

PROJECT REPORT

TO: PLANNING COMMISSION

AGENDA DATE: August 24, 2022

FROM: PLANNING & DEVELOPMENT SERVICES DEPT. AGENDA TIME 9:00 AM/No. 3

CUP #22-0004 - Titan III Solar, LLC
PROJECT TYPE: Solar Battery Storage Project SUPERVISOR DIST #3
LOCATION: 2085 W Hwy 78, Imperial County APN 018-170-044-000
Lower Borrego Valley Basin, Imperial County, CA, PARCEL SIZE: Approx. 185 acres

GENERAL PLAN (existing) Agriculture GENERAL PLAN (proposed) N/A

ZONE (existing) A-2 (General Agricultural) ZONE (proposed) N/A

GENERAL PLAN FINDINGS ☒ CONSISTENT ☐ INCONSISTENT ☐ MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: 8/24/2022

☐ APPROVED ☐ DENIED ☐ OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: _____

☐ APPROVED ☐ DENIED ☐ OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: July 14, 2022

INITIAL STUDY IS #22-0006

☐ NEGATIVE DECLARATION ☐ MITIGATED NEG. DECLARATION ☒ EIR ADDENDUM

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input type="checkbox"/> NONE	<input type="checkbox"/> ATTACHED
AG / APCD	<input type="checkbox"/> NONE	<input type="checkbox"/> ATTACHED
E.H.S.	<input type="checkbox"/> NONE	<input checked="" type="checkbox"/> ATTACHED
FIRE / OES	<input type="checkbox"/> NONE	<input type="checkbox"/> ATTACHED
OTHER		

REQUESTED ACTION:

IT IS RECOMMENDED THAT THE PLANNING COMMISSION CONDUCT A PUBLIC HEARING AND THAT YOU HEAR ALL THE OPPONENTS AND PROPONENTS OF THE PROPOSED PROJECT. STAFF WOULD RECOMMEND THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTIONS:

- RECOMMENDATION TO THE BOARD OF SUPERVISORS TO ADOPT THE RESOLUTION AND FINDINGS APPROVING THE ADDENDUM PURSUANT TO GOVT. CODE, SECTION 15164, ET. SEQ. AND THE COUNTY'S "RULES AND REGULATIONS TO IMPLEMENT CEQA, AS AMENDED" AND THAT THERE ARE NO SIGNIFICANT EFFECTS NOT PREVIOUSLY ADDRESSED WITHIN THE SEVILLE SOLAR FARM COMPLEX PROJECT FINAL EIR (SCH #2013091039);
- RECOMMENDATION TO THE BOARD OF SUPERVISORS TO ADOPT THE DE MINIMIS FINDINGS AS RECOMMENDED AT THE JULY 14, 2022 EEC HEARING, THAT THE PROJECT WILL NOT INDIVIDUALLY OR CUMULATIVELY HAVE AN ADVERSE EFFECT ON FISH AND WILDLIFE RESOURCES, AS DEFINED IN SECTION 711.2 OF THE FISH AND GAME CODES,
- RECOMMENDATION TO THE BOARD OF SUPERVISORS TO ADOPT THE RESOLUTION AND FINDINGS, APPROVING CONDITIONAL USE PERMIT #CUP 22-0004, SUBJECT TO ALL THE CONDITIONS OF APPROVAL AND AUTHORIZE THE PLANNING AND DEVELOPMENT SERVICES DIRECTOR TO EXECUTE THE CUP AGREEMENT.

Imperial County Planning & Development Services

(Jim Minnick, Director)

801 MAIN ST., EL CENTRO, CA, 92243 442-265-1736

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STAFF REPORT
Planning Commission
August 24, 2022

PROJECT NAME: Titan III (Solar Battery Storage - 40 MW)

APPLICANTS: Titan III Solar, LLC

PROJECT LOCATION:

The project site is located on Assessor Parcel Number 018-170-044-000, a privately-owned parcel comprising 185 acres of land. The project site is located within the previously-approved Seville Solar Farm Complex Project. The 185-acre project site is located in west-central Imperial County, California, approximately eight miles west of the junction of State Route (SR) 78 and SR 86, and approximately three miles east of the San Diego County line. The project site is approximately 14 miles west from the southern tip of the Salton Sea and one-half mile west of Pole Line Road (Supervisory District #3).

PROJECT SUMMARY:

On October 21, 2014, the Imperial County Board of Supervisors certified the Final Environmental Impact Report (EIR) and adopted five Conditional Use Permits (CUPs) (CUP 13-0011, 13-0012, 13-0013, 13-0014, and 13-0015) for the Seville Solar Farm Complex Project ("previously-approved project"). The Seville Solar Farm Complex Project consisted of up to five solar energy projects, including a new access road from State Route (SR) 78, internal access roads, an Imperial Irrigation District (IID) electrical switch station, electrical substations for each of the five projects, and internal solar development transmission lines to the substations and IID switch station.

The applicant is requesting to modify the originally approved CUP #13-0011 to add a battery storage system to the previously-approved CUP site (Lot 1). The original CUP was approved for a 20-MW photovoltaic solar project. The applicant is proposing to add a 40-MW battery storage system with CUP #22-0004 on the current footprint of the previously-approved CUP site. The proposed battery storage system would not result in changes to the size or intensity of disturbance to the previously-approved project footprint. An approved Development Agreement (DA) adopted on February 10, 2015 currently governs Parcel 018-170-044-000. Please see attached DA for details.

Environmental Review:

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.

Based on the findings and information contained in the previously-certified Seville Solar Farms Complex 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 Seville

Solar Farms Complex Project Final EIR (SCH #2013091039). No changes or additions to the Seville Solar Farms Complex 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.

The proposed project was environmentally assessed and reviewed by the Environmental Evaluation Committee. The Committee consists of a seven (7) member panel, which are the Director of Environmental Health Services, Imperial County Fire Chief, Agricultural Commissioner, Air Pollution Control Officer, Director of the Department of Public Works, Imperial County Sheriff, and Director of Planning and Development Services. The EEC members have the principal responsibility for reviewing CEQA documents for the County of Imperial. On July 14, 2022, after review by the EEC members, the members recommended an Addendum for CUP #22-0004.

RECOMMENDED ACTIONS

It is recommended that the Planning Commission conduct a public hearing and that you hear all the opponents and proponents of the proposed project. Staff would recommend that the Planning Commission take the following actions:

- a. Recommendation to the Board of Supervisors to adopt the Resolution and Findings approving the Addendum pursuant to Govt. Code, Section 15164, et. seq. and the County's "Rules and Regulations to Implement CEQA, as amended" and that there are no significant effects not previously addressed within the Seville Solar Farm Complex Project Final EIR (SCH #2013091039);
- b. Recommendation to the Board of Supervisors to make the De Minimus Findings as recommended at the July 14, 2022 EEC hearing, that the project will not individually or cumulatively have an adverse effect on Fish and Wildlife Resources, as defined in section 711.2 of the Fish and Game Codes;
- c. Recommendation to the Board of Supervisors to adopt the Resolution and Findings, approving Conditional Use Permit #CUP 22-0004, subject to all the conditions of approval and authorize the Planning and Development Services Director to execute the cup agreement.

PREPARED BY:


David Black, Project Planner

REVIEWED BY:


Michael Abraham, AICP
Assistant Director of Planning and Development Services

REVIEWED BY:


Jim Minnick
Director of Planning & Development Services

Attachments:

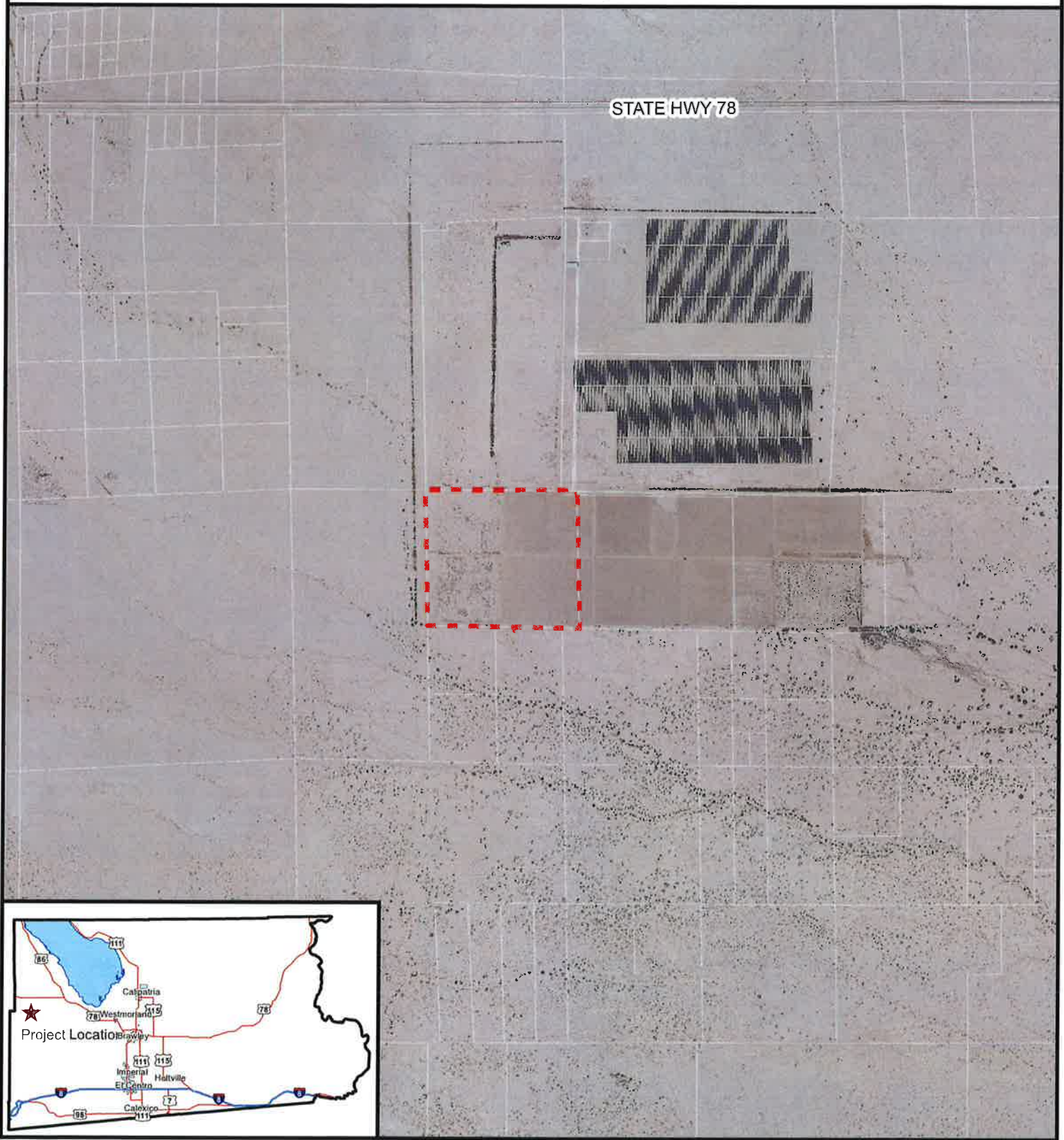
Attachment A: Location Map
Attachment B: Site Plan
Attachment C: Conditional Use Permit #22-0004
Attachment D: Addendum
Attachment E: CUP #13-0011
Attachment F: Recorded Development Agreement Ordinance No. 1503
Attachment G: EEC package with comments

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Attachment A

Location Map

PROJECT LOCATION MAP



TITAN SOLAR III, LLC
CUP #22-0004
INITIAL STUDY #22-0006
APN 018-170-044-000

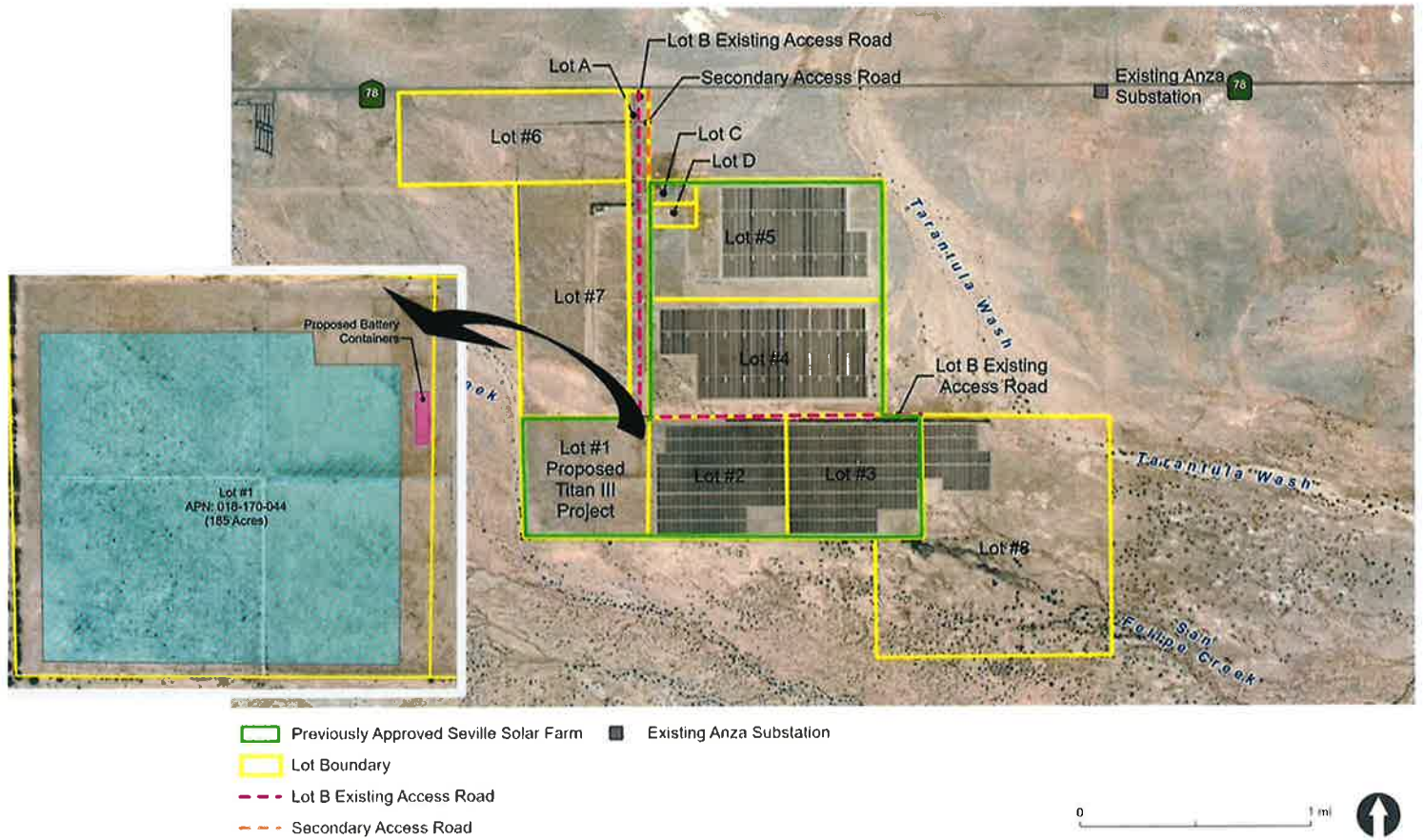
 Project Location



Attachment B

Site Plan

SITE PLAN



Attachment C
Addendum for the EIR (SCH#
2013091039) on Titan III Battery Storage
project.

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDATING TO THE BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL, CALIFORNIA, FOR APPROVAL OF THE ADDENDUM FOR A PROPOSED BATTERY STORAGE ADDITION PROJECT TITAN III SOLAR (CUP #22-0004).

WHEREAS, an Addendum to the Final EIR, SCH #2013091039, and previously-approved CEQA Findings have been prepared in accordance with the requirements of the California Environmental Quality Act, the State CEQA Guidelines, and the County's "Rules and Regulations to Implement CEQA, as Amended" for the Seville Solar Farm Complex Projects (the "Project"); and,

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 the final decision regarding the and certification; and,

WHEREAS, the Addendum to the FEIR has been provided in a timely manner to public agencies; and,

WHEREAS, timely public notice of the Planning Commission hearing on the Project & application has been given, and the Planning Commission evidence presented by the Imperial County Planning & Development Services Department and other interested parties at that public hearing held with respect to this item on August 24, 2022; and,

WHEREAS, the Addendum to the Final EIR includes a previous analysis of various alternatives as required by CEQA; and,

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

SECTION 1. The Planning Commission independently has reviewed and considered the proposed Addendum to the previously-approved Final Environmental Impact Report (FEIR), Mitigation Monitoring and Reporting Program (MM&RP), and CEQA Findings prior to making a decision to approve the proposed Addendum to the FEIR and Findings of Fact. The Planning Commission finds and determines that the proposed Addendum to the FEIR 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, CEQA, State Planning and Zoning law and the County of Imperial Land Use Ordinance, the following findings for the approval and certification of the Addendum to the FEIR, previously-approved MM&RP and Findings of Fact have been made as follows:

1. That the Addendum to the Final EIR, SCH #2013091039, previously-approved CEQA Findings for the Seville Solar Farm Complex ("Project") have been prepared in

accordance with the requirements of the California Environmental Quality Act, the State CEQA Guidelines, and the County's "Rules and Regulations to Implement CEQA as Amended", and such findings are incorporated by reference herein.

2. That the County independently has reviewed, analyzed, and considered the Addendum to the Final EIR, the environmental impacts therein identified for this Project, the previously-approved CEQA Findings, and the Mitigation Monitoring and Reporting Program, and the entire Record of Proceedings prior to recommending approval of this project.

3. That the Addendum to the Final EIR and the previous CEQA Findings reflect the independent judgment of the County.

4. That the CEQA Findings are supported by substantial evidence and backed by information provided to the County by experts, including but not limited to the County staff and the EIR preparer, on whom the County relies.

5. That the County accept as its own, incorporate as if set forth in full herein, and make each and every one of the findings contained in the attached CEQA Findings, including feasibility of mitigation measures pursuant to Public Resources Code 21081(a)/CEQA Guidelines 15091, and the infeasibility of project alternatives.

6. That the previously-approved Mitigation Monitoring and Reporting Program is designed to ensure that during project implementation, the Developer and any other responsible parties implement the Project components and comply with feasible mitigation measures identified in the CEQA Findings, the Project entitlements, and the Mitigation Monitoring and Reporting Program and that these measures are fully enforceable through permit conditions, agreements, and/or other measures, such as their inclusion in the Mitigation Monitoring and Reporting Program.

7. That the Project (CUP #22-0004) Titan III Battery Storage will not individually or cumulative have an unmitigated adverse effect on fish and wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

8. That the Record of Proceedings consists of the Addendum to the Final EIR (and all its technical reports and addendums thereto); the County staff reports; the CEQA Findings; the previously-approved Mitigation Monitoring and Reporting Program; the various Project entitlements and documents referenced therein; all final reports, applications, memoranda, maps, letters, and other planning documents prepared and/or utilized by the EIR planning/environmental consultant; all final reports, memoranda, maps, letters, and other planning documents prepared and/or utilized by the County staff; all documents submitted by members of the public and public agencies in connection with the Final EIR; minutes and transcripts of all public meetings and public hearings; all written and verbal public testimony presented during a noticed public hearing for the proposed project which

such testimony was taken and any and all other materials which constitute the record of proceeding pursuant to Public Resources Code section 21167.6(e); and matters of limited to the County General Plan, the County Land Use Ordinance, and County policies, which may be found at the Clerk's Office located at 940 Main Street, Suite 209, El Centro, CA, 92243 during regular business hours, and the Imperial County Planning & Development Services Department at 801 Main Street, El Centro, CA 92243.

That the Planning Commission of the County of Imperial does hereby recommend to the Board of Supervisors to certify and approve the "Addendum" to the Titan III Battery Storage project for purposes of approval of the project as submitted;

NOW, THEREFORE, based on the above findings, the Planning Commission of the County of Imperial does hereby recommend **APPROVAL** for the proposed "Addendum" to the Final EIR for the Titan III Battery Storage.

NOW, THEREFORE, the County of Imperial Planning Commission **DOES HEREBY RECOMMEND TO THE BOARD OF SUPERVISORS TO ADOPT** the Addendum for the Titan III

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certified that the preceding Resolution was taken by the Planning Commission at a meeting conducted on **August 24, 2022** by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PLANNING COMMISSION RESOLUTION FOR
Addendum for the Titan III Battery Storage project
Page 4 of 3

ATTEST:

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

**Addendum to the Environmental Impact Report
for the Seville Solar Farm Complex Project
Imperial County, California
SCH No. 2013091039**

***Titan III CUP Modification #13-0011
(CUP #22-0004, IS# 22-0006)***



Prepared By:

HDR
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San Diego, CA 92108

Reviewed by:

COUNTY OF IMPERIAL
Planning & Development Services Department
801 Main Street
El Centro, CA 92243
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July 2022

BACKGROUND

On October 21, 2014, the Imperial County Board of Supervisors certified the Final Environmental Impact Report (EIR) and adopted five Conditional Use Permits (CUPs) (CUP 13-0011, 13-0012, 13-0013, 13-0014, and 13-0015) for the Seville Solar Farm Complex Project ("previously-approved project"). The Seville Solar Farm Complex Project consisted of up to five solar energy projects, including a new access road from State Route (SR) 78, internal access roads, an Imperial Irrigation District (IID) electrical switch station, electrical substations for each of the five projects, and internal solar development transmission lines to the substations and IID switch station (**Error! Reference source not found.**). The previously-approved project also included the construction for, and operation by, the IID of new 92 kV transmission line for interconnection to the existing IID Anza Substation. The previously-approved project is located on approximately 1,238 acres of the 2,440-acre Allegretti Farms property located in west-central Imperial County, California, approximately eight miles west of the junction of State Route (SR) 78 and SR 86, and approximately three miles east of the San Diego County line.

The previously-approved project involved a major subdivision/tract map which reconfigured the 2,440-acre Allegretti Farms property into eight individual lots (Lots 1-8) and four common development interest lots (Lots A-D) for common roads and electrical systems (**Error! Reference source not found.**). The previously-approved project proposed the development of five solar energy projects on five individuals lots (Lots 1-5). Figure 1 illustrates the area approved for solar development in 2014.

The Board-certified Seville Solar Farm Complex Project Final EIR (State Clearinghouse No. 2013091039) 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: Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Paleontological Resources, Public Services, and Utilities and Service Systems.

Project Description

The Titan III project ("proposed project/project") is located on APN 018-170-044, a privately-owned parcel comprising 185 acres of land. The project site is located on Lot 1 within the previously-approved Seville Solar Farm Complex Project site (**Error! Reference source not found.**). The applicant is requesting to modify the originally approved CUP #13-0011 to add a battery storage system to the previously-approved CUP site (Lot 1) (the County has assigned the following CUP case numbers for the proposed CUP modification: CUP#22-0004, IS 22-0006). The original CUP was approved for a 20- MW photovoltaic solar project. As shown in Figure 3, the applicant is proposing to add a 40-MW battery storage system on the current footprint of the previously-approved CUP site. The proposed battery storage system would not result in changes to the size or intensity of disturbance to the previously-approved project footprint.

Figure 1. Previously-Approved Seville Solar Farm Complex Project - Lot Configuration

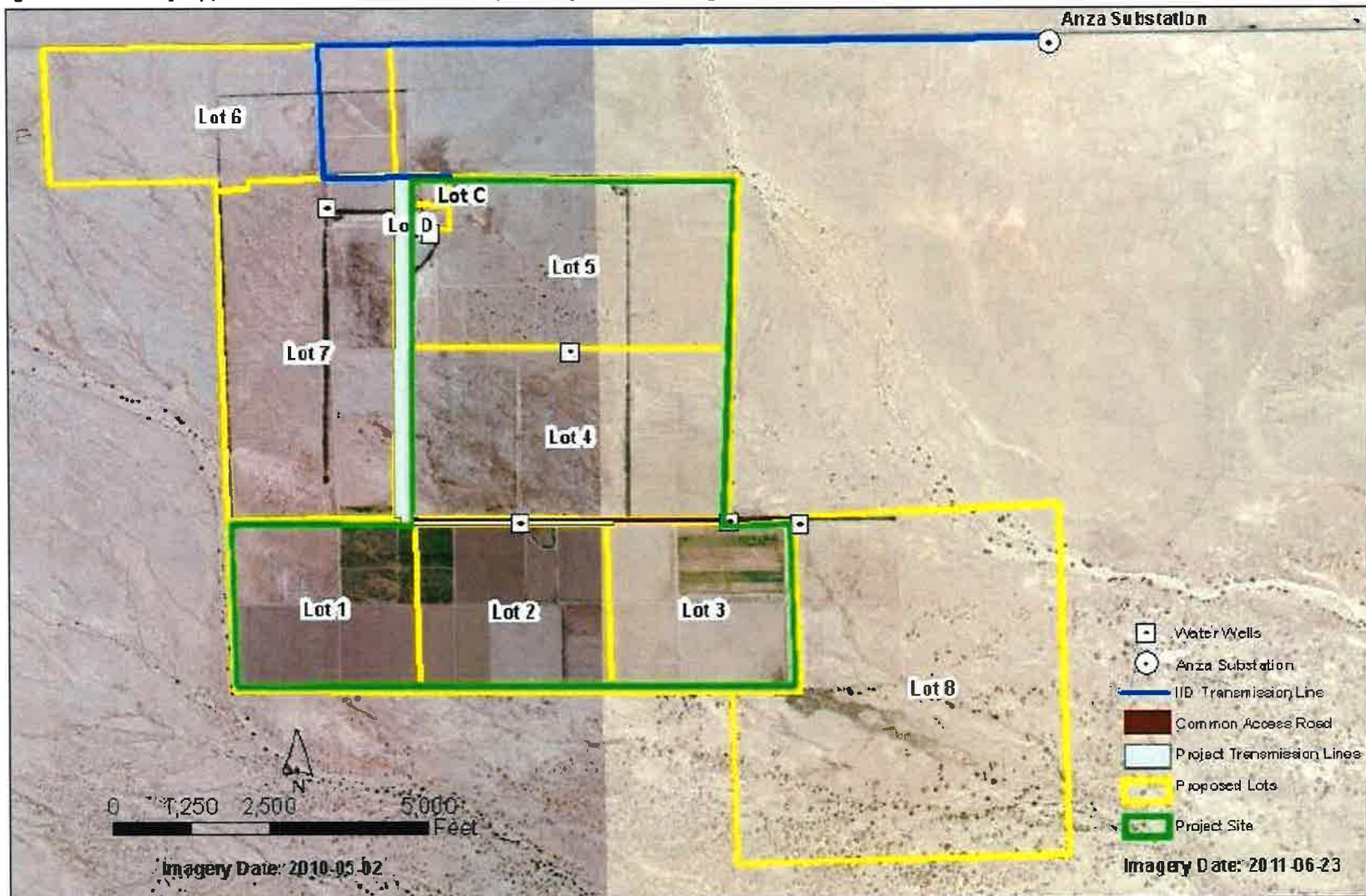


Figure 2. Location of Titan III Project within Previously-Approved Seville Solar Farm Complex Project Site

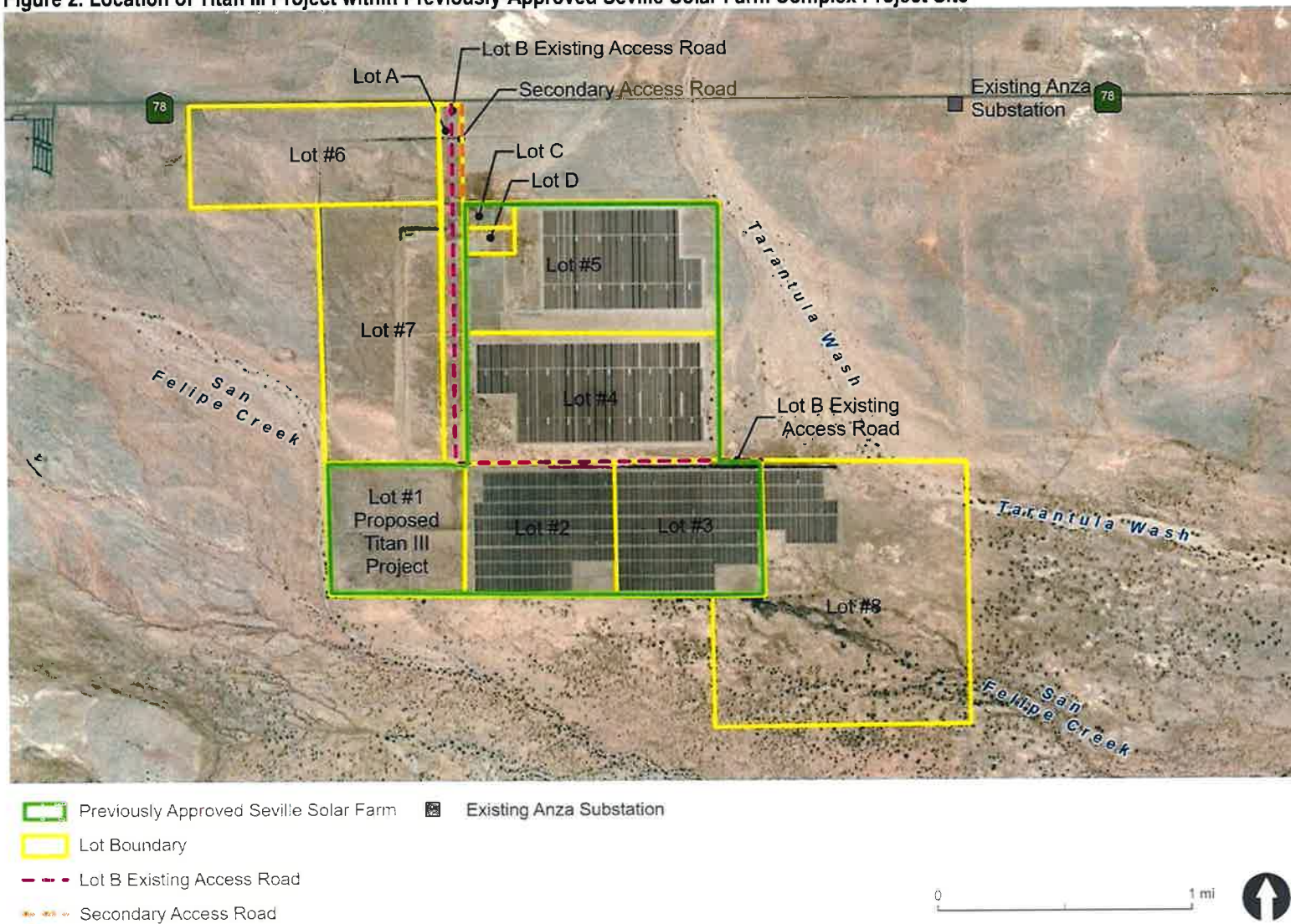
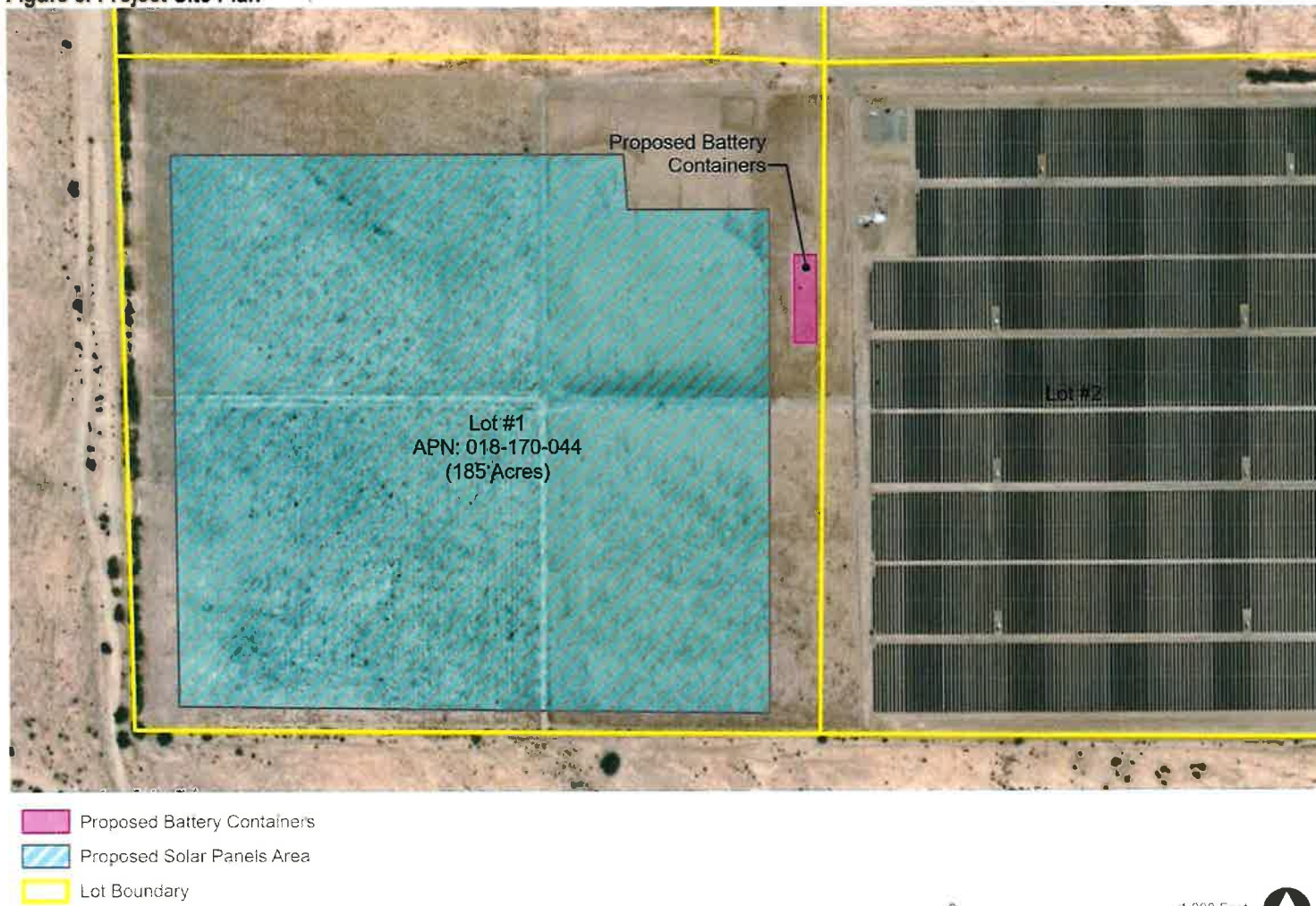


Figure 3. Project Site Plan



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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 project and will not require revisions to the Final EIR. The previously-certified Final EIR analyzed the direct physical changes to the environment that would result from the construction and operation of a solar energy project on the Seville Solar Farm Complex development area, including direct physical changes to Lot 1, which is the proposed Titan III project site. The proposed project would not expand or increase the development footprint as previously evaluated, nor change the fundamental characteristics of the project from that previously analyzed in the certified Final EIR. The project applicant is requesting to modify the originally approved CUP #13-0011 to add a battery storage system to the previously-approved CUP site (Lot 1). The original CUP was approved for a 20-MW photovoltaic solar project. The applicant is proposing to add a 40-MW battery storage system within the current footprint of the previously-approved CUP site.

The project site is currently zoned General Agriculture (A-2). Pursuant to Title 9, Division 5, Chapter 8: the following uses are permitted in the A-2 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, resource extraction and energy development, and battery storage facility. The proposed project would include the addition of a 40-MW battery storage system within the current footprint of the previously-approved CUP site. Therefore, with approval of the CUP modification, the proposed project would be consistent with the A-2 zoning designation.

There would be no other changes to the previously approved project. Therefore, no proposed changes or revisions to the Final EIR are required. In addition, all previously adopted mitigation measures presented in the Seville Solar Farm Complex 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 Seville Solar Farm Complex Project Final EIR in October 2014, the Office of Planning and Research updated portions of Appendix G of the State CEQA Guidelines as follows:

- Revision to the language of the "Aesthetics" thresholds
- Revision to the language of the "Air Quality" thresholds
- Revision to the language of the "Cultural Resources" thresholds
- Addition of a new impact category – "Energy"

- Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
 - Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?
- Revision to the language of the “Hydrology and Water Quality” thresholds to remove several thresholds, as well as include a new threshold:
 - Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?
- Revision to the language of the “Land Use and Planning” thresholds
- Revision to the language of the “Noise” thresholds
- Revision to the language of the “Population and Housing” thresholds
- Addition of a new threshold under the “Transportation/Traffic” impact category to analyze vehicle miles traveled:
 - Would the project conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b)?
- Revision to the language of the “Utilities and Service System” thresholds
- Addition of a new impact category – “Tribal Cultural Resources”
 - 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 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)?
 - 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 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 is 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.
- Addition of a new impact category – “Wildfire”
 - Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?
 - Would the project, 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?
 - Would the project 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?
 - Would the project 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?

Aesthetics. Since 2014, the CEQA Guidelines have been updated to revise the language of the “Aesthetics” Threshold c) to differentiate between urban and non-urban areas. However, changes to the language since 2014 were not contextually substantive (i.e., the revised thresholds largely capture the same potential impacts), and, as such, the impacts related to the existing visual character and quality of

the site were addressed within the aesthetics analysis (Section 4.1 of the Final EIR). As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to aesthetics.

Air Quality. Since 2014, the CEQA Guidelines have been updated to remove what was Threshold b), which read, "Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation." Despite the removal of this threshold from the "Air Quality" impact category, the current 2022 Air Quality impact thresholds were all included, and resultantly analyzed in 2014, in the Seville Solar Farms Complex Project Final EIR. As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to air quality.

Cultural Resources. Since 2014, the CEQA Guidelines have been updated to move what was Threshold c), which read, "Would the project directly or indirectly destroy a unique paleontological resources or site or unique geologic feature," from "Cultural Resources" to the "Geology and Soils" impact category. All other threshold questions remained the same contextually. As such, the impacts related to cultural resources were addressed within the Cultural Resources analysis (Section 4.7 of the Final EIR). As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to cultural resources.

Energy. "Energy" was not previously analyzed as a separate individual topic in the Seville Solar Farms Complex Project Final EIR. However, this does not mean that impacts to energy were not analyzed in the Final EIR. Rather, impacts related to energy were addressed within the Climate Change and Greenhouse Gas Emissions analysis (Section 4.5 of the Final EIR), Public Services and Utilities Analysis (Section 4.13 of the Final EIR), and Chapter 7.0, Other CEQA Required Considerations of the Final EIR. As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to energy.

Hydrology and Water Quality. Since 2014, the CEQA Guidelines have been updated to revise the language of the "Hydrology and Water Quality" threshold questions. However, changes to the language since 2014 were not contextually substantive (i.e., the revised thresholds largely capture the same potential impacts), and, as such, the impacts related to hydrology and water quality were addressed within the Hydrology and Water Quality analysis (Section 4.11 of the Final EIR) and Public Services and Utilities Analysis (Section 4.13 of the Final EIR). At the time of the 2014 environmental analysis, conflicts with implementation of a water quality control plan or sustainable groundwater management plan, was not a specific topic analyzed. As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to conflicts with implementation of a water quality control plan or sustainable groundwater management plan.

Land Use and Planning. Since 2014, the CEQA Guidelines have been updated to move what was Threshold c), "Would the project conflict with an applicable habitat and conservation plan or natural community conservation plan?" to the "Biological Resources" impact category. As such, the impacts related to land use and planning were previously addressed within the Land Use analysis (Section 4.2 of the Final EIR). As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to land use and planning.

Noise. Since 2014, the CEQA Guidelines have been updated to revise the language of the "Noise" threshold questions. However, changes to the language since 2014 did not result in the addition of any

contextually new thresholds (i.e., the revised thresholds captured the same potential impacts), and, as such, the impacts related to noise and vibration were addressed within the Noise analysis (Section 4.8 of the Final EIR). As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to noise.

Population and Housing. Since 2014, the CEQA Guidelines have been updated to revise the language of the Population and Housing threshold questions; specifically, by combining what were Threshold b) and c) into one single threshold question (Threshold b)). Additionally, potential population and housing impacts were scoped out of the Seville Solar Farms Complex Project Final EIR because the Initial Study concluded that the project would not cause any impact related to population and housing (Section 1.12, Issues Scoped out from Further Environmental Review, of the EIR). As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to population and housing.

Transportation/Traffic. At the time of the 2014 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 project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to VMT.

Tribal Cultural Resources. As part of the Seville Solar Farm Complex Project Final EIR, the County conducted the appropriate outreach to Native American Tribes in October 2013. The County did not receive any responses for consultation. Additionally, no Native American cultural resource sites were previously recorded or newly identified in the 2014 Seville Solar Farms Complex Project Final EIR. Although Assembly Bill 52 does not apply to an Addendum, the County provided the project application for the CUP modification 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

As this CEQA document is an Addendum, the AB 52 requirements are not applicable. The proposed project 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. Since 2014, the CEQA Guidelines have been updated to revise the language of the “Utilities and Service Systems” threshold questions. However, changes to the language since 2014 did not result in the addition of any contextually new thresholds (i.e., the revised thresholds captured the same potential impacts), and, as such, the impacts related to utilities and service systems were addressed within the Utilities and Service Systems analysis (Section 4.13 of the Final EIR). As

described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to utilities and service systems.

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 impacts pertaining to wildfire were not analyzed. Rather, impacts related to wildfire were addressed in Section 4.10, Hazards and Hazardous Materials, of the Final EIR. As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to wildfire.

Summary of Impacts from Initial Study

An Initial Study was prepared to analyze the potential impacts of the Titan III Project, including the addition of the 40-MW battery storage system to the previously-approved development footprint. 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 site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. While implementation of the proposed battery storage system may result in minor alterations in the views from surrounding lands and SR-78, it would not substantially alter the visual character and quality of the area when considered in the context of the PV infrastructure previously analyzed in the Seville Solar Farm Complex Project Final EIR. Further, the conclusions, as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Agriculture Resources

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measures MM 4.9.1a, MM 4.9.1b, and MM 4.9.2), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Air Quality

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measures MM 4.4.1a, MM 4.4.1b, MM 4.4.1c, and 4.4.1d), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Biological Resources

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measures MM 4.4.1a, MM 4.12.2a, MM 4.12.2b, MM 4.12.3, MM 4.12.6a, MM 4.12.6b, MM 4.12.8, MM 4.12.12a, MM 4.12.12b, and MM 4.12.14), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Cultural Resources

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measures MM 4.7.2, MM 4.7.3, and MM 4.7.4), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Energy

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The proposed addition of the battery storage system would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the project 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 project would provide renewable energy that would replace other sources of energy, including those that consume fossil fuels. Therefore, energy use would be similar as analyzed in the Final EIR for the Seville Solar Farm Complex Project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Geology and Soils

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measures MM 4.6.1, MM 4.6.3, MM 4.6.5a, MM 4.6.5b, MM 4.6.5c, and MM 4.7.5), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Greenhouse Gas Emissions

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions, as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable

to the proposed project. No significant changes would result when compared to those impacts 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 site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measure MM 4.10.2), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

In conjunction with the construction of the solar facility, a battery energy storage system will be constructed to store the energy generated by the solar panels. Transportation of hazardous materials relating to the battery system includes electrolyte and graphite and would occur during construction, operation (if replacement of batteries is needed) and decommissioning (removal of the batteries). All of these various materials would be transported and handled in compliance with Department of Toxic Substances Control (DTSC) regulations. Therefore, the likelihood of an accidental release during transport or residual contamination following accidental release is not anticipated.

Lithium-ion batteries used in the storage system contain cobalt oxide, manganese dioxide, nickel oxide, carbon, electrolyte, and polyvinylidene fluoride. Of these chemicals, only electrolyte should be considered hazardous, is highly flammable and could react dangerously when mixed with water. The U.S. Department of Transportation (DOT) regulates transport of lithium-ion batteries under the DOT's Hazardous Materials Regulations (HMR; 49 C.F.R., Parts 171-180). The HMR apply to any material DOT determines is capable of posing an unreasonable risk to health, safety, and property when transported in commerce. Lithium-ion batteries must conform to all applicable HMR requirements when offered for transportation or transported by air, highway, rail, or water (DOT 2021). Additionally, carbon (as graphite) is flammable and could pose a fire hazard. Fire protection is achieved through project design features, such as monitoring, diagnostics and a fire suppression system. The project would be required to comply with state laws and county ordinance restrictions, which regulate and control hazardous materials handled on site.

Protection for the battery storage system would be provided as part of the project design by housing the battery units in enclosed structures to provide containment should a fire break out or for potential spills. Any potential fire risk that the traditional lithium-ion cells have will most likely be caused by over-charging or through short circuit due to age. This risk will be mitigated through monitoring and a fire suppression system that includes water and or a suppression agent (eg FM-200, Novatech) with smoke detectors, control panel, alarm, piping and nozzles. The fire protection system will be designed by a certified fire protection engineer and installed by a fire protection system contractor licensed in California and in accordance with all relevant building and fire codes in effect in the County at the time of building permit submission. Fire protection systems for battery systems would be designed in accordance with California Fire Code and would take into consideration the recommendations of the National Fire Protection Association (NFPA) 855.

The fire protection plan is anticipated to include a combination of prevention, suppression, and isolation methods and materials. The general approach to fire mitigation at the project site would be prevention of an incident, followed by attempts to isolate and control the incident to the immediately affected equipment, then to suppress any fire with a clean agent so as to reduce damage to uninvolved equipment. Fire suppression agents such as Novec 1230 or FM 2000, or water may be used as a suppressant. In addition, fire prevention methods would be implemented to reduce potential fire risk, including voltage, current, and temperature alarms. Energy storage equipment would comply with Underwriters Laboratory (UL)-95401 and test methods

associated with UL-9540A. For lithium-ion batteries storage, a system would be used that would contain the fire event and encourage suppression through cooling, isolation, and containment. Suppressing a lithium-ion (secondary) battery is best accomplished by cooling the burning material. A gaseous fire suppressant agent (e.g., 3M™ Novec™ 1230 Fire Protection Fluid or similar) and an automatic fire extinguishing system with sound and light alarms would be used for lithium-ion batteries.

To mitigate potential hazards, redundant separate methods of failure detection would be implemented. These would include alarms from the Battery Management System (BMS), including voltage, current, and temperature alarms. Detection methods for off gas detection would be implemented, as applicable. These are in addition to other potential protective measures such as ventilation, overcurrent protection, battery controls maintaining batteries within designated parameters, temperature and humidity controls, smoke detection, and maintenance in accordance with manufacturer guidelines. Remote alarms would be installed for operations personnel as well as emergency response teams in addition to exterior hazard lighting. In addition, an Incidence Response Plan would be implemented. In this context, impacts would be considered less than significant for this impact area.

Hydrology and Water Quality

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measure MM 4.11.5), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Land Use and Planning

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions, as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Mineral Resources

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions, as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Noise

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction

and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions, as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Population and Housing

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions, as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Public Services

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measure MM 4.13.3), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Recreation

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions, as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Transportation

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions, as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. 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 project 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 project would only require 9 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. No significant changes would result when compared to those impacts discussed in the Final EIR.

Tribal Cultural Resources

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. At the time of the prior environmental analysis, tribal cultural resources were not a specific topic analyzed because the CEQA criteria and threshold related to analyzing tribal cultural resources were included under the general "Cultural Resources" impact category and pursuant to AB 52. Tribal consultation was completed as part of the Seville Solar Farm Complex Project Final EIR. No tribal cultural resources were identified within the project study area and no tribes responded to the request for consultation. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would be the generally the same as evaluated in the prior Final EIR. Therefore, the proposed project would not cause a substantial adverse change in the significance of a known tribal cultural resource. In addition, the conclusions and mitigation measures (Mitigation Measure MM 4.7.3 and MM 4.7.4), pertaining to previously undiscovered tribal cultural resources and the inadvertent discovery of human remains, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project.

Although Assembly Bill 52 does not apply to an Addendum, the County provided the project application for the CUP modification 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

As this CEQA document is an Addendum, the AB 52 requirements are not applicable. The proposed project 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 site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measure MM 4.13.13), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

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 impacts pertaining to wildfire were not analyzed. Rather, impacts related to wildfire were addressed in Section 4.10, 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 site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to Section 4.10, Hazards and Hazardous Materials, of the Seville Solar Farm Complex Project Final EIR, the Seville Solar Farm Complex would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The project site is not located within an area of urban/wildland interface. According to the Imperial County Natural Hazard Disclosure (Fire) Map prepared by the California Department of Forestry and Fire Protection (2000), the Seville Solar Farm Complex area does not fall into an area characterized as either: (1) a wildland area that may contain substantial forest fire risk and hazard; or (2) a very high fire hazard severity zone. Additionally, the Seville Solar Farm Complex would be designed to incorporate fire safety features including portable fire extinguishers on buildings and inverters, electric pumps for pressurized fire water and use of nonflammable material where applicable.

Specifically, protection for the battery storage system would be provided as part of the project design by housing the battery units in enclosed structures to provide containment should a fire break out or for potential spills. Any potential fire risk that the traditional lithium-ion cells have will most likely be caused by over-charging or through short circuit due to age. This risk will be mitigated through monitoring and a fire suppression system that includes water and or a suppression agent (eg FM-200, Novatech) with smoke detectors, control panel, alarm, piping and nozzles. The fire protection system will be designed by a certified fire protection engineer and installed by a fire protection system contractor licensed in California and in accordance with all relevant building and fire codes in effect in the County at the time of building permit submission. Fire protection systems for battery systems would be designed in accordance with California Fire Code and would take into consideration the recommendations of the National Fire Protection Association (NFPA) 855.

The fire protection plan is anticipated to include a combination of prevention, suppression, and isolation methods and materials. The general approach to fire mitigation at the project site would be prevention of an incident, followed by attempts to isolate and control the incident to the immediately affected equipment, then to suppress any fire with a clean agent so as to reduce damage to uninvolved equipment. Fire suppression agents such as Novec 1230 or FM 2000, or water may be used as a suppressant. In addition, fire prevention methods would be implemented to reduce potential fire risk, including voltage, current, and temperature alarms. Energy storage equipment would comply with Underwriters Laboratory (UL)-95401 and test methods associated with UL-9540A. For lithium-ion batteries storage, a system would be used that would contain the fire event and encourage suppression through cooling, isolation, and containment. Suppressing a lithium-ion (secondary) battery is best accomplished by cooling the burning material. A gaseous fire suppressant agent (e.g., 3M™ Novec™ 1230 Fire Protection Fluid or similar) and an automatic fire extinguishing system with sound and light alarms would be used for lithium-ion batteries.

To mitigate potential hazards, redundant separate methods of failure detection would be implemented. These would include alarms from the Battery Management System (BMS), including voltage, current, and temperature alarms. Detection methods for off gas detection would be implemented, as applicable. These are in addition to other potential protective measures such as ventilation, overcurrent protection, battery controls maintaining batteries within designated parameters, temperature and humidity controls, smoke detection, and maintenance in accordance with manufacturer guidelines. Remote alarms would be installed for operations personnel as well as emergency response teams in addition to exterior hazard lighting. In addition, an Incidence Response Plan would be implemented.

Based on the above evaluation, impacts associated with wildfire were determined to be less than significant. As such, the proposed project would result in no new or significant changes to impacts related to wildfire.

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 project. 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 Seville Solar Farms Complex Project Final EIR. Therefore, no proposed changes or revisions to the EIR are required. In addition, all previously adopted mitigation measures presented in the Seville Solar Farms Complex Project Final EIR are incorporated herein by reference and as part of the Titan III Project.

CONCLUSION

Based on the findings and information contained in the previously-certified Seville Solar Farms Complex 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 Seville Solar Farms Complex Project Final EIR. No changes or additions to the Seville Solar Farms Complex 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.

ATTACHMENT D

CUP 22-0004 WITH CONIDITIONS OF
APPROVAL

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, RECOMMENDING APPROVAL FOR “CONDITIONAL USE PERMIT CUP #22-0004” MODIFYING CUP #13-0011 FOR THE ADDITION OF A BATTERY STORAGE FACILITY (TITAN III SOLAR, LLC)

WHEREAS, TITAN III, LLC has submitted an application for Conditional Use Permit #22-0004, modifying Conditional Use Permit #13-0011 for the construction, operation, maintenance and decommissioning of the PV Solar Facility, alone with the Battery Storage Facility is referred to in this Resolution as the Project);

WHEREAS, an CEQA Addendum and 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 August 24, 2022; 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 #22-0004 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 General Plan goals and objectives serve as guidelines and policy statements. The County Board of Supervisors has the authority to interpret the meaning of its General Plan and determine whether the proposed project is consistent

1. The General Plan designates the subject site as "Agriculture." Sections 90508.02 of the County Land Use Ordinance identify the permitted and conditional uses within the A-2, zoning designations. Uses identified as conditionally permitted require a Conditional Use Permit (CUP), which is subject to the discretionary approval of the County Board of Supervisors (Board) per a recommendation by the County Planning Commission.
2. The Planning Commission finds that the evidence in the record demonstrates that the Project does not conflict with any existing agricultural operations and will not result in the premature elimination of agricultural operations. Further, the Project applicant will be required to submit to Imperial County a site-specific decommissioning and reclamation plan capable of restoring the site.
3. Pursuant to SB 2X, California utilities have been mandated to obtain 33% of their energy from renewable sources (wind, solar, geothermal, biofuels, etc.) by 2020. The County General Plan actively promotes both alternative energy and opportunities for economic growth. For example, Goal I of the Geothermal/Alternative Energy and Transmission Element ("Alternative Energy Element") provides that the County "supports and encourages the full, orderly, and efficient development of geothermal/alternative energy resources while at the same time preserving and enhancing where possible agricultural, biological, human, and recreational resources
4. The proposed use is also consistent with the County's goal of becoming a major source of renewable energy for California, and fulfill its mission to help California meet its statutory and regulatory goal of increasing renewable power generation, including greenhouse gas reduction goals of Assembly Bill (AB) 832 (California Global Warming Solutions Act of 2006). Imperial County is a major source of renewable energy for the State of California. One of the purposes of the Imperial Valley Renewable Energy Development Program is to "maximize development of all renewable energy resources." An objective of the Project is "to assist the State of California in achieving and exceeding the Renewable Portfolio Standard".

5. As summarized in the Goals and Objectives of the Renewable Energy and Transmission Element of the Imperial County General Plan (Goal 1), “.The County of Imperial supports and encourages the full, orderly, and efficient development of renewable energy resources while at the same time preserving and enhancing where possible agricultural, biological, human, and recreational resources Therefore, the proposed project will be compatible with the objectives, policies, general land uses and programs specified in the applicable plan.” *Id.* (internal quotations and citations omitted).
6. Battery storage and energy projects provide economic growth to the region and economic benefit to the County and Goal 2 of the Land Use Element states that the County should “[d]iversify employment and economic opportunities in the County while preserving agricultural activity”. Goal 3, Objective 3.2 of the Land Use Element recognizes the need to “[p]reserve agricultural and natural resources while promoting diverse economic growth through sound land use planning.

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 purpose of the project is for the construction of a battery energy project. Pursuant to Title 9, Division 5, Chapter 08, “Battery Storage and Major facilities relating to the generation and transmission of electrical energy” are uses that are permitted in the A-2 Medium Agriculture zones subject to approval of a CUP from the County. The proposed Project site is zoned A-2. The purpose of these zones is to designate areas that are suitable for solar and solar battery storage uses, as well as areas that support other compatible uses consistent with the identified permitting requirements. Therefore, the proposed use is consistent with the purpose of the zone or sub-zone within which the use will be located.

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 proposed solar facility is listed as a use subject to a Conditional Use Permit in Land Use Ordinance, Sections 90508.02 Battery Storage and Major Facilities relating to the generation and transmission of electrical energy.

D. The proposed use meets the minimum requirements of this Title applicable to the use and complies with all applicable laws, ordinances and regulations 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. 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 will meet 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 battery energy facility is located in a largely undeveloped and unincorporated portion of the western desert portion of Imperial County. The proposed Titan III project consists of previously farmed lands. Noise associated with solar panel operation would also meet the County's noise ordinance requirements at the Project's property lines. The CEQA addendum indicated no additional impacts from the proposed battery storage facility. The previously approved Environmental Impact Report prepared for the Seville Soar Farm Complex development analyzed the Project's sites 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 for solar development.

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. As found above, the proposed project is conditioned to be consistent with Imperial County, Title 9, Land Use Ordinance and CEQA mitigation measures and therefore complies with both State and local laws and ordinance. Pursuant to CEQA, the County has prepared an Addendum for the Project, which analyzed the Project's compliance and consistency with other federal, state, and local laws and ordinances regulating the environment. .

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

The Battery energy facility is a permitted use subject to approval of a Conditional Use Permit under Land Use Ordinance, Section 92102.00 *et. seq.* The proposed use is and will not granting a special privilege because the County has granted similar CUPs to properties in the area for PV solar energy and battery facilities.

SECTION 3. Approval of the Project should be conditioned upon the terms and conditions set forth in the Agreement for Conditional Use Permit #22-0004, 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 CUP #22-0004 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 August 24, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

When Recorded Return To:

Imperial County
Planning & Development Services
801 Main Street
El Centro, California 92243

AGREEMENT FOR CONDITIONAL USE PERMIT #22-0004

**Titan III Solar, LLC
APN 018-170-044-000**

**Modification of CUP #13-0011 to allow for a
40 MW Battery Storage Facility**

This Agreement is made and entered into on this ____ day of _____, 2022, by and between Titan III Solar, LLC hereinafter referred to as the Permittee (Permittee), and the COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter referred to as "COUNTY") related to the Titan III Solar and Battery Storage projects (CUPs #13-0011 and 22-0004).

RECITALS

WHEREAS, Permittee is the owner, lessee or successor-in-interest of certain land in Imperial County to be improved with the proposed 40 MW battery storage facility. The project, Conditional Use Permit (CUP) #22-0004, **consists a proposed 40 MW battery storage facility (up to 40 MW and not to exceed a 2 to 1 solar development/battery development ratio)** and associated infrastructure, including but not limited to, electrical switch station, substation, on-site operations and maintenance (O&M), a gen-tie line and internal solar development transmission lines, on approximately 185 acres within Imperial County. The proposed facility is located approximately 8 miles west of the Hwy 86 & Hwy 78 junction.

WHEREAS, currently, the project site is permitted to construct and operate a 20 MW photovoltaic solar energy generation facility under CUP #13-0011. Permittee has applied to the County of Imperial for CUP #22-0004 adding the construction and operating of a battery storage facility (up to 40 MW and not to exceed a 2 to 1 solar/battery ratio), with ancillary support facilities, including electrical interconnections. The electrical energy produced by the Project would be conducted through a new Project substation constructed near the boundary of APN 018-170-044-000.

WHEREAS, the Project is located on APNs 018-170-044-000 approximately 14 miles from the southern tip of the Salton Sea and one-half mile west of Pole Line Road., portions of Sections 26 & 27, Township 12 South, Range 9 East, S. B. B & M.

1 **WHEREAS**, The Permittee for the Titan III Solar (CUP #13-0011) and Battery Storage
2 Projects (CUP #22-0004) shall fully comply with all of the terms and conditions of the
3 respective Projects as specified hereinafter within the respective CUPs.

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1 **GENERAL CONDITIONS:**

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

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

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

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

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

21 **G-3 RECORDATION:**

22 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
23 of the Permittee. If the Permittee fails to pay the recordation fee within six (6)
24 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.

26 **G-4 DURATION OF AGREEMENT**

27 This permit shall be permanently link to Condition G-10 Time Limit of
Conditional Use Permit #13-0011 and the Seville Solar Farm Complex
28 Development Agreement.

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2 **G-5 INDEMNIFICATION:**

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

21 **G-6 INSURANCE:**

22 For the term of the CUP and any period thereafter for decommissioning and
23 reclamation, the Permittee and/or Permittee's prime contractor assigned site
24 control during construction, shall secure and maintain liability in tort and
25 property damage, commercial liability and all risk builders' insurance at a
26 minimum of **\$1,000,000 each, combined single limit property damage and
27 personal injury**, to protect persons or property from injury or damage caused
28 in any way by construction and/or operation of permitted facilities. Such
insurance shall be endorsed to name the County, its officers, agents, and
employees as additional insureds and shall be in a form and from a company
acceptable to County. The Permittee shall require that proper Workers'
Compensation insurance cover all laborers working on such facilities as
required by the State of California. The Permittee and/or Permittee's prime
contractor assigned site control during construction, shall also secure liability
insurance and such other insurance as may be required by the State and/or
Federal Law. Evidence of such insurance shall be provided to the County prior
to commencement of any activities authorized by this permit, e.g. an endorsed
Certificate of Insurance is to be provided to the ICPDSD by the insurance
carrier and said insurance and certificate shall be kept current for the life of the
permitted Project. Certificate(s) of Insurance shall be sent directly to the
ICPDSD by the insurance carrier and shall be endorsed to name the
Department as a recipient of both renewal and cancellation notices.

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

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

- 6 (A) Enter at reasonable times upon the owner's or operator's premises where
7 a permitted facility or activity is located or conducted, or where records
8 must be kept under the conditions of the permit.
- 9 (B) Have access to and copy, at reasonable times, any records that must be
10 kept under the conditions of the permit.
- 11 (C) Inspect at reasonable times any facilities, equipment (including
12 monitoring and control equipment), practices, or operations regulated or
13 required under the permit.
- 14 (D) Sample or monitor, at reasonable times, for the purpose of assuring
15 permit compliance or, otherwise authorized by law, any substances or
16 parameters at any location.

17 **G-8 SEVERABILITY:**

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

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

22 The provisions of this Permit are to run with the land/project and shall bind the
23 current and future owner(s), successor(s)-in-interest, assignee(s) and/or
24 transferee(s) of said Project pursuant to the recordation required by Condition
25 G-3. Permittee shall not without prior notification to the ICPDSD assign, sell or
26 transfer, or grant control of Project or any right or privilege therein granted by
27 this permit. The Permittee shall provide a minimum of thirty (30) days written
28 notice prior to any proposed transfer becoming effective. The permitted use
identified herein is limited for use upon the permitted properties described
herein and may not be transferred to any another other parcel(s) without prior
approval.

The Permittee shall pay any and all amounts determined by the County to
defray any and all cost(s) for the review of reports, field investigations,
monitoring, and other activities directly related to the enforcement/monitoring
for compliance of this CUP, County Ordinance, MMRP or any other applicable
law. All County Departments, directly involved in the monitoring/enforcement
of this permit may bill Permittee under this provision; however, said billing shall
only be through and with the approval of the ICPDSD. All County staff time will
be billed on a time and materials basis. Failure by Permittee to provide any

1 payment required of Permittee to the County in the CUP shall cause Permittee
2 to be in non-compliance of the CUP. Upon Permittee being in such
3 noncompliance, County may, at its sole discretion, cease processing,
4 defending any lawsuit or paying for costs associated with the Project.

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

6 If requested by the Imperial County Planning Director, Permittee at its sole
7 expense shall provide any such documentation/report as necessary to
8 ascertain compliance with the CUP. The format, content and supporting
9 documentation shall be as required by the Imperial County Planning Director.

10 **G-11 DEFINITIONS:**

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

16 **G-12 MINOR AMENDMENTS:**

17 Unless as otherwise required by law (including but not limited to County
18 ordinance interpretations and minor modifications or changes can be made to
19 the Project with the mutual agreement of Developer and County and only in
20 one of the following circumstances:

- 21 (A) Where the change is ministerial, mutually agreeable to Imperial County
22 Planning & Development Services Director and Developer and
23 constitutes an administrative interpretation, less than significant
24 amendment or change or technical modification to the design,
25 construction and/or operation of the Project under the existing applicable
26 rules, regulations, and laws of the County and does not
- 27 (1) Alter the permitted uses of the Property as a whole or within any
28 CUP; or
 - (2) Increase the density or intensity of use of the Property as a whole or
within any CUP; or,
 - (3) Increase the maximum height and size of permitted buildings or
structures; or,
 - (4) Delete a requirement for the reservation or dedication of land for
public purposes within the Property as a whole; or
 - (5) Conflict with a condition of approval or MMRP; or

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

4 (B) Where the change is ministerial, mutually agreeable to 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 applicable
8 rules, regulations, and laws of non-County agencies as to Project matters
9 within their sole jurisdiction.

10 **G-13 SPECIFICITY:**

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

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

20 Should the Permittee violate any condition herein, the County shall give written
21 notice of such violation and actions required of Permittee to correct such
22 violation. If Permittee does not act to correct the identified violation within forty-
23 five (45) days after written notice, County may revoke the CUP. If Permittee
24 pursues correction of such violation with reasonable diligence, the County may
25 extend the cure period. Upon such revocation, County may, at its sole
26 discretion, cease processing, defending any lawsuit or paying for costs
27 associated with the Project. County may include in such notice of violation and
28 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.

G-15 GENERAL WELFARE:

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

G-16 PERMITS OF OTHER AGENCIES INCORPORATED:

Permits granted by other governmental agencies in connection with the Project
are incorporated herein by reference. The County reserves the right to apply

1 conditions of those permits, as the County deems appropriate and subject to
2 its having jurisdiction; provided, however, that enforcement of a permit granted
3 by another governmental agency shall require written concurrence by the
4 respective agency. Permittee shall provide to the County, upon request, copies
5 and amendments of all such permits.

6 **G-17 HEALTH HAZARD:**

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

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

17 Permittee's acceptance of this permit shall be deemed to constitute agreement
18 with the terms and conditions contained herein. Where a requirement is
19 imposed in this permit that Permittee conduct a monitoring program, and
20 where the County has reserved the right to impose or modify conditions with
21 which the Permittee must comply based on data obtained there from, or where
22 the Permittee is required to obtain additional conditional use permits for County
23 approval for subsequent activities, and disagreement arises, the Permittee,
24 operator and/or agent, the Imperial County Planning and Development
25 Services Director or other affected party, as determined by the Imperial County
26 Planning and Development Services Director, may request that a hearing
27 before the Imperial County Planning Commission. Upon receipt of a request,
28 the Imperial County Planning Commission shall conduct a hearing and make
a written determination. The Imperial County Planning Commission may
request support and advice from a technical advisory committee. Failure of the
Imperial County Planning Commission to act shall constitute endorsement of
staff's determination with respect to implementation.

22 **SITE SPECIFIC CONDITIONS:**

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

- 24 (A) Permittee shall be responsible as for all improvements, septic, sewer,
25 approved potable water system(s), pipelines, roads and other
26 improvements discussed in the CUP Application and Conditions of
27 Approval, FEIR, and MMRP. If Permittee sells all or part of this Project,
28 an approved agreement shall be in place for new Project owner to build
and maintain as agreed to by the conditions set forth in this CUP. The
Imperial County Planning and Development Services Director shall

1 approve of such agreement between Permittee and a new Developer
2 for this Project. The County Assessor's Office shall be notified of any
3 ownership change.

4 (B) Permittee shall develop CUP #22-0004 as a 40 MW battery storage
5 facility. Further, the Permittee shall develop the previously approved CUP
6 #13-0011 as a 20 MW PV Solar facility prior to CUP #22-0004 or
7 concurrent with.

8 (C) The Permittee shall construct and operate the battery storage facility in
9 compliance with the CUP and conditions, the County's General Plan's
10 Land Use Element, Land Use Ordinance and all other applicable local,
11 state, and federal LORS, to include any other permits which are
12 incorporated herein by reference.

13 (D) The proposed battery energy storage system (BESS) may consist of either
14 lithium ion (Li-ion) or flow batteries. If the batteries are housed in storage
15 containers or buildings fitted with heating, ventilation and air conditioning
16 (HVAC) and fire suppression systems as necessary, depending on the
17 final selection of battery technology. Inside the housing the batteries will
18 be placed on racks, the orientation of which depends on the type of
19 housing. Underground trenches with conduits will be used to connect the
20 batteries to the control and monitoring systems, and inverters to convert
21 the PV produced direct current (DC) power to AC power. The storage
22 capacity of the BESS would not exceed 40 MW. The BESS would be
23 constructed as a multiple structure facility, consisting of up to 20 battery
24 modules at full build out the footprint of which would be up to 450 square
25 feet per module. Each module will house the batteries, mounting racks and
26 associated electrical equipment. Each module will be of a metal frame
27 construction, retrofitted to add insulation, air-conditioning, and fire
28 suppression for battery reliability, with separate rooms for the electronic
controls, inverters, and rectifiers. Due to the slightly positive pressure
required within each module to ensure functionality of the fire suppression
system, the modules will not be vented. Each module will utilize a supply
and return air conditioning system; this system has a fresh air (economizer
mode) intake system and is also referred to as a closed loop system. The
battery system may be the TESLA Mega-pack system or similar.

23 S-2 AESTHETICS:

24 (A) The Permittee shall design and maintain all buildings and equipment
25 enclosures to have exterior surfaces with neutral, non-reflective colors.

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

- 1
- 2 (C) Lighting shall be designed so exterior light fixtures are hooded, with lights
- 3 directed downward or toward the area to be illuminated and so that
- 4 backscatter to the nighttime sky is minimized. The design of the lighting
- 5 shall be such that the luminescence or light source is shielded to minimize
- 6 light trespass outside the Project boundary.
- 7 (D) All lighting shall be of minimum necessary brightness consistent with
- 8 worker safety and OSHA-Requirements.
- 9 (E) High illumination areas not occupied on a continuous basis shall have
- 10 switches or motion detectors to light the area only when occupied.

11 **S-3 AIR QUALITY:**

- 12 I. The Permittee shall comply at all times with the ICAPCD Regulation VIII,
- 13 Fugitive Dust Control. The primary pollutant controlled by this regulation
- 14 is PM₁₀, "fugitive dust." All identified PM₁₀ sources associated with the
- 15 construction and operation of the facility, such as open areas, roads,
- 16 stock piles, material transport and grading activities, shall be controlled
- 17 such that surface areas are stabilized and visible dust emissions are
- 18 below 20%. Any control measure not listed within the appropriate
- 19 sections of Regulation VIII, such as but not limited to watering, graveling,
- 20 chemical stabilizers and wind barriers shall not be utilized without prior
- 21 approval from the ICAPCD.
- 22 II. Prior to commencing construction, the Permittee shall submit a Dust
- 23 Control Plan to the ICAPCD for approval identifying all sources of PM₁₀
- 24 emissions and associated mitigation measures during the construction
- 25 and operational phases of the Project. The Project Proponent shall
- 26 submit a "Construction Notification Form" to the ICAPCD ten (10) days
- 27 prior to the commencement of any earthmoving activity. The Dust Control
- 28 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:
- (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.

III. 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,

1 cost effective, and capable of performing the task in an effective,
2 timely manner).

- 3 (5) Curtail construction during periods of high ambient pollutant
4 concentrations; this may include ceasing construction activity during
5 the peak hour of vehicular traffic on adjacent roadways.
- 6 (6) Implement activity management (e.g. rescheduling activities to
7 avoid overlap of construction phases, which would reduce short-
8 term impacts). An Enhanced Construction Dust Control Plan must
9 be implemented.
- 10 (7) Upon reviewing the Daily Vehicle Trip Record and Construction
11 Equipment List, should the Air District determine emissions have
12 exceeded the level of significance for construction, the excess
13 emissions will be evaluated under Policy 5.
- 14 (8) The project shall have a daily limit of 164 vehicular (including
15 vehicles of all types) round trips during the construction of the
16 project. Applicant/Contractor shall keep a daily log during
17 construction and provide a monthly report to Imperial APCD and
18 Planning and Development Services Department. Exceeding this
19 limit without prior approval from PCD shall be deemed a violation of
20 the CUP.

21 **S-4 PUBLIC SERVICES:**

- 22 (1) The Permittee shall widely publicize to County residents the
23 availability of job opportunities associated with the project (whether
24 or not those job opportunities are within Imperial County or are
25 regional). Since the majority of the population residents in the
26 incorporated Cities of the County, dissemination of the information
27 should be relatively easy. Postings at City Halls, newspaper and
28 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.

- 1 (2) During the development phase of the project, the Permittee shall
2 provide a roster of employees to include their position and place of
3 residence. Permittee shall also attempt to coordinate a ride-share
4 program with Caltrans and other regional employers to facilitate the
5 employment of Imperial County residents in jobs related to this
6 project.
- 7 (3) Unless prohibited by local, state or federal law or regulation,
8 Permittee shall make good faith efforts to hire qualified residents of
9 the Imperial County with the objective that a majority of the total work
10 force is comprised of the Imperial County residents.
- 11 (4) The Permittee shall install and implement security measures which
12 may include, but not limited to, secured perimeter fencing with
13 barbed wire, sensors, with controlled access points, security alarms,
14 security camera systems, security guard vehicle patrols to deter
15 trespass or unauthorized activities that would interfere with
16 operation of the proposed project.
- 17 (5) Permittee shall compensate the County pursuant to the Department
18 of Environmental Health Fee Schedule for any costs of calls related
19 to bees and mosquitoes.
- 20 (6) The Permittee shall reimburse the Sheriff's Department for any
21 investigations regarding theft on the Project site and related law
22 enforcement.
- 23 (7) All construction supervisors and foremen shall be provided with
24 communication devices, cell phones or walkie-talkies, in the event
25 of an emergency situation on-site.
- 26 (8) All construction-related activities shall take place within the
27 development footprint of the Project as defined by the final
28 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) **Purchase Hazardous Material Emergency Response
Equipment**
Applicant shall contribute a fair share toward the purchase of Fire
and Hazardous Material response equipment under a program

1 developed by the Fire Department wherein all solar/solar battery
2 projects in the county will participate. Fire Department to provide
3 additional details on this program.

4 **(10) Emergency Operations Plan**

5 The Applicant shall develop an Emergency Operation Plan in
6 conjunction with local fire service personnel and the AHJ and hold a
7 comprehensive understanding of the hazards associated with
8 lithium-ion battery technology. Lithium-ion battery ESSs must
9 incorporate adequate explosion prevention protection as required in
10 NFPA 855 or International Fire Code Chapter 12, where applicable
11 and Research focused on emergency decommissioning best
12 practices and the role of the fire service in an emergency should be
13 conducted.

14 **(11) Yearly Training**

15 Applicant shall contribute a fair share toward an annual training
16 program developed by the Fire Department wherein all solar
17 projects in the county will participate. Fire Department to provide
18 additional details on this program.

19 **(12) Signage**

20 The Applicant shall provide signage that identifies the contents of an
21 ESS is required on all ESS installations to alert first responders to
22 the potential hazards associated with the installation.

23 **(13) Operation and maintenance, fees associated with ICFD/Office
24 of Emergency Services (OES)**

- 25 A. In lieu of providing all-weather access roads for fire protection
26 vehicles, the Applicant shall be permitted to provide
27 compacted dirt roads (in compliance with ICAPCD's rules
28 and regulations) for fire protection vehicles.
- 29 B. The Project shall also be required to demonstrate the
30 following as Conditions of Approval:
- 31 (a) An approved water supply capable of supplying the
32 required fire flow determined by Appendix B of the
33 California Fire Code shall be installed and maintained.
34 Private fire service mains and appurtenance shall be
35 installed in accordance with NFPA 24.
- 36 (b) An approved automatic fire suppression system shall be
37 installed on all required structures as per the California
38 Fire Code. All fire suppression systems shall be installed
39 and maintained to the current adopted fire code and
40 regulations
- 41 (c) An approved automatic fire detection system shall be
42 installed on all required structures as per the California
43 Fire Code. All fire detection systems will be installed and

maintained to the current adapted fire code and regulations.

- (d) 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.
- (e) Compliance with all required sections of the fire code.
- (f) A Hazardous Waste Material Plan shall be submitted to Certified Unified Program Agency (CUPA) for their review and approval.
- (g) All hazardous material and wastes shall be handled, stored, and disposed as per the approved Hazardous Waste Materials Plan. All spills shall be documented and reported to ICFD and CUPA as required by the Hazardous Waste Material Plan.

(14) Fire Safety Plan

Prior to the issuance of grading or building permits the Applicant shall develop and implement a fire safety plan for use during construction, operation and decommissioning. The Project Applicant shall submit the plan, along with maps of the Project site and access roads, to the ICFD for review and approval. A copy of the approved Fire Safety Plan shall be submitted to the ICPDSD. The Fire Safety Plan shall contain notification procedures and emergency fire precautions including, but not limited to, the following:

- (a) All internal combustion engines, both stationary and mobile, shall be equipped with spark arresters. Spark arresters shall be in good working order.
- (b) Light trucks and cars with factory-installed (type) mufflers shall be used only on roads where the roadway is cleared of vegetation. These vehicle types will maintain their factory-installed (type) muffler in good condition.
- (c) Fire rules shall be posted on the Project bulletin board at the contractor's field office and areas visible to employees.
- (d) Equipment parking areas and small stationary engine sites shall be cleared of all extraneous flammable materials.

(15) Type 1 Fire Engine.

Applicant along with the developers of Solar Projects: Titan I, Titan II and Titan III) shall provide a Type 1 fire engine to the county fire department. This engine shall meet Fire dept. specifications.

S-5 COMMENCEMENT OF WORK:

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

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

10 **S-6 CONSTRUCTION STANDARDS:**

11 The solar energy (battery) storage facility structures shall be built in
12 accordance with the California Building Code requirements applicable to
13 "Seismic Category D". All structures and facilities shall be designed in
14 accordance with the publication entitled "Recommended Lateral Force
15 Requirements and Commentary by the Structural Engineers Association of
16 California". The structural components of the permitted facilities shall be
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.

17 **S-7 EMERGENCY RESPONSE/ACTION PLAN:**

- 18 (A) The Permittee shall prepare an Emergency Response/Action Plan that
19 has been approved by the ICFD/OES Department, and the Local
20 Enforcement Agency. Any hazardous materials storage areas shall be
21 designed with curbs or other containment measures, e.g. double-walled
22 storage tanks, to contain spills and leaks and if on site hazardous
23 materials exceed fifty-five (55) gallons, a "Hazardous Material
24 Management Plan" shall be prepared and approved by the County LEA
25 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 emergency
by reaching the facility within a short period of time) with the responsibility
of coordinating all emergency response measures. This Emergency
Coordinator shall be thoroughly familiar with all aspects of the solar
facility's Emergency Response/Action Plan, all operations and activities
at the facility, location of all records within the facility and the facilities
layout. This person shall have the authority to commit the resources

1 needed to carry out the contingency plan. Adequate personnel and
2 equipment shall be available to respond to emergencies and to insure
3 compliance with the conditions of the permit.

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

1 **S-8 LAND USE IMPROVEMENTS**

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

9 **S-9 NOISE STANDARDS:**

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

22 **S-10 ODOR CONTROL:**

23 The Permittee shall control all odor-causing, harmful, noxious emissions to
24 insure that quantities or air contaminants released as a result of the permitted
25 facilities do not exceed County, State or Federal standards, nor constitute a
26 public nuisance, per the Imperial County Land Use Ordinance, Division 13,
27 Enforcement, Chapter 2, Abatement of Nuisances, Sections 91302.00 through
28 91301.02.

S-11 PLAN APPROVALS:

Permittee shall submit to the ICPDSD, 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 Count Land Use Ordinance requirements.

S-12 PROJECT DESIGN:

- 1
- 2 (A) All facility access and parking areas shall be constructed to the standards
- 3 of the Imperial County Land Use Ordinance.
- 4 (B) All permitted activities shall provide for the minimum feasible surface land
- 5 disturbance for compatibility with the existing uses wherever possible.
- 6 (C) All equipment and electrical interconnection facilities used at the solar
- 7 plant facilities shall be maintained in a manner that prevents breaking,
- 8 cracking, and leaking, e.g. operator staffing and training, including
- 9 appropriate quality assurance procedures, with the operation of back-up
- 10 or auxiliary facilities when necessary.
- 11 (D) All on-site basins shall be designed and constructed under the
- 12 supervision of a California-licensed Civil Engineer meeting sound
- 13 engineering standards, with all applicable regulations and all
- 14 requirements of the County EHS/Health Department and Public Works
- 15 Departments are complied with.

16 **S-13 REPORTING AND MONITORING:**

- 17 (A) The Permittee shall furnish to the County, at its sole cost within a
- 18 reasonable time, any relevant reports/information which the County
- 19 requires for monitoring purposes to determine whether cause exists for
- 20 revoking this permit, or to determine compliance with this permit. The
- 21 Permittee shall submit all required reports to the Planning Director,
- 22 County Planning and Development Services Department, 801 Main
- 23 Street, El Centro, CA 92243.
- 24 (B) Permittee and ICPDSD Director shall agree upon an environmental
- 25 consultant for overseeing all the required mitigation, conditional use
- 26 permit conditions and public benefit agreement requirements during the
- 27 construction of project.
- 28 (C) Permittee shall pay for a third-party environmental consultant monitoring
- and compliance.
- (D) The ICPDSD, in consultation with the third-party Environmental
- Consultant and the County Executive Office, will require that all mitigation
- measures be satisfied, all mitigation monitoring and Reporting Program
- requirements have been satisfied, all Conditions of Approval in the CUP
- are in full compliance and all conditions of the Development Agreement
- have been satisfied before the Final Certificate of Occupancy Certificate
- is issued.
- (E) During the operation of solar facility, an Annual Compliance Report shall
- be submitted to the ICPDSD, documenting the implementation of the

1 conditions and general measures as well as any resource-specific
2 measures.

- 3 (F) The Permittee shall reimburse the ICPDSD for County as well as
4 monitoring and investigations related to the construction and operation of
5 the Project. Permittee shall compensate the County pursuant to the
6 ICPDSD Fee Schedule for any costs incurred.
- 7 (G) Permittee shall pay for all costs as required to comply with the Conditions
8 of Approval and MMRP.
- 9 (H) All County staff time will be billed on a time and materials basis. Failure
10 by Permittee to provide any payment required of Permittee to the County
11 in the CUP shall cause Permittee to be in non-compliance of the CUP.
12 Upon Permittee being in such noncompliance, County may, at its sole
13 discretion, cease processing, defending any lawsuit or paying for costs
14 associated with the Project.

15 **S-14 SPILLS AND RUNOFF:**

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

22 **S-15 SOLAR FACILITIES CLOSURE AND SITE RESTORATION:**

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

- 1 (D) Upon completion of such site restoration, and demonstration that the land
2 has been restored to the agriculturally productive/farmable condition prior
3 to the permitted solar plant development the Bond or other surety shall
4 be released by the County.
- 5 (E) The above financial calculations/bond shall be reviewed every five (5)
6 years in December and adjusted on January 1st to add a Consumer Price
7 Index (CPI) (Los Angeles) increase by the Planning and Development
8 Services Director. This readjustment can be made in the County's sole
9 discretion and must be funded by the Permittee within ninety (90)
10 calendars after notice of the additional amount of such adjustment.

11 **S-16 WASTE DISPOSAL**

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

26 **S-17 FIRE PROTECTION:**

- 27 1. Titan III battery storage development will be done by a third-party
28 consultant determined by the Fire Department at the applicant's
expense as per California Fire Code Chapter 1 [A] 104.7.2 Technical
Assistance.
2. 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.

- 1 3. The Imperial County Fire Department shall make the determination of
2 what is required to provide operational safety to emergency responders.
3 This equipment will be maintained by Imperial County Fire Department
4 and Imperial County Heat Team. This equipment shall be determined
5 by and provided to Imperial County Fire Department before the
6 issuance of the initial grading permit. (This may cost share fee with
7 other projects in your area).
- 8 4. Project will fund and provide fair share funding on Training for 6
9 personnel regionally a year as response will be needed from outside of
10 our agency (Mutual Aid) for the life of the project or until all personnel
11 regionally are trained at the Hazardous Material Technician Level.
12 Developer will also provide courses specifically to battery storage yearly
13 for Firefighters Regionally and host mandatory yearly refresher courses
14 specific to Battery Storage Updates and Technology. All cost will be at
15 the Developers expense. This will be cost shared with other projects in
16 the County. Fire Department to provide additional details on this
17 program.
- 18 5. Basic Firefighter, Office and HAZMAT training should emphasize ESS
19 safety; the potentially explosive nature of the gases and vapors
20 released during lithium-ion battery thermal runaway, vapor cloud
21 formation and dispersion; and the dynamics of deflagrations and blast
22 wave propagation.
- 23 6. Research certified expert in battery storage which the Fire Department
24 provide that includes full-scale testing should be conducted to
25 understand the most effective and safest tactics for the fire service in
26 response to lithium-ion battery ESS incidents.
- 27 7. Until definitive tactics and guidance can be established through full-
28 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.
8. 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.
9. 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.
10. 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 cost share fee with
other projects in your area).

11. Lithium-ion battery ESSs must incorporate robust communication systems to ensure remote access to data from the BMS, sensors throughout the ESS, and the fire alarm control panel remains uninterrupted.
12. 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.
13. 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.
14. 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.
15. Research focused on emergency decommissioning best practices and the role of the fire service in an emergency should be conducted.

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 product 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

1 Department and CUPA as required by the Hazardous Waste
2 Material Plan

3 • For operation and maintenance fees associated with ICFD/OES:

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

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

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

24 (d) Prior to the issuance of grading or building permits the
25 Applicant shall develop and implement a fire safety plan for use
26 during construction, operation and decommissioning. The
27 Project Applicant shall submit the plan, along with maps of the
28 Project site and access roads, to the ICFD for review and
approval. A copy of the approved Fire Safety Plan shall be
submitted to the ICPDSD. The Fire Safety Plan shall contain
notification procedures and emergency fire precautions
including, but not limited to, the following:

(a) All internal combustion engines, both stationary and
mobile, shall be equipped with spark arresters. Spark
arresters shall be in good working order.

(b) Light trucks and cars with factory-installed (type)
mufflers shall be used only on roads where the roadway
is cleared of vegetation. These vehicle types will
maintain their factory-installed (type) muffler in good
condition.

(c) Fire rules shall be posted on the Project bulletin board
at the contractor's field office and areas visible to
employees.

- 1 (d) Equipment parking areas and small stationary engine
2 sites shall be cleared of all extraneous flammable
3 materials.

4 **S-18 COUNTY EXECUTIVE OFFICE:**

- 5 A. Fiscal and Economic Impact Analysis. The developer will be invoiced by
6 the Executive Office for expenses related to the procurement of a
7 consultant to produce an updated Fiscal and Economic Impact Analysis
8 (FEIA).
9 B. Public Benefit Agreement (PBA). It will include detailed conditions &
10 measures related to the Fire Department, Sheriff's Department and other
11 County Departments.
12 C. The Public Benefit Fee may include both an Agricultural Benefit Fee and
13 a Community Benefit Fee.

14 **D. Sales Tax Benefit Solar Farm regarding CUP 13-0011:**

- 15 (a) Developer will require that all qualifying contractors and subcontractors
16 exercise their option to obtain a California Department of Tax and Fee
17 Administration (CDTFA) sub-permit for the jobsite and allocate all
18 eligible use tax payments to Imperial County and LTA. Prior to
19 commencement of any construction activity on-site the developer will
20 require that the contractor or subcontractor provide County of Imperial
21 with either a copy of their CDTFA account number and sub-permit.
22 (b) To accomplish this, Permittee shall either cause its construction
23 contractor to treat the project in accordance with California Regulation
24 1521(b)(2)(B), California Regulation 1521(c)(13)(B), and California
25 Regulation 1826(b) for sales and use tax purposes or form a "Buying
26 Company" as defined in the CDTFA 1699(h). Permittee can adopt an
27 alternate methodology to accomplish this goal if such methodology is
28 approved by the County Executive Officer prior to issuance of building
permits. Not later than forty five (45) days after the due date for filing
sales and use tax returns for each calendar quarter, occurring after the
commencement of any construction activity on-site through and
including the first anniversary of COD (as defined below),
(c) Developer shall report, or cause its general contractor to report to
County, the total amount of sales and use taxes related to the Project
that are allocated to the County, and reported on Developer's, general
contractor's, and subcontractors' applicable California sales and use
tax returns. The obligations of Developer under this Section III.A are
hereinafter referred to as the "Developer Sales and Use Tax
Responsibilities."
(d) Guarantee Amounts. In the event that Developer shall fail to perform
the Developer Sales and Use Tax Responsibilities and as a result of
such failure, with respect to the Project, (i) County receives less than

1 the amount of such sales and use taxes it would have received under
2 existing applicable sales and use tax laws had such responsibilities
3 been fully performed subject to adjustment as set forth in Section IV.C
4 below) or (ii) Local Transportation Authority (LTA) receives less than
5 the amount of such sales and use taxes it would have received under
6 existing applicable sales and use tax laws had such responsibilities
7 been fully-performed, then Developer shall pay, as and when provided
8 below, to County or LTA as applicable, the amount of the applicable
9 shortfall.

10 (e) Adjustments to Guarantee Amounts.

11 (f) Developer's sales tax guarantee set out in Section III.B above shall be
12 adjusted to be eighty-five percent (85%) of the projected sales and use
13 taxes for the Project. At least ten (10) days prior to the issuance of the
14 first (1st) grading permit, Developer shall provide County with evidence
15 of such projected sales and use taxes, including but not limited to sales
16 taxes receipts, engineering contracts, procurement contracts,
17 construction contracts. County shall meet with Developer to confirm
18 that amount.

19 (g) The amount of sales and use tax anticipated to be generated is based
20 on the projected construction of a twenty megawatt alternating current
21 20 MW AC solar generation facility. Construction of any additional
22 output capacity beyond the 20 MW output now projected will require
23 the sales tax guarantee be adjusted based on the actual output from
24 solar generation facilities of the Project as evidenced by any Power
25 Purchase Agreement subsequently entered into by Developer related
26 to this Project.

27 (h) To the extent of any reduction in the size of the Project as the result
28 of any final ruling, stipulated judgment, or settlement, in accordance
with Section V.C below, the not-to-exceed amounts set forth in Section
III.B shall be reduced pro rata based on the size of such reduction.

(i) The complete amount due to County for the Project must be received
within one (1) year after Commercial Operation Date ("COD") for this
Project. If, within one (1) year after issuance of the final Certificate of
Occupancy, the sales and use taxes received by the County are less
than the amount guaranteed for that portion of the project, Developer
shall pay the difference to the County.

(j) Payments to County and LTA as a result of a shortfall shall be due
within thirty days of Developer's receipt of written notice of shortfall
from the County. Payments received by County after the ninetieth
(90th) day following Developer's receipt of notice shall be deemed
late. Developer hereby agrees to pay interest at the rate of six percent
(6%) per annum of the payment due for any payment received by
County beyond the due date. Said interest shall be included with the
late payment. The obligation to pay interest shall be stayed when such
amounts are disputed in good faith, so long as Developer submits the
payments "under written protest." Upon determination of dispute, such
interest may be assessed if it is determined that the dispute was not
made in good faith.

- 1 (k) In the event that Developer repowers or replaces the equipment onsite,
2 each Site shall be designated as the "Point of Sale" so as to create an
3 additional local tax-funding source for the County of Imperial.

4 **E. Battery Storage Sales Tax Benefit CUP #22-0004**

- 5 **1.1.1.** To the extent permitted by applicable local, state, and Federal law,
6 Developer will require that all qualifying contractors and subcontractors
7 exercise their option to obtain a California Department of Tax and Fee
8 Administration ("CDTFA") sub-permit for the jobsite and allocate all
9 eligible sales and use tax payments to County and the Local Transit
10 Authority ("LTA").
- 11 **1.1.2.** Prior to commencement of any construction activity onsite, Developer
12 shall require that the contractor or subcontractor provide County with a
13 copy of their CDTFA account number and sub-permit. Developer shall
14 either cause its construction contractor to treat the Project in
15 accordance with California Sales and Use Tax Regulation
16 1521(b)(2)(B), California Sales and Use Tax Regulation 1521(c)(13)(B),
17 and California Sales and Use Tax Regulation 1826(b) for sales and use
18 tax purposes, or form a "Buying Company," as defined in the California
19 Sales and Use Tax Regulation 1699(h). Developer may adopt an
20 alternate methodology to accomplish this goal if such methodology is
21 approved by the County's Executive Officer prior to issuance of any
22 building permit.
- 23 **1.1.3.** No later than forty-five (45) days after the due date for filing sales and
24 use tax returns for each calendar quarter, occurring after the
25 commencement of any construction activity on-site through and
26 including the first anniversary of commercial operating date ("COD"),
27 Developer shall report, or cause its general contractor to report to
28 County, the total amount of sales and use taxes related to the Project
that are allocated to the County, and reported on Developer's, general
contractor's and subcontractors' applicable California sales and use tax
returns.
- 1.1.4. Guarantee Amounts.** Prior to the issuance of any building permit for
the Project, Developer shall provide County with a guarantee of the
minimum sales and use that will be received by County and LTA under
existing applicable sales and use tax laws. The guarantee amount shall
be based on the total storage capacity of the Project in megawatts,
which is projected to be forty megawatts (40 MW) Should Developer
choose to develop the Project in phases, and receives the required
approvals from County to do so, then Developer shall provide a
separate guarantee amount for each phase of the project based on the
total storage capacity in megawatts for the applicable phase.
- (a) Developer warrants that the sales/use tax guarantee amounts to
be provided to County as mandated in this Subparagraph 9.2.4
shall be true and accurate estimates of the projected sales and
use taxes that will be generated for this Project. Developer shall

1 provide County with evidence of the projected sales/use taxes
2 for the Project, including but not limited to sales tax receipts, and
3 executed or anticipated engineering contracts, procurement
4 contracts, and construction contracts. If the Parties are unable
5 to agree upon a guarantee amount, then the dispute shall be
6 referred to an independent accountant mutually acceptable to
7 both Parties. The costs for such nonbinding mediation shall be
8 borne by Developer.

9 (b) Developer warrants that the sales/use tax guarantee amounts to
10 be provided to County as mandated in this Subparagraph 9.2.4
11 will incorporate any and all sales/use tax exemptions that
12 Developer and/or its contractors and subcontractors intend to
13 utilize, and that such exemptions will be disclosed to County fully
14 and in good faith prior to the issuance of any building permit for
15 this Project.

16 (c) Developer understands and acknowledges that the sales/use tax
17 guarantee amounts to be provided to County as mandated by
18 this Subparagraph 9.2.4 are a part of the consideration to be
19 received by County in return for entering into this Agreement,
20 and further understands and acknowledges that County would
21 not enter into this Agreement but for said guarantee from
22 Developer.

23 1.1.5. In the event that County and / or LTA receives less than the amount of
24 sales/use taxes guaranteed pursuant to Subparagraph 9.2.4, then
25 Developer shall pay, as and when provided below, to County or LTA as
26 applicable, the amount of the applicable shortfall.

27 1.1.6. *Adjustments to Guarantee Amounts.*

28 (a) The amount of sales and use tax anticipated to be generated is
based on the projected construction of a 40 MW utility-scale
energy storage complex incorporating lithium ion batteries
and/or flow battery technologies throughout the Project
site. Construction of any additional storage capacity beyond the
40 MW storage capacity now projected will require the sales/use
tax guarantee amounts to be adjusted based on the actual
storage facilities of the Project as evidenced by any power
purchase agreement or power storage agreement subsequently
entered into by Developer related to this Project.

(b) To the extent of any reduction in the size of the Project as the
result of any final ruling, stipulated judgment, or settlement, the
sales/use tax guarantee amounts mandated under
Subparagraph 9.2.4 shall be reduced pro rata based on the size
of such reduction.

(c) Should Developer become aware of a change in
circumstances that would materially affect the sales/use tax
guarantee amount, then Developer shall, within thirty (30) days
of learning of such change in circumstances, inform the County
in writing of the change in circumstances. If the County
determines that such change in circumstances warrants an

adjustment to the sales/use tax guarantee amount, then County shall negotiate in good faith with Developer in revising the sales/use tax guarantee amount. If the Parties are unable to agree upon a revised guarantee amount, then the dispute shall be referred to an independent accountant mutually acceptable to both Parties. The costs for such nonbinding mediation shall be borne by Developer. Failure of the Developer to inform the County of the change in circumstances shall constitute a waiver of Developer's ability to seek any adjustment to the sales/use tax guarantee based on such change in circumstances.

- 1.1.7. The complete sales/use tax guarantee amount due to County and LTA for the Project must be received within one (1) year after COD for this Project, or such later date as any applicable sales/use tax is due or is transmitted from the CDTFA, unless it is delayed due to causes beyond Developer's control or for which Developer is not responsible. If, within one (1) year after issuance of the final certificate of occupancy, or such later date as any applicable sales/use tax is due or is transmitted from the CDTFA, the sales/use taxes received by the County are less than the sales use tax guarantee amounts mandated under Subparagraph 9.2.4, then Developer shall pay the difference to the County.

S-19 Conditional Use Permit #13-0011

The previously approved CUP #13-0011 for a PV Solar Generation Facility shall be develop either prior to or concurrent with the proposed CUP #22-0004 for a Battery Storage Facility. All Conditions of Approval for the previously approved CUP #13-0011 and the Mitigation Measures in the Mitigation, Monitoring and Report Program for the Seville Solar Farm Complex Final EIR (SCH #2013091039) are applicable shall be complied with.

S-20 Fire Department condition per letter received on August 10, 2022

1. Titan III Solar Energy and Storage Project reviews for plans and inspections 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. This will be at the discretion of the Fire Department.
2. Project will purchase a Type 1 Fire Engine "As further described below". This is for the solar array and battery storage. 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 fire engine will be fair shared cost with other solar projects on the southeast portion of the Imperial County.

3. Project will provide adequate Fire water. Fire Department will determine number of gallons to be placed strategically once site plan is reviewed.
4. Developer shall pay County Fire/OES one hundred dollars (\$250) per megawatt of capacity to provide additional training, equipment, and operational needs of County Fire/OES for the life of the Project. The training, equipment, and operational needs shall be at the discretion of County Fire/OES.
5. This payment shall be made before issuance of the first building permit for the Project, or for each phase of the Project, whichever is applicable.
6. 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. Will included Lithium-ion battery ESSs must incorporate adequate explosion prevention protection as required in NFPA 855 or International Fire Code Chapter 12.
7. 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.

Fiscal Impacts and requirements for solar array farm installation within the project: For operation and maintenance, fees associated with Fire Department/OES.

S-21 ACCEPTANCE:

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

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1 **NOW THEREFORE**, County hereby issues the Conditional Use Permit #22-0004, and
2 Permittee hereby accepts such permit upon the terms and conditions set forth herein.

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

5
6
7 **PERMITTEE:**
8
9

10 _____
11 Date
12
13
14

15 **COUNTY OF IMPERIAL, a political subdivision of the STATE OF CALIFORNIA**
16
17

18 _____
19 Jim Minnick, Date
20 Director, Planning & Development Services
21 Department
22
23
24
25
26
27
28

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 _____

27

28

1 ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent
2 fraudulent attachment of this certificate to unauthorized document.
3

4 Title or Type of Document _____
5

6 Number of Pages _____ Date of Document _____
7

8 Signer(s) Other Than Named Above _____
9

10 Dated _____
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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

21 ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent
22 fraudulent attachment of this certificate to unauthorized document.
23

24 Title or Type of Document _____
25

26 Number of Pages _____ Date of Document _____
27

28 Signer(s) Other Than Named Above _____

ts01817010441

ATTACHMENT E
CUP 13-0011 RECORDED

1 When Recorded Return To:

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

Recorded in Official Records,
IMPERIAL COUNTY
Doc#: 2017008647
04/12/2017 02:05 PM

6
7 **FINAL AGREEMENT FOR**
8 **CONDITIONAL USE PERMIT #13-0011**
9 **SOLANA ENERGY FARMS I LLC PROJECT LOT 1**
10 **APN 018-170-044-000 & Lots A thru D**

11 APN 018-170-044-000, Lot 1 FM 27-8 ALSO BEING NE4 SEC 27 7 POR NW4 SEC 26
12 Township 12 South, Range 9 East, San Bernardino Baseline Meridian (SBB&M).

13 This Agreement is made and entered into on this 12 day of April, 2017, by and
14 between [SOLANA ENERGY FARMS I LL], hereinafter referred to as the Permittee
(Permittee), and the COUNTY OF IMPERIAL, a political subdivision of the State of
California, (hereinafter referred to as "COUNTY") related to the SOLANA ENERGY
FARMS I LLC Project.

15 **RECITALS**

16 **WHEREAS**, Permittee is the lessee or successor-in-interest of certain land in
17 Imperial County with the proposed photovoltaic solar energy facility, electrical switch
18 station, substation, and internal solar development transmission lines, on
19 approximately(185ac)+(55ac) 240 acres within Imperial County. The proposed facility is
20 located west-central Imperial County, California, approximately eight miles west of the
21 junction of SR 78 and SR 86, and approximately three miles east of the San Diego County
line. The Project area is also approximately 14 miles from the southern tip of the Salton
Sea and one-half mile west of Pole Line Road., portions of Sections 26 & 27, Township 12
South, Range 9 East, S. B. B & M.

22 **WHEREAS**, Permittee has applied to the County of Imperial for a Conditional Use
23 Permit #13-0011 for constructing and operating a new solar energy facility with ancillary
24 support facilities, including electrical interconnections to be transmitted to the regional grid
via the Anza Substation (the "Project").

25 The Permittee for the SOLANA ENERGY FARMS I LLC Project shall fully comply with all
26 of the terms and conditions of the Project as specified hereinafter within this Conditional
Use Permit.

GENERAL CONDITIONS:

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

G-1 GENERAL LAW:

The Permittee shall comply with all local, state and/or federal laws, rules, regulations, ordinances, and/or standards (LORS) as they may pertain to the Project whether specified herein or not.

G-2 PERMITS/LICENSES:

The Permittee shall obtain any and all local, state and/or federal permits, licenses, and/or other approvals for the construction and/or operation of the Project. This shall include, but not be limited to, local requirements by the Imperial County EHS/Health Department, Planning and Development Services Department, Imperial County Air Pollution Control District (ICAPCD), Imperial Irrigation District (IID), Imperial County Public Works Department, Imperial County Sheriff/Coroner's office, Imperial County Fire Protection/Office of Emergency Services, among others. Permittee shall likewise comply with all such permit requirements. Additionally, Permittee shall submit a copy of such additional permits and/or licenses to the 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.

G-4 CONDITION PRIORITY:

The Project shall be constructed and operated as described in the Conditional Use Permit, Variance, CUP/Variance applications, Tract Map, Tract Map application, and the Final Environmental Impact Report, (FEIR).

G-5 INDEMNIFICATION:

As a condition of this permit, Permittee 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,

1 void, or annul the entitlements permit, approvals or adoption of the environmental
2 document which accompanies it. This indemnification obligation shall include, but not be
3 limited to, damages, costs, expenses, attorneys fees, or expert witness fees that may be
4 asserted by any person or entity, including the Permittee, arising out of or in connection
5 with the approval of this permit, whether there is concurrent, passive or active negligence
6 on the part of the County, its agents, officers, attorneys, or employees. This
7 indemnification shall include Permittee's actions involved in drilling, grading, construction,
8 operation or abandonment of the permitted activities. Permittee further agrees to comply
9 with the terms of the indemnification agreement incorporated by this reference and
10 attached hereto as Exhibit A. Failure to provide payment of any fees shall cause Permittee
11 to be in non-compliance with this permit. Upon notification of non-compliance, County
12 may, at its sole discretion, cease processing, defending any lawsuit or paying for costs
13 associated with this project.

9 **G-6 INSURANCE:**

10 The Permittee and/or Permittee's prime contractor assigned site control during
11 construction, shall secure and maintain liability in tort and property damage, insurance at a
12 minimum of **\$1,000,000** or proof of financial responsibility to protect persons or property
13 from injury or damage caused in any way by construction and/or operation of permitted
14 facilities. The Permittee shall require that proper Workers' Compensation insurance cover
15 all laborers working on such facilities as required by the State of California. The Permittee
16 and/or Permittee's prime contractor assigned site control during construction, shall also
17 secure liability insurance and such other insurance as may be required by the State and/or
18 Federal Law. Evidence of such insurance shall be provided as applicable to the County
19 prior to commencement of any activities authorized by this permit, e.g. a Certificate of
20 Insurance is to be provided to the Planning and Development Services Department by the
21 insurance carrier and said insurance and certificate shall be kept current for the life of the
22 permitted Project. Certificate(s) of Insurance shall be sent directly to the Planning and
23 Development Services Department by the insurance carrier and shall name the
24 Department as a recipient of both renewal and cancellation notices.

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

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

- 24 (a) Enter at reasonable times upon the owner's or operator's premises where a
25 permitted facility or activity is located or conducted, or where records must be kept
26 under the conditions of the permit.
- 27 (b) Have access to and copy, at reasonable times, any records that must be kept under
28 the conditions of the permit.
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and
control equipment), practices, or operations regulated or required under the permit.

1 (d) Sample or monitor, at reasonable times, for the purpose of assuring permit
2 compliance or, otherwise authorized by law, any substances or parameters at any
3 location.

4 **G-8 SEVERABILITY:**

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

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

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

18 **G-10 TIME LIMIT:**

19 Unless otherwise specified within the specific conditions, this permit shall be limited to a
20 maximum of thirty (30) years from the recordation of the CUP. The Developer will have up
21 to 10 years to record and commence construction of this CUP from the time of the
22 effective date of the adopted Development Agreement. If an extension is necessary, the
23 Permittee shall file a written extension request with the Planning Director at least sixty (60)
24 days prior to the expiration date of the permit. Such an extension request shall include the
25 appropriate extension fee. If the original approval was granted by the Planning
26 Commission and/or the Board of Supervisors, such an extension shall only be considered
27 by the approving body, after a noticed public hearing. Nothing stated or implied within this
28 permit shall constitute a guarantee that an extension will be granted. An extension may
not be granted if the Project is in violation of any one or all of the conditions or if there is a
history of non-compliance with the permit conditions.

29 **G-11 COST:**

30 The Permittee shall pay any and all amounts determined by the County of Imperial to
31 defray any and all cost(s) for the review of reports, field investigations, monitoring, and
32 other activities directly related to the enforcement/monitoring for compliance of this
33 Conditional Use Permit, County Ordinance or any other applicable law. All County
34 Departments, directly involved in the monitoring/enforcement of this permit may bill
35 Permittee under this provision, however said billing shall only be through and with the
36 approval of the Planning and Development Services Department. All County staff time will
37 be billed on a time and materials basis. Failure by Permittee to provide any payment
38 required of Permittee to the County in the CUP shall cause Permittee to be in non-
compliance of the CUP. Upon Permittee being in such noncompliance, County may, at its

1 sole discretion, cease processing, defending any lawsuit or paying for costs associated
2 with the Project.

3 **G-12 REPORTS/INFORMATION:**

4 If requested by the Planning Director, Permittee shall provide any such
5 documentation/report as necessary to ascertain compliance with the Conditional Use
6 Permit. The format, content and supporting documentation shall be as required by the
Planning Director.

7 **G-13 DEFINITIONS:**

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

11 **G-14 MINOR AMENDMENTS:**

12 The Planning Director may approve minor changes or modification(s) to the design,
13 construction, and/or operation of the Project provided said changes are necessary for the
14 Project to meet other laws, regulations, codes, or conditions of the CUP, EIR and MMRP,
and provided such changes will not result in any additional environmental impacts.

15 **G-15 SPECIFICITY:**

16 The issuance of this permit does not authorize the Permittee to construct or operate the
17 Project in violation of any state, federal, or local law nor beyond the specified boundaries
18 of the Project as shown the application/project description/permit, nor shall this permit
19 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.

20 **G-16 NON-COMPLIANCE (ENFORCEMENT & TERMINATION):**

21 Should the Permittee violate any condition herein, the County shall give written notice of
22 such violation and actions required of Permittee to correct such violation. If Permittee
23 does not act to correct the identified violation within sixty (60) days after written notice,
24 County may revoke the CUP. If Permittee pursues correction of such violation with
reasonable diligence, the County may extend the cure period. Upon such revocation,
County may, at its sole discretion, cease processing, defending any lawsuit or paying for
costs associated with the Project.

26 **G-17 GENERAL WELFARE:**

27 All construction and operations of the solar energy facility shall be conducted with
28 consistency with all laws, conditions, adopted County policies, plans, mitigation measures
and the permit application so that the Project will be in harmony with the area and not

1 conflict with the public health, safety, comfort, convenience, and general welfare of those
2 residing in the area.

3 **G-18 PERMITS OF OTHER AGENCIES INCORPORATED:**

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

10 **G-19 HEALTH HAZARD:**

11 If the County Health Officer reasonably determines that a significant health hazard exists
12 to the public, the Health Officer may require appropriate measures and the Permittee shall
13 implement such measures to mitigate the health hazard. If the hazard to the public is
14 determined to be imminent, such measures may be imposed immediately and may include
15 temporary suspension of permitted activities. The measures imposed by the County
16 Health Officer shall not prohibit the Permittee from requesting a special Planning
17 Commission meeting, provided the Permittee bears all related costs.

18 **G-20 APPROVALS AND CONDITIONS SUBSEQUENT TO GRANTING PERMIT:**

19 Permittee's acceptance of this permit shall be deemed to constitute agreement with the
20 terms and conditions contained herein. Where a requirement is imposed in this permit that
21 Permittee conduct a monitoring program, and where the County has reserved the right to
22 impose or modify conditions with which the Permittee must comply based on data
23 obtained there from, or where the Permittee is required to obtain additional conditional use
24 permits for County approval for subsequent activities, and disagreement arises, the
25 Permittee, operator and/or agent, the Planning and Development Services Director or
26 other affected party, as determined by the Planning and Development Services Director,
27 may request that a hearing before the Imperial County Planning Commission. Upon
28 receipt of a request, the Planning Commission shall conduct a hearing and make a written
determination. The Planning Commission may request support and advice from a
technical advisory committee. Failure of the Planning Commission to act shall constitute
endorsement of staff's determination with respect to implementation.

23 **SITE SPECIFIC CONDITIONS:**

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

- 25 1. [SOLANA ENERGY FARMS I LLC] shall be the master developer for this Project
26 and shall be responsible as for all improvements, septic, sewer, approved potable
27 water system(s), pipelines, roads and other improvements discussed in the
28 Conditional Use Permit Application and Conditions, FEIR, and MMRP. If permittee
utilizes Ranch Oasis Mutual Water Company as it source for supplied water, the

1 Mutual must be organized in accordance with California Corporations Code. The
2 permittee will also be required to ensure the Mutual's supplied water well is
3 constructed to meet community well standards and complies with all requirements
4 subject to California Safe Drinking Water Act. If [SOLANA ENERGY FARMS I LLC]
5 sells all or part of this Project, an approved agreement shall be in place for new
6 Project owner to build and maintain as agreed to by the conditions set forth in this
7 CUP. The Planning and Development Services Director shall approve of such
8 agreement between [SOLANA ENERGY FARMS I LLC] and a new master
9 developer for this Project. The County Assessor's Office shall be notified of any
10 ownership change.

- 11 2. [SOLANA ENERGY FARMS I LLC] shall develop this CUP property as a separate
12 solar energy facility. Any development with a combination of parcels will require the
13 owner(s) to have a recorded deed restriction to "hold the parcel as one parcel" that
14 runs with the land. This deed restriction shall be for a minimum of 30 years and
15 shall only be released upon the expiration of the 30 years, the expiration or
16 termination of the Conditional Use Permit, or upon approval of the Planning &
17 Development director that the restriction is no longer needed based on a change in
18 the development or regulation.

- 19 3. The Permittee may construct and operate the following facilities in compliance with
20 the Conditional Use Permit, the County's General Plan's Land Use Element, Land
21 Use Ordinance and all other applicable local, state, and federal laws, ordinances,
22 regulations and standards (LORS), to include any other permits which are
23 incorporated herein by reference:

24 a. Construction, operation, maintenance, replacement and removal of a solar energy
25 facility as described in Permittee's CUP Application. The solar energy facility would
26 include photovoltaic modules, mounting structures, electrical wiring, inverters,
27 transformers and AC electric collector system, project electric substation and
28 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.

b. 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; concentrating photovoltaic (CPV) systems mounted on a dual-axis
tracking system; or a mix of the technologies.

c. **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

1 final design) when the HSAT is rotated to point the modules at the rising or setting
2 sun at both sunrise and sunset. When the HSAT system is rotated so that the PV
3 modules are horizontal (at noon, or when stowed during high winds), the nominal
4 height would be approximately six feet above the ground, depending on the final
5 design. The individual PV systems would be configured in large arrays by placing
6 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.

7 d. **CPV technology** uses optics such as lenses to concentrate a large amount of
8 sunlight onto a small area of PV cells to generate electricity. The CPV technology
9 focuses the sunlight onto highly efficient solar cells using Fresnel lenses. The CPV
10 technology would likely use a dual-axis tracking system to position the tracker to
11 ensure that concentrated sunlight remains precisely focused on the solar cells
12 throughout the day. The dual-axis tracking structures use single pole/mast-mounted
panels that would be approximately 30-feet high at both sunrise and sunset when
the panel is rotated to point at the rising or setting sun. The dual-axis modules
would be spaced approximately 80 feet apart.

13 e. **Substations-** Up to five substations would be constructed in the northwest corner
14 of Section 23, within Lot D. Each substation would take delivery of the 13.8 kV or
15 34.5 kV power from its respective project and increase the electricity voltage to 92
16 kV for metering and delivery to the IID switch station on Lot C. Each substation and
the switch stations would include a transformer, circuit breakers, and meters,
disconnect switches, microwave or other communication facilities and an electrical
control house.

17 f. **Transmission Line-**Electrical interconnection with the IID electrical transmission
18 system would require construction of a new 92 kV transmission line (with static
19 grounding/communication line[s]) from the IID switch station on the Property to the
20 existing Anza Substation on the south side of SR 78. Approximately 0.75 miles of
new 92 kV transmission line would be constructed on FM 27-8. An additional 2.25
miles of new 92 kV transmission line would be constructed from the Property to the
existing IID Anza Substation. The transmission line would be "overbuilt" (i.e.
constructed above) the IID's existing 12.5 kV distribution line located immediately
south of SR 78.

22 g. **Site Access-**The principal access to the solar energy projects would be via a new
23 private access road extending south approximately 0.80 mile off of SR 78. The new
24 primary access road would be provided with a minimum of 30-foot double swing
25 gates with a coded entry and "Knox Box" over-ride. Internal to the solar farm
26 complex site, a network of roads would provide operations and maintenance
27 access to all lots and Project components. The existing gated Industrial park,
private road from SR 78 would be used only for emergency access to the solar
energy projects.

28 h. **Panel Washing** Periodic washing of the PV modules could be needed to remove
dust in order to maintain power generation efficiency. The amount of water needed

1 for this purpose for each project is estimated at [10 acre feet per year (AF/Y)]. This
2 water would be obtained from each project's on-site water wells or the new water
3 wells to be constructed, or from these same wells through an existing private water
4 company known as the Ranch Oasis Mutual Water Company. Each washing is
expected to take one to two weeks to complete. The amount of water needed for
construction (principally dust control) is estimated at [100 AF].

- 5 i. Except as specifically authorized in the permit, supplemental activities which require
6 additional major equipment or facilities will require separate permits. The County,
7 in issuing this Permit, in no way assures, or otherwise vests any right, with respect
to the issuance of a permit or permits for such supplemental activities.

8 **S-2 AESTHETICS:**

- 9
10 1. The Permittee shall design and maintain all buildings and equipment enclosures to
11 have exterior surfaces with neutral, non-reflective colors. The construction and
12 maintenance of County-approved landscaping along the access into the
13 Operation/Maintenance Facility shall be in compliance with the Land Use
14 Ordinance, Division 3, Chapters 1 and 2, Sections 90302.00 through 90302.19 and
15 as indicated in the FEIR and Mitigation Monitoring and Reporting Program.
- 16 2. The Permittee shall design and install lighting at construction storage yards and
17 staging areas, such that light bulbs and reflectors are not visible from public viewing
18 areas; lighting does not create reflected glare; and illumination of the Project
19 facilities, vicinity, and nighttime sky is minimized.
- 20 3. Lighting shall be designed so exterior light fixtures are hooded, with lights directed
21 downward or toward the area to be illuminated and so that backscatter to the
22 nighttime sky is minimized. The design of the lighting shall be such that the
23 luminescence or light source is shielded to minimize light trespass outside the
24 Project boundary.
- 25 4. All lighting shall be of minimum necessary brightness consistent with worker safety
26 and OSHA-Requirements.
- 27 5. High illumination areas not occupied on a continuous basis shall have switches or
28 motion detectors to light the area only when occupied.

23 **S-3 AGRICULTURE:**

- 24
25 1. Prior to the issuance of the initial grading permit or building permit, [SOLANA
26 ENERGY FARMS I LLC] shall submit to County of Imperial a Reclamation Plan to
27 return the property to conditions comparable to its current condition for agricultural
28 production. The Reclamation Plan shall include a description of the farming
infrastructure to include but not limited to a crop history, water delivery system,
drainage system, field access, field roads, grading aspects, reclamation cost
estimate prepared by a California-licensed general contractor or civil engineer.

1 [SOLANA ENERGY FARMS I LLC] shall provide financial assurance/bonding in the
2 amount equal to the reclamation cost estimate to restore all agricultural
3 land/farmland to its pre-construction condition including removal of all structures
4 and equipment, soil testing for and clean-up of contaminants in the soil, disking,
5 leveling, and any other clean up and repair necessary to return the land to an
6 agriculturally productive farmable condition prior to the issuance of the initial
grading permit or building permit. The Reclamation Plan with appropriate bonding
will need approval from the Planning and Development Services Director, and
County Counsel before any grading or building permit is issued.

7 2. Permittee shall minimize paving and ground disturbing activities to the maximum
8 extent practical within agricultural fields to retain soil characteristics.

9 3. The Project Developer shall:

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

12 b) Monitor for all pests including insects, vertebrates, weeds, and pathogens.
13 Promptly control or eradicate pests when found, or when notified by the
14 Agricultural Commissioner's office that a pest problem is present on the project
15 site. The assistance of a licensed pest control advisor (PCA) is recommended.
All treatments must be performed by a qualified applicator or a licensed pest
control operator (PCO).

16 c) "Control" means to reduce the population of common pests below economically
17 damaging levels, and includes attempts to exclude pests before infestation, and
18 effective control methods after infestation. Effective control methods may
include physical/mechanical removal, bio-control, cultural control, or chemical
treatments.

19 d) Notify the Agricultural Commissioner's office immediately regarding any
20 suspected exotic/invasive pest species such as A- and Q-rated pest species as
21 defined by the California Department of Food Agriculture (CDFA). Eradication
22 of exotic pests will be done under the direction of the Agricultural
Commissioner's Office and/or CDFA.

23 e) Obey all pesticide use laws, regulations, and permit conditions.

24 f) Allow access for Agricultural Commissioner staff for routine visual and trap pest
25 surveys, compliance inspections, eradication of exotic pests, and other official
duties.

26 g) Ensure that all project employees that handle pest control issues are
27 appropriately trained and certified, that all required records are maintained and
28 available for inspection, and that all permits and other required legal documents
are current.

h) Maintain records of pests found and controlled and either have them available for review, or submit them to the Agricultural Commissioner's office on a quarterly basis.

4. The Permittee 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.

5. Prior to the issuance of a grading permit or building permit (whichever permit comes first) for the Project, the mitigation of impact to agricultural lands shall be accomplished as follows:

Mitigation for the temporary loss of Non Prime Farmland: Permittee may choose one of the following three methods for mitigation:

a) Agricultural Conservation Easements on a "1 to 1" basis on land of equal size, of equal quality farmland, outside of the path of development. The Conservation Easement shall meet the State Department of Conservation's regulations and shall be recorded prior to issuance of any grading or building permits. OR

b) The Permittee shall pay an "Agricultural In-Lieu Mitigation Fee" in the amount of 20% of the fair market value per acre for the acres of non-prime farmland impacted by the Project based on five comparable sales of land used for agricultural purposes as of the effective date of the permit, including program 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. OR

c) If Permittee and the County voluntarily enter into a public benefit agreement or Development Agreement that includes Agricultural Benefit Fee payment that is equal to or greater than the amount that would be due under Option 2 of these mitigation measures and the public benefit agreement requires that the Agricultural Benefit Fee be used for such purposes as the acquisition, stewardship, preservation and enhancement of agricultural lands within Imperial County, then this mitigation measure may be satisfied by payment of a voluntarily agreed to Agricultural Benefit Fee.

Mitigation for the temporary loss of Prime Farmland: Permittee may choose one of the following three methods for mitigation:

d) Agricultural Conservation Easements on a "2 to 1" basis on land of equal size, of equal quality farmland, outside of the path of development. The Conservation Easement shall meet the State Department of Conservation's regulations and shall be recorded prior to issuance of any grading or building permits. OR

- 1 e) The Permittee shall pay an "Agricultural In-Lieu Mitigation Fee" in the amount of
2 30% of the fair market value per acre for the acres of prime farmland impacted by
3 the Project based on five comparable sales of land used for agricultural purposes
4 as of the effective date of the permit, including program costs on a cost
5 recovery/time and material basis. The Agricultural In-Lieu Mitigation Fee, will be
6 placed in a trust account administered by the Imperial County Agricultural
7 Commissioner's office and will be used for such purposes as the acquisition,
8 stewardship, preservation and enhancement of agricultural lands within Imperial
9 County. OR
10
11 f) If Permittee and the County voluntarily enter into a public benefit agreement and or
12 Development Agreement that includes Agricultural Benefit Fee payment that is
13 equal to or greater than the amount that would be due under option number 2 of
14 this mitigation measure and the public benefit agreement requires that the
15 Agricultural Benefit Fee be used for such purposes as the acquisition, stewardship,
16 preservation and enhancement of agricultural lands within Imperial County, then
17 this mitigation measure may be satisfied by payment of voluntarily agreed to
18 Agricultural Benefit Fee.

12 **S-4 AIR QUALITY:**

- 13 1. The Permittee shall comply at all times with the Imperial County Air Pollution
14 Control District's (ICAPCD) Regulation VIII, Fugitive Dust Control. The primary
15 pollutant controlled by this regulation is PM10, "fugitive dust." All identified PM10
16 sources associated with the construction and operation of the facility, such as open
17 areas, roads, stock piles, material transport and grading activities, shall be
18 controlled such that surface areas are stabilized and visible dust emissions are
19 below 20%. Any control measure not listed within the appropriate sections of
20 Regulation VIII, such as but not limited to watering, graveling, chemical stabilizers
21 and wind barriers shall not be utilized without prior approval from the ICAPCD.
- 22 2. The Permittee shall submit to the ICAPCD for approval a dust control plan
23 identifying all sources of PM10 emissions and associated mitigation measures
24 during the construction and operational phases of the project. Permittee shall
25 submit a "Construction Notification Form" to the ICAPCD 10 days prior to the
26 commencement of any earthmoving activity.
- 27 3. The Permittee shall comply with all applicable standard mitigation measures for
28 construction combustion equipment for the reduction of excess NOx emissions as
identified in the air quality analysis and as contained in the Imperial County CEQA
Air Quality Handbook and associated regulations.
- Utilize all Tier 3 or Tier 4 construction equipment.
 - Prohibit idling of equipment not in use; for equipment in use reduce idling time to a maximum of 5 minutes.
 - Where feasible replace fossil fuel burning equipment with electrically driven equivalents provided they are not powered via a portable generator
 - Register all portable engines 50 horse power or greater with the ICAPCD

1 4. Permittee shall also apply enhanced measures to assure reduced levels of NOx are
2 maintained during the construction phase of the project.

- 3 • Submit to the Air District prior to any earthmoving activity a complete list of
4 all construction equipment to be utilized during the construction phase
5 identifying Make, Model, Year, Horsepower and estimated hours of usage.
- 6 • In the event, NOx emissions are calculated to exceed ICAPCD thresholds for
7 construction the Permittee shall provide for "offsite" mitigation or comply
8 with Policy number 5. Policy number 5 allows a project to pay in-lieu impact
9 fees utilizing the most current Carl Moyer Cost Effective methodology to
10 reduce excess NOx emissions.

11 **S-5 GEOLOGY/SOILS and MINERAL RESOURCES**

12 1. Prior to approval of final engineering and grading plans for the SOLANA
13 ENERGY FARMS I LLC Project site, the Permittee shall verify that all
14 recommendations contained in the final Geotechnical Evaluation and Corrosion
15 Analysis, or subsequent additional studies, have been incorporated into final
16 engineering and grading plans to the extent applicable. The County's soil
17 engineer and engineering geologist shall review engineering and grading plans
18 prior to finalization, to verify plan compliance with the recommendations of the
19 report. All development on the Project site shall be in accordance with Title 24,
20 California Code of Regulations.

21 2. Structure placement in areas of high shrink/swell potential shall be avoided where
22 possible; and if not avoided, structures shall be designed to resist the forces of the
23 shrink/swell or such soils removed and replaced as determined by final
24 geotechnical investigations and design.

25 3. Structures shall be placed in geologically stable areas, avoiding fault lines, brittle
26 surface rock and bedrock, etc.

27 4. Project construction activities shall be designed and implemented to avoid or
28 minimize new disturbance, erosion on manufactured slopes, and off-site
degradation from accelerated sedimentation. Maintenance of cut and fill slopes
created by Project construction activities shall consist primarily of erosion repair.
Where re-vegetation is necessary to improve the success of erosion control,
planting or seeding with native seed mix shall be done on slopes.

5. Prior to approval of final building plans, structures within the Project area shall be
designed and constructed to resist the effects of seismic ground motions as
provided in Section 1613 of the 2010 California Building Code.

6. The Project shall be engineered using the 2010 California Building Code, Section
1613 Design Coefficients for the proposed structures.

7. Prior to issue of building permits, the design of foundations and slabs-on-ground
shall be performed in accordance with the procedures outlined in Sections 1808.6.1

and 1808.6.2 of the 2010 CBC and the latest edition of the Wire Reinforcement Institute (WRI) publication "Design of Slab-on-Grade Foundations." An effective plasticity index of 12 shall be used by the project structural engineer to design slabs-on-grade within an interior grade beam system in accordance with the WRI publication.

8. Prior to the issue of Building permits: The type of concrete to be used in construction of the Project shall follow the recommendation of a structural engineer and the contractor responsible for concrete placement used in footings and interior slabs-on-ground, foundation walls, and concrete exposed to weather.
9. Prior to the issue of Building permits, the thickness of the concrete cover over the reinforcement shall be determined by a structural engineer to protect against elevated chloride levels. The thickness shall be determined based upon the chloride concentration of on-site soils. Prior to the issue of Building permits,
 - a) The recommendations of a corrosion engineer shall be implemented to mitigate the detrimental effects of corrosive soils on buried metallic and other building materials that may be exposed to corrosive soils.
 - b) Any ferrous metal or copper components of the proposed buildings or panel foundations placed in direct contact with Project soils shall be protected against detrimental effects of severely corrosive soils.
 - c) Sampling and testing of near-surface soils shall be performed during the final stages of site grading by a qualified corrosion engineer to provide a complete assessment of soil corrosivity.

S-6 CULTURAL RESOURCES:

1. If avoidance is not possible, SDI-12151 shall be assessed by a qualified professional archaeologist to evaluate significance for eligibility to the CRHR. The evaluation shall be conducted prior to commencing construction. A qualified and experienced archaeological monitor will monitor the installation of temporary orange construction fencing around the boundaries of site SDI-12151. The on-site Construction Manager (defined as the individual with the authority to halt all construction-related activities) shall stake the line where the fence will be installed and provide a minimum of 48 hours advance notice to the archaeological monitor before fence installation occurs. The Construction Manager shall be responsible for maintaining the fencing throughout the duration of construction, including periodic maintenance or replacement. The Construction Manager shall not allow passage of non-authorized personnel to enter the boundaries of the fence. All potentially significant finds shall remain confidential.
2. The Archaeological Monitor shall oversee the effectiveness of the protective measures described in this measure at least twice per month during construction to ensure that unanticipated cultural resources are avoided. If an unanticipated cultural resource is discovered, the monitor will immediately notify the Construction Manager and give interim directions for protecting the site, which may include mandatory cessation of activity within 100 feet or more of the discovery. The Construction Manager will be responsible for promptly implementing those interim measures. The Archaeological Monitor shall oversee the removal of the temporary fencing after construction is completed. The Construction Manager shall be

1 required to provide a minimum of 48 hours advance notice to the archaeological
2 monitor before fence removal occurs.

3 3. If subsurface deposits are discovered during construction, all work shall halt within
4 a 200-foot radius of the discovery. A qualified professional archaeologist shall be
5 retained to evaluate the significance of the find. A Native American monitor,
6 following the Guidelines for Monitors/Consultants of Native American Cultural,
7 Religious, and Burial Sites established by the NAHC, may also be required. Work
8 cannot continue at the discovery site until the archaeologist conducts sufficient
9 research and data collection to make a determination that the resource is either 1)
10 not cultural in origin; or 2) not potentially significant or eligible for listing on the
11 NRHP or CRHR. If a potentially-eligible resource is encountered, then the
12 archaeologist, lead agency, and project proponent shall arrange for either 1) total
13 avoidance of the resource, if possible; or 2) test excavations to evaluate eligibility
14 for the CRHR and, if eligible, data recovery as mitigation. In the event that evidence
15 of human remains is discovered, construction activities within 200 feet of the
16 discovery shall be halted or diverted and the Imperial County Coroner shall be
17 notified (Section 7050.5 of the Health and Safety Code). If the Coroner determines
18 that the remains are Native American, the Coroner will notify the NAHC which will
19 designate a Most Likely Descendant (MLD) for the Project (Section 5097.98 of the
20 Public Resources Code). The designated MLD then has 48 hours from the time
21 access to the property is granted to make recommendations concerning treatment
22 of the remains (AB 2641). If the landowner does not agree with the
23 recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the
24 Public Resources Code). If no agreement is reached, the landowner must rebury
25 the remains where they will not be further disturbed (Section 5097.98 of the Public
26 Resources Code). This will also include either recording the site with the NAHC or
27 the appropriate Information Center; using an open space or conservation zoning
28 designation or easement; or recording a document with the county in which the
property is located (AB 2641).

19 4. A qualified paleontological monitor shall be present during ground-breaking
20 activities associated with Project construction. The depth of excavation that requires
21 paleontological monitoring shall be determined by the paleontological monitor and
22 the construction contractor based on initial observations during construction earth
23 moving. The paleontological monitor will be equipped to salvage fossils as they are
24 unearthed (to help avoid construction delays) and to remove samples of sediments
25 that are likely to contain the remains of small fossil invertebrates and vertebrates.
26 Monitors are empowered to temporarily halt or divert equipment to allow removal of
27 abundant or large specimens.

24 5. Recovered specimens shall be prepared to a point of identification and permanent
25 preservation, including washing of sediments to recover small invertebrates and
26 vertebrates. Fossil specimens shall be curated by accessioning them into an
27 established, accredited museum repository with permanent retrievable
28 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

1 museum repository, will signify completion of the program to mitigate impacts to
2 paleontological resources.

3 **S-7 HEALTH, SAFETY AND HAZARDOUS MATERIAL/FIRE AND FUELS** 4 **MANAGEMENT**

- 5 1. All trash and debris within the Project site shall be disposed of off-site, in
6 accordance with current, local, state, and federal disposal regulations. Compliance
7 with this measure shall be verified by the Planning and Development Services
8 Department.
- 9 2. If it is determined that hazardous wastes are, or will be generated by the proposed
10 operations, the wastes must be managed in accordance with the California
11 Hazardous Waste Control Law (California Health and Safety Code, Div 20, Chapter
12 6.5) and the Hazardous Waste Control Regulations (California Code of
13 Regulations, Title 22, Division 4.5).
- 14 3. If it is determined that hazardous wastes will be generated, the Permittee should
15 also obtain a United States Environmental Protection Agency, Identification Number
16 by contacting (800) 618-6942. Certain hazardous waste treatment processes or
17 hazardous material, handling, storage or uses may require authorization from the
18 local Certified Unified Program Agency (CUPA). Information about the requirement
19 for authorization can be obtained by contacting the local CUPA.
- 20 4. Firearms shall be prohibited in all Project areas except for those used by licensed
21 security personnel.
- 22 5. [The Permittee shall ensure that [the AST, farm equipment area, and any other]
23 debris have been cleared from the site.]
- 24 6. Prior to the demolition of any building, structure, or transite pipe, the Applicant shall
25 hire a California Certified Lead Inspector/Assessor and Certified asbestos
26 Consultant to evaluate these features for the presence of lead based paint (LBP)
27 and/or asbestos containing materials (ACM). Confirmed LBP and/or ACM shall be
28 handled by a licensed LBP contractor and/or Licensed Asbestos Contractor. All
contaminants shall be remediated in compliance with California environmental
regulations and policies. LBP and/or ACM shall be disposed of according to
appropriate regulations.

23 **S-8 HYDROLOGY AND WATER QUALITY**

- 24 1. Construction and operation activities within Flood Zone A shall be halted during
25 flash flood warnings and events or any other flooding events as predicted by local
26 weather forecasts, the National Weather Service to which the solar farm complex
27 site is subject. Upon notification of potential flood events in the Project vicinity, any
28 non-stationary equipment and personnel located within Flood Zone A shall be
relocated outside of the flood zone until such time as the threat of flooding has
passed.

28 **S-9 BIOLOGICAL RESOURCES:**

1. The Permittee's Designated Biologist shall coordinate with the U.S. Fish & Wildlife Service (USF&WS) and the California Department of Fish and Wildlife(CD&FW) for the preparation, implementation and monitoring for protection of biological resources at the solar site.
2. The loss of mesquite thicket shall be mitigated through a combination of compensation and/or restoration at a minimum 1:1 ratio, or as required by permitting agencies.
3. Habitat compensation shall be accomplished through agency-approved land preservation or through mitigation fee payment for land supporting comparable habitat to that impacted by the proposed Project. Restoration may be appropriate mitigation for impacts if demonstrated to be feasible, and if the restoration effort is implemented pursuant to a Habitat Restoration/Re-Vegetation Plan.
4. The Applicant shall create, restore, and/or enhance jurisdictional wetland areas impacted by the proposed transmission line. A 2:1 ratio shall be required for any wetland habitat with at least 1:1 of the mitigation ratio to include creation of wetland habitat (so there would be no net loss of jurisdictional habitat). The other 1:1 ratio shall consist of acquisition and preservation of existing jurisdictional habitat acceptable to the permitting agencies.
5. A 1:1 ratio shall also be required for impacts to non-wetland jurisdictional waters in the form of wetland enhancement, restoration, or creation as determined in consultation with the permitting agencies. Permits shall be obtained from the USACE, RWQCB, SWRCB, and CDFW, as appropriate, prior to initiating construction in jurisdictional areas.
6. The Project shall implement the following flat-tailed horned lizard mitigation measures in accordance with the terms and conditions of IID's ROW Grant.
 - a. A worker education program shall be developed and implemented for all construction personnel.
 - b. A field contact representative (FCR) shall be designated prior to Project initiation to: ensure compliance with the protective measures; serve as the primary agency contact; and have authority and responsibility to stop any activities that violate these measures. The FCR shall be authorized by CDFW to handle the FTHL.
 - c. All project work areas shall be clearly flagged or similarly marked at the outer boundaries to define the limit of work activities. All construction workers shall restrict their activities and vehicles to areas which have been flagged to avoid impacts to the FTHL.
 - d. FTHL that are relocated by the FCR shall be placed in the shade of a large shrub a short distance from the construction in the direction of undisturbed habitat. Captured FTHL shall be kept in a dry container. FTHL shall be held

at temperatures between 25°C and 35°C and shall not be exposed to any direct sunlight. Release shall occur as soon as possible during daylight hours (32°C to 40°C). The FCR shall use and discretion to ensure the survival of the FTHL.

- e. Existing roads shall be used for travel and equipment storage whenever possible.
- f. The area of disturbance of vegetation and soils shall be the minimum required for the Project. Clearing of vegetation and grading shall be minimized.
- g. No construction holes shall be left open overnight. Covers shall be secured in place at the end of construction each day. Covers shall be strong enough to prevent wildlife from falling through the cover and into a hole.

7. In accordance with the Staff Report on Burrowing Owl Mitigation (CDFW 2012), a preconstruction take avoidance survey shall be conducted 14 days prior to any ground disturbing activities. If the burrowing owl is absent, then no mitigation is required.

8. If burrowing owl is present, the following mitigation shall be implemented:

- a. If burrowing owls and their habitat can be protected in place on or adjacent to a project site, disturbance impacts shall be minimized through the use of buffer zones, visual screens, or other measures in accordance with CDFW (2012).
- b. Occupied burrows shall be avoided during the breeding period from February1 through August 31 (CDFW 2012). "Occupied" is defined as a burrow that shows sign of burrowing owl occupancy within the last 3 years.
- c. Occupied burrows shall also be avoided during the non-breeding season. Burrow exclusion is a technique of installing one-way doors in burrow openings during the non-breeding season to temporarily exclude burrowing owls, or permanently exclude burrowing owls and close burrows after verifying burrows are empty by site monitoring and scoping. Eviction of burrowing owls is a potentially significant impact under CEQA and would require CDFW approval of a Burrowing Owl Exclusion Plan (CDFW 2012).
- d. Mitigation for impacts to nesting, occupied, and satellite burrows and/or burrowing owl habitat is required such that the habitat acreage, number of burrows and burrowing owls impacted are replaced based on the burrowing owl life history information provided in Staff Report on Burrowing Owl Mitigation (CDFW 2012).
- e. Coordination with CDFW may be necessary for the development of site-specific avoidance and mitigation measures.

9. Reclamation would occur at the end of the Project's useful life and include dismantling and demolition of above ground structures; concrete removal; removal and dismantling of underground utilities; excavation and removal of soil, etc.
10. Vegetation clearing shall take place outside of the general avian breeding season (February 1 through August 31). If vegetation clearing cannot occur outside the avian breeding season, a qualified avian biologist will conduct a pre-vegetation clearing survey for nesting birds no more than 7 days prior to vegetation clearing. If no active nests are found, clearing can proceed. "Active" shall be defined as from nest construction through fledging of young. If active nests are found, no clearing shall be allowed within 100 feet of the active nests of non-listed species, within 300 feet of the active nests of listed species, and within 500 feet of active raptor nests until the biologist determines the nest is no longer active or the nest is abandoned or fails. The biologist will submit the results of the survey to the CDFW and USFWS. Any requests for reductions to these prescribed buffers shall be made to the CDFW and USFWS.
11. The proposed transmission line presents a minor risk for avian and bat collision, however, impacts may be addressed through Project conformance with Avian Power Line Interaction Committee standards.
12. Permittee shall develop, with input from CDFW and USFWS, and implement a Bird and Bat Conservation Strategy (BBCS) for the Project. The BBCS would include as a component monitoring of the Project area to identify the level of mortality, if any, in the Project area during Project operations.
13. In accordance with the CDFW (2012), avoidance is the preferred method for dealing with potential impacts to burrowing owls. If avoidance is not feasible, EIR mitigation measure MM 4.12.8, which requires use of buffers and coordination with CDFW and USFWS, shall be applied.
14. Night lighting shall be minimized during construction to avoid illumination of adjacent natural areas and the night sky. Techniques may include, but are not limited to, shielding light sources and use of directional lighting pointed downward.
15. During operation, night lighting shall only be used when necessary for worker safety. If night lighting is used for security purposes, it shall be motion or heat activated, shielded and directed downward.
16. The vegetation and soil removed for the proposed project shall be disposed of in a safe and legal manner such that the plant material and soil (which contains seeds) are not released into the surroundings (e.g., trucks hauling such material shall be tightly covered).

S-10 PUBLIC SERVICES:

1. If Permittee receives an exclusion of applicable sales and use tax payable to the County of Imperial under Senate Bill 71 under the State Public Resource Code (Section 26003, et al.) and the California Alternative Energy and Advanced Transportation Financing Authority (CAETFA), Permittee shall pay to the County and Local Transportation Authority an amount equal to the sales tax (currently at 1.5%) which would have been received if Permittee had not obtained such exclusion.
 - a) 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-permit. To accomplish this, Permittee shall either cause its general construction contractor to treat the project in accordance with California Regulation 1521(b)(2)(B), California Regulation 1521(c)(13)(B), and California Regulation 1826(b) for sales and use tax purposes or form a "Buying Company" as defined in the State of California Board of Equalization Regulation 1699(h). Permittee can adopt an alternate methodology to accomplish this goal if such methodology is approved by the County Executive Officer prior to issuance of building permits. Permittee shall require its general construction contractor to use commercially reasonable best efforts to cause its subcontractors and vendors to obtain similar sub-permits for the jobsite and to allocate all eligible sales and use tax payment to Imperial County and LTA.
 - b) Permittee shall direct use taxes on out-of-County taxable purchased construction related items to Imperial County, to the extent permitted and consistent with state use tax law.
 - c) Permittee shall use its best efforts, consistent with state law, to source taxable purchases from price competition construction retail vendors within the County of Imperial in order to further source sales to County.
 - d) The Permittee shall exclude from assessment and taxation under California Revenue and Taxation Code Section 73 (AB 1451) only that property qualifying as an Active Solar Energy System, pursuant to the applicable guidelines issued by the Board of Equalization.
2. The Permittee shall widely publicize to County residents the availability of job opportunities associated with the project (whether or not those job opportunities are within Imperial County or are regional). Since the majority of the population residents in the incorporated Cities of the County, dissemination of the information 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

1 start date for each, and application process. In order to maintain oversight of the
2 process, the application process can be completed both on a dedicated website
3 and at dedicated computers at the County which would afford those without
4 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.

5 3. During the development phase of the project, the Permittee shall provide a roster of
6 employees to include their position and place of residence. Permittee shall also
7 attempt to coordinate a ride-share program with Caltrans and other regional
8 employers to facilitate the employment of Imperial County residents in jobs related
to this project.

9 4. Unless prohibited by local, state or federal law or regulation, Permittee shall make
10 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.

11 5. The Permittee shall install and implement security measures which may include,
12 but not limited to, secured perimeter fencing with barbed wire, sensors, with
13 controlled access points, security alarms, security camera systems, security guard
vehicle patrols to deter trespass or unauthorized activities that would interfere with
14 operation of the proposed project.

15 6. Permittee shall compensate the County pursuant to the Department of
16 Environmental Health Fee Schedule for any costs of calls related to bees and
mosquitoes.

17 7. The Permittee shall reimburse the Sheriff's Department for any investigations
18 regarding theft on the Project site and related law enforcement.

19 8. All construction supervisors and foremen shall be provided with communication
20 devices, cell phones or walkie-talkies, in the event of an emergency situation on-
site.

21 9. For operation and maintenance fees associated with Fire Department/OES:

22 a. Permittee shall pay a fee of \$50 per acre per year prior to commencement of
23 the construction period to address the Imperial County Fire/OES expenses
24 for service calls within the Project's Utility/Transmission area. Said amount
25 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.

26 b. Permittee shall pay an annual fee of \$20 per acre per year during the post-
27 construction, operational phase of the Project to address the Imperial County
28 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.

- 1
- 2 c. Costs associated with items two above items shall be annually adjusted on
- 3 January 1st to add a CPI (Los Angeles) increase. Such costs associated with
- 4 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.

5 10. **FIRE** – In lieu of providing all-weather access roads for fire protection vehicles, the

6 Permittee shall be permitted to provide compacted dirt roads (in compliance with

7 ICAPCD's rules and regulations) for fire protection vehicles if prior to the issuance

8 of any grading permit for the Project shall purchase an All-Terrain Vehicle (ATV) for

9 the Fire Department. The ATV is estimated to cost between \$320,000.00 and

10 \$365,000.00. Final cost, conditions and equipment of the ATV shall be determined

11 prior to the issuance of the initial grading permit. The County agrees to require, as

12 a condition of approval, other developers in the area to reimburse the Applicant for

13 the expenses associated with the purchase of the ATV. The Permittee shall be

14 reimbursed only for those expenses in excess of their proportionate share for the

purchase of the ATV that the Permittee would have been required to pay. Furthermore, if an ATV 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 ATV. The County shall be responsible for managing the reimbursement component of this condition of approval.

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

- 16 1. Permittee shall commence construction of the permitted activities or provide
- 17 substantial evidence of substantial progress within 120 months from the effective
- date of this permit, i.e. recordation date.

18 **S-12 CONSTRUCTION STANDARDS**

- 19 1. The solar energy facility structures shall be built in accordance with the California
- 20 Building Code requirements applicable to "Seismic Category D". All structures and
- 21 facilities shall be designed in accordance with the publication entitled
- 22 "Recommended Lateral Force Requirements and Commentary by the Structural
- 23 Engineers Association of California". The structural components of the permitted
- facilities shall be 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.

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

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

- 1 2. The Emergency Response/Action Plan shall cover all possible emergencies, e.g.
2 major fluid spills, earthquakes, fires, floods or other emergencies. At all times,
3 there shall be at least one employee either on the facility premises or on-call (i.e.,
4 available to respond to an emergency by reaching the facility within a short period
5 of time) with the responsibility of coordinating all emergency response measures.
6 This Emergency Coordinator shall be thoroughly familiar with all aspects of the
7 solar facility's Emergency Response/Action Plan, all operations and activities at the
8 facility, location of all records within the facility and the facilities layout. This person
9 shall have the authority to commit the resources needed to carry out the
10 contingency plan. Adequate personnel and equipment shall be available to respond
11 to emergencies and to insure compliance with the conditions of the permit.
- 12 3. The Emergency Response/Action Plan shall be prepared in consultation with, but
13 not be limited to, the Imperial County Fire Protection/Office of Emergency Services,
14 County Environmental Health Services/Health Department, County
15 Sheriff/Coroner's office, County Public Works Department, Planning and
16 Development Services Department, and other appropriate state and county
17 agencies. The plan shall include a notification list of response agencies which shall
18 be notified immediately upon the discovery of a reportable unauthorized discharge
19 and the list shall include: Imperial Fire Protection/Office of Emergency Services,
20 Planning and Development Services Department, County Environmental Health
21 Services/Health Department, County Department of Public Works (DPW),
22 California Highway Patrol, as applicable.
- 23 4. All employees shall be trained by classroom and hands-on training on safety
24 procedures, maintenance programs and emergency response protocols to ensure
25 safety and reliability in the event of an unforeseen emergency situation.
- 26 5. The Permittee shall provide adequate safety devices against the hazard of fire and
27 explosion for activities that involve the use and storage of flammable, explosive or
28 highly corrosive or reactive materials as well as provide adequate fire-fighting and
fire suppression equipment and using devices standard within the industry in
compliance with all applicable state and local laws as determined by the Fire Chief,
Office of Emergency Services.
6. The Permittee shall implement all State and County-approved worker safety and
fire protection plans and programs.
7. Any gates on-site shall have a "knox" lock and be rapidly accessible by the Imperial
Fire Protection/Office of Emergency Services.
8. 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.
9. 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.

- 1 10. Permittee shall identify a responsible agent for emergency purposes, whose name,
2 title, e-mail address and telephone number, which shall be provided to the County
3 Department of Public Works, County Fire Protection/OES Department, County
4 Environmental Health Services/Health Department, County Sheriff/Coroner's office,
Imperial Irrigation District (IID), and County Planning and Development Services
Department.

5 **S-14 LAND USE IMPROVEMENTS**

- 6 1. The Permittee shall prepare an appropriate parking plan for review and approval by
7 the County Planning and Development Services and County Public Works
8 Department for all proposed Operation & Maintenance buildings.
9 2. The Permittee shall surface with a minimum of three (3) inches of asphaltic
10 concrete paving or material of higher quality all access drives, parking areas, and
vehicular maneuvering areas from State Highway 78 to any constructed operation
and maintenance buildings.
11 3. Prior to any grading permit issuance, the Imperial County Building Official and or
12 Planning and Development Services Director shall review and approve of the
13 Floodplain Development Permit" for Lot 1 (APN 018-170-044-000) within any area
14 of special flooding hazards or areas of mudslides (i.e. mudflow) established in
Section 91603.01 of the Imperial County Land Use Ordinance.

15 **S-15 NOISE STANDARDS:**

- 16 1. During the construction period, heavy truck traffic to/from the solar facilities shall be
17 limited to the hours between 7:00 AM and 7:00 PM.
18 2. During construction, in accordance with Imperial County Noise Element of the
19 General Plan, the noise level shall not exceed 75 dBA_{Leq} at the property boundary
when averaged over an 8-hour period.
20 3. During operation of the facility, the maximum permitted continuous sound level shall
21 be not more than 45 dBA_{Leq}, as measured at the nearest residence using the "A"
22 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.
23 4. Haul trucks and other engine-powered equipment shall be muffled and operated
24 with engine exhaust brake use limited to emergencies.

25 **S-16 ODOR CONTROL.**

- 26
27 1. The Permittee shall control all odor-causing, harmful, noxious emissions to insure
28 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 Land Use Ordinance, Division 13, Enforcement, Chapter 2, Abatement of Nuisances, Sections 91302.00 through 91301.02.

S-17 PLAN APPROVALS:

1. Permittee shall submit to the 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 Land Use Ordinance requirements.

S-18 PROJECT DESIGN:

1. All facility access and parking areas shall be constructed to the standards of the Land Use Ordinance.
2. All permitted activities shall provide for the minimum feasible surface land disturbance for compatibility with the existing uses wherever possible.
3. 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.
4. 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).
5. 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.
6. Obtain encroachment permits for any construction or operation on IID existing right of way or easements.

S-19 REPORTING AND MONITORING:

1. The Permittee shall furnish to the County, within a reasonable time, any relevant reports/information which the County requires for monitoring purposes to determine whether cause exists for revoking this permit, or to determine compliance with this permit. The Permittee shall submit all required reports to the Planning Director, County Planning and Development Services Department, 801 Main Street, El Centro, CA 92243.
2. Permittee and Imperial County Development Services Department Director shall agree upon a third party environmental consultant for overseeing all the required

mitigation, conditional use permit conditions and public benefit agreement requirements during the construction of project.

3. Permittee shall pay for this third party environmental consultant monitoring and compliance through a memorandum of understanding (MOU) between the County of Imperial, the Developer and the third party consultant. This environmental consultant shall oversee and manage the entire team of specialists needed for the environmental compliance of project, i.e. biologist, cultural experts, burrowing owls monitoring, etc.

4. The Planning and Development Services Department, in consultation with the third party Environmental Consultant and the County Executive Office, will require that all mitigation measures be satisfied, all mitigation monitoring and Reporting Program requirements have been satisfied, all Conditions of Approval in the Conditional Use Permit are in full compliance and all conditions of the Development Agreement have been satisfied before the Final Certificate of Occupancy Certificate is issued.

5. During the operation of solar facility, an Annual Compliance Report shall be submitted to the Planning & Development Services Department, documenting the implementation of the conditions and general measures as well as any resource-specific measures.

6. The Permittee shall reimburse the Imperial County Planning & Development Services Department for 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.

7. Permittee shall pay for all costs as required to comply with the Conditions of Approval, and shall implement all required mitigation measures as indicated in the 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.

S-20 SPILLS AND RUNOFF:

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

S-21 SOLAR FACILITIES CLOSURE AND SITE RESTORATION:

1. Permittee shall implement the site restoration plan as outlined within the plan when the operation of the permitted facilities herein authorized has ceased, all facilities shall be dismantled, and the lands involved restored to their pre-construction condition and available for agricultural production uses as agreed to by the County

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

- 7 2. The above financial calculations/bond shall be reviewed every five (5) years in
8 December and adjusted on January 1st to add a CPI (Los Angeles) increase by the
9 Planning and Development Services Director. This readjustment can be made in
the County's sole discretion if approved by both the County and the Permittee.

10 **S-22 PUBLIC WORKS**

- 11 1. The Permittee shall furnish a Drainage and Grading Plan/Study to provide for
12 property grading and drainage control, which shall also include prevention of
13 sedimentation of damage to off-site properties. The Study/Plan shall be submitted
14 to the Department of Public Works for review and approval. The Permittee must
15 also provide an engineering estimate for the offsite improvements to be reviewed
16 and approved by this department. A security bond shall be required for the offsite
improvements prior to the issuance of the encroachment permit. The Permittee
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).**
- 17 2. A Transportation Permit shall be required from road agency(s) having jurisdiction
18 over the haul route(s) for any hauls of heavy equipment and large vehicles which
impose greater than legal loads on riding surfaces, including bridges.
- 19 3. Permittee shall comply with the engineering standards for the construction and or
20 improvements needed on existing private road ways for each of the proposed eight
21 (8) lots 1 thru 8 and lots B thru D on the proposed Tentative Tract Map 988. Lot A is
a utility corridor.
- 22 4. A traffic control plan or construction impact study may be required by the developer
23 for approval by Caltrans prior to construction for any access to SR-78. Please
24 reference Caltrans comment letter dated September 25, 2013 for more detail and
provide proof that this condition has been satisfied.
- 25 5. All proposed utility poles must be installed outside the clear recovery area.¹
- 26 6. All work performed with Caltrans Right of Way will require an encroachment
27 permit.²

28

1 Department of Transportation letter dated June 2, 2014

1
2 **S-23 WASTE DISPOSAL**

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

15 **S-24 CALTRANS**

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

S-25 ACCEPTANCE:

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

The rest of this page is intentionally left blank.

1
2 **NOW THEREFORE**, County hereby issues the Conditional Use Permit #13-0011,
3 and Permittee hereby accepts such permit upon the terms and conditions set forth herein.

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

6
7 **PERMITTEE - [SOLANA ENERGY FARMS I LLC]**

8
9 
10 _____
11 **ZIAD ALAYWAN, PERMITTEE**
[SOLANA ENERGY FARMS I LLC]

March 31, 2017
Date

12
13 **COUNTY OF IMPERIAL, a political subdivision of the STATE OF CALIFORNIA**

14
15 
16 _____
17 **Jim Minnick, Director** **JAMES A. MINNICK,**
18 **Planning & Development Services**
19 **Department Director**

4-12-17
Date

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

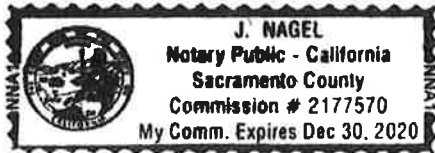
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of Sacramento)
 On March 31, 2017 before me, J. Nagel, Notary Public,
 Date Here Insert Name and Title of the Officer
 personally appeared Ziad Alaywan
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.



Signature [Signature]
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Conditional Use Permit 13-0011
 Document Date: no date Number of Pages: 29
 Signer(s) Other Than Named Above: n/a

Capacity(ies) Claimed by Signer(s)

Signer's Name: Ziad Alaywan
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☒ Other: Permittee
 Signer Is Representing: Solana Energy Farms, LLC

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
 Signer Is Representing: _____

COUNTY NOTARIZATION

A notary public or other officer completing this certificate verified only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF IMPERIAL } S.S.

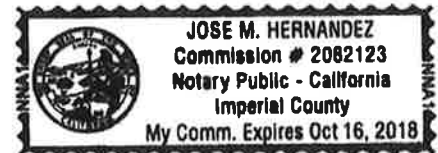
On 04/12/2017 before me,
JOSE M. HERNANDEZ a Notary Public in and for
said County and State, personally appeared
JAMES ALVIN M. NADIG, who proved to me on the
basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed
the instrument.

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

WITNESS my hand and official seal

Signature

Jose M. Hernandez



udulent attachment of this certificate to unauthorized document.

Title or Type of Document CUP# 13-0011
Number of Pages 32 Date of Document 04/12/2017
Signer(s) Other Than Named Above ZIAD ALAYWAN

1 **PERMITTEE NOTARIZATION**

**See Attached Notary
Acknowledgment Certificate**

2
3
4 Dated _____

5 STATE OF CALIFORNIA

6 COUNTY OF _____ } S.S.

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

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

15 WITNESS my hand and official seal

16 Signature _____

17
18 ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could
prevent fraudulent attachment of this certificate to unauthorized document.

19 Title or Type of Document _____

20 Number of Pages _____ Date of Document _____

21 Signer(s) Other Than Named Above _____

22 Dated _____
23
24
25
26
27
28

ATTACHMENT F
DEVELOPMENT AGREEMENT
APPROVED FOR CUP 13-0011
PROJECT

CHUCK STOREY

COUNTY CLERK/RECORDER

IMP County of Imperial

Recording requested by, and
when recorded return to:Clerk of the Board of Supervisors
County of Imperial
940 W. Main Street, Suite 209
El Centro, CA 92243Doc#: **2015005036**Titles: 1 Pages: 15
Fees NO FEE

* \$ R 0 0 0 0 1 4 4 0 8 3 \$ *

Imperial County Development Agreement Concerning Seville Solar Farm Complex

THIS DEVELOPMENT AGREEMENT ("Agreement") is entered into by and between the County of Imperial, a political subdivision of the state of California, ("County") and Seville Solar Holding Company, LLC("Developer") (collectively referred to as "Parties") with respect to the development of real property in the County.

1. Authorization. California Government Code Sections 65864 through 65869.5 and Title 9, Division 23 of the County of Imperial Codified Ordinances authorize County to enter into binding development agreements with persons having legal or equitable interests in real property for the development of the property in order to establish certainty in the development process.

2. Property Description. The real property which is the subject of this Agreement consists of approximately 2,440-acres of privately-owned, idle agricultural land, in west-central Imperial County, California, approximately eight miles west of the junction of SR 78 and SR 86, and approximately three miles east of the San Diego County line. The real property consists of the seven existing legal property parcels (Assessor Parcel Numbers (APNs: 018-010-025-000, [018-170-004-000, 018-170-005-000, 018-170-006-000, 018-170-007-00 Note: These four APN#'s comprise one legal parcel], 018-170-008-000, 018-170-010-000, 018-170-011-000, 018-170-012-000, and 018-170-013-000] that are proposed to be reconfigured in eight individual and four common lots development interest lots ("Property"). Approximately 1,235 acres of the reconfigured Property is proposed for the development of the Seville Solar Farm Complex Project, as set forth below:

Tract Map 988 Lot Number	Use Permit Number	Project Acres
1	13-0011	185
2	13-0012	185
3	13-0013	185
4	13-0014	319
5	13-0015	305

3. Legal or Equitable Interest in Property. Developer has a legal interest in the Property as the holder of leases or options to lease or purchase the Property from the legal owners.

4. Approvals.

4.1 County and Developer agree that this Development Agreement and project have been given all required approvals as follows:

Environmental Evaluation Committee: October 10, 2013,

Planning Commission: October 8, 2014,

Board of Supervisors: October 21, 2014,

4.2 This Development Agreement was approved by Ordinance No. 1503 (D.A. Ordinance) introduced on October 21, 2014, and adopted on February 10, 2015 (effective 30 days from the date of adoption).

4.3 County represents that the Planning Commission and Board of Supervisors provided their recommendations and discretionary approvals of the Project at public hearings properly noticed as provided in Government Code sections 65867, 65090 and 65091 and County Code 92303 in addition to any other notice required by law for other actions considered concurrently with the Agreement.

4.4 County and Developer agree that all environmental impacts associated with the development of the Project as provided under this Agreement have been adequately addressed in the EIR, and that the adoption of this Agreement will not result in any new or different environmental impacts than those considered in the certified EIR; therefore, the County determines that no further environmental review relating to the adoption of this Agreement is required under CEQA.

5. Assurances. In entering into this Agreement, County and Developer acknowledge the following:

5.1 This Agreement assures adequate public facilities at the time of development consistent with the Imperial County General Plan.

5.2 This Agreement assures development in accordance with the General Plan.

5.3 This Agreement constitutes a current exercise of the County's police powers to provide certainty to Developer in the development approval process by vesting the permitted uses, density, intensity of use, and the timing and phasing of development in exchange for Developer's commitment to provide significant public benefits to the County.

5.4 This Agreement will allow the County and public to realize significant economic benefits.

5.5 The Parties acknowledge and agree that Developer's performance in developing the Project on the Property and in constructing and installing certain improvements and complying with the Entitlements set forth in Section 6 hereof and the terms of this Agreement will fulfill substantial public needs.

5.6 The County acknowledges and agrees that there is good and valuable consideration to the County resulting from Developer's assurances and faithful performance of this Agreement, and that the same is in balance with the benefits conferred by the County on the Project. The Parties further acknowledge and agree that the exchanged consideration is fair, just and reasonable.

6. Entitlements. The County Board of Supervisors has approved the following land use entitlements for the Property, which entitlements are the subject of this Agreement:

6.1 Final Environmental Impact Report for the Seville Solar Farm Complex (SCH. No. 2013091039)

6.2 Mitigation Monitoring and Reporting Program (FMMRP) for the Seville Solar Farm Complex

6.3 Water Supply Assessment, based upon a report prepared by Todd Engineering, December 26, 2013

6.4 Development Agreement

6.5 Tract Map #00988

6.6 Conditional Use Permits 13-0011, 13-0012, 13-0013, 13-0014, 13-0015, 13-0016, 13-0017, 13-0018, 13-0019, 13-0020, 13-0021, 13-0022, 13-0023 and 13-0024.

7. Duration of Agreement and Entitlements.

7.1 The effective date of this Agreement shall be the effective date of Ordinance No. 150

7.2 The term of this Agreement shall commence on the Effective Date and shall extend for a period of ten (10) years following the Effective Date. This agreement may be extended by mutual agreement of the Parties or by authorization of the Planning Director as set forth in County Ordinance.

7.3 Developer shall commence construction on all Conditional Use Permits set forth in section 6.6 within ten (10) years from the Effective Date. Failure to commence construction on any one of the Conditional Use Permits within ten (10) years from the Effective Date shall render those Conditional Use Permit void. Developer shall be deemed to commence construction on the date Developer obtains a grading permit or building permit, as may be applicable, in connection with Conditional Use Permit. Developer agrees that there shall be no vested right and no legal remedy available to Developer if such Conditional Use Permit terminates for failure to commence construction. Such termination of the entitlements shall not be subject to a public hearing.

7.4 The term of this Agreement may terminate sooner, pursuant to the terms of this Agreement.

8. Rules, Regulations and Policies.

8.1 County acknowledges that Developer would not enter into this Agreement or agree to provide the public benefits and improvements described in this Agreement if it were not for the commitment of the County that the Property can be developed, to the extent possible, in accordance with County's ordinances, rules, regulations, and policies existing as of the Effective Date of this Agreement.

8.2 The Property shall not be subject to any subsequently enacted amendment, modification of, or substitution for, the General Plan, zoning, or subdivision ordinances unless Developer agrees otherwise.

8.3 Developer shall have the right, to the fullest extent allowed under California Government Code sections 65864 et seq., to (1) develop the Property in accordance with this Agreement, rules, regulations, ordinances, policies, conditions, environmental regulations, exactions, entitlements, assessments, and fees applicable to and governing development of the Property in effect as of the Effective Date of this Agreement and (2) develop the Property with respect to the permitted use(s) of land, density, and intensity of use(s), and timing and phasing of development as generally described in the Project description and all other Entitlements set forth in this Agreement in effect as of the Effective Date of this Agreement, provided that:

8.3.1 Developer acknowledges that the Project must comply with all future amendments, modifications, or alterations of County's building (modeled after the Uniform Building Code), plumbing, mechanical, electrical, signage and fire codes so long as such code or ordinance has been adopted by County.

8.3.2 If a conflict between federal or state laws or regulations and this Agreement arises, County and Developer shall meet and confer in good faith in a reasonable attempt to preserve the terms of this Agreement to the extent feasible.

8.3.3 Nothing in this Agreement shall be construed to be in derogation of County's police power to protect the public health and safety in the event of a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services involving the Property or the community.

8.3.4 Developer acknowledges that the Project must comply with any new or amended ordinance, resolution, rule, regulation or policy that does *not* conflict with the Entitlements

or those ordinances, resolutions, rules, regulations, and policies in effect at the Effective Date, and that is generally applied equally to all real property in the County with similar zoning designations and/or land uses.

8.3.5 This Agreement shall not be construed to limit the authority or obligation of County to hold necessary public hearings, or to limit discretion of County or any of its officers or officials with regard to rules, regulations, ordinances, laws and entitlements of use that require the exercise of discretion by County or any of its officers or officials, provided that subsequent discretionary actions (a) shall not prevent or delay development of the Property for the uses and to the density and intensity of development as provided by this Agreement and the other Entitlements in effect as of the Effective Date of this Agreement, and (b) shall not be inconsistent with the Entitlements.

9. Infrastructure Capacity.

9.1 Subject to conditions of approval requiring specific upgrades, County hereby acknowledges that it has been informed that the Project will have sufficient capacity in its infrastructure, services, and utility systems, including, without limitation, traffic circulation, flood control, water supply, treatment, distribution, and service, to accommodate the Project.

10. Fees.

10.1 Except as otherwise provided in this Agreement (including but not limited to the public benefit payments, sales tax guarantee and property tax guarantee), and specifically excluding fees set by entities not controlled by County that are collected by County, County shall only impose those fees, charges, and costs, including, without limitation, dedications and any other fee or tax (including excise, construction or any other tax) relating to development or the privilege of developing, which are in effect on a Countywide basis as of the Effective Date, including generally applicable increases in such fees that may be adopted from time to time and are generally applicable on a Countywide basis.

10.2 Nothing in this section shall be construed to limit the authority of County to charge customary application, processing, and permit fees for land use approvals, building permits and other similar permits, which fees are designed to reimburse County's expenses attributable to such application, processing and permitting and are in force and effect on a County-wide basis at such time as said approvals and permits are granted by County.

10.3 Nothing in this section shall be construed as a limitation on the Developer's right to a credit against development impact fees, as described in this Agreement.

10.4 To the extent permitted by law, Developer agrees not to oppose, protest or challenge the fees required to be paid in connection with the Project, which are to be imposed and collected pursuant to this Agreement.

10.5 Nothing in this section shall prevent or preclude the County from adopting assessments, fees and charges (other than fees imposed on new development) or special taxes on property within the County to fund ongoing maintenance and operations for the capital facilities, public improvements and/or services.

11. Public Benefits Provided by Developer. County acknowledges that Developer is providing through this Agreement significant public benefits to County, including, but not limited to:

11.1 EIR Mitigation Measures and Conditions of Approval. Notwithstanding any other provision in this Agreement to the contrary, as and when Developer elects to develop the Property, Developer shall be bound by, and shall perform, all mitigation measures contained in the certified final EIR related to such development that are adopted by the County and identified in the mitigation monitoring plan as being a responsibility of Developer, the Property rezoning conditions of approval and the Tentative Tract Map conditions of approval.

11.2 Agriculture Benefit. Developer shall pay to the County the Agriculture Benefit payments which will be used for offsetting temporary impacts to the community, local economy and agriculture industry. Such uses may include, but are not limited to, stewardship, protection, and enhancement of agricultural lands within Imperial County; tools, technology, and techniques for protection of agriculture commodities or increase of crop yields; and support of programs or projects that increase agriculture industry employment opportunities. Developer shall make Agriculture Benefit payments to the County as follows:

11.2.1 Payment Amounts:

1. For every acre of Prime Farmland, Developer shall pay \$5,000 per net farmable acre of land for the development of the Project, as evidenced by Developer's written application to the County for a grading permit for each of the Solar Project CUPs listed in the chart in 2.1.

2. For every acre of Farmland of Statewide Importance, Developer shall pay \$2,000 per net farmable acre of land for the development of the Project, as evidenced by Developer's written application to the County for the first grading permit for each of the Solar Project CUPs listed in the chart in 2.1.

3. Farming Reduction: The base amount calculated under Section 11.2.1.1 or 11.2.1.2, as may be applicable, shall be reduced by ten percent (10%) for each year of the last 10 years prior to issuance of the CUP that the land was not farmed. Land fallowed under the IID fallowing program shall be counted as a farmed year.

4. Field Crop Reduction: After the farming reduction is applied, the resulting total shall then be reduced by five percent (5%) for each year of the last 10 years prior to issuance of the CUP that the land was dedicated to the production of Field Crops as defined in the Imperial County Agricultural Commissioner's Report.

5. No Agriculture benefit payment shall be paid for any acres within the Project land that remain in agricultural production as part of a conservation/habitat program.

6. Payment Due Date: Developer shall pay the Agriculture Benefit payment due under this Section 11.2 upon the issuance of a grading permit for the Project or portion thereof.

7. All amounts under this Section 11.2 shall be increased annually based upon the Los Angeles Consumer Price Index, but in no case shall the CPI be less than zero.

8. Developer shall have the right to pay for each CUP separately as set forth in 11.2.1 above. Developer shall pay the agricultural benefit fee for an entire net farmable acre of land for the development of the Project for each CUP as listed in section 2.

11.3 Community Benefit. Developer shall pay to the County the community benefit payments which will be used to provide for a concerted and coordinated effort to maximize the benefits of the solar project to the County of Imperial and its residents. Such benefits might include, but are not limited to, infrastructure improvement, job creation, economic development and enhancement to the quality of life in neighboring communities. Developer shall pay the County the community benefit payment as follows:

11.3.1

1. The payment structure shall be as follows:
 - i. Each year, from years 1 through 10 after accrual of Community Benefit payment for the Project, Developer shall pay \$150 per acre of Project land in construction or commercial operation during that year
 - ii. Each year, beginning in year 11 after accrual of Community Benefit payment for the Project through the expiration of the CUP including any extensions thereof, Developer shall pay \$200 per year per acre of Project land in construction or commercial operation during that year.
2. The \$200 per acre payment shall be increased annually, starting in year 12, based upon the Los Angeles Consumer Price Index, but in no case shall the CPI be less than zero.
3. The Community Benefit payments shall begin to accrue upon issuance of the first Certificate of Occupancy for energy producing facilities with respect to this Project.
4. The first payment due under this Section 11.3.1 for any facility constructed on the Project land under a CUP shall be due and payable six months following issuance of the first Certificate of Occupancy for energy producing facilities for the Project under that particular CUP.
5. Community Benefit payments are due and shall be paid to the County Executive Office every six months thereafter
6. County may accept a lump sum payment structure instead of an annual payment structure if County deems that lump sum payment is equivalent to the annual payment requirements set forth above.

11.3.2 Incentives and Credits:

1. Hiring Incentives:
 - a. An annual credit of \$1,000 for each full-time equivalent Local Hire during construction of the Project.
 - b. An annual credit of \$500 for each full-time equivalent Veteran Hire during construction or during operation of the Project.
 - c. Incentives under Section 11.3.2(a) and 11.3.2(b) shall be applied cumulatively if applicable.
 - d. An annual credit of \$1,500 for each full-time equivalent Permanent Local Hire during operation of the Project.
2. Scheduling/Coordination Contract Credit: Developer is to be credited, on a dollar for dollar basis (not to exceed \$80,000 in each applicable year), for any amounts paid by Developer during the applicable year under any contract between Developer and any Imperial County-based scheduling coordination firm to provide Scheduling/Coordination Services to the Project. Employees of the Imperial County-based scheduling coordination firm that is the subject of the contract used for the Scheduling/Coordination Contract Credit shall not be counted toward the Permanent Local Hire as set forth in Section 11.3.2(d).
3. Education Fund Credit: Developer is to be credited, on a dollar for dollar basis, to the extent there are contributions to any local, recognized educational institution, in the year such contribution is funded that contributes to local education and job training in the County of Imperial.
4. Early Start Credit:
 - a. If construction commences prior to December 31, 2016; and construction is completed no later than 30 months following the date construction commences, each lump

sum or annual Community Benefit payment due to County shall be reduced by twenty percent (20%).

b. Such incentive shall only reduce payments for the first 25 years after accrual of Community Benefit payment.

c. Any projects that begin construction later than December 31, 2016 shall not be entitled to receive an Early Start Credit.

d. Construction Delays. In the event of a legal challenge to any approvals granted by the County for the Project, the Early Start Credit will continue to apply for a period of time, to be extended day-for-day during the pendency of the litigation as well as for delays encountered as a result of such litigation, not to exceed 12 months.

5. In no event shall the aggregate of all incentives and credits granted reduce the Community Benefit Payment to less than fifty percent (50%) of the amount owed.

11.3.3 Additional Payment Terms for Community Benefit Payments:

1. In no event shall Community Benefit payments begin to accrue for the Project later than 30 months after commencement of construction of the Project.

2. In order to receive local hiring incentives, Developer must submit evidence of hours worked to the County with the regular payment. Each credit shall be given upon a sufficient showing of 2080 hours of work completed. If County reviews the evidence and is not satisfied, County shall submit an additional bill to Developer for the difference.

3. Late Payments. If Developer receives a bill from County, payment to County shall be due within thirty (30) days of Developer's receipt of written notice of bill. Payments received by County after the 30th day following Developer's receipt of notice shall be deemed late. Developer hereby agrees to pay a late fee of five percent (5%) of the payment due for any payment received by County beyond the due date. Said late charge shall be included with the late payment. The obligation to pay late charges shall be stayed when such amounts are disputed in good faith, so long as Developer submits the payments "Under Written Protest." Upon determination of dispute, such late charges may be assessed if it is determined that the dispute was not made in good faith.

4. Any Community Benefit payments for a partial year will be pro rated on a per diem basis based on a 365 day year. In no event shall Developer be required to pay the Community Benefit payment more than one time per year for the same land.

11.4 Sales Tax Benefit. Developer will require that all qualifying contractors and subcontractors exercise their option to obtain a Board of Equalization sub-permit for the jobsite and allocate all eligible use tax payments to County of Imperial. Prior to commencement of any construction activity on-site, Developer will require that the contractor or subcontractor provide County of Imperial with either a copy of their Board of Equalization account number and sub-permit, or a statement that use tax does not apply to their portion of the Project.

11.4.1 Guaranteed Amount. Developer agrees to guarantee that County will receive a minimum of \$5,000,000 under existing applicable sales and use tax laws (based on a total output capacity of 135MW's for the Project). Developer agrees to guarantee that LTA will receive a minimum of \$2,500,000 under existing applicable sales and use tax laws.

11.4.2 In the event that Developer repowers or replaces the equipment onsite, the Project site shall be designated as the "Point of Sale" as to create an additional local tax funding source for the County of Imperial.

11.4.3 The complete amount due to County for the Project or portion thereof shall be received before issuance of a Certificate of Occupancy for the Project or portion thereof.

11.4.4 Payments to County and LTA as a result of a shortfall shall be due within thirty days of Developer's receipt of written notice of shortfall from the County. Payments received by County after the 30th day following Developer's receipt of notice shall be deemed late. Developer hereby agrees to pay a late fee of five percent (5%) of the payment due for any payment received by County beyond the due date. Said late charge shall be included with the late payment. The obligation to pay late charges shall be stayed when such amounts are disputed in good faith, so long as Developer submits the payments "Under Written Protest." Upon determination of dispute, such late charges may be assessed if it is determined that the dispute was not made in good faith.

11.4.5 The amount of sales and use tax anticipated to be generated is based on the projected construction of 135MW (AC) of solar generation facilities. Construction of any additional or lesser output capacity now projected will require the sales tax guarantee be adjusted (up or down) based on the actual output from solar generation facilities of the Project as evidenced by any Power Purchase Agreement subsequently entered into by Developer related to this Project.

11.5 Property Tax Benefit. Developer agrees to guarantee that County will receive a minimum of \$330,000 under existing applicable property tax laws to the extent Developer undertakes construction of energy producing facilities under any Conditional Use Permit on the Project land..

11.5.2 Payments to County as a result of a shortfall shall be due within thirty days of Developer's receipt of written notice of shortfall from the County. Payments received by County after the 30th day following Developer's receipt of notice shall be deemed late. Developer hereby agrees to pay a late fee of five percent (5%) of the payment due for any payment received by County beyond the due date. Said late charge shall be included with the late payment. The obligation to pay late charges shall be stayed when such amounts are disputed in good faith, so long as Developer submits the payments "Under Written Protest." Upon determination of dispute, such late charges may be assessed if it is determined that the dispute was not made in good faith.

11.5.3 The amount of property tax anticipated to be generated is based on the projected assessed valuation of taxable land and improvements associated with the project.

11.6 Fire Fees.

1. Developer shall pay the County \$100 per Project acre within a permitted Project area (not disturbed or graded land) as a one-time capital payment. This payment shall be made before issuance of the first building permit for each CUP of the Project.

2. During construction, Developer shall pay County \$50 per Projectacre within a permitted project area (not disturbed or graded land) to compensate County for fire impacts.

3. During operation, Developer shall pay County \$20 per Projectacre within a permitted project area (not disturbed or graded land) to compensate County for fire impacts.

4. Fire Fees pursuant to Section 11.6.2 and 11.6.3, are not cumulative of those Fire Fees to be paid by Developer under the CUP's for the Project and shall not be collected under this Agreement if collected pursuant to the CUP's for the Project and vice versa.

12. [Intentionally omitted]

13. Eminent Domain.

County will not participate in eminent domain to establish public access to this project.

14. Periodic Review.

14.1 County shall review the extent of good faith substantial compliance by Developer with the terms of this Agreement at least every twelve (12) months pursuant to California Government Code section 65865.1.

14.2 Upon written request from the County, Developer shall have the duty to demonstrate its good faith substantial compliance with the terms of this Agreement, within thirty (30) days after a written request.

14.3 County's failure to review at least annually Developer's compliance with the terms and conditions of this Agreement shall not constitute or be asserted by County or Developer to be a breach or default of the Agreement, and shall not be used as grounds to amend, modify, alter, or terminate the Agreement.

15. Assignment and Delegation.

15.1 The County shall approve all sales, transfers, or assigns of all of Developer's right in the Property within sixty (60) days of notice being provided to the County Executive Office, and such consent shall not be unreasonably withheld.

15.2 If Developer sells, transfers, or assigns all of Developer's right in the Property, such sale, transfer, or assignment shall include the assignment and assumption of all rights, duties, and obligations arising under or from this Agreement.

15.3 If there is a purchase, transfer, or assignment of the Property as a whole, the purchaser, transferee, or assignee must provide County with security equivalent to any security previously required of Developer to secure performance of its obligations. The sufficiency of the equivalent security shall be determined by the County in its sole, reasonable discretion prior to sale, transfer, or assign.

15.4 Developer shall deliver written notification of sale, transfer, or assignment to County sixty (60) days prior to such sale, transfer, or assignment. Developer shall deliver a copy of the acknowledgment and the assignment duly executed by the purchaser or transferee and notarized by a notary public, whereby the purchaser or transferee expressly assumes the obligations of Developer under this Agreement with respect to the sold or transferred portion of the Property.

15.5 Notwithstanding any sale, transfer, or assignment, a transferring Developer shall continue to be obligated under this Agreement unless such transferring Developer is given a release in writing by the County.

16. Relationship of County and Developer. The contractual relationship between County and Developer arising out of this Agreement is one of independent contractor and not agency. This Agreement does not create any third-party beneficiary rights.

17. Indemnification and Hold Harmless.

17.1 Developer agrees to and shall hold the County, its officers, agents, and employees harmless from liability:

(i) for damages, just compensation, restitution, judicial or equitable relief arising out of claims for personal injury, including health, and claims for property damage which may arise from the direct or indirect operations of the Developer or its contractors, subcontractors, agents, employees, or other persons acting on Developer's behalf that relate to the Project; and

(ii) from any claims by third parties that damages, just compensation, restitution, judicial or equitable relief is due by reason of the terms of, or effects arising from, this Agreement.

(iii) from any claims for damages, just compensation, restitution, judicial or equitable relief arising out of claims for personal injury, including health, and claims for property damage which may arise from a challenge to this project based on the Environmental Quality Act.

17.2 Developer further agrees to indemnify, hold harmless and pay all reasonable costs for the defense of the County, including reasonable fees and costs for legal counsel regarding any action by a third party challenging the validity of this Agreement or asserting that damages, just compensation, restitution, judicial or equitable relief is due to personal or property rights by reason of the terms of, or effects arising from, this Agreement.

18. Amendment or Cancellation. This Agreement may be amended or canceled by the mutual consent of County and Developer, in the manner set forth in California Government Code section 65868 and County Ordinances sections 92306.00 and 92306.01.

19. Default. A default under this Agreement shall be deemed to have occurred upon the happening of one or more of the following events or conditions:

19.1 A warranty, representation, or statement made or furnished by Developer in this Agreement to County or by County to Developer is false or proves to have been false, in any material respect when it was made.

19.2 A finding by County, based on substantial evidence, that the Developer has not complied in good faith with one or more of the terms or conditions of this Agreement.

19.3 Any other act or omission by Developer which materially interferes with the terms of this Agreement.

20. Procedure upon Default.

20.1 Upon the occurrence of default by Developer or County, the non-defaulting party shall provide the other party thirty (30) days written notice specifying the alleged default.

20.2 After proper notice and after the default remains uncured for thirty (30) days, this Agreement may be terminated.

20.3 All other remedies at law or in equity which are not inconsistent with the provisions of this Agreement are available to County and Developer to pursue in the event there is a breach.

21. Legal Action. In addition to any other rights or remedies, either party may institute legal action to cure, correct or remedy any default, to enforce any covenant or agreement herein, to enjoin any threatened or attempted violation, or to compel specific performance. In no event shall County or its officers, employees or agents be liable in damages for any breach of this Agreement, it being expressly understood and agreed that the sole remedy available to Developer for a breach of this Agreement by County shall be a legal action in mandamus, specific performance, injunction or declaratory relief to enforce the Agreement.

22. Attorney's Fees. In the event any legal action is brought to enforce or construe this Agreement, the prevailing party shall be entitled to an award of reasonable attorney's fees, expert witness and consulting fees, and litigation costs.

23. Discretion to Encumber. This Agreement shall not prevent or limit Developer from encumbering the Property or any improvement on the Property by any mortgage, deed of trust or other security device.

23.1 The lien of any existing or future deeds of trust recorded against all or any part of the Property shall be superior and senior to any lien created by this Agreement or the recordation thereof. At the request of any lender whose loan will be secured by a deed of trust on all or any part of the Property, County shall execute a subordination agreement subordinating its interest hereunder to the lien of such deed of trust, which subordination agreement shall be subject to the reasonable approval of County. Notwithstanding the foregoing, at the option of the mortgagee/beneficiary, any foreclosure of any such deed of trust shall not serve to extinguish or terminate this Agreement. Nothing in this Agreement shall be deemed to construe, permit or authorize any such mortgagee to devote the Property, or any part thereof, for any uses, or to construct any improvements thereon, other than those uses or improvements provided for or authorized by this Agreement and the Entitlements.

23.2 Neither entering into this Agreement nor a breach of this Agreement shall defeat, invalidate, diminish or impair the lien of any existing or future mortgage or deed of trust on the Property made in good faith and for value.

24. Entire Agreement. Waivers and Recorded Statement. This Agreement constitutes the entire understanding and agreement of County and Developer with respect to the matters set forth in this Agreement. This Agreement supersedes all negotiations or previous agreements between County and Developer respecting this Agreement. All waivers of the provisions of this Agreement must be in writing and signed by the appropriate authorities of County and Developer. Upon the completion of performance of this Agreement or its revocation or termination, a statement evidencing completion, revocation or termination signed by the appropriate agents of County shall be recorded in the Official Records of Imperial County, California.

25. Notices. All notices required or provided for by this Agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid, return receipt requested, to the following:

To County: The County of Imperial
 Attn: County Executive Officer
 940 Main Street
 El Centro, CA 92243
 Facsimile: (760) 353-8338

To Developer: Seville Solar Holding Company, LLC
 Attn: Business Development
 770 Menlo Avenue, Suite 100
 Menlo Park, California 94025
 Office: 650-319-7772
 Mobile: 408-314-9967
 Email: Malrai@regeneratepowerllc.com

County or Developer may change its address by giving notice in writing to the other party.

26. Captions. The captions of this Agreement are for convenience and reference only and shall not define, explain, modify, construe, limit, amplify or aid in the interpretation, construction or meaning of any provision of this Agreement.

27. Recording. The Clerk of the Board shall cause a copy of this Agreement to be recorded with the Office of the County Recorder of Imperial County, California, within ten (10) days following the execution of this Agreement, pursuant to California Government Code section 65868.5.

28. Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California.

29. Venue. In the event of any legal or equitable proceeding arising out of or relating to this Agreement, the parties agree that venue shall lie only in the federal or state courts located nearest to the Property.

30. Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

31. Unenforceable Provisions. The terms, conditions, and covenants of this Agreement shall be construed, whenever possible, as consistent with applicable laws and regulations. To the extent that any provision of this Agreement as so interpreted is held to violate any applicable law or regulation, the remaining provisions shall nevertheless be carried into full force and effect and remain enforceable.

32. Representation of Capacity to Execute Contract. Each party to this Agreement represents and warrants that the person or persons signing on behalf of that party has the authority to execute this Agreement on behalf of the entity represented by those individuals.

33. No Waiver. The failure of either party to enforce any term, covenant or condition of this Agreement on the date it is to be performed shall not be construed as a waiver of that party's right to enforce this or any other term, covenant or condition of this Agreement at any later date or as a waiver of any term, covenant or condition of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Development Agreement as of the Effective Date stated in this Agreement as authorized by Ordinance No. 1503 of the Board of Supervisors of the County of Imperial.

COUNTY OF IMPERIAL

Date: 3-11-15

Seville Solar Holding Company; LLC

Date: 3-17-15

By:

Ryan E. Kelley
RYAN KELLEY, Chairman
Board of Supervisors

By:

Felicia R. Bellows
Print Name: Felicia R. Bellows
Print Title: Attorney in Fact

ATTEST:

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Alameda)

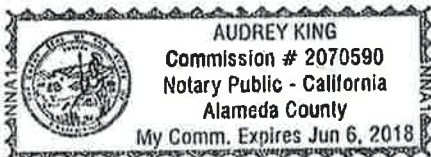
On March 17th 2015 before me, Audrey King Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Felicia L. Bellows
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.



Signature Audrey King
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Development Agreement Document Date: March 17th 2015
Number of Pages: 14 Signer(s) Other Than Named Above: Felicia L. Bellows

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____



BLANCA ACOSTA, Clerk of the Board,
County of Imperial, State of California

APPROVED AS TO FORM:

By:



MICHAEL L. ROOD
County Counsel

Map of Seville Solar (Project) site

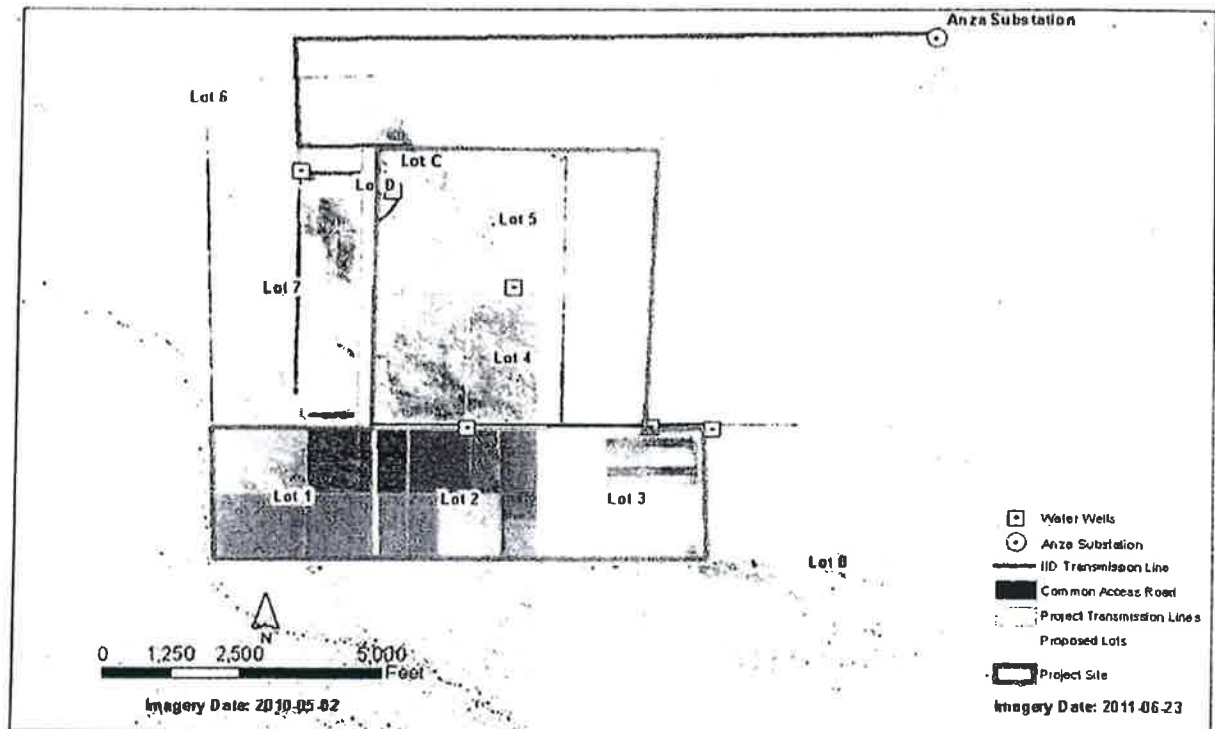


Figure 3: Proposed Property Lots with Water Wells on Aerial Photograph

ATTACHMENT G EEC PACKAGES

PROJECT REPORT

TO: ENVIRONMENTAL EVALUATION
COMMITTEE

AGENDA DATE: July 14, 2022

FROM: PLANNING & DEVELOPMENT SERVICES DEPT. AGENDA TIME 1:30 PM/No. 4

CUP #22-0004 Titan III Solar, LLC
PROJECT TYPE: Solar Energy Storage Project SUPERVISOR DIST #3
LOCATION: 2085 W Hwy 78, Imperial County, APN -018-170-044-000
Lower Borrego Valley Basin Imperial County, CA, PARCEL SIZE: Approx. 185 acres
GENERAL PLAN (existing) Agriculture GENERAL PLAN (proposed) N/A
ZONE (existing) A-2 (General Agricultural) ZONE (proposed) N/A

GENERAL PLAN FINDINGS ☒ CONSISTENT ☐ INCONSISTENT ☐ MAY BE/FINDINGS

PLANNING COMMISSION DECISION:

HEARING DATE: _____

☐ APPROVED ☐ DENIED ☐ OTHER

PLANNING DIRECTORS DECISION:

HEARING DATE: _____

☐ APPROVED ☐ DENIED ☐ OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 06/23/2022

INITIAL STUDY IS #22-0006

☐ NEGATIVE DECLARATION ☐ MITIGATED NEG. DECLARATION ☒ EIR ADDENDUM

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS
AG / APCD
E.H.S.
FIRE / OES
OTHER

☐ NONE
☐ NONE
☐ NONE
☐ NONE

☐ ATTACHED
☒ ATTACHED
☐ ATTACHED
☐ ATTACHED

REQUESTED ACTION:

(See Attached)

***Initial Study & Environmental Analysis
For:***

**Titan III CUP Modification #13-0011
(CUP #22-0004, #IS 22-0006)**



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

July 2022

EEC ORIGINAL PACKAGE

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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 modify the originally approved Conditional Use Permit

(CUP) #13-0011 to add a battery storage system to the previously-approved CUP site. The original CUP was approved for a 20-megawatt (MW) photovoltaic solar project. The applicant is proposing to add a 40-MW battery storage system on the current footprint of the previously-approved CUP site.

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 Seville Solar Farm Complex 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

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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 or mitigation 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

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(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:** Titan III CUP Modification (#13-0011) Project (CUP #22-0004, IS #22-0006)
2. **Lead Agency:** Imperial County Planning & Development Services Department
3. **Contact person and phone number:** David Black, Planner IV, (442) 265-1736
4. **Address:** 801 Main Street, El Centro CA, 92243
5. **E-mail:** DavidBlack@co.imperial.ca.us
6. **Project location:** The project site is located on Assessor Parcel Number 018-170-044, a privately-owned parcel comprising 185 acres of land. The project site is located within the previously-approved Seville Solar Farm Complex Project. The 185-acre project site is located in westcentral Imperial County, California, approximately eight miles west of the junction of State Route (SR) 78 and SR 86, and approximately three miles east of the San Diego County line. The project site is approximately 14 miles west from the southern tip of the Salton Sea and one-half mile west of Pole Line Road.
7. **Project sponsor's name and address:**
Ziad Alaywan
Titan III, LLC
750 W Main Street
El Centro, CA 92243
Applicant's Representative: Jurg Heuberger
8. **General Plan designation:** Agriculture
9. **Zoning:** General Agriculture (A-2)
10. **Description of project:** See Project Summary for detailed project description.
11. **Surrounding land uses and setting:** Surrounding land uses include agricultural land to the north, operational solar energy facilities (Seville 1, 2, and 3) immediately to the northeast and east, open desert managed by the Bureau of Land Management (BLM) to the west, and open desert designated Recreation/Open Space and zoned Open Space/ Preservation (S-2) to the south.
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 Seville Solar Farm Complex Project Final EIR ("Final EIR"), the County conducted the appropriate outreach to Native American Tribes in October 2013. The County did not receive any responses for consultation. Although Assembly Bill 52 does not apply to an Addendum, the County provided the project application for the CUP modification for review and comments to the following Native American Tribes:

- Chemehuevi Reservation,
- Torres-Martinez Indian Tribe

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- 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

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.

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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 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 checked="" 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 checked="" type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input checked="" type="checkbox"/> Utilities/Service Systems | <input checked="" 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

EEC VOTES

PUBLIC WORKS
ENVIRONMENTAL HEALTH SVCS
OFFICE EMERGENCY SERVICES
APCD
AG
SHERIFF DEPARTMENT
ICPDS

YES

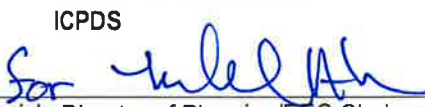
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ABSENT

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Jim Minnick, Director of Planning/EEC Chairman

Date:

7-14-2022
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PROJECT SUMMARY

A. Project Location: The project site is located on Assessor Parcel Number 018-170-044, a privately-owned parcel comprising 185 acres of land. The project site is located within the previously-approved Seville Solar Farm Complex Project. The 185-acre project site is located in west-central Imperial County, California, approximately eight miles west of the junction of State Route (SR) 78 and SR 86, and approximately three miles east of the San Diego County line. The project site is approximately 14 miles west from the southern tip of the Salton Sea and one-half mile west of Pole Line Road.

B. Project Summary:

Background

On October 21, 2014, the Imperial County Board of Supervisors certified the Final Environmental Impact Report (EIR) and adopted five Conditional Use Permits (CUPs) (CUP 13-0011, 13-0012, 13-0013, 13-0014, and 13-0015) for the Seville Solar Farm Complex Project ("previously-approved project"). The Seville Solar Farm Complex Project consisted of up to five solar energy projects, including a new access road from State Route (SR) 78, internal access roads, an Imperial Irrigation District (IID) electrical switch station, electrical substations for each of the five projects, and internal solar development transmission lines to the substations and IID switch station (Figure 1). The previously-approved project also included the construction for, and operation by, the IID of new 92 kV transmission line for interconnection to the existing IID Anza Substation. The previously-approved project is located on approximately 1,238 acres of the 2,440-acre Allegretti Farms property located in west-central Imperial County, California, approximately eight miles west of the junction of State Route (SR) 78 and SR 86, and approximately three miles east of the San Diego County line.

The previously-approved project involved a major subdivision/tract map which reconfigured the 2,440-acre Allegretti Farms property into eight individual lots (Lots 1-8) and four common development interest lots (Lots A-D) for common roads and electrical systems (Figure 1). The previously-approved project proposed the development of five solar energy projects on five individual lots (Lots 1-5). Figure 1 illustrates the area approved for solar development in 2014.

The Board-certified Seville Solar Farm Complex Project Final EIR (State Clearinghouse No. 2013091039) 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: Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Paleontological Resources, Public Services, and Utilities and Service Systems.

Project Description

The Titan III project ("proposed project/project") is located on APN 018-170-044, a privately-owned parcel comprising 185 acres of land. The project site is located on Lot 1 within the previously-approved Seville Solar Farm Complex Project site (Figure 2). The applicant is requesting to modify the originally approved CUP #13-0011 to add a battery storage system to the previously-approved CUP site (Lot 1). The original CUP was approved for a 20-MW photovoltaic solar project. As shown in Figure 3, the applicant is proposing to add a 40-MW battery storage system on the current footprint of the previously-approved CUP site. The proposed battery storage system would not result in changes to the size or intensity of disturbance to the previously-approved project footprint.

C. Environmental Setting: The project site is located within a rural segment of Imperial County. Surrounding land uses include agricultural land to the north, operational solar energy facilities (Seville 1, 2, and 3) immediately to the northeast and east, open desert managed by the Bureau of Land Management (BLM) to the west, and open desert designated Recreation/Open Space and zoned Open Space/ Preservation (S-2) to the south.

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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 project and will not require revisions to the Final EIR. The previously-certified Final EIR analyzed the direct physical changes to the environment that would result from the construction and operation of a solar energy project on the Seville Solar Farm Complex development area, including direct physical changes to Lot 1, which is the proposed Titan III project site. The proposed project would not expand or increase the development footprint as previously evaluated, nor change the fundamental characteristics of the project from that previously analyzed in the certified Final EIR. The project applicant is requesting to modify the originally approved CUP #13-0011 to add a battery storage system to the previously-approved CUP site (Lot 1). The original CUP was approved for a 20-MW photovoltaic solar project. The applicant is proposing to add a 40-MW battery storage system within the current footprint of the previously-approved CUP site.

The project site is currently zoned General Agriculture (A-2). Pursuant to Title 9, Division 5, Chapter 8: the following uses are permitted in the A-2 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, resource extraction and energy development, and battery storage facility. The proposed project would include the addition of a 40-MW battery storage system within the current footprint of the previously-approved CUP site. Therefore, with approval of the CUP modification, the proposed project would be consistent with the A-2 zoning designation.

There would be no other changes to the previously approved project. Therefore, no proposed changes or revisions to the Final EIR are required. In addition, all previously adopted mitigation measures presented in the Seville Solar Farm Complex 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 Seville Solar Farm Complex Project Final EIR in October 2014, the Office of Planning and Research updated portions of Appendix G of the State CEQA Guidelines as follows:

- Revision to the language of the "Aesthetics" thresholds
- Revision to the language of the "Air Quality" thresholds
- Revision to the language of the "Cultural Resources" thresholds
- Addition of a new impact category – "Energy"
 - Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

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- Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?
- Revision to the language of the "Hydrology and Water Quality" thresholds to remove several thresholds, as well as include a new threshold:
 - Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?
- Revision to the language of the "Land Use and Planning" thresholds
- Revision to the language of the "Noise" thresholds
- Revision to the language of the "Population and Housing" thresholds
- Addition of a new threshold under the "Transportation/Traffic" impact category to analyze vehicle miles traveled:
 - Would the project conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b)?
- Revision to the language of the "Utilities and Service System" thresholds
- Addition of a new impact category – "Tribal Cultural Resources"
 - 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 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)?
 - 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 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 is 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.
- Addition of a new impact category – "Wildfire"
 - Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?
 - Would the project, 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?
 - Would the project 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?
 - Would the project 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?

Aesthetics. Since 2014, the CEQA Guidelines have been updated to revise the language of the "Aesthetics" Threshold c) to differentiate between urban and non-urban areas. However, changes to the language since 2014 were not contextually substantive (i.e., the revised thresholds largely capture the same potential impacts), and, as such, the impacts related to the existing visual character and quality of the site were addressed within the aesthetics analysis (Section 4.1 of the Final EIR). As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to aesthetics.

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Air Quality. Since 2014, the CEQA Guidelines have been updated to remove what was Threshold b), which read, "Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation." Despite the removal of this threshold from the "Air Quality" impact category, the current 2022 Air Quality impact thresholds were all included, and resultantly analyzed in 2014, in the Seville Solar Farms Complex Project Final EIR. As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to air quality.

Cultural Resources. Since 2014, the CEQA Guidelines have been updated to move what was Threshold c), which read, "Would the project directly or indirectly destroy a unique paleontological resources or site or unique geologic feature," from "Cultural Resources" to the "Geology and Soils" impact category. All other threshold questions remained the same contextually. As such, the impacts related to cultural resources were addressed within the Cultural Resources analysis (Section 4.7 of the Final EIR). As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to cultural resources.

Energy. "Energy" was not previously analyzed as a separate individual topic in the Seville Solar Farms Complex Project Final EIR. However, this does not mean that impacts to energy were not analyzed in the Final EIR. Rather, impacts related to energy were addressed within the Climate Change and Greenhouse Gas Emissions analysis (Section 4.5 of the Final EIR), Public Services and Utilities Analysis (Section 4.13 of the Final EIR), and Chapter 7.0, Other CEQA Required Considerations of the Final EIR. As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to energy.

Hydrology and Water Quality. Since 2014, the CEQA Guidelines have been updated to revise the language of the "Hydrology and Water Quality" threshold questions. However, changes to the language since 2014 were not contextually substantive (i.e., the revised thresholds largely capture the same potential impacts), and, as such, the impacts related to hydrology and water quality were addressed within the Hydrology and Water Quality analysis (Section 4.11 of the Final EIR) and Public Services and Utilities Analysis (Section 4.13 of the Final EIR). At the time of the 2014 environmental analysis, conflicts with implementation of a water quality control plan or sustainable groundwater management plan, was not a specific topic analyzed. As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to conflicts with implementation of a water quality control plan or sustainable groundwater management plan.

Land Use and Planning. Since 2014, the CEQA Guidelines have been updated to move what was Threshold c), "Would the project conflict with an applicable habitat and conservation plan or natural community conservation plan?" to the "Biological Resources" impact category. As such, the impacts related to land use and planning were previously addressed within the Land Use analysis (Section 4.2 of the Final EIR). As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to land use and planning.

Noise. Since 2014, the CEQA Guidelines have been updated to revise the language of the "Noise" threshold questions. However, changes to the language since 2014 did not result in the addition of any contextually new thresholds (i.e., the revised thresholds captured the same potential impacts), and, as such, the impacts related to noise and vibration were addressed within the Noise analysis (Section 4.8 of the Final EIR). As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to noise.

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Population and Housing. Since 2014, the CEQA Guidelines have been updated to revise the language of the Population and Housing threshold questions; specifically, by combining what were Threshold b) and c) into one single threshold question (Threshold b)). Additionally, potential population and housing impacts were scoped out of the Seville Solar Farms Complex Project Final EIR because the Initial Study deduced that the project would not cause any impact related to population and housing (Section 1.12, Issues Scoped out from Further Environmental Review, of the EIR). As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to population and housing.

Transportation/Traffic. At the time of the 2014 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 project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to VMT.

Tribal Cultural Resources. As part of the Seville Solar Farm Complex Project Final EIR, the County conducted the appropriate outreach to Native American Tribes in October 2013. The County did not receive any responses for consultation. Additionally, no Native American cultural resource sites were previously recorded or newly identified in the 2014 Seville Solar Farms Complex Project Final EIR. Although Assembly Bill 52 does not apply to an Addendum, the County provided the project application for the CUP modification 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

As this CEQA document is an Addendum, the AB 52 requirements are not applicable. The proposed project 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. Since 2014, the CEQA Guidelines have been updated to revise the language of the "Utilities and Service Systems" threshold questions. However, changes to the language since 2014 did not result in the addition of any contextually new thresholds (i.e., the revised thresholds captured the same potential impacts), and, as such, the impacts related to utilities and service systems were addressed within the Utilities and Service Systems analysis (Section 4.13 of the Final EIR). As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to utilities and service systems.

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 impacts pertaining to wildfire were not analyzed. Rather, impacts related to wildfire were addressed in Section 4.10, Hazards and Hazardous Materials, of

the Final EIR. As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to wildfire.

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.*

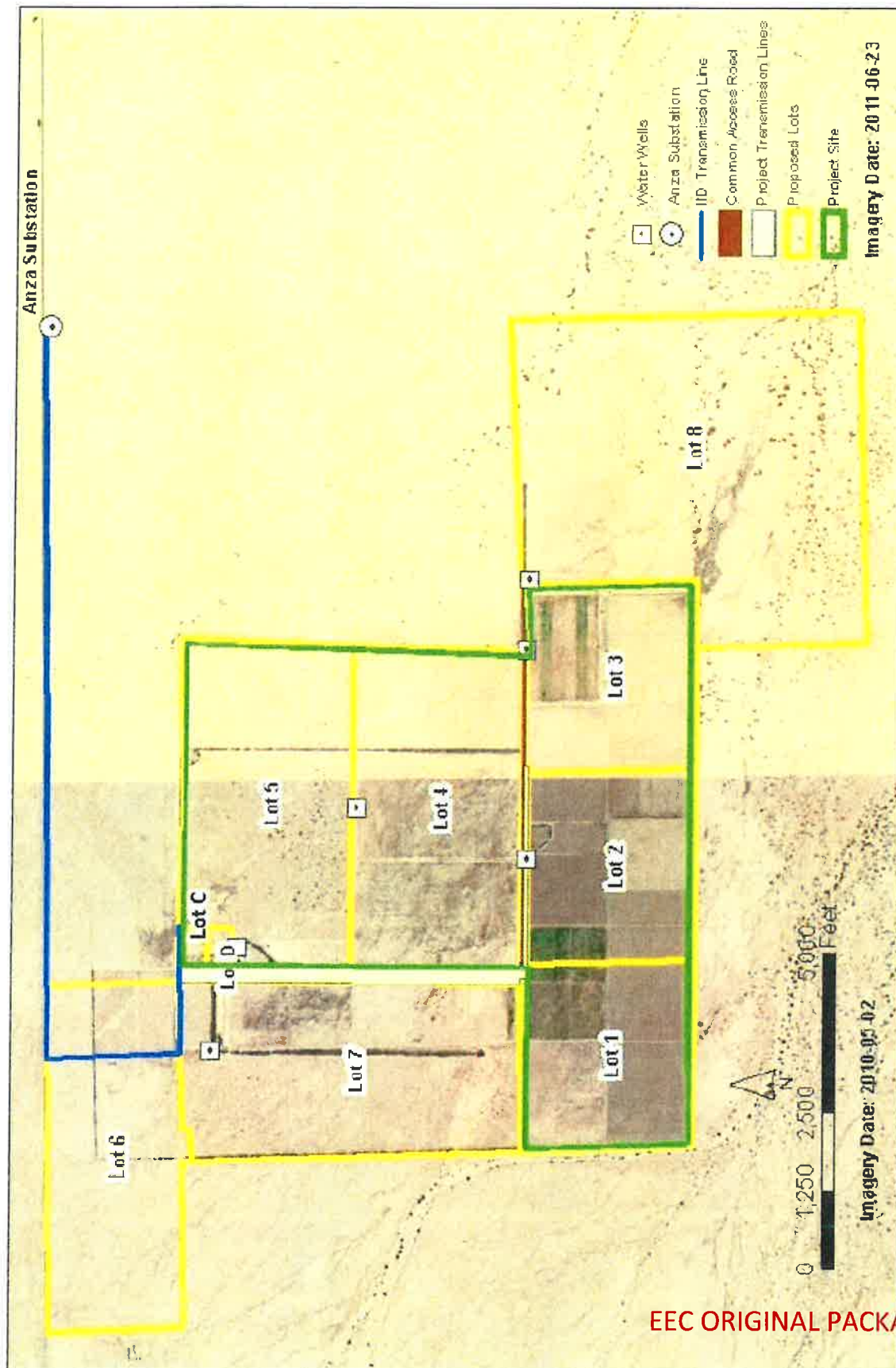
There is nothing in the proposed project that would suggest that its adoption and implementation would result in any new significant environmental effects not previously discussed in the certified Seville Solar Farms Complex Project Final EIR. Therefore, no proposed changes or revisions to the EIR are required. In addition, all previously adopted mitigation measures presented in the Seville Solar Farms Complex Project Final EIR are incorporated herein by reference and as part of the Titan III Project.

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 Seville Solar Farms Complex 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 proposed project will not result in any new, increased, or substantially different impacts, other than those previously considered and addressed in the Seville Solar Farms Complex Project Final EIR. No changes or additions to the 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 project is located within the unincorporated area of Imperial County. The existing General Plan land use designation is "Agriculture." The project site is currently zoned A-2 (General Agriculture). Pursuant to Title 9, Division 5, Chapter 8, the following uses are permitted in the A-2 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, resource extraction and energy development, and battery storage facility. The applicant is requesting a modification to the previously-approved CUP (CUP 13-0011) to include the addition of a 40-MW battery storage system within the current footprint of the previously-approved CUP site. Therefore, with approval of the CUP modification, the proposed battery storage system would be consistent with the A-2 zoning designation.

Figure 1. Previously-Approved Seville Solar Farm Complex Project – Lot Configuration



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Figure 2. Location of Titan III Project within Previously-Approved Seville Solar Farm Complex Project Site

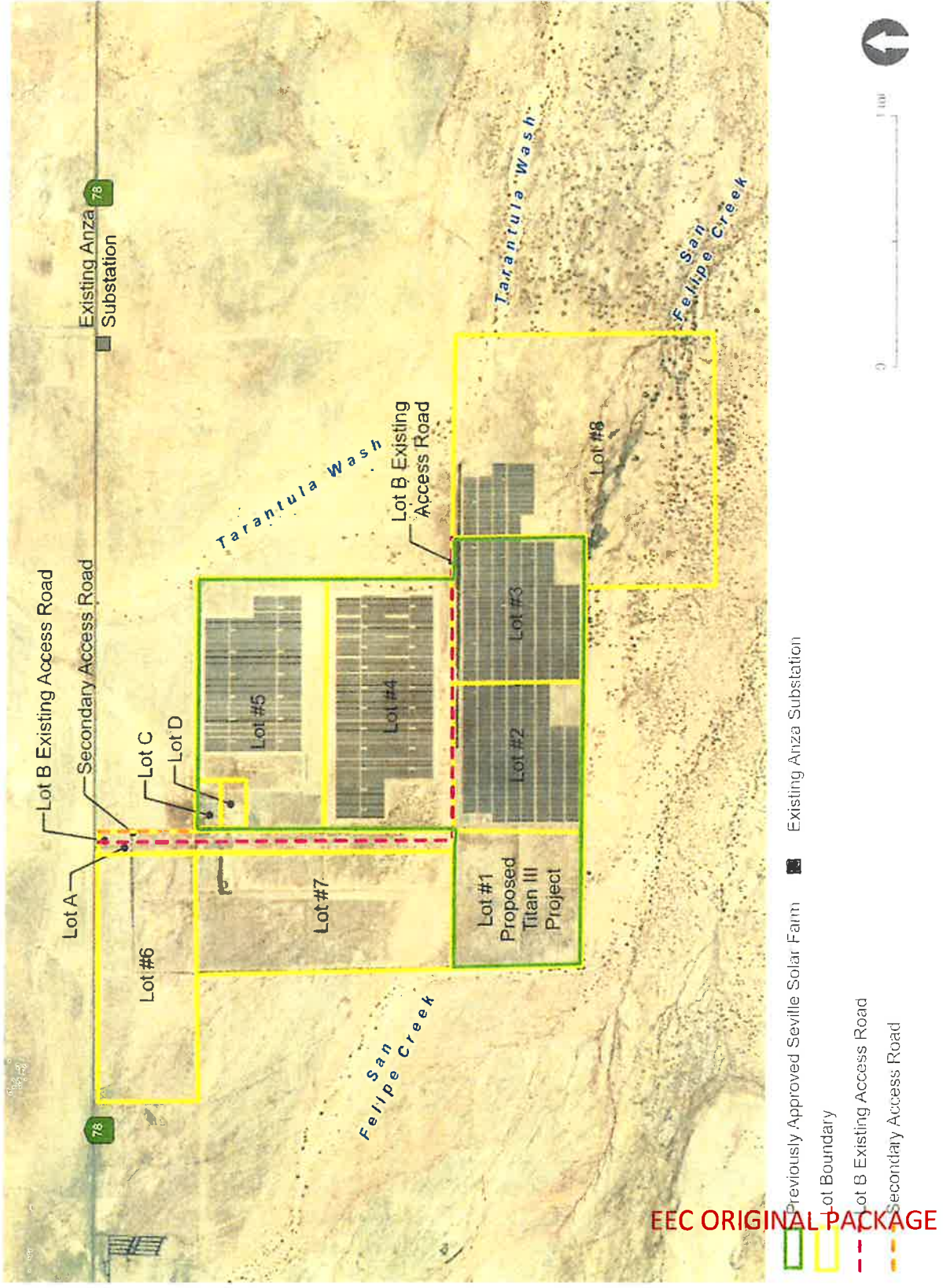


Figure 3. Project Site Plan



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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) Less Than Significant Impact.** Impacts associated with the construction and operation of a utility-scale PV project at the project site was evaluated in the previously-approved Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011 and, while implementation of the proposed battery storage system may result in minor alterations in the views from surrounding lands and SR-78, there are no scenic vistas within the project area. Therefore, the proposed project 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) Less Than Significant Impact.** Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the previously-approved Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011 and, while implementation of the proposed battery storage system may result in minor alterations in the views from surrounding lands and SR-78, there are no designated state scenic highways within the project area. The portion of SR-78 from its junction with SR-86 to the San Diego County Line is eligible; however, is not considered a designated state scenic highway (California Department of Transportation 2018). Therefore, the proposed project would not result in new or significant changes to any state scenic highways 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 construction and operation of a utility-scale PV project at the project site were evaluated in the previously-approved Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. While implementation of the proposed battery storage system may result in minor alterations in the views from surrounding lands and SR-78, it would not substantially alter the visual character and quality of the area when considered in the context of the associated PV infrastructure previously analyzed in the Final EIR and the existing solar facilities immediately to the northeast and east of the project site. Therefore, the proposed project would not substantially degrade the existing visual character or quality of public views 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) Less Than Significant Impact.** Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the previously-approved Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The PV infrastructure would be comprised of non-reflective panels and as discussed in the Final EIR, would not result in significant light or glare impacts. Similarly, while the proposed battery storage system would be comprised of metal, the battery storage containers would be located interior to the solar panels and, as such, any new light and glare associated with the battery storage system would be generally shielded from sensitive viewers and are not anticipated to result in light and glare impacts beyond those 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.** Impacts associated with the construction and operation of a utility-scale

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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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PV project at the project site were evaluated in the previously-approved Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measures MM 4.9.1a and MM 4.9.1b), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. Therefore, the proposed project 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) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the Final EIR. There are no Williamson Act lands within or adjacent to the project area. Therefore, conversion of land under Williamson Act Contract is not an issue and no new or significant changes to the impacts regarding existing zoning for agricultural use as discussed in the Final EIR would occur.

- 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. Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. There are no existing forest lands, timberlands, or timberland zoned Timberland Production either on or near the project area that would conflict with existing zoning. Therefore, conflicts with existing zoning for forest land is not an issue and no new or significant changes to the impacts regarding existing zoning for forest use as discussed in the Final EIR would occur.

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

d) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage 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. There are no existing forest lands, timberlands, or timberland zoned Timberland Production either on or near the project area. Therefore, conflicts with existing forest land are not an issue and no new or significant changes to the impacts regarding existing zoning for forest use as discussed in the Final EIR would occur.

- 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 site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measure (Mitigation Measure MM 4.9.2), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. Therefore, the proposed project would result in no new or significant changes regarding the conversion of farmland to non-agricultural use or forest land to non-forest use 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 quality plan? ☐ ☒ ☐ ☐

a) Potentially Significant Unless Mitigation Incorporated. Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, implementation of the Seville Solar Farm Complex Project would result in an increase in air pollutant emissions during both construction and operation and could result in conflicts with applicable air quality plans. However, implementation of Mitigation Measures MM 4.4.1a, MM 4.4.1b, MM 4.4.1c, and MM 4.4.1d would reduce potentially significant impacts to a less than significant level. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measures MM 4.4.1a, MM 4.4.1b, MM 4.4.1c, and MM 4.4.1d), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. Therefore, the proposed project would result in no new or significant changes to the impacts 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. Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, implementation of the Seville Solar Farm Complex Project would result in an increase in air pollutant emissions during both construction and operation and could result in net increases of criteria pollutants. However, implementation of Mitigation Measures MM 4.4.1a, MM 4.4.1b, MM 4.4.1c, and MM 4.4.1d would reduce potentially significant impacts to a less than significant level. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measures MM 4.4.1a, MM 4.4.1b, MM 4.4.1c, and MM 4.4.1d), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. Therefore, the proposed project would result in no new or significant changes to the impacts to applicable air quality plans as discussed in the Final EIR.

- c) Expose sensitive receptors to substantial pollutant concentrations? ☐ ☐ ☒ ☐

c) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Seville Solar Farm Complex Project Final EIR, implementation of the Seville Solar Farm Complex Project would not expose sensitive receptors (over one mile away) to substantial pollutant concentrations. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to the impacts to sensitive receptors as it pertains to substantial pollutant concentrations, as discussed in the Final EIR.

- d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)? ☐ ☐ ☐ ☒

d) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved Seville Solar Farm Complex (CUP 13-0011) development footprint. According to the Final EIR, implementation of the Seville Solar Farm Complex Project would not generate objectional odors affecting a substantial number of people. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. The addition of the battery storage system would not generate odors affecting a substantial number of people. Therefore, the proposed project would result in no new or significant changes to the impacts to sensitive receptors as it pertains to odors, as discussed in the Final EIR.

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. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, implementation of the Seville Solar Farm Complex Project has the potential to result in the loss of mesquite thicket (a sensitive vegetation community), Flat tailed horned lizard (a State species of special concern), and Burrowing Owl (a BLM sensitive species, USFWS Bird of Conservation Concern, and CDFW Species of Special Concern). However, mesquite thicket was not mapped

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	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
<p>within Lot 1, and, as such, the proposed project would have no impact on mesquite thicket. Implementation of Mitigation Measures MM 4.4.1a, MM 4.12.3, MM 4.12.6a, MM 4.12.6b, MM 4.12.8, MM 4.12.12a, and 4.12.12b would reduce potentially significant impacts to a less than significant level. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measures MM 4.4.1a, MM 4.12.3, MM 4.12.6a, MM 4.12.6b, MM 4.12.8, MM 4.12.12a, and 4.12.12b), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. Therefore, the proposed project would result in no new or significant changes to the impacts to 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 as discussed in the Final EIR.</p>				
<p>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?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>b) Potentially Significant Unless Mitigation Incorporated. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, implementation of the Seville Solar Farm Complex Project has the potential to impact potential federal and state jurisdictional areas and areas of mesquite thicket (a sensitive natural community). However, mesquite thicket was not mapped within Lot 1, and, as such, the proposed project would have no impact on mesquite thicket. Project construction has the potential to indirectly impact plants and wildlife as a result of increased generation of construction dust and the inadvertent addition of invasive species to the project area. However, implementation of Mitigation Measures MM 4.12.2a, MM 4.12.2b, and MM 4.12.14 would reduce potentially significant impacts to a less than significant level. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measures MM 4.12.2a, MM 4.12.2b, and MM 4.12.14), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. Therefore, the proposed project would result in no new or significant changes to the impacts to any riparian habitat or other sensitive natural community, as discussed in the Final EIR.</p>				
<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>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Potentially Significant Unless Mitigation Incorporated. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, implementation of the Seville Solar Farm Complex Project and associated transmission line has the potential to impact potential federal and state jurisdictional areas. However, implementation of Mitigation Measures 4.12.2a and 4.12.2b would reduce potentially significant impacts to a less than significant level. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measures 4.12.2a and 4.12.2b), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. Therefore, the proposed project would result in no new or significant changes to the impacts to any state or federally protected wetlands, as discussed in the Final EIR.</p>				
<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>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>d) Potentially Significant Unless Mitigation Incorporated. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, implementation of the Seville Solar Farm Complex Project has the potential to impact migratory nesting birds. However, implementation of Mitigation Measure MM 4.12.8 would reduce potentially significant impacts to a less than significant level. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measure (Mitigation Measure MM 4.12.8), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. Therefore, the proposed project would result in no new or significant changes to the impacts to migratory nesting birds, as discussed in the Final EIR.</p>				
<p>e) Conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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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e) Potentially Significant Unless Mitigation Incorporated. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, implementation of the Seville Solar Farm Complex Project has the potential to impact biological resources, and, consequently, would result in conflicts with local policies and ordinances protecting biological resources. However, as demonstrated in Section 4.12, Biological Resources, of the Seville Solar Farm Complex Project Final EIR, implementation of Mitigation Measures MM 4.4.1a, MM 4.12.2a, MM 4.12.2b, MM 4.12.3, MM 4.12.6a, MM 4.12.6b, MM 4.12.8 would reduce potentially significant impacts to a less than significant level. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measures MM 4.4.1a, MM 4.12.12a, MM 4.12.12b, MM 4.12.3, MM 4.12.6a, MM 4.12.6b, and MM 4.12.8), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. Therefore, the proposed project would result in no new or significant changes to conflicts with local policies and ordinances, as discussed in the Final EIR.

- 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? ☐ ☐ ☐ ☒

f) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Seville Solar Farm Complex Project Final EIR, implementation of the Seville Solar Farm Complex Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Imperial County does not have a Habitat Conservation Plan. Additionally, while some lands in the County are under the jurisdiction of the Bureau of Land Management (BLM) are covered by the California Desert Conservation Area Plan which includes Areas of Critical Environmental Concern, the project area is not within any of these areas. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR, and no impact would occur.

V. CULTURAL RESOURCES *Would the project:*

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? ☐ ☐ ☐ ☒

a) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, implementation of the Seville Solar Farm Complex Project would not impact any historical resources. A total of sixteen prehistoric isolates and two historic isolates were identified during field surveys of the Seville Solar Farm Complex Project area. None of the isolates are considered Historical Resources for the purposes of CEQA. Therefore, no impact to prehistoric isolates would occur. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR, and no impact would occur.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? ☐ ☒ ☐ ☐

b) Potentially Significant Unless Mitigation Incorporated. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, implementation of the Seville Solar Farm Complex Project has the potential to impact an archaeological pot drop (SDI-12151) that could potentially be eligible for the California Register of Historical Resources. Additionally, project construction has the potential to damage and/or destroy previously undiscovered archaeological resources during grading activities. However, as demonstrated in Section 4.7, Cultural Resources, of the Seville Solar Farm Complex Project Final EIR, implementation of Mitigation Measures MM 4.7.2 and MM 4.7.3 would reduce potentially significant impacts to a less than significant level. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measures MM 4.7.2 and MM 4.7.3), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. Therefore, the proposed project would result in no new or significant changes to impacts to archaeological resources, as discussed in the Final EIR.

- 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

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PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, implementation of the Seville Solar Farm Complex Project has the potential to disturb human remains in the unlikely event that they are present during grading activities. However, as demonstrated in Section 4.7, Cultural Resources, of the Seville Solar Farm Complex Project Final EIR, implementation of Mitigation Measure MM 4.7.4 would reduce potentially significant impacts to a less than significant level. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measure (Mitigation Measure MM 4.7.4), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. Therefore, the proposed project would result in no new or significant changes to impacts to human remains, as discussed in the Final EIR.

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 Seville Solar Farm Complex Project Final EIR. However, this does not mean that impacts to energy were not analyzed. Rather, impacts related to energy were addressed within the Climate Change and Greenhouse Gas Emissions analysis (Section 4.5 of the Final EIR), Public Services and Utilities Analysis (Section 4.13 of the Final EIR), and Chapter 7.0, Other CEQA Required Considerations 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 Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The proposed addition of the battery storage system would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, energy use would be similar as analyzed in the Final EIR for the Seville Solar Farm Complex Project. The addition of the battery storage system on the project site would allow the storage of up to 40-MW of electricity until it is ready to be released to customers. In addition, the project would be a renewable energy project that would 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 Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The proposed addition of the battery storage system would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. The addition of the battery storage system on the project site would allow the storage of up to 40-MW of electricity until it is ready to be released to customers. The project 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 project 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 Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, the Seville Solar Farm Complex Project is not within a designated State of California Alquist-Priolo Earthquake Fault Zone, and, as such, would not be subject to fault rupture. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to impacts relating to fault rupture, as discussed in the Final EIR.

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
2) Strong Seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>2) Potentially Significant Unless Mitigation Incorporated. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, the Seville Solar Farm Complex Project is located within proximity to several faults and may be subject to strong seismic ground shaking. However, as demonstrated in Section 4.6, Geology and Soils, of the Seville Solar Farm Complex Project Final EIR, implementation of Mitigation Measure MM 4.6.1 would reduce potentially significant impacts to a less than significant level. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measure (Mitigation Measure MM 4.6.1), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. Therefore, the proposed project would result in no new or significant changes to impacts relating to strong seismic ground shaking, as discussed in the Final EIR.</p>				
3) Seismic-related ground failure, including liquefaction and seiche/tsunami?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>3) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, the Seville Solar Farm Complex Project would not be subject to seismic-related ground failure including liquefaction and seiche/tsunami. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to impacts relating to seismic-related ground failure, including liquefaction and seiche, as discussed in the Final EIR.</p>				
4) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>4) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, the Seville Solar Farm Complex Project would not be subject to seismic-related ground failure including landslides because the site exhibits a generally flat topography. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to impacts relating to seismic-related ground failure, including landslides, as discussed in the Final EIR.</p>				
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, the Seville Solar Farm Complex Project would comply with regulations to control erosion and topsoil, and impacts would be considered less than significant. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to impacts relating to erosion and the loss of topsoil, as discussed in the Final EIR.</p>				
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>c) Potentially Significant Unless Mitigation Incorporated. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, the Seville Solar Farm Complex Project would not be subject to seismic-related ground failure including landslide and liquefaction. However, soils within the Seville Solar Farm Complex site are corrosive to concrete and metals. Implementation of Mitigation Measures MM 4.6.5a, MM 4.6.5b and MM 4.6.5c would reduce potentially significant impacts to a less than significant level. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measures MM 4.6.5a, MM 4.6.5b and MM 4.6.5c), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. Therefore, the proposed project would result in no new or significant changes to impacts relating to unstable geologic units or corrosive soils, as discussed in the Final EIR.</p>				
d) Be located on expansive soil, as defined in the latest Uniform Building Code, creating substantial direct or indirect risk to life	<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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or property?

d) Potentially Significant Unless Mitigation Incorporated. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, the Seville Solar Farm Complex Project is located within areas of low and very low soil expansion. Soils exhibiting a low expansion potential may still affect the performance of concrete slabs. However, as demonstrated in Section 4.6, Geology and Soils, of the Seville Solar Farm Complex Project Final EIR, implementation of Mitigation Measure MM 4.6.3 would reduce potentially significant impacts to a less than significant level. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measure (Mitigation Measures MM 4.6.3), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. Therefore, the proposed project would result in no new or significant changes to impacts relating to expansive soils, as discussed in the Final EIR.

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? ☐ ☐ ☒ ☐

e) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, if soils are incapable of supporting a septic system, an underground tank would be used for storage of waste streams. Because an alternative means of accommodating septic waste is available if soils cannot accommodate a leach field, impacts to soil capability to support septic systems are considered less than significant. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to impacts relating to onsite soils and their ability to support the use of septic tanks and alternate wastewater disposal systems, as discussed in the Final EIR.

- 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 Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, implementation of the Seville Solar Farm Complex Project has the potential to damage and/or destroy previously undiscovered paleontological resources in the unlikely event that they are unearthed during grading activities. However, as demonstrated in Section 4.7, Cultural Resources, of the Seville Solar Farm Complex Project Final EIR, implementation of Mitigation Measure MM 4.7.5 would reduce potentially significant impacts to a less than significant level. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measure (Mitigation Measure MM 4.7.5), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. Therefore, the proposed project would result in no new or significant changes to impacts to paleontological resources, as discussed in the Final EIR.

VIII. GREENHOUSE GAS EMISSIONS *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 Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, implementation of the Seville Solar Farm Complex Project would not result in significant generation of greenhouse gas emissions that would have an impact on the environment. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to impacts to greenhouse gas 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 Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, implementation of the Seville Solar Farm Complex Project would not result in significant generation of greenhouse gas emissions that would have an impact on the environment. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or 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 Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, implementation of the Seville Solar Farm Complex Project would not involve large quantities of hazardous materials and, as such, would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

In conjunction with the construction of the solar facility, a battery energy storage system will be constructed to store the energy generated by the solar panels. Transportation of hazardous materials relating to the battery system includes electrolyte and graphite and would occur during construction, operation (if replacement of batteries is needed) and decommissioning (removal of the batteries). All of these various materials would be transported and handled in compliance with DTSC regulations. Therefore, likelihood of an accidental release during transport or residual contamination following accidental release is not anticipated.

Lithium-ion batteries used in the storage system contain cobalt oxide, manganese dioxide, nickel oxide, carbon, electrolyte, and polyvinylidene fluoride. Of these chemicals, only electrolyte should be considered hazardous, inflammable and could react dangerously when mixed with water. The U.S. Department of Transportation (DOT) regulates transport of lithium-ion batteries under the DOT's Hazardous Materials Regulations (HMR; 49 C.F.R., Parts 171-180). The HMR apply to any material DOT determines is capable of posing an unreasonable risk to health, safety, and property when transported in commerce. Lithium-ion batteries must conform to all applicable HMR requirements when offered for transportation or transported by air, highway, rail, or water (DOT 2021). Additionally, carbon (as graphite) is flammable and could pose a fire hazard. As further detailed in Impact IX. b) below, fire protection is achieved through project design features, such as monitoring, diagnostics and a fire suppression system. The project would be required to comply with state laws and county ordinance restrictions, which regulate and control hazardous materials handled on site.

Therefore, the proposed project would result in no new or significant changes to impacts related to significant hazards associated with 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 reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? ☐ ☒ ☐ ☐

b) Potentially Significant Unless Mitigation Incorporated. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, implementation of the Seville Solar Farm Complex Project has the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Specifically, an abandoned transite (asbestos-containing material) irrigation pipeline is present along the northern boundary of Lots 1 and 2. However, as demonstrated in Section 4.10, Hazards and Hazardous Materials, of the Seville Solar Farm Complex Project Final EIR, implementation of Mitigation Measure MM 4.10.2 would reduce potentially significant impacts to a less than significant level.

Protection for the battery storage system would be provided as part of the project design by housing the battery units in enclosed structures to provide containment should a fire break out or for potential spills. Any potential fire risk that the traditional lithium-ion cells have will most likely be caused by over-charging or through short circuit due to age. This risk will be mitigated through monitoring and a fire suppression system that includes water and or a suppression agent (eg FM-200, Novatech) with smoke detectors, control panel, alarm, piping and nozzles. The fire protection system will be designed by a certified fire protection engineer and installed by a fire protection system contractor licensed in California and in accordance with all relevant building and fire codes in effect in the County at the time of building permit submission. Fire protection systems for battery systems would be designed in accordance with California Fire Code and would take into consideration the recommendations of the National Fire Protection Association (NFPA) 855.

The fire protection plan is anticipated to include a combination of prevention, suppression, and isolation methods and materials. The general approach to fire mitigation at the project site would be prevention of an incident, followed by attempts to isolate and control the incident to the immediately affected equipment, then to suppress any fire with a clean agent so as to reduce damage to uninvolved equipment. Fire suppression agents such as Novec 1230 or FM 2000, or water may be used as a suppressant. In addition, fire prevention methods would be implemented to reduce potential fire risk, including voltage, current, and temperature alarms. Energy

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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storage equipment would comply with Underwriters Laboratory (UL)-95401 and test methods associated with UL-9540A. For lithium-ion batteries storage, a system would be used that would contain the fire event and encourage suppression through cooling, isolation, and containment. Suppressing a lithium-ion (secondary) battery is best accomplished by cooling the burning material. A gaseous fire suppressant agent (e.g., 3M™ Novec™ 1230 Fire Protection Fluid or similar) and an automatic fire extinguishing system with sound and light alarms would be used for lithium-ion batteries.

To mitigate potential hazards, redundant separate methods of failure detection would be implemented. These would include alarms from the Battery Management System (BMS), including voltage, current, and temperature alarms. Detection methods for off gas detection would be implemented, as applicable. These are in addition to other potential protective measures such as ventilation, overcurrent protection, battery controls maintaining batteries within designated parameters, temperature and humidity controls, smoke detection, and maintenance in accordance with manufacturer guidelines. Remote alarms would be installed for operations personnel as well as emergency response teams in addition to exterior hazard lighting. In addition, an Incidence Response Plan would be implemented. In this context, impacts would be considered less than significant for this impact area.

Therefore, the proposed project would result in no new or significant changes to impacts pertaining to reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, as discussed in the Final EIR.

- 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 Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, the Seville Solar Farm Complex Project is not within 0.25-mile of an existing or proposed school and no impact would occur. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to impacts related to the handling or emission of hazardous materials within 0.25-mile of an existing or proposed school, as discussed in the Final EIR.

- 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 Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, the Seville Solar Farm Complex Project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and no impact would occur. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to impacts related to the project's location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, as discussed in the Final EIR.

- 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 Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, the Seville Solar Farm Complex Project is not located within an airport land use plan or within two miles of a public or private airport, and no impact would occur. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to impacts related to potential safety hazards as a result of the Project's proximity to airports, as discussed in the Final EIR.

- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ☐ ☐ ☐ ☒

f) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, the Seville Solar Farm Complex Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, and no impact

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would occur. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to impacts related to conflicts with an emergency evacuation plan, as discussed in the Final EIR.

- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? ☐ ☐ ☐ ☒

g) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, the Seville Solar Farm Complex Project is not located within an area of urban/wildland interface. According to the Imperial County Natural Hazard Disclosure (Fire) Map prepared by the California Department of Forestry and Fire Protection (2000), the Project area does not fall into an area characterized as either: (1) a wildland area that may contain substantial forest fire risk and hazard; or (2) a very high fire hazard severity zone. Therefore, the project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires, and no impact would occur. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to impacts related to potential safety hazards associated with wildfires, as discussed in the Final EIR.

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) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the S Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, implementation of the Seville Solar Farm Complex Project would adhere to regulations governing water quality and waste discharge and, as such, would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to impacts related to water quality and waste discharge, as discussed in the Final EIR.

- b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? ☐ ☐ ☒ ☐

b) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, implementation of the Seville Solar Farm Complex Project would not decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to impacts related to groundwater supplies or recharge of the groundwater basin, 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: ☐ ☐ ☐ ☐

- (i) result in substantial erosion or siltation on- or off-site; ☐ ☐ ☒ ☐

Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, the Seville Solar Farm Complex Project would comply with regulations to control erosion and siltation, and impacts would be considered less than significant. Existing drainage patterns would be maintained, and Seville Solar Farm Complex Project site would remain pervious. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to impacts relating to erosion and siltation, as discussed in the Final EIR.

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	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
(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"/>
<p>Potentially Significant Unless Mitigation Incorporated. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, implementation of the Seville Solar Farm Complex Project would place infrastructure in FEMA Flood Zone A. However, as demonstrated in Section 4.11, Hydrology and Water Quality, of the Seville Solar Farm Complex Project Final EIR, implementation of Mitigation Measure MM 4.11.5 would reduce potentially significant impacts to a less than significant level. Existing drainage patterns would be maintained, and the Seville Solar Farm Complex Project site would remain pervious. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. The project would not place habitable structures (and their residents) within the flood area. In addition, the conclusions and mitigation measures (Mitigation Measure MM 4.11.5), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. Therefore, the proposed project would result in no new or significant changes to impacts pertaining to flooding on- or off-site, as discussed in the Final EIR.</p>				
(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"/>
<p>Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, implementation of the Seville Solar Farm Complex Project would adhere to regulations governing water quality and waste discharge and, as such, would not contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Existing drainage patterns would be maintained, and the Seville Solar Farm Complex Project site would remain pervious. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to impacts related to water quality and drainage capacity, as discussed in the Final EIR.</p>				
(iv) impede or redirect flood flows?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Potentially Significant Unless Mitigation Incorporated. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, implementation of the Seville Solar Farm Complex Project would place infrastructure in FEMA Flood Zone A. However, as demonstrated in Section 4.11, Hydrology and Water Quality, of the Seville Solar Farm Complex Project Final EIR, implementation of Mitigation Measure MM 4.11.5 would reduce potentially significant impacts to a less than significant level. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. The project would not place habitable structures (and their residents) within the flood area. Existing drainage patterns would be maintained, and the Seville Solar Farm Complex Project site would remain pervious. In addition, the conclusions and mitigation measure (Mitigation Measure MM 4.11.5), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. Therefore, the proposed project would result in no new or significant changes to impacts pertaining to the re-direction of flood flows, as discussed in the Final EIR.</p>				
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, the Seville Solar Farm Complex Project would not be subject to inundation. No bays or lakes are located within a two-mile radius of the Solar Farm Complex Project. Furthermore, the project area and Imperial Valley are over 75-miles inland from the Pacific Ocean. In addition, the project area and surrounding lands are relatively flat and level. Therefore, there is no potential for the project to be inundated, and the proposed project would result in no new or significant changes to impacts pertaining to project inundation, as discussed in the Final EIR.</p>				
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"/>
<p>e) Less Than Significant Impact. The project's potential to conflict with a water quality control plan or sustainable groundwater management plan was not previously analyzed as a separate individual topic in the Seville Solar Farm Complex Project Final EIR. However, this does not mean that potential impacts were not captured. Rather, as explained in Section 4.11, Hydrology and Water Quality, and Section 4.13, Utilities and Service Systems, the project would comply with applicable regulations governing water quality.</p>				

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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and wastewater discharge requirements, and, as such, would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Since the State CEQA Guidelines has been revised by the Office of Planning and Research to include separate criteria and thresholds, this Addendum includes conflicts with a water quality control plan or sustainable groundwater management plan as a separate topic.

XI. **LAND USE AND PLANNING** *Would the project:*

- a) Physically divide an established community? ☐ ☐ ☐ ☒
a) No Impact. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, implementation of the Seville Solar Farm Complex Project would not physically divide an established community. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to impacts to existing communities, as discussed in the Final EIR.
- 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 Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, the Seville Solar Farm Complex Project is consistent with the existing General Plan land use designation of Agriculture with a CUP and would not conflict with any County policies or regulations or the Ocotillo Wells State Recreational Vehicle Area north of the Seville Solar Farm Complex Project area. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to impacts due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, 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 Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, implementation of the Seville Solar Farm Complex Project would not 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. The Property was historically used for agriculture and is currently idle. According to the Conservation and Open Space Element of the County of Imperial General Plan, no known mineral resources occur within the Allegretti Farms property nor does the Project area contain any mapped mineral resources. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would not 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, as discussed in the Final EIR.
- 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 Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, implementation of the Seville Solar Farm Complex Project would not 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. The Property was historically used for agriculture and is currently idle. According to the Conservation and Open Space Element of the County of Imperial General Plan, no known mineral resources occur within the Allegretti Farms property nor does the Project area contain any mapped mineral resources. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would not 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, as discussed in the Final EIR.

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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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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 Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, the Seville Solar Farm Complex Project would not generate substantial temporary or permanent increases 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. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to impacts regarding the generation of substantial temporary or permanent noise, 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 Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, the Seville Solar Farm Complex Project would not generate excessive groundborne vibration and noise levels. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to impacts regarding the generation of excessive groundborne vibration or groundborne noise levels, as discussed in the Final EIR.

- 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 Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, the Seville Solar Farm Complex Project site is not located within two miles of a public or private airport, and no impact would occur. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would not expose people residing or working in the project area to excessive noise levels due to its location in proximity to an airport, as discussed in the Final EIR.

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 Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, the Seville Solar Farm Complex Project does not propose the development of new housing on the site, nor does it propose construction or extension of new roads (aside from access) in the project area. The project, by its nature as solar generation facility, would not induce growth. Rather it would produce renewable energy to meet existing demands. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would not induce substantial population growth, as discussed in the Final EIR.

- 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 Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, the Seville Solar Farm Complex Project area is currently idle, agricultural land with two habitable residential structures, both are occasionally occupied. The project does not include any habitable structures or infrastructure that is associated with population growth. As a result, development of the proposed Seville Solar Farm

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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Complex Project would not displace substantial numbers of existing housing or people requiring construction of replacement housing elsewhere, and no impact would occur. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would not displace substantial numbers of existing people or housing, as discussed in the Final EIR.

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 Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Project Final EIR, the location of the proposed facility and its size could result in increased demand on ICFD services. However, the Seville Solar Farm Complex Project has been designed to incorporate fire and emergency safety features as described in Response IX. (b) above, and impacts to ICFD service are considered less than significant.

The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated in the prior Final EIR. In conjunction with the construction of the solar facility, a battery energy storage system will be constructed to store the energy generated by the solar panels. Fire protection would be achieved through project design features, such as monitoring, diagnostics and a fire suppression system. The project would be required to comply with state laws and county ordinance restrictions. Therefore, the proposed project would result in no new or significant changes to impacts to fire protection services, as discussed in the Final EIR.

2) Police Protection?

☐ ☒ ☐ ☐

2) Potentially Significant Unless Mitigation Incorporated. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, the of the Seville Solar Farm Complex Project would adversely affect the Imperial County Sheriff's Office's service level. However, implementation of Mitigation Measure MM 4.13.3 would reduce potentially significant impacts to a less than significant level. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to impacts to police protection services, as discussed in the Final EIR.

3) Schools?

☐ ☐ ☐ ☒

3) No Impact. Impacts to schools associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site was scoped out from further review. The Seville Solar Farm Complex Project, by its nature as solar generation facility, would not induce population growth. Therefore, no new or altered schools would be required. No impacts to existing facilities would occur. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and, as such, no additional analyses regarding impacts to schools is required.

4) Parks?

☐ ☐ ☐ ☒

4) No Impact. Impacts to parks associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site was scoped out from further review. The Seville Solar Farm Complex Project, by its nature as solar generation facility, would not induce population growth. Therefore, no new or altered parks would be required. No impact to existing parks would occur. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and, as such, no additional analyses regarding impacts to parks is required.

5) Other Public Facilities?

☐ ☐ ☐ ☒

5) No Impact. Impacts to public facilities associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site was scoped out from further review. The Seville Solar Farm Complex Project, by its nature as solar generation facility, would not induce population growth. Therefore, no new or altered public facilities would be required. No impacts to existing facilities would occur. The addition of the proposed battery storage would not expand or increase the development footprint as

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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previously evaluated and, as such, no additional analyses regarding impacts to public facilities is required.

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 to parks associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site was scoped out from further review. The Seville Solar Farm Complex Project, by its nature as solar generation facility, would not induce population growth. Therefore, no new or altered parks would be required. No impact to existing parks would occur. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and, as such, no additional analyses regarding impacts to parks is required.
- 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 to parks associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site was scoped out from further review. The Seville Solar Farm Complex Project, by its nature as solar generation facility, would not induce population growth. Therefore, no new or altered parks would be required. No impact to existing parks would occur. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and, as such, no additional analyses regarding impacts to parks is required.

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) No Impact.** Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, the Seville Solar Farm Complex Project is a rural, sparsely populated portion of the County void of public transit, bike lanes and pedestrian facilities. Thus, development of the Seville Solar Farm Complex Project would not conflict with any adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities, and no impact would occur. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, as discussed in the Final EIR.
- 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 project 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 Seville Solar Farm Complex Project would only require 9 full-time employees, which would be a nominal amount of vehicle trips generated. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. 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 Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, the Seville Solar Farm Complex Project would not increase hazards due to a geometric design feature. The Seville Solar Farm Complex Project includes the construction of a new access off of SR 78. This access will be required to be designed per all applicable Caltrans standards and must be reviewed and approved by Caltrans prior to construction. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR.

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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Therefore, the proposed project would not increase hazards due to a geometric design, as discussed in the Final EIR.

- d) Result in inadequate emergency access? ☐ ☐ ☐ ☒
- d) No Impact.** Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, the Seville Solar Farm Complex Project would not result in inadequate emergency access, and no impact would occur. The final site plan would be designed in accordance with the Imperial County Fire Department requirements for access and would not impact the ability to provide emergency access to the Solar Farm Complex Project site. The Seville Solar Farm Complex Project is not anticipated to hinder the ability of fire or law enforcement to access nearby properties as access to the nearby properties would not be affected by the project. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would not result in inadequate 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) **Potentially Significant Unless Mitigation Incorporated.** At the time of the prior environmental analysis, tribal cultural resources were not a specific topic analyzed because the CEQA criteria and threshold related to analyzing tribal cultural resources were included under the general "Cultural Resources" impact category and pursuant to AB 52. As part of the Seville Solar Farm Complex Project Final EIR, the County conducted the appropriate outreach to Native American Tribes in October 2013. The County did not receive any responses for consultation. Additionally, no Native American cultural resource sites were previously recorded or newly identified in the 2014 Seville Solar Farms Complex Project Final EIR. Therefore, the Seville Solar Farm Complex Project would not cause a substantial adverse change in the significance of a known tribal cultural resource. However, grading activities associated with project construction could damage or destroy previously undiscovered tribal cultural resources and inadvertently unearthed human remains. However, implementation of Mitigation Measures MM 4.7.3 and 4.7.4 would reduce potentially significant impacts to a less than significant level. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR.

Although Assembly Bill 52 does not apply to an Addendum, the County provided the project application for the CUP modification 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

As this CEQA document is an Addendum, the AB 52 requirements are not applicable. The proposed project 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.

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(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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(ii) Potentially Significant Unless Mitigation Incorporated. 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?
- a) Potentially Significant Unless Mitigation Incorporated.** Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, construction of the electrical infrastructure proposed under the Seville Solar Farm Complex Project has the potential to cause adverse environmental effects. However, implementation of Mitigation Measure MM 4.13.13 would reduce potentially significant impacts to a less than significant level. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to impacts regarding the relocation or construction of new or expanded utility infrastructure, as discussed in the 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?
- b) Less Than Significant Impact.** Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, there are sufficient water supplies to serve the Seville Solar Farm Complex Project. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to impacts regarding water supply, 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?
- c) Less Than Significant Impact.** Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, the Seville Solar Farm Complex Project site and surrounding area is currently not served by a wastewater system. An on-site sanitary waste septic system is proposed for each of the five developed solar project lots that would use either leach fields or an underground tank for storage tank to hold wastewater. Therefore, impacts to wastewater treatment and conveyance infrastructure are considered less than significant. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to impacts regarding wastewater treatment, 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?
- d) Less Than Significant Impact.** Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-

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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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approved development footprint for CUP 13-0011. According to the Final EIR, solid waste would be generated during demolition, construction and reclamation of the Seville Solar Farm Complex Project. Such materials would be picked up by a locally-licensed waste hauling service and disposed of at a local landfill with sufficient capacity to accept this waste. Thus, a less than significant impact is identified with regard to solid waste service and landfill capacity. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to impacts regarding solid waste disposal, as discussed in the Final EIR.

- e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? ☐ ☐ ☒ ☐

e) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to the Final EIR, solid waste would be generated during demolition, construction and reclamation of the Seville Solar Farm Complex Project. Such materials would be picked up by a locally-licensed waste hauling service and disposed of at a local landfill with sufficient capacity to accept this waste. Thus, the project would not conflict with federal, state, and local management and reduction statutes and regulations related to solid waste, and a less than significant impact is identified with regard to solid waste service and landfill capacity. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to impacts regarding compliance with solid waste statutes and regulations, as discussed in the Final EIR.

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? ☐ ☐ ☐ ☒

a) No 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 4.10, 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 Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to Section 4.10, Hazards and Hazardous Materials, of the Final EIR, the Seville Solar Farm Complex Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, and no impact would occur. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the proposed project would generally be the same as evaluated in the prior Final EIR. Therefore, the proposed project would result in no new or significant changes to impacts related to conflicts with an emergency evacuation plan, as discussed in the Final EIR.

- 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? ☐ ☐ ☒ ☐

b) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to Section 4.10, Hazards and Hazardous Materials, of the Seville Solar Farm Complex Project Final EIR, the Solar Farm Complex Project is not located within an area of urban/wildland interface. According to the Imperial County Natural Hazard Disclosure (Fire) Map prepared by the California Department of Forestry and Fire Protection (2000), the project area does not fall into an area characterized as either: (1) a wildland area that may contain substantial forest fire risk and hazard; or (2) a very high fire hazard severity zone. Additionally, the proposed project would be designed to incorporate fire safety features including portable fire extinguishers on buildings and inverters, electric pumps for pressurized fire water and use of nonflammable material where applicable. On-site water storage is also required for fire protection.

Specifically, protection for the battery storage system would be provided as part of the project design by housing the battery units in enclosed structures to provide containment should a fire break out. Any potential fire risk that the traditional lithium-ion cells have will most likely be caused by over-charging or through short circuit due to age. This risk will be mitigated through monitoring and a fire suppression system that includes water and or a suppression agent (eg FM-200, Novatech) with smoke detectors, control panel, alarm,

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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pipng and nozzles. The fire protection system will be designed by a certified fire protection engineer and installed by a fire protection system contractor licensed in California and in accordance with all relevant building and fire codes in effect in the County at the time of building permit submission. Fire protection systems for battery systems would be designed in accordance with California Fire Code and would take into consideration the recommendations of the National Fire Protection Association (NFPA) 855.

The fire protection plan is anticipated to include a combination of prevention, suppression, and isolation methods and materials. The general approach to fire mitigation at the project site would be prevention of an incident, followed by attempts to isolate and control the incident to the immediately affected equipment, then to suppress any fire with a clean agent so as to reduce damage to uninvolved equipment. Fire suppression agents such as Novec 1230 or FM 2000, or water may be used as a suppressant. In addition, fire prevention methods would be implemented to reduce potential fire risk, including voltage, current, and temperature alarms. Energy storage equipment would comply with Underwriters Laboratory (UL)-95401 and test methods associated with UL-9540A. For lithium-ion batteries storage, a system would be used that would contain the fire event and encourage suppression through cooling, isolation, and containment. Suppressing a lithium-ion (secondary) battery is best accomplished by cooling the burning material. A gaseous fire suppressant agent (e.g., 3M™ Novec™ 1230 Fire Protection Fluid or similar) and an automatic fire extinguishing system with sound and light alarms would be used for lithium-ion batteries.

To mitigate potential hazards, redundant separate methods of failure detection would be implemented. These would include alarms from the BMS, including voltage, current, and temperature alarms. Detection methods for off gas detection would be implemented, as applicable. These are in addition to other potential protective measures such as ventilation, overcurrent protection, battery controls maintaining batteries within designated parameters, temperature and humidity controls, smoke detection, and maintenance in accordance with manufacturer guidelines. Remote alarms would be installed for operations personnel as well as emergency response teams in addition to exterior hazard lighting. In addition, an Incidence Response Plan would be implemented. In this context, impacts would be considered less than significant for this impact area.

- 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?

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c) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to Section 4.10, Hazards and Hazardous Materials, of the Final EIR, the Seville Solar Farm Complex Project is not located within an area of urban/wildland interface. According to the Imperial County Natural Hazard Disclosure (Fire) Map prepared by the California Department of Forestry and Fire Protection (2000), the project area does not fall into an area characterized as either: (1) a wildland area that may contain substantial forest fire risk and hazard; or (2) a very high fire hazard severity zone. The proposed project would be designed to incorporate fire safety features including portable fire extinguishers on buildings and inverters, electric pumps for pressurized fire water and use of nonflammable material where applicable. On-site water storage is also required for fire protection.

Specifically, protection for the battery storage system would be provided as part of the project design by housing the battery units in enclosed structures to provide containment should a fire break out. Any potential fire risk that the traditional lithium-ion cells have will most likely be caused by over-charging or through short circuit due to age. This risk will be mitigated through monitoring and a fire suppression system that includes water and or a suppression agent (eg FM-200, Novatech) with smoke detectors, control panel, alarm, piping and nozzles. The fire protection system will be designed by a certified fire protection engineer and installed by a fire protection system contractor licensed in California and in accordance with all relevant building and fire codes in effect in the County at the time of building permit submission. Fire protection systems for battery systems would be designed in accordance with California Fire Code and would take into consideration the recommendations of the National Fire Protection Association (NFPA) 855.

The fire protection plan is anticipated to include a combination of prevention, suppression, and isolation methods and materials. The general approach to fire mitigation at the project site would be prevention of an incident, followed by attempts to isolate and control the incident to the immediately affected equipment, then to suppress any fire with a clean agent so as to reduce damage to uninvolved equipment. Fire suppression agents such as Novec 1230 or FM 2000, or water may be used as a suppressant. In addition, fire prevention methods would be implemented to reduce potential fire risk, including voltage, current, and temperature alarms. Energy storage equipment would comply with Underwriters Laboratory (UL)-95401 and test methods associated with UL-9540A. For lithium-ion batteries storage, a system would be used that would contain the fire event and encourage suppression through cooling, isolation, and containment. Suppressing a lithium-ion (secondary) battery is best accomplished by cooling the burning material. A gaseous fire suppressant agent (e.g., 3M™ Novec™ 1230 Fire Protection Fluid or similar) and an automatic fire extinguishing system with sound and light alarms would be used for lithium-ion batteries.

To mitigate potential hazards, redundant separate methods of failure detection would be implemented. These would include alarms from the BMS, including voltage, current, and temperature alarms. Detection methods for off-gas detection would be implemented, as

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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applicable. These are in addition to other potential protective measures such as ventilation, overcurrent protection, battery controls maintaining batteries within designated parameters, temperature and humidity controls, smoke detection, and maintenance in accordance with manufacturer guidelines. Remote alarms would be installed for operations personnel as well as emergency response teams in addition to exterior hazard lighting. In addition, an Incidence Response Plan would be implemented. In this context, impacts would be considered less than significant for this impact area.

- 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? ☐ ☒ ☐ ☐

d) Less Than Significant Impact. Impacts associated with the construction and operation of a utility-scale PV project at the Seville Solar Farm Complex Project site were evaluated in the Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to Section 4.10, Hazards and Hazardous Materials, of the Final EIR, the Seville Solar Farm Complex Project is not located within an area of urban/wildland interface. According to the Imperial County Natural Hazard Disclosure (Fire) Map prepared by the California Department of Forestry and Fire Protection (2000), the Project area does not fall into an area characterized as either: (1) a wildland area that may contain substantial forest fire risk and hazard; or (2) a very high fire hazard severity zone. Additionally, as explained in Threshold XXb) and c) above, the proposed battery storage system would be installed with the applicable fire protection features.

According to the Final EIR, implementation of the Seville Solar Farm Complex Project would place infrastructure in FEMA Flood Zone A. However, as demonstrated in Section 4.11, Hydrology and Water Quality, of the Final EIR, implementation of Mitigation Measure MM 4.11.5 would reduce potentially significant impacts to a level that is considered less than significant. Existing drainage patterns would be maintained, and the Seville Solar Farm Complex Project site would remain pervious. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. The project would not place habitable structures (and their residents) within the flood area. In addition, the conclusions and mitigation measures (Mitigation Measure MM 4.11.5), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. Therefore, the proposed project 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

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SECTION 3

III. MANDATORY FINDINGS OF SIGNIFICANCE

The following are Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

- 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?

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a) **Potentially Significant Unless Mitigation Incorporated.** As stated in Section IV of this Initial Study, implementation of the Seville Solar Farm Complex Project has the potential to:

- result in the loss of mesquite thicket (a sensitive vegetation community), Flat tailed horned lizard (a State species of special concern), and Burrowing Owl (a BLM sensitive species, USFWS Bird of Conservation Concern, and CDFW Species of Special Concern);
- directly impact migratory birds;
- directly impact federal and state jurisdictional areas;
- conflict with local policies and ordinances protecting biological resources; and,
- indirectly impact plants and wildlife as a result of increased generation of construction dust and the inadvertent addition of invasive species to the project area.

However, mesquite thicket was not mapped within Lot 1, and, as such, the proposed project would have no impact on mesquite thicket. Implementation of Mitigation Measures MM 4.4.1.a, MM 4.12.2a, MM 4.12.2b, MM 4.12.3, MM 4.12.6a, MM 4.12.6b, MM 4.12.8, MM 4.12.12a, 4.12.12b and MM 4.12.14 would reduce potentially significant impacts to biological resources to a level that is considered less than significant level.

The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measures MM 4.4.1.a, MM 4.12.2a, MM 4.12.2b, MM 4.12.3, MM 4.12.6a, MM 4.12.6b, MM 4.12.8, MM 4.12.12a, 4.12.12b and MM 4.12.14), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. Therefore, the proposed project would result in no new or significant changes to the impacts to biological resources as discussed in the Final EIR.

As stated in Section V of this Initial Study, implementation of the Seville Solar Farm Complex Project has the potential to impact an archaeological pot drop (SDI-12151) that could potentially be eligible for the California Register of Historical Resources. Additionally, project construction has the potential to damage and/or destroy previously undiscovered archaeological resources and, although unlikely, disturb human remains during grading activities. However, implementation of Mitigation Measures MM 4.7.2, MM 4.7.3, and MM 4.7.4 would reduce potentially significant impacts to cultural resources to a level that is considered less than significant level.

The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measures MM 4.7.2, MM 4.7.3, and MM 4.7.4), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. Therefore, the proposed project would result in no new or significant changes to the impacts to cultural resources as discussed in the Final EIR.

- 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.)

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b) **Potentially Significant Unless Mitigation Incorporated.** The Seville Solar Farm Complex Project would result in potentially significant project-level impacts involving Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology,

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and Soils, Hazards and Hazardous Materials, Hydrology/Water Quality, Public Services, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. However, mitigation measures have been identified that would reduce these impacts to less than significant levels. Therefore, the Seville Solar Farm Complex Project's contribution to cumulative impacts is considered less than cumulatively considerable. As demonstrated throughout this Initial Study, the addition of the proposed battery storage system would not result in no new or significant changes to impacts as discussed in the Final EIR. Cumulative impacts would therefore be less than significant with mitigation incorporated.

- c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

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- c) **Potentially Significant Unless Mitigation Incorporated.** As detailed throughout this Initial Study, the Seville Solar Farm Complex Project would result in potentially significant project-level impacts in environmental categories typically associated with indirect and direct impacts to human beings, such as Air Quality, Hazards and Hazardous Materials, and Public Services. However, mitigation measures (Mitigation Measures MM 4.4.1a, MM 4.4.1b, MM 4.4.1c, and MM 4.4.1d, MM 4.10.2, and MM 4.13.3) have been identified that would reduce these impacts to less than significant levels. Therefore, the Seville Solar Farm Complex Project's potential to cause substantial adverse effects on human beings is considered less than significant with mitigation incorporates. As demonstrated throughout this Initial Study, the addition of the proposed battery storage system would not result in no new or significant changes to impacts as discussed in the Final EIR. Therefore, impacts would remain less than significant with mitigation incorporated.

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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
- David Black, Planner IV

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)

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V. REFERENCES

1. California Department of Transportation. 2018. California State Scenic Highway System Map. Accessed, May 4, 2022.
<https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>
2. "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.
3. Seville Solar Farms Complex Project Final EIR (2014)

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VI. Environmental Document – County of Imperial

Project Name:

Titan III CUP Modification (#13-0011) Project (CUP #22-0004, IS 22-0006)

Project Applicant:

Ziad Alaywan

Titan III, LLC

750 W Main Street

El Centro, CA 92243

Applicant's Representative: Jurg Heuberger

Project Location:

The project site is located on Assessor Parcel Number 018-170-044, a privately-owned parcel comprising 185 acres of land. The project site is located within the previously-approved Seville Solar Farm Complex Project. The 185-acre project site is located in west-central Imperial County, California, approximately eight miles west of the junction of SR 78 and SR 86, and approximately three miles east of the San Diego County line. The project site is approximately 14 miles west from the southern tip of the Salton Sea and one-half mile west of Pole Line Road.

Description of Project:

On October 21, 2014, the Imperial County Board of Supervisors certified the Final Environmental Impact Report (EIR) and adopted five Conditional Use Permits (CUPs) (CUP 13-0011, 13-0012, 13-0013, 13-0014, and 13-00156) for the Seville Solar Farm Complex Project ("previously-approved project"). The Seville Solar Farm Complex Project consisted of up to five solar energy projects, including a new access road from State Route (SR) 78, internal access roads, an Imperial Irrigation District (IID) electrical switch station, electrical substations for each of the five projects, and internal solar development transmission lines to the substations and IID switch station (Figure 1). The previously-approved project also included the construction for, and operation by, the IID of new 92 kV transmission line for interconnection to the existing IID Anza Substation. The previously-approved project is located on approximately 1,238 acres of the 2,440-acre Allegretti Farms property located in west-central Imperial County, California, approximately eight miles west of the junction of State Route (SR) 78 and SR 86, and approximately three miles east of the San Diego County line.

The previously-approved project involved a major subdivision/tract map which reconfigured the 2,440-acre Allegretti Farms property into eight individual lots (Lots 1-8) and four common development interest lots (Lots A-D) for common roads and electrical systems ((Figure 1). The previously-approved project proposed the development of five solar energy projects on five individuals lots (Lots 1-5). Figure 1 illustrates the area approved for solar development in 2014.

The Board-certified Seville Solar Farm Complex Project Final EIR (State Clearinghouse No. 2013091039) 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: Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Paleontological Resources, Public Services, and Utilities and Service Systems.

The Titan III project ("proposed project/project") is located on APN 018-170-044, a privately-owned parcel comprising 185 acres of land. The project site is located on Lot 1 within the previously-approved Seville Solar Farm Complex Project site (Figure 2). The applicant is requesting to modify the originally approved CUP #13-0011 to add a battery storage system to the previously-approved CUP site (Lot 1). The original CUP was approved for a 20- MW photovoltaic solar project. As shown in Figure 3, the applicant is proposing to add a 40-MW battery storage system on the current footprint of the previously-approved CUP site. The proposed battery storage system would not result in changes to the size or intensity of disturbance to the previously-approved project footprint.

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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 Seville Solar Farm Complex 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.

7-14-2022

Date of Determination

See Initial Study
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.


Applicant Signature

7/15/2022
Date

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SECTION 4

VIII. RESPONSE TO COMMENTS

(ATTACH DOCUMENTS, IF ANY, HERE)

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IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP)

Attached is the adopted MMRP for the Seville Solar Farms Complex Project Final EIR. Applicable mitigation measures would be required of the Titan III Project.

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Kimberly Noriega

From: Mario Salinas
Sent: Thursday, January 27, 2022 9:48 AM
To: Kimberly Noriega
Cc: Jorge Perez
Subject: RE: CUP22-0004/IS22-0006 Regenerate Power, LLC (Titan Solar III)

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Ms. Noriega,

Pertaining to CUP22-0004, 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
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From: Kimberly Noriega <KimberlyNoriega@co.imperial.ca.us>

Sent: January 27, 2022 8:48 AM

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ADDENDUM

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**Addendum to the Environmental Impact Report
for the Seville Solar Farm Complex Project
Imperial County, California
SCH No. 2013091039**

***Titan III CUP Modification #13-0011
(CUP #22-0004, IS# 22-0006)***



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July 2022

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BACKGROUND

On October 21, 2014, the Imperial County Board of Supervisors certified the Final Environmental Impact Report (EIR) and adopted five Conditional Use Permits (CUPs) (CUP 13-0011, 13-0012, 13-0013, 13-0014, and 13-0015) for the Seville Solar Farm Complex Project ("previously-approved project"). The Seville Solar Farm Complex Project consisted of up to five solar energy projects, including a new access road from State Route (SR) 78, internal access roads, an Imperial Irrigation District (IID) electrical switch station, electrical substations for each of the five projects, and internal solar development transmission lines to the substations and IID switch station (**Error! Reference source not found.**). The previously-approved project also included the construction for, and operation by, the IID of new 92 kV transmission line for interconnection to the existing IID Anza Substation. The previously-approved project is located on approximately 1,238 acres of the 2,440-acre Allegretti Farms property located in west-central Imperial County, California, approximately eight miles west of the junction of State Route (SR) 78 and SR 86, and approximately three miles east of the San Diego County line.

The previously-approved project involved a major subdivision/tract map which reconfigured the 2,440-acre Allegretti Farms property into eight individual lots (Lots 1-8) and four common development interest lots (Lots A-D) for common roads and electrical systems (**Error! Reference source not found.**). The previously-approved project proposed the development of five solar energy projects on five individuals lots (Lots 1-5). Figure 1 illustrates the area approved for solar development in 2014.

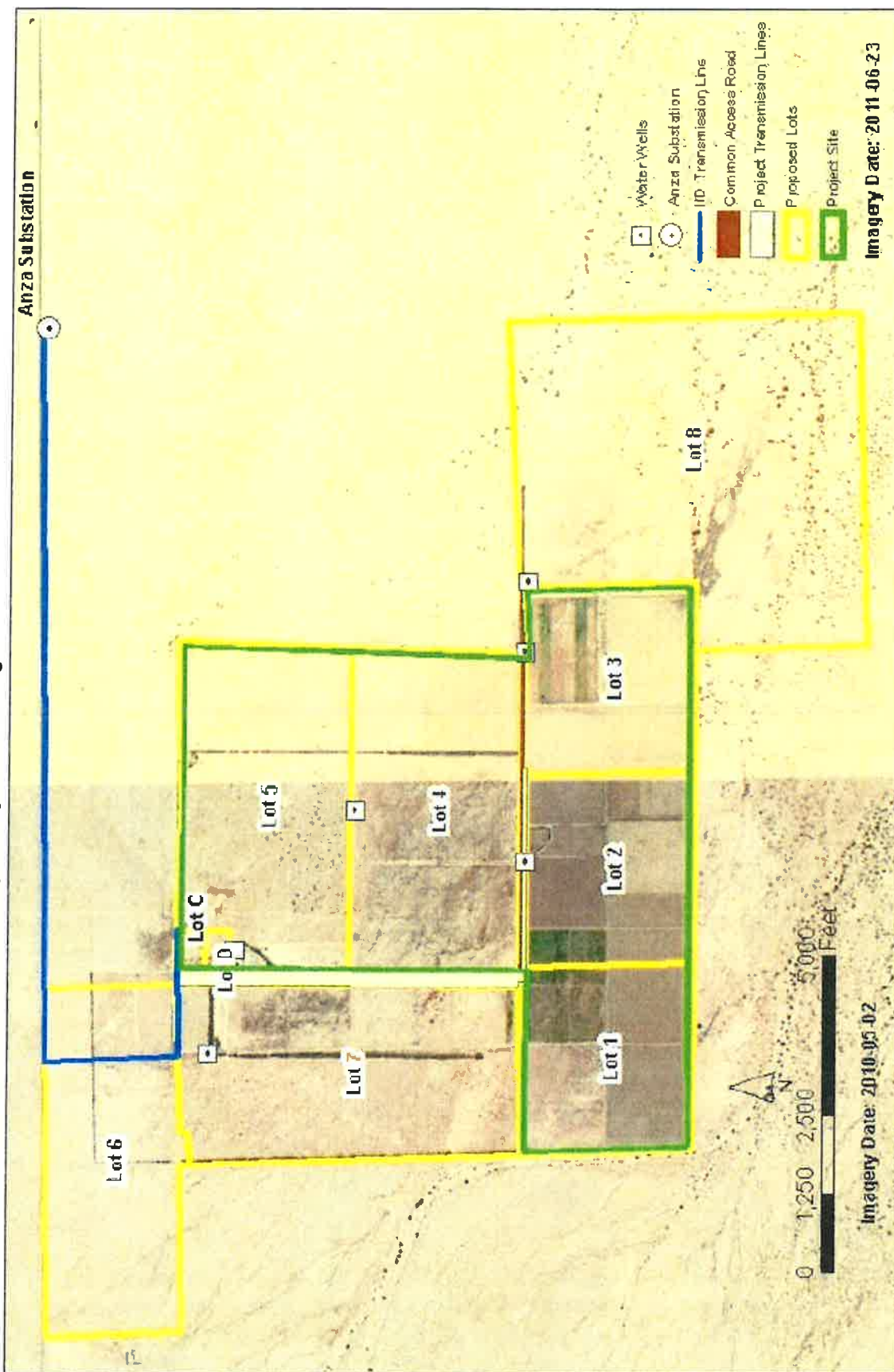
The Board-certified Seville Solar Farm Complex Project Final EIR (State Clearinghouse No. 2013091039) determined that all significant impacts could be reduced to a level less than significant with the incorporation of mitigation measures. The potentially significant effects that were mitigated consisted of the following: Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Paleontological Resources, Public Services, and Utilities and Service Systems.

Project Description

The Titan III project ("proposed project/project") is located on APN 018-170-044, a privately-owned parcel comprising 185 acres of land. The project site is located on Lot 1 within the previously-approved Seville Solar Farm Complex Project site (**Error! Reference source not found.**). The applicant is requesting to modify the originally approved CUP #13-0011 to add a battery storage system to the previously-approved CUP site (Lot 1) (the County has assigned the following CUP case numbers for the proposed CUP modification: CUP#22-0004, IS 22-0006). The original CUP was approved for a 20- MW photovoltaic solar project. As shown in Figure 3, the applicant is proposing to add a 40-MW battery storage system on the current footprint of the previously-approved CUP site. The proposed battery storage system would not result in changes to the size or intensity of disturbance to the previously-approved project footprint.

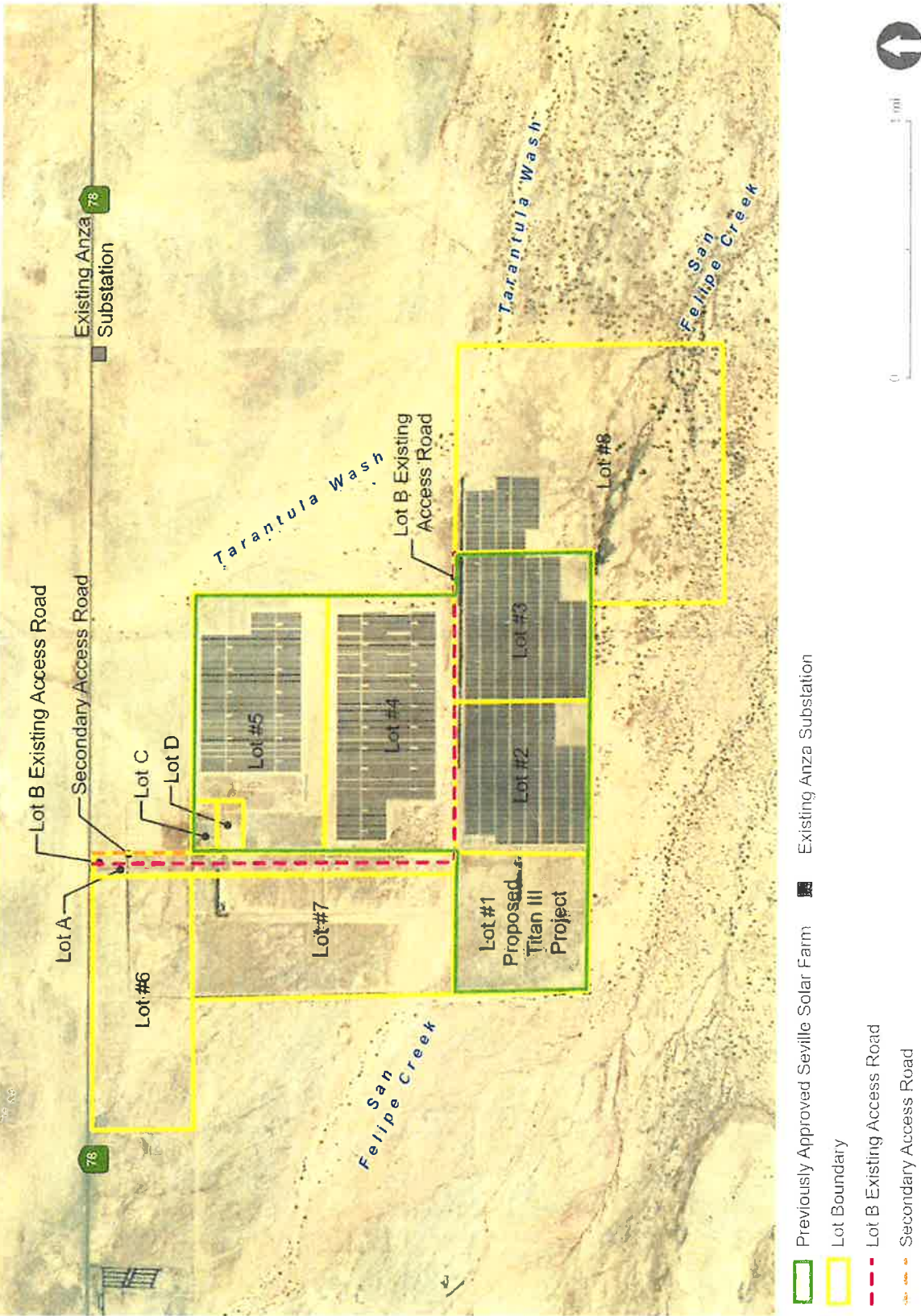
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Figure 1. Previously-Approved Seville Solar Farm Complex Project - Lot Configuration



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Figure 2. Location of Titan III Project within Previously-Approved Seville Solar Farm Complex Project Site



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Figure 3. Project Site Plan



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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 project and will not require revisions to the Final EIR. The previously-certified Final EIR analyzed the direct physical changes to the environment that would result from the construction and operation of a solar energy project on the Seville Solar Farm Complex development area, including direct physical changes to Lot 1, which is the proposed Titan III project site. The proposed project would not expand or increase the development footprint as previously evaluated, nor change the fundamental characteristics of the project from that previously analyzed in the certified Final EIR. The project applicant is requesting to modify the originally approved CUP #13-0011 to add a battery storage system to the previously-approved CUP site (Lot 1). The original CUP was approved for a 20-MW photovoltaic solar project. The applicant is proposing to add a 40-MW battery storage system within the current footprint of the previously-approved CUP site.

The project site is currently zoned General Agriculture (A-2). Pursuant to Title 9, Division 5, Chapter 8: the following uses are permitted in the A-2 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, resource extraction and energy development, and battery storage facility. The proposed project would include the addition of a 40-MW battery storage system within the current footprint of the previously-approved CUP site. Therefore, with approval of the CUP modification, the proposed project would be consistent with the A-2 zoning designation.

There would be no other changes to the previously approved project. Therefore, no proposed changes or revisions to the Final EIR are required. In addition, all previously adopted mitigation measures presented in the Seville Solar Farm Complex 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 Seville Solar Farm Complex Project Final EIR in October 2014, the Office of Planning and Research updated portions of Appendix G of the State CEQA Guidelines as follows:

- Revision to the language of the "Aesthetics" thresholds
- Revision to the language of the "Air Quality" thresholds
- Revision to the language of the "Cultural Resources" thresholds
- Addition of a new impact category – "Energy"

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- Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
 - Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?
- Revision to the language of the "Hydrology and Water Quality" thresholds to remove several thresholds, as well as include a new threshold:
 - Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?
- Revision to the language of the "Land Use and Planning" thresholds
- Revision to the language of the "Noise" thresholds
- Revision to the language of the "Population and Housing" thresholds
- Addition of a new threshold under the "Transportation/Traffic" impact category to analyze vehicle miles traveled:
 - Would the project conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b)?
- Revision to the language of the "Utilities and Service System" thresholds
- Addition of a new impact category – "Tribal Cultural Resources"
 - 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 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)?
 - 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 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 is 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.
- Addition of a new impact category – "Wildfire"
 - Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?
 - Would the project, 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?
 - Would the project 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?
 - Would the project 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?

Aesthetics. Since 2014, the CEQA Guidelines have been updated to revise the language of the "Aesthetics" Threshold c) to differentiate between urban and non-urban areas. However, changes to the language since 2014 were not contextually substantive (i.e., the revised thresholds largely capture the same potential impacts), and, as such, the impacts related to the existing visual character and quality of

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the site were addressed within the aesthetics analysis (Section 4.1 of the Final EIR). As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to aesthetics.

Air Quality. Since 2014, the CEQA Guidelines have been updated to remove what was Threshold b), which read, "Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation." Despite the removal of this threshold from the "Air Quality" impact category, the current 2022 Air Quality impact thresholds were all included, and resultantly analyzed in 2014, in the Seville Solar Farms Complex Project Final EIR. As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to air quality.

Cultural Resources. Since 2014, the CEQA Guidelines have been updated to move what was Threshold c), which read, "Would the project directly or indirectly destroy a unique paleontological resources or site or unique geologic feature," from "Cultural Resources" to the "Geology and Soils" impact category. All other threshold questions remained the same contextually. As such, the impacts related to cultural resources were addressed within the Cultural Resources analysis (Section 4.7 of the Final EIR). As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to cultural resources.

Energy. "Energy" was not previously analyzed as a separate individual topic in the Seville Solar Farms Complex Project Final EIR. However, this does not mean that impacts to energy were not analyzed in the Final EIR. Rather, impacts related to energy were addressed within the Climate Change and Greenhouse Gas Emissions analysis (Section 4.5 of the Final EIR), Public Services and Utilities Analysis (Section 4.13 of the Final EIR), and Chapter 7.0, Other CEQA Required Considerations of the Final EIR. As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to energy.

Hydrology and Water Quality. Since 2014, the CEQA Guidelines have been updated to revise the language of the "Hydrology and Water Quality" threshold questions. However, changes to the language since 2014 were not contextually substantive (i.e., the revised thresholds largely capture the same potential impacts), and, as such, the impacts related to hydrology and water quality were addressed within the Hydrology and Water Quality analysis (Section 4.11 of the Final EIR) and Public Services and Utilities Analysis (Section 4.13 of the Final EIR). At the time of the 2014 environmental analysis, conflicts with implementation of a water quality control plan or sustainable groundwater management plan, was not a specific topic analyzed. As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to conflicts with implementation of a water quality control plan or sustainable groundwater management plan.

Land Use and Planning. Since 2014, the CEQA Guidelines have been updated to move what was Threshold c), "Would the project conflict with an applicable habitat and conservation plan or natural community conservation plan?" to the "Biological Resources" impact category. As such, the impacts related to land use and planning were previously addressed within the Land Use analysis (Section 4.2 of the Final EIR). As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to land use and planning.

Noise. Since 2014, the CEQA Guidelines have been updated to revise the language of the "Noise" threshold questions. However, changes to the language since 2014 did not result in the addition of any

contextually new thresholds (i.e., the revised thresholds captured the same potential impacts), and, as such, the impacts related to noise and vibration were addressed within the Noise analysis (Section 4.8 of the Final EIR). As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to noise.

Population and Housing. Since 2014, the CEQA Guidelines have been updated to revise the language of the Population and Housing threshold questions; specifically, by combining what were Threshold b) and c) into one single threshold question (Threshold b)). Additionally, potential population and housing impacts were scoped out of the Seville Solar Farms Complex Project Final EIR because the Initial Study concluded that the project would not cause any impact related to population and housing (Section 1.12, Issues Scoped out from Further Environmental Review, of the EIR). As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to population and housing.

Transportation/Traffic. At the time of the 2014 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 project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to VMT.

Tribal Cultural Resources. As part of the Seville Solar Farm Complex Project Final EIR, the County conducted the appropriate outreach to Native American Tribes in October 2013. The County did not receive any responses for consultation. Additionally, no Native American cultural resource sites were previously recorded or newly identified in the 2014 Seville Solar Farms Complex Project Final EIR. Although Assembly Bill 52 does not apply to an Addendum, the County provided the project application for the CUP modification 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

As this CEQA document is an Addendum, the AB 52 requirements are not applicable. The proposed project 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. Since 2014, the CEQA Guidelines have been updated to revise the language of the "Utilities and Service Systems" threshold questions. However, changes to the language since 2014 did not result in the addition of any contextually new thresholds (i.e., the revised thresholds captured the same potential impacts), and, as such, the impacts related to utilities and service systems were addressed within the Utilities and Service Systems analysis (Section 4.13 of the Final EIR). As

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described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to utilities and service systems.

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 impacts pertaining to wildfire were not analyzed. Rather, impacts related to wildfire were addressed in Section 4.10, Hazards and Hazardous Materials, of the Final EIR. As described in this Initial Study, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to wildfire.

Summary of Impacts from Initial Study

An Initial Study was prepared to analyze the potential impacts of the Titan III Project, including the addition of the 40-MW battery storage system to the previously-approved development footprint. 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 site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. While implementation of the proposed battery storage system may result in minor alterations in the views from surrounding lands and SR-78, it would not substantially alter the visual character and quality of the area when considered in the context of the PV infrastructure previously analyzed in the Seville Solar Farm Complex Project Final EIR. Further, the conclusions, as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Agriculture Resources

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measures MM 4.9.1a, MM 4.9.1b, and MM 4.9.2), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Air Quality

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measures MM 4.4.1a, MM 4.4.1b, MM 4.4.1c, and 4.4.1d), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Biological Resources

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measures MM 4.4.1a, MM 4.12.2a, MM 4.12.2b, MM 4.12.3, MM 4.12.6a, MM 4.12.6b, MM 4.12.8, MM 4.12.12a, MM 4.12.12b, and MM 4.12.14), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Cultural Resources

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measures MM 4.7.2, MM 4.7.3, and MM 4.7.4), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Energy

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The proposed addition of the battery storage system would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the project 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 project would provide renewable energy that would replace other sources of energy, including those that consume fossil fuels. Therefore, energy use would be similar as analyzed in the Final EIR for the Seville Solar Farm Complex Project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Geology and Soils

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measures MM 4.6.1, MM 4.6.3, MM 4.6.5a, MM 4.6.5b, MM 4.6.5c, and MM 4.7.5), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Greenhouse Gas Emissions

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions, as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable

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to the proposed project. No significant changes would result when compared to those impacts 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 site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measure MM 4.10.2), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

In conjunction with the construction of the solar facility, a battery energy storage system will be constructed to store the energy generated by the solar panels. Transportation of hazardous materials relating to the battery system includes electrolyte and graphite and would occur during construction, operation (if replacement of batteries is needed) and decommissioning (removal of the batteries). All of these various materials would be transported and handled in compliance with Department of Toxic Substances Control (DTSC) regulations. Therefore, the likelihood of an accidental release during transport or residual contamination following accidental release is not anticipated.

Lithium-ion batteries used in the storage system contain cobalt oxide, manganese dioxide, nickel oxide, carbon, electrolyte, and polyvinylidene fluoride. Of these chemicals, only electrolyte should be considered hazardous, is highly flammable and could react dangerously when mixed with water. The U.S. Department of Transportation (DOT) regulates transport of lithium-ion batteries under the DOT's Hazardous Materials Regulations (HMR; 49 C.F.R., Parts 171-180). The HMR apply to any material DOT determines is capable of posing an unreasonable risk to health, safety, and property when transported in commerce. Lithium-ion batteries must conform to all applicable HMR requirements when offered for transportation or transported by air, highway, rail, or water (DOT 2021). Additionally, carbon (as graphite) is flammable and could pose a fire hazard. Fire protection is achieved through project design features, such as monitoring, diagnostics and a fire suppression system. The project would be required to comply with state laws and county ordinance restrictions, which regulate and control hazardous materials handled on site.

Protection for the battery storage system would be provided as part of the project design by housing the battery units in enclosed structures to provide containment should a fire break out or for potential spills. Any potential fire risk that the traditional lithium-ion cells have will most likely be caused by over-charging or through short circuit due to age. This risk will be mitigated through monitoring and a fire suppression system that includes water and or a suppression agent (eg FM-200, Novatech) with smoke detectors, control panel, alarm, piping and nozzles. The fire protection system will be designed by a certified fire protection engineer and installed by a fire protection system contractor licensed in California and in accordance with all relevant building and fire codes in effect in the County at the time of building permit submission. Fire protection systems for battery systems would be designed in accordance with California Fire Code and would take into consideration the recommendations of the National Fire Protection Association (NFPA) 855.

The fire protection plan is anticipated to include a combination of prevention, suppression, and isolation methods and materials. The general approach to fire mitigation at the project site would be prevention of an incident, followed by attempts to isolate and control the incident to the immediately affected equipment, then to suppress any fire with a clean agent so as to reduce damage to uninvolved equipment. Fire suppression agents such as Novec 1230 or FM 2000, or water may be used as a suppressant. In addition, fire prevention methods would be implemented to reduce potential fire risk, including voltage, current, and temperature alarms. Energy storage equipment would comply with Underwriters Laboratory (UL)-95401 and test methods

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associated with UL-9540A. For lithium-ion batteries storage, a system would be used that would contain the fire event and encourage suppression through cooling, isolation, and containment. Suppressing a lithium-ion (secondary) battery is best accomplished by cooling the burning material. A gaseous fire suppressant agent (e.g., 3M™ Novec™ 1230 Fire Protection Fluid or similar) and an automatic fire extinguishing system with sound and light alarms would be used for lithium-ion batteries.

To mitigate potential hazards, redundant separate methods of failure detection would be implemented. These would include alarms from the Battery Management System (BMS), including voltage, current, and temperature alarms. Detection methods for off gas detection would be implemented, as applicable. These are in addition to other potential protective measures such as ventilation, overcurrent protection, battery controls maintaining batteries within designated parameters, temperature and humidity controls, smoke detection, and maintenance in accordance with manufacturer guidelines. Remote alarms would be installed for operations personnel as well as emergency response teams in addition to exterior hazard lighting. In addition, an Incidence Response Plan would be implemented. In this context, impacts would be considered less than significant for this impact area.

Hydrology and Water Quality

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measure MM 4.11.5), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Land Use and Planning

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions, as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Mineral Resources

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions, as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Noise

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction

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and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions, as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Population and Housing

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions, as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Public Services

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measure MM 4.13.3), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Recreation

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions, as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

Transportation

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions, as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. 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 project 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 project would only require 9 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. No significant changes would result when compared to those impacts discussed in the Final EIR.

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Tribal Cultural Resources

Impacts associated with the construction and operation of a utility-scale PV project at the project site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. At the time of the prior environmental analysis, tribal cultural resources were not a specific topic analyzed because the CEQA criteria and threshold related to analyzing tribal cultural resources were included under the general "Cultural Resources" impact category and pursuant to AB 52. Tribal consultation was completed as part of the Seville Solar Farm Complex Project Final EIR. No tribal cultural resources were identified within the project study area and no tribes responded to the request for consultation. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would be the generally the same as evaluated in the prior Final EIR. Therefore, the proposed project would not cause a substantial adverse change in the significance of a known tribal cultural resource. In addition, the conclusions and mitigation measures (Mitigation Measure MM 4.7.3 and MM 4.7.4), pertaining to previously undiscovered tribal cultural resources and the inadvertent discovery of human remains, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project.

Although Assembly Bill 52 does not apply to an Addendum, the County provided the project application for the CUP modification 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

As this CEQA document is an Addendum, the AB 52 requirements are not applicable. The proposed project 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 site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. The addition of the proposed battery storage would not expand or increase the development footprint as previously evaluated and the construction and operation of the project would generally be the same as evaluated in the prior Final EIR. In addition, the conclusions and mitigation measures (Mitigation Measure MM 4.13.13), as attached hereto, identified in the previously-certified Final EIR remain accurate and applicable to the proposed project. No significant changes would result when compared to those impacts discussed in the Final EIR.

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 impacts pertaining to wildfire were not analyzed. Rather, impacts related to wildfire were addressed in Section 4.10, Hazards and Hazardous Materials, of the Final EIR. Since the State

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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 site were evaluated in the Seville Solar Farm Complex Project Final EIR. The proposed Titan III project would be located within the previously-approved development footprint for CUP 13-0011. According to Section 4.10, Hazards and Hazardous Materials, of the Seville Solar Farm Complex Project Final EIR, the Seville Solar Farm Complex would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The project site is not located within an area of urban/wildland interface. According to the Imperial County Natural Hazard Disclosure (Fire) Map prepared by the California Department of Forestry and Fire Protection (2000), the Seville Solar Farm Complex area does not fall into an area characterized as either: (1) a wildland area that may contain substantial forest fire risk and hazard; or (2) a very high fire hazard severity zone. Additionally, the Seville Solar Farm Complex would be designed to incorporate fire safety features including portable fire extinguishers on buildings and inverters, electric pumps for pressurized fire water and use of nonflammable material where applicable.

Specifically, protection for the battery storage system would be provided as part of the project design by housing the battery units in enclosed structures to provide containment should a fire break out or for potential spills. Any potential fire risk that the traditional lithium-ion cells have will most likely be caused by over-charging or through short circuit due to age. This risk will be mitigated through monitoring and a fire suppression system that includes water and or a suppression agent (eg FM-200, Novatech) with smoke detectors, control panel, alarm, piping and nozzles. The fire protection system will be designed by a certified fire protection engineer and installed by a fire protection system contractor licensed in California and in accordance with all relevant building and fire codes in effect in the County at the time of building permit submission. Fire protection systems for battery systems would be designed in accordance with California Fire Code and would take into consideration the recommendations of the National Fire Protection Association (NFPA) 855.

The fire protection plan is anticipated to include a combination of prevention, suppression, and isolation methods and materials. The general approach to fire mitigation at the project site would be prevention of an incident, followed by attempts to isolate and control the incident to the immediately affected equipment, then to suppress any fire with a clean agent so as to reduce damage to uninvolved equipment. Fire suppression agents such as Novec 1230 or FM 2000, or water may be used as a suppressant. In addition, fire prevention methods would be implemented to reduce potential fire risk, including voltage, current, and temperature alarms. Energy storage equipment would comply with Underwriters Laboratory (UL)-95401 and test methods associated with UL-9540A. For lithium-ion batteries storage, a system would be used that would contain the fire event and encourage suppression through cooling, isolation, and containment. Suppressing a lithium-ion (secondary) battery is best accomplished by cooling the burning material. A gaseous fire suppressant agent (e.g., 3M™ Novec™ 1230 Fire Protection Fluid or similar) and an automatic fire extinguishing system with sound and light alarms would be used for lithium-ion batteries.

To mitigate potential hazards, redundant separate methods of failure detection would be implemented. These would include alarms from the Battery Management System (BMS), including voltage, current, and temperature alarms. Detection methods for off gas detection would be implemented, as applicable. These are in addition to other potential protective measures such as ventilation, overcurrent protection, battery controls maintaining batteries within designated parameters, temperature and humidity controls, smoke detection, and maintenance in accordance with manufacturer guidelines. Remote alarms would be installed for operations personnel as well as emergency response teams in addition to exterior hazard lighting. In addition, an Incidence Response Plan would be implemented.

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Based on the above evaluation, impacts associated with wildfire were determined to be less than significant. As such, the proposed project would result in no new or significant changes to impacts related to wildfire.

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 project. 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 Seville Solar Farms Complex Project Final EIR. Therefore, no proposed changes or revisions to the EIR are required. In addition, all previously adopted mitigation measures presented in the Seville Solar Farms Complex Project Final EIR are incorporated herein by reference and as part of the Titan III Project.

CONCLUSION

Based on the findings and information contained in the previously-certified Seville Solar Farms Complex 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 Seville Solar Farms Complex Project Final EIR. No changes or additions to the Seville Solar Farms Complex 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.

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APPLICATION

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December 26, 2021

TO: Jim Minnick, Director ICPDS
FROM: Jurg Heuberg on behalf of Titan Solar III
RE: Modification to CUP 13-0011 on APN 018-170-044-000

Mr. Minnick:

This application seeks to modify the above CUP in order to add a battery (SES) system to the project. The original approval to CUP 13-0011 was approved by the County and recorded on April 12, 2017 as part of the original Seville Solar Farms Project, (attached).

This application also seeks to change the name from Solano Energy Farms I, LLC to Titan III Solar LLC.

As you can see the original CUP was approved for a 20 MW PV solar project. In addition this application also seeks to add a Battery SES portion to the existing CUP approved project. The proposed battery would be at the 20MW/40MW max capacity.

Attached you will find the following:

- Application
- Check in the amount of 6,000.00
- Copy of the original recorded CUP

This project seeks to make no other changes to the current project other than (a) add the 40 MW max capacity battery system, and (b) update the ownership of the permit

After receipt, please advise which planning staff this has been assigned to in order for me to communicate efficiently with your office.

If you have any question, please feel free to contact me

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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 (Titan III Solar, LLC)	EMAIL ADDRESS c/o jurgheuberger@gmail.com (all correspondence or phone)	
2. MAILING ADDRESS (Street / P O Box, City, State) 750 W Main St., El Centro, Ca	ZIP CODE 92243	PHONE NUMBER c/o 760-996-0313 (jurg heuberger)
3. APPLICANT'S NAME Titan Solar III LLC	EMAIL ADDRESS c/o jurgheuberger@gmail.com	
4. MAILING ADDRESS (Street / P O Box, City, State) 750 W. Main St., EL Centro, Ca	ZIP CODE 92243	PHONE NUMBER c/o 760-996-0313
4. ENGINEER'S NAME N A	CA. LICENSE NO. N A	EMAIL ADDRESS N A
5. MAILING ADDRESS (Street / P O Box, City, State) N A	ZIP CODE	PHONE NUMBER

6. ASSESSOR'S PARCEL NO. 18-170-044-000	SIZE OF PROPERTY (in acres or square foot) 185 AC	ZONING (existing) Ag (A-2)
7. PROPERTY (site) ADDRESS 2085 H W. HWY 78		
8. GENERAL LOCATION (i.e. city, town, cross street) On HY 78 west of HWY 86 about 7 miles		
9. LEGAL DESCRIPTION Lot 1, Section 25, T 12 S, R 9 E (TR 988)		

PLEASE PROVIDE CLEAR & CONCISE INFORMATION (ATTACH SEPARATE SHEET IF NEEDED)

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail) this application is to add a "Battery Storage System to the EXISTING SOLAR PV project already approved under CUP # 13-0011 this application therefore seeks to amend that CUP. (See attached information)	
11. DESCRIBE CURRENT USE OF PROPERTY	Vacant and existing Solar PV project
12. DESCRIBE PROPOSED SEWER SYSTEM	N A
13. DESCRIBE PROPOSED WATER SYSTEM	NA
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM	water from existing well(s)
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? see project description

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY
CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN
IS TRUE AND CORRECT.

Jurg Heuberger
Print Name
Nov 18, 2021
Date
Signature
Ziad Alywan
Print Name
Nov 18, 2021
Date
Signature

REQUIRED SUPPORT DOCUMENTS

A. SITE PLAN
B. FEE
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 #

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When Recorded Return To:

Imperial County
Planning & Development Services
801 Main Street
El Centro, California 92243

Recorded in Official Records,
IMPERIAL COUNTY
Doc#: 2017008847
04/12/2017 02:05 PM

**FINAL AGREEMENT FOR
CONDITIONAL USE PERMIT #13-0011
SOLANA ENERGY FARMS I LLC PROJECT LOT 1
APN 018-170-044-000 & Lots A thru D**

APN 018-170-044-000, Lot 1 FM 27-8 ALSO BEING NE4 SEC 27 7 POR NW4 SEC 26
Township 12 South, Range 9 East, San Bernardino Baseline Meridian (SBB&M).

This Agreement is made and entered into on this 12 day of April, 2017, by and
between [SOLANA ENERGY FARMS I LL], hereinafter referred to as the Permittee
(Permittee), and the COUNTY OF IMPERIAL, a political subdivision of the State of
California, (hereinafter referred to as "COUNTY") related to the SOLANA ENERGY
FARMS I LLC Project.

RECITALS

WHEREAS, Permittee is the lessee or successor-in-interest of certain land in
Imperial County with the proposed photovoltaic solar energy facility, electrical switch
station, substation, and internal solar development transmission lines, on
approximately(185ac)+(55ac) 240 acres within Imperial County. The proposed facility is
located west-central Imperial County, California, approximately eight miles west of the
junction of SR 78 and SR 86, and approximately three miles east of the San Diego County
line. The Project area is also approximately 14 miles from the southern tip of the Salton
Sea and one-half mile west of Pole Line Road., portions of Sections 26 & 27, Township 12
South, Range 9 East, S. B. B & M.

WHEREAS, Permittee has applied to the County of Imperial for a Conditional Use
Permit #13-0011 for constructing and operating a new solar energy facility with ancillary
support facilities, including electrical interconnections to be transmitted to the regional grid
via the Anza Substation (the "Project").

The Permittee for the SOLANA ENERGY FARMS I LLC Project shall fully comply with all
of the terms and conditions of the Project as specified hereinafter within this Conditional
Use Permit.

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GENERAL CONDITIONS:

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

G-1 GENERAL LAW:

The Permittee shall comply with all local, state and/or federal laws, rules, regulations, ordinances, and/or standards (LORS) as they may pertain to the Project whether specified herein or not.

G-2 PERMITS/LICENSES:

The Permittee shall obtain any and all local, state and/or federal permits, licenses, and/or other approvals for the construction and/or operation of the Project. This shall include, but not be limited to, local requirements by the Imperial County EHS/Health Department, Planning and Development Services Department, Imperial County Air Pollution Control District (ICAPCD), Imperial Irrigation District (IID), Imperial County Public Works Department, Imperial County Sheriff/Coroner's office, Imperial County Fire Protection/Office of Emergency Services, among others. Permittee shall likewise comply with all such permit requirements. Additionally, Permittee shall submit a copy of such additional permits and/or licenses to the 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.

G-4 CONDITION PRIORITY:

The Project shall be constructed and operated as described in the Conditional Use Permit, Variance, CUP/Variance applications, Tract Map, Tract Map application, and the Final Environmental Impact Report, (FEIR).

G-5 INDEMNIFICATION:

As a condition of this permit, Permittee 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 entitlements permit, approvals or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys fees, or expert witness fees that may be asserted by any person or entity, including the Permittee, arising out of or in connection with the approval of this permit, whether there is concurrent, passive or active negligence on the part of the County, its agents, officers, attorneys, or employees. This indemnification shall include Permittee's actions involved in drilling, grading, construction, operation or abandonment of the permitted activities. Permittee further agrees to comply with the terms of the indemnification agreement incorporated by this reference and attached hereto as Exhibit A. Failure to provide payment of any fees shall cause Permittee to be in non-compliance with this permit. Upon notification of non-compliance, County may, at its sole discretion, cease processing, defending any lawsuit or paying for costs associated with this project.

G-6 INSURANCE:

The Permittee and/or Permittee's prime contractor assigned site control during construction, shall secure and maintain liability in tort and property damage, insurance at a minimum of **\$1,000,000** or proof of financial responsibility to protect persons or property from injury or damage caused in any way by construction and/or operation of permitted facilities. The Permittee shall require that proper Workers' Compensation insurance cover all laborers working on such facilities as required by the State of California. The Permittee and/or Permittee's prime contractor assigned site control during construction, shall also secure liability insurance and such other insurance as may be required by the State and/or Federal Law. Evidence of such insurance shall be provided as applicable to the County prior to commencement of any activities authorized by this permit, e.g. a Certificate of Insurance is to be provided to the Planning and Development Services Department by the insurance carrier and said insurance and certificate shall be kept current for the life of the permitted Project. Certificate(s) of Insurance shall be sent directly to the Planning and Development Services Department by the insurance carrier and shall name the Department as a recipient of both renewal and cancellation notices.

G-7 INSPECTION AND RIGHT OF ENTRY:

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

- (a) Enter at reasonable times upon the owner's or operator's premises where a permitted facility or activity is located or conducted, or where records must be kept under the conditions of the permit.
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit.
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit.

(d) Sample or monitor, at reasonable times, for the purpose of assuring permit compliance or, otherwise authorized by law, any substances or parameters at any location.

G-8 SEVERABILITY:

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

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

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

G-10 TIME LIMIT:

Unless otherwise specified within the specific conditions, this permit shall be limited to a maximum of thirty (30) years from the recordation of the CUP. The Developer will have up to 10 years to record and commence construction of this CUP from the time of the effective date of the adopted Development Agreement. If an extension is necessary, the Permittee shall file a written extension request with the Planning Director at least sixty (60) days prior to the expiration date of the permit. Such an extension request shall include the appropriate extension fee. If the original approval was granted by the Planning Commission and/or the Board of Supervisors, such an extension shall only be considered by the approving body, after a noticed public hearing. Nothing stated or implied within this permit shall constitute a guarantee that an extension will be granted. An extension may not be granted if the Project is in violation of any one or all of the conditions or if there is a history of non-compliance with the permit conditions.

G-11 COST:

The Permittee shall pay any and all amounts determined by the County of Imperial to defray any and all cost(s) for the review of reports, field investigations, monitoring, and other activities directly related to the enforcement/monitoring for compliance of this Conditional Use Permit, County Ordinance or any other applicable law. All County Departments, directly involved in the monitoring/enforcement of this permit may bill Permittee under this provision, however said billing shall only be through and with the approval of the Planning and Development Services Department. All County staff time will be billed on a time and materials basis. Failure by Permittee to provide any payment required of Permittee to the County in the CUP shall cause Permittee to be in non-compliance of the CUP. Upon Permittee being in such noncompliance, County may, at its

1 sole discretion, cease processing, defending any lawsuit or paying for costs associated
2 with the Project.

3 **G-12 REPORTS/INFORMATION:**

4 If requested by the Planning Director, Permittee shall provide any such
5 documentation/report as necessary to ascertain compliance with the Conditional Use
6 Permit. The format, content and supporting documentation shall be as required by the
7 Planning Director.

7 **G-13 DEFINITIONS:**

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

11 **G-14 MINOR AMENDMENTS:**

12 The Planning Director may approve minor changes or modification(s) to the design,
13 construction, and/or operation of the Project provided said changes are necessary for the
14 Project to meet other laws, regulations, codes, or conditions of the CUP, EIR and MMRP,
15 and provided such changes will not result in any additional environmental impacts.

15 **G-15 SPECIFICITY:**

16 The issuance of this permit does not authorize the Permittee to construct or operate the
17 Project in violation of any state, federal, or local law nor beyond the specified boundaries
18 of the Project as shown the application/project description/permit, nor shall this permit
19 allow any accessory or ancillary use not specified herein. This permit does not provide
20 any prescriptive right or use to the Permittee for future addition and or modifications to the
21 Project.

20 **G-16 NON-COMPLIANCE (ENFORCEMENT & TERMINATION):**

21 Should the Permittee violate any condition herein, the County shall give written notice of
22 such violation and actions required of Permittee to correct such violation. If Permittee
23 does not act to correct the identified violation within sixty (60) days after written notice,
24 County may revoke the CUP. If Permittee pursues correction of such violation with
25 reasonable diligence, the County may extend the cure period. Upon such revocation,
26 County may, at its sole discretion, cease processing, defending any lawsuit or paying for
27 costs associated with the Project.

26 **G-17 GENERAL WELFARE:**

27 All construction and operations of the solar energy facility shall be conducted with
28 consistency with all laws, conditions, adopted County policies, plans, mitigation measures
and the permit application so that the Project will be in harmony with the area and not

1 conflict with the public health, safety, comfort, convenience, and general welfare of those
2 residing in the area.

3 **G-18 PERMITS OF OTHER AGENCIES INCORPORATED:**

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

8 **G-19 HEALTH HAZARD:**

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

14 **G-20 APPROVALS AND CONDITIONS SUBSEQUENT TO GRANTING PERMIT:**

15 Permittee's acceptance of this permit shall be deemed to constitute agreement with the
16 terms and conditions contained herein. Where a requirement is imposed in this permit that
17 Permittee conduct a monitoring program, and where the County has reserved the right to
18 impose or modify conditions with which the Permittee must comply based on data
19 obtained there from, or where the Permittee is required to obtain additional conditional use
20 permits for County approval for subsequent activities, and disagreement arises, the
21 Permittee, operator and/or agent, the Planning and Development Services Director or
22 other affected party, as determined by the Planning and Development Services Director,
may request that a hearing before the Imperial County Planning Commission. Upon
receipt of a request, the Planning Commission shall conduct a hearing and make a written
determination. The Planning Commission may request support and advice from a
technical advisory committee. Failure of the Planning Commission to act shall constitute
endorsement of staff's determination with respect to implementation.

23 **SITE SPECIFIC CONDITIONS:**

24
25 **S-1 AUTHORIZED SCOPE OF ACTIVITIES:**

26 1. [SOLANA ENERGY FARMS I LLC] shall be the master developer for this Project
27 and shall be responsible as for all improvements, septic, sewer, approved potable
28 water system(s), pipelines, roads and other improvements discussed in the
Conditional Use Permit Application and Conditions, FEIR, and MMRP. If permittee
utilizes Ranch Oasis Mutual Water Company as it source for supplied water, the

1 Mutual must be organized in accordance with California Corporations Code. The
2 permittee will also be required to ensure the Mutual's supplied water well is
3 constructed to meet community well standards and complies with all requirements
4 subject to California Safe Drinking Water Act. If [SOLANA ENERGY FARMS I LLC]
5 sells all or part of this Project, an approved agreement shall be in place for new
6 Project owner to build and maintain as agreed to by the conditions set forth in this
7 CUP. The Planning and Development Services Director shall approve of such
8 agreement between [SOLANA ENERGY FARMS I LLC] and a new master
9 developer for this Project. The County Assessor's Office shall be notified of any
10 ownership change.

11 2. [SOLANA ENERGY FARMS I LLC] shall develop this CUP property as a separate
12 solar energy facility. Any development with a combination of parcels will require the
13 owner(s) to have a recorded deed restriction to "hold the parcel as one parcel" that
14 runs with the land. This deed restriction shall be for a minimum of 30 years and
15 shall only be released upon the expiration of the 30 years, the expiration or
16 termination of the Conditional Use Permit, or upon approval of the Planning &
17 Development director that the restriction is no longer needed based on a change in
18 the development or regulation.

19 3. The Permittee may construct and operate the following facilities in compliance with
20 the Conditional Use Permit, the County's General Plan's Land Use Element, Land
21 Use Ordinance and all other applicable local, state, and federal laws, ordinances,
22 regulations and standards (LORS), to include any other permits which are
23 incorporated herein by reference:

24 a. Construction, operation, maintenance, replacement and removal of a solar energy
25 facility as described in Permittee's CUP Application. The solar energy facility would
26 include photovoltaic modules, mounting structures, electrical wiring, inverters,
27 transformers and AC electric collector system, project electric substation and
28 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.

b. 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; concentrating photovoltaic (CPV) systems mounted on a dual-axis
tracking system; or a mix of the technologies.

c. **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

1 final design) when the HSAT is rotated to point the modules at the rising or setting
2 sun at both sunrise and sunset. When the HSAT system is rotated so that the PV
3 modules are horizontal (at noon, or when stowed during high winds), the nominal
4 height would be approximately six feet above the ground, depending on the final
5 design. The individual PV systems would be configured in large arrays by placing
6 them in columns spaced approximately ten feet apart to maximize operational
7 performance and to allow access for panel cleaning and maintenance. These
8 arrays would be separated from each other and the perimeter security fence by
9 nominal 20-foot wide roads, consistent with emergency access requirements.

10 d. **CPV technology** uses optics such as lenses to concentrate a large amount of
11 sunlight onto a small area of PV cells to generate electricity. The CPV technology
12 focuses the sunlight onto highly efficient solar cells using Fresnel lenses. The CPV
13 technology would likely use a dual-axis tracking system to position the tracker to
14 ensure that concentrated sunlight remains precisely focused on the solar cells
15 throughout the day. The dual-axis tracking structures use single pole/mast-mounted
16 panels that would be approximately 30-feet high at both sunrise and sunset when
17 the panel is rotated to point at the rising or setting sun. The dual-axis modules
18 would be spaced approximately 80 feet apart.

19 e. **Substations-** Up to five substations would be constructed in the northwest corner
20 of Section 23, within Lot D. Each substation would take delivery of the 13.8 kV or
21 34.5 kV power from its respective project and increase the electricity voltage to 92
22 kV for metering and delivery to the IID switch station on Lot C. Each substation and
23 the switch stations would include a transformer, circuit breakers, and meters,
24 disconnect switches, microwave or other communication facilities and an electrical
25 control house.

26 f. **Transmission Line-**Electrical interconnection with the IID electrical transmission
27 system would require construction of a new 92 kV transmission line (with static
28 grounding/communication line[s]) from the IID switch station on the Property to the
existing Anza Substation on the south side of SR 78. Approximately 0.75 miles of
new 92 kV transmission line would be constructed on FM 27-8. An additional 2.25
miles of new 92 kV transmission line would be constructed from the Property to the
existing IID Anza Substation. The transmission line would be "overbuilt" (i.e.
constructed above) the IID's existing 12.5 kV distribution line located immediately
south of SR 78.

g. **Site Access-**The principal access to the solar energy projects would be via a new
private access road extending south approximately 0.80 mile off of SR 78. The new
primary access road would be provided with a minimum of 30-foot double swing
gates with a coded entry and "Knox Box" over-ride. Internal to the solar farm
complex site, a network of roads would provide operations and maintenance
access to all lots and Project components. The existing gated Industrial park,
private road from SR 78 would be used only for emergency access to the solar
energy projects.

h. **Panel Washing** Periodic washing of the PV modules could be needed to remove
dust in order to maintain power generation efficiency. The amount of water needed

1 for this purpose for each project is estimated at [10 acre feet per year (AF/Y)]. This
2 water would be obtained from each project's on-site water wells or the new water
3 wells to be constructed, or from these same wells through an existing private water
4 company known as the Ranch Oasis Mutual Water Company. Each washing is
expected to take one to two weeks to complete. The amount of water needed for
construction (principally dust control) is estimated at [100 AF].

- 5 i. Except as specifically authorized in the permit, supplemental activities which require
6 additional major equipment or facilities will require separate permits. The County,
7 in issuing this Permit, in no way assures, or otherwise vests any right, with respect
to the issuance of a permit or permits for such supplemental activities.

8 **S-2 AESTHETICS:**

- 9
10 1. The Permittee shall design and maintain all buildings and equipment enclosures to
11 have exterior surfaces with neutral, non-reflective colors. The construction and
12 maintenance of County-approved landscaping along the access into the
13 Operation/Maintenance Facility shall be in compliance with the Land Use
14 Ordinance, Division 3, Chapters 1 and 2, Sections 90302.00 through 90302.19 and
15 as indicated in the FEIR and Mitigation Monitoring and Reporting Program.
16
17 2. The Permittee shall design and install lighting at construction storage yards and
18 staging areas, such that light bulbs and reflectors are not visible from public viewing
19 areas; lighting does not create reflected glare; and illumination of the Project
20 facilities, vicinity, and nighttime sky is minimized.
21
22 3. Lighting shall be designed so exterior light fixtures are hooded, with lights directed
23 downward or toward the area to be illuminated and so that backscatter to the
24 nighttime sky is minimized. The design of the lighting shall be such that the
25 luminescence or light source is shielded to minimize light trespass outside the
26 Project boundary.
27
28 4. All lighting shall be of minimum necessary brightness consistent with worker safety
and OSHA-Requirements.
5. High illumination areas not occupied on a continuous basis shall have switches or
motion detectors to light the area only when occupied.

23 **S-3 AGRICULTURE:**

- 24
25 1. Prior to the issuance of the initial grading permit or building permit, [SOLANA
26 ENERGY FARMS I LLC] shall submit to County of Imperial a Reclamation Plan to
27 return the property to conditions comparable to its current condition for agricultural
28 production. The Reclamation Plan shall include a description of the farming
infrastructure to include but not limited to a crop history, water delivery system,
drainage system, field access, field roads, grading aspects, reclamation cost
estimate prepared by a California-licensed general contractor or civil engineer.

1 [SOLANA ENERGY FARMS I LLC] shall provide financial assurance/bonding in the
2 amount equal to the reclamation cost estimate to restore all agricultural
3 land/farmland to its pre-construction condition including removal of all structures
4 and equipment, soil testing for and clean-up of contaminants in the soil, disking,
5 leveling, and any other clean up and repair necessary to return the land to an
6 agriculturally productive farmable condition prior to the issuance of the initial
grading permit or building permit. The Reclamation Plan with appropriate bonding
will need approval from the Planning and Development Services Director, and
County Counsel before any grading or building permit is issued.

7 2. Permittee shall minimize paving and ground disturbing activities to the maximum
8 extent practical within agricultural fields to retain soil characteristics.

9 3. The Project Developer shall:

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

12 b) Monitor for all pests including insects, vertebrates, weeds, and pathogens.
13 Promptly control or eradicate pests when found, or when notified by the
14 Agricultural Commissioner's office that a pest problem is present on the project
15 site. The assistance of a licensed pest control advisor (PCA) is recommended.
All treatments must be performed by a qualified applicator or a licensed pest
control operator (PCO).

16 c) "Control" means to reduce the population of common pests below economically
17 damaging levels, and includes attempts to exclude pests before infestation, and
18 effective control methods after infestation. Effective control methods may
include physical/mechanical removal, bio-control, cultural control, or chemical
19 treatments.

20 d) Notify the Agricultural Commissioner's office immediately regarding any
21 suspected exotic/invasive pest species such as A- and Q-rated pest species as
22 defined by the California Department of Food Agriculture (CDFA). Eradication
of exotic pests will be done under the direction of the Agricultural
Commissioner's Office and/or CDFA.

23 e) Obey all pesticide use laws, regulations, and permit conditions.

24 f) Allow access for Agricultural Commissioner staff for routine visual and trap pest
25 surveys, compliance inspections, eradication of exotic pests, and other official
duties.

26 g) Ensure that all project employees that handle pest control issues are
27 appropriately trained and certified, that all required records are maintained and
28 available for inspection, and that all permits and other required legal documents
are current.

h) Maintain records of pests found and controlled and either have them available for review, or submit them to the Agricultural Commissioner's office on a quarterly basis.

4. The Permittee 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.

5. Prior to the issuance of a grading permit or building permit (whichever permit comes first) for the Project, the mitigation of impact to agricultural lands shall be accomplished as follows:

Mitigation for the temporary loss of Non Prime Farmland: Permittee may choose one of the following three methods for mitigation:

a) Agricultural Conservation Easements on a "1 to 1" basis on land of equal size, of equal quality farmland, outside of the path of development. The Conservation Easement shall meet the State Department of Conservation's regulations and shall be recorded prior to issuance of any grading or building permits. OR

b) The Permittee shall pay an "Agricultural In-Lieu Mitigation Fee" in the amount of 20% of the fair market value per acre for the acres of non-prime farmland impacted by the Project based on five comparable sales of land used for agricultural purposes as of the effective date of the permit, including program 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. OR

c) If Permittee and the County voluntarily enter into a public benefit agreement or Development Agreement that includes Agricultural Benefit Fee payment that is equal to or greater than the amount that would be due under Option 2 of these mitigation measures and the public benefit agreement requires that the Agricultural Benefit Fee be used for such purposes as the acquisition, stewardship, preservation and enhancement of agricultural lands within Imperial County, then this mitigation measure may be satisfied by payment of a voluntarily agreed to Agricultural Benefit Fee.

Mitigation for the temporary loss of Prime Farmland: Permittee may choose one of the following three methods for mitigation:

d) Agricultural Conservation Easements on a "2 to 1" basis on land of equal size, of equal quality farmland, outside of the path of development. The Conservation Easement shall meet the State Department of Conservation's regulations and shall be recorded prior to issuance of any grading or building permits. OR

- 1 e) The Permittee shall pay an "Agricultural In-Lieu Mitigation Fee" in the amount of
2 30% of the fair market value per acre for the acres of prime farmland impacted by
3 the Project based on five comparable sales of land used for agricultural purposes
4 as of the effective date of the permit, including program costs on a cost
5 recovery/time and material basis. The Agricultural In-Lieu Mitigation Fee, will be
6 placed in a trust account administered by the Imperial County Agricultural
7 Commissioner's office and will be used for such purposes as the acquisition,
8 stewardship, preservation and enhancement of agricultural lands within Imperial
9 County. OR
10
11 f) If Permittee and the County voluntarily enter into a public benefit agreement and or
12 Development Agreement that includes Agricultural Benefit Fee payment that is
13 equal to or greater than the amount that would be due under option number 2 of
14 this mitigation measure and the public benefit agreement requires that the
15 Agricultural Benefit Fee be used for such purposes as the acquisition, stewardship,
16 preservation and enhancement of agricultural lands within Imperial County, then
17 this mitigation measure may be satisfied by payment of voluntarily agreed to
18 Agricultural Benefit Fee.

12 S-4 AIR QUALITY:

- 13 1. The Permittee shall comply at all times with the Imperial County Air Pollution
14 Control District's (ICAPCD) Regulation VIII, Fugitive Dust Control. The primary
15 pollutant controlled by this regulation is PM10, "fugitive dust." All identified PM10
16 sources associated with the construction and operation of the facility, such as open
17 areas, roads, stock piles, material transport and grading activities, shall be
18 controlled such that surface areas are stabilized and visible dust emissions are
19 below 20%. Any control measure not listed within the appropriate sections of
20 Regulation VIII, such as but not limited to watering, graveling, chemical stabilizers
21 and wind barriers shall not be utilized without prior approval from the ICAPCD.
- 22 2. The Permittee shall submit to the ICAPCD for approval a dust control plan
23 identifying all sources of PM10 emissions and associated mitigation measures
24 during the construction and operational phases of the project. Permittee shall
25 submit a "Construction Notification Form" to the ICAPCD 10 days prior to the
26 commencement of any earthmoving activity.
- 27 3. The Permittee shall comply with all applicable standard mitigation measures for
28 construction combustion equipment for the reduction of excess NOx emissions as
identified in the air quality analysis and as contained in the Imperial County CEQA
Air Quality Handbook and associated regulations.
- Utilize all Tier 3 or Tier 4 construction equipment.
 - Prohibit idling of equipment not in use; for equipment in use reduce idling time to a maximum of 5 minutes.
 - Where feasible replace fossil fuel burning equipment with electrically driven equivalents provided they are not powered via a portable generator
 - Register all portable engines 50 horse power or greater with the ICAPCD

4. Permittee shall also apply enhanced measures to assure reduced levels of NOx are maintained during the construction phase of the project.

- Submit to the Air District prior to any earthmoving activity a complete list of all construction equipment to be utilized during the construction phase identifying Make, Model, Year, Horsepower and estimated hours of usage.
- In the event, NOx emissions are calculated to exceed ICAPCD thresholds for construction the Permittee shall provide for "offsite" mitigation or comply with Policy number 5. Policy number 5 allows a project to pay in-lieu impact fees utilizing the most current Carl Moyer Cost Effective methodology to reduce excess NOx emissions.

S-5 GEOLOGY/SOILS and MINERAL RESOURCES

1. Prior to approval of final engineering and grading plans for the SOLANA ENERGY FARMS I LLC Project site, the Permittee shall verify that all recommendations contained in the final Geotechnical Evaluation and Corrosion Analysis, or subsequent additional studies, have been incorporated into final engineering and grading plans to the extent applicable. The County's soil engineer and engineering geologist shall review engineering and grading plans prior to finalization, to verify plan compliance with the recommendations of the report. All development on the Project site shall be in accordance with Title 24, California Code of Regulations.

2. Structure placement in areas of high shrink/swell potential shall be avoided where possible; and if not avoided, structures shall be designed to resist the forces of the shrink/swell or such soils removed and replaced as determined by final geotechnical investigations and design.

3. Structures shall be placed in geologically stable areas, avoiding fault lines, brittle surface rock and bedrock, etc.

4. Project construction activities shall be designed and implemented to avoid or minimize new disturbance, erosion on manufactured slopes, and off-site degradation from accelerated sedimentation. Maintenance of cut and fill slopes created by Project construction activities shall consist primarily of erosion repair. Where re-vegetation is necessary to improve the success of erosion control, planting or seeding with native seed mix shall be done on slopes.

5. Prior to approval of final building plans, structures within the Project area shall be designed and constructed to resist the effects of seismic ground motions as provided in Section 1613 of the 2010 California Building Code.

6. The Project shall be engineered using the 2010 California Building Code, Section 1613 Design Coefficients for the proposed structures.

7. Prior to issue of building permits, the design of foundations and slabs-on-ground shall be performed in accordance with the procedures outlined in Sections 1808.6.1

and 1808.6.2 of the 2010 CBC and the latest edition of the Wire Reinforcement Institute (WRI) publication "Design of Slab-on-Grade Foundations." An effective plasticity index of 12 shall be used by the project structural engineer to design slabs-on-grade within an interior grade beam system in accordance with the WRI publication.

8. Prior to the issue of Building permits: The type of concrete to be used in construction of the Project shall follow the recommendation of a structural engineer and the contractor responsible for concrete placement used in footings and interior slabs-on-ground, foundation walls, and concrete exposed to weather.
9. Prior to the issue of Building permits, the thickness of the concrete cover over the reinforcement shall be determined by a structural engineer to protect against elevated chloride levels. The thickness shall be determined based upon the chloride concentration of on-site soils. Prior to the issue of Building permits,
 - a) The recommendations of a corrosion engineer shall be implemented to mitigate the detrimental effects of corrosive soils on buried metallic and other building materials that may be exposed to corrosive soils.
 - b) Any ferrous metal or copper components of the proposed buildings or panel foundations placed in direct contact with Project soils shall be protected against detrimental effects of severely corrosive soils.
 - c) Sampling and testing of near-surface soils shall be performed during the final stages of site grading by a qualified corrosion engineer to provide a complete assessment of soil corrosivity.

S-6 CULTURAL RESOURCES:

1. If avoidance is not possible, SDI-12151 shall be assessed by a qualified professional archaeologist to evaluate significance for eligibility to the CRHR. The evaluation shall be conducted prior to commencing construction. A qualified and experienced archaeological monitor will monitor the installation of temporary orange construction fencing around the boundaries of site SDI-12151. The on-site Construction Manager (defined as the individual with the authority to halt all construction-related activities) shall stake the line where the fence will be installed and provide a minimum of 48 hours advance notice to the archaeological monitor before fence installation occurs. The Construction Manager shall be responsible for maintaining the fencing throughout the duration of construction, including periodic maintenance or replacement. The Construction Manager shall not allow passage of non-authorized personnel to enter the boundaries of the fence. All potentially significant finds shall remain confidential.
2. The Archaeological Monitor shall oversee the effectiveness of the protective measures described in this measure at least twice per month during construction to ensure that unanticipated cultural resources are avoided. If an unanticipated cultural resource is discovered, the monitor will immediately notify the Construction Manager and give interim directions for protecting the site, which may include mandatory cessation of activity within 100 feet or more of the discovery. The Construction Manager will be responsible for promptly implementing those interim measures. The Archaeological Monitor shall oversee the removal of the temporary fencing after construction is completed. The Construction Manager shall be

required to provide a minimum of 48 hours advance notice to the archaeological monitor before fence removal occurs.

3. If subsurface deposits are discovered during construction, all work shall halt within a 200-foot radius of the discovery. A qualified professional archaeologist shall be retained to evaluate the significance of the find. A Native American monitor, following the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites established by the NAHC, may also be required. Work cannot continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the NRHP or CRHR. If a potentially-eligible resource is encountered, then the archaeologist, lead agency, and project proponent shall arrange for either 1) total avoidance of the resource, if possible; or 2) test excavations to evaluate eligibility for the CRHR and, if eligible, data recovery as mitigation. In the event that evidence of human remains is discovered, construction activities within 200 feet of the discovery shall be halted or diverted and the Imperial County Coroner shall be notified (Section 7050.5 of the Health and Safety Code). If the Coroner determines that the remains are Native American, the Coroner will notify the NAHC which will designate a Most Likely Descendant (MLD) for the Project (Section 5097.98 of the Public Resources Code). 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 Public Resources Code). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the Public Resources Code). 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 (AB 2641).

4. A qualified paleontological monitor shall be present during ground-breaking 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) and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. Monitors are empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens.

5. Recovered specimens shall be prepared to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates. 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

1 museum repository, will signify completion of the program to mitigate impacts to
2 paleontological resources.

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

5 1. All trash and debris within the Project site shall be disposed of off-site, in
6 accordance with current, local, state, and federal disposal regulations. Compliance
7 with this measure shall be verified by the Planning and Development Services
8 Department.

9 2. If it is determined that hazardous wastes are, or will be generated by the proposed
10 operations, the wastes must be managed in accordance with the California
11 Hazardous Waste Control Law (California Health and Safety Code, Div 20, Chapter
12 6.5) and the Hazardous Waste Control Regulations (California Code of
13 Regulations, Title 22, Division 4.5).

14 3. If it is determined that hazardous wastes will be generated, the Permittee should
15 also obtain a United States Environmental Protection Agency, Identification Number
16 by contacting (800) 618-6942. Certain hazardous waste treatment processes or
17 hazardous material, handling, storage or uses may require authorization from the
18 local Certified Unified Program Agency (CUPA). Information about the requirement
19 for authorization can be obtained by contacting the local CUPA.

20 4. Firearms shall be prohibited in all Project areas except for those used by licensed
21 security personnel.

22 5. [The Permittee shall ensure that [the AST, farm equipment area, and any other]
23 debris have been cleared from the site.]

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

29 **S-8 HYDROLOGY AND WATER QUALITY**

30 1. Construction and operation activities within Flood Zone A shall be halted during
flash flood warnings and events or any other flooding events as predicted by local
weather forecasts, the National Weather Service to which the solar farm complex
site is subject. Upon notification of potential flood events in the Project vicinity, any
non-stationary equipment and personnel located within Flood Zone A shall be
relocated outside of the flood zone until such time as the threat of flooding has
passed.

31 **S-9 BIOLOGICAL RESOURCES:**

1. The Permittee's Designated Biologist shall coordinate with the U.S. Fish & Wildlife Service (USF&WS) and the California Department of Fish and Wildlife(CD&FW) for the preparation, implementation and monitoring for protection of biological resources at the solar site.
2. The loss of mesquite thicket shall be mitigated through a combination of compensation and/or restoration at a minimum 1:1 ratio, or as required by permitting agencies.
3. Habitat compensation shall be accomplished through agency-approved land preservation or through mitigation fee payment for land supporting comparable habitat to that impacted by the proposed Project. Restoration may be appropriate mitigation for impacts if demonstrated to be feasible, and if the restoration effort is implemented pursuant to a Habitat Restoration/Re-Vegetation Plan.
4. The Applicant shall create, restore, and/or enhance jurisdictional wetland areas impacted by the proposed transmission line. A 2:1 ratio shall be required for any wetland habitat with at least 1:1 of the mitigation ratio to include creation of wetland habitat (so there would be no net loss of jurisdictional habitat). The other 1:1 ratio shall consist of acquisition and preservation of existing jurisdictional habitat acceptable to the permitting agencies.
5. A 1:1 ratio shall also be required for impacts to non-wetland jurisdictional waters in the form of wetland enhancement, restoration, or creation as determined in consultation with the permitting agencies. Permits shall be obtained from the USACE, RWQCB, SWRCB, and CDFW, as appropriate, prior to initiating construction in jurisdictional areas.
6. The Project shall implement the following flat-tailed horned lizard mitigation measures in accordance with the terms and conditions of IID's ROW Grant.
 - a. A worker education program shall be developed and implemented for all construction personnel.
 - b. A field contact representative (FCR) shall be designated prior to Project initiation to: ensure compliance with the protective measures; serve as the primary agency contact; and have authority and responsibility to stop any activities that violate these measures. The FCR shall be authorized by CDFW to handle the FTHL.
 - c. All project work areas shall be clearly flagged or similarly marked at the outer boundaries to define the limit of work activities. All construction workers shall restrict their activities and vehicles to areas which have been flagged to avoid impacts to the FTHL.
 - d. FTHL that are relocated by the FCR shall be placed in the shade of a large shrub a short distance from the construction in the direction of undisturbed habitat. Captured FTHL shall be kept in a dry container. FTHL shall be held

- 1 at temperatures between 25°C and 35°C and shall not be exposed to any
2 direct sunlight. Release shall occur as soon as possible during daylight hours
3 (32°C to 40°C). The FCR shall use and discretion to ensure the survival of
4 the FTHL.
- 5 e. Existing roads shall be used for travel and equipment storage whenever
6 possible.
- 7 f. The area of disturbance of vegetation and soils shall be the minimum
8 required for the Project. Clearing of vegetation and grading shall be
9 minimized.
- 10 g. No construction holes shall be left open overnight. Covers shall be secured
11 in place at the end of construction each day. Covers shall be strong enough
12 to prevent wildlife from falling through the cover and into a hole.
- 13 7. In accordance with the Staff Report on Burrowing Owl Mitigation (CDFW 2012), a
14 preconstruction take avoidance survey shall be conducted 14 days prior to any
15 ground disturbing activities. If the burrowing owl is absent, then no mitigation is
16 required.
- 17 8. If burrowing owl is present, the following mitigation shall be implemented:
- 18 a. If burrowing owls and their habitat can be protected in place on or adjacent
19 to a project site, disturbance impacts shall be minimized through the use of
20 buffer zones, visual screens, or other measures in accordance with CDFW
21 (2012).
- 22 b. Occupied burrows shall be avoided during the breeding period from
23 February1 through August 31 (CDFW 2012). "Occupied" is defined as a
24 burrow that shows sign of burrowing owl occupancy within the last 3 years.
- 25 c. Occupied burrows shall also be avoided during the non-breeding season.
26 Burrow exclusion is a technique of installing one-way doors in burrow
27 openings during the non-breeding season to temporarily exclude burrowing
28 owls, or permanently exclude burrowing owls and close burrows after
verifying burrows are empty by site monitoring and scoping. Eviction of
burrowing owls is a potentially significant impact under CEQA and would
require CDFW approval of a Burrowing Owl Exclusion Plan (CDFW 2012).
- d. Mitigation for impacts to nesting, occupied, and satellite burrows and/or
burrowing owl habitat is required such that the habitat acreage, number of
burrows and burrowing owls impacted are replaced based on the burrowing
owl life history information provided in Staff Report on Burrowing Owl
Mitigation (CDFW 2012).
- e. Coordination with CDFW may be necessary for the development of
site-specific avoidance and mitigation measures.

9. Reclamation would occur at the end of the Project's useful life and include dismantling and demolition of above ground structures; concrete removal; removal and dismantling of underground utilities; excavation and removal of soil, etc.
10. Vegetation clearing shall take place outside of the general avian breeding season (February 1 through August 31). If vegetation clearing cannot occur outside the avian breeding season, a qualified avian biologist will conduct a pre-vegetation clearing survey for nesting birds no more than 7 days prior to vegetation clearing. If no active nests are found, clearing can proceed. "Active" shall be defined as from nest construction through fledging of young. If active nests are found, no clearing shall be allowed within 100 feet of the active nests of non-listed species, within 300 feet of the active nests of listed species, and within 500 feet of active raptor nests until the biologist determines the nest is no longer active or the nest is abandoned or fails. The biologist will submit the results of the survey to the CDFW and USFWS. Any requests for reductions to these prescribed buffers shall be made to the CDFW and USFWS.
11. The proposed transmission line presents a minor risk for avian and bat collision, however, impacts may be addressed through Project conformance with Avian Power Line Interaction Committee standards.
12. Permittee shall develop, with input from CDFW and USFWS, and implement a Bird and Bat Conservation Strategy (BBCS) for the Project. The BBCS would include as a component monitoring of the Project area to identify the level of mortality, if any, in the Project area during Project operations.
13. In accordance with the CDFW (2012), avoidance is the preferred method for dealing with potential impacts to burrowing owls. If avoidance is not feasible, EIR mitigation measure MM 4.12.8, which requires use of buffers and coordination with CDFW and USFWS, shall be applied.
14. Night lighting shall be minimized during construction to avoid illumination of adjacent natural areas and the night sky. Techniques may include, but are not limited to, shielding light sources and use of directional lighting pointed downward.
15. During operation, night lighting shall only be used when necessary for worker safety. If night lighting is used for security purposes, it shall be motion or heat activated, shielded and directed downward.
16. The vegetation and soil removed for the proposed project shall be disposed of in a safe and legal manner such that the plant material and soil (which contains seeds) are not released into the surroundings (e.g., trucks hauling such material shall be tightly covered).

S-10 PUBLIC SERVICES:

1. If Permittee receives an exclusion of applicable sales and use tax payable to the County of Imperial under Senate Bill 71 under the State Public Resource Code (Section 26003, et al.) and the California Alternative Energy and Advanced Transportation Financing Authority (CAETFA), Permittee shall pay to the County and Local Transportation Authority an amount equal to the sales tax (currently at 1.5%) which would have been received if Permittee had not obtained such exclusion.
 - a) 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-permit. To accomplish this, Permittee shall either cause its general construction contractor to treat the project in accordance with California Regulation 1521(b)(2)(B), California Regulation 1521(c)(13)(B), and California Regulation 1826(b) for sales and use tax purposes or form a "Buying Company" as defined in the State of California Board of Equalization Regulation 1699(h). Permittee can adopt an alternate methodology to accomplish this goal if such methodology is approved by the County Executive Officer prior to issuance of building permits. Permittee shall require its general construction contractor to use commercially reasonable best efforts to cause its subcontractors and vendors to obtain similar sub-permits for the jobsite and to allocate all eligible sales and use tax payment to Imperial County and LTA.
 - b) Permittee shall direct use taxes on out-of-County taxable purchased construction related items to Imperial County, to the extent permitted and consistent with state use tax law.
 - c) Permittee shall use its best efforts, consistent with state law, to source taxable purchases from price competition construction retail vendors within the County of Imperial in order to further source sales to County.
 - d) The Permittee shall exclude from assessment and taxation under California Revenue and Taxation Code Section 73 (AB 1451) only that property qualifying as an Active Solar Energy System, pursuant to the applicable guidelines issued by the Board of Equalization.
2. The Permittee shall widely publicize to County residents the availability of job opportunities associated with the project (whether or not those job opportunities are within Imperial County or are regional). Since the majority of the population residents in the incorporated Cities of the County, dissemination of the information 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

1 start date for each, and application process. In order to maintain oversight of the
2 process, the application process can be completed both on a dedicated website
3 and at dedicated computers at the County which would afford those without
4 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.

5 3. During the development phase of the project, the Permittee shall provide a roster of
6 employees to include their position and place of residence. Permittee shall also
7 attempt to coordinate a ride-share program with Caltrans and other regional
8 employers to facilitate the employment of Imperial County residents in jobs related
to this project.

9 4. Unless prohibited by local, state or federal law or regulation, Permittee shall make
10 good faith efforts to hire qualified residents of the Imperial County with the
11 objective that a majority of the total work force is comprised of the Imperial County
residents.

12 5. The Permittee shall install and implement security measures which may include,
13 but not limited to, secured perimeter fencing with barbed wire, sensors, with
14 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.

15 6. Permittee shall compensate the County pursuant to the Department of
16 Environmental Health Fee Schedule for any costs of calls related to bees and
mosquitoes.

17 7. The Permittee shall reimburse the Sheriff's Department for any investigations
18 regarding theft on the Project site and related law enforcement.

19 8. All construction supervisors and foremen shall be provided with communication
20 devices, cell phones or walkie-talkies, in the event of an emergency situation on-
site.

21 9. For operation and maintenance fees associated with Fire Department/OES:

22 a. Permittee shall pay a fee of \$50 per acre per year prior to commencement of
23 the construction period to address the Imperial County Fire/OES expenses
24 for service calls within the Project's Utility/Transmission area. Said amount
25 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.

26 b. Permittee shall pay an annual fee of \$20 per acre per year during the post-
27 construction, operational phase of the Project to address the Imperial County
28 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.

- c. 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 Vehicle (ATV) for the Fire Department. The ATV is estimated to cost between \$320,000.00 and \$365,000.00. Final cost, conditions and equipment of the ATV 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 ATV. The Permittee shall be reimbursed only for those expenses in excess of their proportionate share for the purchase of the ATV that the Permittee would have been required to pay. Furthermore, if an ATV 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 ATV. The County shall be responsible for managing the reimbursement component of this condition of approval.

S-11 COMMENCEMENT OF WORK:

1. Permittee shall commence construction of the permitted activities or provide substantial evidence of substantial progress within 120 months from the effective date of this permit, i.e. recordation date.

S-12 CONSTRUCTION STANDARDS

1. The solar energy facility structures shall be built in accordance with the California Building Code requirements applicable to "Seismic Category D". All structures and facilities shall be designed in accordance with the publication entitled "Recommended Lateral Force Requirements and Commentary by the Structural Engineers Association of California". The structural components of the permitted facilities shall be 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.

S-13 EMERGENCY RESPONSE/ACTION PLAN:

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

- 1 2. The Emergency Response/Action Plan shall cover all possible emergencies, e.g.
2 major fluid spills, earthquakes, fires, floods or other emergencies. At all times,
3 there shall be at least one employee either on the facility premises or on-call (i.e.,
4 available to respond to an emergency by reaching the facility within a short period
5 of time) with the responsibility of coordinating all emergency response measures.
6 This Emergency Coordinator shall be thoroughly familiar with all aspects of the
7 solar facility's Emergency Response/Action Plan, all operations and activities at the
8 facility, location of all records within the facility and the facilities layout. This person
9 shall have the authority to commit the resources needed to carry out the
10 contingency plan. Adequate personnel and equipment shall be available to respond
11 to emergencies and to insure compliance with the conditions of the permit.
- 12 3. The Emergency Response/Action Plan shall be prepared in consultation with, but
13 not be limited to, the Imperial County Fire Protection/Office of Emergency Services,
14 County Environmental Health Services/Health Department, County
15 Sheriff/Coroner's office, County Public Works Department, Planning and
16 Development Services Department, and other appropriate state and county
17 agencies. The plan shall include a notification list of response agencies which shall
18 be notified immediately upon the discovery of a reportable unauthorized discharge
19 and the list shall include: Imperial Fire Protection/Office of Emergency Services,
20 Planning and Development Services Department, County Environmental Health
21 Services/Health Department, County Department of Public Works (DPW),
22 California Highway Patrol, as applicable.
- 23 4. All employees shall be trained by classroom and hands-on training on safety
24 procedures, maintenance programs and emergency response protocols to ensure
25 safety and reliability in the event of an unforeseen emergency situation.
- 26 5. The Permittee shall provide adequate safety devices against the hazard of fire and
27 explosion for activities that involve the use and storage of flammable, explosive or
28 highly corrosive or reactive materials as well as provide adequate fire-fighting and
fire suppression equipment and using devices standard within the industry in
compliance with all applicable state and local laws as determined by the Fire Chief,
Office of Emergency Services.
6. The Permittee shall implement all State and County-approved worker safety and
fire protection plans and programs.
7. Any gates on-site shall have a "knock" lock and be rapidly accessible by the Imperial
Fire Protection/Office of Emergency Services.
8. 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.
9. 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.

10. 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 County Planning and Development Services Department.

S-14 LAND USE IMPROVEMENTS

1. 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.
2. 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 State Highway 78 to any constructed operation and maintenance buildings.
3. Prior to any grading permit issuance, the Imperial County Building Official and or Planning and Development Services Director shall review and approve of the Floodplain Development Permit" for Lot 1 (APN 018-170-044-000) within any area of special flooding hazards or areas of mudslides (i.e. mudflow) established in Section 91603.01 of the Imperial County Land Use Ordinance.

S-15 NOISE STANDARDS:

1. 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.
2. 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.
3. 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.
4. Haul trucks and other engine-powered equipment shall be muffled and operated with engine exhaust brake use limited to emergencies.

S-16 ODOR CONTROL.

1. 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 Land Use Ordinance, Division 13, Enforcement, Chapter 2, Abatement of Nuisances, Sections 91302.00 through 91301.02.

S-17 PLAN APPROVALS:

1. Permittee shall submit to the 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 Land Use Ordinance requirements.

S-18 PROJECT DESIGN:

1. All facility access and parking areas shall be constructed to the standards of the Land Use Ordinance.
2. All permitted activities shall provide for the minimum feasible surface land disturbance for compatibility with the existing uses wherever possible.
3. 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.
4. 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).
5. 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.
6. Obtain encroachment permits for any construction or operation on IID existing right of way or easements.

S-19 REPORTING AND MONITORING:

1. The Permittee shall furnish to the County, within a reasonable time, any relevant reports/information which the County requires for monitoring purposes to determine whether cause exists for revoking this permit, or to determine compliance with this permit. The Permittee shall submit all required reports to the Planning Director, County Planning and Development Services Department, 801 Main Street, El Centro, CA 92243.
2. Permittee and Imperial County Development Services Department Director shall agree upon a third party environmental consultant for overseeing all the required

mitigation, conditional use permit conditions and public benefit agreement requirements during the construction of project.

3. Permittee shall pay for this third party environmental consultant monitoring and compliance through a memorandum of understanding (MOU) between the County of Imperial, the Developer and the third party consultant. This environmental consultant shall oversee and manage the entire team of specialists needed for the environmental compliance of project, i.e. biologist, cultural experts, burrowing owls monitoring, etc.

4. The Planning and Development Services Department, in consultation with the third party Environmental Consultant and the County Executive Office, will require that all mitigation measures be satisfied, all mitigation monitoring and Reporting Program requirements have been satisfied, all Conditions of Approval in the Conditional Use Permit are in full compliance and all conditions of the Development Agreement have been satisfied before the Final Certificate of Occupancy Certificate is issued.

5. During the operation of solar facility, an Annual Compliance Report shall be submitted to the Planning & Development Services Department, documenting the implementation of the conditions and general measures as well as any resource-specific measures.

6. The Permittee shall reimburse the Imperial County Planning & Development Services Department for 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.

7. Permittee shall pay for all costs as required to comply with the Conditions of Approval, and shall implement all required mitigation measures as indicated in the 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.

S-20 SPILLS AND RUNOFF:

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

S-21 SOLAR FACILITIES CLOSURE AND SITE RESTORATION:

1. Permittee shall implement the site restoration plan as outlined within the plan when the operation of the permitted facilities herein authorized has ceased, all facilities shall be dismantled, and the lands involved restored to their pre-construction condition and available for agricultural production uses as agreed to by the County

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

- 7 2. The above financial calculations/bond shall be reviewed every five (5) years in
8 December and adjusted on January 1st to add a CPI (Los Angeles) increase by the
9 Planning and Development Services Director. This readjustment can be made in
the County's sole discretion if approved by both the County and the Permittee.

10 **S-22 PUBLIC WORKS**

- 11 1. The Permittee shall furnish a Drainage and Grading Plan/Study to provide for
12 property grading and drainage control, which shall also include prevention of
13 sedimentation of damage to off-site properties. The Study/Plan shall be submitted
14 to the Department of Public Works for review and approval. The Permittee must
15 also provide an engineering estimate for the offsite improvements to be reviewed
16 and approved by this department. A security bond shall be required for the offsite
improvements prior to the issuance of the encroachment permit. The Permittee
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).

- 17 2. A Transportation Permit shall be required from road agency(s) having jurisdiction
18 over the haul route(s) for any hauls of heavy equipment and large vehicles which
impose greater than legal loads on riding surfaces, including bridges.

- 19 3. Permittee shall comply with the engineering standards for the construction and or
20 improvements needed on existing private road ways for each of the proposed eight
21 (8) lots 1 thru 8 and lots B thru D on the proposed Tentative Tract Map 988. Lot A is
a utility corridor.

- 22 4. A traffic control plan or construction impact study may be required by the developer
23 for approval by Caltrans prior to construction for any access to SR-78. Please
24 reference Caltrans comment letter dated September 25, 2013 for more detail and
provide proof that this condition has been satisfied.

- 25 5. All proposed utility poles must be installed outside the clear recovery area.1

- 26 6. All work performed with Caltrans Right of Way will require an encroachment
27 permit.2

28
1 Department of Transportation letter dated June 2, 2014

S-23 WASTE DISPOSAL

1. The Permittee shall insure that all solar plant facilities waste, liquid, gas or solid, which are generated on-site shall be disposed of in compliance with appropriate local, state, and federal regulations, in effect or as subsequently duly-enacted. All solid waste debris and/or any 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.
2. Littering shall not be allowed. Project personnel shall not deposit or leave any food or waste in the Project area, and no biodegradable or non-biodegradable debris shall remain in the right-of-way or on the Project site following completion of construction.

S-24 CALTRANS

1. An encroachment permit shall be required for any work performed within Caltrans right-of-way. If required, any traffic control will need to be addressed as part of Caltrans permit approval. Stoppage of traffic for placement of aerial lines, installation or removal of overhead 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).
2. Any work performed within Caltrans right-of-way must provide an approved final environmental document including the California Environmental Quality Act (CEQA) determination addressing any environmental impacts within the Caltrans right-of-way and any corresponding technical studies, if required. If these materials are not 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.

S-25 ACCEPTANCE:

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

The rest of this page is intentionally left blank.

[Type here]

1
2 **NOW THEREFORE**, County hereby issues the Conditional Use Permit #13-0011,
3 and Permittee hereby accepts such permit upon the terms and conditions set forth herein.


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

6
7 **PERMITTEE - [SOLANA ENERGY FARMS I LLC]**

8
9 
10 _____
11 **ZIAD ALAYWAN, PERMITTEE**
12 **[SOLANA ENERGY FARMS I LLC]**

_____ **March 31, 2017**
Date

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

14
15 
16 _____
17 **JAMES A. MINNICK,**
18 **Planning & Development Services**
19 **Department Director**

_____ **4-12-17**
Date

20
21
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EEC ORIGINAL PACKAGE

[Type here]

PERMITTEE NOTARIZATION

**See Attached Notary
Acknowledgment Certificate**

Dated _____

STATE OF CALIFORNIA

COUNTY OF _____ } S.S.

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

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

WITNESS my hand and official seal

Signature _____

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 _____

EEC ORIGINAL PACKAGE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

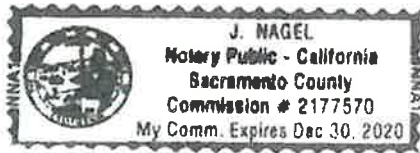
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
 County of Sacramento
 On March 31, 2017 before me, J. Nagel, Notary Public
 Date Here Insert Name and Title of the Officer
 personally appeared Ziad Alaywan
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.



Signature [Signature]
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Conditional Use Permit 13-0011
 Document Date: No date Number of Pages: 29
 Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name: Ziad Alaywan
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☒ Other: Permittee
 Signer Is Representing: Solar Energy Farms, LLC

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — ☐ Limited ☐ General
 Individual ☐ Attorney in Fact
 Trustee ☐ Guardian or Conservator
 Other: _____
 Signer Is Representing: _____

COUNTY NOTARIZATION

A notary public or other officer completing this certificate verified only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

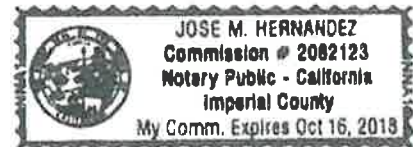
COUNTY OF IMPERIAL } S.S.

On 04/11/2017 before me,
JOSE M. HERNANDEZ a Notary Public in and for
said County and State, personally appeared
JAMES ALVIN MANNICIC, who proved to me on the
basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed
the instrument.

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

WITNESS my hand and official seal

Signature Jose M Hernandez



Indulgent attachment of this certificate to unauthorized document.

Title or Type of Document CUP 13-0011
Number of Pages 32 Date of Document 04/11/2017
Signer(s) Other Than Named Above 21AD RAYCAN

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