 needed.

19 (18) At the completion of construction, all construction-related materials
20 shall be removed from the site.

21 (19) The CUP owner shall develop a Weed Management Plan prior to
22 the commencement of construction activities. The Weed
23 Management Plan shall include a variety of measures that shall be
24 undertaken during construction and operation activities to prevent
25 the introduction and spread of new weed species. The Weed
26 Management Plan shall also address monitoring, plus educating
27 personnel on weed identification and methods for avoiding and
28 treating infestations. Weed control methods may include both
physical and chemical control. All chemical applications require
oversight by a holder of a valid Qualified Applicator's License
(QAL) issued by the California Department of Pesticide Regulation
(CADPR) Recommendations for use of chemical products will be
made in writing by a Pest Control Advisor (PCA) with a valid
CADPR license. Chemical products will be registered, non-
restricted, general-use herbicides. Treatment applications will
follow use and safety guidelines available on product labels.
Typical active ingredients expected for chemical treatments are
glyphosate and triclopyr. Glyphosate and triclopyr are found in
broad-spectrum, systemic herbicides, and available in numerous
products intended for control of post-emergent vegetation.
Chemical treatment of vegetation in and around aquatic or wetland
features requires products approved for use within such habitats,
as described on product labels. The Weed Management plan shall

1 be submitted to the Imperial County Planning and Development
2 Services Department for review and approval prior to issuance of
3 building permits.

4 (B)

5 (1) The CUP owner shall develop and implement an Operation and
6 Maintenance Worker Education Plan to advise personnel on
7 general operations measures. The Worker Education Plan shall be
8 submitted to the County of Imperial Planning and Development
9 Services Department for review and approval prior to issuance of
10 building permits. The following provisions shall be included in the
11 Worker Education Plan and implemented throughout the
12 operational lifespan of the CUP:

13 (a) Operation and maintenance personnel shall be prohibited from:

- 14 (1) Harming, harassing, or feeding wildlife and/or collecting
15 special-status plant or wildlife species.
- 16 (2) Traveling (either on foot or in a vehicle) outside of Project
17 footprint except on public roads.
- 18 (3) Littering on the Project area.
- 19 (4) Allowing persons not employed at the facility to remain on
20 site after daylight hours
- 21 (5) Exceeding normal nighttime operational noise or lighting
22 levels.

23 (2) All operation and maintenance equipment, including cranes and
24 personnel, shall stay within the permanent impact footprint of CUP
25 boundaries, the Electrical Collector Line Corridor, or the Gen-Tie
26 line corridor, except when not physically feasible or when
27 necessary to protect human life or property. Operation and
28 maintenance vehicles shall be parked in designated areas and
away from sensitive habitats.

(3) Nighttime and daytime vehicle speeds within the CUP, the
Electrical Collector Line Corridor, and the Gen-Tie line corridor
shall be restricted to ten (10) miles per hour and twenty-five (25)
miles per hour, respectively. Speed limit signs shall be posted
throughout the Project site to remind workers of travel speed
restrictions.

(4) The CUP, the Electrical Collector Line Corridor, and the Gen-Tie
line corridor shall be kept clear of trash and other litter to reduce

1 the attraction of opportunistic predators such as common ravens,
2 coyotes, and feral dogs that may prey on sensitive species.

3 (5) Operation and maintenance employees shall be prohibited from
4 bringing domestic pets and firearms to the site.

5 (6) The General Construction Permit shall specify post-construction
6 storm water control standards, and preparation and
7 implementation of a Long-Term Maintenance Plan for the
8 retention/detention basins

9 (7) Operation and maintenance activities at each CUP, the Electric
10 Collector Line Corridor, and the Gen-Tie corridor shall be carried
11 out in accordance with the Weed Management Plan

12 (C) **JURISDICTIONAL WATERS AND WETLANDS MEASURES - ALL**
13 **CUPs**

14 (1)

15 (a) The CUP owner shall implement the following measures
16 during decommissioning activities occurring within the CUP.

17 (1) All mitigation measures required during construction of
18 the Project to avoid or minimize impacts to biological
19 resources shall also be implemented during
20 decommissioning activities.

21 (2) Decommissioning of the Project shall minimize new site
22 disturbance and removal of native vegetation to the
23 maximum extent possible.

24 (3) Topsoil removed during decommissioning shall be
25 stockpiled and used as topsoil during restoration efforts
26 associated with decommissioning disturbance.

27 (4) Soil shall be stabilized and vegetated with plant species
28 characteristic of native species within adjacent habitats,
except where immediately reclaimed as agriculture.
Local seed sources shall be used where feasible.

(5) Surface water flows shall be restored to pre-disturbance
conditions. Unnecessary stream crossings, roads, and
pads shall be removed and revegetated. Erosion control
measures shall be installed in all disturbance areas.

(6) Petroleum and chemical spills shall be remediated prior
to the completion of decommissioning.

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- (b) The CUP owner shall implement the following measures prior to and during construction activities of the Electric Collector line Corridor and Gen-Tie line corridor to avoid construction-related impacts to jurisdictional waters and wetlands.
- (c) The CUP and Project design shall avoid direct and indirect impacts to jurisdictional waters to the greatest extent feasible. Construction within jurisdictional waters and/or wetlands shall be subject to prior authorization by USACE, RWQCB, and CDFW.
- (d) All equipment operating in and near jurisdictional waters or wetlands shall be in good working condition and free of leaks. All vehicles shall have drip pans during storage to contain minor spills and drips. No refueling or storage shall take place within 100 feet of a drainage channel or structure. In addition, all maintenance crews working with heavy equipment shall be trained in spill containment and response.
- (e) Discharges shall not permanently restrict or impede the passage of normal or expected high flows, or cause the permanent relocation or diversion of the flows.
- (f) Where turbidity or erosion occurs or is expected to occur from drainage structures, biofilters, detention basins or other appropriate drainage catchment structures shall be installed where flow conveyance occurs from the Project directly into a jurisdictional area.
- (g) Temporary impacts to jurisdictional waters and wetlands will be recontoured to pre-construction conditions. Temporary impacts to vegetated jurisdictional waters and wetlands will also be revegetated with appropriate native vegetation or non-native compatible with the landscape palette.
- (h) Permanent impacts to jurisdictional waters and wetlands shall be mitigated either through on-site and/or off-site re-establishment and/or enhancement of jurisdictional waters and wetlands or through an approved-mitigation bank or in-lieu fee program, if one is available. The type of mitigation, mitigation location, and the final mitigation ratios will be established during the permit process for the Project's USACE Section 404 permit, the RWQCB Section 401 Water Quality Certification, and a CDFW Streambed Alteration Agreement. The federal agencies have published guidance on mitigation, i.e., the final rule for Compensatory Mitigation for Losses to Aquatic Resources that was issued by USACE and USEPA. Issuance of required permits/authorizations and

1 preparation of a detailed Wetland/Waters Mitigation Plan to
2 be submitted for review and approval by the USACE,
3 RWQCB, and CDFW before impacts to jurisdictional waters.

4 (i) The CUP owner shall comply with additional measures
5 identified during permitting through the USACE, RWQCB,
6 and CDFW. In addition, the determination of whether the
7 Project may be permitted under USACE's NWP program, or
8 whether an individual permit shall be required, shall be
9 determined formally as part of the CWA Section 404 permit
10 process. To qualify for an NWP, the proposed action and the
11 associated unavoidable impacts to jurisdictional waters based
12 on final project designs must satisfy all terms and conditions
13 of the applicable NWP, as well as all general conditions and
14 any relevant regional conditions of the NWP program.

15 (j) The Wetland/Waters Mitigation Plan shall describe proposed
16 on-site and off-site mitigation. For all habitat restoration
17 proposed, this plan shall include details regarding site
18 preparation (e.g., grading), planting specifications, and
19 irrigation design, as well as maintenance and monitoring
20 procedures. The plan shall also outline yearly success criteria
21 and remedial measures should the mitigation effort fall short
22 of the success criteria, and a strategy for long-term mitigation
23 site management. Alternatively, mitigation obligations may be
24 satisfied by participating in a fee-based mitigation program
25 (e.g., a wetland mitigation bank) in which case, long-term
26 management for such mitigation shall be covered under the
27 terms of the formal banking agreement or by purchasing
28 appropriate mitigation credits from a regulatory approved
bank.

(k) The following measures shall apply to construction activities:.

(1) A qualified biologist shall be on-site during all ground-
disturbing construction activities in potential BUOW
habitat. The qualified biologist shall be responsible for
implementing and overseeing BUOW avoidance and
minimization measures.

(2) The qualified biologist shall have the authority to stop
construction if activities are in violation of avoidance and
minimization measures. A qualified biologist possesses
a bachelor's degree in wildlife biology or a related field
and has demonstrated field experience in the
identification and life history of BUOW.

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(3) Per CDFW guidance, a take avoidance survey (i.e., pre-construction clearance survey) will be conducted by a qualified biologist to determine presence or absence of BUOW no less than fourteen (14) days and no more than thirty (30) days prior to initiating construction activities. Surveys shall include areas within the Project footprint and a surrounding 500-foot (150-meter) buffer. The survey shall consist of walking parallel transects and noting any fresh BUOW sign or presence. The results of the take avoidance survey shall be provided to CDFW. If more than thirty (30) days pass between the take avoidance survey and initiation of Project construction, additional take avoidance surveys may be required, depending on what actions have been implemented to deter BUOW from moving into the Project footprint and buffer area. A final take avoidance survey shall be conducted within the Project footprint within twenty-four (24) hours prior to initiation of construction activities. Given the total duration of construction and the size of the Project, it is expected that take avoidance surveys will be conducted in phases, in order to stay within the required survey windows associated with construction activities.

(4) If occupied burrows are found during take avoidance surveys, appropriate construction buffers or setback distances shall be determined by the qualified biologist on a case-by-case basis, depending on the season in which disturbance will occur, the type of disturbance, and other factors that could influence susceptibility to disturbance (e.g., topography, vegetation, existing disturbance levels, etc.). To the extent feasible, buffers of 246 feet (75 meters) will be used during the breeding season (February 1 through August 31) and 164 feet (50 meters) will be used during nonbreeding season (September 1 through January 31). "Shelter in place" techniques shall be used if necessary to create a visual and auditory barrier between construction activities and the occupied burrow. Techniques shall include placing hay bales, fencing, or another physical barrier between the occupied burrow and construction activities. The qualified biologist shall determine if and/or when shelter in place is necessary and feasible for implementation. When construction activities commence adjacent to the buffer area, a qualified biologist shall be present on-site full time to monitor the behavior of BUOW for at least 3 days. The qualified biologist shall have the authority to increase the setback distance if there are signs of

1 disturbance, such as changes in behavior as a result of
2 construction or other indications of distress by BUOW.

3 (a) If BUOW activity is detected at a burrow within the
4 Project footprint during the non-breeding season
5 (September 1 through January 31), BUOW shall
6 be excluded from active burrows and encouraged
7 to passively relocate to suitable, unoccupied
8 habitat outside of the exclusion area. BUOW shall
9 be excluded by installing one-way doors in burrow
10 entrances. Although passive relocation does not
11 result in control of the recipient area for BUOW,
12 the qualified biologists shall verify that there is an
13 acceptable "recipient" area within a reasonable
14 distance that provides the necessary subsidies to
15 support BUOW with the goal to minimize the
16 stress of relocation. Subsidies to be considered
17 include suitable burrows (primary and satellite)
18 and habitat quality (e.g., vegetation cover,
19 diversity) that is equal to or greater than that from
20 which they were relocated. If, during pre-
21 construction surveys, BUOW activity is detected at
22 a burrow within the Project footprint during the
23 breeding season (February 1 through August 31),
24 then an appropriate construction buffer or setback
25 distance shall be determined by the qualified
26 biologist on a case-by-case basis. This buffer shall
27 be flagged and all Project-related activity shall
28 remain outside of the flagged area until a qualified
biologist determines the burrow is no longer
occupied (e.g., juveniles are foraging
independently and are capable of independent
survival).

(b) In the event that BUOW will be excluded from the
Project footprint and occupied burrows will be
impacted, a mitigation site with suitable burrows
and habitat shall be secured and a Burrowing Owl
Exclusion Plan shall be developed and approved
by CDFW prior to excluding BUOW from burrows.
Specific objectives for BUOW protection
addressed by this Burrowing Owl Exclusion Plan
shall describe exclusion methodology, burrow
excavation procedures, on-site and post-relocation
monitoring of occupied burrows, and reporting.

(c) Occupied BUOW burrows directly impacted shall
be replaced by installing artificial burrows on

1 mitigation sites (i.e., conservation easements,
2 in-lieu fee lands, Farm Contract land), or other
3 land as agreed to by CDFW, at a ratio of 1:1. If
4 the mitigation sites identified for the Project have
5 at least two suitable BUOW burrows for each
6 occupied burrow directly impacted, then artificial
7 burrows shall not be installed. Suitable burrows
8 are defined as burrows greater than approximately
9 4 inches (10 centimeters) in diameter (height and
10 width) and greater than approximately 60 inches
11 (150 centimeters) in depth. Burrows shall be
12 scoped to ensure they are of proper depth for
13 BUOW.

14 (d) A security in an amount equal to the fair market
15 value of the cost of a perpetual conservation
16 easement and long-term endowment for the
17 number of acres of burrowing owl habitat
18 mitigation obligation for each CUP Phase (one or
19 more CUPs for which a security is posted) prior to
20 commencement of construction shall be posted to
21 fulfill the mitigation obligations for lost burrowing
22 owl habitat.

23 (e) The CUP owner shall proffer compensatory
24 mitigation when a total of four CUP Phases have
25 posted security and proffered compensatory
26 mitigation or eighteen (18) months from the date of
27 posting security on the first CUP Phase, whichever
28 is longer. Security shall be returned to the CUP
owner upon proffer of compensatory mitigation. CDFW may extend the 18-month period if the CUP owner is making a good-faith effort to proffer mitigation and demonstrating progress in securing mitigation. If the 18-month period elapses and the CUP owner cannot proffer mitigation or demonstrate a good faith effort to secure mitigation, CDFW may cash in the security to secure mitigation itself.

(l) The CUP owner shall proffer mitigation for lost burrowing owl core foraging habitat, as identified in the BUOW occupancy analysis and model by (1) securing a CUP owner purchased conservation easement or similar instrument that protects the agricultural use of the land in perpetuity at a ratio of 1:1; (2) participating in the Burrowing Owl Habitat Mitigation Plan administered by the Imperial Community Foundation-Burrowing Owl Stewardship and Education Fund (IVCF-

1 BOSEF) (or similar qualified non-profit organization and
2 approved by CDFW), if available; and/or (3) using a CDFW-
3 approved in-lieu fee program, if one is available at the time
4 the compensatory mitigation is proffered. To be available as
5 compensatory mitigation for this Project, the Burrowing Owl
6 Habitat Mitigation Plan shall be developed for approval by
7 CDFW and the IVCF-BOSEF Board of Directors (or the
8 Board of Directors of similar qualified non-profit organization)
9 before the time compensatory mitigation is proffered.

10 (m) The Burrowing Owl Habitat Mitigation Plan would be
11 developed to compensate for impacts to core foraging
12 habitat, and include the following components:

13 (1) Avoiding higher quality habitat to the extent practicable.
14 [Note: The Project Applicant has already implemented
15 this measure by removing portions of the Project based
16 on the occupancy model.]

17 (2) A strategy and methods to enroll farmers in a program
18 to grow and retain Burrowing Owl Friendly Crops
19 (BOFC) identified by the occupancy model (i.e., wheat
20 and alfalfa). Core BUOW foraging habitat shall be
21 mitigated at a 1:1 ratio by entering farm land into short-
22 term (minimum 3 years) farm agreements to
23 predominantly grow BOFC.

24 (3) A strategy and method for integrating owl-friendly farm
25 practices to reduce mortality of owls. For farm land
26 enrolled in BOFC agreements that include requirements
27 to implement BUOW safe farm practices, impacts to
28 core BUOW foraging habitat shall be mitigated at a
reduced ratio of 0.7:1, which reflects the combined
benefit of farming BOFC using BOSFP through short-
term (minimum of 3 years) farm

(n) A long-term financing plan and a defined program-sufficient
to fund the BOFC/BOSFP agreement program through the
end of the Project's operational life (anticipated to be
approximately 30 years) (e.g. endowment account).

(o) A Bird and Bat Conservation Strategy (BBCS) will be
developed by the Project Applicant in coordination with the
County of Imperial, USFWS, and CDFW. The BBCS will
include the following components:

(1) A description and assessment of the existing habitat and
avian and bat species;

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- (2) An avian and bat risk assessment and specific measures to avoid, minimize, reduce, or eliminate avian and bat injury or mortality during all phases of the Project.
- (3) A post-construction monitoring plan that will be implemented to assess impacts on avian and bat species resulting from the Project. The post-construction monitoring plan will include a description of standardized carcass searches, scavenger rate (i.e., carcass removal) trials, searcher efficiency trials, and reporting.
- (4) Statistical methods will be used to estimate Project avian and bat species, including special status species, annual mortality by taxa and season. Analysis will also determine collision rates during diurnal and nocturnal periods; species mortality composition; and assess the spatial distribution mortalities. Sufficient data (i.e., sample sizes) will dictate the extent that fatality models can be used to generate fatality estimates within the various categories. Fatality estimates will be generated using the most appropriate fatality estimator given the data set.
- (5) An injured bird response plan that delineates care and curation of any and all injured birds.
- (6) A nesting bird management strategy to outline actions to be taken for avian nests detected within the impact footprint during operation of the Project.
- (7) A conceptual adaptive management and decision-making framework for reviewing, characterizing, and responding to monitoring results.
- (8) Monitoring studies following commencement of commercial operation of each CUP area. Monitoring results will be reviewed annually by the Applicant and the County of Imperial, in consultation with CDFW and USFWS, to inform adaptive management responses.
- (9) During Project construction, incidental avian carcasses or injured birds found during construction shall be documented. Should a carcass be found by Project personnel, the carcass shall be photographed, the location shall be marked, the carcass shall not be

1 moved, and a qualified biologist shall be contacted to
2 examine the carcass. When a carcass is detected, the
3 following data shall be recorded (to the extent possible):
4 observer, date/time, species or most precise species
5 group possible, sex, age, estimated time since death,
6 potential cause of death or other pertinent information,
7 distance and bearing to nearest structure (if any) that
8 may have been associated with the mortality, location
9 (recorded with a Global Positioning System [GPS]), and
10 condition of carcass.

11 (10) If any federal listed, state listed or fully protected avian
12 carcasses or injured birds are found during construction
13 or post-construction monitoring, the Project Applicant
14 shall notify USFWS and CDFW within 24 hours via
15 email or phone and work with the resource agencies to
16 determine the appropriate course of action for these
17 species. For such listed species, the CUP owner shall
18 obtain or retain a biologist with the appropriate USFWS
19 Special Purpose Utility Permit(s) and CDFW Scientific
20 Collecting Permit(s) to collect and salvage all dead and
21 injured birds, and store/curate them in freezers for later
22 disposition and analysis.

23 (11) Although take is not anticipated, it is possible. Should
24 mortality of a federally listed species be documented,
25 the take will be addressed by applying for an incidental
26 take permit through the development of a Habitat
27 Conservation Plan (HCP) that satisfies the permit
28 issuance criteria stipulated under Section 10(a)(1)(B) of
the Endangered Species Act or through consultation
under Section 7 of the federal Endangered Species Act.
If mortality of a State-listed species is documented, the
CUP owner shall apply for a 2081(b) incidental take
permit from CDFW. Alternatively, if available, the CUP
owner may elect to obtain incidental take authorization
through participation in the Desert Renewable Energy
Conservation Plan.

(12) Utility lines constructed above-ground shall conform to
Avian Power Line Interaction Committee (APLIC)
standards.

(13) Post-construction monitoring studies shall be conducted
by a third-party independent contractor for at least two
(2) years following commencement of commercial
operation of each CUP area. Monitoring results shall be
reviewed annually by the Applicant and the County of

1 Imperial, in consultation with CDFW and USFWS, to
2 determine if and to what extent post-construction
3 monitoring studies shall be continued in future years.

4 (2) To the extent possible, construction shall occur outside the typical
5 avian breeding season (February 15 through September 15). If
6 construction must occur during the general avian breeding season,
7 a pre-construction nest survey shall be conducted within the
8 impact area and a 500-foot (150-meter) buffer by qualified
9 biologist no more than seven (7) days prior to the start of
10 vegetation clearing and/or ground disturbing construction activities
11 in any given area of the Project footprint. Construction crews shall
12 coordinate with the qualified biologist at least seven (7) days prior
13 to the start of construction in a given area to ensure that the
14 construction area has been adequately surveyed. A nest is defined
15 as active once birds begin constructing or repairing the nest in
16 readiness for egg-laying. A nest is no longer an "active nest" if
17 abandoned by the adult birds or once nestlings or fledglings are no
18 longer dependent on the nest. If no active nests are discovered,
19 construction may proceed. If active nests are observed that could
20 be disturbed by construction activities, these nests and an
21 appropriately sized buffer (typically a 200-foot (61-meter) buffer for
22 non-raptor species nests and at least a 500-foot (150-meter) buffer
23 for raptor or federally listed species nests) would be avoided until
24 the young have fledged. Final construction buffers or setback
25 distances shall be determined by the qualified biologist in
26 coordination with USFWS and CDFW on a case-by-case basis,
27 depending on the species, season in which disturbance shall
28 occur, the type of disturbance, and other factors that could
influence susceptibility to disturbance (e.g., topography,
vegetation, existing disturbance levels, etc.). Active nests shall be
avoided until the young have fledged and/or the monitor
determines that no impacts are anticipated to the nesting birds or
their young. If vegetation clearing and/or ground disturbing
activities cease for fourteen (14) or more consecutive days during
the nesting season in areas where suitable nesting habitat
remains, repeat nesting bird surveys shall be required to ensure
new nesting locations have not been established within the impact
area and the defined buffers.

(3) Construction-generated noise may result in disturbance to nesting
migratory birds. The following measures shall be incorporated to
minimize noise generated from construction activities:

(a) The qualified biologist shall coordinate with contractors to
ensure that heavy equipment will be repaired as far as
practical from habitats where nesting birds may be present.

1 (b) Construction equipment, including generators and
2 compressors, shall be equipped with manufacturers' standard
3 noise-control devices or better (e.g., mufflers, acoustical
lagging, and/or engine enclosures).

4 (c) The construction contractor shall maintain all construction
5 vehicles and equipment in proper operating condition and
6 provide mufflers on all gas- and diesel-powered equipment.

7 (d) The Project's BBCS shall be implemented during the
8 construction. Incidental avian carcasses or injured birds
9 found during construction shall be documented. If a carcass
10 be found by Project personnel, the carcass shall be
11 photographed, the location shall be marked, the carcass shall
12 not be moved, and a qualified biologist shall be contacted to
13 examine the carcass. When a carcass is detected, the
14 following data shall be recorded (to the extent possible):
15 observer, date/time, species or most precise species group
16 possible, sex, age, estimated time since death, potential
17 cause of death or other pertinent information, distance and
18 bearing to nearest structure (if any) that may have been
19 associated with the mortality, location (recorded with a Global
20 Positioning System [GPS]), and condition of carcass.

21 (4) During decommissioning, Project improvements associated with
22 the Electric Collector Corridor Line and the Mount Signal Solar
23 Farm Project Gen-Tie line shall be removed. In addition, all
24 unnecessary overhead power lines and poles shall be removed by
25 the CUP owner.

26 (5) Adhere to all mitigations outlined in the Mitigation Monitoring and
27 Reporting Program (MM&RP) for the previously-approved Laurel
28 Cluster Solar Farm project.

S-10 PUBLIC SERVICES:

21 (A) If Permittee receives an exclusion of applicable sales and use tax
22 payable to the County of Imperial under Senate Bill 71 under the State
23 Public Resource Code (Section 26003, et al.) and the California
24 Alternative Energy and Advanced Transportation Financing Authority
25 (CAETF), Permittee shall pay to the County and Local Transportation
26 Authority an amount equal to the sales tax (currently at 1.5%) which
27 would have been received if Permittee had not obtained such exclusion.

28 (B) Permittee shall require that its general construction contractor exercise
its option to obtain a Board of Equalization (BOE) sub-permit for the
jobsite and allocate all eligible use tax payments to Imperial County and
LTA. Permittee will require that the general contractor provide County of
Imperial with either a copy of their BOE account number and sub-

1 permit. To accomplish this, Permittee shall either cause its general
2 construction contractor to treat the project in accordance with California
3 Regulation 1521(b)(2)(B), California Regulation 1521(c)(13)(B), and
4 California Regulation 1826(b) for sales and use tax purposes or form a
5 "Buying Company" as defined in the State of California Board of
6 Equalization Regulation 1699(h). Permittee can adopt an alternate
7 methodology to accomplish this goal if such methodology is approved
8 by the County Executive Officer prior to issuance of building permits.
9 Permittee shall require its general construction contractor to use
10 commercially reasonable best efforts to cause its subcontractors and
11 vendors to obtain similar sub-permits for the jobsite and to allocate all
12 eligible sales and use tax payment to Imperial County and LTA.

13 (C) Permittee shall direct use taxes on out-of-County taxable purchased
14 construction related items to Imperial County, to the extent permitted
15 and consistent with state use tax law.

16 (D) Permittee shall use its best efforts, consistent with state law, to source
17 taxable purchases from price competition construction retail vendors
18 within the County of Imperial in order to further source sales to County.

19 (E) The Permittee shall exclude from assessment and taxation under
20 California Revenue and Taxation Code Section 73 (AB 1451) only that
21 property qualifying as an Active Solar Energy System, pursuant to the
22 applicable guidelines issued by the Board of Equalization.

23 (1) The Permittee shall widely publicize to County residents the
24 availability of job opportunities associated with the project (whether
25 or not those job opportunities are within Imperial County or are
26 regional). Since the majority of the population residents in the
27 incorporated Cities of the County, dissemination of the information
28 should be relatively easy. Postings at City Halls, newspaper and
television advertisements, local job centers, and dedicated website
shall offer sufficient avenues of communication. The Imperial
County Office of Employment and Training in addition to the
Imperial Valley College presents viable sources for community
awareness. The information shall provide available positions,
details of positions including qualifications, number of openings,
indicated the anticipated start date for each, and application
process. In order to maintain oversight of the process, the
application process can be completed both on a dedicated website
and at dedicated computers at the County which would afford
those without Internet connection the ability to apply. The
Permittee's information shall be forwarded to the Permittee or their
contractor and copies of applications files are maintained at the
County.

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- (2) During the development phase of the project, the Permittee shall provide a roster of employees to include their position and place of residence. Permittee shall also attempt to coordinate a ride-share program with Caltrans and other regional employers to facilitate the employment of Imperial County residents in jobs related to this project.
- (3) Unless prohibited by local, state or federal law or regulation, Permittee shall make good faith efforts to hire qualified residents of the Imperial County with the objective that a majority of the total work force is comprised of the Imperial County residents.
- (4) The Permittee shall install and implement security measures which may include, but not limited to, secured perimeter fencing with barbed wire, sensors, with controlled access points, security alarms, security camera systems, security guard vehicle patrols to deter trespass or unauthorized activities that would interfere with operation of the proposed project.
- (5) Permittee shall compensate the County pursuant to the Department of Environmental Health Fee Schedule for any costs of calls related to bees and mosquitoes.
- (6) The Permittee shall reimburse the Sheriff's Department for any investigations regarding theft on the Project site and related law enforcement.
- (7) All construction supervisors and foremen shall be provided with communication devices, cell phones or walkie-talkies, in the event of an emergency situation on-site.
- (8) All construction-related activities shall take place within the development footprint of the Project as defined by the final engineering plans. The anticipated impact areas, including staging areas, equipment access, and disposal or temporary placement of spoils, shall be delineated with staking and/or orange construction fencing prior to construction to avoid natural resources where possible. No construction-related activities shall occur outside of the designated impact area. All construction materials, staging, storage, dispensing, fueling, and maintenance activities shall be designated on construction maps and shall be situated a minimum of fifty (50) feet from all drainages. Staging and temporary access shall occur on existing roadways whenever possible.
- (9) For operation and maintenance fees associated with Fire Department/OES: Compare to DA

1 (a) Permittee shall pay a fee of \$50 per acre per year prior to
2 commencement of the construction period to address the
3 Imperial County Fire/OES expenses for service calls within
4 the Project's Utility/Transmission area. Said amount shall be
5 prorated on a monthly basis for periods of time less than a full
6 year. Permittee shall provide advance, written notice to
7 County Executive Office of the construction schedule and all
8 revisions thereto.

9 Permittee shall pay an annual fee of \$20 per acre per year
10 during the post-construction, operational phase of the Project
11 to address the Imperial County Fire/OES expenses for
12 service calls within the Project's Utility/Transmission area.
13 Said fee will be paid to the Fire Department to cover on-going
14 maintenance and operations costs created by the project.

15 (b) Costs associated with items two above items shall be
16 annually adjusted on January 1st to add a CPI (Los Angeles)
17 increase. Such costs associated with these items can be
18 readjusted in the County's sole discretion if a new service
19 analysis is prepared and that service analysis is approved by
20 both the County and the Permittee.

21 (10) **FIRE** – In lieu of providing all-weather access roads for fire
22 protection vehicles, the Permittee shall be permitted to provide
23 compacted dirt roads (in compliance with ICAPCD's rules and
24 regulations) for fire protection vehicles if prior to the issuance of
25 any grading permit for the Project shall purchase an All-Terrain
26 Capabilities (Type 3 Engine) as specified and approved by the Fire
27 Department.. The Fire Engine cost estimate will be at Current
28 Market Value for approved Fire Engine. Final cost, conditions and
equipment of the Fire Engine shall be determined prior to the
issuance of the initial grading permit. The County agrees to
require, as a condition of approval, other developers in the area to
reimburse the Applicant for the expenses associated with the
purchase of the Fire Engine. The Permittee shall be reimbursed
only for those expenses in excess of their proportionate share for
the purchase of the Fire Engine that the Permittee would have
been required to pay. Furthermore, if a Fire Engine was already
purchased by another developer in the area, then the Permittee
shall only be required to pay a fire mitigation in the amount of up to
\$100 per acre that would represent their proportionate share to
reimburse the purchaser of the Fire Engine. The County shall be
responsible for managing the reimbursement component of this
condition of approval.

1 **S-11 COMMENCEMENT OF WORK:**

2 If the project for which a Conditional Use Permit has been approved has not
3 commenced, or permits for said project have not been issued, within one (1)
4 year from approval date the Conditional Use Permit shall be null and void. If
5 a Conditional Use Permit has been unused, abandoned, discontinued, or
6 ceased for one (1) year, the Conditional Use Permit shall be null and void,
and be of no effect. Notice to applicant/permittee under this division will not
be required or provided by Department.

7 If an applicant cannot initiate or obtain permits for the approved use during
8 the one (1) year, applicant may request a one (1) year extension from the
9 Department. The request for an extension shall be in writing and be
10 submitted with explanation to the Planning & Development Services
11 Department at least sixty (60) days prior to the end of the one (1) year
12 period. The Director shall have the authority to extend the initial startup
period of a Conditional Use Permit two times for a maximum of one (1) year
each. No extension under this section shall be extended for more than two
(2) years.

13 **S-12 CONSTRUCTION STANDARDS:**

14 The solar energy and energy (battery) storage facility structures shall be built
15 in accordance with the California Building Code requirements applicable to
16 "Seismic Category D". All structures and facilities shall be designed in
17 accordance with the publication entitled "Recommended Lateral Force
18 Requirements and Commentary by the Structural Engineers Association of
19 California". The structural components of the permitted facilities shall be
20 reviewed by the Building Official/Planning and Development Services
21 Director. Applicable building permits shall be procured from the County for
22 facilities prior to commencement of construction of such facilities.

23 **S-13 EMERGENCY RESPONSE/ACTION PLAN:**

24 (A) The Permittee shall prepare an Emergency Response/Action Plan that
25 has been approved by the Imperial County Fire/OES Department, and
26 the Local Enforcement Agency. Any hazardous materials storage areas
27 shall be designed with curbs or other containment measures, e.g.
28 double-walled storage tanks, to contain spills and leaks and if on-site
hazardous materials exceed fifty-five (55) gallons, a "Hazardous
Material Management Plan" shall be prepared and approved by the
County LEA and CUPA.

(B) The Emergency Response/Action Plan shall cover all possible
emergencies, e.g. major fluid spills, earthquakes, fires, floods or other
emergencies. At all times, there shall be at least one employee either
on the facility premises or on-call (i.e., available to respond to an

1 emergency by reaching the facility within a short period of time) with the
2 responsibility of coordinating all emergency response measures. This
3 Emergency Coordinator shall be thoroughly familiar with all aspects of
4 the solar facility's Emergency Response/Action Plan, all operations and
5 activities at the facility, location of all records within the facility and the
6 facilities layout. This person shall have the authority to commit the
resources needed to carry out the contingency plan. Adequate
personnel and equipment shall be available to respond to emergencies
and to insure compliance with the conditions of the permit.

- 7 (C) The Emergency Response/Action Plan shall be prepared in
8 consultation with, but not be limited to, the Imperial County Fire
9 Protection/Office of Emergency Services, County Environmental Health
10 Services/Health Department, County Sheriff/Coroner's office, County
11 Public Works Department, Imperial County Planning and Development
12 Services Department, and other appropriate state and county agencies.
13 The plan shall include a notification list of response agencies which
14 shall be notified immediately upon the discovery of a reportable
15 unauthorized discharge and the list shall include: Imperial Fire
16 Protection/Office of Emergency Services, Imperial County Planning and
17 Development Services Department, County Environmental Health
18 Services/Health Department, County Department of Public Works
19 (DPW), California Highway Patrol, as applicable.
- 20 (D) All employees shall be trained by classroom and hands-on training on
21 safety procedures, maintenance programs and emergency response
22 protocols to ensure safety and reliability in the event of an unforeseen
23 emergency situation.
- 24 (E) The Permittee shall provide adequate safety devices against the hazard
25 of fire and explosion for activities that involve the use and storage of
26 flammable, explosive or highly corrosive or reactive materials as well as
27 provide adequate fire-fighting and fire suppression equipment and using
28 devices standard within the industry in compliance with all applicable
state and local laws as determined by the Fire Chief, Office of
Emergency Services.
- (F) The Permittee shall implement all State and County-approved worker
safety and fire protection plans and programs.
- (G) Any gates on-site shall have a "knock-box" lock and be rapidly
accessible by the Imperial Fire Protection/Office of Emergency
Services.
- (H) Appropriate first aid provisions for facility operations shall be made for
emergency response during Project construction, operation, and
maintenance activities with appropriate first aid training for Project
employees.

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- (I) During construction, a member of each working crew shall be trained in basic first aid and supplied with necessary medical equipment to respond to emergencies as provided for in the Emergency Response/Action Plan required above.
- (J) Permittee shall identify a responsible agent for emergency purposes, whose name, title, e-mail address and telephone number, which shall be provided to the County Department of Public Works, County Fire Protection/OES Department, County Environmental Health Services/Health Department, County Sheriff/Coroner's office, Imperial Irrigation District (IID), and Imperial County Planning and Development Services Department.

S-14 LAND USE IMPROVEMENTS

- (A) The Permittee shall prepare an appropriate parking plan for review and approval by the County Planning and Development Services and County Public Works Department for all proposed Operation & Maintenance buildings.
- (B) The Permittee shall surface with a minimum of three (3) inches of asphaltic concrete paving or material of higher quality all access drives, parking areas, and vehicular maneuvering areas from primary access to any constructed operation and maintenance buildings.

S-15 NOISE STANDARDS:

- (A) During the construction period, heavy truck traffic to/from the solar facilities shall be limited to the hours between 7:00 AM and 7:00 PM.
- (B) During construction, in accordance with Imperial County Noise Element of the General Plan, the noise level shall not exceed 75 dBA_{Leq} at the property boundary when averaged over an 8-hour period.
- (C) During operation of the facility, the maximum permitted continuous sound level shall be not more than 45 dBA_{Leq}, as measured at the nearest residence using the "A" scale and measured with a sound level meter and associated octave band analyzer. The level may be exceeded by ten percent (10%) if the noise is intermittent and during daylight hours.
- (D) Haul trucks and other engine-powered equipment shall be muffled and operated with engine exhaust brake use limited to emergencies.

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S-16 ODOR CONTROL:

The Permittee shall control all odor-causing, harmful, noxious emissions to insure that quantities or air contaminants released as a result of the permitted facilities do not exceed County, State or Federal standards, nor constitute a public nuisance, per the Imperial County Land Use Ordinance, Division 13, Enforcement, Chapter 2, Abatement of Nuisances, Sections 91302.00 through 91301.02.

S-17 PLAN APPROVALS:

Permittee shall submit to the Imperial County Planning and Development Services Department, architectural, landscaping and lighting plans prior to construction of those facilities, to include painting of structures, planting of trees and/or vegetation, and shall receive all approvals prior to commencing construction of the applicable permitted facilities. Approval shall not be unreasonably withheld so long as the plans are consistent with applicable Imperial County Land Use Ordinance requirements.

S-18 PROJECT DESIGN:

- (A) All facility access and parking areas shall be constructed to the standards of the Imperial County Land Use Ordinance.
- (B) All permitted activities shall provide for the minimum feasible surface land disturbance for compatibility with the existing uses wherever possible.
- (C) All equipment and electrical interconnection facilities used at the solar plant facilities shall be maintained in a manner that prevents breaking, cracking, and leaking, e.g. operator staffing and training, including appropriate quality assurance procedures, with the operation of back-up or auxiliary facilities when necessary.
- (D) A Storm-water Pollution Prevention Plan (SWPPP) shall be prepared for construction of the project in accordance with the requirements of the County of Imperial and the RWQCB (See S-8, Hydrology and Water Quality, Item #1).
- (E) All on-site basins shall be designed and constructed under the supervision of a California-licensed Civil Engineer meeting sound engineering standards, with all applicable regulations and all requirements of the County Environmental Health Services/Health Department and Public Works Departments are complied with.
- (F) Obtain encroachment permits for any construction or operation on IID existing right of way or easements.

1 **S-19 REPORTING AND MONITORING:**

- 2 (A) The Permittee shall furnish to the County, at its sole cost within a
3 reasonable time, any relevant reports/information which the County
4 requires for monitoring purposes to determine whether cause exists for
5 revoking this permit, or to determine compliance with this permit. The
6 Permittee shall submit all required reports to the Planning Director,
7 County Planning and Development Services Department, 801 Main
8 Street, El Centro, CA 92243.
- 9 (B) Permittee and Imperial County Planning and Development Services
10 Department Director shall agree upon an environmental consultant for
11 overseeing all the required mitigation, conditional use permit conditions
12 and public benefit agreement requirements during the construction of
13 project.
- 14 (C) Permittee shall pay for a third-party environmental consultant
15 monitoring and compliance.
- 16 (D) The Planning and Development Services Department, in consultation
17 with the third-party Environmental Consultant and the County Executive
18 Office, will require that all mitigation measures be satisfied, all
19 mitigation monitoring and Reporting Program requirements have been
20 satisfied, all Conditions of Approval in the Conditional Use Permit are in
21 full compliance and all conditions of the Development Agreement have
22 been satisfied before the Final Certificate of Occupancy Certificate is
23 issued.
- 24 (E) During the operation of solar facility, an Annual Compliance Report
25 shall be submitted to the Imperial County Planning and Development
26 Services Department, documenting the implementation of the
27 conditions and general measures as well as any resource-specific
28 measures.
- (F) The Permittee shall reimburse the Imperial County Planning and
 Development Services Department for County as well as monitoring
 and investigations related to the construction and operation of the
 Project. Permittee shall compensate the County pursuant to the
 Imperial County Planning & Development Services Department Fee
 Schedule for any costs incurred.
- (G) Permittee shall pay for all costs as required to comply with the
 Conditions of Approval and MMRP, and shall implement all required
 mitigation measures as indicated in the previously-approved Laurel
 Cluster Solar Farm Project Final Environmental Impact Report (FEIR)
 and Mitigation Monitoring, Reporting Program (MMRP). If mitigation
 measures for FEIR and MM&RP are more stringent than the conditions
 in this permit, the FEIR & MM&RP mitigations will be required.

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2 (H) All County staff time will be billed on a time and materials basis. Failure
3 by Permittee to provide any payment required of Permittee to the
4 County in the CUP shall cause Permittee to be in non-compliance of
5 the CUP. Upon Permittee being in such noncompliance, County may, at
6 its sole discretion, cease processing, defending any lawsuit or paying
7 for costs associated with the Project.

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11 **S-20 SPILLS AND RUNOFF:**

12 The Permittee shall design and construct the permitted facilities to prevent
13 spills from endangering adjacent properties and to prevent runoff from any
14 source being channeled or directed in an unnatural way so as to cause
15 erosion, siltation, or other detriments pursuant to the construction Storm
16 Water Pollution Prevention Plan approved by the Regional Water Quality
17 Control Board.

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21 **S-21 SOLAR FACILITIES CLOSURE AND SITE RESTORATION:**

22 (A) Permittee shall implement the site restoration plan as outlined within the
23 plan at the earlier of when the operation of the permitted facilities herein
24 authorized has ceased or the term of the CUP has expired. At such
25 time, all facilities shall be dismantled, and the lands involved restored to
26 their pre-construction condition and available for agricultural production
27 uses as agreed to by the Imperial County Planning and Development
28 Services Director.

(B) Within thirty (30) days prior to ground disturbance, a decommissioning
and restoration plan shall be submitted and approved by the Imperial
County Planning and Development Services Director.

(C) Within thirty (30) days prior to ground disturbance, a Bond, or other
acceptable surety, in the amount of the estimated site restoration
financial calculations/bond, for the developed project area as specified
in the [or grading plan(s) area], or other forms of security acceptable to
County Counsel's office, shall be filed with the County that guarantees
restoration of the land to its condition prior to the permitted solar plant
development.

(D) Upon completion of such site restoration, and demonstration that the
land has been restored to the agriculturally productive/farmable
condition prior to the permitted solar plant development the Bond or
other surety shall be released by the County.

(E) The above financial calculations/bond shall be reviewed every five (5)
years in December and adjusted on January 1st to add a Consumer
Price Index (CPI) (Los Angeles) increase by the Planning and
Development Services Director. This readjustment can be made in the

1 County's sole discretion and must be funded by the Permittee within
2 ninety (90) calendars after notice of the additional amount of such
3 adjustment.

4 **S-22 PUBLIC WORKS ¹**

- 5 (A) All survey monuments, including those within the interior of the project,
6 shall be protected and their locations shall remain accessible to any
7 surveyor throughout the duration of the project, or have their locations
8 perpetuated prior to construction. Section 8774 of the Business and
9 Professions Code, and Section 846.5 of the Civil Code, each provide
10 the right of entry to utilize boundary evidence and perform surveys,
11 without undue delay, to any person authorized to practice land
12 surveying. The right of entry is not contingent upon prior notice
- 13 (B) A corner record, or record of survey, is required for every survey
14 monument that may be adversely affected by construction. Section
15 8771(b) of the Professional Land Surveyors' Act requires that a corner
16 record, or record of survey, shall be filed with the County Surveyor prior
17 to construction. (Emphasis added)
- 18 (C) Derrick Road is classified as Minor Collector - Local Collector, two (2)
19 lanes, requiring seventy feet (70) of right of way, being thirty five (35)
20 feet from existing centerline. It is required that sufficient right of way be
21 provided to meet this road classification. (As directed by Imperial
22 County Board of Supervisors per Minute Order #6 dated 11/22/1994 per
23 the Imperial County Circulation Element Plan of the General Plan).
- 24 (D) Diehl Road is classified as Minor Collector - Local Collector, two (2)
25 lanes, requiring seventy feet (70) of right of way, being thirty five (35)
26 feet from existing centerline. It is required that sufficient right of way be
27 provided to meet this road classification. (As directed by Imperial
28 County Board of Supervisors per Minute Order #6 dated 11/22/1994 per
the Imperial County Circulation Element Plan of the General Plan).
- (E) Jessup Road is classified as Local County (Residential) - two (2) lanes,
requiring sixty feet (60) of right of way, being (30) feet from existing
centerline. It is required that sufficient right of way be provided to meet
this road classification. (As directed by Imperial County Board of
Supervisors per Minute Order #6 dated 11/22/1994 per the Imperial
County Circulation Element Plan of the General Plan).
- (F) Vaugh Road is classified as Local County (Residential) – two (2) lanes,
requiring sixty feet (60) of right of way, being (30) feet from existing
centerline. It is required that sufficient right of way be provided to meet

1 Department of Public Works Comment Letter dated 8/10/2021

1 this road classification. (As directed by Imperial County Board of
2 Supervisors per Minute Order #6 dated 11/22/1994 per the Imperial
3 County Circulation Element Plan of the General Plan).

- 4 (G) The Applicant shall furnish a Drainage and Grading Plan/Study to
5 provide for property grading and drainage control, which shall also
6 include prevention of sedimentation of damage to off-site properties.
7 Said plan shall be completed per *County of Imperial Department of
8 Public Works Engineering Design Guidelines Manual for the
9 Preparation and Checking of Street Improvement, Drainage, and
10 Grading Plans within Imperial County*. The Study/Plan shall be
11 submitted to the Department of Public Works for review and approval.
12 The applicant shall implement the approved plan. Employment of the
13 appropriate Best Management Practices (BMP's) shall be included
14 (Per Imperial County Code of Ordinances, Chapter 12.10.020 B).
- 15 (H) Easements shall be obtained for those portions of the projects
16 situated on land owned by persons other than the Applicant (such as
17 transmission/connection lines). Executed and recorded easements
18 shall be provided to the Public Works Department prior to issuance of a
19 building permit
- 20 (I) The Applicant shall prepare and submit a haul route study for the
21 proposed construction haul route to evaluate any impacts to County
22 roads. Said study shall be submitted to this Department for review
23 and approval. The haul route study shall include pictures and/or
24 other documents to verify the existing conditions of the impacted
25 County roads along the proposed haul route before construction
26 begins. The haul route study shall also include recommended
27 mitigation improvements to impacted County roads along with any fair
28 share costs for such improvements. No building or grading permits shall
be issued until such time said haul route study has been approved this
Department.
- (J) The Applicant shall enter into a Roadway Maintenance Agreement
with the County of Imperial prior to issuance of a grading permit The
Applicant shall provide financial security to maintain the road on the
approved haul route study during construction.
- (K) The Applicant will be required to repair any damages caused to
County roads by construction traffic during construction and maintain
them in safe conditions.
- (L) Any activity and/or work within Imperial County right-of-way shall be
completed under a permit issued by this Department (encroachment
permit) as per Chapter 12.12 - EXCAVATIONS ON OR NEAR A
PUBLIC ROAD of the Imperial County Ordinance.

1 • Any activity and/or work may include, but not be limited to, the
2 installation of stabilized construction entrances, primary access
3 driveways, secondary access driveways, site fence installation,
4 underground/overhead electrical crossings, road repairs, road dust
mitigation practices and/or improvements, temporary traffic control, or
any other road improvements.

5 (M) The applicant for encroachment permits within Imperial County right-of-
6 way, grading plans and/or improvement plans is responsible for
7 researching, protecting, and preserving survey monuments per the
8 Professional Land Surveyor's Act (8771 (b)). This shall include a copy
9 of the referenced survey map and tie card(s) (if applicable) for all
10 monuments that may be impacted.

11 (N) Any unimproved access roads/routes shall be improved for all-
12 weather access. Such all- weather improvements shall be completed
13 as recommended by a Geotechnical Engineer licensed to practice in
14 the State of California.

15 (O) Each site along paved/improved County Roads shall have, as a
16 minimum, one (1) primary asphalt concrete paved driveway and one (1)
17 emergency asphalt concrete paved driveway.

18 (P) Each site along unpaved/unimproved County roads shall have, as a
19 minimum, one (1) primary Class 2 Base aggregate material driveway
20 and one (1) emergency access Class 2 Base aggregate material
21 driveway.

22 (Q) Portions of roads used for site access are unimproved. The Applicant
23 shall mitigate generation of dust caused by construction traffic as per
24 Rule 805 - Paved and Unpaved Roads of the Imperial County Air
25 Pollution Control District.

26 (R) All off-site improvements within Imperial County right-of-way shall be
27 financially secured by either a road improvement bond or letter of
28 credit as approved by this department. No building or grading permits
shall be issued until such time said financial security has been
provided.

23 **S-23 WASTE DISPOSAL**

24 (A) The Permittee shall insure that all solar plant facilities waste, liquid, gas
25 or solid, which are generated on-site shall be disposed of in compliance
26 with appropriate local, state, and federal regulations, in effect or as
27 subsequently duly-enacted. All solid waste debris and/or any
28 hazardous wastes located on the Project site must be satisfactorily
removed to a permitted facility prior to the commencement of grading
earthen material at the site.

1
2 (B) Littering shall not be allowed. Project personnel shall not deposit or
3 leave any food or waste in the Project area, and no biodegradable or
4 non-biodegradable debris shall remain in the right-of-way or on the
Project site following completion of construction.

5 (C) The Permittee shall notify the Imperial County Planning and
6 Development Services Director thirty (30) days in advance of any
directional drilling required for the construction of facility.

7 **S-24 CALTRANS**

8 (A) An encroachment permit shall be required for any work performed
9 within Caltrans right-of-way. If required, any traffic control will need to
10 be addressed as part of Caltrans permit approval. Stoppage of traffic
11 for placement of aerial lines, installation or removal of overhead
12 conductors crossing a highway requires traffic control will be addressed
in accordance with the Caltrans Standard Plans and the California
Manual on Uniform Traffic Control Devices (MUTCD).

13 (B) Any work performed within Caltrans right-of-way must provide an
14 approved final environmental document including the California
15 Environmental Quality Act (CEQA) determination addressing any
16 environmental impacts within the Caltrans right-of-way and any
17 corresponding technical studies, if required. If these materials are not
18 included with the encroachment permit application, the Permittee will be
required to acquire and provide these to Caltrans before the permit
application will be accepted. Identification of avoidance and/or
mitigation measures will be a condition of encroachment permit
approval as well as procurement of any necessary regulatory and
resource agency permits.

19 **S-25 IID**

20 A. The projects may impact IID drains with project site runoff flows
21 draining into IID drains. To mitigate impacts, the project may require a
22 comprehensive IID hydraulic drainage system analysis. IID's hydraulic
drainage system analysis includes an associated drain impact fee.¹

23 B. An IID encroachment permit is necessary to utilize existing surface-
24 water drainpipe connections to drains and receive drainage service
25 from IID. Surface-water drainpipe connections are to be modified in
26 accordance with IID standards. A construction storm-water permit
from the California Regional Water Quality Control Board is required
before commencing construction and an industrial storm water permit
from CRWQCB is needed for the operation of the proposed facility.

27
28

1 IID's Comment letter dated and received July 28, 2021

1 Copies of these permits as well as the project's Storm Water Pollution
2 Prevention Plan are to be submitted to IID.

3 C. The IID Water Department, at a June 30, 2021, meeting was advised
4 by Fuscoe Engineering and 8 Minute Energy representatives of the
5 Laurel Cluster Solar Energy Project that the project will not require
6 any operational water for the battery storage and solar facilities. This
7 communication is a change from the 2018 Water Supply Assessment
8 and 2018 Final Environmental Impact Report prepared for the project.
9 Should it be determined at a future date that the project will
10 necessitate a water supply from II for operation needs, the project
11 proponent will be required to enter into a water supply agreement.
12 Such policies and regulations require, among other things, that all
13 potential environmental and water supply impacts of the project be
14 adequately addressed, appropriate mitigation developed if warranted,
15 including any necessary approval conditions adopted by the relevant
16 land use and permitting agencies. If IID implements a water allocation
17 or apportionment program pursuant to the IID Equitable Distribution
18 Plan, or any amending or superseding policy for the same or similar
19 purposes, during all or any part of the term of said water supply
20 agreement, IID shall have the right to apportion the project's water as
21 an industrial water user. For more information on how to obtain a
22 water supply agreement, please visit IID's website at
23 [http://www.iid.com/water/municipal-industrial-and-commercial-](http://www.iid.com/water/municipal-industrial-and-commercial-customers)
24 [customers](http://www.iid.com/water/municipal-industrial-and-commercial-customers) or contact Justina Gamboa-Arce at (760) 339-9085 or
25 jgamboarce@iid.com

16 **S-26 FIRE PROTECTION: 3**

- 17
- 18 A. Battery Storage plans and inspection reviews will be done by a third-
19 party consultant determined by the Fire Department at the applicant's
20 expense as per California Fire Code Chapter 1 A 104.7.2 Technical
21 Assistance. A Blast Analysis will need to be completed prior to any
22 Fire Department plans review begin.
- 23 B. Project will purchase a Type 1 Fire Engine "as further described
24 below". The fire engine cost estimate will be at current market value
25 for the approved Fire Engine. Final cost, conditions and equipment of
26 the fire engine shall be determined prior to the issuance of the initial
27 grading permit. (This may be a cost share fee with other projects in
28 your area).
- 29 C. Project will provide a Private Fire Line with Fire Hydrants every 300
30 feet or to the discretion of the Fire Department and will maintain Fire
31 Flows that will be analyzed by our consultant for final gmp and
32 duration.

3 Imperial County Fire Department Comment Letter dated 7/29/2021

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- D. Imperial County Fire Department is requiring the applicant to purchase hazardous Material equipment to respond emergencies within electrical energy storage systems. Air monitoring should be a priority for responders during and after any electrical energy storage system. 4-meter or other gas detection equipment to determine toxic gas levels, thermite equipment determined by Imperial County Fire Department and Imperial County Heat Team. Additional equipment may be required upon determining the energy storage technology that will be used for the project. The Imperial County Fire Department shall make the determination of what is required to provide operational safety to emergency responders. This equipment will be maintained by Imperial County Fire Department and Imperial County Heat Team. This equipment shall be determined by and provided to Imperial County Fire Department before the issuance of the initial grading permit. (This may cost share fee with other projects in your area).

- E. Project will fund and provide Training for 6 personnel regionally a year as response will be needed from outside of our agency (Mutual Aid) for the life of the project or until all personnel regionally are trained at the Hazardous Material Technician Level. Developer will also provide courses specifically to battery storage yearly for Firefighters Regionally and host mandatory yearly refresher courses specific to Battery Storage Updates and Technology. All cost will be at the Developers expense. (This may cost share fee with other projects in your area).

- F. Basic Firefighter, Office and HAZMAT training should emphasize ESS safety; the potentially explosive nature of the gases and vapors released during lithium-ion battery thermal runaway, vapor cloud formation and dispersion; and the dynamics of deflagrations and blast wave propagation.

- G. Research certified expert in battery storage which the Fire Department provide that includes full-scale testing should be conducted to understand the most effective and safest tactics for the fire service in response to lithium-ion battery ESS incidents.

- H. Until definitive tactics and guidance can be established through full-scale experiments, fire service personnel will define a conservative potential blast radius and remain outside of it, while treating the lithium-ion ESS as if the gas mixture in the enclosure is above the LEL until proven otherwise.

- I. An online educational tool should be developed to proliferate the appropriate base knowledge about lithium-ion battery ESS hazard and fire service tactical considerations annually.

- 1 J. Laptops, tablets, and/or software may need to be purchased for the
2 fire department for remote access to assist in remote access to gas
3 monitors. The project will provide lithium-ion battery ESSs should
4 incorporate gas monitoring that can be accessed remotely.
- 5 K. Research that includes multi-scale testing should be conducted to
6 evaluate the effectiveness and limitations of stationary gas monitoring
7 systems for lithium-ion battery ESSs. (This may cost share fee with
8 other projects in your area).
- 9 L. Lithium-ion battery ESSs must incorporate robust communication
10 systems to ensure remote access to data from the BMS, sensors
11 throughout the ESS, and the fire alarm control panel remains
12 uninterrupted.
- 13 M. Owners and operators of ESS must develop an Emergency Operation
14 Plan in conjunction with local fire service personnel and the AHJ and
15 hold a comprehensive understanding of the hazards associated with
16 lithium-ion battery technology.
- 17 N. Signage that identifies the contents of an ESS is required on all ESS
18 installations to alert first responders to the potential hazards
19 associated with the installation.
- 20 O. Lithium-ion battery ESSs must incorporate adequate explosion
21 prevention protection as required in NFPA 855 or International Fire
22 Code Chapter 12, where applicable, in coordination with the
23 emergency operations plan.
- 24 P. Research focused on emergency decommissioning best practices and
25 the role of the fire service in an emergency should be conducted.
- 26 Q. Fiscal Impacts fee requirements for solar array farm and battery
27 storage(BESS) installation within the project are two different fees.
28 For operation and maintenance, fees associated with Fire
Department/OES.
- R. Fiscal Impacts fee requirements for solar array farm installation.
(a) Permittee shall pay a fee of \$50 per acre per year prior to
commencement of the construction period to address the
Imperial County Fire/OES expenses for service calls within the
project Utility/Transmission area. Said amount shall be
prorated monthly for periods of time less than a full year.
Permittee shall provide advance, written notice to County
Executive Office of the construction schedule and all revisions
thereto.
Permittee shall pay an annual fee of \$20 per acre per year
during the post-construction, operational phase of the project to

1 address the Imperial County Fire/OES expenses for service
2 calls within the Project Utility/Transmission area. Said fee will
3 be paid to the Fire Department to cover on-going maintenance
and operations cost created by the project.

4 (b) Cost associated with two above items shall annually adjusted
5 on January 1st to add a CPI (Los Angeles) increase. Such
6 costs associated with these items can be readjusted in the
7 County's sole discretion if a new service analysis is prepared
and that service analysis is approved by both the County and
the Permittee.

8 S. Fire- In lieu of providing all-weather access roads for fire protection
9 vehicles, the permittee shall be permitted to provide compacted dirt roads
10 (in compliance with ICAPCD's rules and regulations) for fire protection
11 vehicles if prior to the issuance of any grading permit for the Project shall
12 purchase a Fire Engine with All Terrain Capabilities (Type 3 Engine) as
13 specified and approved by the Fire Department. The Fire Engine cost
14 estimate will be at Current Market Value for approved Fire Engine. Final
15 Cost, conditions and equipment of the Fire Engine shall be determined
16 prior to the issuance of the initial grading permit. The County agrees to
17 require, as a condition of approval, other developers in the area to
18 reimburse the Applicant for the expenses associated with the purchase of
19 the Fire Engine. The Permittee shall be reimbursed only for those
expenses more than their proportionate share for the purchase of the Fire
Engine that the Permittee would have been required to pay. Furthermore,
if a Fire Engine was already purchased by another developer in t the
area, then the Permittee shall only be required to pay a fire mitigation in
the amount of up to \$100 per acre that would represent their
proportionate share to reimburse the purchaser of the Fire Engine. The
County shall be responsible for the managing the reimbursement
component of this condition of approval

20 T. Further requirements and condition may be required for any solar
21 installation within the project. Imperial County Fire Department reserve
the right to comment on solar components within the project.

22 U. Other impacts from this project shall be evaluated by Imperial County Fire
23 Department Fire Chief and Fire Code Official in determining any impacts
24 of the project can or will cause a negative effect on Imperial County Fire
25 Department and/or County of Imperial. Any impacts will be address
between Imperial County Fire Department official, County of Imperial
officials, applicants and/or developers which may include but not limited
to:

- 26 • Capital purchases which may be required in providing services to
this project
- 27 • Hazmat Operational Equipment
- 28 • Training

- Fiscal and operational costs

V. Additional requirements to follow but not limited to:

- An approved water supply capable of supplying the required fire flow determined by appendix B in the California Fire Code shall be installed and maintained. Private fire service mains and appurtenance shall be installed in accordance with NFPA 24.
- An approved automatic fire suppression system shall be installed on all required structures as per the California Fire Code. All fire suppression systems will be installed and maintained to the current adapted fire code and regulations.
- An approved automatic fire detection system shall be installed on all required structures as per the California Fire Code. All fire detection systems will be installed and maintained to the current adapted fire code and regulations.
- Fire department access roads and gates will be in accordance with the current adapted fire code and the facility will maintain a Knox Box for access on site.
- Compliance with all required sections of the fire code.
- Applicant shall provide product containment area(s) for both product and water run-off in case of fire applications and retained for removal.
- A Hazardous Waste Material Plan shall be submitted to Certified Unified Program Agency (CUPA) for their review and approval.
- All hazardous material and wastes shall be handled, store, and disposed as per the approved Hazardous Waste Materials Plan. All spills shall be documented and reported to Imperial County Fire Department and CUPA as required by the Hazardous Waste Material Plan

S-27 COUNTY EXECUTIVE OFFICE: 4

- A. Fiscal and Economic Impact Analysis. The developer will be invoiced by the Executive Office for expenses related to the procurement of a consultant to produce an updated Fiscal and Economic Impact Analysis (FEIA).
- B. Establishing either a Development Agreement (DA) or a Public Benefit Agreement (PBA). It will include detailed conditions and mitigation measures related to the Fire Department, Sheriff's Department and other County Departments.
- C. Sales Tax Guarantee. The PBA will inform the developer on the process of providing the County of Imperial a copy of the CDTFA account number and sub-permit that its contractor and subcontractors (if any) for the

4 County Executive Office Comment Letter dated 7/26/2021

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jobsite and allocating all eligible use tax payments to the Imperial County 13998. Permittee shall provide in written verification to the County Executive Office that the necessary sales and use tax permits have been obtained, prior to the issuance of any building permits. The developer will provide a copy of its Construction and Materials budget.

D. Public Benefit Fee. The Public Benefit Fee may include both an Agricultural Benefit Fee and a Community Benefit Fee.

S-28 ACCEPTANCE:

Acceptance of this permit shall be deemed to constitute agreement by Permittee with all terms and conditions herein contained.

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NOW THEREFORE, County hereby issues the Conditional Use Permit #21-0013, and Permittee hereby accepts such permit upon the terms and conditions set forth herein.

IN WITNESS THEREOF, the parties hereto have executed this Agreement the day and year first written.

PERMITTEE:

Thomas Buttgenbach
President
92JT 8me LLC
5455 Wilshire Blvd Ste. 2010
Los Angeles, CA. 90036

Date

COUNTY OF IMPERIAL, a political subdivision of the STATE OF CALIFORNIA

Jim Minnick,
Director, Planning & Development Services
Department

Date

1 **PERMITTEE NOTARIZATION**

2
3 A notary public or other officer completing this certificate verifies only the identity of the individual who signed
4

5 STATE OF CALIFORNIA

6
7 COUNTY OF _____ } S.S.
8
9

10 On _____ before me, _____ a Notary
11 Public in and for said County and State, personally appeared
12 _____, who proved to on the basis of
13 satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument
14 and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies),
15 and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
16 which the person(s) acted, executed the instrument.
17

18 I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
19 paragraph is true and correct.
20

21 WITNESS my hand and official seal

22
23 Signature _____
24
25 _____

26 ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could
27 prevent fraudulent attachment of this certificate to unauthorized document.
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Title or Type of Document _____

Number of Pages _____ Date of Document _____

Signer(s) Other Than Named Above _____

Dated _____

1 **COUNTY NOTARIZATION**

2 A notary public or other officer completing this certificate verifies only the identity of the individual who signed

3
4 STATE OF CALIFORNIA

5 COUNTY OF IMPERIAL} S.S.

6 On _____ before me, _____ a Notary
7 Public in and for said County and State, personally appeared
8 _____, who proved to me on the basis of
9 satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument
10 and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies),
11 and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
12 which the person(s) acted, executed the instrument.
13

14 I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
15 paragraph is true and correct.
16

17 WITNESS my hand and official seal

18
19 Signature _____

20 ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could
21 prevent fraudulent attachment of this certificate to unauthorized document.
22

23 _____
24 Title or Type of Document _____

25 Number of Pages _____ Date of Document _____

26 Signer(s) Other Than Named Above _____

27 S:\AllUsers\APN\051\300\036\CUP21-0014 21-0013\PC\CUP21-0014 CUP21-0013 Conditions of Approval.doc

Attachment F: EEC Package

PROJECT REPORT

**TO: ENVIRONMENTAL EVALUATION
COMMITTEE**

AGENDA DATE: September 23, 2021

FROM: PLANNING & DEVELOPMENT SERVICES DEPT. AGENDA TIME 1:30 PM/No. 1

CUP21-0014/CUP21-0013/
ZC#21-0002/LLA#00321/IS21-0016
PROJECT TYPE: Laurel 2 North and Laurel 2 South Project SUPERVISOR DIST #2
051-300-032/-035 & -036
LOCATION: 1520 & 1400 Jessup Road, APN: -051-310-027 & -028-000
El Centro, CA PARCEL SIZE: Approx. 280 acres

GENERAL PLAN (existing) Agriculture GENERAL PLAN (proposed) N/A
A-2-R-RE (General Agriculture-Rural-Renewable Energy Overlay)
A-3-RE (Heavy Agriculture-Renewable Energy),
ZONE (existing) A-3 (Heavy Agriculture), A-2-R (General Agriculture-Rural) ZONE (proposed) A-3-RE

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION:

HEARING DATE: _____

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION:

HEARING DATE: _____

APPROVED DENIED OTHER

ENVIRONMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 09/23/2021

INITIAL STUDY: 21-0016

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION **ADDENDUM**

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input type="checkbox"/> NONE	<input checked="" type="checkbox"/> ATTACHED
AG / APCD	<input type="checkbox"/> NONE	<input checked="" type="checkbox"/> ATTACHED
E.H.S.	<input type="checkbox"/> NONE	<input checked="" type="checkbox"/> ATTACHED
FIRE / OES	<input type="checkbox"/> NONE	<input checked="" type="checkbox"/> ATTACHED
OTHER	<u>CEO, IID, Quechan and CUPA</u>	

REQUESTED ACTION:

(See Attached)

*Initial Study & Environmental Analysis
For:*

**Laurel 2 South Solar Farm CUP #21-0013
Laurel 2 North Solar Farm CUP #21-0014
Zone Change #21-0002
Lot Line Adjustment #00321**



Prepared By:

HDR
591 Camino de la Reina, Suite 300
San Diego, CA 92108

Reviewed by:

COUNTY OF IMPERIAL
Planning & Development Services Department
801 Main Street
El Centro, CA 92243
(442) 265-1736
www.icpds.com

August 2021

EEC ORIGINAL PKG

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SECTION 1 INTRODUCTION

A. PURPOSE

This document is a policy-level, project level Initial Study for evaluation of potential environmental impacts resulting from proposed actions and approvals that will reorganize the previously-approved Laurel 2 Solar Farm to create the proposed Laurel 2 South and Laurel 2 North Solar Farm Projects.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS AND THE IMPERIAL COUNTY'S GUIDELINES FOR IMPLEMENTING CEQA

As defined by Section 15063 of the State California Environmental Quality Act (CEQA) Guidelines and Section 7 of the County's "CEQA Regulations Guidelines for the Implementation of CEQA, as amended", an **Initial Study** is prepared primarily to provide the Lead Agency with information to use as the basis for determining whether an Environmental Impact Report (EIR), Negative Declaration, or Mitigated Negative Declaration would be appropriate for providing the necessary environmental documentation and clearance for any proposed project.

According to Section 15065, an **EIR** is deemed appropriate for a particular proposal if the following conditions occur:

- The proposal has the potential to substantially degrade quality of the environment.
- The proposal has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- The proposal has possible environmental effects that are individually limited but cumulatively considerable.
- The proposal could cause direct or indirect adverse effects on human beings.

According to Section 15070(a), a **Negative Declaration** is deemed appropriate if the proposal would not result in any significant effect on the environment.

According to Section 15070(b), a **Mitigated Negative Declaration** is deemed appropriate if it is determined that though a proposal could result in a significant effect, mitigation measures are available to reduce these significant effects to insignificant levels.

This Initial Study has determined that the proposed applications will not result in any potentially significant environmental impacts that were not previously evaluated, or otherwise meet any of the conditions identified in CEQA Guidelines Section 15162. As such, pursuant to CEQA Guidelines Section 15164, an EIR Addendum to the previously certified Laurel Cluster Final EIR has been prepared.

This Initial Study is prepared in conformance with the California Environmental Quality Act of 1970, as amended (Public Resources Code, Section 21000 et. seq.); Section 15063 of the State & County of Imperial's Guidelines for Implementation of the California Environmental Quality Act of 1970, as amended (California Code of Regulations, Title 14, Chapter 3, Section 15000, et. seq.); applicable requirements of the County of Imperial; and the regulations, requirements, and procedures of any other responsible public agency or an agency with jurisdiction by law.

Pursuant to the County of Imperial Guidelines for Implementing CEQA, depending on the project scope, the County

of Imperial Board of Supervisors, Planning Commission and/or Planning Director is designated the Lead Agency, in accordance with Section 15050 of the CEQA Guidelines. The Lead Agency is the public agency which has the principal responsibility for approving the necessary environmental clearances and analyses for any project in the County.

C. INTENDED USES OF INITIAL STUDY

This Initial Study is an informational document which is intended to inform County of Imperial decision makers, other responsible or interested agencies, and the general public of potential environmental effects of the proposed applications. The environmental review process has been established to enable public agencies to evaluate environmental consequences and to examine and implement methods of eliminating or reducing any potentially adverse impacts. While CEQA requires that consideration be given to avoiding environmental damage, the Lead Agency and other responsible public agencies must balance adverse environmental effects against other public objectives, including economic and social goals.

D. CONTENTS OF INITIAL STUDY & NEGATIVE DECLARATION

This Initial Study is organized to facilitate a basic understanding of the existing setting and environmental implications of the proposed applications.

SECTION 1

I. INTRODUCTION presents an introduction to the entire report. This section discusses the environmental process, scope of environmental review, and incorporation by reference documents.

SECTION 2

II. ENVIRONMENTAL CHECKLIST FORM contains the County's Environmental Checklist Form. The checklist form presents results of the environmental evaluation for the proposed applications and those issue areas that would have either a potentially significant impact, potentially significant unless mitigation incorporated, less than significant impact or no impact.

PROJECT SUMMARY, LOCATION AND ENVIRONMENTAL SETTINGS describes the proposed project entitlements and required applications. A description of discretionary approvals and permits required for project implementation is also included. It also identifies the location of the project and a general description of the surrounding environmental settings.

ENVIRONMENTAL ANALYSIS evaluates each response provided in the environmental checklist form. Each response checked in the checklist form is discussed and supported with sufficient data and analysis as necessary. As appropriate, each response discussion describes and identifies specific impacts anticipated with project implementation.

SECTION 3

III. MANDATORY FINDINGS presents Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

IV. PERSONS AND ORGANIZATIONS CONSULTED identifies those persons consulted and involved in preparation of this Initial Study and Negative Declaration.

V. REFERENCES lists bibliographical materials used in preparation of this document.

VI. ENVIRONMENTAL DOCUMENT – COUNTY OF IMPERIAL

VII. FINDINGS

SECTION 4

VIII. RESPONSE TO COMMENTS (IF ANY)

IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP) (IF ANY)

E. SCOPE OF ENVIRONMENTAL ANALYSIS

For evaluation of environmental impacts, each question from the Environmental Checklist Form is summarized and responses are provided according to the analysis undertaken as part of the Initial Study. Impacts and effects will be evaluated and quantified, when appropriate. To each question, there are four possible responses, including:

1. **No Impact:** A "No Impact" response is adequately supported if the impact simply does not apply to the proposed applications.
2. **Less Than Significant Impact:** The proposed applications will have the potential to impact the environment. These impacts, however, will be less than significant; no additional analysis is required.
3. **Potentially Significant Unless Mitigation Incorporated:** This applies where incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact".
4. **Potentially Significant Impact:** The proposed applications could have impacts that are considered significant. Additional analyses and possibly an EIR could be required to identify mitigation measures that could reduce these impacts to less than significant levels.

F. POLICY-LEVEL or PROJECT LEVEL ENVIRONMENTAL ANALYSIS

This Initial Study and Negative Declaration will be conducted under a policy-level, project level analysis. Regarding mitigation measures, it is not the intent of this document to "overlap" or restate conditions of approval that are commonly established for future known projects or the proposed applications. Additionally, those other standard requirements and regulations that any development must comply with, that are outside the County's jurisdiction, are also not considered mitigation measures and therefore, will not be identified in this document.

G. TIERED DOCUMENTS AND INCORPORATION BY REFERENCE

Information, findings, and conclusions contained in this document are based on incorporation by reference of tiered documentation, which are discussed in the following section.

1. Tiered Documents

As permitted in Section 15152(a) of the CEQA Guidelines, information and discussions from other documents can be included into this document. Tiering is defined as follows:

"Tiering refers to using the analysis of general matters contained in a broader EIR (such as the one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project."

Tiering also allows this document to comply with Section 15152(b) of the CEQA Guidelines, which discourages redundant analyses, as follows:

"Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including the general plans, zoning changes, and development projects. This approach can eliminate repetitive discussion of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration."

Further, Section 15152(d) of the CEQA Guidelines states:

"Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:

- (1) Were not examined as significant effects on the environment in the prior EIR; or
- (2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means."

2. Incorporation By Reference

Incorporation by reference is a procedure for reducing the size of EIRs/MND and is most appropriate for including long, descriptive, or technical materials that provide general background information, but do not contribute directly to the specific analysis of the project itself. This procedure is particularly useful when an EIR or Negative Declaration relies on a broadly-drafted EIR for its evaluation of cumulative impacts of related projects (*Las Virgenes Homeowners Federation v. County of Los Angeles* [1986, 177 Ca.3d 300]). If an EIR or Negative Declaration relies on information from a supporting study that is available to the public, the EIR or Negative Declaration cannot be deemed unsupported by evidence or analysis (*San Francisco Ecology Center v. City and County of San Francisco* [1975, 48 Ca.3d 584, 595]). This document incorporates by reference appropriate information from the "Final Environmental Impact Report and Environmental Assessment for the "County of Imperial General Plan EIR" prepared by Brian F. Mooney Associates in 1993 and updates.

When an EIR or Negative Declaration incorporates a document by reference, the incorporation must comply with Section 15150 of the CEQA Guidelines as follows:

- The incorporated document must be available to the public or be a matter of public record (CEQA Guidelines Section 15150[a]). The General Plan EIR and updates are available, along with this document, at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.
- This document must be available for inspection by the public at an office of the lead agency (CEQA Guidelines Section 15150[b]). These documents are available at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.
- These documents must summarize the portion of the document being incorporated by reference or briefly describe information that cannot be summarized. Furthermore, these documents must describe the relationship between the incorporated information and the analysis in the tiered documents (CEQA Guidelines Section 15150[c]). As discussed above, the tiered EIRs address the entire project site and

provide background and inventory information and data which apply to the project site. Incorporated information and/or data will be cited in the appropriate sections.

- These documents must include the State identification number of the incorporated documents (CEQA Guidelines Section 15150[d]). The State Clearinghouse Number for the County of Imperial General Plan EIR is SCH #93011023.
- The material to be incorporated in this document will include general background information (CEQA Guidelines Section 15150[f]). This has been previously discussed in this document.

II. Environmental Checklist

1. **Project Title:** Laurel 2 South Solar Farm and Laurel 2 North Solar Farm Projects
2. **Lead Agency:** Imperial County Planning & Development Services Department
3. **Contact person and phone number:** Diana Robinson, Planner III, (442) 265-1751
4. **Address:** 801 Main Street, El Centro CA, 92243
5. **E-mail:** DianaRobinson@co.imperial.ca.us
6. **Project location:** The proposed Laurel 2 South Solar Farm (L2S) and Laurel 2 North Solar Farm (L2N) Projects are located approximately eight miles southwest of the City of El Centro in an unincorporated area of the County of Imperial. The L2S project site encompasses approximately 160 acres and is located north of West Diehl Road, west of Derrick Road, and east of Jessup Road. The L2N project site encompasses approximately 120 acres and is located south of Interstate 8 (I-8), west of Jessup Road, north of West Vaughn Road and east of Fern Canal.
7. **Project sponsor's name and address:**
L2S – 92JT 8me, LLC
5455 Wilshire Boulevard, Suite 2010
Los Angeles, CA 90036
L2N – 38KM 8me, LLC
5455 Wilshire Boulevard, Suite 2010
Los Angeles, CA 90036
8. **General Plan designation:** Agriculture
9. **Zoning:**
 - L2S – A-2-R-RE (General Agriculture – Rural – Renewable Energy Overlay Zone)
 - L2N – A-2-R-RE (General Agriculture – Rural – Renewable Energy Overlay Zone) and A-3-RE (Heavy Agriculture– Renewable Energy Overlay Zone)
10. **Description of project:** See Project Summary for detailed project description.
11. **Surrounding land uses and setting:** The project sites are located on private lands south of Interstate-8. Properties surrounding the L2S and L2N Projects consist of agricultural lands and other solar farms, including the Campo Verde Solar Farm (operational) located immediately south of the proposed projects.
12. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):**
 - Public Works Department – Ministerial permits (building, grading, encroachment)
 - Imperial Irrigation District – Rights-of-Way Permit
 - Regional Water Quality Control Board

13. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that

includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

As part of the Laurel Cluster Solar Farms Project Final EIR, the County conducted the appropriate outreach to Native American Tribes pursuant to Assembly Bill (AB) 52 and Senate Bill 18. AB 52 requires that lead agencies, upon request of a California Native American tribe, begin consultation prior to the release of a negative declaration, mitigated negative declaration, or EIR for a project. Although AB 52 does not apply to an Addendum, the County conducted additional AB 52 outreach as part of the currently proposed project. On July 8, 2021, the County provided the project applications (CUPs, Zone Change, and Lot Line Adjustment) for review and comments to the following Native American tribes:

- Chemehuevi Reservation,
- Torres-Martinez Indian Tribe
- Fort Yuma Quechan Indian Tribe
- Campo Band of Mission Indians
- Augustine Band of Cahuilla Mission Indians
- La Posta Band of Mission Indians
- Manzanita Band of Kumeyaay Nation
- Cocopah Indian Tribe
- Colorado River Indian Tribe
- Inter-Tribal Cultural Resource Protections Council
- Ewiiapaayp Tribe Office
- Kumeyaay Cultural Repatriation Committee

The Fort Yuma Quechan Indian Tribe responded via e-mail on July 16, 2021 indicating that they did not have any comments on the projects. Responses were not received from any other Native American tribes that were notified of the projects.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code, Section 21080.3.2). Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code, Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code, Section 21082.3 (c) contains provisions specific to confidentiality.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Agriculture and Forestry Resources	<input checked="" type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Cultural Resources	<input type="checkbox"/> Energy
<input checked="" type="checkbox"/> Geology /Soils	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards & Hazardous Materials
<input checked="" type="checkbox"/> Hydrology / Water Quality	<input type="checkbox"/> Land Use / Planning	<input type="checkbox"/> Mineral Resources
<input type="checkbox"/> Noise	<input type="checkbox"/> Population / Housing	<input type="checkbox"/> Public Services
<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Utilities/Service Systems	<input type="checkbox"/> Wildfire	<input type="checkbox"/> Mandatory Findings of Significance

ENVIRONMENTAL EVALUATION COMMITTEE (EEC) DETERMINATION

After Review of the Initial Study, the Environmental Evaluation Committee has:

Found that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

Found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

Found that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Found that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

Found that although the proposed project could have a significant effect on the environment, all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE DE MINIMIS IMPACT FINDING: Yes No

<u>EEC VOTES</u>	<u>YES</u>	<u>NO</u>	<u>ABSENT</u>
PUBLIC WORKS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENVIRONMENTAL HEALTH SVCS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OFFICE EMERGENCY SERVICES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
APCD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SHERIFF DEPARTMENT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICPDS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Jim Minnick, Director of Planning/EEC Chairman

Date:

PROJECT SUMMARY

- A. **Project Location:** The proposed Laurel 2 South Solar Farm (L2S) and Laurel 2 North Solar Farm (L2N) Projects are located approximately eight miles southwest of the City of El Centro in an unincorporated area of the County of Imperial. The L2S project site encompasses approximately 160 acres and is located north of West Diehl Road, west of Derrick Road, and east of Jessup Road. The L2N project site encompasses approximately 120 acres and is located south of Interstate 8 (I-8), west of Jessup Road, north of West Vaughn Road and east of Fern Canal.
- B. **Project Summary:**

Background

On January 15, 2019, the Imperial County Board of Supervisors certified the Final Environmental Impact Report (EIR) and adopted four Conditional Use Permits (CUPs) for the Laurel Cluster Solar Farms Project. The Laurel Cluster Solar Farms Project consisted of four photovoltaic (PV) solar farm facilities and associated infrastructure, which would collectively generate up to 325 megawatts on approximately 1,380 acres. 92JT 8me LLC and 90FI 8me LLC applied for individual CUPs for each of the proposed locations: Laurel Cluster Solar Farm 1 (CUP 17-0028), Laurel Cluster Solar Farm 2 (CUP 17-0029), Laurel Cluster Solar Farm 3 (CUP 17-0030), and Laurel Cluster Solar Farm 4 (CUP 17-0027). Table 1 provides the acreage and proposed MW output of each of the projects.

Table 1. Laurel Cluster Solar Farms Acreage and Proposed Megawatt Output

Project	CUP	Acreage	Proposed MW
Laurel Cluster Solar Farm 1	17-0028	171	40
Laurel Cluster Solar Farm 2	17-0029	280	70
Laurel Cluster Solar Farm 3	17-0030	587	140
Laurel Cluster Solar Farm 4	17-0027	342	75
Total	--	1,380	325

The Board-certified Laurel Cluster Solar Farms Project Final EIR (State Clearinghouse No. 2017121078) determined that all significant impacts could be reduced to a level less than significant with the incorporation of mitigation measures. The potentially significant effects that were mitigated consisted of the following: Aesthetics (specifically related to light and glare), Agriculture Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, and Hydrology/Water Quality. Figure 1 illustrates the area approved for solar development in 2019 and differentiates between the four individual CUPs.

Project Description

The project applicant is requesting approval of two CUPs for the construction and operation of two individual utility-scale solar farms, Laurel 2 South Solar Farm (L2S) and Laurel 2 North Solar Farm (L2N), within the previously-approved Laurel Cluster Solar Farms project area (Figure 1). Specifically, the projects would be located within the Laurel Cluster Solar Farm 2 project area (Assessor Parcel Numbers 051-300-032, 051-300-036, 051-310-027, and 051-310-028) (Figures 2 and 3). The two CUPs will simply be the reorganization of the previously-approved Laurel Cluster Solar Farm 2 project area, as follows:

- L2S Project (CUP 21-0013) – 40 MW PV solar facility on 160 acres
- L2N Project (CUP 21-0014) – 30 MW PV solar facility on 120 acres

With approval of these two CUPs, the Laurel Cluster Solar Farms Projects would have a total of 5 CUPs covering 5 individual solar farm facilities.

The project applicant is also requesting a lot line adjustment to change the property lines on three existing APNs (APN 051-300-032, 051-300-035, and 051-300-036) (Figure 4). The lot line adjustment proposes the following:

- Reconfiguration of APN 051-300-032
- Combine a portion of APN 051-300-032 with APN 051-300-036
- Combine a portion of APN 051-300-032 with APN 051-300-035

Because APN 051-300-032 is proposed to be reconfigured, the project applicant is requesting to change the zoning designation of the entire parcel from A-2-R-RE/A-3-RE to A-3-RE (Figure 5). In doing so, all resulting parcels from the proposed lot line adjustment will have the same A-3-RE zoning designation (Figure 5).

No substantial changes to the previously-approved project are proposed. The proposed L2S and L2N Projects would involve the development of PV energy facilities, battery storage facilities (up to 40 megawatts and up to 30 megawatts, respectively) and associated infrastructure on 160 acres and 120 acres, respectively. Power generated by each Project would be delivered from the project sites via 230 kilovolt overhead and/or underground electrical transmission line(s) originating from an on-site substation(s)/switchyard(s) and terminating at the proposed Imperial Irrigation District (IID) Fern Substation, as stated in the CUP applications. Alternatively, power from the projects may be transmitted via the existing Campo Verde's 230 kV gen-tie line to SDG&E's Imperial Valley Substation located on Bureau of Land Management land. The Laurel Solar Farms Project Final EIR analyzed development of on-site operations and maintenance (O&M), substation, and/or transmission facilities as part of the previously approved Laurel Cluster Solar Farm (CUP 17-0029). As stated in the CUP applications, the proposed L2S and L2N Projects may involve the development of these facilities or may instead share such facilities with nearby solar projects and/or may be remotely operated.

- C. Environmental Setting:** The project sites are located on private lands south of Interstate-8. Properties surrounding the L2S and L2N Projects consist of agricultural lands and other solar farms, including the Campo Verde Solar Farm (operational) located immediately south of the proposed projects.
- D. Analysis:** 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-approved Negative Declaration or a previously certified EIR for the project. CEQA Guidelines, Sections 15162(a) and 15163, state that when a Negative Declaration has been adopted or an EIR certified for a project, no Subsequent or Supplemental EIR or Subsequent Negative Declaration shall be prepared for that project unless the lead agency determines that none of the conditions described in Section 15162 requiring the preparation of a subsequent Negative Declaration or EIR have occurred. The CEQA Guidelines require that a brief explanation be provided to support the findings that no subsequent EIR or Negative Declaration is needed for further discretionary approval. These findings are described below. The analysis in support of these findings is provided in the Initial Study portion of this document.
- 1. Required Finding: Substantial changes are not proposed for the project that will require major revisions of the previous EIR due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified effects.*

Substantial changes are not proposed for the projects and will not require revisions to the Laurel Cluster Solar Farms Project Final EIR. The previously-certified Final EIR analyzed the direct and physical changes to the environment that would result from the construction and operation of a solar energy on the Laurel Cluster Solar Farm 2 development area. The proposed projects would not expand or increase the development footprint as previously evaluated, nor would the fundamental characteristics of the project change from that previously analyzed in the certified Final EIR. The project applicant is requesting approval of two CUPs for the construction and operation of two individual utility-scale solar farms, L2S and L2N, within the previously-

approved Laurel Cluster Solar Farm 2 project area (Figures 2 and 3). The two CUPs will simply be the reorganization of the previously-approved Laurel Cluster Solar Farm 2 project area, as follows:

- L2S Project (CUP 21-0013) – 40 MW PV solar facility on 160 acres
- L2N Project (CUP 21-0014) – 30 MW PV solar facility on 120 acres

The project applicant is also requesting a lot line adjustment to change the property lines on three existing APNs (APN 051-300-032, 051-300-035, and 051-300-036) (Figure 4). The lot line adjustment proposes the following:

- Reconfiguration of APN 051-300-032
- Combine a portion of APN 051-300-032 with APN 051-300-036
- Combine a portion of APN 051-300-032 with APN 051-300-035

The LS2 project site is currently zoned A-2-R-RE (General Agriculture – Rural – Renewable Energy Overlay Zone). Pursuant to Title 9, Division 5, Chapter 8, the following uses are permitted in the A-2 and A-2-R zone subject to approval of a CUP from Imperial County: solar energy electrical generator, electrical power generating plant, major facilities relating to the generation and transmission of electrical energy, and resource extraction and energy development. The L2N project site is currently zoned A-2-R-RE and A-3-RE (Heavy Agriculture – Renewable Energy Overlay Zone). Because APN 051-300-032 (associated with the L2N project site) is proposed to be reconfigured as part of the lot line adjustment, the project applicant is requesting to change the zoning designation of the entire parcel from A-2-R-RE and A-3-RE to A-3-RE (Figure 5). Pursuant to Title 9, Division 5, Chapter 9, "Solar Energy Plants" and "Transmission lines, including supporting towers, poles microwave towers, utility substations" are uses that are permitted in the A-3 Zone, subject to approval of a CUP. Therefore, with approval of the CUPs, the proposed projects would be consistent with the A-2, A-2-R, and A-3 zoning designations. There would be no other changes to the previously approved project.

Therefore, no proposed changes or revisions to the Laurel Cluster Solar Farms Project Final EIR are required. In addition, all previously adopted mitigation measures presented in the Laurel Cluster Solar Farms Project Final EIR are incorporated herein by reference.

2. *Required Finding: Substantial changes have not occurred with respect to the circumstances under which the project is undertaken, that would require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.*

Since certification of the Laurel Cluster Solar Farms Project Final EIR in August 2018, the Office of Planning and Research updated portions of Appendix G of the State CEQA Guidelines as follows:

- Addition of a new impact category – "Energy"
- Addition of a new impact category – "Tribal Cultural Resources"
- Addition of a new impact category – "Wildfire"
- Addition of a new threshold under the Transportation category to analyze vehicle miles traveled:
 - Would the project conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b)?

Energy. Energy was not previously analyzed as a separate individual topic in the Laurel Cluster Solar Farms Final EIR. However, this does not mean that Energy was not analyzed in the Final EIR. Rather, impacts related to energy were addressed within the greenhouse gas emissions analysis (Section 4.7 of the Final EIR), utilities/service systems analysis (Section 4.14 of the Final EIR), and Chapter 5, Analysis of Long-Term Effects of the Final EIR. As described in this Initial Study, the proposed L2S and L2N projects would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to energy.

Tribal Cultural Resources. As part of the Laurel Cluster Solar Farms Project Final EIR, the County conducted the appropriate outreach to Native American Tribes pursuant to AB 52. AB 52 requires that lead agencies, upon request of a California Native American tribe, begin consultation prior to the release of a negative declaration, mitigated negative declaration, or EIR for a project. Although AB 52 does not apply to an Addendum, the County conducted additional AB 52 outreach as part of the currently proposed project. On July 8, 2021, the County provided the project applications (CUPs, Zone Change, and Lot Line Adjustment) for review and comments to the following Native American tribes:

- Chemehuevi Reservation,
- Torres-Martinez Indian Tribe
- Fort Yuma Quechan Indian Tribe
- Campo Band of Mission Indians
- Augustine Band of Cahuilla Mission Indians
- La Posta Band of Mission Indians
- Manzanita Band of Kumeyaay Nation
- Cocopah Indian Tribe
- Colorado River Indian Tribe
- Inter-Tribal Cultural Resource Protections Council
- Ewiiapaayp Tribe Office
- Kumeyaay Cultural Repatriation Committee

The Fort Yuma Quechan Indian Tribe responded via e-mail on July 16, 2021 indicating that they did not have any comments on the projects. Responses were not received from any other Native American tribes that were notified of the projects.

As this CEQA document is an Addendum, the AB 52 requirements are not applicable. The proposed L2S and L2N projects would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to tribal cultural resources.

Wildfire. At the time of the prior environmental analysis, Wildfire, was not a specific topic analyzed because the CEQA criteria and thresholds related to analyzing Wildfire did not exist at the time the Final EIR was prepared. However, this does not mean that Wildfire was not analyzed. Rather, impacts related to Wildfire were addressed in Section 4.8, Hazards and Hazardous Materials, of the Final EIR. As described in this Initial Study, the proposed L2S and L2N projects would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to Wildfire.

Vehicle Miles Traveled. At the time of the prior environmental analysis, Vehicle Miles Traveled (VMT), was not a specific topic analyzed because the CEQA criteria and threshold related to analyzing VMT did not exist at the time the Final EIR was prepared. As described in this Initial Study, the proposed L2S and L2N projects would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to VMT.

3. *Required Finding: No new information has been provided that would indicate that the proposed project would result in one or more significant effects not discussed in the previous EIR.*

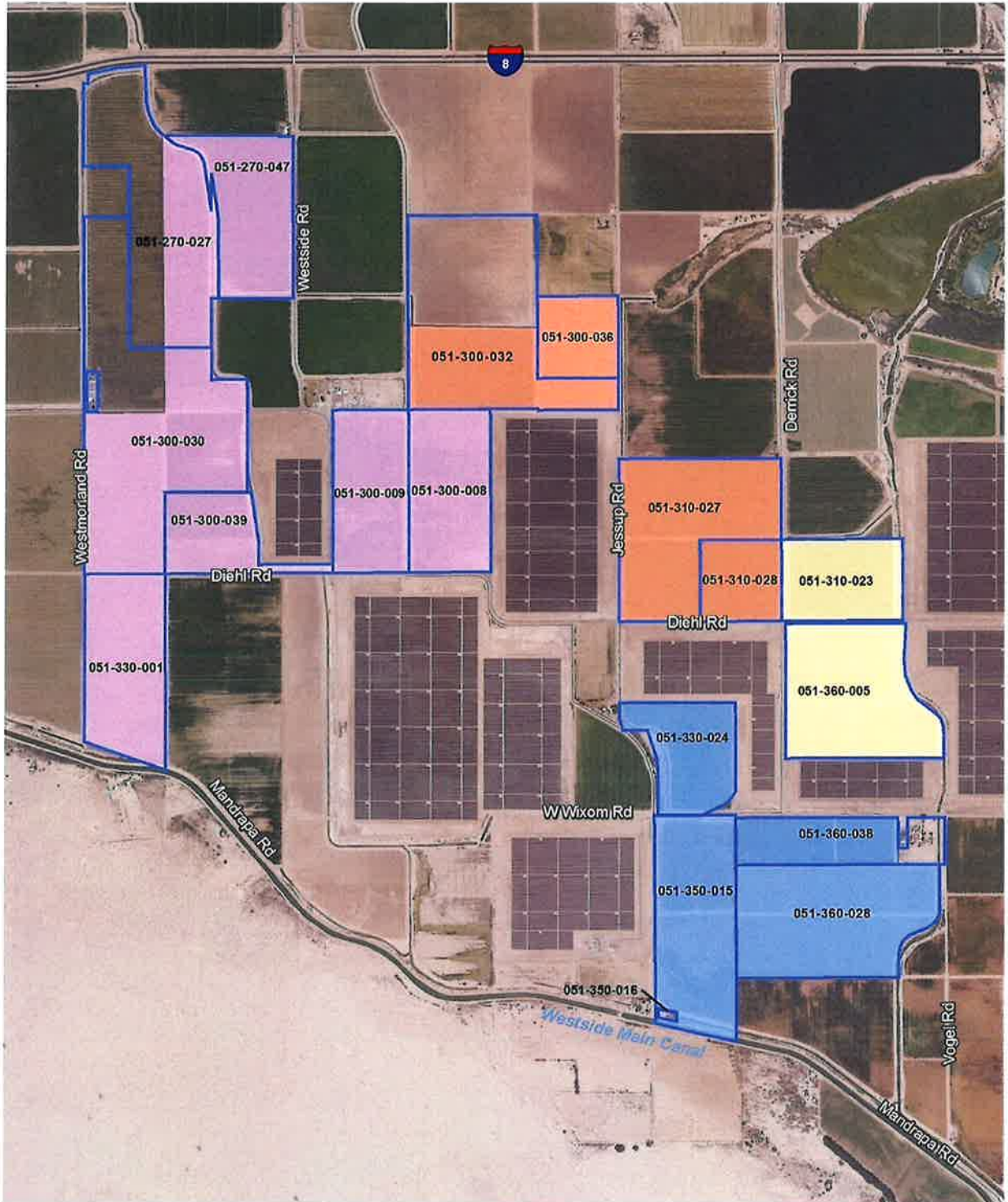
There is nothing in the proposed projects that would suggest that their adoption and implementation would result in any new significant environmental effects not previously discussed in the certified Laurel Cluster Solar Farms Project Final EIR. Therefore, no proposed changes or revisions to the EIR are required. In addition, all previously adopted mitigation measures presented in the Laurel Cluster Solar Farms Project Final EIR are incorporated herein by reference and part of the CUPs for the L2N and L2S Solar Farm Projects.

CONCLUSION

The Initial Study provided in a subsequent section of this document substantiates the conclusions that no additional CEQA documentation is required for the project. Based on the findings and information contained in the previously-certified Laurel Cluster Solar Farms Project Final EIR, the analysis above and contained within the Initial Study, the CEQA statute and State CEQA Guidelines, including Sections 15164 and 15162, the project will not result in any new, increased, or substantially different impacts, other than those previously considered and addressed in the Laurel Cluster Solar Farms Project Final EIR. No changes or additions to the Laurel Cluster Solar Farms Project Final EIR analyses are necessary, nor is there a need for any additional mitigation measures. Therefore, pursuant to State CEQA Guidelines, Section 15164, the Imperial County Board of Supervisors will adopt CEQA Guideline Sections 15162 and 15164 findings as its consideration of the CEQA compliance for the proposed project.

- E. General Plan Consistency:** The projects are located within the unincorporated area of Imperial County. The existing General Plan land use designation is "Agriculture." Pursuant to Title 9, Division 5, Chapter 8, the following uses are permitted in the A-2 and A-2-R zone subject to approval of a CUP from Imperial County: solar energy electrical generator, electrical power generating plant, major facilities relating to the generation and transmission of electrical energy, and resource extraction and energy development. The L2N project site is currently zoned A-2-R-RE and A-3-RE (Heavy Agriculture – Renewable Energy Overlay Zone). Because APN 051-300-032 (associated with the L2N project site) is proposed to be reconfigured as part of the lot line adjustment, the project applicant is requesting to change the zoning designation of the entire parcel from A-2-R-RE and A-3-RE to A-3-RE (Figure 5). Pursuant to Title 9, Division 5, Chapter 9, "Solar Energy Plants" and "Transmission lines, including supporting towers, poles microwave towers, utility substations" are uses that are permitted in the A-3 Zone, subject to approval of a CUP. Therefore, with approval of the CUPs, the proposed projects would be consistent with the A-2, A-2-R, and A-3 zoning designations.

Figure 1. Previously Approved Laurel Cluster Solar Farms Project



LEGEND

- Laurel Solar Farm 1
- Laurel Solar Farm 2
- Laurel Solar Farm 3
- Laurel Solar Farm 4
- Assessor Parcels

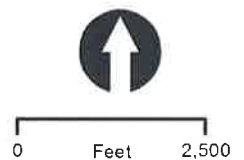
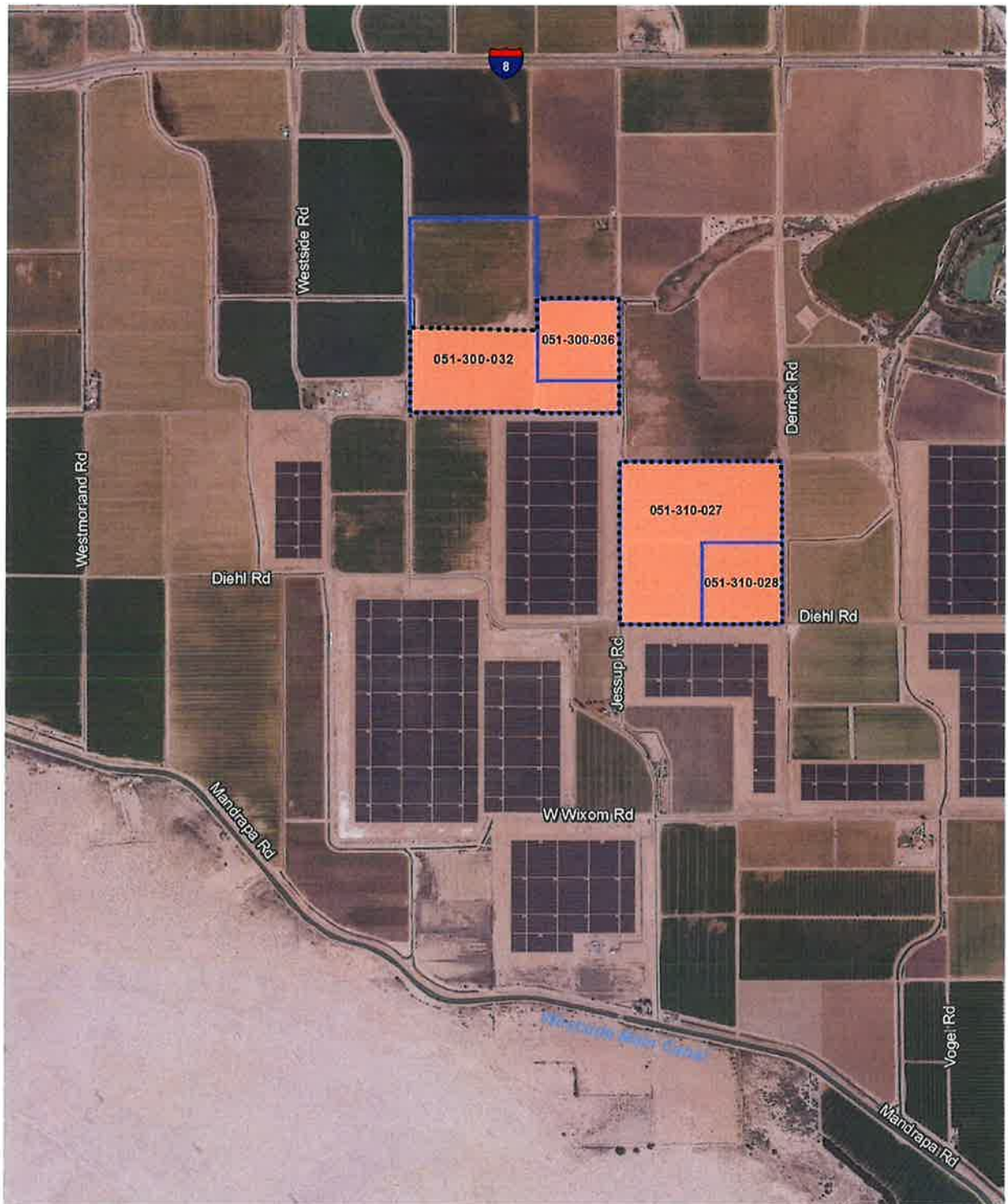





Figure 2. Proposed CUP Modification Area



LEGEND

-  Proposed CUP Modification Area
-  Previously Approved Laurel Solar Farm 2 Project – CUP 17-0029
-  Assessor Parcels

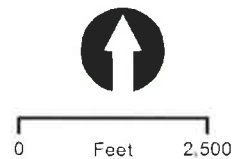
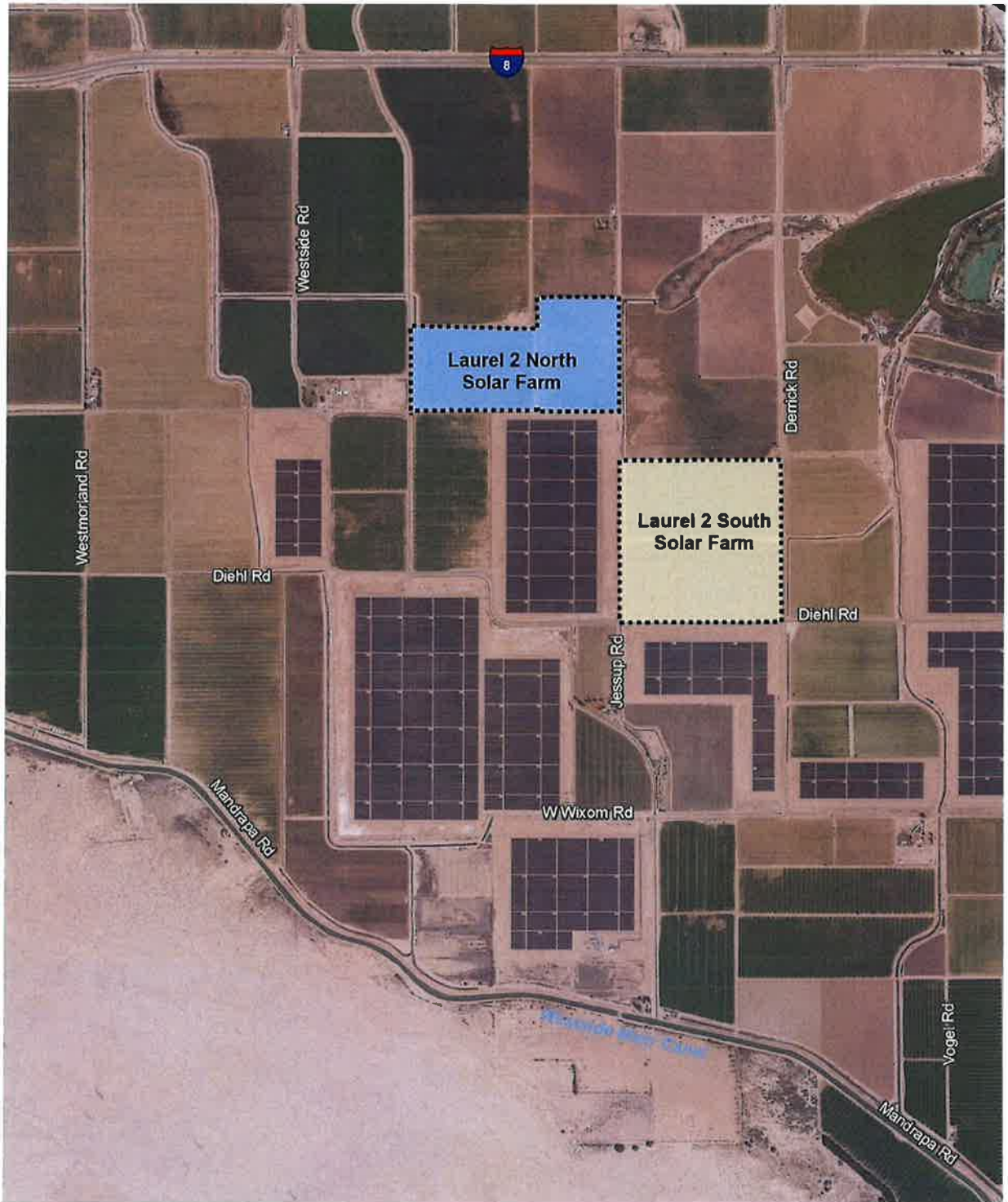





Figure 3. Proposed Laurel 2 North Solar Farm and Laurel 2 South Solar Farm



LEGEND

-  Proposed CUP Modification Area
-  Laurel 2 North Solar Farm
-  Laurel 2 South Solar Farm

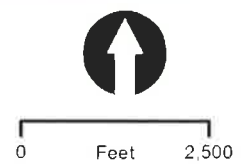


Figure 4. Proposed Lot Line Adjustment

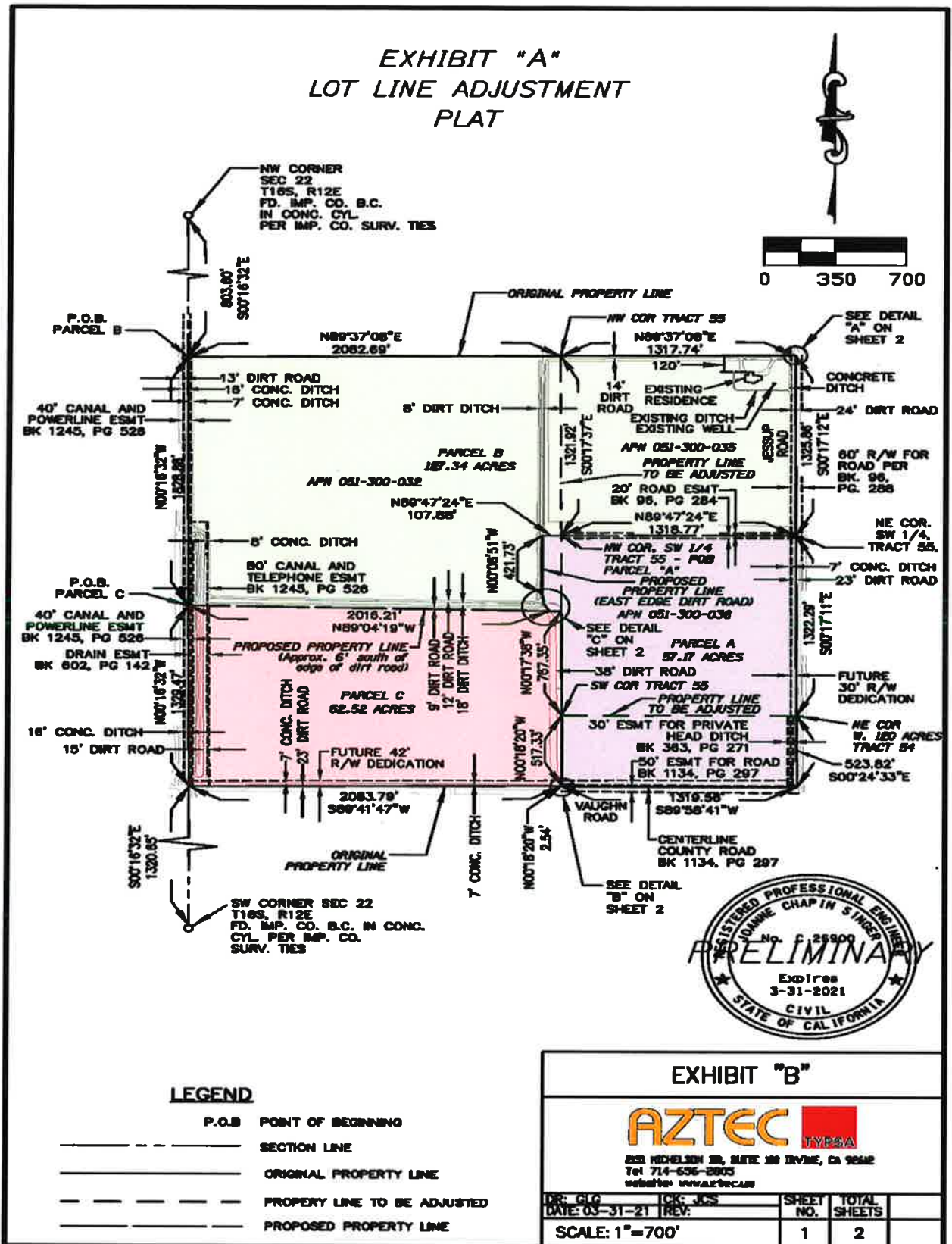
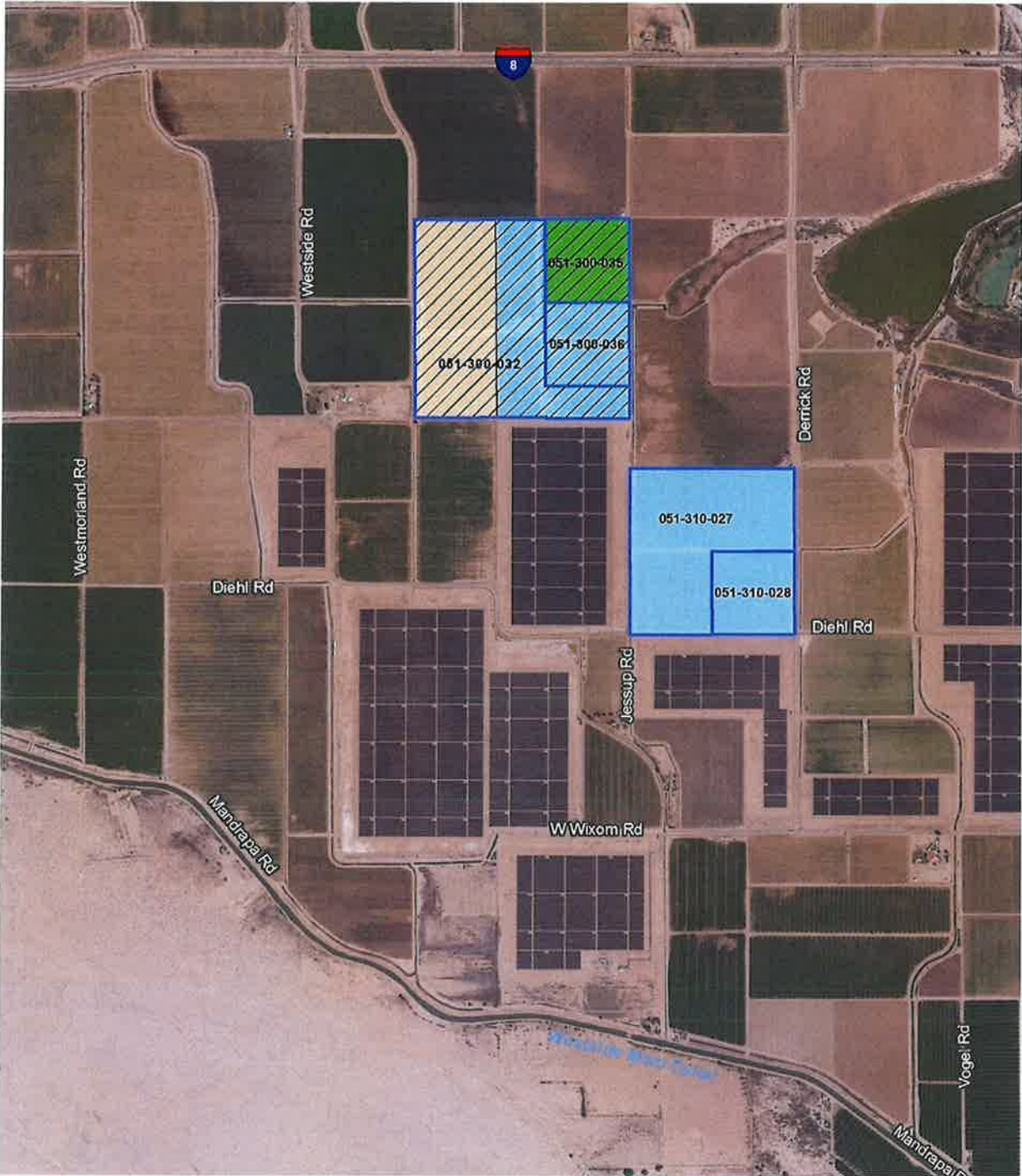





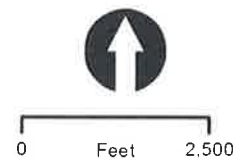


Figure 5. Proposed Zone Change



LEGEND

-  Proposed A-3-RE Zone (Heavy Agriculture- Renewable Energy Overlay Zone)
- Existing Zoning
-  A-2-R-RE (General Agricultural - Rural- Renewable Energy Overlay Zone)
-  A-3 (Heavy Agriculture)
-  A-3-RE (Heavy Agriculture- Renewable Energy Overlay Zone)
-  Assessor Parcels



EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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I. **AESTHETICS**

Except as provided in Public Resources Code Section 21099, would the project:

- a) Have a substantial adverse effect on a scenic vista or scenic highway?

a) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. Therefore, the proposed projects would result in no new or significant changes to any scenic vista as discussed in the Final EIR.
- b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?

b) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. There are no designated state scenic highways in the project areas. Therefore, the proposed projects would result in no new or significant changes to any state scenic highway as discussed in the Final EIR.
- c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surrounding? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

c) Less Than Significant Impact. Impacts associated with the visual quality of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. Therefore, the proposed projects would result in no new or significant changes to the degradation of the existing visual character or quality of the site and its surroundings as discussed in the Final EIR.
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

d) Potentially Significant Impact Unless Mitigation Incorporated. Impacts associated with the light and glare of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. In addition, the conclusions and mitigation measure (Mitigation Measure VQ-1), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed projects. Therefore, the proposed projects would result in no new or significant changes to substantial light or glare as discussed in the Final EIR.

II. **AGRICULTURE AND FOREST RESOURCES**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. --Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

a) Potentially Significant Unless Mitigation Incorporated. The potential agricultural impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. The proposed projects would not expand or increase the development footprint as previously evaluated and the construction and operation of the projects would be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measures AG-1a and AG-1b), as attached hereto,

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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identified in the previously-certified Final EIR remain accurate and applicable to the proposed projects. Therefore, the proposed projects would result in no new or significant changes to the impacts to Prime Farmland or Farmland of Statewide Importance as discussed in the Final EIR.

- b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

b) Less Than Significant Impact. The potential agricultural impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged.

The LS2 project site is currently zoned A-2-R-RE (General Agriculture – Rural – Renewable Energy Overlay Zone). Pursuant to Title 9, Division 5, Chapter 8, the following uses are permitted in the A-2 and A-2-R zone subject to approval of a CUP from Imperial County: solar energy electrical generator, electrical power generating plant, major facilities relating to the generation and transmission of electrical energy, and resource extraction and energy development. The L2N project site is currently zoned A-2-R-RE and A-3-RE (Heavy Agriculture – Renewable Energy Overlay Zone). Because APN 051-300-032 (associated with the L2N project site) is proposed to be reconfigured as part of the lot line adjustment, the project applicant is requesting to change the zoning designation of the entire parcel from A-2-R-RE and A-3-RE to A-3-RE (Figure 5). Pursuant to Title 9, Division 5, Chapter 9, "Solar Energy Plants" and "Transmission lines, including supporting towers, poles microwave towers, utility substations" are uses that are permitted in the A-3 Zone, subject to approval of a CUP. Therefore, with approval of the CUPs, the proposed projects would be consistent with the A-2, A-2-R, and A-3 zoning designations.

The proposed projects would result in no new or significant changes to agricultural use zoning or Williamson Act Contracts as discussed in the Final EIR.

- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

c) No Impact. The potential forest land and timberland impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. The project sites do not contain forest, timberland, or timberland zoned Timberland Production areas.

- d) Result in the loss of forest land or conversion of forest land to non-forest use?

d) No Impact. The potential forest land impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. The project sites do not contain forest land.

- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

e) Potentially Significant Unless Mitigation Incorporated. The potential agricultural impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. The conclusions and mitigation measure (Mitigation Measures AG-1b and AG-2), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed projects. Therefore, the proposed projects would result in no new or significant changes to the impacts on conversion of Farmland as discussed in the Final EIR.

iii. **AIR QUALITY**

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to the following determinations. Would the Project:

- a) Conflict with or obstruct implementation of the applicable air

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
quality plan? a) No Impact. The potential air quality impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in similar emissions as described in the Final EIR. Therefore, the proposed projects would result in no new or significant changes to applicable air quality plans as discussed in the Final EIR.				
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? b) Potentially Significant Unless Mitigation Incorporated. The potential air quality impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in comparable emissions during construction as identified in the original EIR. Similar to the previously-approved project, the L2N and L2S projects would be required to equip construction equipment with an engine designation of EPA Tier 2 or better (Tier 2+), as described in Mitigation Measure AQ-1 of the Final EIR, and to comply with the requirements of ICAPCD Regulation VIII for the control of fugitive dust, as described in Mitigation Measure AQ-2 of the Final EIR. The conclusions and mitigation measures (Mitigation Measure AQ-1 and AQ-2), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed projects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations? c) Less Than Significant Impact. The potential air quality impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to the exposure of sensitive receptors to substantial pollutant concentrations as discussed in the Final EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)? d) Less Than Significant Impact. The potential air quality impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant odor impacts that could otherwise affect a substantial number of people as discussed in the Final EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IV. **BIOLOGICAL RESOURCES** *Would the project:*

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? a) Potentially Significant Unless Mitigation Incorporated. The potential biological resources impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to impacts identified for special-status species as discussed in the Final EIR. Further, conclusions and mitigation measures (Mitigation Measures BIO-1 through BIO-7), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed projects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? b) No Impact. The potential biological resources impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. There are no riparian habitat or other sensitive natural communities within the project sites.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
<p>c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</p> <p>c) No Impact. The potential biological resources impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to project-related impacts to state or federally protected wetlands as discussed in the Final EIR.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</p> <p>d) Potentially Significant Unless Mitigation Incorporated. The potential biological resources impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to the movement of any native resident or migratory wildlife corridors as discussed in the Final EIR. Further, the conclusions and mitigation measure (Mitigation Measure BIO-6), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed projects.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>e) Conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance?</p> <p>e) Less Than Significant Impact. The potential biological resources impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. The proposed projects would comply with local policies or ordinances protecting biological resources as discussed in the Final EIR.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</p> <p>f) No Impact. The potential biological resources impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. The proposed projects are not be located within an HCP, NCCP, or other approved local, regional, or state HCP.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. **CULTURAL RESOURCES** *Would the project:*

<p>a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?</p> <p>a) Potentially Significant Unless Mitigation Incorporated. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. The proposed projects would not expand or increase the development footprint as previously evaluated and the construction and operation of the projects would be the same as evaluated in the prior Final EIR. Further, conclusions and mitigation measures (Mitigation Measures CR-1 through CR-4), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed projects.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</p> <p>b) Potentially Significant Unless Mitigation Incorporated. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. The proposed projects would not expand or increase the development footprint as previously evaluated and the construction and operation of the projects would be the same as evaluated in the prior Final EIR. Further, conclusions</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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and mitigation measures (Mitigation Measures CR-5 through CR-6), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed projects.

- c) Disturb any human remains, including those interred outside of dedicated cemeteries?

c) Potentially Significant Unless Mitigation Incorporated. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. The proposed projects would not expand or increase the development footprint as previously evaluated and the construction and operation of the projects would be the same as evaluated in the prior Final EIR. Further, conclusions and mitigation measures (Mitigation Measure CR-8), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed projects.

VI. **ENERGY** *Would the project:*

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

a) Less Than Significant Impact. Energy was not previously analyzed as a separate individual topic in the Laurel Cluster Solar Farms Final EIR. However, this does not mean that Energy was not analyzed. Rather, impacts related to energy were addressed within the greenhouse gas emissions analysis (Section 4.7 of the Final EIR), utilities/service systems analysis (Section 4.14 of the Final EIR), and Chapter 5, Analysis of Long-Term Effects of the Final EIR. Since the State CEQA Guidelines has been revised by the Office of Planning and Research to include separate criteria and thresholds, this Addendum includes Energy as a separate topic.

Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. The proposed projects would not expand or increase the development footprint as previously evaluated and the construction and operation of the projects would be the same as evaluated in the prior Final EIR. Therefore, energy use would be similar as analyzed in the Final EIR for the Laurel Cluster Solar Farm 2 project. In addition, the projects would be a renewable source of energy that could displace electricity generated by fossil fuel combustion and provide low-GHG electricity to customers.

- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

b) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. The proposed projects would not expand or increase the development footprint as previously evaluated and the construction and operation of the projects would be the same as evaluated in the prior Final EIR. The projects would provide a renewable source of energy that would assist the state meet its statutory and regulatory goal of increasing renewable power generation. Ultimately, the projects would provide renewable energy that would replace other sources of energy, including those that consume fossil fuels.

VII. **GEOLOGY AND SOILS** *Would the project:*

- a) Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury, or death involving:

- 1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?

1) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. The project sites are not located on an active fault or within a designated AP Zone.

- 2) Strong Seismic ground shaking?

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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2) Potentially Significant Unless Mitigation Incorporated. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. The proposed projects would not expand or increase the development footprint as previously evaluated and the construction and operation of the projects would be the same as evaluated in the prior Final EIR. Further, conclusions and mitigation measures (Mitigation Measure GEO-1), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed projects.

- 3) Seismic-related ground failure, including liquefaction and seiche/tsunami?

3) Potentially Significant Unless Mitigation Incorporated. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. The proposed projects would not expand or increase the development footprint as previously evaluated and the construction and operation of the projects would be the same as evaluated in the prior Final EIR. Further, conclusions and mitigation measures (Mitigation Measures GEO-1), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed projects.

- 4) Landslides?

4) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. The potential for earthquake induced landslides to occur at the project sites is unlikely due to the flat topography of the project sites.

- b) Result in substantial soil erosion or the loss of topsoil?

b) Potentially Significant Unless Mitigation Incorporated. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. The proposed projects would not expand or increase the development footprint as previously evaluated and the construction and operation of the projects would be the same as evaluated in the prior Final EIR. Further, conclusions and mitigation measures (Mitigation Measure HYD-1), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed projects.

- c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse?

c) Potentially Significant Unless Mitigation Incorporated. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. The proposed projects would not expand or increase the development footprint as previously evaluated and the construction and operation of the projects would be the same as evaluated in the prior Final EIR. Further, conclusions and mitigation measures (Mitigation Measure GEO-1), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed projects.

- d) Be located on expansive soil, as defined in the latest Uniform Building Code, creating substantial direct or indirect risk to life or property?

d) Potentially Significant Unless Mitigation Incorporated. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. The proposed projects would not expand or increase the development footprint as previously evaluated and the construction and operation of the projects would be the same as evaluated in the prior Final EIR. Further, conclusions and mitigation measures (Mitigation Measure GEO-2), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed projects.

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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e) Potentially Significant Unless Mitigation Incorporated Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. The proposed projects would not expand or increase the development footprint as previously evaluated and the construction and operation of the projects would be the same as evaluated in the prior Final EIR. Further, conclusions and mitigation measures (Mitigation Measure GEO-3), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed projects.

- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

f) Potentially Significant Unless Mitigation Incorporated. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. The proposed projects would not expand or increase the development footprint as previously evaluated and the construction and operation of the projects would be the same as evaluated in the prior Final EIR. Further, conclusions and mitigation measures (Mitigation Measure CR-7), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed projects.

VIII. GREENHOUSE GAS EMISSION Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

a) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to impacts related to GHG emissions as discussed in the Final EIR.

- b) Conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

b) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to impacts related to conflicts with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions as discussed in the Final EIR.

IX. HAZARDS AND HAZARDOUS MATERIALS Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

a) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farm Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to the impacts to the public or the environment through the routine transport, use, or disposal of hazardous materials as discussed in the Final EIR.

- b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

b) Less than Significant. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to the impacts related to a significant hazard to the public or the environment involving the release of hazardous materials into the environment.

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? c) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. No schools are located within 0.25 mile of the project sites.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? d) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. The project sites are not located on a site included on a list of hazardous materials sites.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? e) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. The project sites are not located within two miles of an airport.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? f) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to the implementation of an adopted emergency response plan or emergency evacuation as discussed in the Final EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? g) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to the exposure of people or structures to significant risk of loss, injury or death involving wildland fires as discussed in the Final EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

X. **HYDROLOGY AND WATER QUALITY** *Would the project:*

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? a) Potentially Significant Unless Mitigation Incorporated. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. The proposed projects would not expand or increase the development footprint as previously evaluated and the construction and operation of the projects would be the same as evaluated in the prior Final EIR. Further, conclusions and mitigation measures (Mitigation Measures HYD-1 through HYD-3), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed projects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
basin?				
b) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to groundwater supplies as discussed in the Final EIR.				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to existing drainage patterns of the site or on- or off-site erosion or siltation as discussed in the Final EIR.				
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to a substantial increase in the rate or amount of surface runoff in a manner which would result in flooding on- or off-site as discussed in the Final EIR.				
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to sources of polluted runoff water contribution as discussed in the Final EIR.				
(iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. The project sites are not located within a 100-year flood hazard area and therefore would not impede or redirect flood flows.				
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to the risk of release of pollutants due to project inundation.				
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. The proposed projects would not expand or increase the development footprint as previously evaluated and the construction and operation of the projects would be the same as evaluated in the prior Final EIR. Further, conclusions and mitigation measures (Mitigation Measures HYD-1 through HYD-3), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed projects.				

XI. **LAND USE AND PLANNING** *Would the project:*

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Physically divide an established community? a) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to established communities as discussed in the Final EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? b) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The project applicant is requesting approval of two CUPs for the construction and operation of two individual utility-scale solar farms, L2S and L2N, within the previously-approved Laurel Cluster Solar Farm 2 project area. The two CUPs will simply be the reorganization of the previously-approved Laurel Cluster Solar Farm 2 project area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The LS2 project site is currently zoned A-2-R-RE (General Agriculture – Rural – Renewable Energy Overlay Zone). Pursuant to Title 9, Division 5, Chapter 8, the following uses are permitted in the A-2 and A-2-R zone subject to approval of a CUP from Imperial County: solar energy electrical generator, electrical power generating plant, major facilities relating to the generation and transmission of electrical energy, and resource extraction and energy development. The L2N project site is currently zoned A-2-R-RE and A-3-RE (Heavy Agriculture – Renewable Energy Overlay Zone). Because APN 051-300-032 (associated with the L2N project site) is proposed to be reconfigured as part of the lot line adjustment, the project applicant is requesting to change the zoning designation of the entire parcel from A-2-R-RE and A-3-RE to A-3-RE (Figure 5). Pursuant to Title 9, Division 5, Chapter 9, "Solar Energy Plants" and "Transmission lines, including supporting towers, poles microwave towers, utility substations" are uses that are permitted in the A-3 Zone, subject to approval of a CUP. Therefore, with approval of the CUPs, the proposed projects would be consistent with the A-2, A-2-R, and A-3 zoning designations.

The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project as discussed in the Final EIR.

XII. MINERAL RESOURCES Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? a) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to mineral resources of value to the region and the residents of the state as discussed in the Final EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? b) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to locally-important mineral resource recovery sites as discussed in the Final EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIII. NOISE Would the project result in:

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? a) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to generation of noise levels in excess of standards established in the local general	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
plan or noise ordinance as discussed in the Final EIR.				
b) Generation of excessive groundborne vibration or groundborne noise levels? b) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant groundborne vibration or groundborne noise levels as discussed in the Final EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? c) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes in airport-related noise levels as discussed in the Final EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIV. **POPULATION AND HOUSING** *Would the project:*

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)? a) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to population growth in the area as discussed in the Final EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? b) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to displacement of substantial numbers of existing people or housing as discussed in the Final EIR. The project applicant is requesting a lot line adjustment to change the property lines on three existing APNs (APN 051-300-032, 051-300-035, and 051-300-036). There is one existing residence located on APN 051-300-035. The proposed line adjustment would not result in the displacement of the existing residence on APN 051-300-035. Therefore, no impact would occur.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XV. **PUBLIC SERVICES**

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: 1) Fire Protection? 1) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to fire protection services as discussed in the Final EIR. Imperial County requires payment of impact fees for new development projects. Fire Impact Fees are imposed pursuant to Ordinance 1418 §2 (2006), which was drafted in accordance with the County's TischlerBise Impact Fee Study. The ordinance has provisions for non-residential industrial projects based on square footage. The project applicant will be required to pay the fire protection services' impact fees. These fees,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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as well as other applicable fire department requirements, would be included in the Conditions of Approval for the CUPs.

2) Police Protection?

2) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to police protection services as discussed in the Final EIR. Imperial County requires payment of impact fees for new development projects. Police services Impact Fees are imposed pursuant to Ordinance 1418 §2 (2006), which was drafted in accordance with the County's TischlerBise Impact Fee Study. The ordinance has provisions for non-residential industrial projects based on square footage. The project applicant will be required to pay the police protection services' impact fees. These fees, as well as any other applicable law enforcement requirements, would be included in the Conditions of Approval for the CUPs.

3) Schools?

3) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to school services as discussed in the Final EIR.

4) Parks?

4) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to park services as discussed in the Final EIR.

5) Other Public Facilities?

5) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to other public services as discussed in the Final EIR.

XVI. RECREATION

a) Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

a) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to neighborhood and regional parks or other recreational facilities as discussed in the Final EIR.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?

b) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. The proposed projects do not propose the construction of recreational facilities.

XVII. TRANSPORTATION *Would the project:*

a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

a) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to impacts related to a conflict with a program plan, ordinance or policy addressing the circulation system..

- b) Would the project conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b)?

b) Less Than Significant Impact. At the time of the prior environmental analysis, Vehicle Miles Traveled (VMT), was not a specific topic analyzed because the CEQA criteria and threshold related to analyzing VMT did not exist at the time the Final EIR was prepared.

Although the proposed projects would increase VMT during the construction phase as a result of trips made by construction workers and transportation of construction material and equipment, these increases are temporary in nature. Further, operation of the proposed projects would only require 5 full-time employees, which would be a nominal amount of vehicle trips generated. Therefore, the proposed project would not conflict or be inconsistent with Section 15064.3(b) of the CEQA Guidelines and no new, significant environmental impact would occur.

- c) Substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

c) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to local roadway hazards as discussed in the Final EIR.

- d) Result in inadequate emergency access?

d) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to emergency access as discussed in the Final EIR.

XVIII. TRIBAL CULTURAL RESOURCES

- a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe, and that is:

- (i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as define in Public Resources Code Section 5020.1(k), or

(i) No Impact. As part of the Laurel Cluster Solar Farms Project Final EIR, the County conducted the appropriate outreach to Native American Tribes pursuant to AB 52. AB 52 requires that lead agencies, upon request of a California Native American tribe, begin consultation prior to the release of a negative declaration, mitigated negative declaration, or EIR for a project. Although AB 52 does not apply to an Addendum, the County conducted additional AB 52 outreach as part of the currently proposed project. On July 8, 2021, the County provided the project applications (CUPs, Zone Change, and Lot Line Adjustment) for review and comments to the following Native American tribes:

- Chemehuevi Reservation,
- Torres-Martinez Indian Tribe
- Fort Yuma Quechan Indian Tribe
- Campo Band of Mission Indians
- Augustine Band of Cahuilla Mission Indians
- La Posta Band of Mission Indians
- Manzanita Band of Kumeyaay Nation
- Cocopah Indian Tribe
- Colorado River Indian Tribe
- Inter-Tribal Cultural Resource Protections Council
- Ewiiapaayp Tribe Office
- Kumeyaay Cultural Repatriation Committee

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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The Fort Yuma Quechan Indian Tribe responded via e-mail on July 16, 2021 indicating that they did not have any comments on the projects. Responses were not received from any other Native American tribes that were notified of the projects.

As this CEQA document is an Addendum, the AB 52 requirements are not applicable. The proposed L2S and L2N projects would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to tribal cultural resources. Cup applicant

- (ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
- (ii) **No Impact.** See Response for Impact XVIII i) above.

XIX. UTILITIES AND SERVICE SYSTEMS Would the project:

- a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

a) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to water, wastewater treatment or stormwater drainage, electrical power, natural gas, or telecommunications facilities. The proposed projects would not expand or increase the development footprint as previously evaluated and the construction and operation of the projects would be the same as evaluated in the prior Final EIR.

- b) Have sufficient water supplies available to serve the project from existing and reasonably foreseeable future development during normal, dry and multiple dry years?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

b) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to water supplies as discussed in the Final EIR.

- c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

c) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to wastewater provider capacity as discussed in the Final EIR.

- d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

d) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to landfill capacity to meet solid waste disposal needs as discussed in the Final EIR.

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>e) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to federal, state, and local statutes and regulations related to solid waste as discussed in the Final EIR.</p>				

XX. **WILDFIRE**

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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a) Less Than Significant Impact. At the time of the prior environmental analysis, Wildfire, was not a specific topic analyzed because the CEQA criteria and thresholds related to analyzing wildfire did not exist at the time the Final EIR was prepared. However, this does not mean that Wildfire was not analyzed. Rather, impacts related to Wildfire were addressed in Section 4.8, Hazards and Hazardous Materials, of the Final EIR. Since the State CEQA Guidelines has been revised by the Office of Planning and Research to include separate thresholds, this Addendum includes Wildfire as a separate topic.

Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. According to the Fire Hazard Severity Zones in State Responsibility Areas map for Imperial County prepared by the California Department of Forestry and Fire Protection, the project sites are not located in or near a state responsibility area. Major evacuation plans identified include SR 11, SR 98, and I-8. As discussed in Section 4.13 Transportation/Traffic, the projects would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. In addition, as part of the project's conditions of approval, a street improvement plan will be required to include emergency access points and safe vehicular travel. Therefore, the proposed projects would not impair an adopted emergency response plan or emergency evacuation plan.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

b) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S project sites would be located within the previously-approved Laurel Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. According to the Fire Hazard Severity Zones in State Responsibility Areas map for Imperial County prepared by the California Department of Forestry and Fire Protection, the project sites are not located in or near a state responsibility area. The project sites and the surrounding area is mostly flat and does not include slopes. Therefore, the proposed projects would not expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope or prevailing winds.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------	-------------------------------------	--------------------------

c) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S project sites would be located within the previously-approved Laurel Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. According to the Fire Hazard Severity Zones in State Responsibility Areas map for Imperial County prepared by the California Department of Forestry and Fire Protection, the project sites are not located in or near a state responsibility area. The proposed projects would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would be the same as evaluated in the prior Final EIR. As a part of the proposed projects, fire protection measures are incorporated as part of project design features, including portable CO₂ fire extinguishers mounted outside inverter/electrical distribution containers on pads throughout the solar arrays. On-site water storage is also required for fire protection. Therefore, the proposed project would not require the installation or maintenance of associated infrastructure exacerbate fire risk or result in temporary or ongoing impacts to the environment.

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

d) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged. According to the Fire Hazard Severity Zones in State Responsibility Areas map for Imperial County prepared by the California Department of Forestry and Fire Protection, the project sites are not located in or near a state responsibility area. The project sites and surrounding areas are mostly flat and drainage patterns will remain largely unchanged. In addition, the project sites are not contained to 100-year flood hazard areas. Therefore, the proposed projects would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; Sundstrom v. County of Mendocino, (1988) 202 Cal.App.3d 296; Leonoff v. Monterey Board of Supervisors, (1990) 222 Cal.App.3d 1337; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App.4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656.

Revised 2009- CEQA
 Revised 2011- ICPDS
 Revised 2016 – ICPDS
 Revised 2017 – ICPDS
 Revised 2019 – ICPDS

SECTION 3
III. MANDATORY FINDINGS OF SIGNIFICANCE

The following are Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| <p>a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, eliminate tribal cultural resources or eliminate important examples of the major periods of California history or prehistory?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

IV. PERSONS AND ORGANIZATIONS CONSULTED

This section identifies those persons who prepared or contributed to preparation of this document. This section is prepared in accordance with Section 15129 of the CEQA Guidelines.

A. COUNTY OF IMPERIAL

- Jim Minnick, Director of Planning & Development Services
- Michael Abraham, AICP, Assistant Director of Planning & Development Services
- Diana Robinson, Planner III

B. OTHER AGENCIES/ORGANIZATIONS

- Public Works Department – Ministerial permits (building, grading, encroachment)
- Imperial Irrigation District – Rights-of-Way Permit
- Regional Water Quality Control Board

(Written or oral comments received on the checklist prior to circulation)

V. REFERENCES

1. "County of Imperial General Plan EIR", prepared by Brian F. Mooney & Associates in 1993; and as Amended by County in 1996, 1998, 2001, 2003, 2006 & 2008, 2015, 2016.
2. Laurel Cluster Solar Farms Project Final EIR (2018)

VI. Environmental Document – County of Imperial

Project Name:

Laurel 2 South Solar Farm Project (L2S) (CUP # 21-0013)
Laurel 2 North Solar Farm Project (L2N) (CUP # 21-0014)

Project Applicant:

L2S – 92JT 8me LLC
L2N – 38KM 8me LLC

Project Location:

The proposed Laurel 2 South Solar Farm (L2S) and Laurel 2 North Solar Farm (L2N) Projects are located approximately eight miles southwest of the City of El Centro in an unincorporated area of the County of Imperial. The L2S project site encompasses approximately 160 acres and is located north of West Diehl Road, west of Derrick Road, and east of Jessup Road. The L2N project site encompasses approximately 120 acres and is located south of Interstate 8 (I-8), west of Jessup Road, north of West Vaughn Road and east of Fern Canal.

Description of Project:

The project applicant is requesting approval of two CUPs for the construction and operation of two individual utility-scale solar farms, L2S and L2N, within the previously-approved Laurel Cluster Solar Farms project area. Specifically, the projects would be located within the Laurel Cluster Solar Farm 2 project area (Assessor Parcel Numbers 051-300-032, 051-300-036, 051-310-027, and 051-310-028). The two CUPs will simply be the reorganization of the previously-approved Laurel Cluster Solar Farm 2 project area, as follows:

- L2S Project (CUP 21-0013) – 40 MW PV solar facility on 160 acres
- L2N Project (CUP 21-0014) – 30 MW PV solar facility on 120 acres

With approval of these two CUPS, the Laurel Cluster Solar Farms Projects would have a total of 5 CUPs covering 5 individual solar farm facilities.

The project applicant is also requesting a lot line adjustment to change the property lines on three existing APNs (APN 051-300-032, 051-300-035, and 051-300-036). The lot line adjustment proposes the following:

- Reconfiguration of APN 051-300-032
- Combine a portion of APN 051-300-032 with APN 051-300-036
- Combine a portion of APN 051-300-032 with APN 051-300-035

Because APN 051-300-032 is proposed to be reconfigured, the project applicant is requesting to change the zoning designation of the entire parcel from A-2-R-RE/A-3-RE to A-3-RE. In doing so, all resulting parcels from the proposed lot line adjustment will have the same A-3-RE zoning designation.

No substantial changes to the previously-approved project are proposed. The proposed L2S and L2N Projects would involve the development of PV energy facilities, battery storage facilities (up to 40 megawatts and up to 30 megawatts, respectively) and associated infrastructure on 160 acres and 120 acres, respectively. Power generated by each project would be delivered from the project sites via 230 kilovolt overhead and/or underground electrical transmission line(s) originating from an on-site substation(s)/switchyard(s) and terminating at the proposed Imperial Irrigation District (IID) Fern Substation, as stated in the CUP applications. Alternatively, power from the projects may be transmitted via the existing Campo Verde's 230 kV gen-tie line to SDG&E's Imperial Valley Substation located on Bureau of Land

Management land. The Laurel Cluster Solar Farms Project Final EIR analyzed development of on-site operations and maintenance (O&M), substation, and/or transmission facilities as part of the previously approved Laurel Cluster Solar Farm 2 project (CUP 17-0029). As stated in the CUP applications, the proposed L2S and L2N Projects may involve the development of these facilities or may instead share such facilities with nearby solar projects and/or may be remotely operated.

VII. FINDINGS

This is to advise that the County of Imperial, acting as the lead agency, has conducted an Initial Study to determine if the project may have a significant effect on the environment and is proposing the following:

- The Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment and a **NEGATIVE DECLARATION** will be prepared.
- The Initial Study identifies potentially significant effects but:
 - (1) Proposals made or agreed to by the applicant before this proposed Mitigated Negative Declaration was released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
 - (2) There is no substantial evidence before the agency that the project may have a significant effect on the environment.
 - (3) Mitigation measures are required to ensure all potentially significant impacts are reduced to levels of insignificance.
- Based on the environmental analysis, an **ADDENDUM** to the Laurel Cluster Solar Farm Project Final EIR has been prepared for the proposed project.

Reasons to support this finding are included in the attached Initial Study. The project file and all related documents are available for review at the County of Imperial, Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 (442) 265-1736.

NOTICE

The public is invited to comment on the proposed Addendum and Initial Study during the 10-day notice period associated with the proposed project.

9-23-2021 Jim Minnick
Date of Determination Jim Minnick, Director of Planning & Development Services

The Applicant hereby acknowledges and accepts the results of the Environmental Evaluation Committee (EEC) and hereby agrees to implement all Mitigation Measures, if applicable, as outlined in the MMRP.

[Signature] 10/4/21
Applicant Signature Date

SECTION 4

VIII. RESPONSE TO COMMENTS

(ATTACH DOCUMENTS, IF ANY, HERE)

IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP)

Attached is the adopted MMRP for the Laurel Cluster Solar Farms Project Final EIR. Applicable mitigation measures would be required of the L2S and L2N Solar Farm Projects.

**Addendum to the Environmental Impact Report
for the Laurel Cluster Solar Farms Project
Imperial County, California
SCH No. 2017121078**

**Laurel 2 South Solar Farm CUP #21-0013
Laurel 2 North Solar Farm CUP #21-0014
Zone Change #21-0002
Lot Line Adjustment #00321**



Prepared By:

HDR
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Reviewed by:

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Planning & Development Services Department
801 Main Street
El Centro, CA 92243
(442) 265-1750
www.icpds.com

August 2021

EEC ORIGINAL PKG

BACKGROUND

On January 15, 2019, the Imperial County Board of Supervisors certified the Final Environmental Impact Report (EIR) and adopted four Conditional Use Permits (CUPs) for the Laurel Cluster Solar Farms Project. The Laurel Cluster Solar Farms Project consisted of four photovoltaic (PV) solar farm facilities and associated infrastructure, which would collectively generate up to 325 megawatts on approximately 1,380 acres. 92JT 8me LLC and 90FI 8me LLC applied for individual CUPs for each of the proposed locations: Laurel Cluster Solar Farm 1 (CUP 17-0028), Laurel Cluster Solar Farm 2 (CUP 17-0029), Laurel Cluster Solar Farm 3 (CUP 17-0030), and Laurel Cluster Solar Farm 4 (CUP 17-0027). Table 1 provides the acreage and proposed MW output of each of the projects.

Table 1. Laurel Cluster Solar Farms Acreage and Proposed Megawatt Output

Project	CUP	Acreage	Proposed MW
Laurel Cluster Solar Farm 1	17-0028	171	40
Laurel Cluster Solar Farm 2	17-0029	280	70
Laurel Cluster Solar Farm 3	17-0030	587	140
Laurel Cluster Solar Farm 4	17-0027	342	75
Total	--	1,380	325

The Board-certified Laurel Cluster Solar Farms Project Final EIR (State Clearinghouse No. 2017121078) determined that all significant impacts could be reduced to a level less than significant with the incorporation of mitigation measures. The potentially significant effects that were mitigated consisted of the following: Aesthetics (specifically related to light and glare), Agriculture Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials (impact and mitigation is specific to Laurel Cluster Solar Farm 1 Project only and not to the Laurel Cluster Solar Farm 2 Project which is the subject of this Addendum), and Hydrology/Water Quality. Figure 1 of Attachment A illustrates the area approved for solar development in 2019 and differentiates between the four individual CUPs.

PROJECT DESCRIPTION

The project applicant is requesting approval of two CUPs for the construction and operation of two individual utility-scale solar farms, Laurel 2 South Solar Farm (L2S) and Laurel 2 North Solar Farm (L2N), within the previously-approved Laurel Cluster Solar Farms project area (Figure 1). Specifically, the projects would be located within the Laurel Cluster Solar Farm 2 project area (Assessor Parcel Numbers 051-300-032, 051-300-036, 051-310-027, and 051-310-028) (Figures 2 and 3). The two CUPs will simply be the reorganization of the previously-approved Laurel Cluster Solar Farm 2 project area, as follows:

- L2S Project (CUP 21-0013) – 40 MW PV solar facility on 160 acres
- L2N Project (CUP 21-0014) – 30 MW PV solar facility on 120 acres

With approval of these two CUPS, the Laurel Cluster Solar Farms Projects would have a total of 5 CUPs covering 5 individual solar farm facilities.

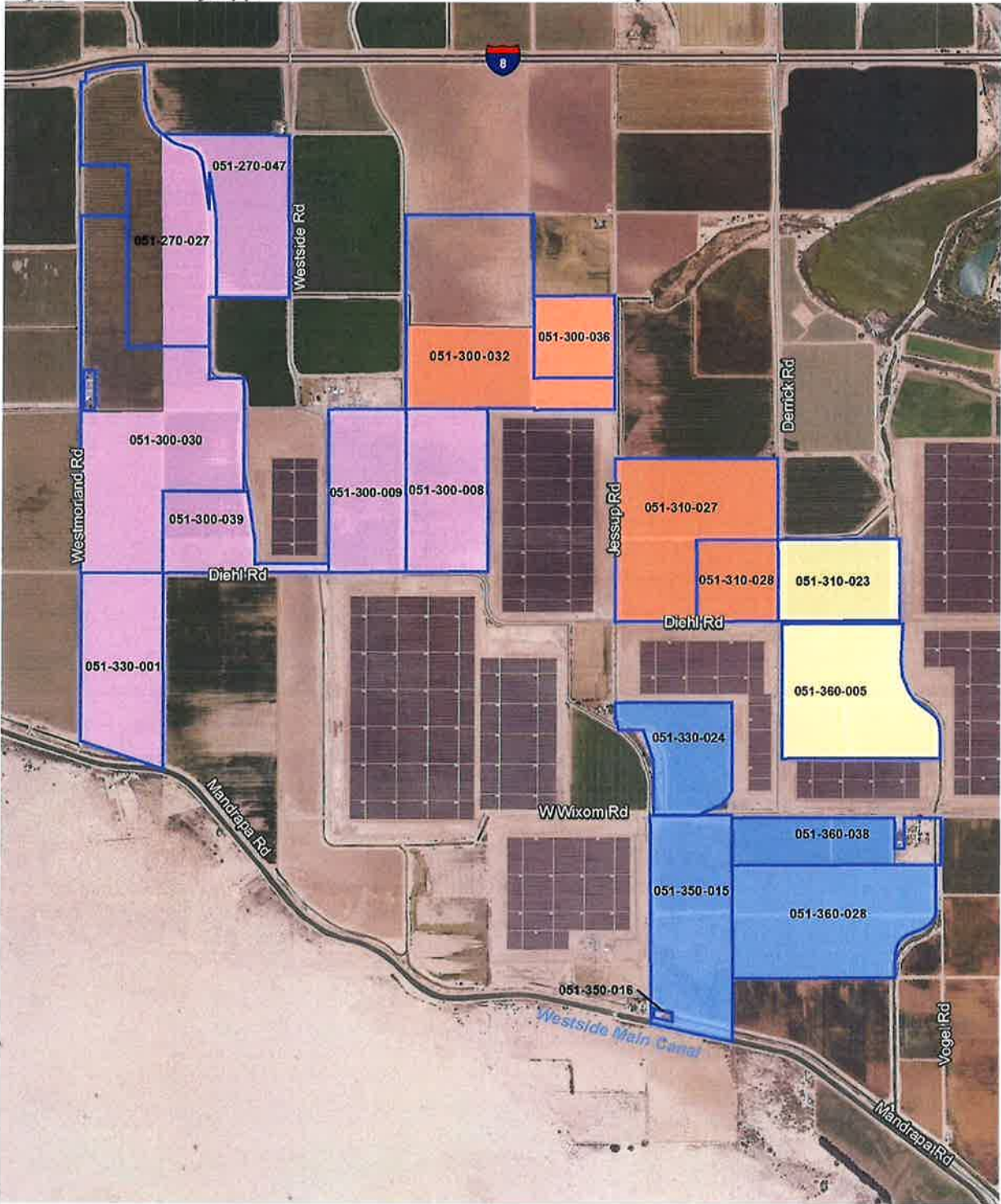
The project applicant is also requesting a lot line adjustment to change the property lines on three existing APNs (APN 051-300-032, 051-300-035, and 051-300-036) (Figure 4). The lot line adjustment proposes the following:

- Reconfiguration of APN 051-300-032
- Combine a portion of APN 051-300-032 with APN 051-300-036
- Combine a portion of APN 051-300-032 with APN 051-300-035

Because APN 051-300-032 is proposed to be reconfigured, the project applicant is requesting to change the zoning designation of the entire parcel from A-2-R-RE (General Agriculture – Rural – Renewable Energy Overlay Zone) and

A-3-RE (Heavy Agriculture – Renewable Energy Overlay Zone) to A-3-RE (Figure 5). In doing so, all resulting parcels from the proposed lot line adjustment will have the same A-3-RE zoning designation (Figure 5).

Figure 1. Previously Approved Laurel Cluster Solar Farms Project



LEGEND

- Assessor Parcels
- Laurel Solar Farm 1
- Laurel Solar Farm 2
- Laurel Solar Farm 3
- Laurel Solar Farm 4

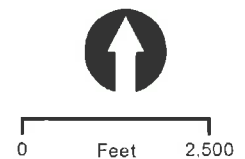
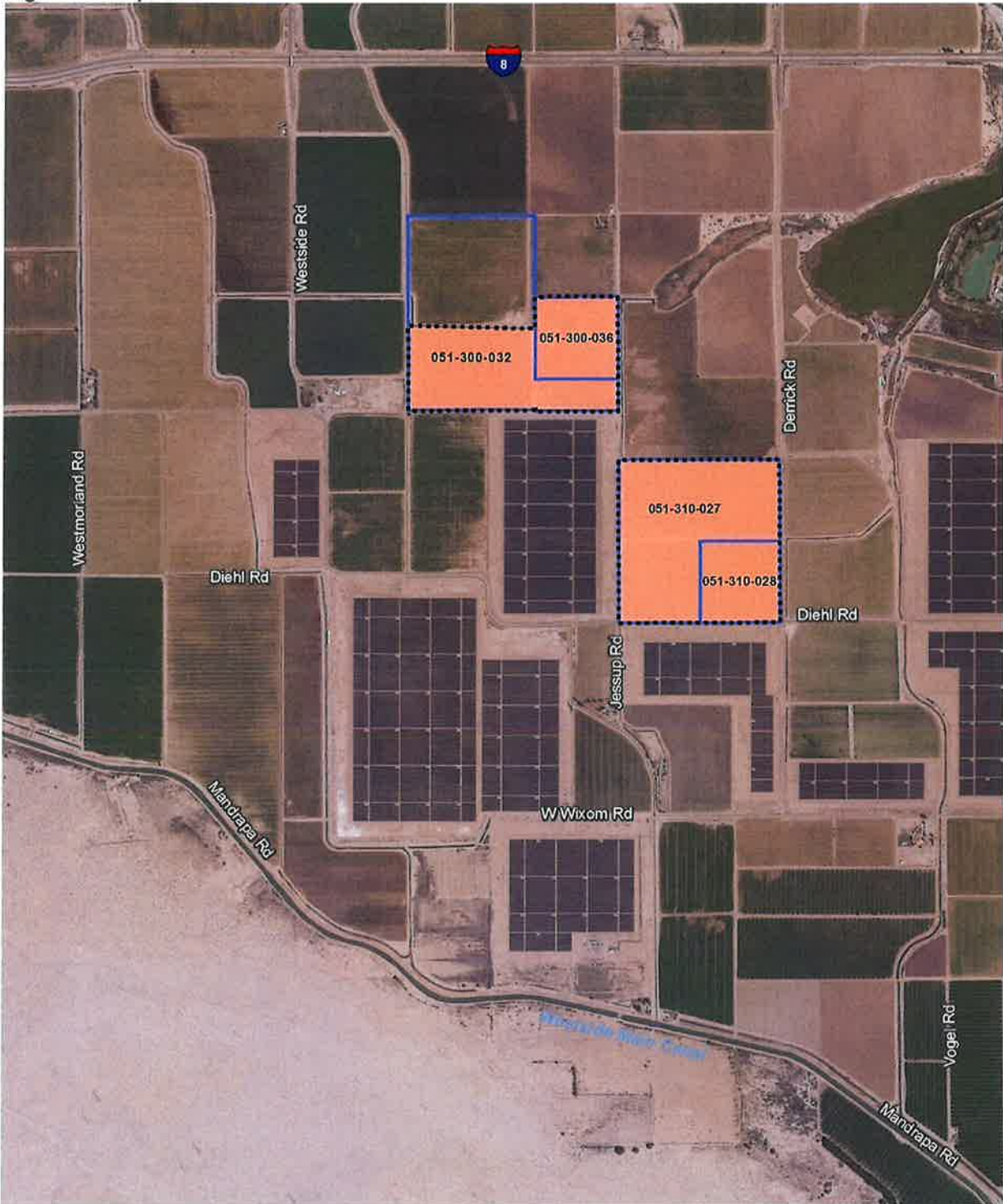





Figure 1. Proposed CUP Modification Area



LEGEND

-  Proposed CUP Modification Area
-  Previously Approved Laurel Solar Farm 2 Project – CUP 17-0029
-  Assessor Parcels

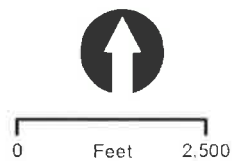



Figure 3. Proposed Laurel 2 North Solar Farm and Laurel 2 South Solar Farm



LEGEND

-  Proposed CUP Modification Area
-  Laurel 2 North Solar Farm
-  Laurel 2 South Solar Farm



0 Feet 2,500

Figure 4. Proposed Lot Line Adjustment

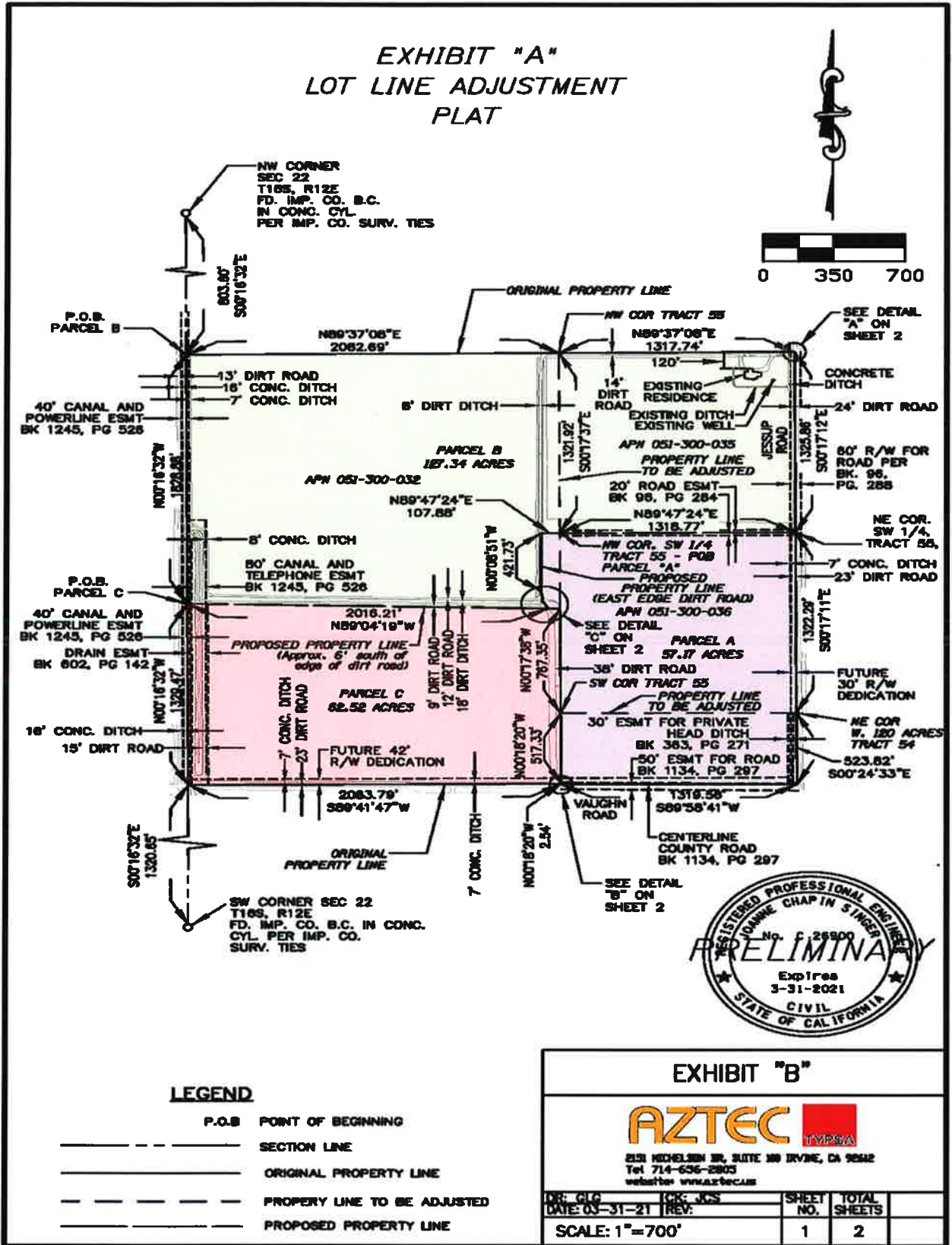
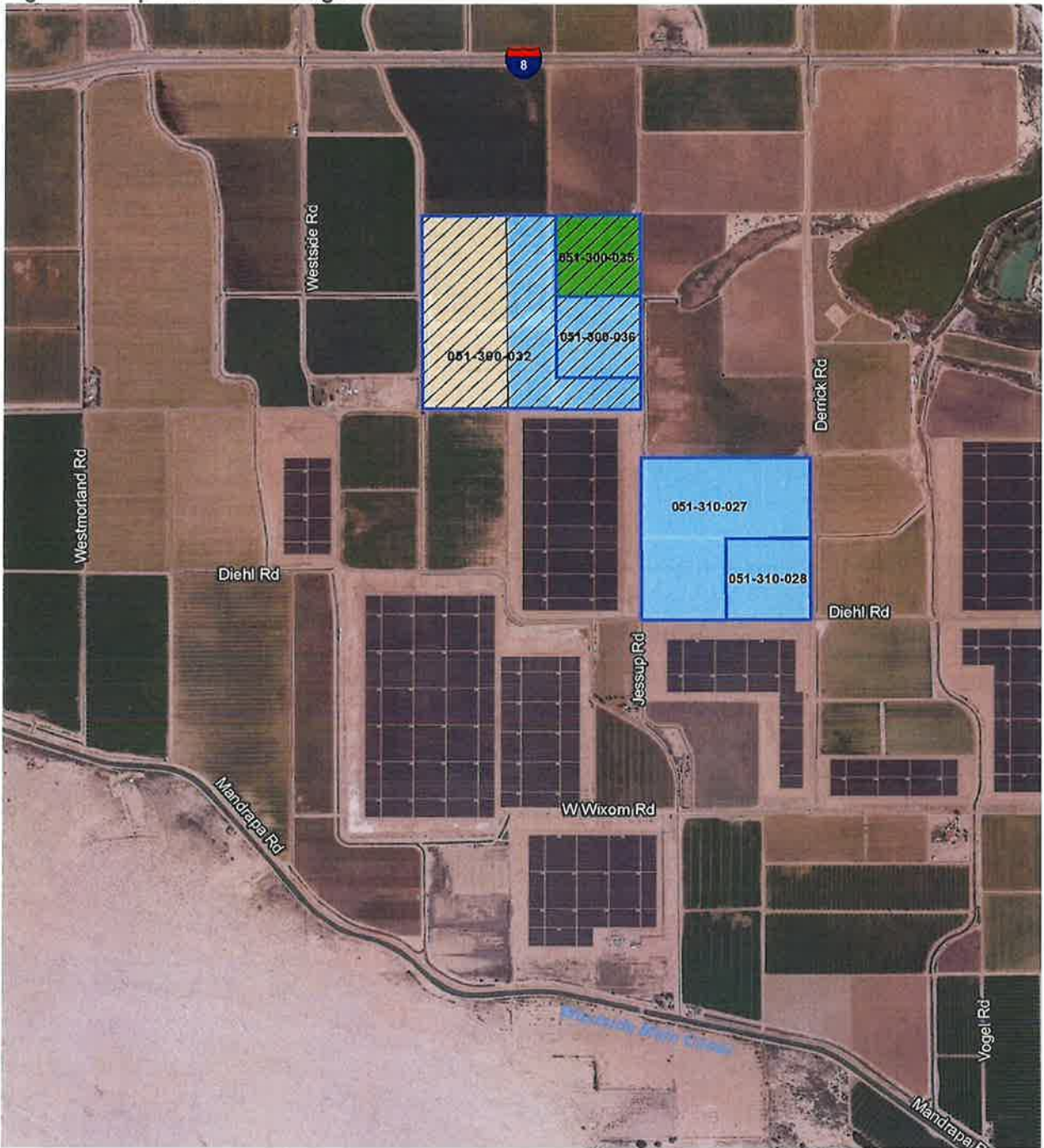




Figure 5. Proposed Zone Change



LEGEND


 Proposed A-3-RE Zone (Heavy Agriculture- Renewable Energy Overlay Zone)

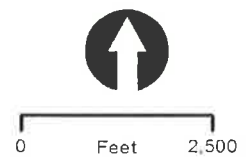
Existing Zoning

 A-2-R-RE (General Agricultural - Rural- Renewable Energy Overlay Zone)

 A-3 (Heavy Agriculture)

 A-3-RE (Heavy Agriculture- Renewable Energy Overlay Zone)

 Assessor Parcels



ANALYSIS

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-approved Negative Declaration or a previously certified EIR for the project. CEQA Guidelines, Sections 15162(a) and 15163, state that when a Negative Declaration has been adopted or an EIR certified for a project, no Subsequent or Supplemental EIR or Subsequent Negative Declaration shall be prepared for that project unless the lead agency determines that none of the conditions described in Section 15162 requiring the preparation of a subsequent Negative Declaration or EIR have occurred. The CEQA Guidelines require that a brief explanation be provided to support the findings that no subsequent EIR or Negative Declaration is needed for further discretionary approval. These findings are described below. The analysis in support of these findings is provided on the following pages.

1. *Required Finding: Substantial changes are not proposed for the project that will require major revisions of the previous EIR due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified effects.*

Substantial changes are not proposed for the projects and will not require revisions to the Laurel Cluster Solar Farms Project Final EIR. The previously-certified Final EIR analyzed the direct and physical changes to the environment that would result from the construction and operation of a solar energy on the Laurel Cluster Solar Farm 2 development area. The proposed projects would not expand or increase the development footprint as previously evaluated, nor would the fundamental characteristics of the project change from that previously analyzed in the certified Final EIR. The project applicant is requesting approval of two CUPs for the construction and operation of two individual utility-scale solar farms, L2S and L2N, within the previously-approved Laurel Cluster Solar Farm 2 project area (Figures 2 and 3). The two CUPs will simply be the reorganization of the previously-approved Laurel Cluster Solar Farm 2 project area, as follows:

- L2S Project (CUP 21-0013) – 40 MW PV solar facility on 160 acres
- L2N Project (CUP 21-0014) – 30 MW PV solar facility on 120 acres

The project applicant is also requesting a lot line adjustment to change the property lines on three existing APNs (APN 051-300-032, 051-300-035, and 051-300-036) (Figure 4). The lot line adjustment proposes the following:

- Reconfiguration of APN 051-300-032
- Combine a portion of APN 051-300-032 with APN 051-300-036
- Combine a portion of APN 051-300-032 with APN 051-300-035

The LS2 project site is currently zoned A-2-R-RE (General Agriculture – Rural – Renewable Energy Overlay Zone). Pursuant to Title 9, Division 5, Chapter 8, the following uses are permitted in the A-2 and A-2-R zone subject to approval of a CUP from Imperial County: solar energy electrical generator, electrical power generating plant, major facilities relating to the generation and transmission of electrical energy, and resource extraction and energy development. The L2N project site is currently zoned A-2-R-RE and A-3-RE (Heavy Agriculture – Renewable Energy Overlay Zone). Because APN 051-300-032 (associated with the L2N project site) is proposed to be reconfigured as part of the lot line adjustment, the project applicant is requesting to change the zoning designation of the entire parcel from A-2-R-RE and A-3-RE to A-3-RE (Figure 5). Pursuant to Title 9, Division 5, Chapter 9, "Solar Energy Plants" and "Transmission lines, including supporting towers, poles microwave towers, utility substations" are uses that are permitted in the A-3 Zone, subject to approval of a CUP. Therefore, with approval of the CUPs, the proposed projects would be consistent with the A-2, A-2-R, and A-3 zoning designations.

Therefore, no proposed changes or revisions to the Laurel Cluster Solar Farms Project Final EIR are required. In addition, all previously adopted mitigation measures presented in the Laurel Cluster Solar Farms Project Final EIR are incorporated herein by reference.

2. *Required Finding: Substantial changes have not occurred with respect to the circumstances under which the project is undertaken, that would require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.*

Updates to the State CEQA Guidelines

Since certification of the Laurel Cluster Solar Farms Project Final EIR in August 2018, the Office of Planning and Research updated portions of Appendix G of the State CEQA Guidelines as follows:

- Addition of a new impact category – “Energy”
- Addition of a new impact category – “Tribal Cultural Resources”
- Addition of a new impact category – “Wildfire”
- Addition of a new threshold under the Transportation category to analyze vehicle miles traveled:
 - Would the project conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b)?

Energy. Energy was not previously analyzed as a separate individual topic in the Laurel Cluster Solar Farms Final EIR. However, this does not mean that Energy was not analyzed in the Final EIR. Rather, impacts related to energy were addressed within the greenhouse gas emissions analysis (Section 4.7 of the Final EIR), utilities/service systems analysis (Section 4.14 of the Final EIR), and Chapter 5, Analysis of Long-Term Effects of the Final EIR. As described in this Initial Study, the proposed L2S and L2N projects would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to energy.

Tribal Cultural Resources. As part of the Laurel Cluster Solar Farms Project Final EIR, the County conducted the appropriate outreach to Native American Tribes pursuant to AB 52. AB 52 requires that lead agencies, upon request of a California Native American tribe, begin consultation prior to the release of a negative declaration, mitigated negative declaration, or EIR for a project. Although AB 52 does not apply to an Addendum, the County conducted additional AB 52 outreach as part of the currently proposed project. On July 8, 2021, the County provided the project applications (CUPs, Zone Change, and Lot Line Adjustment) for review and comments to the following Native American tribes:

- Chemehuevi Reservation,
- Torres-Martinez Indian Tribe
- Fort Yuma Quechan Indian Tribe
- Campo Band of Mission Indians
- Augustine Band of Cahuilla Mission Indians
- La Posta Band of Mission Indians
- Manzanita Band of Kumeyaay Nation
- Cocopah Indian Tribe
- Colorado River Indian Tribe
- Inter-Tribal Cultural Resource Protections Council
- Ewiiapaayp Tribe Office
- Kumeyaay Cultural Repatriation Committee

The Fort Yuma Quechan Indian Tribe responded via e-mail on July 16, 2021 indicating that they did not have any comments on the projects. Responses were not received from any other Native American tribes that were notified of the projects.

As this CEQA document is an Addendum, the AB 52 requirements are not applicable. The proposed L2S and L2N projects would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to tribal cultural resources.

Wildfire. At the time of the prior environmental analysis, Wildfire, was not a specific topic analyzed because the CEQA criteria and thresholds related to analyzing Wildfire did not exist at the time the Final EIR was prepared. However, this does not mean that Wildfire was not analyzed. Rather, impacts related to Wildfire were addressed in Section 4.8, Hazards and Hazardous Materials, of the Final EIR. As described in this Initial Study, the proposed L2S and L2N projects would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to Wildfire.

Vehicle Miles Traveled. At the time of the prior environmental analysis, Vehicle Miles Traveled (VMT), was not a specific topic analyzed because the CEQA criteria and threshold related to analyzing VMT did not exist at the time the Final EIR was prepared. As described in this Initial Study, the proposed L2S and L2N projects would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to VMT.

Summary of Impacts from Initial Study

An Initial Study was prepared to analyze the potential impacts of the L2S and L2N Solar Farm Projects. The following is a summary of the potential impacts.

Aesthetics

Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to any aesthetics impacts as discussed in the Final EIR. Further, the conclusions and mitigation measure (Mitigation Measure VQ-1), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed projects.

Agriculture Resources

Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to any agricultural resources impacts as discussed in the Final EIR. Further, the conclusions and mitigation measures (Mitigation Measures AG-1a, AG-1b, and AG-2), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed projects.

Air Quality

Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to any air quality impacts as discussed in the Final EIR. Further, the conclusions and mitigation measures (Mitigation Measures AQ-1 and AQ-2), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed projects.

Biological Resources

Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to any biological resources impacts as discussed in the Final EIR. Further, the conclusions and mitigation measures (Mitigation Measures BIO-1 through BIO-7), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed projects.

Cultural Resources

Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to any cultural resources impacts as discussed in the Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measures CR-1 through CR-6 and CR-8), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed projects.

Energy

Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged resulting in no significant changes to any energy impacts as discussed in the Final EIR.

Geology and Soils

Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to any geology and soils and paleontological resources impacts as discussed in the Final EIR. Further, the conclusions and mitigation measures (Mitigation Measures GEO-1 through GEO-3, HYD-1, and CR-7), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed projects.

Greenhouse Gas Emissions

Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to any greenhouse gas emissions impacts as discussed in the Final EIR.

Hazards and Hazardous Materials

Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be

located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to any hazards and hazardous materials impacts as discussed in the Final EIR.

Hydrology and Water Quality

Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to any hydrology and water quality impacts as discussed in the Final EIR. Further, the conclusions and mitigation measures (Mitigation Measures HYD-1 through HYD-3), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed projects.

Land Use and Planning

Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S project sites would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to any land use and planning impacts as discussed in the Final EIR.

Mineral Resources

Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to any mineral resources impacts as discussed in the Final EIR.

Noise

Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to any noise impacts as discussed in the Final EIR.

Population and Housing

Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to any population and housing impacts as discussed in the Final EIR.

Public Services

Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint

and all project components would remain unchanged, resulting in no significant changes to any public services impacts as discussed in the Final EIR.

Recreation

Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to any recreation impacts as discussed in the Final EIR.

Transportation/Traffic

Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to any transportation/traffic impacts as discussed in the Final EIR.

Tribal Cultural Resources

Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to any tribal cultural resources impacts as discussed in the Final EIR.

Although AB 52 does not apply to an Addendum, the County conducted additional AB 52 outreach as part of the currently proposed project. On July 8, 2021, the County provided the project applications (CUPs, Zone Change, and Lot Line Adjustment) for review and comments to the following Native American tribes:

- Chemehuevi Reservation,
- Torres-Martinez Indian Tribe
- Fort Yuma Quechan Indian Tribe
- Campo Band of Mission Indians
- Augustine Band of Cahuilla Mission Indians
- La Posta Band of Mission Indians
- Manzanita Band of Kumeyaay Nation
- Cocopah Indian Tribe
- Colorado River Indian Tribe
- Inter-Tribal Cultural Resource Protections Council
- Ewiiapaayp Tribe Office
- Kumeyaay Cultural Repatriation Committee

The Fort Yuma Quechan Indian Tribe responded via e-mail on July 16, 2021 indicating that they did not have any comments on the projects. Responses were not received from any other Native American tribes that were notified of the projects.

As this CEQA document is an Addendum, the AB 52 requirements are not applicable. The proposed L2S and L2N projects would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to tribal cultural resources.

Utilities and Service Systems

Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S projects would be located within the previously-approved Laurel Cluster Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to any utilities and service systems impacts as discussed in the Final EIR.

Wildfire

Impacts associated with the construction and operation of a utility-scale PV project at the project sites were evaluated in the Laurel Cluster Solar Farms Project Final EIR. The proposed L2N and L2S project sites would be located within the previously-approved Laurel Solar Farm 2 (CUP #17-0029) development footprint and all project components would remain unchanged, resulting in no significant changes to any wildfire impacts as discussed in the Final EIR.

Conclusion

Based on the considerations above, no new significant environmental effects or a substantial increase in the severity of previously identified significant effects would occur with implementation of the proposed projects. Therefore, no proposed changes or revisions to the Final EIR are required. In addition, all previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference.

3. *Required Finding: No new information has been provided that would indicate that the proposed project would result in one or more significant effects not discussed in the previous EIR.*

There is nothing in the proposed project that would suggest that its adoption and implementation would result in any new significant environmental effects not previously discussed in the certified Laurel Cluster Solar Farms Project Final EIR. Therefore, no proposed changes or revisions to the EIR are required. In addition, all previously adopted mitigation measures presented in the Laurel Cluster Solar Farms Project Final EIR are incorporated herein by reference and part of the CUPs for the L2S and L2N Projects.

CONCLUSION

Based on the findings and information contained in the previously-certified Laurel Cluster Solar Farms Project Final EIR, the analysis above and contained within the Initial Study, the CEQA statute and State CEQA Guidelines, including Sections 15164 and 15162, the project will not result in any new, increased, or substantially different impacts, other than those previously considered and addressed in the Laurel Cluster Solar Farms Project Final EIR. No changes or additions to the Laurel Cluster Solar Farms Project Final EIR analyses are necessary, nor is there a need for any additional mitigation measures. Therefore, pursuant to State CEQA Guidelines, Section 15164, the Imperial County Board of Supervisors will adopt CEQA Guideline Sections 15162 and 15164 findings as its consideration of the CEQA compliance for the proposed project.

0.3 Mitigation Monitoring and Reporting Program

The County of Imperial will adopt this Mitigation Monitoring and Reporting Program (MMRP) in accordance with Public Resources Code (PRC) Section 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. The purpose of the MMRP is to ensure that the Laurel Cluster Solar Farm Project, which is the subject of the Environmental Impact Report (EIR), comply with all applicable environmental mitigation requirements. The mitigation measures for the project will be adopted by the County of Imperial, in conjunction with the adoption of the EIR. The mitigation measures have been integrated into this MMRP.

The mitigation measures are provided in Table 0.3-1. The specific mitigation measures are identified, as well as the monitoring method, responsible monitoring party, monitoring phase, verification/approval party, date mitigation measure verified or implemented, location of documents (monitoring record), and completion requirement for each mitigation measure.

The mitigation measures applicable to the project include avoiding certain impacts altogether, minimizing impacts by limiting the degree or magnitude of the action and its implementation, and/or reducing or eliminating impacts over time by maintenance operations during the life of the action.

Public Resources Code Section 21081.6 requires the Lead Agency, for each project that is subject to CEQA, to monitor performance of the mitigation measures included in any environmental document to ensure that implementation does, in fact, take place. The County of Imperial is the designated CEQA lead agency for the Mitigation Monitoring and Reporting Program. The County of Imperial is responsible for review of all monitoring reports, enforcement actions, and document disposition as it relates to impacts within the County's jurisdiction. The County of Imperial will rely on information provided by the monitor as accurate and up to date and will field check mitigation measure status as required.

A record of the MMRP will be maintained at County of Imperial, Department of Planning and Development Services, 801 Main Street, El Centro, CA 92243. All mitigation measures contained in the EIR shall be made conditions of the project as may be further described below.

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Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
VQ-1 <i>Aesthetics and Visual Resources</i>	<p>For areas where Fixed Tilt PV panels are proposed, as a component of submittal of final engineering and design for the site plan layouts, PV array position and configuration, PV panel type, the potential glint and glare shall be studied based on the more defined final engineering plans to determine whether fencing slats are required in specific locations of the perimeter fencing adjacent to project roadways. This measure is required for any proposed fixed-tilt trackers proposed to be installed in locations that face the following roadways: Westside Road, West Vaughn Road, West Diehl Road, Derrick Road, West Wixom Road, and Drew Road.</p> <p>This measure is not required for single-axis and double-axis tracker systems.</p>	<p>Prior to issuance of a building permit for each CUP site, if Fixed Tilt PV panels are proposed, the Department of Planning and Development Services shall verify that, if Fixed Tilt PV panels are proposed, neutral colored fence slats are incorporated into the final engineering and design layouts at those specific locations determined to be necessary based on the glint and glare studied prepared specifically as part of final engineering.</p>	Department of Planning and Development Services	Prior to issuance of a building permit for each CUP site	Department of Planning and Development Services			
AG-1a	<p>Payment of Agricultural and Other Benefit Fees. One of the following options included below is to be implemented prior to the issuance of a grading permit or building permit (whichever is issued first) for the projects:</p> <p>A. Mitigation for Non-Prime Farmland.</p> <p>Option 1: Provide Agricultural Conservation Easement(s). The Permittee shall procure Agricultural Conservation Easements on a "1 to 1" basis on land of equal size, of equal quality farmland, outside the path of development. The conservation easement shall meet Department of Conservation (DOC) regulations and shall be recorded prior to issuance of any grading or building permits.</p> <p>Option 2: Pay Agricultural In-Lieu Mitigation Fee. The Permittee shall pay an "Agricultural In-Lieu Mitigation Fee" in the amount of 20 percent of the fair market value per acre for the total acres of the proposed site based on five comparable sales of land used for agricultural purposes as of the effective date of the permit, including programs costs on a cost recovery/time and material basis. The Agricultural In-Lieu</p>	<p>Prior to the issuance of a grading permit, Planning and Development Services shall verify that the Applicant has implemented one of the following mitigation options for Non Prime Farmland: procured a conservation easement, paid an agricultural in-lieu mitigation fee, or entered into an enforceable Public Benefit Agreement or Development Agreement with the County.</p> <p>Prior to the issuance of a grading permit, Planning and Development Services shall verify that the Applicant has implemented one of the following mitigation options for Non Prime Farmland: procured a conservation easement, paid an agricultural in-lieu mitigation fee, entered into an enforceable Public Benefit Agreement or</p>	Department of Planning and Development Services	Prior to issuance of a grading permit for each CUP site	Department of Planning and Development Services			

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	Mitigation Fee, will be placed in a trust account administered by the Imperial County Agricultural Commissioner's office and will be used for such purposes as the acquisition, stewardship, preservation and enhancement of agricultural lands within Imperial County; or,	Development Agreement with the County, or submitted revised applicable CUP applications and associated site plans.						
	Option 3: Public Benefit Agreement. The Permittee and County voluntarily enter into an enforceable Public Benefit Agreement or Development Agreement that includes an Agricultural Benefit Fee payment that is (1) consistent with Board Resolution 2012-005; 2) the Agricultural Benefit Fee must be held by the County in a restricted account to be used by the County only for such purposes as the stewardship, preservation and enhancement of agricultural lands within Imperial County and to implement the goals and objectives of the Agricultural Benefit program, as specified in the Development Agreement, including addressing the mitigation of agricultural job loss on the local economy.							
	B. Mitigation for Prime Farmland.							
	Option 1: Provide Agricultural Conservation Easement(s). Agricultural Conservation Easements on a "2 to 1" basis on land of equal size, of equal quality farmland, outside the path of development. The Conservation Easement shall meet DOC regulations and shall be recorded prior to issuance of any grading or building permits; or							
	Option 2: Pay Agricultural In-Lieu Mitigation Fee. The Permittee shall pay an "Agricultural In-Lieu Mitigation Fee" in the amount of 30 percent of the fair market value per acre for the total acres of the proposed site based on five comparable sales of land used for agricultural purposes as of the effective date of the permit, including program							



Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>costs on a cost recovery/time and material basis. The Agricultural In-Lieu Mitigation Fee will be placed in a trust account administered by the Imperial County Agricultural Commissioner's office and will be used for such purposes as the acquisition, stewardship, preservation and enhancement of agricultural lands within Imperial County.</p> <p>Option 3: Public Benefit Agreement. The Permittee and County enter into an enforceable Public Benefit Agreement or Development Agreement that includes an Agricultural Benefit Fee payment that is (1) consistent with Board Resolution 2012-005; (2) the Agricultural Benefit Fee must be held by the County in a restricted account to be used by the County only for such purposes as the stewardship, preservation and enhancement of agricultural lands within Imperial County and to implement the goals and objectives of the Agricultural Benefit Development Agreement, including addressing the mitigation of agricultural job loss on the local economy; the project's Agricultural Benefit Fee funds; or emphasis on creation of jobs in the agricultural sector of the local economy for the purpose of off-setting jobs displaced by this project.</p> <p>Option 4: Void Prime Farmland. The Permittee must revise their CUP Application/Site Plan to avoid Prime Farmland.</p>							
AG-1b.	<p>Site Reclamation Plan. The DOC has clarified the goal of a reclamation and decommissioning plan: the land must be restored to land which can be farmed. In addition to Mitigation Measure AG-1a for Prime Farmland and Non-Prime Farmland, the Applicant shall submit to Imperial County a Reclamation Plan prior to issuance of a grading permit. The Reclamation Plan shall document the procedures by which each CUP will be returned to its current</p>	<p>Prior to issuance of a grading permit for each CUP site, Planning and Development Services shall review and approve the Reclamation Plan. Planning and Development Services shall also verify that the</p>	<p>Department of Planning and Development Services</p>	<p>Prior to the issuance of a grading permit</p>	<p>Department of Planning and Development Services</p>			

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
AG-2	<p>agricultural conditional/land evaluation site assessment (LESA) score of 58.48 for LSF1, 63.17 for LSF2, 65.37 for LSF3, and 66.15 for LSF4. Permittee also shall provide financial assurance/bonding in the amount equal to a cost estimate prepared by a California-licensed general contractor or civil engineer for implementation of the Reclamation Plan in the event Permittee fails to perform the Reclamation Plan.</p> <p>Prior to the issuance of a grading permit or building permit (whichever occurs first), a Pest Management Plan shall be developed by the project applicant and approved by the County of Imperial Agricultural Commissioner. The project applicant shall maintain a Pest Management Plan until reclamation is complete. The plan shall provide the following:</p> <ol style="list-style-type: none"> 1. Monitoring, preventative, and management strategies for weed and pest control during construction activities at any portion of the project (e.g., transmission line); 2. Control and management of weeds and pests in areas temporarily disturbed during construction where native seed will aid in site revegetation as follows: <ul style="list-style-type: none"> • Monitor for all pests including insects, vertebrates, weeds, and pathogens. Promptly control or eradicate pests when found, or when notified by the Agricultural Commissioner's office that a pest problem is present on the project site. The assistance of a licensed pest control advisor is recommended. All treatments must be performed by a qualified applicator or a licensed pest control business; • All treatments must be performed by a qualified applicator or a licensed pest control operator; • "Control" means to reduce the population of common pests below economically damaging levels, and includes attempts to exclude pests before infestation, and effective control methods after infestation. Effective control methods may include physical/mechanical removal, bio control, cultural control, or chemical treatments; 	<p>Permittee has provided financial assurance/bonding.</p> <p>Prior to the issuance of a grading permit for each CUP site, Planning and Development services shall review and approve the Weed and Pest Control Plan.</p>	<p>Department of Planning and Development Services and Agricultural Commissioner</p>	<p>Prior to the issuance of a grading permit</p>	<p>Department of Planning and Development Services Agricultural Commissioner</p>			



Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<ul style="list-style-type: none"> Use of "permanent" soil stabilants to control weeds or other pests is prohibited because this would interfere with reclamation. Notify the Agricultural Commissioner's office immediately regarding any suspected exotic/invasive pest species as defined by the California Department of Food and Agriculture and the United States Department of Agriculture. Request a sample be taken by the Agricultural Commissioner's Office of a suspected invasive species. Eradication of exotic pests shall be done under the direction of the Agricultural Commissioner's Office and/or California Department of Food and Agriculture. Obey all pesticide use laws, regulations, and permit conditions; Allow access by Agricultural Commissioner staff for routine visual and trap pest surveys, compliance inspections, eradication of exotic pests, and other official duties; Ensure that all project employees that handle pest control issues are appropriately trained and certified, that all required records are maintained and made available for inspection, and that all required permits and other required legal documents are current; Maintain records of pests found and treatments or pest management methods used. Records should include the date, location/block, project name (current and previous if changed), and methods used. For pesticides include the chemical(s) used, U.S. Environmental Protection Agency (EPA) Registration numbers, application rates, etc. A pesticide use report may be used for this; Submit a report of monitoring, pest finds, and treatments, or other pest management methods to the Agricultural Commissioner quarterly within 15 days after the end of the previous quarter, and upon request. The 							

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>report is required even if no pests were found or treatment occurred. It may consist of a copy of all records for the previous quarter, or may be a summary letter/report as long as the original detailed records are available upon request.</p> <p>3. A long-term strategy for weed and pest control and management during the operation of the proposed projects. Such strategies may include, but are not limited to:</p> <ul style="list-style-type: none"> Use of specific types of herbicides and pesticides on a scheduled basis. <p>4. Maintenance and management of project site conditions to reduce the potential for a significant increase in pest-related nuisance conditions on surrounding agricultural lands.</p> <p>The project shall reimburse the Agricultural Commissioner's office for the actual cost of investigations, inspections, or other required non-routine responses to the site that are not funded by other sources.</p>							
AQ-1	<p>Construction Equipment. Construction equipment shall be equipped with an engine designation of EPA Tier 2 or better (Tier 2+). A list of the construction equipment, including all off-road equipment utilized at each of the projects by make, model, year, horsepower and expected/actual hours of use, and the associated EPA Tier shall be submitted to the Imperial County Planning and Development Services Department (ICPDS) and Imperial County Air Pollution Control District (ICAPCD) prior to the issuance of a grading permit. ICAPCD shall utilize this list to calculate air emissions to verify that equipment use does not exceed significance thresholds. ICPDS and ICAPCD shall verify implementation of this measure.</p>	<p>Prior to the issuance of a grading permit for each CUP site, ICAPCD shall verify that construction equipment are equipped with an engine designation of EPA Tier 2 or better.</p>	<p>Department of Planning and Development Services and ICAPCD</p>	<p>Prior to the issuance of a grading permit</p>	<p>Department of Planning and Development Services and ICAPCD</p>			
AQ-2	<p>Fugitive Dust Control. Pursuant to ICAPCD, all construction sites, regardless of size, must comply with the requirements contained within Regulation VIII – Fugitive Dust Control Measures. Whereas these Regulation VIII measures are mandatory and are not considered project environmental mitigation measures, the ICAPCD CEQA Handbook's required additional standard and enhanced mitigation measures listed below shall be implemented prior to and during construction. The County Department of</p>	<p>Prior to and during construction, the ICAPCD will verify that the project is in compliance with Regulation VIII-Fugitive Dust Control Measures.</p>	<p>Department of Planning and Development Services and ICAPCD</p>	<p>Prior to and during construction</p>	<p>Department of Public Works</p>			

Air Quality



Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>Public Works will verify implementation and compliance with these measures as part of the grading permit review/approval process.</p> <p>ICAPCD Standard Measures for Fugitive Dust (PM₁₀) Control</p> <ul style="list-style-type: none"> All disturbed areas, including bulk material storage, which is not being actively utilized, shall be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emissions by using water, chemical stabilizers, dust suppressants, tarps, or other suitable material, such as vegetative ground cover. All on-site and offsite unpaved roads will be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emissions by paving, chemical stabilizers, dust suppressants, and/or watering. All unpaved traffic areas 1 acre or more with 75 or more average vehicle trips per day will be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emissions by paving, chemical stabilizers, dust suppressants, and/or watering. The transport of bulk materials shall be completely covered unless 6 inches of freeboard space from the top of the container is maintained with no spillage and loss of bulk material. In addition, the cargo compartment of all haul trucks is to be cleaned and/or washed at delivery site after removal of bulk material. All track-out or carry-out will be cleaned at the end of each workday or immediately when mud or dirt extends a cumulative distance of 50 linear feet or more onto a paved road within an urban area. Movement of bulk material handling or transfer shall be stabilized prior to handling or at points of transfer with application of sufficient water, chemical stabilizers, or by sheltering or enclosing the operation and transfer line. The construction of any new unpaved road is prohibited within any area with a population of 500 or more unless the road meets the definition of a temporary unpaved road. Any temporary unpaved road shall be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emission by paving, chemical stabilizers, dust suppressants and/or watering. 							

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>ICAPCD "Discretionary" Measures for Fugitive Dust (PM₁₀) Control</p> <ul style="list-style-type: none"> Water exposed soil with adequate frequency for continued moist soil. Replace ground cover in disturbed areas as quickly as possible. Automatic sprinkler system installed on all soil piles. Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surfaces at the construction site. Develop a trip reduction plan to achieve a 1.5 average vehicle ridership for construction employees. Implement a shuttle service to and from retail services and food establishments during lunch hours. <p>Standard Mitigation Measures for Construction Combustion Equipment</p> <ul style="list-style-type: none"> Use of alternative fueled or catalyst equipped diesel construction equipment, including all off-road and portable diesel powered equipment. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes as a maximum. Limit, to the extent feasible, the hours of operation of heavy-duty equipment and/or the amount of equipment in use. Replace fossil fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set). <p>Enhanced Mitigation Measures for Construction Equipment</p> <p>To help provide a greater degree of reduction of PM emissions from construction combustion equipment, ICAPCD recommends the following enhanced measures.</p> <ul style="list-style-type: none"> Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak hour of vehicular traffic on adjacent roadways. Implement activity management (e.g., rescheduling activities to reduce short-term impacts). 							

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Records)	Completion Requirement
AQ-3	Dust Suppression. The project applicant shall employ a method of dust suppression (such as water or chemical stabilization) approved by ICAPCD. The project applicant shall apply chemical stabilization as directed by the product manufacturer to control dust between the panels as approved by ICAPCD, and other non-used areas (exceptions will be the paved entrance and parking area, and Fire Department access/emergency entry/exit points as approved by Fire/ Office of Emergency Services [OES] Department).	During construction, the Department of Planning and Development Services shall verify that the project applicant is employing a method of dust suppression approved by ICAPCD.	Department of Planning and Development Services	During construction	Department of Planning and Development Services			
AQ-4	Dust Suppression Management Plan. Prior to any earthmoving activity, the applicant shall submit and obtain approval from ICAPCD and ICPDS a construction Dust Control Plan.	Prior to any earthmoving activity, the ICAPCD and ICPDSD shall review and approve a construction Dust Control Plan.	ICAPCD and ICPDSD	Prior to construction, prior to issuance of a Certificate of Occupancy	Department of Planning and Development Services and ICAPCD			
AQ-5	Operational Dust Control Plan. Prior to issuance of a Certificate of Occupancy, the applicant shall submit and obtain approval from ICAPCD and ICPDS an Operations Dust Control Plan. ICAPCD Rule 301 Operational Fees apply to any project applying for a building permit. At the time that building permits are submitted for the proposed project, the ICAPCD shall review the project to determine if Rule 310 fees are applicable to the project.	Prior to the issuance of a Certificate of Occupancy, the applicant shall submit and obtain approval from the ICAPCD and ICPDSD an Operations Dust Control Plan.	Department of Planning and Development Services	Prior to construction, prior to issuance of a Certificate of Occupancy	Department of Planning and Development Services and ICAPCD			
Biological Resources								
BIO-1	Burrowing Owl Mitigation. Burrowing owls have been observed in the active agricultural fields within the project sites. The following measures will avoid, minimize, or mitigate potential impacts on burrowing owl during construction activities: 1. A distance of 160 feet, during non-nesting season (September through January), or 250 feet, during nesting season (February through August), shall be maintained between active burrows and construction activities. A qualified biologist may also employ the technique of sheltering in place (using hay bales to shelter the burrow from construction activities). If this technique is employed, the sheltered area shall be monitored weekly by a qualified biologist.	Prior to construction, the Planning and Development Services shall verify that pre-construction surveys were conducted for each CUP site. If active burrows are present, the measures as provided in Mitigation Measures 4.4-1a and 4.4-1b shall be implemented.	Department of Planning and Development Services	Prior to and during construction	Department of Planning and Development Services and CDFW			

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
2.	<p>If construction is to begin during the breeding season, the following measures (Measure 4 below) shall be implemented prior to February 1 to discourage the nesting of burrowing owls within the project footprint. As construction continues, any area where owls are sighted shall be subject to frequent surveys by the qualified biologist for burrows before the breeding season begins, so that owls can be properly relocated before nesting occurs.</p>							
3.	<p>Pre-construction clearance surveys for this species shall be conducted no less than 14 days prior to the start of ground disturbance and 24 hours of construction and report submitted by qualified and agency-approved biologists to determine the presence or absence of this species within the project footprint. This is necessary, as burrowing owls may not use the same burrow every year; therefore, numbers and locations of burrowing owl burrows at the time of construction may differ from the data collected during previous focused surveys. The proposed project footprint shall be clearly demarcated in the field by the project engineers and biologist prior to the commencement of the pre-construction clearance survey. The surveys shall follow the protocols provided in the Burrowing Owl Survey Protocol and Mitigation Guidelines.</p>							
4.	<p>If active burrows are present within the project footprint, the following mitigation measures shall be implemented. Passive relocation methods are to be used by the biological monitors to move the owls out of the impact zone. Passive relocation shall only be done in the non-breeding season in accordance with the guidelines found in the</p>							



Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>Imperial Irrigation District (IID) Artificial Burrow Installation Manual. This includes covering or excavating all burrows and installing one-way doors into occupied burrows. This will allow any animals inside to leave the burrow, but will exclude any animals from re-entering the burrow. A period of at least 1 week is required after the relocation effort to allow the birds to leave the impacted area before construction of the area can begin. The burrows shall then be excavated and filled in to prevent their reuse. The destruction of the active burrows on-site requires construction of new burrows at a mitigation ratio of 2:1 at least 50 meters from the impacted area and must be constructed as part of the above-described relocation efforts. The construction of new burrows will take place within open areas in the solar fields, such as detention basins.</p>							
5.	<p>As the project construction schedule and details are finalized, an agency-approved biologist shall prepare a Burrowing Owl Mitigation and Monitoring Plan that will detail the approved, site-specific methodology proposed to minimize and mitigate impacts on this species. Passive relocation, destruction of burrows, construction of artificial burrows, and a Forage Habitat Plan shall only be completed upon prior approval by and in cooperation with the California Department of Fish and Wildlife (CDFW). The Mitigation and Monitoring Plan shall include success criteria, remedial measures, and an annual report to CDFW and shall be funded by the project applicant to ensure long-term management and monitoring of the protected lands.</p>							
BIO-2	<p>Burrowing Owl Compensation. The project applicant shall compensate for impacts on burrowing owl habitat through the following measures:</p>	<p>Prior to and during construction for each CUP site, the Department of Planning and</p>	<p>Department of Planning and Development Services</p>	<p>Prior to and during construction</p>	<p>Department of Planning and Development Services and CDFW</p>			

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<ul style="list-style-type: none"> • CDFW's mitigation guidelines for burrowing owl (CDFW 2012) require the acquisition and protection or replacement foraging habitat per pair or unpaired resident bird to offset the loss of foraging and burrow habitat on the project sites. <p>The project applicant shall landscape small pockets of land along the perimeter of the solar fields, and/or within the solar fields themselves, with native vegetation that will provide suitable foraging habitat for burrowing owls, pursuant to a Mitigation and Monitoring Plan that is reviewed and approved by CDFW prior to the commencement of construction. Although the site plans show almost 100 percent coverage of solar panels, it is anticipated that there will be spaces at various locations, such as between the edges of the agricultural fields (i.e., outside of ID easements) and the solar project footprints. Sunlight open areas shall be set aside for burrowing owl habitat and burrow relocation for the lifespan of the solar projects. Because of County of Imperial requirements that the solar fields be returned to active agriculture after the life of the solar projects, it is assumed that when the land is returned to active agricultural crops, it will continue to provide habitat for burrowing owl. If the vegetation that is planned does not succeed, sufficient areas cannot be provided on-site, or planting is not feasible, alternative mitigation shall be provided, which CDFW determines provides equivalently effective mitigation. Such alternative mitigation may include off-site preservation of the required amount of foraging habitat through a CDFW-approved conservation easement, or an in-lieu fee in an amount approved by CDFW that is sufficient to acquire such conservation easements, or some combination of the two.</p>	<p>Development Services shall verify the measures as provided in Mitigation Measures 4.4-1a and 4.4-1b are implemented if active burrows are present.</p>						
BIO-3	<p>Worker Awareness Program. Prior to project initiation, a WEAP shall be developed and implemented by a qualified biologist, and shall be available in both English and Spanish. Wallet-sized cards summarizing this information shall be provided to all construction, operation, and maintenance personnel. The education program shall include the following aspects:</p> <ul style="list-style-type: none"> • Biology and status of the burrowing owl • CDFW/USFWS regulations • Protection measures designed to reduce potential impacts on the species, function of flagging designated authorized work areas 	<p>Prior to construction for each CUP site, Planning and Development Services shall verify that a WEAP has been developed by the project biologist.</p> <p>The qualified biologist implementing the WEAP shall provide an attendance log to the Planning and Development Services verifying that all construction, operation,</p>	<p>Department of Planning and Development Services</p>	<p>Prior to and during construction</p>	<p>Department of Planning and Development Services</p>			



Table 0.3-1. Mitigation Measures

IRM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<ul style="list-style-type: none"> Reporting procedures to be used if a burrowing owl (dead, alive, injured) is encountered in the field 	<p>and maintenance personnel have attended the worker awareness class.</p>						
BIO-4	<p>Speed Limit. The Designated Biologist or Biological Monitor(s) shall evaluate and implement best measures to reduce burrowing owl mortality along access roads.</p> <ul style="list-style-type: none"> A speed limit of 15 miles per hour when driving access roads. All vehicles required for O&M must remain on designated access/maintenance roads 	<p>During construction</p>	<p>Designated Biologist or Biological Monitor</p>	<p>During construction</p>	<p>Designated Biologist or Biological Monitor and Department of Planning and Development Services</p>			
BIO-5	<p>Temporary Construction Suspension. If a Designated Biological Monitor observes Mountain Plover, Long Billed Curlew, Short Billed Dowitcher and/or Loggerhead Shrike foraging within the project sites, or in adjacent agricultural fields, the Designated Biological Monitor shall have the discretion to cease construction in the area of the observed species (i.e., maintain an appropriate buffer between the species and construction activity) until they disperse. Additionally, in order to reduce impacts on the Mountain Plover, Long Billed Curlew, Short Billed Dowitcher, and Loggerhead Shrike, an avian and bat protection plan (ABPP) shall be prepared following USFWS guidelines and subsequently implemented by the project applicant. The requirements of the ABPP are described in Mitigation Measure BIO-6.</p>	<p>During construction Mitigation Measure 4.4-1e shall be implemented.</p>	<p>Department of Planning and Development Services</p>	<p>During construction and O&M</p>	<p>Department of Planning and Development Services</p>			
BIO-6	<p>Migratory Birds and Other Sensitive Non-Migratory Bird Species</p> <p>Construction and O&M Mitigation Measures. In order to reduce the potential indirect impact on migratory birds, bats and raptors, an ABPP shall be prepared following the USEWS's guidelines and implemented by the project applicant. This ABPP shall outline conservation measures for construction and O&M activities that might reduce potential impacts on bird populations and shall be developed by the project applicant in conjunction with the County.</p> <p>Construction conservation measures to be incorporated into the ABPP include:</p> <ol style="list-style-type: none"> Minimizing disturbance to vegetation to the maximum extent practicable. Cleaning vegetation outside of the breeding season. If construction occurs between February 1 and September 15, an approved 	<p>During construction and O&M, the applicant shall implement Mitigation Measure 4.4-1f which would include adherence to the stipulations of the ABPP</p>	<p>Department of Planning and Development Services</p>	<p>During construction and O&M</p>	<p>Department of Planning and Development Services</p>			

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>biologist shall conduct a pre-construction clearance survey for nesting birds in suitable nesting habitat that occurs within the project footprint. Pre-construction nesting surveys will identify any active migratory birds (and other sensitive non-migratory birds) nests. Direct impact on any active migratory bird nest should be avoided.</p> <p>3. Minimize wildfire potential.</p> <p>4. Minimize activities that attract prey and predators.</p> <p>5. Control of non-native plants</p> <p>O&M conservation measures to be incorporated into the ABPP include:</p> <p>1. Incorporate the Avian Powerline Interaction Committee's guidelines for overhead utilities as appropriate to minimize avian collisions with transmission facilities (Avian Powerline Interaction Committee 2012).</p> <p>2. Minimize noise.</p> <p>3. Minimize use of outdoor lighting.</p> <p>4. Implement 1 year of post-construction avian monitoring incorporating the Wildlife Mortality Reporting Program. Additional years of post-construction avian monitoring should only be required at the discretion of the Designated Biological Monitor should the Monitor determine that avian mortality is occurring and measures are necessary to be implemented in order to reduce observed avian mortality.</p>							
BIO-7	<p>Raptor and Active Raptor Nest Avoidance.</p> <p>Raptors and active raptor nests are protected under California Fish and Game Code (FCG) 3503.5, 3503, 3513 in order to prevent direct and indirect noise impact on nesting raptors, such as red-tailed hawk, the following measures shall be implemented:</p> <p>1. Initial grading and construction within the project sites should take place outside the raptors' breeding season of February 1 to July 15.</p> <p>If construction occurs between February 1 and July 15, a qualified biologist shall conduct a pre-construction clearance survey for nesting raptors in suitable nesting habitat (e.g., tall trees or</p>	<p>Prior to construction for each CUP site, Department of Planning and Development Services shall verify that pre-construction surveys were conducted. If active raptor nests are present, the measures as listed in Mitigation Measure 4.4-1g shall be implemented.</p>	<p>Department of Planning and Development Services</p>	<p>Prior to construction</p>	<p>Department of Planning and Development Services</p>			



Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	transmission towers) that occurs within 500 feet of the survey area. If any active raptor nest is located, the nest area will be flagged, and a 500-foot buffer zone delineated, flagged, or otherwise marked. No work activity may occur within this buffer area, until a qualified biologist determines that the fledglings are independent of the nest.							
Cultural Resources								
CR-1	Prior to issuance of grading permits, the project applicant shall retain a qualified archaeologist defined as one meeting the Secretary of the Interior's Professional Qualification Standards (U.S. Department of the Interior 2008) to oversee Phase I cultural resources surveys for the Laurel Cluster, to determine if previously unidentified cultural resources exist within the project sites and to relocate and evaluate the previously identified resources that have not yet been evaluated. The methods and results of the surveys, as well as the records search, shall be summarized in a Phase I cultural resources survey report that follows the guidelines in <i>Archaeological Resource Management Reports: Recommended Contents and Format</i> , Department of Parks and Recreation, Office of Historic Preservation, State of California, 1990. The report shall address the requirements of CEQA.	Prior to issuance of a grading permit for each CUP site, Department of Planning and Development Services shall verify that a Phase I cultural resources survey has been conducted and report prepared.	Department of Planning and Development Services	Prior to issuance of a grading permit	Department of Planning and Development Services			
CR-2	If previously documented but unevaluated and/or newly documented archaeological resources are identified within the project sites, they should be evaluated for inclusion in the California Register of Historic Resources (CRHR) and/or as unique archaeological resources. Should newly documented archaeological resources be found eligible for listing in the CRHR and/or constitute unique archaeological resources, avoidance and preservation in place is the preferred manner of mitigation. If avoidance is not feasible, a treatment plan should be developed by the qualified archaeologist in coordination with the project applicant and the lead agency that provides for the adequate recovery of the scientifically consequential information contained in the archaeological resources.	Prior to issuance of a grading permit for each CUP site, Department of Planning and Development Services shall verify that any recommendations for cultural resources treatment as a result of the Phase I survey required by MM CR-2, be implemented prior to grading.	Department of Planning and Development Services	Prior to issuance of a grading permit	Department of Planning and Development Services			
CR-3	Should the historic architectural resource (Liebert Road and Mandrapa Road) located within 60 feet of the LSF-4 project site be subject to indirect visual impacts as a result of project implementation, a qualified architectural historian defined as one meeting the Secretary of the Interior's Professional Qualification Standards (U.S. Department of the Interior 2008) should be retained to evaluate the	Prior to issuance of a grading permit for the LSF-4 CUP site, Department of Planning and Development Services shall verify that an architectural historian has evaluated the Liebert	Department of Planning and Development Services	Prior to issuance of a grading permit	Department of Planning and Development Services			

Table 0.3-1. Mitigation Measures

IMM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	resource for inclusion in the CRHR. If the resource is not found eligible for listing, then no further work would be required. Should the resource be found eligible, the qualified architectural historian will make recommendations to reduce indirect impacts on the resource to less than significant.	Road and Mandrapa Road for historical significance and if determined to be significant, proper measures, as recommended by the historian, are implemented to reduce the potential indirect visual impact to less than significant.						
CR-4	Development within the project sites shall avoid impacts on the following resources: P-13-008334 (Westside Main Canal) and -013760 (Westside Drain) located within or immediately adjacent to the project sites that have been previously determined or recommended as eligible for listing in the CRHR.	Prior to issuance of a grading permit for each CUP site, Department of Planning and Development Services shall verify that site plans and construction plans avoid impacts to these resources.	Department of Planning and Development Services	Prior to issuance of a grading permit	Department of Planning and Development Services			
CR-5	Pursuant to CEQA Guidelines §15064.5(f), in the event that previously unidentified unique archaeological resources are encountered during construction or operational repairs, archaeological monitors will be authorized to temporarily divert construction work within 100 feet of the area of discovery until significance and the appropriate mitigation measures are determined by a qualified archaeologist familiar with the resources of the region. Applicant shall notify the County within 24 hours. Applicant shall provide contingency funding sufficient to allow for implementation of avoidance measures or appropriate mitigation.	During grading and construction for each CUP site, the archaeological monitor shall have the authority to divert construction work, develop and implement appropriate mitigation, and notify the County within 24 hours.	Department of Planning and Development Services	During grading and construction	Department of Planning and Development Services			
CR-6	In the event of the discovery of previously unidentified archaeological materials, the contractor shall immediately cease all work activities within approximately 100 feet of the discovery. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, and scrapers) or tool making debris, culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shalfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs), and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. After cessation of excavation, the contractor shall immediately contact the Imperial County	During grading and construction for each CUP site, the archaeological monitor shall have the authority to divert construction work, develop and implement appropriate mitigation (including a data recovery program, if necessary), and notify the County within 24 hours (per MIM CR-5).	Department of Planning and Development Services	During grading and construction	Department of Planning and Development Services			



Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>Department of Planning and Development Services. Except in the case of cultural items that fall within the scope of the Native American Grave Protection and Repatriation Act, the discovery of any cultural resource within the project areas shall not be grounds for a "stop work" notice or otherwise interfere with the projects' continuation except as set forth in this paragraph.</p> <p>In the event of an unanticipated discovery of archaeological materials during construction, the applicant shall retain the services of a qualified professional archaeologist, meeting the Secretary of the Interior's Standards for a Qualified Archaeologist, to evaluate the significance of the materials prior to resuming any construction-related activities in the vicinity of the find. If the qualified archaeologist determines that the discovery constitutes a significant resource under CEQA and it cannot be avoided, the applicant shall implement an archaeological data recovery program.</p>							

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
CR-7	A qualified paleontological monitor shall be present during excavation activities associated with project construction. The depth of excavation that requires paleontological monitoring shall be determined by the paleontological monitor and the construction contractor based on initial observations during construction earth moving. The paleontological monitor will be equipped to salvage fossils as they are unearthed (to help avoid construction delays). Monitors are empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Recovered specimens shall be prepared to a point of identification and permanent preservation. Fossil specimens shall be curated by accessioning them into an established, accredited museum repository with permanent retrievable paleontological storage. A report of findings with an appended itemized inventory of specimens will be prepared. The report and inventory, when submitted to the Imperial County Department of Planning and Development Services, along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts on paleontological resources.	During grading of each CUP site, a qualified paleontological monitor shall be on-site in accordance with this measure to implement this measure. A monitoring report shall be prepared and submitted to the County Department of Planning and Development Services for review and approval.	Department of Planning and Development Services	During grading	Department of Planning and Development Services			
CR-8	In the event that evidence of human remains is discovered, construction activities within 200 feet of the discovery will be halted or diverted and the Imperial County Coroner will be notified (Section 7050.5 of the Health and Safety Code [HSC]). If the Coroner determines that the remains are Native American, the Coroner will notify the Native American Heritage Commission (NAHC), which will designate a most likely descendant (MLD) for the project (Section 5097.96 of the PRC). The designated MLD then has 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains (AB 2641). If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.96 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center, using an open space or conservation zoning designation or easement, or recording a document with the county in which the property is located (Assembly Bill [AB] 2641).	During construction and operational repair period, discovery of human remains shall result work stoppage in that area until the coroner and the Native American Heritage Commission are contacted.	Department of Planning and Development Services	During construction and operations	Department of Planning and Development Services			



Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
Geology and Soils								
GEO-1	<p>Prepare Geotechnical Report(s) for the Projects and Implement Required Measures. Facility design for all project components shall comply with the site-specific design recommendations as provided by a licensed geotechnical or civil engineer to be retained by the project applicant. The final geotechnical and/or civil engineering report shall address and make recommendations on the following:</p> <ul style="list-style-type: none"> • Site preparation • Soil bearing capacity • Appropriate sources and types of fill • Potential need for soil amendments • Road, pavement, and parking areas • Structural foundations, including retaining-wall design • Grading practices • Soil corrosion of concrete and steel • Erosion/winterization • Seismic ground shaking • Liquefaction • Expansive/unstable soils <p>In addition to the recommendations for the conditions listed above, the geotechnical investigation shall include subsurface testing of soil and groundwater conditions, and shall determine appropriate foundation designs that are consistent with the version of the California Building Code (CBC) that is applicable at the time building and grading permits are applied for. All recommendations contained in the final geotechnical engineering report shall be implemented by the project applicant.</p>	<p>Prior to the issuance of a grading permit for each CUP site, the Department of Planning and Development Services shall verify a Geotechnical Report has been completed by the Applicant.</p>	Department of Planning and Development Services	Prior to issuance of a grading permit	Department of Planning and Development Services			
GEO-2	<p>Implement Corrosion Protection Measures. As determined appropriate by a licensed geotechnical or civil engineer, the project applicant shall ensure that all underground metallic fittings, appurtenances, and piping include a cathodic protection system to protect these facilities from corrosion. Steel posts would need zinc coatings (galvanizing) or increased structural sections to compensate for metal loss because of corrosion.</p>	<p>During O&M, the Department of Planning and Development Services shall verify and approve a Geotechnical Report has been completed by the Applicant.</p>	Department of Planning and Development Services	Prior to issuance of a grading permit	Department of Planning and Development Services			

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
GEO-3	Demonstrate Compliance with On-site Wastewater Treatment and Disposal Requirements. The project's wastewater treatment and disposal system(s) shall demonstrate compliance with the Imperial County performance standards as outlined in Title 9, Division 10, Chapters 4 and 12 of the Imperial County Code. Prior to construction, and again prior to operation, the project applicant will obtain all necessary permits and/or approvals from the Imperial County Public Health Department, Division of Environmental Health. The project applicant shall demonstrate that the system adequately meets County requirements, which have been designed to protect beneficial uses and ensure that applicable water quality standards are not violated. This shall include documentation that the system will not conflict with the Regional Water Quality Control Board's Anti-Degradation Policy.	Prior to construction and again prior to operation, the Imperial County Public Works Department shall verify that on-site wastewater system and disposal requirements adequately meets County requirements.	Imperial County Public Works Department	Prior to construction and again prior to operation	Department of Planning and Development Services			
Hazards and Hazardous Materials								
HAZ-1	Phase II ESA: A Phase II ESA (drilling, sampling, and analytical program) shall be completed if the LSF1 project is to be constructed in the area of the septic system. This ESA will assist to determine if the previous septic system is still onsite and if soil contamination exists.	Prior to issuance of a grading permit for the LSF1 CUP only, the Department of Planning and Development Services shall verify that a Phase II ESA has been completed.	Department of Planning and Development Services	Prior to issuance of a grading permit	Department of Planning and Development Services			
HAZ-2	Hazardous Materials Discovery: All construction contractor(s) shall be instructed to immediately stop all subsurface construction activities in the event that petroleum is discovered, an odor is identified, or significantly stained soil is visible during construction. Contractors shall be instructed to follow all applicable regulations regarding discovery and response for hazardous materials encountered during the construction process.	During construction, discovery of hazardous materials shall result in the immediate stop of all subsurface construction activities.	Department of Planning and Development Services and Certified Unified Program Agency (CUPA)	During construction	Department of Planning and Development Services			
Hydrology/Water Quality								
HYD-1	Prepare SWPPP and Implement Best Management Practices (BMP) Prior to Construction and Site Restoration. The project applicant or its contractor shall prepare a SWPPP specific to the project and be responsible for securing coverage under SWRCB's National Pollution Discharge Elimination System (NPDES) stormwater permit for general construction activity (Order 2009-0009-DWQ). The SWPPP shall identify specific actions and BMPs relating to the prevention of stormwater pollution from project-related	Prior to construction and site restoration for each CUP site, the Applicant shall acquire appropriate Clean Water Act regulatory permits; prepare SWPPP with incorporated control measures outlined in Mitigation Measure 4.9-1a; and implement BMPs.	Department of Planning and Development Services	Prior to issuance of a grading permit and site restoration	Department of Planning and Development Services			



Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>construction sources by identifying a practical sequence for site restoration, BMP implementation, contingency measures, responsible parties, and agency contacts. The SWPPP shall reflect localized surface hydrological conditions and shall be reviewed and approved by the project applicant prior to commencement of work and shall be made to build and decommission the project. The SWPPP(s) shall incorporate control measures in the following categories:</p> <ul style="list-style-type: none"> • Soil stabilization and erosion control practices (e.g., hydroseeding, erosion control blankets, mulching) • Dewatering and/or flow diversion practices, if required (Mitigation Measure HYD-2) • Sediment control practices (temporary sediment basins, fiber rolls) • Temporary and post-construction on- and off-site runoff controls • Special considerations and BMPs for water crossings, wetlands, and drainages • Monitoring protocols for discharge(s) and receiving waters, with emphasis placed on the following water quality objectives: dissolved oxygen, floating material, oil and grease, pH, and turbidity • Waste management, handling, and disposal control practices • Corrective action and spill contingency measures • Agency and responsible party contact information • Training procedures that shall be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP <p>The SWPPP shall be prepared by a qualified SWPPP practitioner with BMPs selected to achieve maximum pollutant removal and that represent the best available technology that is economically achievable. Emphasis for BMPs shall be placed on controlling discharges of oxygen-depleting substances, floating material, oil and grease, acidic or caustic substances or compounds, and turbidity. BMPs for soil stabilization and erosion control practices and sediment control practices will also be required. Performance and effectiveness of these BMPs shall be determined either by visual means where applicable (i.e., observation of above-normal sediment release), or by actual water sampling in</p>	<p>Department of Planning and Development Services to confirm.</p>						

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
HYD-2	<p>cases where verification of contaminant reduction or elimination, (inadvertent petroleum release) is required to determine adequacy of the measure.</p> <p>Properly Dispose of Construction Dewatering in Accordance with the Colorado River Basin Regional Water Quality Control Board. If required, all construction dewatering shall be discharged to an approved land disposal area or drainage facility in accordance with Colorado River Basin RWQCB requirements. The project applicant or its construction contractor shall provide the Colorado River Basin RWQCB with the location, type of discharge, and methods of treatment and monitoring for all groundwater dewatering discharges. Emphasis shall be placed on those discharges that would occur directly or in proximity to surface water bodies and drainage facilities.</p>	<p>Prior to issuance of a grading permit for each CUP site, the Applicant shall provide Colorado River Basin Regional Water Quality Control Board with the location, type of discharge, and methods treatment and monitoring for all groundwater dewatering discharges if the project requires construction dewatering.</p>	Department of Planning and Development Services	Post construction	Department of Planning and Development Services			
HYD-3	<p>Incorporate Post-Construction Runoff BMPs into Project Drainage Plan and Maximize Opportunities for Low Impact Development. The project Drainage Plan shall adhere to County and IID guidelines to treat, control, and manage the on- and off-site discharge of stormwater to existing drainage systems. Low Impact Development opportunities, including, but not limited to infiltration trenches or bioswales, will be investigated and integrated into the Drainage Plan to the maximum extent practical. The Drainage Plan shall provide both short- and long-term drainage solutions to ensure the proper sequencing of drainage facilities and treatment of runoff generated from project impervious surfaces prior to off-site discharge.</p> <p>The project applicant shall ensure the provision of sufficient outlet protection through the use of energy dissipaters, vegetated rip-rap, soil protection, and/or other appropriate BMPs to slow runoff velocities and prevent erosion at discharge locations, access roads, electrical distribution, and solar array locations. A long-term maintenance plan shall be developed and implemented to support the functionality of drainage control devices. The facility layout(s) shall also include sufficient container storage and on-site containment and pollution-control devices for drainage facilities to avoid the off-site release of water quality pollutants, including, but not limited to oil and grease, fertilizers, treatment chemicals, and sediment.</p>	<p>Post construction for each CUP site, the Applicant shall implement a Drainage Plan in accordance with the County and Imperial Irrigation District guidelines as outlined in Mitigation Measure 4.9-2. Department of Planning and Development Services and Imperial Irrigation District to confirm.</p>	Department of Planning and Development Services	Post construction	Department of Planning and Development Services			

Attachment A.
**CUP#21-0014/CUP#21-0013/
ZC#21-0002/LLA#00321/IS#21-0016
Application Documents**

CHANGE OF ZONE

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (760) 482-4236

- APPLICANT MUST COMPLETE ALL NUMBERED (black & blue) SPACES - Please type or print -

1. PROPERTY OWNER'S NAME John Kuhn	EMAIL ADDRESS jr@kuhnandkuhn.com	
2. MAILING ADDRESS (Street / P O Box, City, State) 473 Savannah Highway, Charleston, SC	ZIP CODE 29407	PHONE NUMBER (843)-708-2188
3. ENGINEER'S NAME N/A	CA. LICENSE NO. N/A	EMAIL ADDRESS N/A
4. MAILING ADDRESS (Street / P O Box, City, State) N/A	ZIP CODE N/A	PHONE NUMBER N/A

5. ASSESSOR'S PARCEL NO. CA Aprn 051-300-032	ZONING (existing) A2R & A-3 (split)	ZONING (proposed) A-3 - RE (all)
6. PROPERTY (site) ADDRESS APN's 051-300-032, 051-300-035 and 051-300-036	SIZE OF PROPERTY (in acres or square foot) 247 acres (all parcels combined)	
7. GENERAL LOCATION (i.e. city, town, cross street) On the northwest corner of Vaughn Rd & Jessup Rd (approximately 8 miles southwest of El Centro, California)		
8. LEGAL DESCRIPTION <u>Please see the attached exhibit showing the proposed Lot Line Adjustment for APN's 051-300-032, 051-300-035 and 051-300-036, which will be submitted to Imperial County's Planning Services Department in parallel with this application.</u>		

8. DESCRIBE CURRENT USE ON / OF PROPERTY (list and describe in detail)

All parcels are currently used for agriculture and farming purposes.

9. PLEASE STATE REASON FOR PROPOSED USE (be specific)

This Change of Zone application is being filed in support of the corresponding LLA application, which seeks to change the property lines of APNs 051-300-036, 051-300-032, and 051-300-035. Since APN 051-300-032 is being split and changed, we would like to change the zoning designation of the entire parcel to A-3. In doing so, all resulting parcels from the LLA application will have the same A-3 zoning designation.

10. DESCRIBE SURROUNDING PROPERTY USES

The surrounding land around APN 051-300-032 is also currently used for agriculture and farming purposes.

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT.

John Kuhn 4/12/21
Print Name Date

[Signature]
Signature

REQUIRED SUPPORT DOCUMENTS

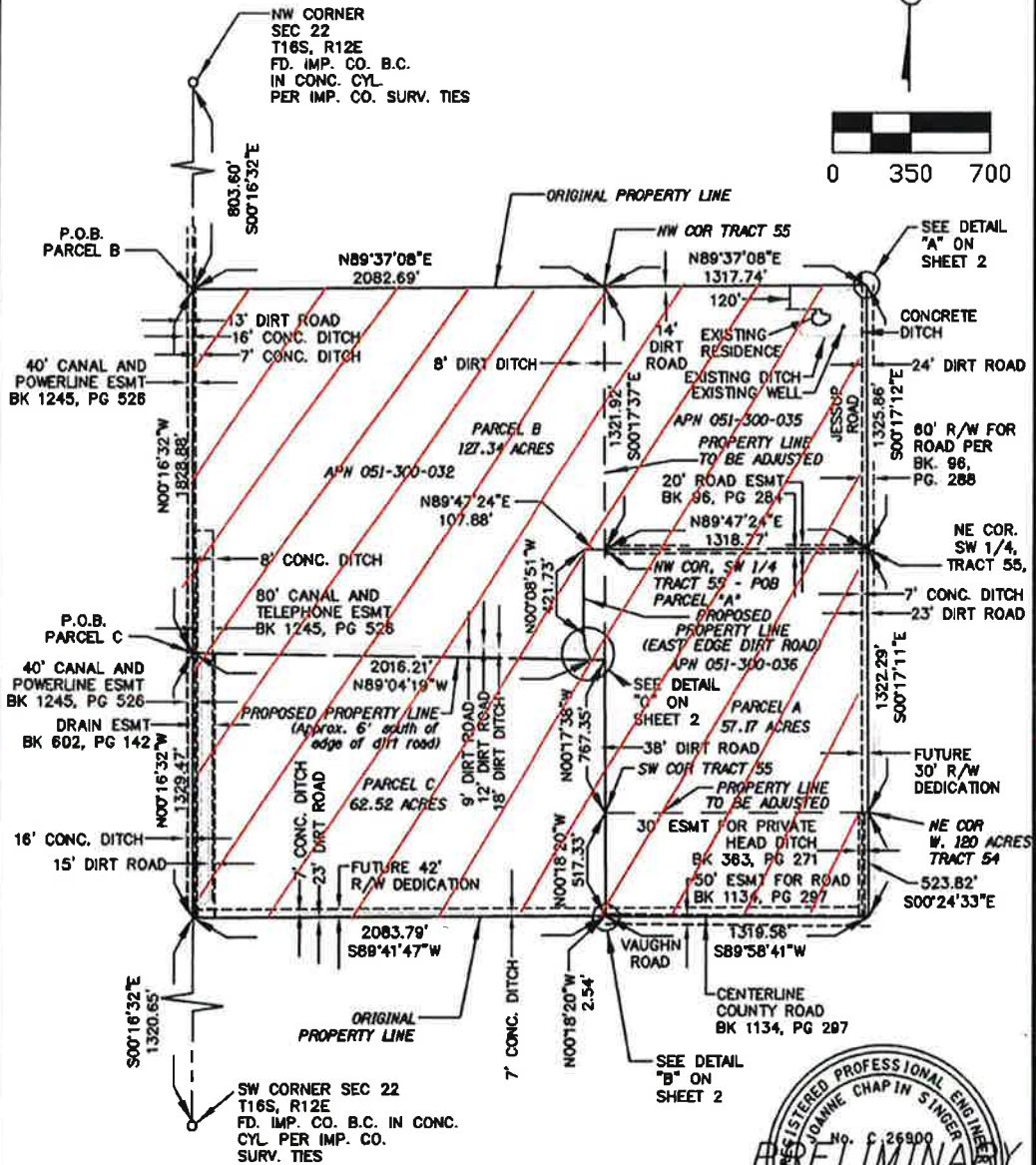
- A. SITE PLAN
- B. PRELIMINARY TITLE REPORT (6 months or newer)
- C. FEE _____
- D. OTHER _____

APPLICATION RECEIVED BY: _____	DATE <u>4/14/2021</u>	REVIEW / APPROVAL BY OTHER DEPT'S required
APPLICATION DEEMED COMPLETE BY: _____	DATE _____	<input type="checkbox"/> P. W.
APPLICATION REJECTED BY: _____	DATE _____	<input type="checkbox"/> E. H. S.
TENTATIVE HEARING BY: _____	DATE _____	<input type="checkbox"/> A. P. C. D.
FINAL ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	DATE _____	<input type="checkbox"/> O. E. S.
		<input type="checkbox"/> _____

ZC #
21-0002

15#21-

EXHIBIT "B" LOT LINE ADJUSTMENT PLAT



Proposed Zone A-3-RE

LEGEND

- P.O.B POINT OF BEGINNING
- SECTION LINE
- ORIGINAL PROPERTY LINE
- PROPERTY LINE TO BE ADJUSTED
- PROPOSED PROPERTY LINE



EXHIBIT "B"

AZTEC **TYPE**

2151 MICHELSON DR, SUITE 100 IRVINE, CA 92612
Tel 714-656-2805
website: www.aztecus.com

DR: GLG	ICK: JCS	SHEET NO.	TOTAL SHEETS
DATE: 03-31-21	REV:	1	2
SCALE: 1"=700'			

LOT LINE ADJUSTMENT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT
801 Main Street, El Centro, CA 92243 (760) 482-4236

- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - Please type or print -

1. PROPERTY OWNER'S "A" NAME John Kuhn	EMAIL ADDRESS Jr@kuhnandkuhn.com	
2. MAILING ADDRESS 473 Savannah Highway, Charleston, SC	ZIP CODE 29407	PHONE NUMBER (843)-708-2188

3. PROPERTY OWNER'S "B" NAME John Kuhn	EMAIL ADDRESS jr@kuhnandkuhn.com	
4. MAILING ADDRESS 473 Savannah Highway, Charleston, SC	ZIP CODE 29407	PHONE NUMBER (843)-708-2188

5. PROPERTY "A" (site) ADDRESS CA Aprn 051-300-036 and CA APN 051-300-032	LOCATION APN -036: 32°45'53"N, 115°43'26"W; APN -032: 32°45'42"N, 115°43'06"W
6. PROPERTY "A" ASSESSOR'S PARCEL NO.(s) 051-300-036; 051-300-032; 051-300-035	SIZE OF PROPERTY (in acres or square foot) APN -036: 40.02 acres; APN -032: 166.90 acres; APN-035: 40 .08 acres
7. PROPERTY "A" LEGAL DESCRIPTION (attach separate sheet if necessary) APN -032: See "Parcel B" in the Preliminary Title Report (page 3); APN -036: See "Parcel A" in the Preliminary Title Report (page 3)	

8. PROPERTY "B" (site) ADDRESS CA Aprn 051-300-032 and CA Aprn 051-300-035	LOCATION APN -032: 32°45'42"N, 115°43'06"W; APN -035: 32°45'55.1"N 115°43'06.6"W
9. PROPERTY "B" ASSESSOR'S PARCEL NO.(s) 051-300-032; 051-300-035	SIZE OF PROPERTY (in acres or square foot) APN -036: 40.02 acres; APN -032: 166.90 acres; APN-035: 40 .08 acres
10. PROPERTY "B" LEGAL DESCRIPTION (attach separate sheet if necessary) APN -032: See "Parcel B" in the Preliminary Title Report (page 3); APN -035: See "Parcel 3" in the Preliminary Title Report (page 31)	

11.	PARCEL	PROPOSED SIZE	EXISTING USE	PROPOSED USE
	A	57.17 acres	Agriculture	Solar PV Generation
	B	127.34 acres	Agriculture	Solar PV Generation

12. EXPLAIN PROPOSED ADJUSTEMENT Combine a portion of 051-300-032 with 051-300-036 and combine a portion of 051-300-032 with 051-300-035

13. EXPLAIN REASON FOR REQUEST Landowner's request.

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT

John Kuhn 4/13/21
Print Name (owner "A") Date

[Signature]
Signature (owner "A")

John Kuhn 4/13/21
Print Name (owner "B") Date

[Signature]
Signature (owner "B")

REQUIRED SUPPORT DOCUMENTS

- A. MAP (20 copies - see instructions on back)
- B. PRELIMINARY TITLE REPORT (6 months or newer)
- C. NEW LEGAL DESCRIPTIONS - ONE TO DESCRIBE PARCEL "A" AND ONE FOR PARCEL "B"
- D. FEE _____
- E. OTHER _____

APPLICATION RECEIVED BY: _____	DATE <u>4/14/21</u>	REVIEW / APPROVAL BY OTHER DEPT'S required.
APPLICATION DEEMED COMPLETE BY: _____	DATE _____	<input type="checkbox"/> P. W.
APPLICATION REJECTED BY: _____	DATE _____	<input type="checkbox"/> E. H. S.
TENTATIVE HEARING BY: _____	DATE _____	<input type="checkbox"/> A. P. C. D.
FINAL ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	DATE _____	<input type="checkbox"/> O. E. S.
	DATE _____	<input type="checkbox"/> _____
	DATE _____	<input type="checkbox"/> _____

LLA#
00321

LOT LINE ADJUSTMENT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT
801 Main Street, El Centro, CA 92243 (760) 482-4236

- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - Please type or print -

(PARCEL C)

1. PROPERTY OWNER'S "A" NAME (PARCEL C) John Kuhn	EMAIL ADDRESS jr@kuhnandkuhn.com	
2. MAILING ADDRESS 473 Savannah Highway, Charleston, SC	ZIP CODE 29407	PHONE NUMBER (843)-708-2188

3. PROPERTY OWNER'S "B" NAME	EMAIL ADDRESS	
4. MAILING ADDRESS	ZIP CODE	PHONE NUMBER

(PARCEL C)

5. PROPERTY "A" (site) ADDRESS(PARCEL C) CA Aprn 051-300-032	LOCATION 32°45'42"N, 115°43'06"W
6. PROPERTY "A" ASSESSOR'S PARCEL NO.(s) Portion of APN 051-300-032	SIZE OF PROPERTY (in acres or square foot) 166.9 acres (original parcel)
7. PROPERTY "A" LEGAL DESCRIPTION (attach separate sheet if necessary) See "Parcel B" in the Preliminary Title Report (page 3)	

8. PROPERTY "B" (site) ADDRESS	LOCATION
9. PROPERTY "B" ASSESSOR'S PARCEL NO.(s)	SIZE OF PROPERTY (in acres or square foot)
10. PROPERTY "B" LEGAL DESCRIPTION (attach separate sheet if necessary)	

11.	PARCEL	PROPOSED SIZE	EXISTING USE	PROPOSED USE
	C	62.52 acres	Agriculture	Solar PV Generation

12. EXPLAIN PROPOSED ADJUSTEMENT Split a portion of APN 051-300-032 into a new separate parcel

13. EXPLAIN REASON FOR REQUEST Landowner's request.

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT

John Kuhn 4/13/21
Print Name (owner "A") Date
[Signature]
Signature (owner "A")
John Kuhn 4/13/21
Print Name (owner "B") Date
[Signature]
Signature (owner "B")
[Signature] 4/13/21
Signature (owner "C") (if necessary)

REQUIRED SUPPORT DOCUMENTS

- A. MAP (20 copies - see instructions on back)
- B. PRELIMINARY TITLE REPORT (6 months or newer)
- C. NEW LEGAL DESCRIPTIONS - ONE TO DESCRIBE PARCEL "A" AND ONE FOR PARCEL "B"
- D. FEE _____
- E. OTHER _____

APPLICATION RECEIVED BY: _____ DATE _____
APPLICATION DEEMED COMPLETE BY: _____ DATE _____
APPLICATION REJECTED BY: _____ DATE _____
TENTATIVE HEARING BY: _____ DATE _____
FINAL ACTION: APPROVED DENIED

REVIEW / APPROVAL BY OTHER DEPT'S required.
 P. W.
 E. H. S.
 A. P. C. D.
 O. E. S.

LLA#
00301

EXHIBIT "C"
LOT LINE ADJUSTMENT
PARCEL A
LEGAL DESCRIPTION

That portion of Section 22, Township 16 South, Range 12 East, of the San Bernardino Base and Meridian, in an unincorporated area of the County of Imperial, in the State of California, more particularly described as follows:

COMMENCING at the Northwest corner of said Section 22 from which the Southwest corner of said Section 22 bears South 00 degrees 16 minutes 32 seconds East, a distance of 5282.60 feet;

THENCE along the West line of said Section 22, South 00 degrees 16 minutes 32 seconds East, a distance of 803.60 feet to the Northwest corner of Lot 4 of said Section 22,

THENCE leaving said West line, North 89 degrees 37 minutes 08 seconds East, a distance of 2082.69 feet to the Northwest corner of Tract 55;

THENCE leaving said North line, and along the West line of said Tract 55, South 00 degrees 17 minutes 37 seconds East, a distance of 1321.92 feet to the Northwest corner of the Southwest Quarter of said Tract 55, and the **Point of Beginning**;

THENCE leaving said West line, and along the North line of the Southwest Quarter of said Tract 55, North 89 degrees 47 minutes 24 seconds East, a distance of 1318.77 feet to the Northeast corner of the Southwest Quarter of said Tract 55;

THENCE leaving said North line, and along the East line of the Southwest Quarter of said Tract 55, South 00 degrees 17 minutes 11 seconds East, a distance of 1322.29 feet to the Northeast corner of the West 120 acres of Tract 54;

THENCE along the East line of the West 120 acres of said Tract 54, South 00 degrees 25 minutes 41 seconds East, a distance of 523.82 feet to the centerline of the County Road per Book 1134, Page 297, Official Records of Imperial County, California;

THENCE along said centerline, South 89 degrees 58 minutes 41 seconds West, a distance of 1319.74 feet to the West line of said Tract 54;

THENCE leaving said centerline, and along the West line of said Tract 54, North 00 degrees 18 minutes 20 seconds West, a distance of 519.87 feet to the Southwest corner of said Tract 55;

THENCE along the West line of said Tract 55, North 00 degrees 17 minutes 38 seconds West, a distance of 767.35 feet;

THENCE leaving said West line, North 89 degrees 04 minutes 19 seconds West, a distance of 67.53 feet;

THENCE North 31 degrees 42 minutes 39 seconds West, a distance of 58.48 feet;

THENCE North 07 degrees 56 minutes 20 seconds West, a distance of 82.37 feet;

THENCE North 00 degrees 08 minutes 51 seconds West, a distance of 421.73 feet;

THENCE North 89 degrees 47 minutes 24 seconds East, a distance of 107.88 feet to the **POINT OF BEGINNING**.

Said parcel contains 2,490,169 square feet or 57.17 acres of land, more or less.

Bearings are based on CCS Zone 6, NAD 83 (2010 epoch).

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.



EXHIBIT "A"
LOT LINE ADJUSTMENT
PARCEL B
LEGAL DESCRIPTION

That portion of Section 22, Township 16 South, Range 12 East, of the San Bernardino Base and Meridian, in an unincorporated area of the County of Imperial, in the State of California, more particularly described as follows:

COMMENCING at the Northwest corner of said Section 22, from which the Southwest corner of said Section 22 bears South 00 degrees 16 minutes 32 seconds East, a distance of 5282.60 feet;

THENCE along the West line of said Section 22, South 00 degrees 16 minutes 32 seconds East, a distance of 803.60 feet to the Northwest corner of Lot 4 of said Section 22 and the **Point of Beginning**;

THENCE leaving said West line, North 89 degrees 37 minutes 08 seconds East, a distance of 2082.69 feet to the Northwest corner of Tract 55;

THENCE along the North line of said Tract 55, North 89 degrees 37 minutes 08 seconds East, a distance of 1317.74 feet to the Southeast corner of Tract 78;

THENCE continuing along the North line of said Tract 55, North 89 degrees 55 minutes 57 seconds East, a distance of 1.19 feet to the Northeast corner of the Northwest Quarter of said Tract 55;

THENCE along the East line of the Northwest Quarter of said Tract 55, South 00 degrees 17 minutes 11 seconds East, a distance of 1325.85 feet to the Northeast corner of the Southwest Quarter of said Tract 55;

THENCE along the North line of the Southwest Quarter of said Tract 55, South 89 degrees 47 minutes 24 seconds West, a distance of 1318.77 feet to the Northwest corner of the Southwest Quarter of said Tract 55;

THENCE continuing, South 89 degrees 47 minutes 24 seconds West, a distance of 107.88 feet;

THENCE South 00 degrees 08 minutes 51 seconds East, a distance of 421.73 feet;

THENCE South 07 degrees 56 minutes 20 seconds East, a distance of 82.37 feet;

THENCE South 31 degrees 42 minutes 39 seconds East, a distance of 58.48 feet;

THENCE North 89 degrees 04 minutes 19 seconds West, a distance of 2016.21 feet to the West line of said Section 22;

THENCE along said West line, North 00 degrees 16 minutes 32 seconds West, a distance of 1828.88 feet to the **POINT OF BEGINNING**.

Said parcel contains 5,546,745 square feet or 127.34 acres of land, more or less.

Bearings are based on CCS Zone 6, NAD 83 (2010 epoch).

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.

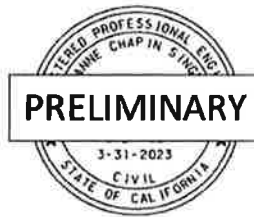


EXHIBIT "A"
LOT LINE ADJUSTMENT
PARCEL C
LEGAL DESCRIPTION

That portion of Section 22, Township 16 South, Range 12 East, of the San Bernardino Base and Meridian, in an unincorporated area of the County of Imperial, in the State of California, more particularly described as follows:

COMMENCING at the Northwest corner of said Section 22 from which the Southwest corner of said Section 22 bears South 00 degrees 16 minutes 32 seconds East, a distance of 5282.60 feet;

THENCE along the West line of said Section 22, South 00 degrees 16 minutes 32 seconds East, a distance of 2,632.48 feet to the **Point of Beginning**;

THENCE leaving said West line, South 89 degrees 04 minutes 19 seconds East, a distance of 2083.74 feet to the West line of Tract 55;

THENCE along last said West line, South 00 degrees 17 minutes 38 seconds East, a distance of 767.35 feet to the Southwest corner of said Tract 55;

THENCE along the West line of Tract 54, South 00 degrees 18 minutes 20 seconds East, a distance of 517.33 feet to the Southeast corner of Lot 6 of said Section 22;

THENCE leaving last said West line and along the South line of said Lot 6 and its Westerly prolongation, South 89 degrees 41 minutes 47 seconds West, a distance of 2083.79 feet to the West line of said Section 22;

THENCE along last said West line, North 00 degrees 16 minutes 32 seconds West, a distance of 1329.47 feet to the **POINT OF BEGINNING**.

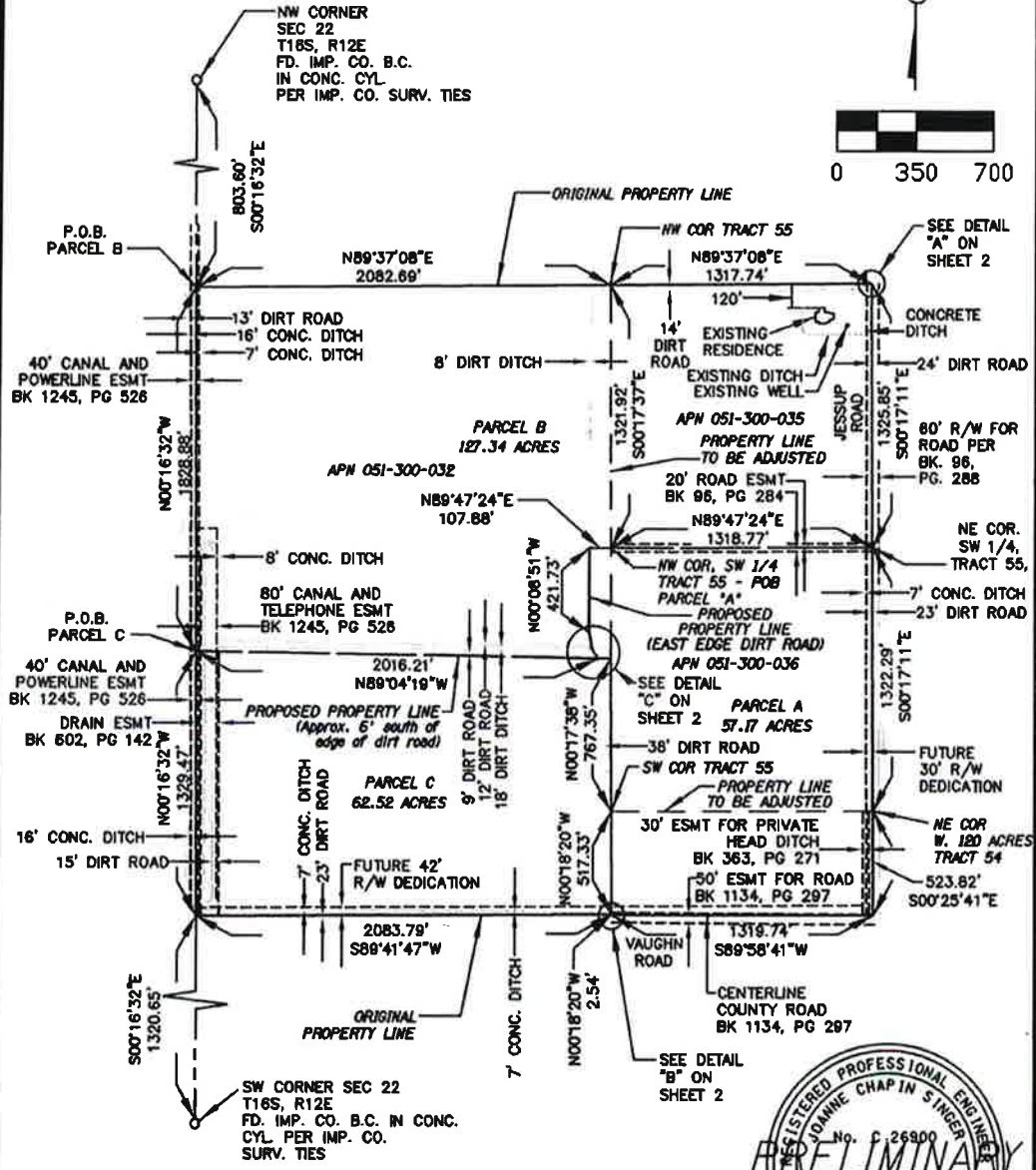
Said parcel contains 2,723,289 square feet or 62.52 acres of land, more or less.

Bearings are based on CCS Zone 6, NAD 83 (2010 epoch).

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.



EXHIBIT "B" LOT LINE ADJUSTMENT PLAT



- LEGEND**
- P.O.B POINT OF BEGINNING
 - SECTION LINE
 - ORIGINAL PROPERTY LINE
 - PROPERTY LINE TO BE ADJUSTED
 - PROPOSED PROPERTY LINE

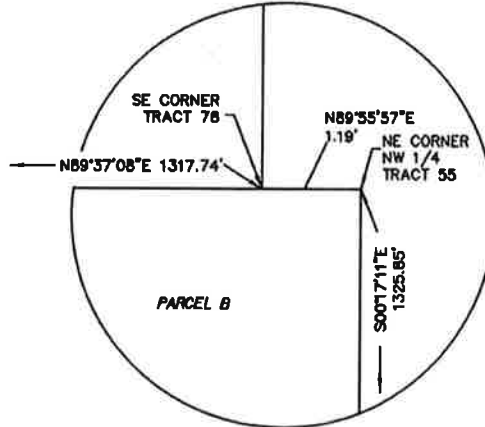
EXHIBIT "B"

2153 MICHELSON DR, SUITE 100 IRVINE, CA 92612
Tel 714-656-2805
website: www.aztecus.com

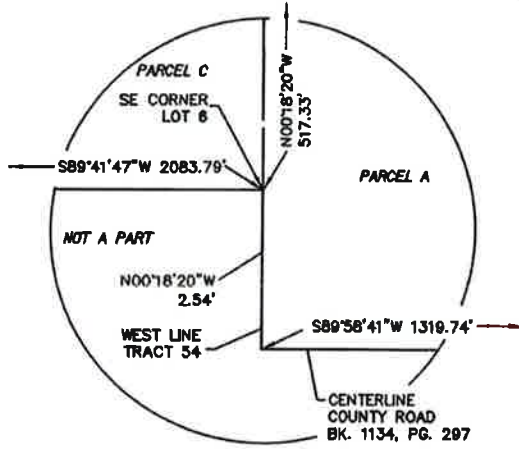
DR: GLC	ICK: JCS	SHEET NO.	TOTAL SHEETS
DATE: 08-08-21	REV:	1	2

SCALE: 1"=700'

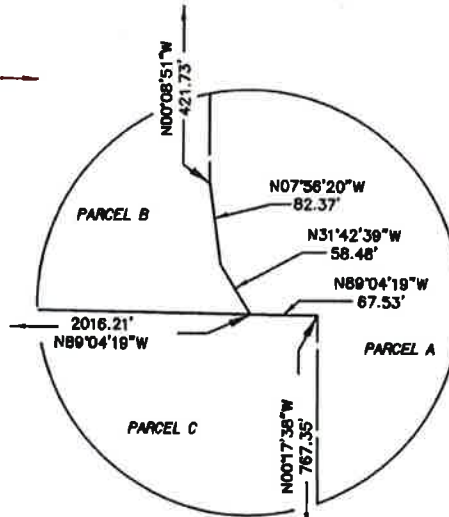
EXHIBIT "B"
 LOT LINE ADJUSTMENT
 PLAT



DETAIL "A"
 N.T.S.



DETAIL "B"
 N.T.S.



DETAIL "C"
 N.T.S.



EXHIBIT "B"			
210 MICHELSON DR, SUITE 200 IRVINE, CA 92612 Tel: 714-656-2805 website: www.aztec.us			
DR: GLG	CK: JCS	SHEET NO.	TOTAL SHEETS
DATE: 08-08-21	REV:	2	2
SCALE: N.T.S.			

LAUREL 2 SOUTH SOLAR FARM CUP Application

April 2021

RECEIVED

MAY 21 2021

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

Submitted by:
92JT 8me, LLC
c/o 8minutenergy Renewables
c/o 8minute Solar Energy
5455 Wilshire Boulevard, Suite 2010
Los Angeles, CA 90036
(323) 525-0900



EEC ORIGINAL PKG

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PROJECT INFORMATION

92JT 8me LLC (the Applicant) is seeking approval of a Conditional Use Permit (CUP) for the construction of an up to 40 megawatt-alternating current (MW-AC) utility-scale solar farm known as Laurel 2 South Solar Farm (Project) in Imperial County, California. The Applicant proposes to construct, own, and operate the Project.

The site of the Project is located on land within the boundary of the previously approved Laurel Cluster Solar Farm project area (Figure 1). The Laurel Cluster Solar Farm project consisted of multiple CUP applications including CUP No. 17-0029 that covers the Laurel 2 South Solar Farm site. The Laurel Cluster Solar Farm was considered by the County Board of Supervisors who certified an EIR and approved the CUPs in January 15, 2019. Now, the Applicant proposes to subdivide a subset of land within the Laurel Cluster Solar Farm. Two new CUP applications have been prepared (each a "Project") and are described as follows: Laurel 2 North ("L2N") totaling approximately 120 acres and Laurel 2 South ("L2S") totaling approximately 160 acres. This CUP application covers L2S.

Site Information

The Project is proposed across the entirety of assessor's parcel 051-310-027 and 051-310-028 (Project Area) totaling approximately 160 gross acres. The topography of the Project Area is relatively flat, and the site is located near to active agricultural land and operating solar farms. The land permanently disturbed by the Project (including infrastructure) would be less than the gross acreage of the Project Area.

CUP Parcels: Laurel 2 South Solar Farm

APN	Owner	Land Use Zoning	Gross Acreage
051-310-027	John Kuhn	A-2-R	120
051-310-028	John Kuhn	A-2-R	40

Location

The Project Site is located in the unincorporated area of Imperial County, north of West Diehl Road, west of Derrick Road, and east of Jessup Road. Primary access to the site occurs via Jessup Road. Secondary access could be obtained via Derrick Road and West Diehl Road. The Project Site is approximately eight miles southwest of the City of El Centro and three miles south of Seeley, a census-designated place.

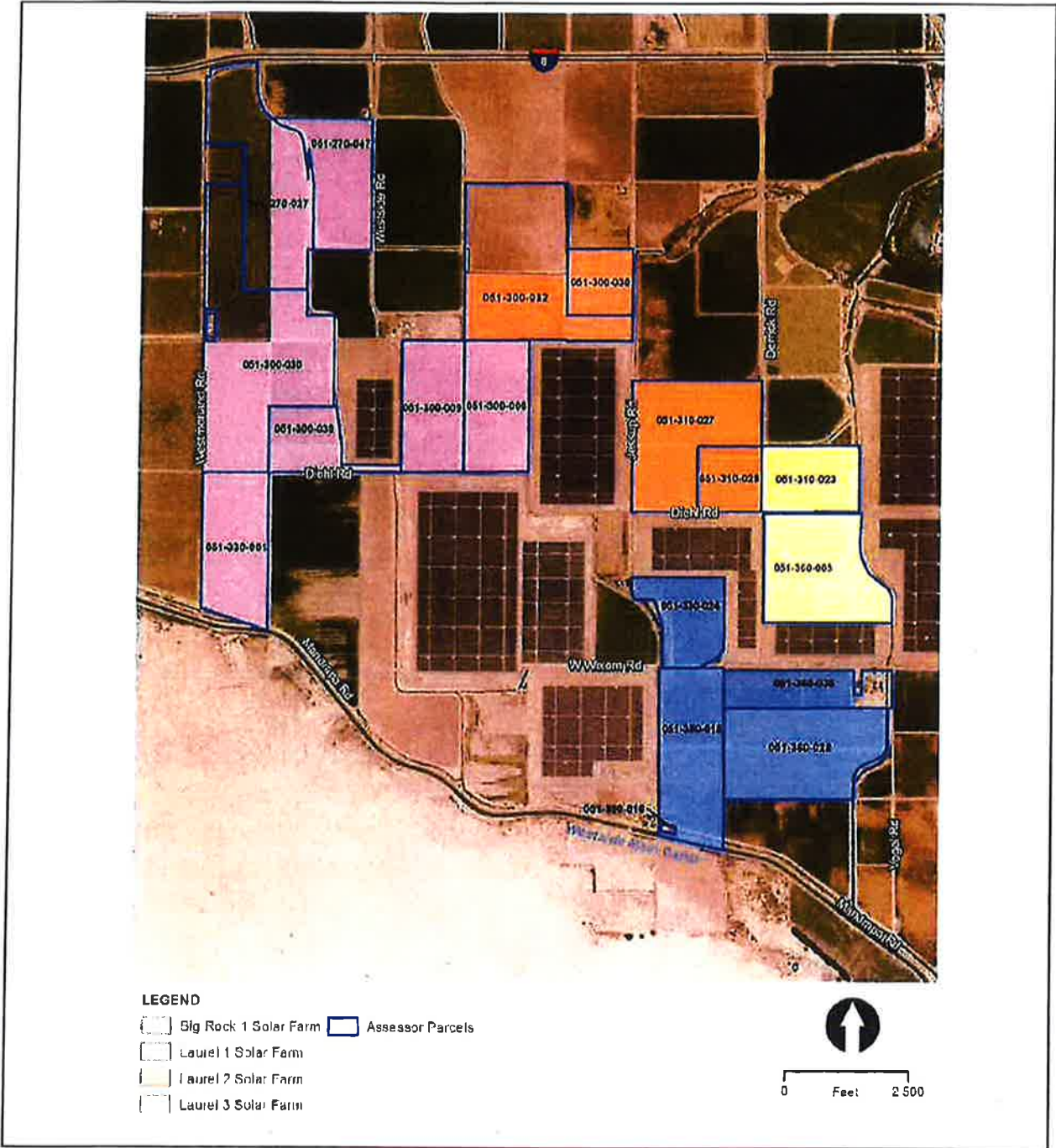


Figure 1 Site Location

SECTION I:
CUP Application



CONDITIONAL USE PERMIT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (760) 482-4236

- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - Please type or print -

1. PROPERTY OWNER'S NAME John Kuhn		EMAIL ADDRESS jr@kuhnandkuhn.com	
2. MAILING ADDRESS (Street / P O Box, City, State) 473 Savannah Highway Charleston, SC		ZIP CODE 29407	PHONE NUMBER 843 708-2188
3. APPLICANT'S NAME 92JT 8me, LLC		EMAIL ADDRESS tom@8minutenergy.com	
4. MAILING ADDRESS (Street / P O Box, City, State) 5455 Wilshire Blvd. Suite 2010 Los Angeles, Ca		ZIP CODE 90036	PHONE NUMBER 323 525-0900
4. ENGINEER'S NAME TBD	CA. LICENSE NO.	EMAIL ADDRESS	
5. MAILING ADDRESS (Street / P O Box, City, State)		ZIP CODE	PHONE NUMBER
6. ASSESSOR'S PARCEL NO. 051-310-027, 051-310-028		SIZE OF PROPERTY (in acres or square foot) 160 acres	ZONING (existing) A-2-R
7. PROPERTY (site) ADDRESS			
8. GENERAL LOCATION (i.e. city, town, cross street) The project site is located in the unincorporated area of Imperial County, north of West Diehl Road, west of Derrick Road, and east of Jessup Road.			
9. LEGAL DESCRIPTION <u>See attached</u>			

PLEASE PROVIDE CLEAR & CONCISE INFORMATION (ATTACH SEPARATE SHEET IF NEEDED)

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail)	
Applicant proposes to construct and operate a 40 MW solar farm with energy storage.	
11. DESCRIBE CURRENT USE OF PROPERTY	Farmland
12. DESCRIBE PROPOSED SEWER SYSTEM	Septic tank with leachfield
13. DESCRIBE PROPOSED WATER SYSTEM	IID distribution system, private water treatment facility
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM	Above ground water tank with capacity of 10,000 gallons
15. IS PROPOSED USE A BUSINESS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE? 5 or fewer

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT

John Kuhn 5/20/21
Print Name Date
[Signature]
Signature

Print Name Date

Signature

REQUIRED SUPPORT DOCUMENTS

A. SITE PLAN	_____
B. FEE	<u>see application attached</u>
C. OTHER	_____
D. OTHER	_____

APPLICATION RECEIVED BY: _____	DATE _____	REVIEW / APPROVAL BY OTHER DEPT'S required.
APPLICATION DEEMED COMPLETE BY: _____	DATE _____	<input type="checkbox"/> P. W.
APPLICATION REJECTED BY: _____	DATE _____	<input type="checkbox"/> E. H. S.
TENTATIVE HEARING BY: _____	DATE _____	<input type="checkbox"/> A. P. C. D.
FINAL ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	DATE _____	<input type="checkbox"/> O. E. S.
		<input type="checkbox"/> _____
		<input type="checkbox"/> _____

CUP #
21-0013

1521-0020

**LEGAL DESCRIPTION
CUP – LAUREL 2 SOUTH**

Tract 53, Township 16 South, Range 12 East, according to the Official Plat thereof.

Excepting therefrom the North 40 acres thereof.

APN 051-310-027

AND

The West half of Tract 45-B, Township 16 South, Range 12 East, according to the Official Plat thereof.

APN 051-310-028

Being portions of Sections 22, 23, 26, and 27, Township 16 South, Range 12 East, of the San Bernardino Base and Meridian, in an unincorporated area of the County of Imperial, in the State of California, more particularly described as follows:

COMMENCING at the Northwest corner of said Section 27 from which the Northeast corner of said Section 27 bears North 89 degrees 38 minutes 29 seconds East, a distance of 5282.17 feet;

THENCE along the North line of said Section 27, North 89 degrees 38 minutes 29 seconds East, a distance of 3,404.49 feet to the West line of Tract 53, and the **Point of Beginning**;

THENCE leaving said North line, and along the West line of Tract 53, North 00 degrees 08 minutes 48 seconds West, a distance of 511.21 feet to the Northwest corner of Tract 53 except the North 40 acres thereof;

THENCE leaving said West line, and along the North line of Tract 53 except the North 40 acres thereof, North 89 degrees 43 minutes 58 seconds East, a distance of 2638.63 feet to the Northeast corner of Tract 53 except the North 40 acres thereof;

THENCE leaving said last said North line, and along the East line of Tract 53, South 00 degrees 14 minutes 43 seconds East, a distance of 1321.53 feet to the Northeast corner of the West half of Tract 45-B;

THENCE along the East line of the West half of Tract 45-B, South 00 degrees 10 minutes 52 seconds East, a distance of 1322.52 feet to the Southeast corner of the West half of said Tract 45-B;

THENCE along the South line of the West half of Tract 45-B, South 89 degrees 47 minutes 09 seconds West, a distance of 1321.39 feet to the Southwest corner of the West half of said Tract 45-B;

THENCE along the South line of Tract 53, South 89 degrees 42 minutes 48 seconds West, a distance of 1320.31 feet to the Southwest corner of said Tract 53;

THENCE leaving last said South line, and along the West line of said Tract 53, North 00 degrees 08 minutes 48 seconds West, a distance of 2132.07 feet to the **POINT OF BEGINNING**.

Said parcel contains 6,979,590 square feet or 160.23 acres of land, more or less.

Bearings are based on CCS Zone 6, NAD 83 (2010 epoch).

SECTION II:
Project Description

DESCRIPTION OF PROPOSED PROJECT

The Laurel 2 South Project site consists of two parcels totaling 120 acres within the central portion of the Big Rock Cluster Solar Farms project area. As shown above on Figure 1, the Project Site is generally located north of West Diehl Road, west of Derrick Road, and east of Jessup Road. Primary access occurs via Jessup Road. Secondary access could be obtained via Derrick Road and West Diehl Road.

The Applicant proposes to develop a photovoltaic energy facility (up to 40 MW-AC) with up to 160 MW hour (MWh) Energy Storage System on the Project Site (Figure 2). Power generated by the Project will be delivered from the Site via 230 kV overhead and/or underground electrical transmission line(s) originating from an on-site substation/switchyard and terminating at the proposed Imperial Irrigation District (IID) Fern Substation.

The Project may share operations & maintenance (O&M), substation, and/or transmission facilities as necessary with one or more nearby solar projects, and/or may be remotely operated. Any “unused” O&M, substation, and/or transmission facility areas on-site could be covered by solar panels under such scenarios.

The Applicant has considered the following in its selection of the Site for detailed evaluation:

- Land availability (approximately 160 gross acres)
- Land Use Designations: A-2-R (General Agricultural Rural Zone)
- Proximity to interconnecting substation: near to planned substation
- Historic land use pattern: The Project Area is not encumbered by Williamson Act contracts and the project would place solar facilities in an area where utility-scale facilities already exist

Up to five (5) full-time employees will operate the facility (split between daytime and nighttime shifts). Typically, up to three (3) staff will work during the day shift (sunrise to sunset) and the remainder during the night shifts and weekend. As noted earlier, it is possible that the Project would share O&M, substation, and/or transmission facilities with one or more nearby solar projects, and/or may be remotely operated. In such scenarios, the Project’s on-site staff could be reduced.

After the useful life of the Project, the panels will be disassembled from the mounting frames and the Site restored to its pre-development condition. The L2S project may share an operations & maintenance (O&M) building, a substation, and/or transmission facilities, as necessary, with one or more nearby solar projects, and/or may be remotely operated. Any “unused” O&M building, substation, and/or transmission facility areas on-site may be covered by solar panels under such scenarios.

PV Module Configuration

L2S will utilize photovoltaic panels or modules¹ on mounting frameworks to convert sunlight directly into electricity. Individual panels will be installed on either fixed-tilt or tracker mount systems (single- or dual-axis, using galvanized steel or aluminum). If the panels are configured for fixed tilt, the panels will be oriented toward the south. For tracking configurations, the panels will rotate to follow the sun over the course of the day. The panels will stand up to 20 feet high, depending on mounting system used.

¹ Including but not limited to concentrated photovoltaic (CPV) technology

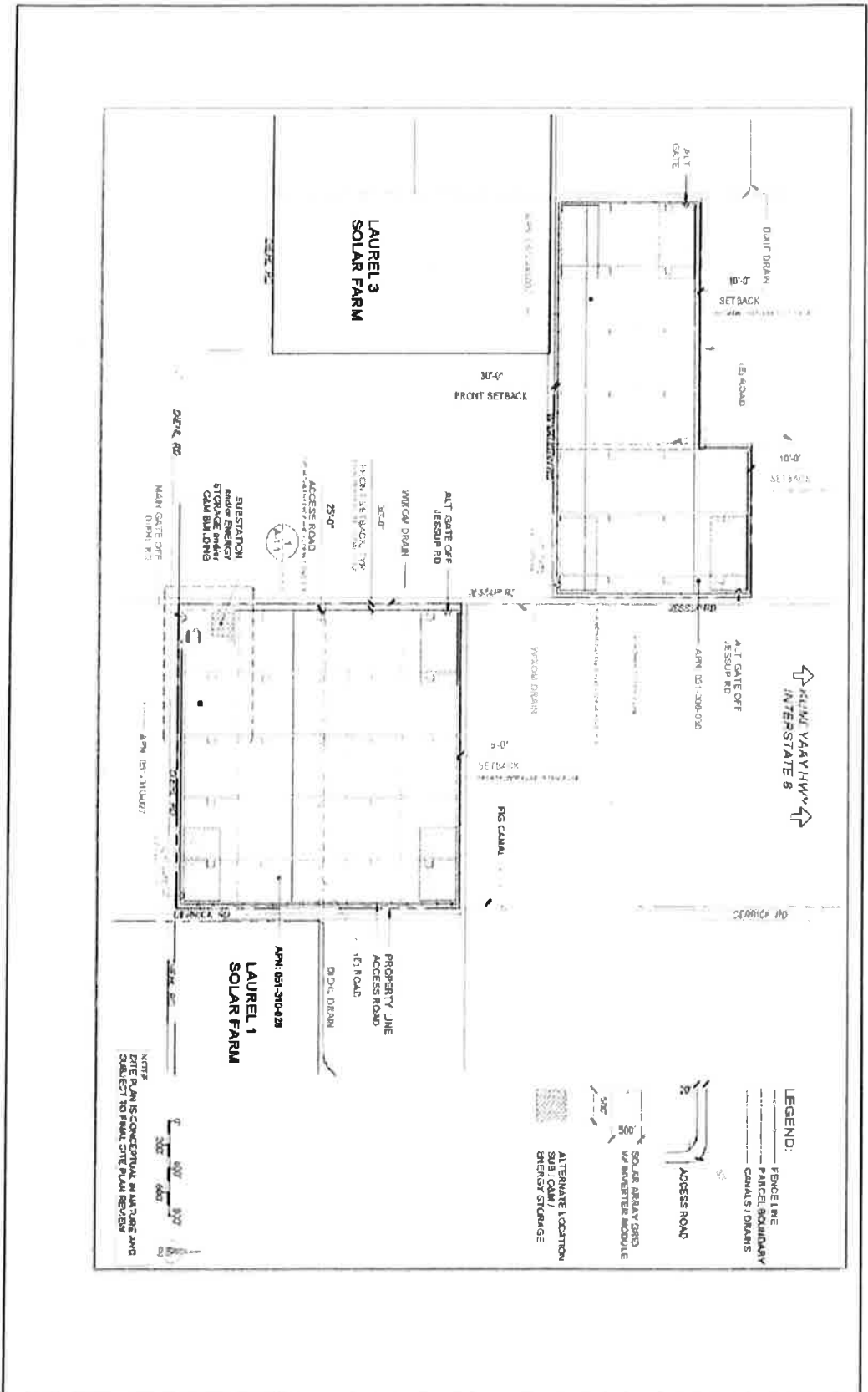


Figure 2 Site Plan



Typical fixed-tilt solar panel rows



Typical single axis tracking solar panels



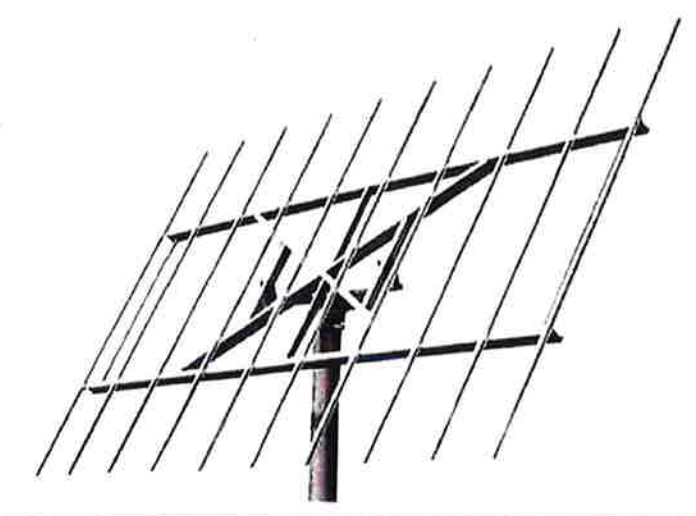
Typical dual axis tracking solar panels

The solar array fields will be arranged in groups called "blocks," with inverter stations generally located centrally within the blocks. Blocks will produce direct electrical current (DC), which is converted to alternating electrical current (AC) at the inverter stations.

Each PV module will be placed on a fixed-tilt or tracker mounting structure. The foundations for the mounting structures can extend up to 8 feet below ground, depending on the structure, soil conditions, and wind loads, and may be encased in concrete or utilize small concrete footings. Final solar panel layout and spacing will be optimized for Project Area characteristics and the desired energy production profile.



Typical fixed tilt mounting structure



Typical dual axis mounting structure

Inverter Stations

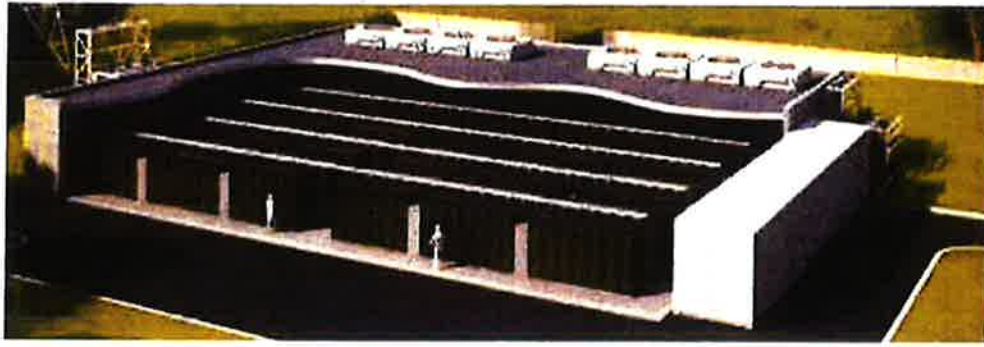
Photovoltaic energy is delivered via cable to inverter stations, generally located near the center of each block. Inverter stations are typically comprised of one or more inverter modules with a rated power of up to 2 MW each, a unit transformer, and voltage switch gear. The unit transformer and voltage switch gear are housed in steel enclosures, while the inverter module(s) are housed in cabinets. Depending on the vendor selected, the inverter station may lie within an enclosed or canopied metal structure, typically on a skid or concrete mounted pad. Refer to Figure 3 for a typical inverter station layout.



Typical inverter stations

Energy Storage System

The Project may include one or more energy storage systems (ESSs), located at or near a substation (onsite or shared) and/or at the inverter stations. Such large-scale ESSs would consist of modular and scalable battery packs and battery control systems that conform to U.S. national safety standards. The ESS modules, which may include commercially available flow batteries, typically consist of ISO standard containers (approximately 40'L x 8'W x 8'H) housed in pad- or post-mounted, stackable metal structures, but may also be housed in a dedicated building in compliance with applicable regulations. The maximum height of a structure is not expected to exceed 25 feet. The dimensions and number of energy storage modules and structures vary depending on the application, supplier, and configuration chosen, as well as on offtaker/power purchase agreement requirements and County building standards. L2S may share an ESS with one or more nearby solar projects or may operate one or more standalone ESS facilities within the Project Site.



ESS Installed in Dedicated Structure

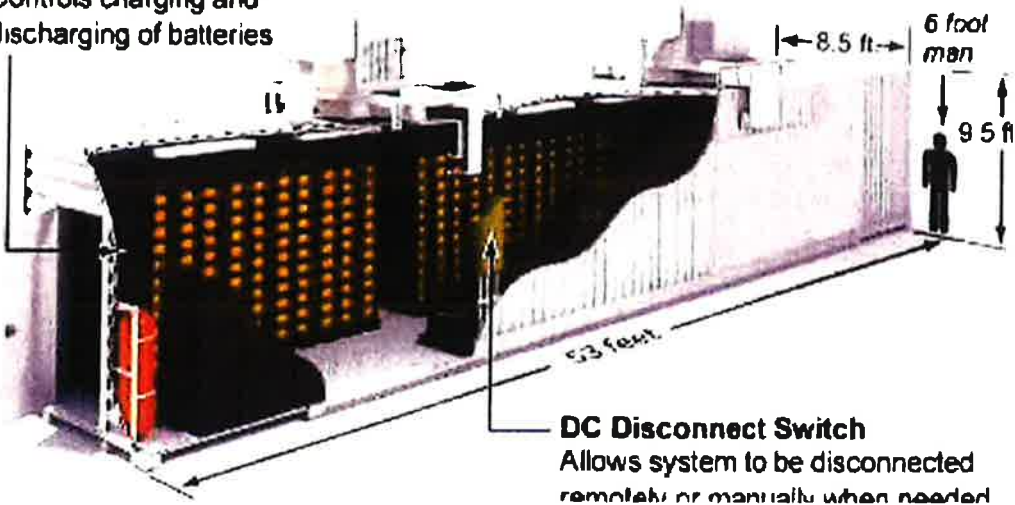


Modular ESS Installed on Concrete Pad



Modular ESS Installed on Multiple Concrete Pads

Energy Control System
Controls charging and
discharging of batteries



Typical ESS module configuration



Typical ESS

Substation

Output from the inverter stations will be transferred via electrical conduits and electrical conductor wires to one or more on-site substation(s). As shown in Figure 4, each substation may contain several components, including auxiliary power transformers, distribution cabinets, revenue metering systems, a microwave transmission tower, and voltage switch gear. Each substation will occupy an area of approximately 200' x 200', secured separately by an additional chain-link fence, and located along the perimeter of the project. The final location(s) will be determined before issuance of building permits.

Substations typically include a small control building (roughly 500 square feet) standing approximately 10 feet tall. The building is either prefabricated concrete or steel with rooms for the voltage switch gear and the metering equipment, a room for the station supply transformer, and a separate control technology room in which the main computer, the intrusion detection system, and the main distribution equipment are housed. Components of this building (e.g., control technology room and intrusion detection system) may instead be located at an O&M building described later in this document.



Typical Substation

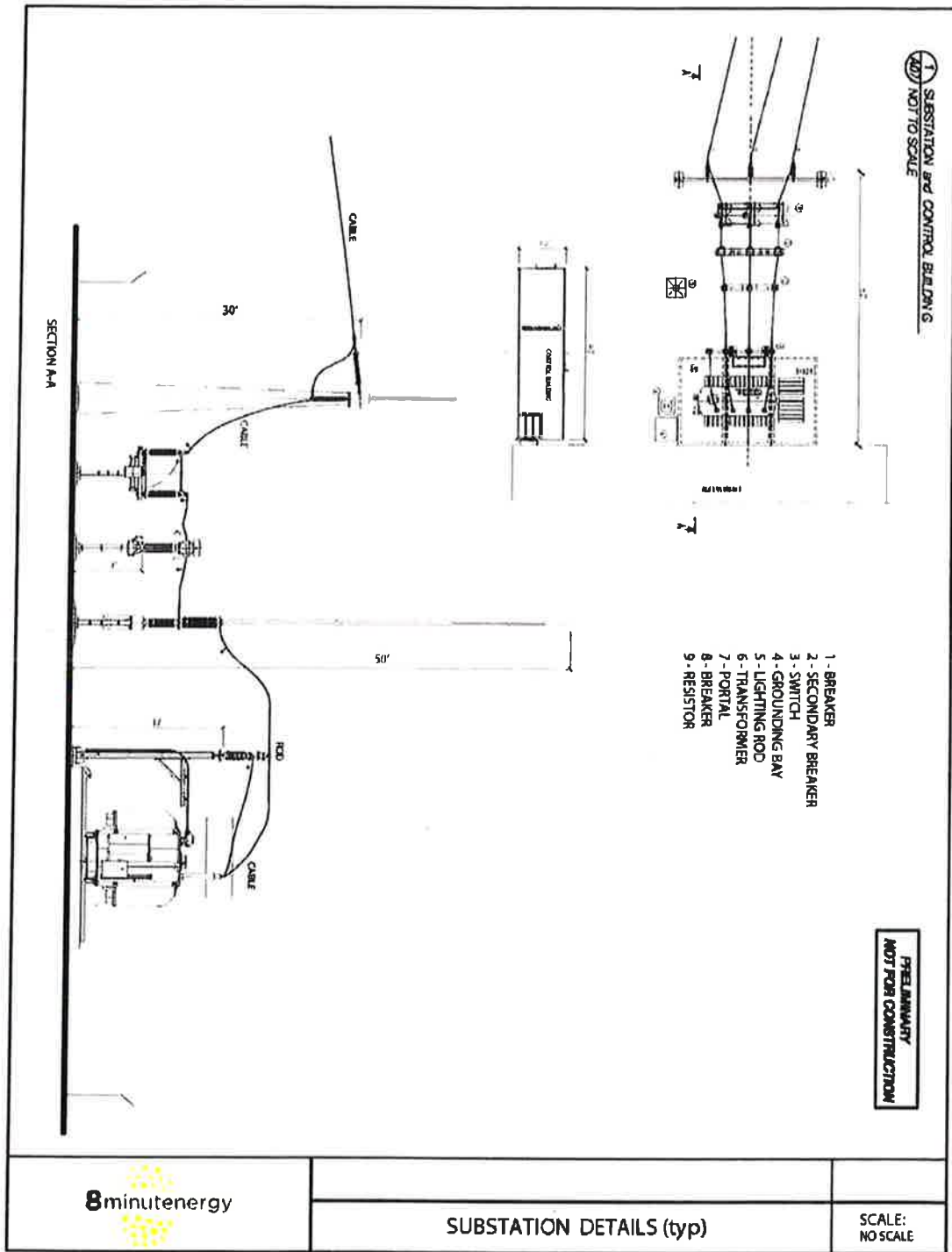


Figure 4 Typical Substation

Transmission Line

From one or more Project substations, power will be transmitted to the proposed IID Fern Substation, adjacent to Big Rock 1 Solar Farm, via up to 230 kV overhead and/or underground line(s). The gen-tie may involve installation of an appropriate number of 230 kV transmission tower structures, associated insulator/hardware assemblies, appropriate number of spans of conductor and optical ground wiring, among other appurtenances, between the last Project structure and the dead-end substation structure at Fern Substation. Final number and location of the transmission tower structures and spans of conductor and optical ground wire will be determined by IID following completion of final engineering of the Interconnection Facilities.

IID or one or both Applicants on behalf of IID would construct the Fern Substation and associated facilities to interconnect the Projects. Only planning level assumptions for Fern are available at this time, and further details will be made available upon completion of preliminary and final engineering, using the most current IID design and construction practices, identification of field conditions, verification of availability of materials and equipment, and compliance with applicable environmental and permitting requirements. Fern will involve construction of a 230 kV switchyard, including all relevant switchyard design features and appurtenances, on up to 25 acres of real estate. The switchyard will loop in the Imperial Valley Substation – Campo Verde (CVIV) 230 kV Transmission Line, which would necessarily include the construction of various transmission line structures and appurtenances. Maximum height of the various structures is not expected to exceed approximately 200 feet. Fern may also include telecommunications facilities, fiber optic communication cables, equipment, and associated structures for diverse path routing of communications. IID anticipates working typical construction schedules during construction; however, the actual construction hours may vary based on workforce resources and activities.

As alternatives to Fern, power from the Projects may be transmitted by 230 kV line(s) to SDG&E's Imperial Valley Substation, Drew Switchyard, or Imperial Solar Energy Center West Substation. Figure 5 provides the locations of these points of interconnection.

Water Usage

Water demand for panel washing and O&M domestic use is not expected to exceed 13 acre-feet per year. Water usage during construction, primarily for dust-suppression purposes, is not expected to exceed 43 acre-feet. Water will be obtained from the landowner's water supply or delivered via truck from off-site source(s). If off-site water is used, it will likely be obtained from a commercial source. If the Applicant determines that off-site water will be used, the Applicant will submit a Will Serve Letter from the proposed off-site water purveyor(s). A small water treatment system may be installed to provide deionized water for panel washing.

Water Storage Tank(s)

One or more above-ground water storage tanks with a total capacity of up to 10,000 gallons may be placed on-site near the O&M building. The storage tank(s) near the O&M building will have the appropriate fire department connections in order to be used for fire suppression purposes.

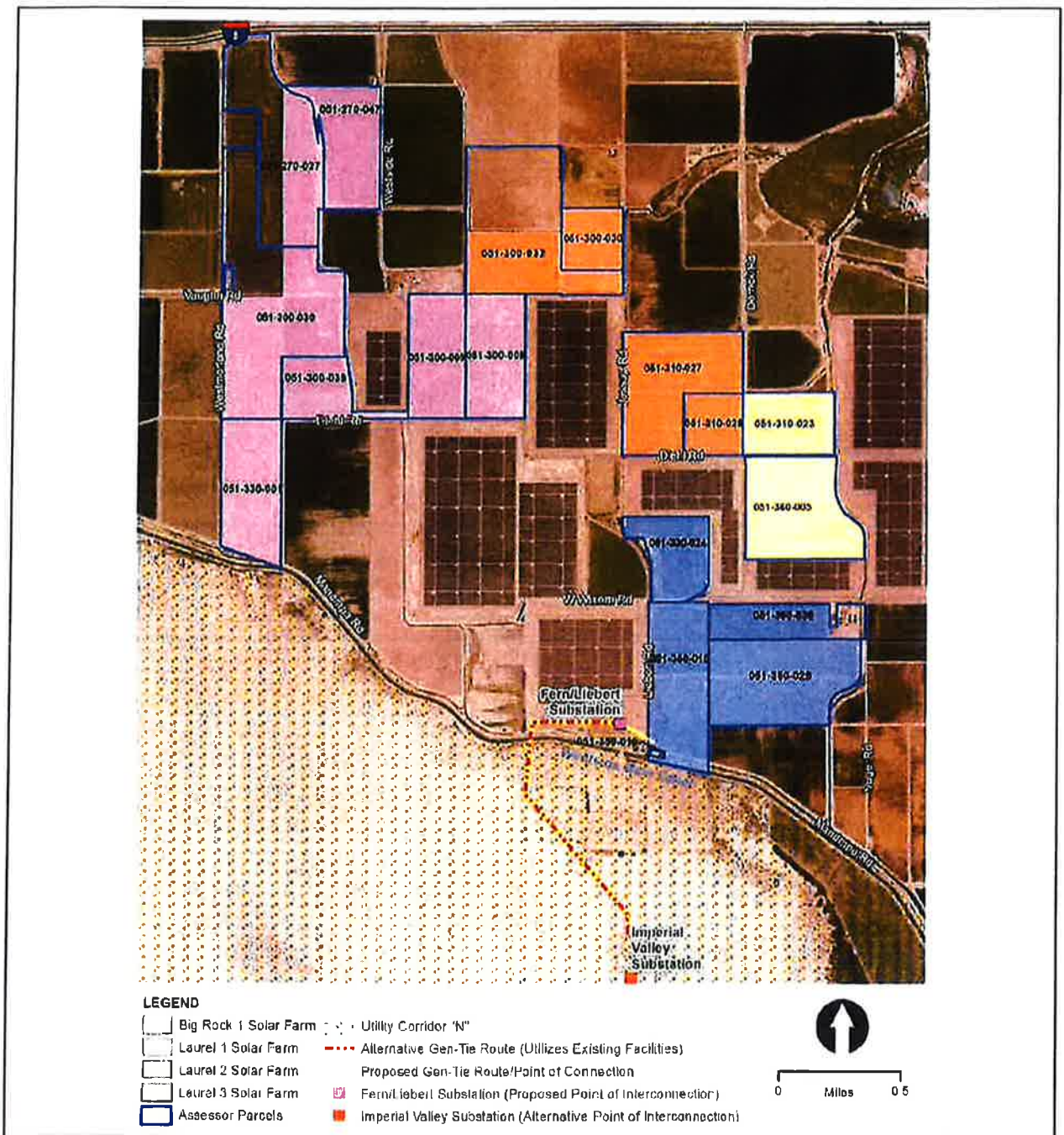


Figure 5 Points of Interconnection

Operations and Maintenance Building

The Project is intended to feature an O&M building of approximately 40' x 80' in size, with associated on-site parking. The O&M building will be steel framed, with metal siding and roof panels. The O&M building may include the following:

1. Office
2. Repair building/parts storage
3. Control room
4. Restroom
5. Septic tank and leach field

Roads, driveways and parking lot entrances will be constructed in accordance with Imperial County improvement standards. Parking spaces and walkways will be constructed in conformance with all California Accessibility Regulations.

As noted earlier, Big Rock may share O&M facilities and/or staff with one or more nearby solar projects, and/or may be remotely operated. Any "unused" O&M areas on-site could be covered by solar panels.

Project Site Security and Fencing

The Site will be enclosed with a chain link fence with barbed wire measuring up to eight (8) feet in height (from finished grade). An intrusion alarm system comprised of sensor cables integrated into the perimeter fence, intrusion detection cabinets placed approximately every 1,500 feet along the perimeter fence, and an intrusions control unit, located either in the substation control room or at the O&M Building, or similar technology, will be installed. Additionally, L2S may include additional security measures including, but not limited to, barbed wire, low voltage fencing with warning reflective signage, controlled access points, security alarms, security camera systems, and security guard vehicle patrols to deter trespassing and/or unauthorized activities that could interfere with operation of the Projects.

Controlled access gates will be maintained at the main entrance to the Site. Site access will be provided to offsite emergency response teams that respond in the event of an "after-hours" emergency. Enclosure gates would be manually operated with a key provided in an identified key box location.

Project Site Lighting

All Project Site lighting will be directed away from any public rights-of-way. Lighting used on-site will be minimal. Site lighting may include motion sensor lights for security purposes. Lighting used on-site will be of the lowest intensity foot candle level, in compliance with any applicable regulations, measured at the property line after dark.

Annual Production

L2S will generate electrical power during daylight hours. Peak electricity demand in California corresponds with air conditioning use on summer afternoons when ambient temperatures are high. The Project's peak generating capacity corresponds to this time-period. There is no generating capacity between sunset and sunrise due to the lack of solar energy, though power may be released from the energy storage system.

L2S will have a nominal output capacity of up to 40 MW-AC, sufficient to power roughly 15,000 homes and displacing 45,000 tons of carbon dioxide equivalent (CO₂e) per year when compared to a gas-fired power plant or 90,000 tons when compared to a coal-fired power plant.

CONSTRUCTION ACTIVITIES

The construction period for Big Rock, from site preparation through construction, testing, and commercial operation, is expected to commence as early as Q4 2021 and will extend for approximately 6 months.

Construction of the facility will include the following activities:

- Site preparation
- Grading and earthwork
- Concrete foundations
- Structural steel work
- Electrical/instrumentation work
- Collector line installation
- Architecture and landscaping

No roadways will be affected by Big Rock, except during the Project's construction period. Construction traffic will access the Site from Jessup Road. It is estimated that up to 60 workers per day (during peak construction periods) will be required during the construction of the Project.

Heavy construction is expected to occur between 6:00 am and 5:00 pm, Monday through Friday. Additional hours may be necessary to make up schedule deficiencies or to complete critical construction activities. Some activities may continue 24 hours per day, seven days per week. Low level noise activities may potentially occur between the hours of 10:00 pm and 7:00 am. Nighttime activities could potentially include, but are not limited to, refueling equipment, staging material for the following day's construction activities, quality assurance/control, and commissioning.

Materials and supplies will be delivered to the Site by truck. Truck deliveries will normally occur during daylight hours. However, there will be offloading and/or transporting to the Site on weekends and during evening hours.

Earthmoving activities are expected to be limited to the construction of the access roads, any O&M building, any substation, and any storm water protection or storage (detention) facilities. Final grading may include revegetation with low lying grass or applying earth-binding materials to disturbed areas.

WORK FORCE

Once constructed, maintenance will generally be limited to the following:

1. Cleaning of PV panels
2. Monitoring electricity generation
3. Providing Site security
4. Facility maintenance - replacing or repairing inverters, wiring, and PV modules

It is expected that the Project will require an operational staff of up to five full-time employees. As noted earlier, it is possible that the Project would share O&M, substation, and/or transmission facilities with one or more nearby projects. In such a scenario, the projects c/would share personnel, thereby potentially reducing the Project's on-site staff.

The facility would operate seven days a week, 24 hours a day, generating electricity during normal daylight hours when the solar energy is available. Maintenance activities may occur seven days a week, 24 hours a day to ensure PV panel output when solar energy is available.

PROJECT FEATURES AND BEST MANAGEMENT PRACTICES

The following sections describe standard Project features and best management practices that will be applied during construction and long-term operation of L2S to maintain safety and minimize or avoid environmental impact.

Waste and Hazardous Materials Management

L2S will have minimal levels of materials on-site that have been defined as hazardous under 40 CFR, Part 261. The following materials are expected to be used during the construction, operation, and long-term maintenance of the Project:

- Insulating oil – used for electrical equipment
- Lubricating oil – used for maintenance vehicles
- Various solvents/detergents – equipment cleaning
- Gasoline – used for maintenance vehicles

Hazardous materials and wastes will be managed, used, handled, stored, and transported in accordance with applicable local and State regulations. All hazardous wastes will be maintained at quantities below the threshold requiring a Hazardous Material Management Program (HMMP) (one 55-gallon drum). Though not expected, should any on-site storage of hazardous materials exceed one 55-gallon drum, an HMMP would be prepared and implemented.

Spill Prevention and Containment

Hazardous materials stored on-site will be in quantities of less than 55 gallons. Spill prevention and containment for construction and operation of L2S will adhere to the Environmental Protection Agency's (EPA's) guidance on Spill Prevention Control and Countermeasures (SPCC).

Wastewater/Septic System

A standard on-site septic tank and leach field may be used at the O&M building to dispose sanitary wastewater, designed to meet operation and maintenance guidelines required by Imperial County laws, ordinances, regulations, and standards.

Inert Solids

Inert solid wastes resulting from construction activities may include recyclable items such as paper, cardboard, solid concrete and block, metals, wire, glass, type 1-4 plastics, drywall, wood, and lubricating oils.

Non-recyclable items include insulation, other plastics, food waste, vinyl flooring and base, carpeting, paint containers, packing materials, and other construction wastes. A Construction Waste Management Plan will be prepared for review by the County. Consistent with local regulations and the California Green Building Code, the Plan would provide for diversion of a minimum of 50% of construction waste from landfill.

Chemical storage tanks (if any) would be designed and installed to meet applicable local and state regulations. Any wastes classified as hazardous such as solvents, degreasing agents, concrete curing compounds, paints, adhesives, chemicals, or chemical containers will be stored (in an approved storage facility/shed/structure) and disposed of as required by local and state regulations. Material quantities of hazardous wastes are not expected.

Health and Safety

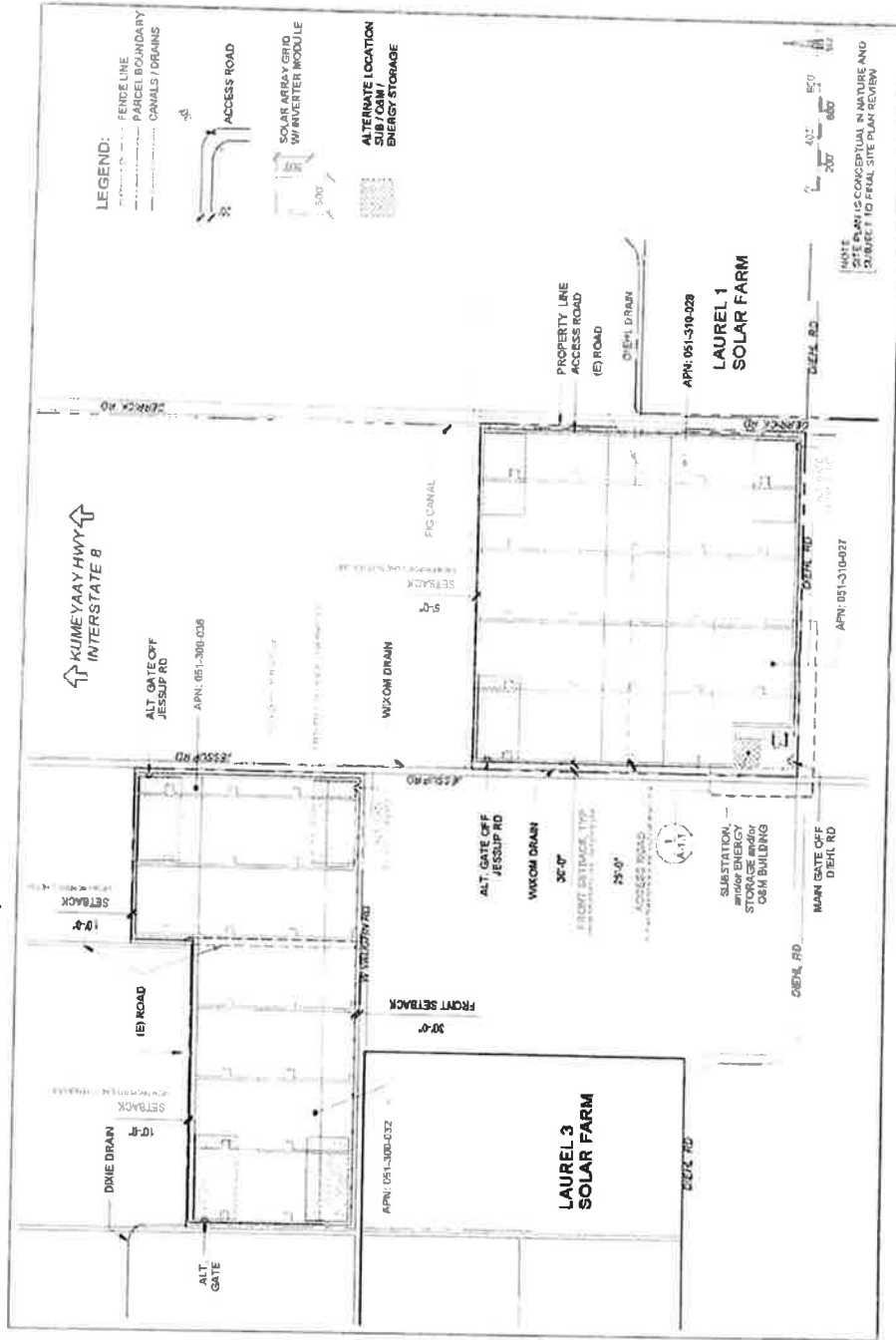
Safety precautions and emergency systems will be implemented as part of the design and construction of L2S to ensure safe and reliable operation. Administrative controls will include classroom and hands-on training in operating and maintenance procedures, general safety items, and a planned maintenance program. These will work with the system design and monitoring features to enhance safety and reliability.

L2S will have an Emergency Response Plan (ERP). The ERP will address potential emergencies including chemical releases, fires, and injuries. All employees will be provided with communication devices, cell phones, or walkie-talkies, to provide aid in the event of an emergency.

L2S is located within the jurisdiction of Imperial County Fire Department. On-site fire protection would be provided via portable and fixed fire suppression systems throughout each of the projects. Portable fire extinguishers would be provided at various locations throughout the solar farms, while fixed fire suppression systems would be available in the form of dedicated 10,000-gallon on-site storage tank(s). Water from the on-site water storage tank would be intended for the fire protection of the O&M building. The O&M building would have access to a wet-fire connection to provide sufficient fire protection. Both the access and service roads (along the perimeter of the project facilities) would have turnaround areas to allow clearance for fire trucks per fire department standards (70 feet by 70 feet, and 20-foot-wide access road).



Figure 3-7. Laurel 2 Solar Farm – Site Layout



LAUREL 2 NORTH SOLAR FARM CUP Application

April 2021

RECEIVED
APR 21 2021
PLANNING AND PERMITTING SERVICES

Submitted by:
38KM 8me LLC
c/o 8minutenergy Renewables
c/o 8minute Solar Energy
5455 Wilshire Boulevard, Suite 2010
Los Angeles, CA 90036
(323) 525-0900



EEC ORIGINAL PKG

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PROJECT INFORMATION

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The site of the Project is located on land within the boundary of the previously approved Laurel Cluster Solar Farm project area (Figure 1). The Laurel Cluster Solar Farm project consisted of multiple CUP applications including CUP No. 17-0029 that covers the Laurel 2 North Solar Farm site. The Laurel Cluster Solar Farm was considered by the County Board of Supervisors who certified an EIR and approved the CUPs on January 15, 2019. Now, the Applicant proposes to subdivide a subset of land within the Laurel Cluster Solar Farm. Two new CUP applications have been prepared (each a "Project") and are described as follows: Laurel 2 North ("L2N") totaling approximately 120 acres and Laurel 2 South ("L2S") totaling approximately 160 acres. This CUP application covers L2N.

Site Information

The Project proposes to develop the entirety of assessor's parcel 051-300-036 and a portion of 051-300-032 (Project Area) totaling approximately 120 gross acres. The topography of the Project Area is relatively flat, and the site is located near to active agricultural land and operating solar farms. The amount of land permanently disturbed by development of the solar facility and associated infrastructure (Project Site) would be less than the gross acreage of the Project Area.

CUP Parcels: Laurel 2 North Solar Farm

APN	Owner	Land Use Zoning	Gross Acreage
051-300-036	John Kuhn	A-3	40
051-300-032	John Kuhn	A-2-R	80

Location

The Project Site is located in the unincorporated area of Imperial County, south of I-8, west of Jessup Road, north of West Vaughn Road and east of Fern Canal. The Project Site is approximately eight miles southwest of the City of El Centro and three miles south of Seeley, a census-designated place.



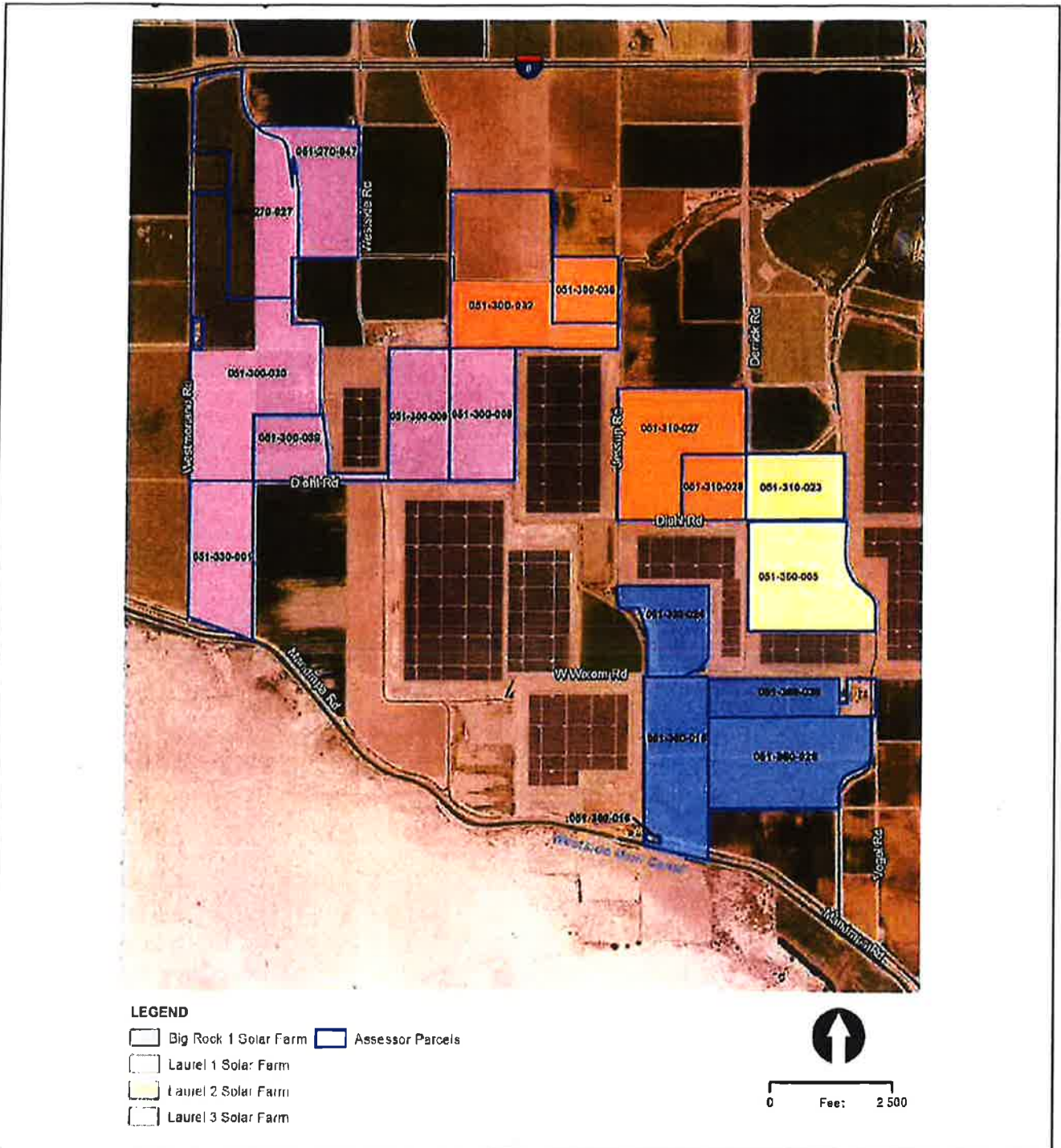


Figure 1 Site Location

SECTION I:
CUP Application



CONDITIONAL USE PERMIT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (760) 482-4236

- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - Please type or print -

1. PROPERTY OWNER'S NAME John Kuhn		EMAIL ADDRESS jr@kuhnandkuhn.com	
2. MAILING ADDRESS (Street / P O Box, City, State) 473 Savannah Highway, Charleston SC		ZIP CODE 29407	PHONE NUMBER 843 708-2188
3. APPLICANT'S NAME 38KM 8me LLC		EMAIL ADDRESS tom@8minutenergy.com	
4. MAILING ADDRESS (Street / P O Box, City, State) 5455 Wilshire Blvd. Suite 2010, Los Angeles, Ca		ZIP CODE 90036	PHONE NUMBER 323 525-0900
4. ENGINEER'S NAME TBD	CA. LICENSE NO.	EMAIL ADDRESS	
5. MAILING ADDRESS (Street / P O Box, City, State)		ZIP CODE	PHONE NUMBER
6. ASSESSOR'S PARCEL NO. 051-300-032 (portion), 051-300-036		SIZE OF PROPERTY (in acres or square foot) 120	ZONING (existing) A-2-R, A-3
7. PROPERTY (site) ADDRESS			
8. GENERAL LOCATION (i.e. city, town, cross street) The project site is located in the unincorporated area of Imperial County, north of W. Vaughn Road, west of Jessup Road, south of I-8, and east of Fern Canal			
9. LEGAL DESCRIPTION <u>see attached</u>			

PLEASE PROVIDE CLEAR & CONCISE INFORMATION (ATTACH SEPARATE SHEET IF NEEDED)

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail) <u>Applicant proposes to construct and operate a 30 MW solar farm with energy storage.</u>	
11. DESCRIBE CURRENT USE OF PROPERTY	<u>Farmland</u>
12. DESCRIBE PROPOSED SEWER SYSTEM	<u>Septic tank with leachfield</u>
13. DESCRIBE PROPOSED WATER SYSTEM	<u>IID distribution system, private water treatment facility</u>
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM	<u>Above ground water tank with capacity of 10,000 gallons</u>
15. IS PROPOSED USE A BUSINESS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE? <u>5 or fewer</u>

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT

John Kuhn 5/20/21
Print Name Date
[Signature]
Signature

Print Name Date

Signature

REQUIRED SUPPORT DOCUMENTS

A. SITE PLAN	
B. FEE	<u>see application submitted by 925T</u>
C. OTHER	_____
D. OTHER	_____

APPLICATION RECEIVED BY:	_____	DATE	_____	REVIEW / APPROVAL BY OTHER DEPT'S required <input type="checkbox"/> P W <input type="checkbox"/> E H S <input type="checkbox"/> A. P. C. D <input type="checkbox"/> O. E. S. <input type="checkbox"/> _____ <input type="checkbox"/> _____
APPLICATION DEEMED COMPLETE BY:	_____	DATE	_____	
APPLICATION REJECTED BY:	_____	DATE	_____	
TENTATIVE HEARING BY:	_____	DATE	_____	
FINAL ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	_____	DATE	_____	

CUP #
210014

IS 21-0021

EEC ORIGINAL PKG

**LEGAL DESCRIPTION
CUP – LAUREL 2 NORTH**

That portion of Section 22, Township 16 South, Range 12 East, of the San Bernardino Base and Meridian, in an unincorporated area of the County of Imperial, in the State of California, more particularly described as follows:

COMMENCING at the Northwest corner of said Section 22 from which the Southwest corner of said Section 22 bears South 00 degrees 16 minutes 32 seconds East, a distance of 5282.60 feet;

THENCE along the West line of said Section 22, South 00 degrees 16 minutes 32 seconds East, a distance of 2,632.48 feet to the **Point of Beginning**;

THENCE leaving said West line, South 89 degrees 04 minutes 19 seconds East, a distance of 2016.21 feet;

THENCE North 31 degrees 42 minutes 39 seconds West, a distance of 58.48 feet;

THENCE North 07 degrees 56 minutes 20 seconds West, a distance of 82.37 feet;

THENCE North 00 degrees 08 minutes 51 seconds West, a distance of 421.73 feet;

THENCE North 89 degrees 47 minutes 24 seconds East, a distance of 107.88 feet to the Northwest corner of the Southwest Quarter of Tract 55;

THENCE along the North line of the Southwest Quarter of Tract 55, North 89 degrees 47 minutes 24 seconds East, a distance of 1318.77 feet to the Northeast corner of the Southwest Quarter of Tract 55;

THENCE leaving said North line, and along the East line of the Southwest Quarter of Tract 55, South 00 degrees 17 minutes 11 seconds East, a distance of 1322.29 feet to the Northeast corner of the West 120 acres of Tract 54;

THENCE along the East line of the West 120 acres of Tract 54, South 00 degrees 24 minutes 33 seconds East, a distance of 523.82 feet to the centerline of the County Road per Book 1134, Page 297, Official Records of Imperial County, California;

THENCE along said centerline, South 89 degrees 58 minutes 41 seconds West, a distance of 1319.56 feet to the West line of Tract 54;

THENCE leaving said centerline, and along the West line of Tract 54, North 00 degrees 18 minutes 20 seconds West, a distance of 2 54 feet to the Southeast corner of Lot 6 of said Section 22;

THENCE leaving said West line, South 89 degrees 41 minutes 47 seconds West, a distance of 2083.79 feet to the West line of said Section 22;

THENCE along last said West line, North 00 degrees 16 minutes 32 seconds West, a distance of 1329.47 feet to the **POINT OF BEGINNING**.

Said parcel contains 5,213,412 square feet or 119.68 acres of land, more or less.

Bearings are based on CCS Zone 6, NAD 83 (2010 epoch).

SECTION II:
Project Description

DESCRIPTION OF PROPOSED PROJECT

The Laurel 2 North Project is proposed on two parcels totaling 120 acres within the central portion of the Big Rock Cluster Solar Farms project area. As shown above on Figure 1, the Project Site is located south of I-8, west of Jessup Road, north of West Vaughn Road, and east of the Fern canal. Primary access would be taken via Jessup Road while secondary access may be obtained off West Vaughn Road.

The Applicant proposes to develop a photovoltaic energy facility (up to 30 MW-AC) with up to 120 MW hour (MWh) Energy Storage System on the Project Site (Figure 2). Power generated by the Project will be delivered from the Site via 230 kV overhead and/or underground electrical transmission line(s) originating from an on-site substation/switchyard and terminating at the proposed Imperial Irrigation District (IID) Fern Substation.

The Project may share operations & maintenance (O&M), substation, and/or transmission facilities as necessary with one or more nearby solar projects, and/or may be remotely operated. Any "unused" O&M, substation, and/or transmission facility areas on-site could be covered by solar panels under such scenarios.

The Applicant has considered the following in its selection of the Site for detailed evaluation:

- Land availability (approximately 120 gross acres)
- Land Use Designations: A-2-R (General Agricultural Rural Zone) and A-3 (Heavy Agriculture)
- Proximity to interconnecting substation: near to planned substation
- Historic land use pattern: The Project Area is not encumbered by Williamson Act contracts and the project would place solar facilities in an area where utility-scale facilities already exist

Up to five (5) full-time employees will operate the facility (split between daytime and nighttime shifts). Typically, up to three (3) staff will work during the day shift (sunrise to sunset) and the remainder during the night shifts and weekend. As noted earlier, it is possible that the Project would share O&M, substation, and/or transmission facilities with one or more nearby solar projects, and/or may be remotely operated. In such scenarios, the Project's on-site staff could be reduced.

After the useful life of the Project, the panels will be disassembled from the mounting frames and the Site restored to its pre-development condition. The L2N project may share an operations & maintenance (O&M) building, a substation, and/or transmission facilities, as necessary, with one or more nearby solar projects, and/or may be remotely operated. Any "unused" O&M building, substation, and/or transmission facility areas on-site may be covered by solar panels under such scenarios.

PV Module Configuration

L2N will utilize photovoltaic panels or modules¹ to convert sunlight into electricity. Individual panels will be installed on either fixed-tilt or tracker mount systems (single- or dual-axis, using galvanized steel or aluminum). If the panels are configured for fixed tilt, the panels will be oriented toward the south. For tracking configurations, the panels will rotate to follow the sun over the course of the day. The panels will stand up to 20 feet high, depending on mounting system used.

¹ Including but not limited to concentrated photovoltaic (CPV) technology

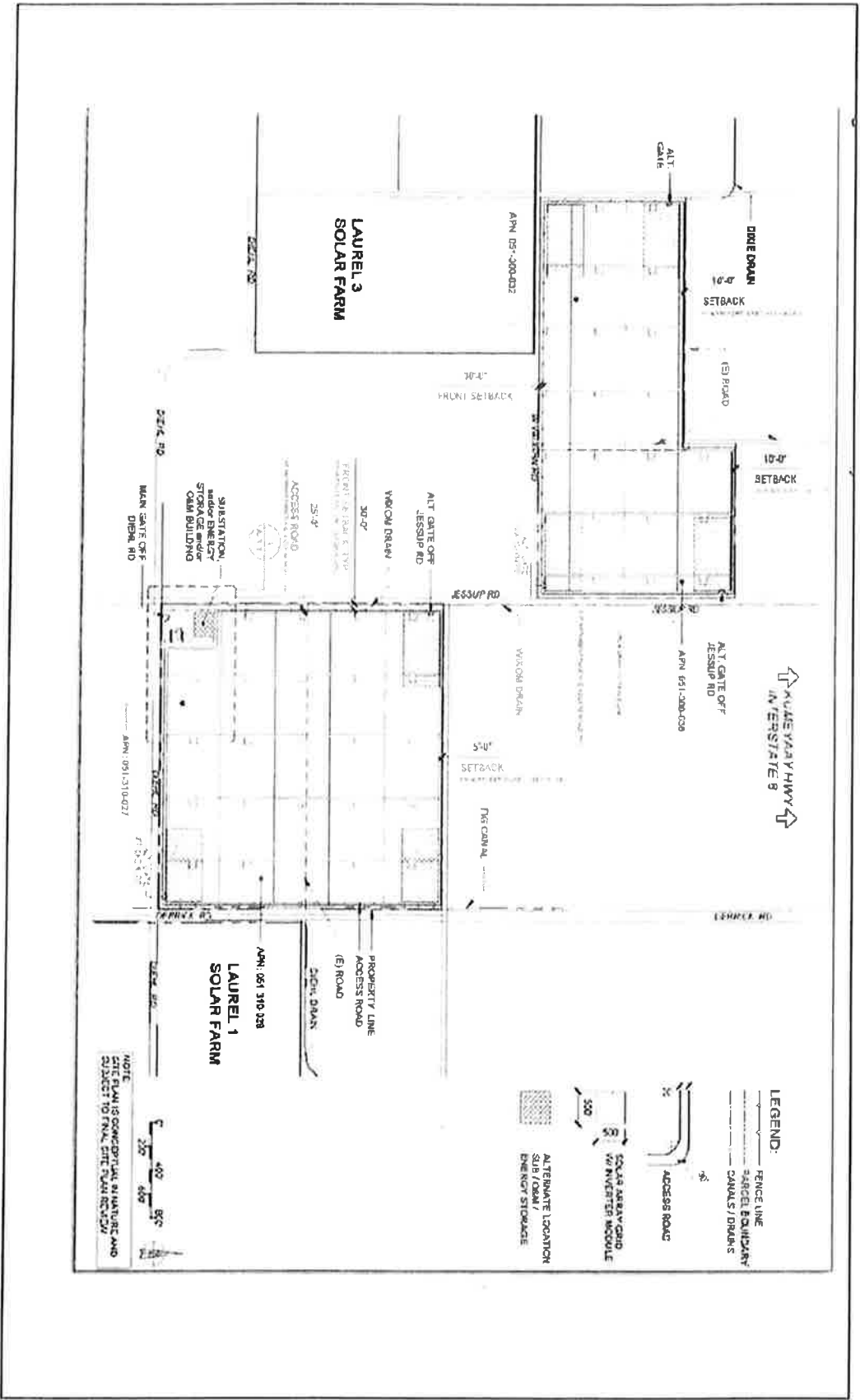


Figure 2 Site Plan



Typical fixed-tilt solar panel rows



Typical single axis tracking solar panels



Typical dual axis tracking solar panels

The solar array fields will be arranged in groups called "blocks," with inverter stations generally located centrally within the blocks. Blocks will produce direct electrical current (DC), which is converted to alternating electrical current (AC) at the inverter stations.

Each PV module will be placed on a fixed-tilt or tracker mounting structure. The foundations for the mounting structures can extend up to 8 feet below ground, depending on the structure, soil conditions, and wind loads, and may be encased in concrete or utilize small concrete footings. Final solar panel layout and spacing will be optimized for Project Area characteristics and the desired energy production profile.



Typical fixed tilt mounting structure

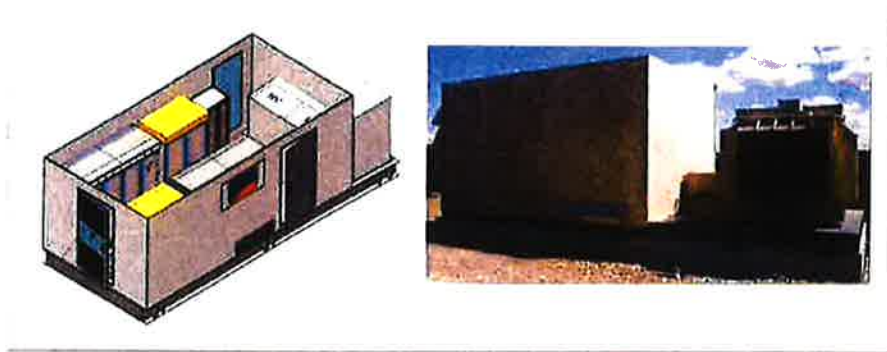


Typical dual axis mounting structure

Inverter Stations

Photovoltaic energy is delivered via cable to inverter stations, generally located near the center of each block. Inverter stations are typically comprised of one or more inverter modules with a rated power of up to 2 MW

each, a unit transformer, and voltage switch gear. The unit transformer and voltage switch gear are housed in steel enclosures, while the inverter module(s) are housed in cabinets. Depending on the vendor selected, the inverter station may lie within an enclosed or canopied metal structure, typically on a skid or concrete mounted pad.



Typical inverter stations

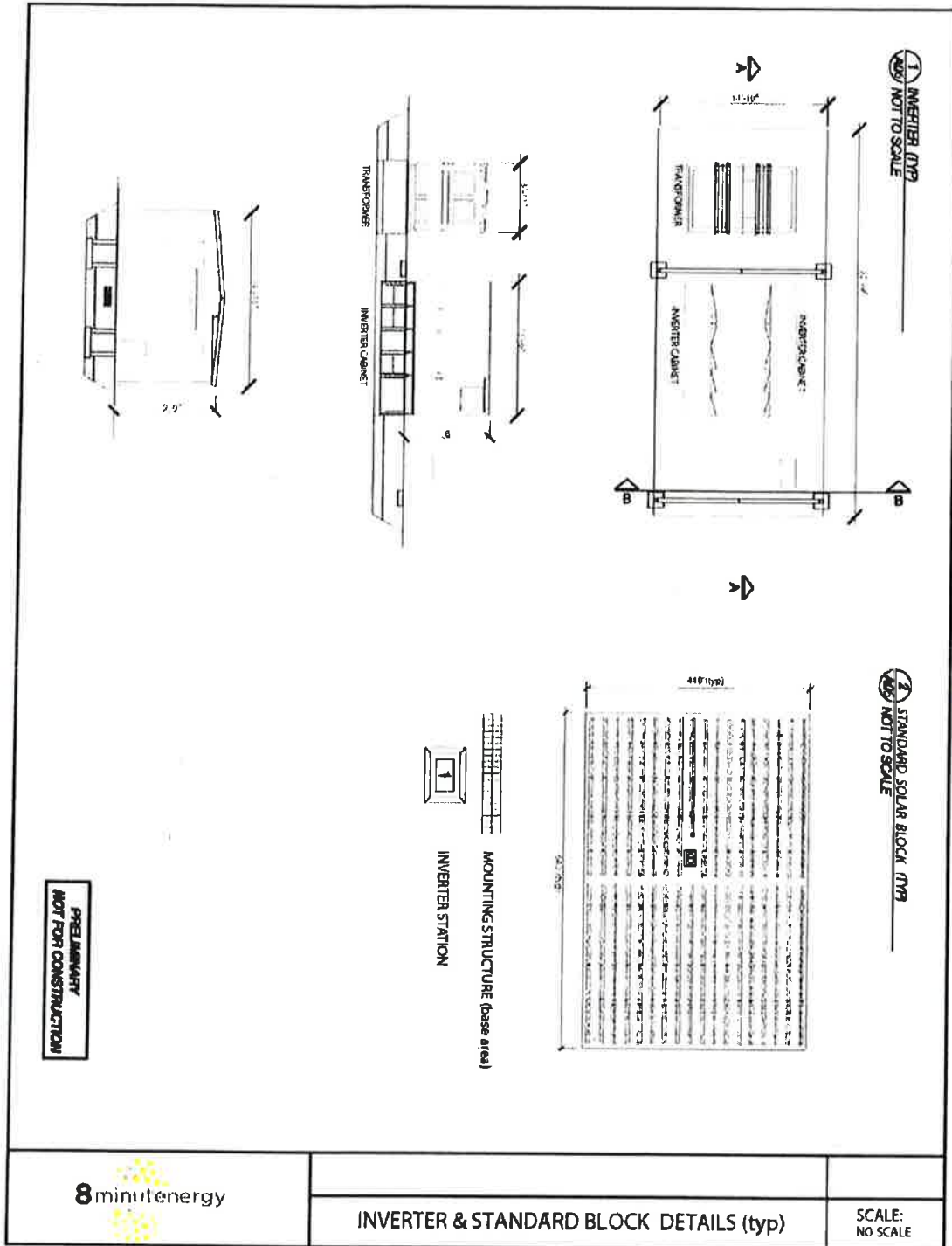


Figure 3 Typical Inverter Detail

Energy Storage System

The Project may include one or more energy storage systems (ESSs), located at or near a substation (onsite or shared) and/or at the inverter stations, but possibly elsewhere onsite. Such large-scale ESSs would consist of modular and scalable battery packs and battery control systems that conform to U.S. national safety standards. The ESS modules, which may include commercially available flow batteries, typically consist of ISO standard containers (approximately 40'L x 8'W x 8'H) housed in pad- or post-mounted, stackable metal structures, but may also be housed in a dedicated building in compliance with applicable regulations. The maximum height of a dedicated structure is not expected to exceed 25 feet. The actual dimensions and number of energy storage modules and structures vary depending on the application, supplier, and configuration chosen, as well as on offtaker/power purchase agreement requirements and County building standards. L2N may share an ESS with one or more nearby solar projects or may operate one or more standalone ESS facilities within the Project Site.



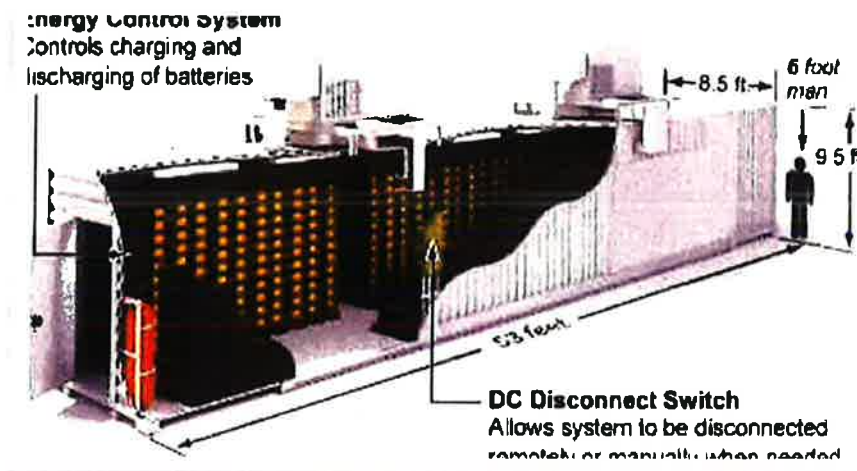
ESS Installed in Dedicated Structure



Modular ESS Installed on Concrete Pad



Modular ESS Installed on Multiple Concrete Pads



Typical ESS module configuration



Typical ESS

Substation

Output from the inverter stations will be transferred via electrical conduits and electrical conductor wires to one or more on-site substation(s). Each substation may contain several components, including auxiliary power transformers, distribution cabinets, revenue metering systems, a microwave transmission tower, and voltage switch gear. Each substation will occupy an area of approximately 200' x 200', secured separately by an additional chain-link fence, and located along the perimeter of the project. The final location(s) will be determined before issuance of building permits.

Substations typically include a small control building (roughly 500 square feet) standing approximately 10 feet tall. The building is either prefabricated concrete or steel housing with rooms for the voltage switch gear and the metering equipment, a room for the station supply transformer, and a separate control technology room in which the main computer, the intrusion detection system, and the main distribution equipment are housed. Components of this building (e.g., control technology room and intrusion detection system) may instead be located at an O&M building described later in this document.



Typical Substation

Transmission Line

From one or more Project substations, power will be transmitted to the proposed IID Fern Substation, adjacent to Laurel 4 Solar Farm, via 230 kV overhead and/or underground line(s). The gen-tie may involve installation of an appropriate number of 230 kV transmission tower structures, associated insulator/hardware assemblies, appropriate number of spans of conductor and optical ground wiring, among other appurtenances, between the last Project structure and the dead-end substation structure at Fern Substation. Final number and location of the transmission tower structures and spans of conductor and optical ground wire will be determined by IID following completion of final engineering of the Interconnection Facilities.

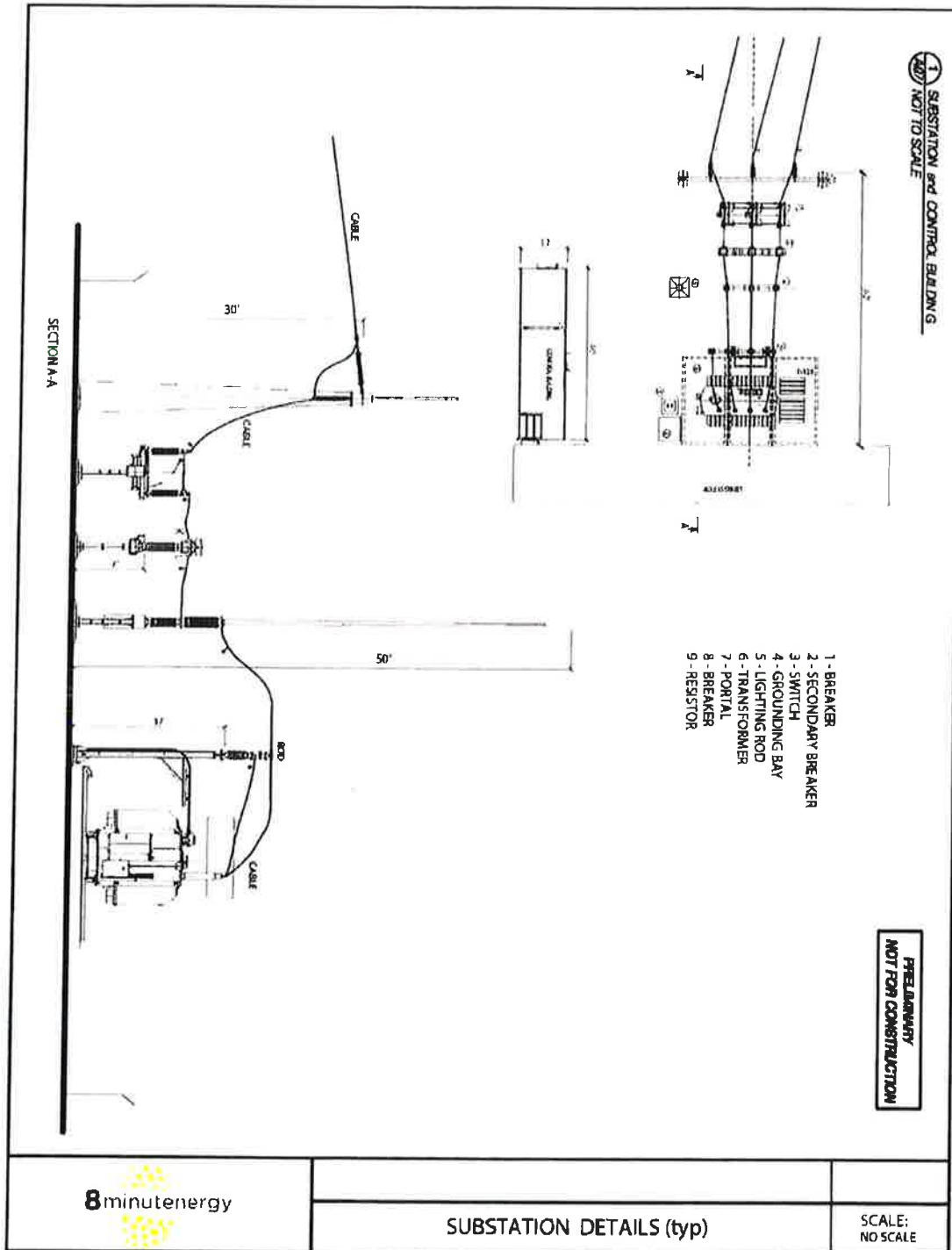


Figure 4 Typical Substation

IID or one or both Applicants on behalf of IID would construct the Fern Substation and associated facilities to interconnect the Projects. Only planning level assumptions for Fern are available at this time, and further details will be made available upon completion of preliminary and final engineering, using the most current IID design and construction practices, identification of field conditions, verification of availability of materials and equipment, and compliance with applicable environmental and permitting requirements. Fern will involve construction of a 230 kV switchyard, including all relevant switchyard design features and appurtenances, on up to 25 acres of real estate. The switchyard will loop in the Imperial Valley Substation – Campo Verde (CVIV) 230 kV Transmission Line, which would necessarily include the construction of various transmission line structures and appurtenances. Maximum height of the various structures is not expected to exceed approximately 200 feet. Fern may also include telecommunications facilities, fiber optic communication cables, equipment, and associated structures for diverse path routing of communications. IID anticipates working typical construction schedules during construction; however, the actual construction hours may vary based on workforce resources and activities.

As alternatives to Fern, power from the Projects may be transmitted by 230 kV line(s) to SDG&E's Imperial Valley Substation, Drew Switchyard, or Imperial Solar Energy Center West Substation. Figure 5 provides the locations of these points of interconnection.

Water Usage

Water demand for panel washing and O&M domestic use is not expected to exceed 13 acre-feet per year. Water usage during construction, primarily for dust-suppression purposes, is not expected to exceed 43 acre-feet. Water will be obtained from the landowner's water supply or delivered via truck from off-site source(s). If off-site water is used, it will likely be obtained from a commercial source. If the Applicant determines that off-site water will be used, the Applicant will submit a Will Serve Letter from the proposed off-site water purveyor(s). A small water treatment system may be installed to provide deionized water for panel washing.

Water Storage Tank(s)

One or more above-ground water storage tanks with a total capacity of up to 10,000 gallons may be placed on-site near the O&M building. The storage tank(s) near the O&M building will have the appropriate fire department connections in order to be used for fire suppression purposes.

Operations and Maintenance Building

The Project is intended to feature an O&M building of approximately 40' x 80' in size, with associated on-site parking. The O&M building will be steel framed, with metal siding and roof panels. The O&M building may include the following:

1. Office
2. Repair building/parts storage
3. Control room
4. Restroom
5. Septic tank and leach field

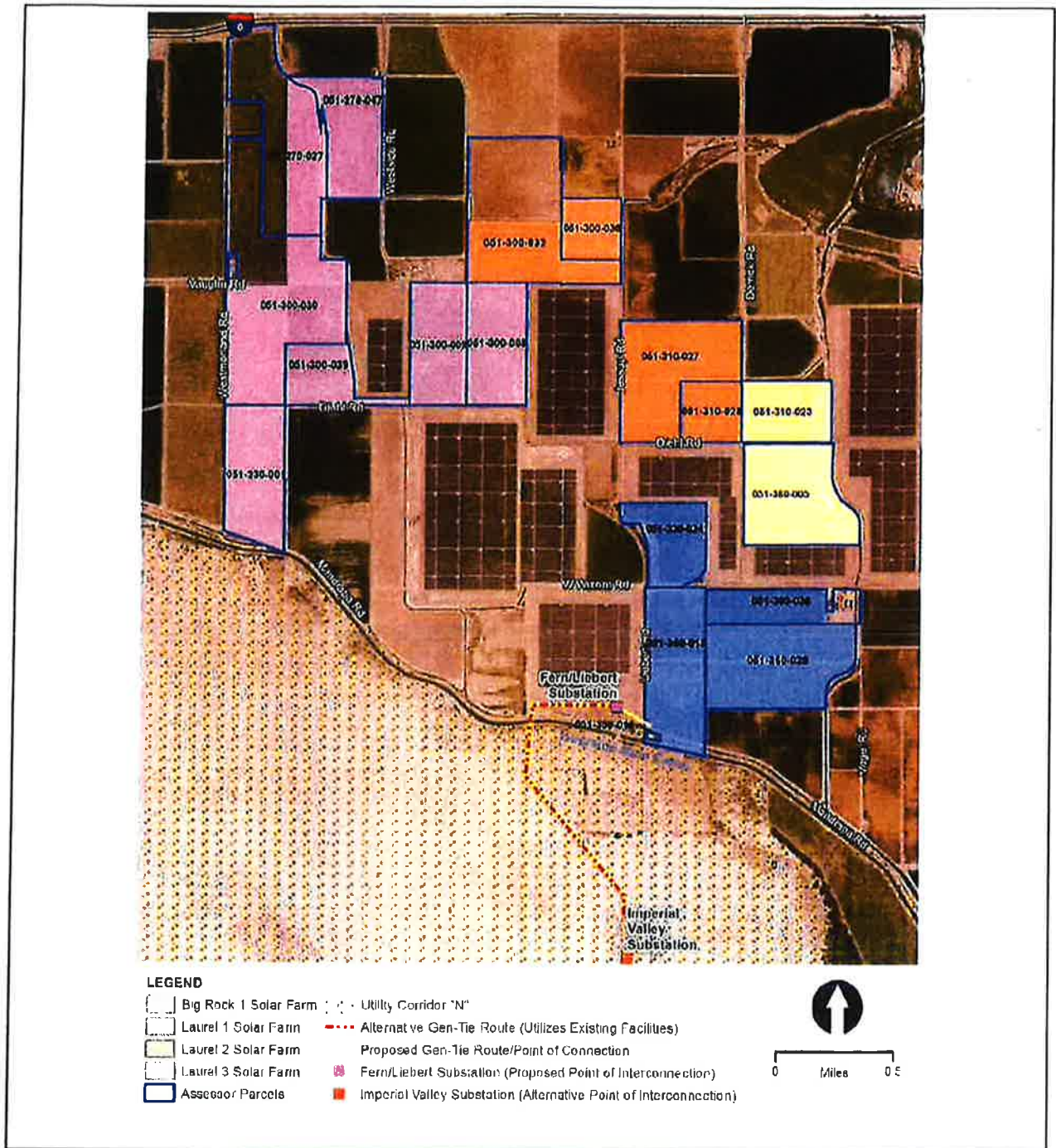


Figure 5 Points of Interconnection

Roads, driveways and parking lot entrances will be constructed in accordance with Imperial County improvement standards. Parking spaces and walkways will be constructed in conformance with all California Accessibility Regulations.

As noted earlier, L2N may share O&M facilities and/or staff with one or more nearby solar projects, and/or may be remotely operated. Any "unused" O&M areas on-site could be covered by solar panels.

Project Site Security and Fencing

The Site will be enclosed with a chain link fence with barbed wire measuring up to eight (8) feet in height (from finished grade). An intrusion alarm system comprised of sensor cables integrated into the perimeter fence, intrusion detection cabinets placed approximately every 1,500 feet along the perimeter fence, and an intrusions control unit, located either in the substation control room or at the O&M Building, or similar technology, will be installed. Additionally, L2N may include additional security measures including, but not limited to, barbed wire, low voltage fencing with warning reflective signage, controlled access points, security alarms, security camera systems, and security guard vehicle patrols to deter trespassing and/or unauthorized activities that could interfere with operation of the Projects.

Controlled access gates will be maintained at the main entrance to the Site. Site access will be provided to offsite emergency response teams that respond in the event of an "after-hours" emergency. Enclosure gates would be manually operated with a key provided in an identified key box location.

Project Site Lighting

All Project Site lighting will be directed away from any public rights-of-way. Lighting used on-site will be minimal. Site lighting may include motion sensor lights for security purposes. Lighting used on-site will be of the lowest intensity foot candle level, in compliance with any applicable regulations, measured at the property line after dark.

Annual Production

L2N will generate electrical power during daylight hours. Peak electricity demand in California corresponds with air conditioning use on summer afternoons when ambient temperatures are high. The Project's peak generating capacity corresponds to this time-period. There is no generating capacity between sunset and sunrise due to the lack of solar energy, though power may be released from the energy storage system.

L2N will have a nominal output capacity of up to 30 MW-AC, sufficient to power roughly 15,000 homes and displacing 45,000 tons of carbon dioxide equivalent (CO₂e) per year when compared to a gas-fired power plant or 90,000 tons when compared to a coal-fired power plant.

CONSTRUCTION ACTIVITIES

The construction period for L2N, from site preparation through construction, testing, and commercial operation, is expected to commence as early as Q4 2021 and will extend for approximately 6 months.

Construction of the facility will include the following activities:

- Site preparation
- Grading and earthwork
- Concrete foundations
- Structural steel work
- Electrical/instrumentation work
- Collector line installation
- Architecture and landscaping

No roadways will be affected L2N, except during the Project's construction period. Construction traffic will access the Site from Liebert Road. It is estimated that up to 60 workers per day (during peak construction periods) will be required during the construction of the Project.

Heavy construction is expected to occur between 6:00 am and 5:00 pm, Monday through Friday. Additional hours may be necessary to make up schedule deficiencies or to complete critical construction activities. Some activities may continue 24 hours per day, seven days per week. Low level noise activities may potentially occur between the hours of 10:00 pm and 7:00 am. Nighttime activities could potentially include, but are not limited to, refueling equipment, staging material for the following day's construction activities, quality assurance/control, and commissioning.

Materials and supplies will be delivered to the Site by truck. Truck deliveries will normally occur during daylight hours. However, there will be offloading and/or transporting to the Site on weekends and during evening hours.

Earthmoving activities are expected to be limited to the construction of the access roads, any O&M building, any substation, and any storm water protection or storage (detention) facilities. Final grading may include revegetation with low lying grass or applying earth-binding materials to disturbed areas.

WORK FORCE

Once L2N is constructed, maintenance will generally be limited to the following:

1. Cleaning of PV panels
2. Monitoring electricity generation
3. Providing Site security
4. Facility maintenance - replacing or repairing inverters, wiring, and PV modules

It is expected that the Big Rock facility will require an operational staff of up to five full-time employees. As noted earlier, it is possible that the Project would share O&M, substation, and/or transmission facilities with one or more nearby projects. In such a scenario, the projects c/would share personnel, thereby potentially reducing the Project's on-site staff.

The facility would operate seven days a week, 24 hours a day, generating electricity during normal daylight hours when the solar energy is available. Maintenance activities may occur seven days a week, 24 hours a day to ensure PV panel output when solar energy is available.

PROJECT FEATURES AND BEST MANAGEMENT PRACTICES

The following sections describe standard Project features and best management practices that will be applied during construction and long-term operation of L2N to maintain safety and minimize or avoid environmental impact.

Waste and Hazardous Materials Management

L2N will have minimal levels of materials on-site that have been defined as hazardous under 40 CFR, Part 261. The following materials are expected to be used during the construction, operation, and long-term maintenance of the Project:

- Insulating oil – used for electrical equipment
- Lubricating oil – used for maintenance vehicles
- Various solvents/detergents – equipment cleaning
- Gasoline – used for maintenance vehicles

Hazardous materials and wastes will be managed, used, handled, stored, and transported in accordance with applicable local and State regulations. All hazardous wastes will be maintained at quantities below the threshold requiring a Hazardous Material Management Program (HMMP) (one 55-gallon drum). Though not expected, should any on-site storage of hazardous materials exceed one 55-gallon drum, an HMMP would be prepared and implemented.

Spill Prevention and Containment

Hazardous materials stored on-site will be in quantities of less than 55 gallons. Spill prevention and containment for construction and operation of L2N will adhere to the Environmental Protection Agency's (EPA's) guidance on Spill Prevention Control and Countermeasures (SPCC).

Wastewater/Septic System

A standard on-site septic tank and leach field may be used at the O&M building to dispose sanitary wastewater, designed to meet operation and maintenance guidelines required by Imperial County laws, ordinances, regulations, and standards.

Inert Solids

Inert solid wastes resulting from construction activities may include recyclable items such as paper, cardboard, solid concrete and block, metals, wire, glass, type 1-4 plastics, drywall, wood, and lubricating oils. Non-recyclable items include insulation, other plastics, food waste, vinyl flooring and base, carpeting, paint containers, packing materials, and other construction wastes. A Construction Waste Management Plan will be prepared for review by the County. Consistent with local regulations and the California Green Building Code, the Plan would provide for diversion of a minimum of 50% of construction waste from landfill.

Chemical storage tanks (if any) would be designed and installed to meet applicable local and state regulations. Any wastes classified as hazardous such as solvents, degreasing agents, concrete curing compounds, paints, adhesives, chemicals, or chemical containers will be stored (in an approved storage facility/shed/structure) and disposed of as required by local and state regulations. Material quantities of hazardous wastes are not expected.

Health and Safety

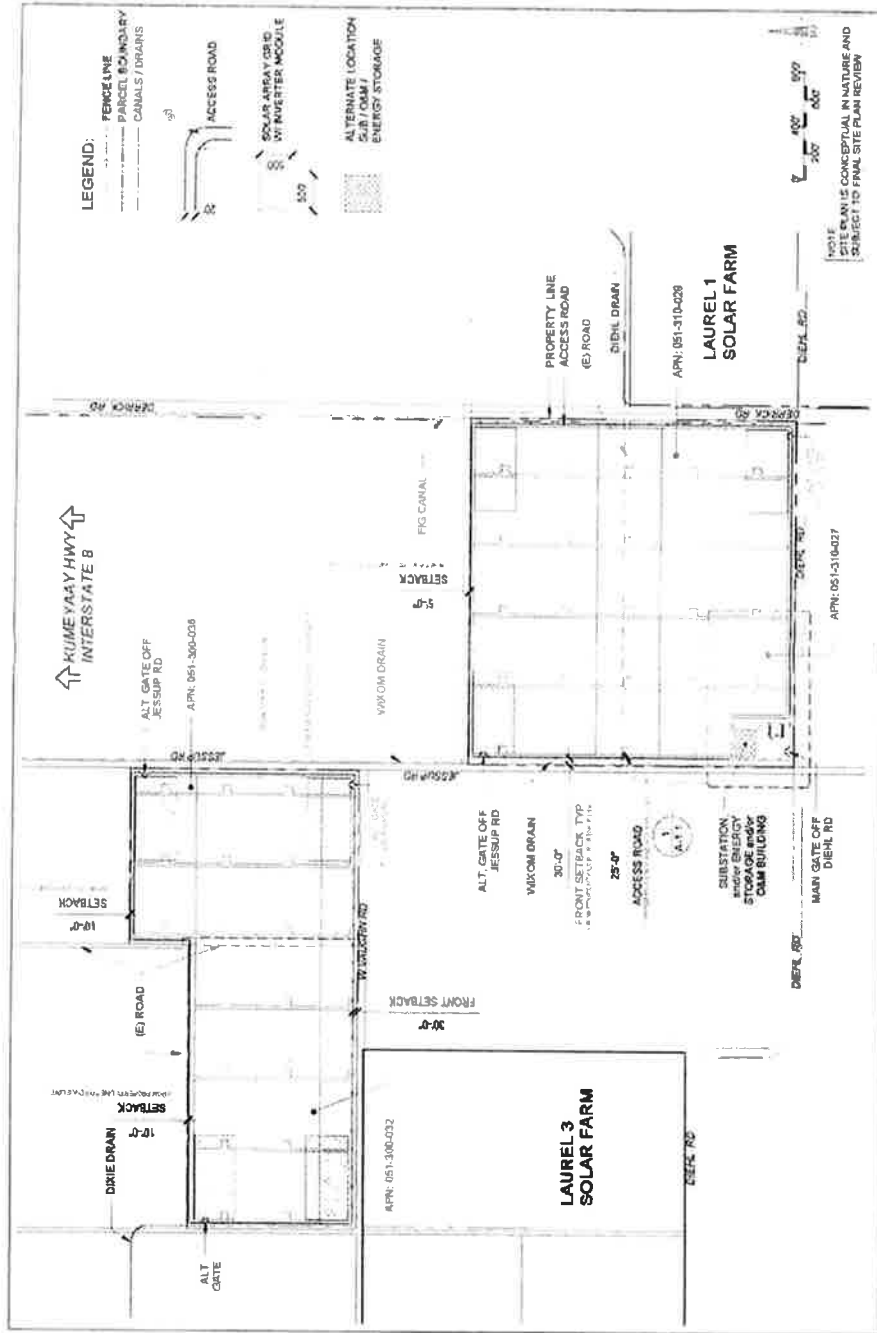
Safety precautions and emergency systems will be implemented as part of the design and construction of L2N to ensure safe and reliable operation. Administrative controls will include classroom and hands-on training in operating and maintenance procedures, general safety items, and a planned maintenance program. These will work with the system design and monitoring features to enhance safety and reliability.

L2N will have an Emergency Response Plan (ERP). The ERP will address potential emergencies including chemical releases, fires, and injuries. All employees will be provided with communication devices, cell phones, or walkie-talkies, to provide aid in the event of an emergency.

L2N is located within the jurisdiction of Imperial County Fire Department. On-site fire protection would be provided via portable and fixed fire suppression systems throughout each of the projects. Portable fire extinguishers would be provided at various locations throughout the solar farms, while fixed fire suppressions systems would be available in the form of dedicated 10,000-gallon on-site storage tank(s). Water from the on-site water storage tank would be intended for the fire protection of the O&M building. The O&M building would have access to a wet-fire connection to provide sufficient fire protection. Both the access and service roads (along the perimeter of the project facilities) would have turnaround areas to allow clearance for fire trucks per fire department standards (70 feet by 70 feet, and 20-foot-wide access road).



Figure 3-7. Laurel 2 Solar Farm – Site Layout



Attachment B.
Comment Letters

Kimberly Noriega

From: Krug, Robert@DTSC <Robert.Krug@dtsc.ca.gov>
Sent: Monday, September 13, 2021 11:56 AM
To: Kimberly Noriega
Subject: RE: 09 23 21 EEC Meeting

CAUTION: This email originated outside our organization; please use caution.

Hi Kimberly,

Assessment #21-0016 Applicants: 92JT 8me, LLC and 38KM 8me, LLC

Solar Farms need to be in the CUPA Program. They can contact us for more information.

Bob

RECEIVED

SEP 13 2021

IMPERIAL COUNTY

PLANNING & DEVELOPMENT SERVICES

Robert Krug

Supervisor / Senior Environmental Scientist

DTSC Imperial CUPA

627 Wake Avenue

El Centro, CA 92243

Robert.Krug@dtsc.ca.gov

(760) 336-8919 Work

(760) 457-7376 Cell

From: Kimberly Noriega <KimberlyNoriega@co.imperial.ca.us>

Sent: Friday, September 10, 2021 4:45 PM

To: Adam Crook <AdamCrook@co.imperial.ca.us>; Alfredo Estrada Jr <AlfredoEstradaJr@co.imperial.ca.us>; Andrea Montano-City of Brawley <amontano@brawley-ca.gov>; Andrew Loper <AndrewLoper@co.imperial.ca.us>; Annette Leon-DD&E <aleon@dde-inc.net>; Belen Leon <BelenLeon@co.imperial.ca.us>; Belinda D. Henderson <BelindaDHenderson@co.imperial.ca.us>; Blanca Acosta <BlancaAcosta@co.imperial.ca.us>; Carina Gomez <CarinaGomez@co.imperial.ca.us>; County Ag Commissioner, Imperial@CDPR <carlosortiz@co.imperial.ca.us>; Catherine Hoff - City of Calipatria Clerk <c_hoff@calipatria.com>; County Counsel <CountyCounsel@co.imperial.ca.us>; Cynthia Medina <CynthiaMedina@co.imperial.ca.us>; David Black <DavidBlack@co.imperial.ca.us>; David Claverie <DavidClaverie@co.imperial.ca.us>; Debra Jackson - City of Imperial Clerk <cityclerk@cityofimperial.org>; Derek Newland <DerekNewland@co.imperial.ca.us>; Diana Robinson <DianaRobinson@co.imperial.ca.us>; Donald Vargas - IID <DVargas@IID.com>; Edie Harmon-Sierra Club <desertharmon@gmail.com>; Emma Cordova <EmmaCordova@co.imperial.ca.us>; Faye Winkler <fayewinkler@co.imperial.ca.us>; Francisco Olmedo <FranciscoOlmedo@co.imperial.ca.us>; Gabriela Robb <GabrielaRobb@co.imperial.ca.us>; Gerardo Leon <GerardoLeon@co.imperial.ca.us>; Gloria M. Flores <GloriaMFlores@co.imperial.ca.us>; Gordon Gaste - City of Brawley <ggaste@brawley-ca.gov>; J Volker - Volker - Law Firm <jvolker@volkerlaw.com>; jloper@cityofimperial.org; Jeanine Ramos <JeanineRamos@co.imperial.ca.us>; Jeff Lamoure <JeffLamoure@co.imperial.ca.us>; Jesus Villegas - City of Imperial <jvillegas@cityofimperial.org>; Jim Minnick <JimMinnick@co.imperial.ca.us>; John Corcoran - Aggregate Products Inc <jc@ma-inc.com>; John Gay <JohnGay@co.imperial.ca.us>; Jolene Dessert <JoleneDessert@co.imperial.ca.us>; Jorge Perez <JorgePerez@co.imperial.ca.us>; Jorge Serrano <JorgeSerrano@co.imperial.ca.us>; Joseph.mirelez@torresmartinez-nsn.gov; Jurg Heuberger (jurgh@iclafco.com) <jurgh@iclafco.com>; Kimberly Noriega <KimberlyNoriega@co.imperial.ca.us>; Komalpreet Toor <komal@lozeaudrury.com>; Linda Hunt <LindaHunt@co.imperial.ca.us>; Linsey Dale <LinseyDale@co.imperial.ca.us>; Rodriguez, Magdalena@Wildlife <Magdalena.Rodriguez@wildlife.ca.gov>; Marcela Piedra <mpiedra@cityofelcentro.org>; Sanchez, Margo <margosanchez@co.imperial.ca.us>; Maria Scoville <mariascoville@co.imperial.ca.us>; Mariela Moran <MarielaMoran@co.imperial.ca.us>; Mario Salinas <MarioSalinas@co.imperial.ca.us>; Mark Schmidt <MarkSchmidt@co.imperial.ca.us>; Martyn Coyne

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Subject: 09 23 21 EEC Meeting

EXTERNAL:

Good morning,

Please see attached agenda, for the September 23, 2021 EEC meeting. In an effort to increase the efficiency at which information is distributed and reduce paper usage, the EEC Hearing Package is available by clicking on the following link:
<https://www.icpds.com/hearings/environmental-evaluation-committee>

Should you have any questions regarding this project, please feel free to contact our office at (442)265-1736.

Thank you,



Office Assistant III

Imperial County
Planning and Development Services
801 Main St.
El Centro, CA 92243
☎Phone: (442) 265-1736
☎Fax: (442) 265-1735



COUNTY OF
IMPERIAL

DEPARTMENT OF
PUBLIC WORKS

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Public Works works for the Public

August 10, 2021

Imperial County Planning & Development Services
Mr. Jim Minnick, Director
801 Main Street
El Centro, CA 92243

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AUG 10 2021

IMPERIAL COUNTY
PLANNING DEVELOPMENT SERVICES

Attention: Diana Robinson, Planner III

**SUBJECT: Laurel Cluster Solar Energy Project
CUP 21-0013 & 21-0014**

Located 2140 W. Vaught Rd., 1400 Jessup Rd & 1520 Jessup Rd
El Centro CA 92243

APN# 051-300-032, 035 and 036 & 051-310-027, 028

Dear Mr. Minnick:

This letter is in response to your submittal received by this Department on July 8, 2021 for the above-mentioned project. Project consists of ZC 21-0002, LLA 321, IS 21-0016. The proposed project will also include CUP 21-0013 for the construction of an up to 40 megawatt-alternating current utility scale solar farm with battery storage. Additionally, CUP 21-0014 proposes to construct a 30 MW-AC utility scale solar farm with battery storage.

1. All survey monuments, including those within the interior of the project, shall be protected and their locations shall remain accessible to any surveyor throughout the duration of the project, or have their locations perpetuated prior to construction. Section 8774 of the Business and Professions Code, and Section 846.5 of the Civil Code, each provide the right of entry to utilize boundary evidence and perform surveys, without undue delay, to any person authorized to practice land surveying. The right of entry is not contingent upon prior notice.
2. A corner record, or record of survey, is required for every survey monument that may be adversely affected by construction. Section 8771(b) of the Professional Land Surveyors' Act requires that a corner record, or record of survey, shall be filed with the County Surveyor prior to construction. (Emphasis added)
3. Derrick Road is classified as Minor Collector – Local Collector, two (2) lanes, requiring seventy feet (70) of right of way, being thirty five (35) feet from existing centerline. It is required that sufficient right of way be provided to meet this road classification. (As directed by Imperial County Board of Supervisors per Minute Order #6 dated 11/22/1994 per the Imperial County Circulation Element Plan of the General Plan).
4. Diehl Road is classified as Minor Collector – Local Collector, two (2) lanes, requiring seventy feet (70) of right of way, being thirty five (35) feet from existing centerline. It is required that sufficient right of way be provided to meet this road classification. (As

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directed by Imperial County Board of Supervisors per Minute Order #6 dated 11/22/1994 per the Imperial County Circulation Element Plan of the General Plan).

5. Jessup Road is classified as Local County (Residential) - two (2) lanes, requiring sixty feet (60) of right of way, being thirty (30) feet from existing centerline. It is required that sufficient right of way be provided to meet this road classification. (As directed by Imperial County Board of Supervisors per Minute Order #6 dated 11/22/1994 per the Imperial County Circulation Element Plan of the General Plan).
6. Vaugh Road is classified as Local County (Residential) - two (2) lanes, requiring sixty feet (60) of right of way, being thirty (30) feet from existing centerline. It is required that sufficient right of way be provided to meet this road classification. (As directed by Imperial County Board of Supervisors per Minute Order #6 dated 11/22/1994 per the Imperial County Circulation Element Plan of the General Plan).
7. The Applicant shall furnish a Drainage and Grading Plan/Study to provide for property grading and drainage control, which shall also include prevention of sedimentation of damage to off-site properties. Said plan shall be completed per *County of Imperial Department of Public Works Engineering Design Guidelines Manual for the Preparation and Checking of Street Improvement, Drainage, and Grading Plans within Imperial County*. The Study/Plan shall be submitted to the Department of Public Works for review and approval. The applicant shall implement the approved plan. Employment of the appropriate Best Management Practices (BMP's) shall be included (Per Imperial County Code of Ordinances, Chapter 12.10.020 B).
8. Easements shall be obtained for those portions of the projects situated on land owned by persons other than the Applicant (such as transmission/connection lines). Executed and recorded easements shall be provided to the Public Works Department prior to issuance of a building permit.
9. The Applicant shall prepare and submit a haul route study for the proposed construction haul route to evaluate any impacts to County roads. Said study shall be submitted to this Department for review and approval. The haul route study shall include pictures and/or other documents to verify the existing conditions of the impacted County roads along the proposed haul route before construction begins. The haul route study shall also include recommended mitigation improvements to impacted County roads along with any fair share costs for such improvements. No building or grading permits shall be issued until such time said haul route study has been approved this Department.
10. The Applicant shall enter into a Roadway Maintenance Agreement with the County of Imperial prior to issuance of a grading permit. The Applicant shall provide financial security to maintain the road on the approved haul route study during construction.
11. The Applicant will be required to repair any damages caused to County roads by construction traffic during construction and maintain them in safe conditions.

12. Any activity and/or work within Imperial County right-of-way shall be completed under a permit issued by this Department (encroachment permit) as per Chapter 12.12 - EXCAVATIONS ON OR NEAR A PUBLIC ROAD of the Imperial County Ordinance.
 - Any activity and/or work may include, but not be limited to, the installation of stabilized construction entrances, primary access driveways, secondary access driveways, site fence installation, underground/overhead electrical crossings, road repairs, road dust mitigation practices and/or improvements, temporary traffic control, or any other road improvements.
13. The applicant for encroachment permits within Imperial County right-of-way, grading plans and/or improvement plans is responsible for researching, protecting, and preserving survey monuments per the Professional Land Surveyor's Act (8771 (b)). This shall include a copy of the referenced survey map and tie card(s) (if applicable) for all monuments that may be impacted.
14. Any unimproved access roads/routes shall be improved for all-weather access. Such all-weather improvements shall be completed as recommended by a Geotechnical Engineer licensed to practice in the State of California.
15. Each site along paved/improved County Roads shall have, as a minimum, one (1) primary asphalt concrete paved driveway and one (1) emergency asphalt concrete paved driveway.
16. Each site along unpaved/unimproved County roads shall have, as a minimum, one (1) primary Class 2 Base aggregate material driveway and one (1) emergency access Class 2 Base aggregate material driveway.
17. Portions of roads used for site access are unimproved. The Applicant shall mitigate generation of dust caused by construction traffic as per Rule 805 – Paved and Unpaved Roads of the Imperial County Air Pollution Control District.
18. All off-site improvements within Imperial County right-of-way shall be financially secured by either a road improvement bond or letter of credit as approved by this department. No building or grading permits shall be issued until such time said financial security has been provided.

INFORMATIVE:

The following items are for informational purposes only. The Applicant is responsible to determine if the enclosed items affect the subject project.

- All solid and hazardous waste shall be disposed of in approved solid waste disposal sites in accordance with existing County, State and Federal regulations (Per Imperial County Code of Ordinances, Chapter 8.72).

- All on-site traffic areas shall be hard surfaced to provide all weather access for emergency vehicles. The surfacing shall meet the Department of Public Works and Fire/Office of Emergency Services (EOS) Standards as well as those of the Air Pollution Control District (APCD).
- The project may require a National Pollutant Discharge Elimination System (NPDES) permit and Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB) prior to County approval of onsite grading plan (40 CFR 122.28).
- A Transportation Permit may be required from road agency(s) having jurisdiction over the haul route(s) for any hauls of heavy equipment and/or large vehicles which impose greater than legal loads on riding surfaces, including bridges. (Per Imperial County Code of Ordinances, Chapter 10.12 - OVERWEIGHT VEHICLES AND LOADS).
- Effective September 15, 2020, the State's Mandatory Organic Waste Recycling Law (AB 1826 or Chapter 727, Statutes of 2014) decreased the threshold requiring all businesses and multi-dwelling facilities of 5 units or more generating two (2) cubic yards or more of solid waste per week to recycle their organic waste including landscape waste, wood waste, and food waste. Information about possible organics waste recycling services can be found at the CalRecycle site at:
<https://www.calrecycle.ca.gov/Recycle/Commercial/Organics/>
- As this project proceeds through the planning and the approval process, additional comments and/or requirements may apply as more information is received.

Should you have any questions, please do not hesitate to contact this office. Thank you for the opportunity to review and comment on this project.

Respectfully,



John A. Gay, P.E.
Director of Public Works

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PLANNING & DEVELOPMENT SERVICES

RE: Laurel Cluster Solar Energy Project – Conditional Use Permit (CUP) #21-0013 & #21-0014
2140 West Vaughn Road, 1400 Jessup Road, 1520 Jessup Road, El Centro, Ca APN 051-300-032, 035 & 051-300-036-000, 051-310-027 & 051-310-028-000

Imperial County Fire Department Fire Prevention Bureau would like to thank you for the opportunity to review and comment on: Laurel Cluster Solar Energy Project – Conditional Use Permit (CUP) #21-0013 & #21-0014.

The project description is developing and operating a 40 and 30 megawatt (MW) alternating current (AC) solar photovoltaic (PV) energy generation and battery storage (BESS) project. This project is located on approximately 280 acres.

Energy storage facilities create extreme hazards for firefighters and emergency responders with possibility of explosions, flammable gases, toxic fumes, water-reactive materials, electrical shock, corrosives, chemical burns. The hazards listed can create a potential significant impact on Imperial County Fire Department due personnel staffing to safely perform firefighting operations and Hazardous Material Response for a utility-scale energy storage facility. The location of the project will lead to longer response times. These longer response times can create incidents that can create difficulties in incident stabilization; therefor requiring additional personnel to safety manage the incident. Utility-scale energy storage will require specialized and reliable equipment to perform firefighting operations safely and effectively to NFPA, OSHA and ICFD standards and requirements.

Standards and requirements for energy storage system includes but not limited to:

NFPA:

- 1 Fire Code
- 70 National Electrical Code
- 855 Standard for the installation of Energy Storage System
- 111 Stored Electrical Energy Emergency and Standby Power System
- 1710 Standard for Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments.

OSHA:

- 29 CFR 1910.134(g)(4)

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CFC:

Chapter 12 section 1206 Electrical Energy Storage System
Chapter 9 Fire Protection and Life Safety System

NFPA 1710 Chapter 5 section 5.2.3.1.2.1 states: In first –due response zones with tactical hazards, high hazard occupancies, or dense urban areas, as identified by the AHJ, these fire companies shall be staffed with a minimum of six on duty members. OSHA 29 CFR 1910.134(g)(4) states: Procedures for interior structural firefighting. In addition to the requirements set forth under paragraphs (g)(3), in interior structural fires, the employer shall ensure that:

1910.134(g)(4)(i): At least two employees enter the IDLH atmosphere and always remain in visual or voice contact with one another.

1910.134(g)(4)(ii): At least two employees are located outside the IDHL atmosphere; and

1910.134(g)(4)(iii): All employees engage in interior structural firefighting use SCBAs.

1. Battery Storage plans and inspections reviews will be done by a third-party consultant determined by the Fire Department at the applicant's expense as per California Fire Code Chapter 1 [A] 104.7.2 Technical Assistance. **(A Blast Analysis will need to be completed Prior to any Fire Department plans review begin).**
2. Project will purchase a Type 1 Fire Engine "As further described below". The fire engine cost estimate will be at current market value for the approved Fire Engine. Final cost, conditions and equipment of the fire engine shall be determined prior to the issuance of the initial grading permit. (This may be a cost share fee with other projects in your area).
3. Project will provide a Private Fire Line with Fire Hydrants every 300 feet or to the discretion of the Fire Department and will maintain Fire Flows that will be analyzed by our consultant for final gpm and duration.
4. Imperial County Fire Department is requiring the applicant to purchase hazardous Material equipment to respond emergencies within electrical energy storage systems. Air monitoring should be a priority for responders during and after any electrical energy storage system. 4-meter or other gas detection equipment to determine toxic gas levels, Thermite equipment determined by Imperial County Fire Department and Imperial County Heat Team. Additional equipment may be required upon determining the energy storage technology that will be used for the project. The Imperial County Fire Department shall make the determination of what is required to provide operational safety of emergency responders. This equipment will be maintain by Imperial County

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Fire Department and Imperial County Heat Team. This equipment shall be determined by and provided to Imperial County Fire Department before the issuance of the initial grading permit. (This may be a cost share fee with other projects in your area).

5. Project will fund and provide Training for 6 personnel regionally a year as response will be need from outside of our agency (Mutual Aid) for the life of the project or until all personnel regionally are trained at the Hazardous Material Technician Level. Developer will also provide courses specifically to battery storage yearly for Firefighters Regionally and host mandatory yearly refresher courses specific to Battery Storage Updates and Technology. All cost will be at the Developers expense. (This may be a cost share fee with other projects in your area).
6. Basic Firefighter, Officer, and HAZMAT training should emphasize ESS safety; the potentially explosive nature of the gases and vapors released during lithium-ion battery thermal runaway, vapor cloud formation and dispersion; and the dynamics of deflagrations and blast wave propagation.
7. Research certified expert in battery storage which the Fire Department provide that includes full-scale testing should be conducted to understand the most effective and safest tactics for the fire service in response to lithium-ion battery ESS incidents.
8. Until definitive tactics and guidance can be established through full-scale experiments, fire service personnel will define a conservative potential blast radius and remain outside of it, while treating the lithium-ion ESS as if the gas mixture in the enclosure is above the LEL until proven otherwise.
9. An online educational tool should be developed to proliferate the appropriate base knowledge about lithium-ion battery ESS hazards and fire service tactical considerations annually.
10. Laptops, tablets, and/or software may need to be purchased for the fire department for remote access to assist in remote access to gas monitors. The project will provide Lithium-ion battery ESSs should incorporate gas monitoring that can be accessed remotely.
11. Research that includes multi-scale testing should be conducted to evaluate the effectiveness and limitations of stationary gas monitoring systems for lithium-ion battery ESSs. (This may be a cost share fee with other projects in your area).

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12. Lithium-ion battery ESSs must incorporate robust communications systems to ensure remote access to data from the BMS, sensors throughout the ESS, and the fire alarm control panel remains uninterrupted.
13. Owners and operators of ESS must develop an Emergency Operation Plan in conjunction with local fire service personnel and the AHJ and hold a comprehensive understanding of the hazards associated with lithium-ion battery technology.
14. Signage that identifies the contents of an ESS is required on all ESS installations to alert first responders to the potential hazards associated with the installation.
15. Lithium-ion battery ESSs must incorporate adequate explosion prevention protection as required in NFPA 855 or International Fire Code Chapter 12, where applicable, in coordination with the emergency operations plan.
16. Research focused on emergency decommissioning best practices and the role of the fire service in an emergency should be conducted.

Fiscal Impacts fee requirements for solar array farm and battery storage(BESS) installation within the project are two different fees. For operation and maintenance, fees associated with Fire Department/OES.

Fiscal Impacts fee requirements for solar array farm installation.

(a) Permittee shall pay a fee of \$50 per acre per year prior to commencement of the construction period to address the Imperial County Fire/OES expenses for service calls within the project Utility/Transmission area. Said amount shall be prorated monthly for periods of time less than a full year. Permittee shall provide advance, written notice to County Executive Office of the construction schedule and all revisions thereto.

Permittee shall pay an annual fee of \$20 per acre per year during the post-construction, operational phase of the project to address the Imperial County Fire/OES expenses for service calls within the Project Utility/Transmission area. Said fee will be paid to the Fire Department to cover on-going maintenance and operations cost created by the project.

(b) Cost associated with items two above items shall annually adjusted on January 1st to add a CPI (Los Angeles) increase. Such costs associated with these items can be readjusted in the County's sole discretion if a new service analysis is prepared and that service analysis is approved by both the County and the Permittee.

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Fire- In lieu of providing all-weather access roads for fire protection vehicles, the permittee shall be permitted to provide compacted dirt roads (in compliance with ICAPCD's rules and regulations) for fire protection vehicles if prior to the issuance of any grading permit for the Project shall purchase a Fire Engine with All Terrain Capabilities (Type 3 Engine) as specified and approved by the Fire Department. The Fire Engine cost estimate will be at Current Market Value for approved Fire Engine. Final Cost, conditions and equipment of the Fire Engine shall be determined prior to the issuance of the initial grading permit. The County agrees to require, as a condition of approval, other developers in the area to reimburse the Applicant for the expenses associated with the purchase of the Fire Engine. The Permittee shall be reimbursed only for those expenses more than their proportionate share for the purchase of the Fire Engine that the Permittee would have been required to pay. Furthermore, if a Fire Engine was already purchased by another developer in the area, then the Permittee shall only be required to pay a fire mitigation in the amount of up to \$100 per acre that would represent their proportionate share to reimburse the purchaser of the Fire Engine. The County shall be responsible for the managing the reimbursement component of this condition of approval.

Further requirements and condition may be required for any solar installation within the project. Imperial County Fire Department reserve the right to comment on solar components within the project.

Other impacts from this project shall be evaluated by Imperial County Fire Department Fire Chief and Fire Code Official in determining any impacts of the project can or will cause a negative effect on Imperial County Fire Department and/or County of Imperial. Any impacts will be address between Imperial County Fire Department official, County of Imperial officials, applicants and/or developers which may include but not limited to:

- Capital purchases which may be required in providing services to this project
- Hazmat Operational Equipment
- Training
- Fiscal and operational costs

Additional requirements to follow but not limited to:

- An approved water supply capable of supplying the required fire flow determined by appendix B in the California Fire Code shall be installed and maintained. Private fire service mains and appurtenance shall be installed in accordance with NFPA 24.
- An approved automatic fire suppression system shall be installed on all required structures as per the California Fire Code. All fire suppression

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systems will be installed and maintained to the current adapted fire code and regulations.

- An approved automatic fire detection system shall be installed on all required structures as per the California Fire Code. All fire detection systems will be installed and maintained to the current adapted fire code and regulations.
- Fire department access roads and gates will be in accordance with the current adapted fire code and the facility will maintain a Knox Box for access on site.
- Compliance with all required sections of the fire code.
- Applicant shall provide product containment areas(s) for both product and water run-off in case of fire applications and retained for removal
- A Hazardous Waste Material Plan shall be submitted to Certified Unified Program Agency (CUPA) for their review and approval.
- All hazardous material and wastes shall be handled, store, and disposed as per the approved Hazardous Waste Materials Plan. All spills shall be documented and reported to Imperial County Fire Department and CUPA as required by the Hazardous Waste Material Plan

Again thank you for the opportunity to comment. Imperial County Fire Department reserves the right to comment and request additional requirements pertaining to this project regarding fire and life safety measures, California building and fire code, and National Fire Protection Association standards at a later time as we see necessary.

If you have any questions, please contact the Imperial County Fire Prevention Bureau at 442-265-3020 or 442-265-3021.

Sincerely,

Robert Malek

Robert Malek
Deputy Chief
Imperial County Fire Department
Fire Prevention Bureau

Andrew Loper
Lieutenant/Fire Prevention Specialist
Imperial County Fire Department
Fire Prevention Bureau

CC: Alfredo Estrada Jr. Fire Chief

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**IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES**

Ms. Diana Robinson
Planner III
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: Laurel Cluster Solar Energy Project; ZC no. 21-0002, LLA no. 00321, CUP application nos. 21-0013 and 21-0014

Dear Ms. Robinson:

On July 8, 2021, the Imperial Irrigation District received from the Imperial County Planning & Development Services Dept. a request for agency comments on the Laurel Cluster Solar Energy Project (previously known as Big Rock Cluster I Solar Project); Zone Change no. 21-0002, Lot Line Adjustment no. 00321, Conditional Use Permit application nos. 21-0013 and 21-0014. The applicant, 38KM 8me, LLC/9JT 8me, LLC, proposes to construct a 40MW solar farm with battery storage on 160 acres on parcels APNs 051-310-027 and -028 and a 30MW solar farm with battery storage on 120 acres on parcels APNs 051-300-036 and -032. The applicant is also requesting a zone change of APN 051-300-032 from General Agricultural to Heavy Agricultural in a Renewable Energy Overlay Zone and a lot line adjustment to modify the west property line of APN 051-300-035 southerly and adjust the south property line of APN 051-300-036 to the west for a future solar energy generation project. The project is sited at 2140 W. Vaughn Road, and 1400 & 1520 Jessup Road, El Centro, CA.

The IID has reviewed the project information and, in addition to the applicable comments submitted in the district letter dated May 9, 2018 (see attached letter), has the following observations:

1. The Laurel Cluster Solar Farms Project consists of four solar facilities, Laurel Solar Farm 1 Laurel Solar Farm 2, Laurel Solar Farm 3 and Laurel Solar Farm 4.
 - a. The Laurel Solar Farm 1, located on APNs 051-310-023 and 051-360-005, may impact IID facilities that include the Fig Canal, Fig Drain and Diehl Drain.
 - b. The Laurel Solar Farm 2, located on APNs 051-300-032, and -036, and APNs 051-310-027 and -028, May impact IID facilities that include the Fig Canal, Fern Canal, Wixom Drain, Dixie Drain No. 3, Diehl Drain and Fig Drain.

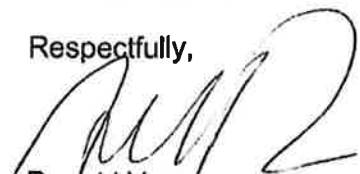
- c. The Laurel Solar Farm 3, located on APNs 051-270-027 and -047; APNs 051-300-008, -009, -030, and -039 and APN 051-330-001, may impact IID facilities that include the Fern Canal, Westside Main Canal, Foxglove Lateral No. 1, Westside Drain, Dixie Drain No. 3, Dixie Drain No. 3C and Dixie Drain No. 2.
 - d. The Laurel Solar Farm 4, located on APNs 051-350-015 and -016; APNs 051-360-038, -028; and APN 051-330-021, may impact IID facilities that include the Fig Canal, Fern Canal, Westside Main Canal, Fig Drain and Wixom Drain.
2. The projects may impact IID drains with project site runoff flows draining into IID drains. To mitigate impacts, the project may require a comprehensive IID hydraulic drainage system analysis. IID's hydraulic drainage system analysis includes an associated drain impact fee.
3. An IID encroachment permit is necessary to utilize existing surface-water drainpipe connections to drains and receive drainage service from IID. Surface-water drainpipe connections are to be modified in accordance with IID Standards. A construction storm-water permit from the California Regional Water Quality Control Board is required before commencing construction and an industrial storm water permit from CRWQCB is needed for the operation of the proposed facility. Copies of these permits as well as the project's Storm Water Pollution Prevention Plan are to be submitted to IID.
4. The IID Water Department, at a June 30, 2021 meeting, was advised by Fuscoe Engineering and 8 Minute Energy representatives of the Laurel Cluster Solar Energy Project that the project will not require any operational water for the battery storage and solar facilities. This communication is a change from the 2018 Water Supply Assessment and 2018 Final Environmental Impact Report prepared for the project. Should it be determined at a future date that the project will necessitate a water supply from IID for operation needs, the project proponent will be required to comply with all applicable IID policies and regulations and may be required to enter into a water supply agreement. Such policies and regulations require, among other things, that all potential environmental and water supply impacts of the project be adequately assessed, appropriate mitigation developed if warranted, including any necessary approval conditions adopted by the relevant land use and permitting agencies. If IID implements a water allocation or apportionment program pursuant to the IID Equitable Distribution Plan, or any amending or superseding policy for the same or similar purposes, during all or any part of the term of said water supply agreement, IID shall have the right to apportion the project's water as an industrial water user. For more information on how to obtain a water supply agreement, please visit IID's website at <https://www.iid.com/water/municipal->

Diana Robinson
July 28, 2021
Page 3

industrial-and-commercial-customers or contact Justina Gamboa-Arce at (760) 339-9085 or jgamboarce@iid.com."

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas
Compliance Administrator II

Attachment

Enrique B. Martínez – General Manager
Mike Pacheco – Manager, Water Dept.
Marlyn Del Bosque Gilbert – Manager, Energy Dept.
Constance Bergmark – Mgr. of Planning & Eng./Chief Elect. Engineer, Energy Dept.
Jamie Asbury – Assoc. General Counsel
Vance Taylor – Asst. General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.

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May 9, 2018

Mr. David Black
Planner IV
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: Big Rock Cluster Solar Farms Project Draft EIR

Dear Mr. Black:

On April 13, 2018, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, a Draft Environmental Impact Report for the Big Rock Cluster Solar Farms Project. The applicants, 92JT8me, LLC and 90F18me, LLC, propose to develop four (4) solar energy-generating project facilities: Big Rock 1 Solar Farm, Laurel 1 Solar Farm, Laurel 2 Solar Farm and Laurel 3 Solar Farm and generate up to 325 MW. The four sites, totaling approximately 1,396 acres, are located south of I-8, west of Drew Road, north and east of the Westside Main Canal and immediately adjacent to the Campo Verde Solar Project, southeast of El Centro, CA. The generation interconnection transmission line proposed will terminate at the proposed IID Fern Substation, the Drew Switching Station or the Imperial Solar Energy Center West Substation, to eventually be delivered to the SDG&E Imperial Valley Substation.

The IID has reviewed the DEIR and in addition to the district letter dated January 29, 2018 (see attached letter), has the following comments:

1. Whichever generation interconnection transmission route is decided upon, IID will need to review the plan and profile drawings as part of the encroachment permit (or agreement) process. The applicant will be responsible for any mitigation measures required due to the impact of the interconnection line. This also include any medium collection voltage 34.5kV lines crossing IID's rights of way.
2. IID water facilities that will be impacted by solar farm:
 - 2.1 The Big Rock 1 Solar will impact the Fig Canal, Fern Canal, Westside Main Canal, Fig Drain, and Wixom Drain.
 - 2.2 The Laurel 1 Solar will impact the Fig Canal, Fig Drain, and Diehl Drain.
 - 2.3 The Laurel 2 Solar will impact the Fig Canal, Fern Canal, Wixom Drain Dixie Drain No. 3, Diehl Drain and Fig Drain.

David Black
May 9, 2018
Page 2

- 2.4 The Laurel 3 Solar will impact the Fern Canal, Westside Main Canal, Foxglove Lateral No. 1, Westside Drain, Dixie Drain No. 3, Dixie Drain No. 3C Drain, and Dixie Drain No. 2.
3. Dividing a project into two or more pieces and evaluating each piece in a separate environmental document (Piecemealing or Segmenting), rather than evaluating the whole of the project in one environmental document, is explicitly forbidden by CEQA, because dividing a project into a number of pieces would allow a Lead Agency to minimize the apparent environmental impacts of a project by evaluating individual pieces separately, each of which may have a less-than-significant impact on the environment, but which together may result in a significant impact. Segmenting a project may also hinder developing comprehensive mitigation strategies. In general, if an activity or facility is necessary for the operation of a project, or necessary to achieve the project objectives, or a reasonably foreseeable consequence of approving the project, then it should be considered an integral project component that should be analyzed within the environmental analysis. **The project description should include all project components, including those that will have to be approved by responsible agencies.** The State CEQA Guidelines define a project under CEQA as "the whole of the action" that may result either directly or indirectly in physical changes to the environment. This broad definition is intended to provide the maximum protection of the environment. CEQA case law has established general principles on project segmentation for different project types. **For a project requiring construction of offsite infrastructure, the offsite infrastructure must be included in the project description; see *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App. 4th 713.**

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas
Compliance Administrator II

Kevin Kelley – General Manager
Mike Pacheco – Manager, Water Dept.
Charles Allegranza – Manager, Energy Dept., Operations
Jamie Asbury – Deputy Manager, Energy Dept., Operations
Vance Taylor – Asst. General Counsel
Robert Laurie – Asst. General Counsel
Carlos Vasquez – Deputy Manager, Energy Dept., Planning & Engineering.
Enrique De Leon – Asst. Mgr., Energy Dept., Distr., Planning, Eng. & Customer Service
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Harold Walk Jr. – Supervisor, Real Estate
Randy Gray – ROW Agent, Real Estate
Jessica Lovacchio – Environmental Project Mgr. Sr., Water Dept.

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January 20, 2018

Mr. David Black
Planner IV
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: Big Rock Solar Project IS and NOP of an EIR

Dear Mr. Black:

On January 11, 2018, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, an Initial Study and a Notice of Preparation of an Environmental Impact Report for the Big Rock Solar Project. The applicants, 92JT8me, LLC and 90F18me, LLC, propose to develop four (4) solar energy-generating project facilities: Big Rock 1 Solar Farm, Laurel 1 Solar Farm, Laurel 2 Solar Farm and Laurel 3 Solar Farm and generate up to 325 MW. The four sites, totaling approximately 1,396 acres, are located south of I-8, west of Drew Road, north and east of the Westside Main Canal and immediately adjacent to the Campo Verde Solar Project, southeast of El Centro, CA. The generation interconnection transmission line proposed will terminate at the proposed IID Fern Substation, the Drew Switching Station or the Imperial Solar Energy Center West Substation, to eventually be delivered to the SDG&E Imperial Valley Substation.

The IID has reviewed the project information and has the following comment:

1. For temporary construction electrical service and/or permanent electrical service to the solar facilities' on-site substation and energy storage system, the applicant should contact the IID Customer Project Development Office at (760) 482-3300 and speak with the area's project manager. In addition to submitting a formal application for electrical service (available at the IID website <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required to submit electrical loads, plan & profile drawings (hard copy and CAD files), project schedule, estimated in-service date and project's Conditional Use Permit. All associated fees, rights of way and environmental documentation is the responsibility of the applicant.
2. Please note that a circuit study may be required prior to IID committing to serve the project.
3. The IID water facilities that may be impacted include the Fig Drain, Wormwood 7 Drain, Fern Canal, and Westside Main Canal.
4. Taking into account that the project may impact IID drains with site runoff flows and discharge from proposed storm water detention facilities, a comprehensive IID hydraulic drain system analysis will be required to determine impacts and mitigation if the project

discharges into IID's drain system. IID's hydraulic drainage system analysis includes an associated drain impact fee.

5. To ensure there are no impacts to IID water facilities, County of Imperial approved grading, drainage and fencing plans should be submitted to the IID Water Engineering Section prior to final project design as well as the projects' Storm Water Pollution Prevention Plan. IID Water Engineering can be contacted at (760) 339-9285 for further information.
6. To obtain water for the construction phase of the solar facilities, the applicant should be advised to contact IID South End Division at (760) 482-0800.
7. All new non-agricultural water supply requests are processed in accordance with the IID's Interim Water Supply Policy and Temporary Land Conversion Following Policy. Policy documents are posted at <http://www.iid.com/water/municipal-industrial-and-commercial-customers>. For additional information regarding these water supply policies, applicant should contact the IID Water Supply Planning section at (760) 339-9755.
8. IID's canal or drain banks may not be used to access the project sites. Any abandonment of easements or facilities shall be approved by IID based on systems (Irrigation, Drainage, Power, etc.) needs.
9. The project intends to transport generated power from the four sites via overhead/underground transmission lines originating from the on-site substations/switchyards and terminating at either the proposed IID Fern Substation, the SDG&E Imperial Valley Substation, the Drew Switchyard, or the Imperial Solar Energy Center West Substation. IID rights of way are located immediately adjacent to the project sites.
10. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; requires an encroachment permit, or encroachment agreement (depending on the circumstances). The permit application and its instructions are available at <http://www.iid.com/home/showdocument?id=271>. Additional information regarding encroachment permits or agreements can be provided by the IID Real Estate Section, which can be contacted at (760) 339-9239.
11. In addition to IID's recorded easements, IID claims, at a minimum, a prescriptive right of way to the toe of slope of all existing canals and drains. Where space is limited and depending upon the specifics of adjacent modifications, the IID may claim additional secondary easements/prescriptive rights of ways to ensure operation and maintenance of IID's facilities can be maintained and are not impacted and if impacted mitigated. Thus, IID should be consulted prior to the installation of any facilities adjacent to IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities.
12. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result

David Black
January 29, 2018
Page 3

in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully mitigated. Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.

13. Electrical service is a public utility of utmost importance in the implementation and success of a project and not assessing a project's potential impact on this environmental factor could adversely affect the project as well as the capability of the Imperial Irrigation District to provide electrical service in an efficient and timely manner. Hence, the IID suggests that electrical service be included under the Environmental Factor titled "Utilities/Service Systems" of the checklist. It is important to note that per CEQA Statute and Guidelines the Environmental Checklist under Appendix G is a sample form and may be tailored to satisfy individual agencies' needs and project circumstances and substantial evidence of potential impacts that are not listed on this form must also be considered. The sample questions in the checklist are intended to encourage thoughtful assessment of impacts, and do not necessarily represent thresholds of significance, thus the inclusion of the items we suggest would lead to a more thorough evaluation of a project.

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvgargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas
Compliance Administrator II

Kevin Kelley - General Manager
Mike Pacheco - Manager, Water Dept.
Vickon Kasrijan - Manager, Energy Dept.
Charles Allegrezza - Manager, Energy Dept., Operations
Jarnie Asbury - Deputy Manager, Energy Dept., Operations
Vance Taylor - Asst. General Counsel
Robert Laurie - Asst. General Counsel
Carlos Vasquez - Planning and Engineering Manager, Energy Dept.
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Harold Waik Jr - Supervisor, Real Estate
Randy Gray - ROW Agent, Real Estate
Jessica Lovecchio - Environmental Project Mgr. Sr., Water Dept.

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Kimberly Noriega

From: Mario Salinas
Sent: Wednesday, July 28, 2021 8:23 AM
To: Jeanine Ramos; Kimberly Noriega; Jorge Perez
Cc: Diana Robinson
Subject: RE: Request for Comments - Laurel Cluster Solar Energy Project

Good morning Ms. Robinson,

Pertaining to CUP# 21-0013 & 21-0014, Division of Environmental Health does not have any comments at this time.

Thank you,

Mario Salinas, MBA

Environmental Health Compliance Specialist
Imperial County Public Health Department
Division of Environmental Health
797 Main Street Suite B, El Centro, CA 92243
mariosalinas@co.imperial.ca.us
Phone: (442) 265-1888
Fax: (442) 265-1903
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From: Jeanine Ramos <JeanineRamos@co.imperial.ca.us>
Sent: July 28, 2021 7:35 AM
To: Kimberly Noriega <KimberlyNoriega@co.imperial.ca.us>; Carlos Ortiz <CarlosOrtiz@co.imperial.ca.us>; Sandra Mendivil <SandraMendivil@co.imperial.ca.us>; Margo Sanchez <MargoSanchez@co.imperial.ca.us>; Matt Dessert <MattDessert@co.imperial.ca.us>; Monica Soucier <MonicaSoucier@co.imperial.ca.us>; Luis Plancarte <LuisPlancarte@co.imperial.ca.us>; Rosa Lopez <RosaLopez@co.imperial.ca.us>; Esperanza Colio <EsperanzaColio@co.imperial.ca.us>; Vanessa Ramirez <VanessaRamirez@co.imperial.ca.us>; Jorge Perez <JorgePerez@co.imperial.ca.us>; Jeff Lamoure <JeffLamoure@co.imperial.ca.us>; Mario Salinas <MarioSalinas@co.imperial.ca.us>; Robert Menvielle <RobertMenvielle@co.imperial.ca.us>; Robert Malek <RobertMalek@co.imperial.ca.us>; Andrew Loper <AndrewLoper@co.imperial.ca.us>; John Gay <JohnGay@co.imperial.ca.us>; Guillermo Mendoza <GuillermoMendoza@co.imperial.ca.us>; Scott Sheppard <scottsheppard@ics.org>; Thomas Garcia <tgarcia@ics.org>; ljcvantes@iid.com; Donald Vargas - IID <DVargas@IID.com>; chamilton@chp.ca.gov; hhaines@augustinetribe.com; marcuscuero@campo-nsn.gov; cocotcsec@cocopah.com; chairman@cit-nsn.gov; tashina.harper@crit-nsn.gov; wmicklin@leaningrock.net; Quechan Historic Preservation Officer <historicpreservation@quechantribe.com>; frankbrown6928@gmail.com; Quechan Indian Tribe <tribalsecretary@quechantribe.com>; ljbirdsinger@aol.com; lp13boots@aol.com; thomas.tortez@torresmartinez-

nsn.gov; joseph.mirelez@torresmartinez-nsn.gov; katy.sanchez@nahc.ca.gov

Cc: Diana Robinson <DianaRobinson@co.imperial.ca.us>

Subject: RE: Request for Comments - Laurel Cluster Solar Energy Project

Good morning,

This email is to serve as a friendly reminder that comments are due for the attached Request for Comments Packet today July 28th at 5:00 PM.

Should you have any questions regarding this project, please feel free to contact Planners Diana Robinson/ Jeanine Ramos (442)265-1736 ext. 1751/1750 or submit your comment letters to icpdscommentletters@co.imperial.ca.us

Thank you!

Jeanine Ramos
Planner I
Imperial County Planning & Development Services
801 Main Street
El Centro, CA 92243
(442) 265-1736
(442) 265-1735 (Fax)
jeanineramos@co.imperial.ca.us

From: Kimberly Noriega <KimberlyNoriega@co.imperial.ca.us>

Sent: Thursday, July 8, 2021 9:32 AM

To: Carlos Ortiz <CarlosOrtiz@co.imperial.ca.us>; Sandra Mendivil <SandraMendivil@co.imperial.ca.us>; Margo Sanchez <MargoSanchez@co.imperial.ca.us>; Matt Dessert <MattDessert@co.imperial.ca.us>; Monica Soucier <MonicaSoucier@co.imperial.ca.us>; Luis Plancarte <LuisPlancarte@co.imperial.ca.us>; Rosa Lopez <RosaLopez@co.imperial.ca.us>; Esperanza Colio <EsperanzaColio@co.imperial.ca.us>; Vanessa Ramirez <VanessaRamirez@co.imperial.ca.us>; Jorge Perez <JorgePerez@co.imperial.ca.us>; Jeff Lamoure <JeffLamoure@co.imperial.ca.us>; Mario Salinas <MarioSalinas@co.imperial.ca.us>; Robert Menvielle <RobertMenvielle@co.imperial.ca.us>; Robert Malek <RobertMalek@co.imperial.ca.us>; Andrew Loper <AndrewLoper@co.imperial.ca.us>; John Gay <JohnGay@co.imperial.ca.us>; Guillermo Mendoza <GuillermoMendoza@co.imperial.ca.us>; Scott Shepheard <scottshepheard@icso.org>; Thomas Garcia <tgarcia@icso.org>; ljervantes@iid.com; Donald Vargas - IID <DVargas@IID.com>; chamilton@chp.ca.gov; hhaines@augustinetribe.com; marcuscuero@campo-nsn.gov; cocotcsec@cocopah.com; chairman@cit-nsn.gov; tashina.harper@crit-nsn.gov; wmicklin@leaningrock.net; Quechan Historic Preservation Officer <historicpreservation@quechantribe.com>; frankbrown6928@gmail.com; Quechan Indian Tribe <tribalsecretary@quechantribe.com>; ljbirdsinger@aol.com; lp13boots@aol.com; thomas.tortez@torresmartinez-nsn.gov; joseph.mirelez@torresmartinez-nsn.gov; katy.sanchez@nahc.ca.gov

Cc: Diana Robinson <DianaRobinson@co.imperial.ca.us>; Jeanine Ramos <JeanineRamos@co.imperial.ca.us>; Michael Abraham <MichaelAbraham@co.imperial.ca.us>; Carina Gomez <CarinaGomez@co.imperial.ca.us>; John Robb <JohnRobb@co.imperial.ca.us>; Maria Scoville <mariascoville@co.imperial.ca.us>; Rosa Soto <RosaSoto@co.imperial.ca.us>; Shannon Lizarraga <ShannonLizarraga@co.imperial.ca.us>; Valerie Grijalva <ValerieGrijalva@co.imperial.ca.us>

Subject: Request for Comments - Laurel Cluster Solar Energy Project

Good Afternoon,

Please see attached Request for Comments Packet for Conditional Use Permit #21-00013 & Conditional Use Permit #21-0014 Laurel Cluster Solar Energy Project. Comments are due by **July 28, 2021 at 5:00 PM.**

In an effort to increase the efficiency at which information is distributed and reduce paper usage, the Request for Comments Packet is being sent to you via this email.

Should you have any questions regarding this project, please feel free to contact Planners Diana Robinson/ Jeanine Ramos (442)265-1736 ext. 1751/1750 or submit your comment letters to icpdscommentletters@co.imperial.ca.us

Thank you,

Kimberly Noriega

Office Assistant III

Imperial County
Planning and Development Services
801 Main St.
El Centro, CA 92243
☎Phone: (442) 265-1736
☎Fax: (442) 265-1735



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Office of the
Agricultural Commissioner
Sealer of Weights and Measures

Carlos Ortiz
Agricultural Commissioner
Sealer of Weights and Measures

Jolene Dossert
Asst. Agricultural Commissioner
Asst. Sealer of Weights and
Measures

July 26, 2017

Diana Robinson, Planner III
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

Re: Conditional Use Permit#21-0013, Conditional Use Permit#21-0014, Zone Change#21-0002, Lot Line Adjustment#00321, Initial Study#21-0016 Laurel Cluster Solar Energy Project

Dear Ms. Robinson:

Our department received and reviewed the documents pertaining to Conditional Use Permit#21-0013, Conditional Use Permit#21-0014, Zone Change#21-0002, Lot Line Adjustment#00321, Initial Study#21-0016 as submitted by 38 KM 8meLLC/9JT 8me LLC, for the Laurel Cluster Solar Energy Project. The applicant is proposing to construct a 40 megawatt-alternating current utility scale solar farm with battery storage at 2140 W. Vaughn Road, 1400 Jessup Road and 1520 Jessup Road in El Centro, CA.

The California Department of Conservation has classified the farm ground for this project to be either Prime Farmland or Farmland of Statewide importance. This farmland supports crops that contribute directly to the County's \$2 billion gross agricultural production value. Mitigation for loss of this farmland is needed as the removal of any farmland out of production of a 30 year period (average life span of solar projects) will have a negative effect on direct, indirect and induced employment, income, sales and tax revenue.

Any plans to mitigate farmland taken out of production through the use of easements must ensure that the mitigating farm ground is in farmable condition. If the mitigation plan involves a Parceling Project, any parcels to remain in farming must align with existing infrastructure such as canals, delivery ditches, and surface & subsurface drainage systems. Mitigating farmland must be maintained in farmable condition, including repairs as needed to the infrastructure.

This project will require an ongoing Pest Management Plan to mitigate negative impacts to surrounding farmland from pests such as insects, vertebrates, weeds, and plant pathogens. The plan must be submitted to our office for approval. Attached are the requirements that your company will need to meet.

Projects constructed on farm ground will also require a reclamation plan that would return the land to its pre-constructed agricultural condition at the conclusion or abandonment of the project. The reclamation plan needs to include a written description of the crop history of each field, water delivery system, drainage system, physical infrastructure, the parties responsible for conducting reclamation, and a detailed description of the recycling, and/or disposal of all solar arrays, inverters, transformers and other structures on each of the sites. The plan must be submitted to our office for approval.

If you or the applicant has any questions, please contact me at 442-265-1500.

Respectfully,

Carlos Ortiz
Agricultural Commissioner

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JUL 26 2021

**IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES**

(442) 265-1500 • fax: (760) 353-9420 | 852 Broadway Street, El Centro, CA 92243
agcom@co.imperial.ca.us | agcom.imperialcounty.org

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Office of the
Agricultural Commissioner
Sealer of Weights and Measures

Carlos Ortiz
Agricultural Commissioner
Sealer of Weights and Measures

Jolene Dessert
Asst. Agricultural Commissioner
Asst. Sealer of Weights and Measures

Pest Management Plan Requirements for Solar Projects

The Project Shall:

- Maintain a Pest Management Plan until reclamation is complete.
- Develop and implement a Pest Management Plan that will reduce negative impacts to surrounding (not necessarily adjacent) farmland.
- Monitor for all pests including insects, vertebrates, weeds, and pathogens. Promptly control or eradicate pests when found, or when notified by the Agricultural Commissioner's office that a pest problem is present on the project site. The assistance of a licensed pest control advisor is recommended. All treatments must be performed by a qualified applicator or a licensed pest control business.
- "Control" means to reduce the population of common pests below economically damaging levels, and includes attempts to exclude pests before infestation, and effective control methods after infestation. Effective control methods may include physical/mechanical removal, biocontrol, cultural control, or chemical treatments.
- Use of "permanent" soil sterilants to control weeds or other pests is prohibited due to the fact that this would interfere with reclamation.
- Notify the Agricultural Commissioner's office immediately regarding any suspected exotic/invasive pest species as defined by the California Department of Food Agriculture (CDFA) and the United States Department of Agriculture (USDA). Request a sample be taken by the Agricultural Commissioner's Office of a suspected invasive species. Eradication of exotic pests will be done under the direction of the Agricultural Commissioner's Office and/or CDFA.
- Obey all pesticide use laws, regulations, and permit conditions.
- Allow access by Agricultural Commissioner staff for routine visual and trap pest surveys, compliance inspections, eradication of exotic pests, and other official duties.
- Ensure that all project employees that handle pest control issues are appropriately trained and certified, that all required records are maintained and available for inspection, and that all permits and other required legal documents are current.
- Maintain records of pests found and treatments or pest management methods used. Records should include the date, location/block, project name (current and previous if changed), and methods used. For pesticides include the chemical(s) used, EPA Registration numbers, application rates, etc. A pesticide use report may be used for this.
- Submit a report of monitoring, pest finds, and treatments, or other pest management methods to the Agricultural Commissioner quarterly within 15 days after the end of the previous quarter, and upon request. The report is required even if no pests were found or treatment occurred. It may consist of a copy of all records for the previous quarter, or may be a summary letter/report as long as the original detailed records are available upon request.

Reimbursement

- The project shall reimburse the Agricultural Commissioner's office for the actual cost of investigations, inspections, or other required non-routine responses to the site that are not funded by other sources.

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PLANNING & DEVELOPMENT SERVICES

(442) 265-1500 • fax: (760) 353-9420 | 852 Broadway Street, El Centro, CA 92526
agcom@co.imperial.ca.us | agcom.imperialcounty.org

EEC ORIGINAL PKG

COUNTY EXECUTIVE OFFICE

Tony Rouhotas, Jr.
County Executive Officer
tonyrouhotas@co.imperial.ca.us
www.co.imperial.ca.us




County Administration Center
940 Main Street, Suite 208
El Centro, CA 92243
Tel: 442-265-1001
Fax: 442-265-1010

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**IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES**

July 26, 2021

TO: Diana Robinson, Imperial County Planning and Development Services Department
FROM: Rosa Lopez, Executive Office 
SUBJECT: Request for Comments CUPs 21-0013, 21-0014 Laurel Cluster Solar Energy Project

The County of Imperial Executive Office is responding to a Request for Comments CUPs 21-0013, 21-0014 Laurel Cluster Solar Energy Project. The Executive Office would like to inform the developer of several conditions and responsibilities under Conditional Use Permit (CUP) 21-0013 and 21-0014. The conditions commence prior to the approval of an initial grading permit, throughout the permitting process and after the Certificate of Operation. This includes, but not limited to:

- **Fiscal and Economic Impact Analysis.** The developer will be invoiced by the Executive Office for expenses related to the procurement of a consultant to produce a Fiscal and Economic Impact Analysis (FEIA).
- **Establishing either a Development Agreement (DA) or a Public Benefit Agreement (PBA).** It will include detailed conditions and mitigation measures related to the Fire Department, Sheriff's Department and other County Departments.
- **Sales Tax Guarantee.** The PBA will inform the developer on the process of providing the County of Imperial a copy of the CDTFA account number and sub-permit that its contractor and subcontractors (if any) for the jobsite and allocating all eligible use tax payments to the Imperial County (not the County pool). Permittee shall provide in written verification to the County Executive Office that the necessary sales and use tax permits have been obtained, prior to the issuance of any building permits. The developer will provide a copy of its Construction and Materials budget.
- **Public Benefit Fee.** The Public Benefit Fee may include both an Agricultural Benefit Fee and a Community Benefit Fee.

Our office will work on a comprehensive DA or PBA with the developer and various County of Imperial departments that have demonstrated a need for mitigation under this project.

Should there be any concerns and/or questions, do not hesitate to contact me.

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AIR POLLUTION CONTROL DISTRICT



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IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

July 16, 2021

Mr. Jim Minnick
Planning Director
801 Main Street
El Centro, CA 92243

SUBJECT: Conditional Use Permits 21-0013 21-0014 Laurel Cluster Solar Energy Project

Dear Mr. Minnick,

The Imperial County Air Pollution Control District (Air District) thanks you for the opportunity to review and comment on the Laurel Cluster Solar Energy Project ("Project"). The proposed Project includes Conditional Use Permit (CUP) 21-0013 for the construction of up to a 40 megawatt solar farm with battery storage on 160 acres and CUP 21-0014 for the construction of a 30 megawatt solar farm with battery storage on 120 acres. Additionally, a Zone Change 21-0002 and Lot Line Adjustment 00321 will be required. The Project is located in the vicinity of Vaughn and Jessup Roads about eight miles southwest of El Centro.

The proposed Project will subdivide a subset of land within the Laurel Cluster Solar Farm (collectively CUPs 17-0027, -0028, -0029, -0030) for which an Environmental Impact Report (EIR) was certified by the Board of Supervisors on January 15, 2019. Since the proposed Project will supersede CUP 17-0029, **the Air District requests that all of the conditions listed under S-4 of CUP 17-0029 be included in CUP 21-0013 and CUP 21-0014.** Additionally, the Air District requests a draft copy of CUP 21-0013 and 21-0014 prior to recording.

Finally, the Air District would like to know the status of CUPs 17-0027, -0028, and -0030. Since Lot Line Adjustment 00321 is to facilitate a future solar project, the Air District reserves the right to review all future project proposals.

Air District rules and regulations can be found on our website at www.co.imperial.ca.us/AirPollution under the planning section. If any questions arise, please feel free to contact our office at (442) 265-1800.

Respectfully,



Curtis Blondell
APC Environmental Coordinator



Reviewed by,
Monica N. Soucier
APC Division Manager

Kimberly Noriega

From: Quechan Historic Preservation Officer <historicpreservation@quechantribe.com>
Sent: Friday, July 16, 2021 12:29 PM
To: Kimberly Noriega
Subject: RE: Request for Comments - Laurel Cluster Solar Energy Project

CAUTION: This email originated outside our organization; please use caution.
This email is to inform you that we have no comments on this project.

From: Kimberly Noriega [mailto:KimberlyNoriega@co.imperial.ca.us]
Sent: Thursday, July 08, 2021 9:32 AM
To: Carlos Ortiz; Sandra Mendivil; Margo Sanchez; Matt Dessert; Monica Soucier; Luis Plancarte; Rosa Lopez; Esperanza Colio; Vanessa Ramirez; Jorge Perez; Jeff Lamoure; Mario Salinas; Robert Menvielle; Robert Malek; Andrew Loper; John Gay; Guillermo Mendoza; Scott Sheppard; Thomas Garcia; ljcervantes@iid.com; Donald Vargas - IID; chamilton@chp.ca.gov; hhaines@augustinetribe.com; marcuscuero@campo-nsn.gov; cocotcsec@cocopah.com; chairman@cit-nsn.gov; tashina.harper@crit-nsn.gov; wmiclin@leaningrock.net; Quechan Historic Preservation Officer; frankbrown6928@gmail.com; Quechan Indian Tribe ; ljbirdsinger@aol.com; lp13boots@aol.com; thomas.tortez@torresmartinez-nsn.gov; joseph.mirelez@torresmartinez-nsn.gov; katy.sanchez@nahc.ca.gov
Cc: Diana Robinson; Jeanine Ramos; Michael Abraham; Carina Gomez; John Robb; Maria Scoville; Rosa Soto; Shannon Lizarraga; Valerie Grijalva
Subject: Request for Comments - Laurel Cluster Solar Energy Project

Good Afternoon,

Please see attached Request for Comments Packet for Conditional Use Permit #21-00013 & Conditional Use Permit #21-0014 Laurel Cluster Solar Energy Project. Comments are due by **July 28, 2021 at 5:00 PM.**

In an effort to increase the efficiency at which information is distributed and reduce paper usage, the Request for Comments Packet is being sent to you via this email.

Should you have any questions regarding this project, please feel free to contact Planners Diana Robinson/ Jeanine Ramos (442)265-1736 ext. 1751/1750 or submit your comment letters to icpdscommentletters@co.imperial.ca.us

Thank you,

Kimberly Noriega
Office Assistant III

Imperial County
Planning and Development Services
801 Main St.
El Centro, CA 92243
☎Phone: (442) 265-1736
☎Fax: (442) 265-1735

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**Attachment G: LLA Findings and
Conditions**

**LOT LINE ADJUSTMENT #00321
FINDINGS**

Applicant: 92JT 8me LLC and 32KM 8me LLC

APN(s): 051-300-032, -035 and -036-000

County Ordinance 90807.00(a) FINDINGS:

Ordinance Finding 1: No new parcels are created, and no existing parcels are deleted.

Staff Analysis: The lot line adjustment is consistent with the Subdivision Map Act and the County of Imperial Land Use Ordinance Title 9, Section 90807.00.

Ordinance Finding 2: No parcel is reduced below the minimum lot area or minimum setback and minimum distances between structures required by the zoning designation set forth in Imperial County Zoning Ordinance.

Staff Analysis: No parcel is reduced to the minimum lot area and the proposed reconfiguration is consistent with the Imperial County's Zoning Ordinance.

Ordinance Finding 3: The proposed adjustment is exempt from the Subdivision Map Act, and no tentative map, final map or parcel map, shall be required as a condition to the approval of a lot line adjustment.

Staff Analysis: The intent of the lot line adjustment is to correct dual zoning on parcels. No tentative map, final map or parcel map shall be required as a condition to the approval of a lot line adjustment.

Ordinance Finding 4: Public rights-of-way are not altered in any way unless approved by Director of Public Works.

Staff Analysis: All parcels are contiguous and will not result in any potential project-related or cumulative easement, right-of-way, road, alley, or canal impacts.

CONDITIONS OF APPROVAL

LOT LINE ADJUSTMENT (LLA) #00321

APN(s) 051-300-032, 051-300-035 and 051-300-036-000

NOTICE TO APPLICANT!

The above-referenced Lot Line Adjustment, upon approval by the County, shall be subject to all of the following conditions, which may include modification or rescission, in whole or in part, by the PLANNING COMMISSION and/or BOARD OF SUPERVISORS from the conditions recommended by staff. In the event any conditions are deferred the APPLICANT or any subsequent owner(s), shall comply with all of the CONDITIONS specified herein, whether at the time of recordation of the Map/Legal Descriptions or prior to any development permits. It is the obligation of the property owner (current or future) to comply with these conditions; hereinafter the term "applicant" shall mean the current and future owners. If approved, this project having been reviewed for compliance with the General Plan, the Subdivision Map Act and County Land Use Ordinance, the applicant shall comply with all of the requirements of said documents whether specified herein or not.

GENERAL CONDITIONS:

[General Conditions may be either advisory or mandatory depending on the condition. These conditions appear on all lot line adjustments as generic conditions; however they are as important as the Site Specific Conditions. The Planning Commission established these conditions to be consistent, to be informative, and to cover a broad range of generic requirements and notices. The term applicant(s) shall mean the current and future owner(s) of record.]

Unless expressly deferred in these conditions, all conditions are to be satisfied prior to recordation of the lot line adjustment.

1. The applicant shall pay any and all amounts as determined by the County to defray all costs for the review of reports, field investigations, or other activities related to compliance with this permit/approval, County Ordinances, and/or any other laws that apply to this Lot Line Adjustment.
2. The applicant shall comply with all local, state and/or federal laws, rules, regulations, and/or standards as they may pertain to this project, whether specified herein or not.
3. As a condition of this Lot Line Adjustment, the applicant agrees to defend, indemnify, hold harmless, and release the County, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the lot line adjustment

or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this Lot Line Adjustment, whether or not there is concurrent, passive or active negligence on the part of the County, its agents, officers, attorneys, or employees.

4. Each parcel created or affected by this adjustment shall abut a maintained road and/or have legal and physical access to a public road before this Lot Line Adjustment is recorded.
5. Applicant shall provide water and sewer to Federal, State and County standards. Water and sewer systems shall be approved by the Environmental Health Services and the Planning & Development Services Department upon further development.
6. The applicant shall comply with all County Fire Department regulations, rules and standards and shall meet all Fire Department requirements necessary to attain compliance upon further development. Any physical improvements required by the Fire Department shall be inspected and approved prior to a building permit being issued by the Planning & Development Services Building Department.
7. All applicable plans, reports, and studies shall be reviewed and approved by the respective responsible agencies when further development occurs for constructing or installing any site improvements and the installation of future improvements shall be reviewed, inspected, and approved by the respective responsible agency.
8. Applicant shall provide a full legal description acceptable to the Planning & Development Services Department, for review and approval by the County Department of Public Works. The legal description shall be prepared, signed and stamped along with closure sheets by a California Licensed Land Surveyor or a California Registered Civil Engineer licensed to practice in the category of work performed. The legal description shall be typed on plain bond paper (8 ½" x11"). Letterhead is not acceptable.
9. Applicant shall obtain a **Tax Certificate** from the Tax Collector.
10. Applicant shall pay all applicable fees for the recordation of the **Certificate of Compliance and the Tax Certificate**.

SITE SPECIFIC CONDITIONS:

1. When new parcels, lots line adjustments, or mergers are proposed, this department normally requires a Drainage and Grading Study/Plan be provided to prevent sedimentation or damage to off-site properties. In this case, it's the owner's

responsibility to ensure any storm run-off does not impact County facilities or adjacent properties. Should any future development occur in any of the properties, a Drainage and Grading Study/Plan shall be provided to the County of Imperial Department of Public Works

2. An encroachment permit shall be secured from the Department of Public Works for any and all new, altered or unauthorized existing driveway(s) to access the properties through surrounding roads.
3. The applicant for encroachment permits in the County Roads and Right of Way responsible for researching, protecting, and preserving survey monuments per the Professional Land Surveyor's Act (8771(b)). This shall include a copy of the referenced survey map and tie card(s) (if applicable) for all monuments that may be impacted.
4. The applicant for grading plans and/or improvement plans is responsible for researching, protecting, and preserving survey monuments per the Professional Land Surveyor's Act (8771 (b)). This shall include a copy of the referenced survey map and tie card(s) (if applicable) for all monuments that may be impacted by the project whether it be on-site or off-site.