

**ATTACHMENT 2**  
**CONDITIONS OF APPROVAL**

CONDITIONAL USE PERMIT  
LAND USE DEVELOPMENT CODE, CHAPTER 35  
**CASE NO. 10CUP-00000-00008**

**Cuyama Solar Project Conditional Use Permit**

- A. A Conditional Use Permit is Hereby Granted:

TO: Cuyama Solar, LLC.

APN's: 149-150-029, -149-150, 030, 149-150-031, 149-150-032, 149-140-076, 149-150-039, 149-140-041, 149-330-001, and 149-010-049

PROJECT ADDRESS: 596 Kirchenmann Road, Cuyama,

ZONE: AG-II-100 and AG-II-40

AREA/SUPERVISORIAL DISTRICT: First

FOR: Cuyama Solar Project

- B. This permit is subject to compliance with the following condition(s):

**1. Proj Des-01**

This Conditional Use Permit is based upon and limited to compliance with the project description, the Board of Supervisor's hearing exhibits marked A-N, dated X, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations.

**The project description is as follows:**

**Description of Solar Facility**

The Solar Facility will involve construction of an approximate 40-MW solar PV power-generating facility. The following describes the facilities, construction, operations and maintenance, and demolition and reclamation plan. The Solar Facility consists of three main components, the Solar Array, the Gen Tie-Line and Switchyard. The PG&E Cuyama Substation Additions are separate because they are not under the County's jurisdiction.

**Solar Array**

The Solar Array component will consist of thin-film PV modules that convert sunlight directly into low-voltage direct current. During the PV module manufacturing process, the semiconductor material, composed primarily of the stable compound cadmium telluride (CdTe), is bonded to a sheet of glass using a proprietary Vapor Transport Deposition process.

The use of an industrial laminate material and a second sheet of glass sequesters the semiconductor material between two sheets of glass, thereby encapsulating the semiconductor material. The PV effect (the process of converting light to electricity) allows electrons to flow through the material to produce electricity. The Solar Array will consist of approximately 600,000 PV modules.

The 2-foot-by-4-foot PV modules are mounted on 60-foot long steel and aluminum support structures in a horizontal tracking device that follows the sun. The mounted modules will be arranged in north/south rows and powered by a direct current drive motor to track the east/west path of the sun on a single axis throughout the day. The tracking structures will be supported by vertical posts that will be driven up to 10 feet into the ground. The highest point for a horizontal tracker occurs during the early morning and evening hours; at the maximum angle, the height above the grade is approximately 13 feet. When horizontal, the trackers are approximately 5 feet above grade.

Rows of mounted PV modules combined together create one system called a solar array. Each solar array is approximately 7 acres, and the Solar Array site will have approximately 34 solar arrays arranged in a grid pattern. Direct current output from the PV modules in each array will be routed to a Power Conversion Shelter (PCS), one of which is located at each array. Each PCS will be mounted on a concrete pad, covering approximately 420 sf, with a maximum height of 11 feet. Each PCS will contain two direct current to alternating current inverters and one step-up transformer with an output voltage of 34.5 kV. Each PCS will be equipped with communication equipment to control operation of the tracker units and detect anomalous conditions wirelessly. The PCS will also be equipped with emergency backup power to rotate the tracker units to their stowed position in the event of high winds and a loss of the primary 70-kV electrical connection between the Solar Array and the electrical grid. The emergency backup power system will be battery powered.

It is anticipated that each array will be capable of producing approximately 1.26 MW of electricity. The number of arrays to be constructed on the Solar Array site will account for collection and transmission losses, thereby allowing the Solar Array to deliver a net 40 MW at the point of interconnection. The Applicant states that it is continuously evaluating possible ways to improve upon the array design and the Solar Array's layout to achieve greater environmental and economic benefits. Therefore, it is possible that the PV arrays could be configured in larger array configurations within the same Solar Array footprint and with similar components.

The 34.5-kV output from multiple step-up transformers will be supplied to two PV combining switchgears (PVCSs) via a network of underground cables. The PVCS are approximately 33 feet long, 12 feet wide, and 11 feet high; one will be located within the Solar Array site on the northern boundary, west of Kirschenmann Road, and the other will be located within the Solar Array site on the northern boundary, east of Kirschenmann Road.

The 34.5-kV output from the PVCS will travel along aboveground lines to the Solar Array's onsite substation's transmission pole. The aboveground 34.5-kV lines will be installed on approximately 25 wooden poles, up to 45 feet tall.

The proposed Solar Array on-site substation will consist of transformers, switchgear, a static mast with a maximum height of 70 feet, a dead-end structure with a maximum height of 65-feet, and related equipment. The substation will occupy an area of approximately 38,700 sf; approximately 2,260 sf of this area will be impervious. Aside from the static mast and dead-end structure, the average height of the equipment in the substation will range between 20 and 25 feet. The substation will transform the 34.5-kV output to 70 kV for export to the local transmission system via the proposed Gen Tie-Line. The perimeter of the onsite substation will have an approximately 6-foot tall fence made of 2-inch chain link, with three strands of barbed wire running along the top. Located west outside the onsite substation will be a 90-foot telecommunications pole supporting one microwave dish up to three feet in diameter. Gated access into the substation will be provided at three locations.

At each corner of the Solar Array site, two anemometer towers (for a total of eight) up to 20 feet in height will be installed to monitor wind speed and communicate with the PCS in each array. The perimeter of the Solar Array property and construction area will be fenced. The fence will be 2-inch chain link, approximately 6 feet tall, with three strands of barbed wire along the top. The fence will be set back 30 feet from the property lines and will have a 6-inch clearance between the fence's bottom tension cable and the ground, allowing movement of small mammals, such as the San Joaquin kit fox, across the Solar Array site. A 20-foot wide dirt access road will be located within the fenced area and along the perimeter of the Solar Array site. Between each of the arrays, compacted dirt access roads 20 to 22 feet in width will run the length of the Solar Array site and connect with the perimeter dirt access road. Access to the Solar Array site will be through two locked gates installed along Kirschenmann Road. Identification signs for speed limits and safety will be posted along the perimeter roads.

### **Gen Tie-Line**

The first approximately 1.5 miles of the Gen Tie-Line will be constructed from the Solar Array site along the east side of Kirschenmann Road to the intersection at Washington Street. The Gen Tie-Line poles will be a maximum of approximately 70 to 100 feet in height with the span between poles ranging from approximately 300 to 500 feet and made of galvanized steel or wood.

The Gen Tie-Line will then run approximately 1.5 miles west to the Cuyama Substation, along Washington Street, paralleling the existing PG&E line. The PG&E line travels on the south side of Washington Street for approximately 0.25 mile then crosses to the north side of Washington Street. The first approximately half mile (six poles) of the Project Gen Tie-Line

will be on the south side of Washington Street, south of the existing PG&E transmission line before the line will transition to the north side by crossing Washington Street and crossing under the existing PG&E line. (To accommodate the Project Gen Tie-Line, PG&E will install four to five 120-foot tall poles on its existing PG&E line on either side of this crossing location.) The Project Gen Tie-Line will then continue the remaining one mile west to the Cuyama substation on the north side of the existing PG&E line. The Gen Tie-Line will terminate on the north side of PG&E's Cuyama Substation at the proposed Switchyard. An easement approximately 80 feet in width (40 feet on each side of the poles) will be secured along the Gen Tie-Line route to provide for construction and maintenance of the Gen Tie-Line. The easement does not preclude farming operations, except for a 10-foot radius around each pole.

### **Switchyard**

An approximate 19,600-sf Switchyard will be constructed on the north side of the existing 20,275-sf PG&E Cuyama Substation. The Switchyard and Substation will be separated by 80 feet, creating an approximate 11,200-sf area between the two facilities. The Switchyard will contain approximately 625 sf of impervious area. Components within the Switchyard will include approximately two poles with a maximum height of 70 feet, one approximately 400-sf circuit breaker (with a maximum height of 20 feet), and three metering units (with a maximum height of 20 feet), a 225-sf control and metering room (with a maximum height of 11 feet), and one 90-foot tall telecommunications pole on a 26-sf foundation pad. The telecommunication pole will support up to four microwave dishes, each dish approximately 3 feet in diameter and all spaced within 10 feet at the top of the pole. A ground grid up to 1,600 sf in area will be installed approximately two feet below the surface of the Switchyard.

### **Construction**

Construction activities associated with the Solar Facility will require up to 14 consecutive months. Construction of the Solar Facility, including Gen Tie-Line with Switchyard and additions to the PG&E Cuyama Substation will include site preparation, equipment installation, testing, and site cleanup work. Table 1 identifies the construction equipment anticipated to be used in each phase of construction of the Solar Array site and Table 2 identifies construction equipment anticipated to be used in construction of the Gen Tie-Line and Switchyard and additions to the PG&E Cuyama Substation. Additionally, truck deliveries to the site will include a maximum of 728 trips to deliver the PV material (approximate distance of 158 miles from the Port of Long Beach to the Project site), a maximum of 888 trips to deliver the aggregate base for the access roads (if necessary), a maximum of 13 trips to deliver the substation materials, and a maximum of 50 truck trips to deliver the Gen Tie-Line materials.

### **Solar Array Grading and Site Preparation**

Site preparation will be required for land areas where arrays and related infrastructure will be installed, driveways, temporary construction staging areas, and stormwater management improvements. The Solar Array site will be prepared using conventional grading techniques and, where possible, disk-and-roll micro-grading techniques to minimize ground disturbance.

The main logistics area during construction will be located in the north-central portion of the Solar Array site, west of Kirschenmann Road on approximately two acres. Two temporary construction field offices, four double-wide temporary subcontractors' trailers, one temporary construction guard house, 300 parking spaces, trash and recycling bins, and space for loading and unloading trucks will be set up to facilitate site preparation and construction of the solar arrays and associated infrastructure. Preparation work will include grading for the temporary trailers and parking area at the main logistics area.

Conventional grading will be performed throughout the Solar Array site to smooth the grade, as well as provide safe working conditions, and ensure that structural tolerances are met. Onsite detention basins will be excavated, as will areas where fill dirt will be placed to facilitate proper site drainage. Conventional grading will result in a balanced amount of cut and fill. Typically, this requires the use of larger equipment to excavate, transport, place, and recompact the soil. Scrapers, paddlewheels, haul vehicles, and graders may be used during this process.

Grading quantities are estimated at 155,000 cubic yards (cy) of cut and 124,000 cy of fill, which assumes 20% shrinkage of the cut material (approximately 31,000 cy). Import and export of soil is not anticipated. The site will be graded for no more than a 3% slope in all directions. The maximum north-south slope is a function of energy loss due to shading from upslope trackers. If the 2.35% grading limitation is exceeded, shading of PV modules will occur, and PV module output is extremely sensitive to shading.

In addition, the maximum north-south slope is a function of safe construction installation and safe operation maintenance/repair procedures. If the maximum slopes were to be exceeded, it will compromise the safe installation practices employed by the Applicant, especially with respect to maximum module lift height.

Water for construction activities will be provided by nearby wells owned by Bolthouse Properties, LLC, reclaimed water trucked in from the Cuyama Community Services District, or water imported via truck from a local source. Standard dust-control measures will be implemented in accordance with the standards of the Santa Barbara County Air Pollution Control District. Water will be used to wet the Solar Array site during grading activities and will keep dust levels within required limits. Water demand during the construction phase is estimated to be 125 acre-feet.

**Table 1. Solar Array Construction Equipment**

Quantity	Type	Hours of Daily Operation*
<b>Grading and Site Preparation</b>		
2	Grader	8
2	Roller	8
2	Tractor/loader/backhoe	8
4	Water truck	8
2	Rubber-tired loader	8
2	Rubber-tired dozer	8
2	Excavator	8
2	Scraper	4
<b>Trenching (Underground Work)</b>		
1	Generator sets	8
2	Off-highway trucks	8
1	Rollers	8
5	Tractor/loaders/backhoes	8
2	Trenchers	8
1	Auger/drill rigs	8
2	Water trucks	8
2	Excavators	8
<b>Solar Array's Onsite Substation Construction</b>		
1	Auger/drill rig	8
2	Tractor/loader/backhoe	8
1	Crane	8
1	Forklift	8
1	Aerial lift	8
1	Excavator	8
6	Off-highway trucks	8
2	Other equipment	8
1	Water truck	8
<b>Solar Array Installation</b>		
12	Forklifts	8
2	Generator sets	8
4	Truck/Track Mounted Post Driver	8
6	Other equipment	8
2	Excavators	8
1	Crane	8
2	Water trucks	8
3	Loader/backhoes	8
Quantity	Type	Hours of Daily

Quantity	Type	Hours of Daily Operation*
		Operation*
<b>Facility Testing</b>		
3	Pickup trucks	8
3	Generator sets	8
<b>Clean-Up/Restoration</b>		
2	Backhoes	8
* Based on worst-case assumptions to provide conservative estimates. See the "Construction Workers and Hours" section below.		

**Table 2. Gen Tie-Line, Switchyard and PG&E Cuyama Substation Construction Equipment**

Quantity	Type	Hours of Daily Operation*
1	Grader	8
1	Roller	8
1	Backhoe	8
2	Crane	8
1	Crawler tractor	8
1	Truck mount digger	8
1	Generator	8
1	Tension machine	8
1	Mechanics truck	8
1	Concrete truck	8
1	Dump truck	8
2	Flatbed truck	8
3	Pickup truck	8
1	Water truck	8
2	Wire puller truck	8
Based on worst-case assumptions to provide conservative estimates. See the "Construction Workers and Hours" section above.		

Construction water will be stored in a temporary pond located on the Solar Array site and adjacent to the existing irrigation reservoir during construction. The temporary pond will be approximately 1 acre in size and approximately 8 feet deep (i.e., 4 feet into the ground and surrounded by a 4-foot-high berm). No fill or stockpiling will be required. The pond will be lined with plastic and fenced. Once construction activities have been completed the temporary pond will be drained, the plastic lining removed, and the pond filled back in.

Where possible, the Solar Facility will employ disk-and-roll grading. The intent of the disk-and-roll technique is not to change the macro-level topography and existing drainage patterns but to contour the land consistent with the existing topography. The disk-and-roll approach uses conventional farming equipment. First, rubber-tired farming tractors with disking equipment will disk the top few inches of soil and existing vegetation. As with conventional grading, a water truck will remain close by to moisten the soil and minimize dust. The tractor may have to make several passes to disk the surface fully and meet the engineering requirements for construction.

After disking, the resulting elevations will be surveyed and evaluated by an engineer. In areas where localized undulation does not meet engineering construction standards, micrograding will be required. Micrograding (limited conventional grading) will require GPS-guided (or equivalent) grading equipment to displace the soil in high areas and then spread it to fill in low areas. This may include a box scraper pulled behind a tractor or conventional grading equipment. The micrograding technique to be employed will not significantly change existing site drainage.

Finally, a smooth drum roller and/or other land-leveling equipment may be used to even the surface and compact the top few inches of soil to the value recommended for structural support by the geotechnical engineer. Private perimeter and PCS access roads may be compacted to support emergency and construction vehicles.

Grading and trenching will also be required for the Solar Array components, the substation, and the placement of underground electrical and communications lines. Approximately 31,500 cubic yards of grading will be required for Solar Array support structures, such as the substation pad and retention basins. Additionally, approximately 10,500 cubic yards of grading would be required for construction of the substation. Approximately 65,000 linear feet of trenching at a depth of 3 feet will occur over the Solar Array site. Trenching may require the use of trenchers, backhoes, excavators, haul vehicles, compaction equipment, and water trucks. Removed soil from trenching (approximately 10,500 cy) will be placed back in the trenches. Large rocks and organic material will be removed.

After site preparation, pads for structures, equipment enclosures, and equipment vaults will be prepared according to the recommendations of the geotechnical engineer. Organic matter will be removed, and cut or fill work will be performed to meet the recommended geotechnical engineer specifications.

The Solar Array's onsite substation will require a relatively flat graded surface for proper operation. The interior will be covered with an aggregate surface for safe operation. Transmission poles will require drilling for foundations. Removed soil will be spread across the Solar Array site or placed near the transmission poles.



The Solar Array will result in a minor amount of temporary impervious surface during the construction period over the approximate 327-acre Solar Array site. The temporary construction staging and phasing area will result in approximately 9,072 sf of temporary impervious surfaces, which is approximately 0.06% of the Solar Facility site (or less than 1 acre).

The Solar Array preliminary grading and drainage plans are designed to limit increases to existing runoff rates and volumes. Compaction of the Solar Array site will occur during grading and construction. Relative compaction of 85% is proposed for the array site and 90% or higher for access roads.

A Stormwater Pollution Prevention Plan (SWPPP) that incorporates best management practices (BMPs) for runoff and erosion control will be prepared and approved prior to the start of construction. Erosion control during construction may include the use of silt fencing, straw bales, temporary catch basins, and/or inlet filters. Muck shakers, or a similar device, for truck tires may be installed to reduce the adverse effects of erosion and sedimentation. Stabilized construction entrances/exits that reduce the amount of soil carried by vehicle and equipment tires will be used to reduce sediment tracking onto adjacent public roadways.

The Solar Facility's SWPPP will also address issues related to managing typical construction pollutants and hazardous materials that may be generated or used during construction (e.g., fuel for construction equipment). Pursuant to state and County requirements, the SWPPP will be provided for County review and approval prior to the issuance of County grading and building permits for the Solar Facility. The SWPPP will be implemented by a Qualified SWPPP Practitioner (QSP) during all phases of construction. Additionally, the Solar Facility will comply with the requirements of the California Construction General Permit (Order 2009-0009-DWQ).

### **Solar Array Construction and Installation**

Construction of the Solar Array will include the installation of support beams, module rail assemblies, PV modules, anemometer towers, inverters, transformers, and buried electrical cables. PV arrays consist of rows of steel racking, supported by vertical steel posts, spaced approximately 10 feet apart and driven into the ground up to 10 feet below grade. A truck/tracker-mounted post driver is a mechanical device used to drive steel posts into the soil to provide support to the tracker structure. The use of hydraulics rapidly applies many blows per minute to the posts, resulting in a vertical vibration to the posts. The PV modules will then be mounted on an angle to the steel racking.

Approximately 400 cy of pre-cast concrete and 450 cy of poured concrete will be required for electrical equipment pads as well as the substation transformer pad and secondary containment. Poured concrete will be purchased from a local supplier and transported to the site by truck. The PCS and associated skid-mounted transformers will have a precast concrete

base. The two proposed Conex storage containers will not require concrete pads. The Conex storage containers will be used to store spare parts, maintenance kits, first aid kits, and other equipment and materials customarily provided on site.

The total square footage of the proposed permanent structures (not including the solar modules) is approximately 18,700 sf (i.e., approximately 34 PCS enclosures at 420 sf each, eight anemometer tower footings at 20 sf each, two PVCS foundations at 450 sf each, two Conex storage containers at 320 sf each, transformer foundation at 1,620 sf, one approximately 520 sf relay room, and one approximately 130-sf PG&E meter room), one approximately 370-sf Site Control Center (SCC) Building, and one telecommunication pole pad at approximately 30 sf.

An Integrated Weed Management Plan (IWMP) will be prepared by the Applicant for County approval. The plan will be implemented during facility installation and will continue to be implemented throughout the life of the Solar Facility. The IWMP will help protect the surrounding agricultural crops and operations from the introduction of noxious weeds. The Applicant will use Santa Barbara County approved herbicides or mechanical weed removal methods, depending on which is most appropriate for the suppression or eradication of the weed species and their locations. The IWMP will describe when herbicides will be used, factors that will prohibit use of herbicides (such as high wind), and the specific type of herbicides proposed.

The Applicant states that it will follow all Federal Occupational Safety and Health Administration (OSHA) and California OSHA (CalOSHA) requirements in its construction and operating activities. A safety and compliance director will be assigned to the Proposed Project to ensure that safety is given high priority. A site-specific Health and Safety Plan will be developed, identifying the roles and responsibilities of every employee with respect to safety on the Proposed Project.

During construction of the Solar Array, any modules that are damaged, broken or found to be defective for any reason will be returned to First Solar's manufacturing facility in Ohio for recycling consistent with California (i.e., retrograde material) and Federal requirements where they will be recycled into new modules or for use in the other new products.

### **Gen Tie-Line and Switchyard Site Preparation/Construction**

Construction, including site preparation, of the Gen Tie-Line and Switchyard is expected to last approximately 3 of the total 14 months of the Solar Facility construction schedule. All construction related activities occurring on public rights of way will be performed in a manner that will interfere as little as possible with the operations of other utilities, the convenience of the public, and will not create dangerous conditions. It is anticipated that the electrical service to utility customers may be interrupted when the line is being connected to the Cuyama Substation.

Construction staging for the Gen Tie-Line and Switchyard will be located within the designated laydown area on the Solar Array site. Temporary laydown may occur adjacent to the pole locations and in the space between the Switchyard and the existing PG&E substation.

Site Preparation for the Gen-tie line requires an area of approximately 100 feet by 70 feet around the base of each pole for temporary construction activities, including temporary laydown and pulling of the cable onto the structures. At corner pole locations where the Gen Tie-Line turns in direction, an additional pulling area is required, extending approximately 100 feet beyond the base of pole and the width of 70 feet.

Pole footings will be drilled, poles placed, and the soil backfilled and compacted. Approximately 2.7 cy of soil will be removed for each pole (final geotechnical investigations will determine exact requirements). The soil will be spread on the ground near each transmission pole location.

In some occurrences, such as at the corner or dead end poles, concrete foundations may be required. Raising of each pole will take approximately one to two days, and material installation and conductor stringing will follow. The total impervious surface for the poles will be approximately 160 sf.

If buried fiber is required for communications, optical cable will be buried at a minimum depth of 30 inches but will not exceed a depth of 5 feet, and will follow the same path as the approximately three mile Gen Tie-Line route. The trench will be designed to conform to County grading ordinance exemption standards. The trench will be dug approximately 1 foot wide but no greater than 2 feet. All soil will be returned to the trench and compacted.

The Switchyard will be constructed approximately 80 feet from the north edge of the existing PG&E Cuyama Substation and occupy an area of approximately 19,600 sf. The Switchyard pad area will involve leveling and compaction of the existing grade for installation of a gravel pad. The depth of the gravel pad (aggregate base) will be determined upon final geotechnical engineering. Grading quantities for the Switchyard pad are estimated at 1,500 cy of balanced cut and fill, and 800 cy of imported aggregate base. The Switchyard will have approximately 630 sf of impervious area for foundations for the circuit breaker, metering units, control and metering room, and telecommunication pole.

Any water required for the construction of the Gen-tie line and Switchyard will be acquired from the same source as the Solar Array site (provided by nearby wells owned by Bolthouse Properties, LLC; reclaimed water trucked in from the Cuyama Community Services District; or water imported via truck from a local source), and will be stored in a temporary pond located on the Solar Array site and adjacent to the existing irrigation reservoir during construction.

### **Hazardous Materials Handling**

Most construction waste is expected to be nonhazardous, consisting primarily of cardboard, wooden pallets, copper wire, scrap steel, common trash, and wooden wire spools. The Applicant estimates 254 tons of construction waste going to Taft landfill via 26 10-ton dump trucks. First Solar PV modules are a commercial product and not a “hazardous material” subject to California or federal hazardous material management regulations. The semiconductor layer in First Solar’s cadmium telluride (CdTe) PV modules is in the environmentally stable form of a compound rather than the leachable form of a metal. The module design results in the encapsulation of the semiconductor material between two sheets of glass thereby preventing the exposure of CdTe to the environment. During construction of the Solar Array any modules that are damaged/broken or found to be defective for any reason will be returned to First Solar’s manufacturing facility for recycling consistent with California (i.e., retrograde material) and Federal requirements where they will be recycled into new modules or for use in other new products.

Limited quantities of hazardous materials will be stored or used on site. These include hydraulic fluids, diesel fuel, motor oil, grease, lubricants, solvents, adhesives, paints, mineral oil for transformers, and other petroleum-based products used in construction vehicles. Appropriate spill containment and cleanup kits will be kept onsite in the Conex storage containers during construction.

### **Construction Workers and Hours**

The anticipated maximum number of onsite employees during construction will be approximately 360 workers. Construction workers will consist of laborers, electricians, supervisory personnel, support personnel, and management personnel. Daily construction trips are expected to peak at 837 daily trips. Construction work will generally occur during daylight hours of 7 a.m. to 6 p.m. Monday through Friday, and 7 a.m. to 5 p.m., during the winter months when daylight is reduced (November 1<sup>st</sup> through March 1<sup>st</sup>). However, non-daylight work hours or work on Saturdays and holidays may be necessary to make up schedule deficiencies or complete critical construction activities safely. For safety reasons, certain construction tasks, including final electrical terminations, must be performed after dark when no energy is being produced. If unforeseen circumstances arise during other phases of construction that will prevent the Solar Facility from meeting its schedule requirements, extended construction hours could also be applied during those situations. The Applicant estimates that no more than 15% of work will occur outside the standard construction hours. Construction work proposed outside the standard construction hours will begin at 6 a.m. and end at 10 p.m. Condition SPEC NOI-1 (Construction Hours) details the restrictions on construction hours more specifically and will take precedence over the construction hours described in this Condition (Proj Des-01).

During the construction phase, there will be a 24-hour guard present on site. In addition, the Solar Facility will be under continual surveillance by the supervising construction staff.

### **Operation and Maintenance**

Once placed into service, the Solar Array will be operated and monitored remotely but with regular onsite personnel visits for security, maintenance, and system monitoring. This may include visits by up to five (5) personnel/technicians on a daily basis (Monday through Friday) during normal business hours to conduct routine preventative maintenance, such as equipment inspection and replacement. However, no onsite operations and maintenance building is proposed. Because the Solar Array will produce electricity passively, maintenance requirements will be minimal. Required planned maintenance will be scheduled to avoid periods with peak loads, and unplanned maintenance will typically be responded to as needed depending on the event. Routine maintenance and replacement will occur primarily during daylight hours (approximately 75% of the work), although maintenance activities during non-daylight hours will be necessary to complete critical maintenance activities (approximately 25% of the work). For the safety of the workers, nighttime maintenance during non-generation hours will be conducted for specific pieces of electrical equipment. The Applicant states that work on the arrays will need to be done during non-daylight hours. The non-daylight hours will occur 2 to 6 hours after sunset to de-energize, repair, and re-energize the equipment. Preventive maintenance kits and certain critical spares will be stored on site in the Conex storage containers, while all other components will be readily available from an offsite warehouse facility. Portable toilets on trailers will be located near the Conex structures. The trailer may be deployed to maintenance locations, when necessary.

During Solar Array operations, routine rinsing of the PV modules is anticipated to occur up to two times per year. Rinsing would occur during the winter months to the extent feasible. The water for rinsing the modules will be treated for this purpose (i.e., distilled or similar) and therefore will need to be trucked to the site. Other than the rinsing of the modules, the Solar Facility will not use any water during the operational phase. No vegetative landscaping is proposed with the Solar Facility.

The Gen Tie-Line with Switchyard operation and maintenance will be similar to the operations and maintenance practices for other electric lines within the region. Operations and maintenance activities for the Gen Tie-Line with Switchyard will include annual visual inspections by the Applicant to ensure that the system is in good condition and will not create hazards. Routine fire management and safety practices will include maintaining a minimum 10-foot radial clearance of flammable fuels (vegetation) around the base of each pole structure during fire season, as required under Public Resources Code, Section 4292; a minimum 15-foot clearance between vegetation and wire conductors is required for safety and to minimize tree-related outages. In addition, the maintenance program will also include

removing dead, rotten, or diseased trees or vegetation that hang over or lean toward the system, creating a falling hazard.

### **Lighting**

Permanent nighttime lighting will be installed for security and maintenance purposes for the Solar Facility and Switchyard. All lighting during the operational phase will be controlled or reduced using fully shielded, down-directed, area-specific lighting and/or reduced lumen intensity, with the exception of aviation warning lights on the telecommunications poles at the Solar Array substation, Switchyard, and PG&E Cuyama Substation. Lighting will be present at the main Solar Array access road entrance, PCS enclosures, Conex storage containers, and onsite substation. Temporary portable service lighting will be used occasionally in other portions of the solar array for operations and maintenance activities.

Each PCS Shelter will have a hooded motion sensor light above the door to allow access after hours, if needed. The two Conex storage containers will be lit by pole-mounted, hooded, and shielded downward lighting, up to 20 feet in height.

At the onsite substation and at the Switchyard, service lighting will be provided by floodlights and will be controlled by a manual switch when the substation is attended (for periodic maintenance). One exterior light attached to the control enclosure will remain on during nighttime hours and will be shielded. Floodlighting will be directly aimed and fully shielded to minimize light spillage outside the substation.

Temporary portable service lighting will be provided by floodlights. Floodlighting will be directly aimed to minimize glare and light, fully shielded to prevent light spillage outside the Project fenced area, and turned off after completion of the work. The Applicant states that low pressure sodium or amber light-emitting diode (LED) lighting will be used wherever feasible for floodlights. Metal halide lighting will only be used when necessitated by specific work tasks, will be less than 4500 Kelvin color temperature, and will not be used for dusk-to-dawn lighting.

### **Fire Control**

The Solar Facility area generally consists of agricultural uses and is not located in a Very High Fire Hazard Severity Zone, as delineated by the California Department of Forestry and Fire Protection (CalFire). However, the County designates the Solar Facility area as a "High Fire Hazard Area" subject to compliance with development regulations. All development within fire hazard areas is subject to CUP regulations and review by the County Fire Prevention Officer. Potential fire hazards occurring on the Solar Facility site include but are not limited to an increase in ignition sources, personnel who smoke cigarettes, and vehicle exhaust systems. The Solar Facility will have a fire prevention plan approved by the County Fire Department per applicable County regulations. Additionally, as discussed above, an

Integrated Weed Management Plan (IWMP) will be prepared for the Solar Facility for the purposes of fire protection. The IWMP will incorporate guidelines and conditions from the County Fire Department to address the removal or maintenance of natural vegetation on the property and under the solar modules for fire protection. The County Fire Department requires that grasses, weeds, and other vegetation at the Solar Facility site be maintained at heights that are ideally no taller than 4 inches.

### **Solid and Nonhazardous Waste**

The Solar Facility will generate approximately 4 cy of solid wastes a month during operation. Nonhazardous facility wastes may include broken and rusted metal, electrical materials, empty containers, and other miscellaneous solid wastes, including the typical refuse generated by workers. Recyclable materials will be recycled and other waste will be disposed of at a nearby landfill.

### **Hazardous Materials**

Limited quantities of hazardous materials will be stored or used on site. These will include hydraulic fluids, diesel fuel, motor oil, grease, lubricants, solvents, adhesives, paints, mineral oil for transformers, and other petroleum-based products used in vehicles.

### **Franchise Agreement**

The portion of the Gen Tie-Line within the County road right of way (ROW) along Kirschenmann Road requires County Board of Supervisors approval of a franchise agreement. The franchise agreement, similar to a lease, will identify the terms between the County and the franchisee (describe infrastructure, and installation and maintenance of infrastructure and the amount the franchisee will pay to use the ROW). Franchise agreements are typically required for private facilities within County ROW.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

### **Solar Facility Demolition and Reclamation**

The anticipated life of the Solar Facility is 30 years. At the end of its useful life, the Solar Facility could be repowered by replacing its solar panels, renovated, or otherwise upgraded. The facility may also be decommissioned and removed. The decision to repower or decommission will depend on the energy economics at the time, technological options, and other considerations.

At the end of the Solar Facility's life, the Applicant will be required to submit a detailed demolition and reclamation plan that is appropriate at the time of decommissioning and

removal. All structures and equipment at the site will be dismantled and removed, and the land will be restored to agricultural uses or be consistent with current land use plans, policies, and zoning requirements in place at that time. Suitable reclamation will be determined by environmental review and consistency with land use and other guiding standards in place at the time.

The Applicant has submitted the following demolition and reclamation plan, which is representative of the procedures that will occur during facility decommissioning, consistent with the current agricultural land use designation:

- Removal of solar PV panel structures and associated aboveground equipment.
- Removal of overhead poles and aboveground electricity lines on site within the Solar Facility area.
- Removal of fencing material, gates, posts, and concrete foundations.
- Removal of onsite substation, if Applicant-owned (if a public or private utility assumes ownership of the substation during Solar Facility operation, the substation may remain onsite to be used as part of the utility service to supply other applications).
- Decompaction of the general site and excavation of backfilled areas to restore site for use in agriculture. No major grading or amending of the soil is proposed.
- Removal and decompaction of roads, unless the future landowner determines that some of the roads will be beneficial for future use of the site.
- Removal of buried equipment to an appropriate depth below grade to not inhibit agricultural uses or uses onsite that are consistent with current land use plans, policies, and zoning requirements in place at that time.

The PV module manufacturer offers CdTe module collection and recycling services. Since 2005, First Solar, the PV module manufacturer, has operated the first global and comprehensive module collection and recycling program in the PV industry.

As stated above, the County will require a more detailed demolition and reclamation plan at the time of decommissioning. As such, the impacts of demolition and reclamation are not addressed in EIR case no. 11EIR-00000-00005 because it is too speculative to project what might occur 30 years or more in the future, given regulatory requirements and the existing conditions in the Project area. The appropriate level of CEQA analysis will be required at the time of demolition and reclamation. The environmental impacts that will occur will depend on the specific action taken, but likely will include temporary impacts to air quality, noise, and transportation. The potential impacts, as well as possible changes in baseline environmental setting, will be subject to new environmental review and permitting.



### **Telecommunication Facilities**

The Solar Facility will require primary and secondary forms of communication to provide Project site data, protection, and metering information to PG&E's offsite monitoring facilities. The primary form of communication will be optical fiber (optical ground-wire) that will run concentric with the ground wire strung on the Gen Tie-Line poles. A secondary form of communication, which will provide for communications to PG&E's networked telecommunication facilities and the Project site, would be buried fiber. The buried fiber will utilize optical cable buried at a minimum depth of approximately 30 inches but will not exceed a depth of 5 feet, and will follow the same path as the Gen Tie-Line route. An existing local service carrier will provide Internet service to the Solar Array by extension of their existing telecommunication facilities. The Solar Array's 8 anemometer towers, which monitor wind speed and communicate with the tracker units, do not transmit offsite but do qualify as commercial telecommunications facilities.

### **Solar Facility Applicant-Proposed Environmental Commitments**

Many of the Applicant-Proposed Environmental Commitments are similar to Conditions of Approval. Please note that the Conditions of Approval are more specific and take precedence over the Applicant-Proposed Environmental Commitments.

#### *Aesthetics/Visual*

**A-AV-1:** All proposed nighttime construction lighting shall be shielded and confined within site boundaries. Light spill-off will not be permitted onto adjacent properties or create a public nuisance. All such light fixtures will be noted on Project grading plans prior to approval by the County.

**A-AV-2:** Operational exterior lighting shall be for specific safety purposes only and will be hooded/shielded to minimize the spread of light off-site and to minimize impacts to the rural nighttime character. All such light fixtures will be noted on Project plans prior to approval by the County.

#### *Air Quality and Greenhouse Gas Emissions*

**A-GHG-1: GHG Emission-Reduction Measures.** The following measures shall be implemented during construction to minimize GHG emissions:

- Identify park-and-ride facilities in the Project vicinity and encourage construction workers to carpool to the job staging area to the extent feasible. The ability to develop an effective carpool program for the Proposed Project will depend upon the proximity of carpool facilities to the staging area, the geographical commute departure points of construction workers, and the extent to which carpooling will not adversely affect worker arrival time and the Project's construction schedule.

- Minimize unnecessary construction vehicle idling time. The ability to limit construction vehicle idling time is dependent upon the sequence of construction activities and when and where vehicles are needed or staged. Certain vehicles, such as large diesel-powered vehicles, have extended warm-up times following startup that limit their availability for use following startup. Where such diesel powered vehicles are required for repetitive construction tasks, these vehicles may require more idling time. The project will apply a “common sense” approach to vehicle use, so that idling is reduced as far as possible below the maximum of five (5) consecutive minutes required by California law; if a vehicle is not required for use immediately or continuously for construction activities, its engine will be shut off. Construction foremen will include briefings to crews on vehicle use as part of preconstruction conferences. Those briefings will include discussion of a “common sense” approach to vehicle use.
- Minimize welding and cutting by using compression of mechanical applications where practical and within standards.
- Encourage use of natural gas-powered vehicles for passenger cars and light duty trucks where feasible and available.
- Encourage the recycling of construction waste where feasible.

### ***Biological Resources***

**A-BIO-1: Permeable Wildlife Fencing.** Perimeter fencing shall be wildlife-permeable (permeable to San Joaquin kit fox and smaller mammals) during operations to allow free movement of wildlife species across the Project site. This stipulation shall be included in grading/fencing plans, as approved by the County of Santa Barbara Planning and Development Department.

**A-BIO-2. Avian Protection.** Space all overhead power line conductors to minimize potential for raptor electrocution using the latest Avian Power Line Interaction Committee (APLIC) (2006) guidelines for line spacing. Construction and work procedures shall also be consistent with the APLIC guidelines “Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006.” ([http://www.aplic.org/suggested\\_practices2006\(LR\).pdf](http://www.aplic.org/suggested_practices2006(LR).pdf)). Any raptor fatalities shall be reported to the County and additional protective measures identified and implemented in coordination with the County.

**A-BIO-3. Avian and Bat Monitoring Plan.** Upon completion of Project construction an Avian and Bat Monitoring Plan shall be implemented. The Avian and Bat Monitoring Plan shall identify, at a minimum, protocols for data collection, documentation, and reporting to the County; protocols to assess searcher efficiency and carcass removal; protocols to address injured birds and bats on site; and identification of minimum credentials of monitoring personnel and/or appropriate training. The Avian and Bat Monitoring Plan shall be subject to

review and approval of the County's biologist prior to zoning clearance. At a minimum, the Plan shall also include funding for a trained individual to conduct fatality surveys among the solar panel arrays on a monthly basis for a minimum of one year and to perform associated data recordation and report preparation. A 'trained individual' means a qualified biologist, or personnel who have had practical training in carcass search techniques from a qualified biologist. Searches shall be performed systematically to provide a statistically sound estimate of avian and/or bat fatality. If collision fatalities are determined to be an issue by County biologists in comparison to objective measures such as fatality rates at similar PV solar facilities or at suitable reference sites, fatality monitoring consistent with the Avian and Bat Monitoring Plan shall continue for another two years.

### ***Cultural Resources***

**A-CR-1: Archaeological Monitoring.** The applicant shall fund and arrange for a qualified archaeologist and an approved Native American monitor to be present during brush clearing, grubbing, grading, trenching, drilling, and other ground disturbances within the Project area that have the potential of encountering buried cultural resources.

**A-CR-2: Unanticipated Archaeological Resources Discovery.** If archaeological resources are discovered during earth-moving activities, all ground disturbance within 50 feet of the find (or as deemed appropriate by the monitoring archaeologist) shall cease until a qualified archaeologist and Native American are retained by the applicant to consult with the County and evaluate the significance of the resource consistent with the County Archaeological Guidelines for Phase 2 investigations. If the resource is determined to be significant, the archaeologist shall prepare and implement at the applicant's expense a Phase 3 mitigation program consistent with the County Archaeological Guidelines.

**A-CR-3: Archaeological Preconstruction Conference.** Prior to construction, all construction personnel shall be informed that in the event cultural resources are discovered, the archaeological monitor has the authority to re-direct construction until a qualified archaeologist assesses the significance of the find and implements appropriate mitigation measures (e.g., avoidance or data recovery). Construction personnel shall also be informed that unauthorized collection of cultural resources is prohibited.

**A-CR-4: Unanticipated Discovery of Human Remains.** In the unlikely event human remains are encountered, construction in the area of the finding shall cease and the Santa Barbara County Coroner shall be contacted to determine the origin of the remains. In the event the remains are Native American in origin, the Native American Heritage Commission shall be contacted to determine necessary procedures for protection and preservation of the remains, including reburial, as provided in the CEQA Guidelines, Section 15064.5(e), "CEQA and Archaeological Resources," CEQA Technical Advisory Series, and consistent

with the applicable sections of the California Health and Safety Code (Sections 7050.5 et seq.).

***Hazards and Hazardous Materials***

**A-HAZ-1:** Buildings on the property shall be constructed of Type IA Construction. Permanent buildings shall be unmanned and shall not have combustibles such as furniture or paper supplies.

**A-HAZ-2:** To limit the magnitude of potential transformer fires, the PCS transformers shall use FM Global-approved “Less Flammable” insulating oil. The use of this insulating oil would reduce a transformer fire event to involvement of just the transformer windings and insulation or, in the worst case, the limited heat release rate oil. Additionally, the transformer separation shall meet or exceed that required by FM Global standards.

**A-HAZ-3:** The facility shall be secured with fencing and provided with security measures to prevent access by unauthorized persons, thus lowering the probability of ignition by arson or other malicious means. Additionally, the property shall have a minimum of approximately 90 feet of defensible space between the property line and the nearest solar panels. The perimeter between the fence and the panels shall be treated to prevent weeds or vegetation from growing and causing a possible risk for wildland fire exposure.

**A-HAZ-4:** Medical emergencies, although rare due to the facilities’ unoccupied nature, can occur. Fire department access for such medical emergencies shall be provided by access roads around the perimeter and through the site. Fire department access roads shall be provided within 150 feet of all buildings and transformers, have an unobstructed clear width of 20 feet, be designed and maintained to support a 20-ton vehicle, and have a minimum curve radius of not less than 35 feet (measured to the centerline of the road). There shall be no dead end fire department access roads. Access gates shall have clear openings of at least 15 feet and shall be of the sliding or swinging type. Entry gates shall be setback a minimum of 30 feet from the nearest curb line of any public or private street.

**A-HAZ-5:** Any transformers to be removed or relocated during grading/construction activities shall be evaluated under the purview of the local utility purveyor in order to confirm or deny the presence of polychlorinated biphenyls (PCBs). In the event that PCBs are identified, the local utility purveyor shall identify proper handling procedures regarding potential PCBs.

**A-HAZ-6:** If unknown wastes or suspect materials are discovered by the permittee or its contractor during grading/construction activities, which he/she believes may involve hazardous waste/materials, the contractor shall take the following actions.

- Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area.
- Notify the County P&D's Compliance Planner.
- Secure the areas as directed by the County's project engineer.
- Notify the Santa Barbara County Fire Department's Hazardous Waste/Materials Coordinator.

### *Hydrology/Water Quality*

**A-HWQ-1: Implement Post-Development BMPs.** The Applicant shall implement post-development BMPs (e.g., small water quality treatment basins or an equivalent BMP) to minimize hydromodification impacts. The potential BMPs outlined in Section 5.0 of the Flood Hazards Assessment and Water Quality Technical Study for the Cuyama Solar Array Project prepared by RBF Consulting (November 17, 2011), shall be considered for implementation. Although small water quality treatment basins are the proposed long-term mitigation feature for the Proposed Project, other treatment BMPs could be used in conjunction with, or in lieu of, small water quality treatment basins.

### *Noise*

**A-NOI-1: Implement noise-reducing features and practices for construction noise.** Prior to work commencing, the Applicant shall employ and clearly specify in its contractors' specification the following noise-suppression techniques to minimize the impact of temporary noise associated with construction activities:

- Trucks and other engine-powered equipment shall be equipped with noise reduction features, such as mufflers and engine shrouds, that are no less effective than those originally installed by the manufacturer.
- Trucks and other engine-powered equipment shall be operated in accordance with posted speed limits and limited engine idling requirements.
- Truck engine exhaust brake use shall be limited to emergencies.
- Back-up beepers for all construction equipment and vehicles shall be adjusted to the lowest noise levels possible, provided that Occupational Safety and Health Administration (OSHA) and Cal OSHA's safety requirements are not violated. These settings shall be retained for the duration of construction activities.
- Vehicle horns shall be used only when absolutely necessary, as specified in the contractor's specifications.

- Radios and other “personal equipment” shall be kept at low volume.

**A-NOI-2: Provide advance notice of construction.** The Applicant shall provide advance notice of the start of construction grading and Solar Array construction (post driving) between 2 and 4 weeks prior to construction activities to all owners and occupants of residences located within 1 mile of the Project boundary, and the principal of the Cuyama Elementary School, as well as posting signs that denote site contacts and agency contact information at the Project site in areas accessible to the public. The announcement shall provide a point of contact for any noise complaints. The Applicant shall provide to the County of Santa Barbara Planning and Development within 48 hours of any complaints received a report that documents the complaints and the strategy for resolution of any noise complaints, which may include limiting the hours of construction in the particular location of concern, putting up temporary noise barriers, or otherwise implementing means to reduce and resolve to the extent feasible the issue brought forth. The County’s Environmental Monitor shall verify implementation of agreed upon strategy.

### ***Traffic***

**A-CIRC-1: Traffic.** Flaggers will be used when construction vehicles ingress/egress State Route 166 and when lane closures are required.

## **2. Proj Des-2 Project Conformity**

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

## **MITIGATION MEASURES FROM 11EIR-00000-00005:**

### **3. SPEC-AG-1. Preservation of Off-Site Agricultural Land**

Prior to issuance of zoning clearance, the applicant shall provide written evidence of completion of one or more of the following measures, within Santa Barbara County, to mitigate the loss of agricultural land (includes State defined Prime Farmland and Farmland of Statewide Importance) at a ratio of 1:1 for net acreage before conversion. Net acreage is to be calculated by excluding existing roads and areas already developed with structures. A plot plan shall be submitted substantiating the net acreage calculation along with written evidence of compliance.

- Funding and purchase of agricultural conservation easements (will be managed and maintained by an appropriate entity);
- Purchase of credits from an established agricultural farmland mitigation bank;
- Contribution of agricultural land or equivalent funding to an organization that provides for the preservation of farmland; or
- Participation in any agricultural land mitigation program that provides equal or more effective mitigation than the measures listed above.

Mitigation includes lands of equal or higher agricultural quality that meets the definition of Prime Farmland or Farmland of Statewide Importance established by the State Department of Conservation. Completion of the selected measure(s) can be on qualifying land within the Cuyama Valley Rural Region or outside the region (but within Santa Barbara County) with written evidence that the same or equivalent crops can be produced on the mitigation land.

**TIMING:** The Owner/Applicant shall provide written evidence of completion of one or more mitigation measures to P&D for review and approval prior to issuance of zoning clearance.

**MONITORING:** P&D processing planner shall verify that written evidence conforms with the mitigation measure.

### **4. SPEC-AG-2. Demolition and Reclamation Plan**

The Project owner/operator shall submit a Demolition and Reclamation Plan to allow the use of the land to return to agricultural uses or be consistent with current land use plans, policies, and zoning requirements in place at the time.

**TIMING:** The Owner/Applicant shall submit the Demolition and Reclamation Plan to P&D for review and approval prior to issuance of zoning clearance.

**MONITORING:** P&D staff shall perform site inspections throughout demolition and reclamation activities to ensure implementation and compliance of the approved Demolition and Reclamation Plan.

### **5. SPEC-AG-3. Financial Assurance for Demolition and Reclamation.**

The Owner/Applicant shall submit to the Director:

- a. An itemized cost estimate for removal of all structures and equipment and reclamation of the project site and an estimate from a qualified party of the reclamation value of the solar facility infrastructure. The bases for all estimates shall be identified and documented. The estimates shall be revised and updated and resubmitted to P&D every five years.
- b. The Project owner/operator shall submit to the P&D a financial assurance mechanism acceptable to P&D for the cost of removal of structures and equipment and reclamation of the project site. The amount of the assurance shall be based on the itemized cost estimate. The financial security shall be in place for the life of the Project. P&D will release the security upon successful completion of structure and equipment removal and site reclamation, as determined by P&D.

**TIMING:** The financial assurance for demolition and reclamation shall be submitted to P&D for review and approval prior to issuance of zoning clearance. The permittee shall update and resubmit the financial assurance amount to P&D every five years.

**MONITORING:** P&D staff shall monitor successful completion of structure and equipment removal and site reclamation. County shall release financial assurance upon determination that all structures and equipment have been removed and the site reclaimed pursuant to the approved Demolition and Reclamation Plan.

### **6. Standard Mitigation Measure AG-05. Buyer Notification.**

The Owner/Applicant shall record a buyer notification on a separate information sheet that reads as follows: “IMPORTANT: BUYER NOTIFICATION: This property is located adjacent to property zoned for agriculture and is located in an area that has been planned for agricultural uses. The Board of Supervisors has determined that it is in the public interest to preserve agricultural land and operations within the County of Santa Barbara and specifically to protect these lands for exclusive agricultural use. Any inconvenience or discomfort from properly conducted agricultural operations, including noise, odors, dust, and chemicals will not be deemed a nuisance per Section 3-23, Article V, Chapter 3 of the County Code.”

**TIMING:** The Owner/Applicant shall record a buyer notification prior to zoning clearance.

**MONITORING:** P&D processing planner shall verify that the notification conforms to permit condition requirements.

### **7. Standard Mitigation Measure Air-01: Dust Control.**

The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:

- a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.



- b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
- c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
- d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
- e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
- f. Order increased watering as necessary to prevent transport of dust off- site.
- g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.
- h. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately:
  - i. Seed and water to re-vegetate graded areas; and/or
  - ii. Spread soil binders; and/or
  - iii. Employ any other method(s) deemed appropriate by P&D or APCD.

**PLAN REQUIREMENTS:** These dust control requirements shall be noted on all grading and building plans.

**PRE-CONSTRUCTION REQUIREMENTS:** The contractor or builder shall provide P&D monitoring staff and APCD with the name and contact information for an assigned onsite dust control monitor(s) who shall have the responsibility to:

- a. Assure all dust control requirements are complied with including those covering weekends and holidays.
- b. Order increased watering as necessary to prevent transport of dust offsite.
- c. Attend the pre-construction meeting.

**TIMING:** The dust monitor shall be designated prior to issuance of grading permit. The dust control components apply from the beginning of any grading or construction throughout all development activities until Final Building Inspection Clearance is issued.

**MONITORING:** P&D processing planner shall ensure measures are on plans. P&D grading and building inspectors shall spot check; Grading and Building Department shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

## **8. SPEC-AV-1: Aesthetic Design Treatments**

The exterior of the inverter boxes and the exterior of structures, lighting fixtures and poles, above ground transmission lines and poles/ towers will be factory treated with a non-specular dull finish or using standard environmental coloring to minimize contrast with the existing landscape to the extent feasible. Written proof of infeasibility shall be provided to NBAR and subject to NBAR approval.

All galvanized surfaces shall be treated to minimize reflective properties using poly bonded vinyl coating, powder coating, or special non-specular dulling treatment. Surfaces shall include, but not limited to fences, PV panel support structures, brackets and pins to the extent feasible.

**PLAN REQUIREMENTS:** The Owner/Applicant shall prepare an Aesthetic Design Treatment Plan, including sample materials and paint/treatment palettes, and submit that Plan to the North County Board of Architectural Review (NBAR) and P&D staff for review and approval.

**TIMING:** The Owner/Applicant shall submit the Aesthetic Design Treatment Plan to P&D staff and NBAR for review and approval prior to issuance of zoning clearance.

**MONITORING:** P&D staff shall ensure the plan is implemented prior to issuance of occupancy permits.

## **9. SPEC-AV-2: Low Intensity Lighting**

All construction and operational lighting shall include use of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject lot and prevent spill-over onto adjacent lots. The minimum number of aviation warning lights required shall be implemented and strobe timing shall be the longest FAA permissible duration between flashes, as feasible.

**PLAN REQUIREMENTS:** The Owner/Applicant shall prepare a lighting plan depicting the low-intensity lighting specifications noted above.

**TIMING:** The lighting plan shall be submitted to P&D staff for review and approval prior to issuance of zoning clearance.

**MONITORING:** P&D staff shall confirm implementation of the low-intensity lighting plan prior to issuance of occupancy permits.

## **10. SPEC-AV-3: Minimize Glare**

Solar panels and hardware shall be designed to minimize glare and spectral highlighting to the extent feasible.

**PLAN REQUIREMENTS:** This site plan shall include the specifications above.

**TIMING:** The Owner/Applicant shall submit site plans shall to P&D staff for review and approval prior to issuance of zoning clearance.

**MONITORING:** P&D staff shall confirm implementation of approved solar equipment prior to issuance of occupancy permits.

#### **11. SPEC-BIO-1: Fencing for Animal Passage.**

During project operations the minimum distance from ground level to any fence's first rung shall be 3.5 to 6 inches to allow free movement of wildlife species across the project site (including San Joaquin kit fox and smaller animals) as long as fencing exists on the property.

**PLAN REQUIREMENTS:** The condition shall be noted on any plans including fencing and shall be graphically depicted in fencing detail on plans.

**TIMING:** The Owner/Applicant shall record a buyer notification that repeats the condition requirements above prior to issuance of zoning clearance.

**MONITORING:** A P&D biologist shall review plans and confirm adequate space for wildlife passage. The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that all Perimeter Fencing Requirements are in place as required.

#### **12. SPEC-BIO-2. Conduct Nesting Bird Surveys.**

If seasonal avoidance of nesting birds is not feasible and construction activities are scheduled to occur during the nesting season, a qualified biologist shall conduct a preconstruction survey of the Solar Facility site and the area within 100 feet of the project site, including denuded areas. A qualified biologist shall also conduct periodic surveys of the project site after the start of construction to ensure that no birds have begun nesting. If breeding ground-nesting birds are found within the survey area, an appropriate buffer around the nest shall be identified by the qualified biologist in order to ensure compliance with Fish and Game Code Sections 3503 and 3513, and no new activities would be allowed within the buffer until the young have fledged from the nest, as determined by the qualified biologist, or the nest fails for reasons unrelated to the Solar Facility.

**PLAN REQUIREMENTS:** The Owner/Applicant shall retain a qualified biologist to conduct nesting surveys prior to the start of construction. This condition shall be included on grading plans, and the results of the survey shall be submitted to P&D prior to initiation of grading activities. The name and contact information for the qualified biologist shall be provided to P&D prior to the survey.

**TIMING:** The surveys shall be conducted no sooner than 5 working days prior to the start of construction. P&D shall be notified prior to the survey of the proposed survey date. The nesting bird surveys shall be submitted to the P&D staff for review and approval prior to the initiation of grading activities.

**MONITORING:** P&D shall review the results of the survey prior to initiation of grading activities, and P&D staff shall confirm compliance in the field prior to initiation of grading activities.

**13. SPEC-BIO-3. Prevent the Attraction of California Condor to the Project Facility.**

The Owner/Applicant and/or their agents, representatives or contractors shall train workers on (1) what is microtrash; and (2) how to collect microtrash and waste from the Solar Facility site. In addition, to prevent condors from being attracted to the solar arrays after development, the Owner/Applicant and/or their agents shall remove animal carcasses (should they occur) from the project site within 48 hours.

**PLAN REQUIREMENTS:** Owner/Applicant shall prepare a worker education/training plan for all workers and contractors who will work at the site. The training plan shall include the above measures.

**TIMING:** The training plan shall be submitted to P&D staff for review and approval prior to issuance of zoning clearance.

**MONITORING:** P&D staff shall spot check in the field throughout the construction phase and operation of the project.

**14. SPEC-BIO-4. Compliance with Most Current Avian Power Line Interaction Committee Guidelines for Overhead Power Line Spacing, Construction, and Work Procedures.**

The proposed Gen Tie-Line shall space all overhead power line conductors to minimize potential for raptor electrocution using the most current Avian Power Line Interaction Committee (APLIC) guidelines for line spacing. Line spacing shall accommodate protection of the California Condor and shall be a minimum of 83 inches. Power Line Markers shall be required on the Gen Tie-Line. Construction and work procedures shall also be consistent with the most current applicable APLIC guidelines. Any raptor fatalities shall be reported in writing to P&D within 30 days and additional protective measures identified and implemented in coordination with the P&D.

**PLAN REQUIREMENTS:** The condition shall be noted on and incorporated on any plans including the Gen Tie-Line and be graphically depicted in Gen Tie-Line detail on plans.

**TIMING:** The Owner/Applicant shall record a buyer notification that repeats the condition requirements above prior to issuance of zoning clearance.

**MONITORING:** The Owner/Applicant shall demonstrate to P&D staff prior to construction that Gen Tie-Line design and construction work procedures are consistent with all APLIC guidelines, as required.

**15. SPEC-GEO-1: Implement Geotechnical Design Recommendations.**

Owner/Applicant shall submit drainage and grading plans that provide appropriate foundation grading and design, appropriate removal and backfill of soil, sufficient drainage facilities, safe trenching and excavation methods, and adequate over excavation and compaction of the soil to minimize seismic or other soil stability concerns that could expose people or structures to geologic hazards. The plans shall be designed in conformance with CPUC General Order 95, which provides Rules for Overhead Electric Line Construction.

**TIMING:** Owner/Applicant shall include the performance criteria above in the project design and submit to Building & Safety Division staff for review and approval prior to issuance of grading permits.

**MONITORING:** Building & Safety Division staff will review the documentation prior to issuance of grading permits. Grading and building inspectors will ensure compliance throughout the construction phase.

#### **16. SPEC-HAZ-1: Prepare for Unknown Hazard Contingencies.**

If unknown wastes or suspect materials are discovered by the contractor during grading/construction activities, which are believed to involve hazardous waste/materials, the contractor will take the following steps.

- Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area.
- Notify P&D staff.
- Secure the areas as directed by P&D staff.
- Notify the Santa Barbara County Fire Department's Hazardous Waste/Materials Coordinator.

**PLAN REQUIREMENTS:** Owner/Applicant shall state the provisions for unknown hazard contingencies on all grading plans.

**TIMING:** Grading plans identifying unknown hazard contingencies shall be submitted to P&D for review and approval prior to issuance of zoning clearance. The contingency measures shall be implemented during all construction activities involving earth disturbance.

**MONITORING:** P&D staff shall monitor compliance of this mitigation measure throughout the construction phase.

#### **17. SPEC-NOI-1: Construction Hours.**

The Owner/Applicant, including all contractors and subcontractors, shall limit noise generating construction activity (those activities exceeding 65 dBA ( $L_{eq}$  10-min) at residences, including associated outside activity areas) within 1,600 feet of sensitive receptors, including equipment maintenance and site preparation, to the hours between 8:00

a.m. and 5:00 p.m., Monday through Friday. No noise generating construction activities shall occur on weekends or State holidays within 1,600 feet of sensitive receptors. Noise generating construction activities located farther than 1,600 feet from sensitive receptors shall be limited to Monday through Friday, 7 a.m. to 6 p.m., from March 2 through October 31 and Monday through Friday, 7 a.m. to 5 p.m., from November 1 through March 1. Noise generating construction activity farther than 1,600 feet from sensitive receptors may be conducted on Saturdays, State holidays and during extended hours of 6 a.m. to 10 p.m. under the special circumstances described in Sec. 2.5.2.2 (Project Description, Construction Workers and Hours) of the Final Environmental Impact Report, subject to the restriction that noise generating construction outside the normal workdays and hours shall not exceed 15% of total construction hours for the project. Non-noise generating construction activities such as interior plumbing, electrical, drywall, painting, module installation and dust control activities are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.

**PLAN REQUIREMENTS:** The Owner/Applicant shall provide and post signs stating these restrictions at construction site entries. The 1,600 foot limit shall be printed on approved grading and building plans.

**TIMING:** The Owner/Applicant shall provide grading and building plans indicating the 1,600 foot limit to P&D staff for review and approval prior to issuance of zoning clearance. Signs shall be posted prior to commencement of construction and maintained throughout construction.

**MONITORING:** The Owner/Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors and P&D permit compliance staff shall confirm compliance in the field and respond to complaints.

#### **18. SPEC NOI-2: Noise Reduction – Construction at the Solar Array Site.**

The Owner/Applicant shall install temporary noise barriers such as noise attenuating shields, shrouds, or portable barriers or enclosures around the construction areas and loud equipment to mitigate noise impacts to occupied residences. The Applicant, in conjunction with a qualified acoustical consultant, shall develop a Noise Reduction Plan for the Solar Array site acceptable to P&D to ensure that construction noise does not exceed 65 dBA ( $L_{eq}$  10-min) at residences, including associated outside activity areas, located within 1,600 feet of the eastern and southeastern boundaries of the Solar Array. The plan shall specify the type, location, and length of noise barriers, and the scheduling of placement of barriers in relation

to the construction schedule, and shall include a construction noise monitoring program. The barriers shall be of sufficient height and length to effectively reduce the noise from loud equipment, including post-drivers. The Owner/Applicant shall demonstrate to P&D that the barriers are in place prior to the commencement of construction activities within 1,600 feet of residences. To verify that the 65 dBA standard is met, the Owner/Applicant shall retain a qualified acoustical consultant to monitor noise during construction conducted within 1,600 feet of residences. Measurements shall be taken at the previous monitoring locations N-1 and N-2, as shown on Figure 3.10-1 in the Final Environmental Impact Report. If noise levels are found to exceed 65 dBA, the Owner/Applicant and contractors shall stop work immediately, notify P&D, and implement additional acoustical shielding measures. The Applicant shall demonstrate that the additional measures are adequate and shall obtain P&D approval before resuming work.

**PLAN REQUIREMENTS:** The Owner/Applicant shall submit the Noise Reduction Plan for the Solar Array site to P&D. The 1,600-foot noise mitigation zone shall be clearly shown on all approved grading and building plans. The plans shall describe the noise barriers and show their dimensions and location.

**TIMING:** The Owner/Applicant shall submit the Noise Reduction Plan to P&D staff for review and approval prior to issuance of zoning clearance. Noise barriers shall be installed prior to commencement of construction activities within 1,600 feet of residences and remain in the designated location during construction activities within the 1,600-foot zone.

**MONITORING:** The Owner/Applicant shall demonstrate that the acoustic shielding is in place prior to commencement of construction activities within 1,600 feet of residences. The Owner/Applicant shall inform P&D immediately if measured noise levels at N-1 or N-2 exceed 65 dBA. P&D staff shall perform site inspections throughout the construction phase to ensure compliance.

### **19. SPEC-NOI-3: Implement Noise-Reducing Features and Practices.**

Prior to commencing work, the Owner/Applicant shall employ and clearly specify in its contractors' specifications the following noise-suppression techniques to minimize the impact of temporary noise associated with construction activities:

- Trucks and other engine-powered equipment shall be equipped with noise-reduction features, such as mufflers and engine shrouds, which are no less effective than those originally installed by the manufacturer.
- Trucks and other engine-powered equipment shall be operated in accordance with posted speed limits and engine idling shall be limited.
- The use of truck engine exhaust brakes shall be limited to emergencies.

- Back-up beepers for construction equipment and vehicles shall be adjusted to the lowest noise levels possible, provided that OSHA and Cal/OSHA safety requirements are not violated. These settings shall be retained for the duration of construction activities.
- Vehicle horns shall be used only when absolutely necessary, as specified in the contractors' specifications.

**PLAN REQUIREMENTS:** The Owner/Applicant shall print these measures on building and grading plans and shall explain them to workers at a pre-construction meeting and thereafter as needed to ensure compliance.

**TIMING:** The Owner/Applicant shall submit building and grading plans indicating noise reducing features and practices to P&D for review and approval prior to issuance of zoning clearance. The Owner/Applicant shall demonstrate to P&D staff that these measures have been implemented prior to the start of grading. The measures shall remain in effect throughout construction activities.

**MONITORING:** P&D compliance staff shall perform site inspections throughout the construction phase to ensure compliance.

**20. SPEC-NOI-4: Provide Advance Notice of Construction.** The Owner/Applicant shall provide advance notice for each phase of construction. Notice shall be provided to all owners and occupants of residences located within 1 mile of the project boundary as well as the principal of Cuyama Elementary School at least two weeks prior to construction activities. In addition, signs shall be posted at the project sites in areas that are accessible and visible to the public and along the Gen Tie-Line route. These announcements shall briefly describe planned construction activities, anticipated road closures, detours or delays, and permitted construction hours. The announcements shall provide a point of contact for any noise complaints. Within 24 hours of any complaint, the Owner/Applicant shall provide the County of Santa Barbara Planning and Development with a report that documents the complaint and a strategy for resolution, which may include limiting the hours of construction at a particular location, putting up temporary noise barriers, or implementing other means to resolve the issue, to the satisfaction of P&D staff.

**PLAN REQUIREMENTS:** The Owner/Applicant shall submit copies of the announcements, schedules and mailing list to P&D.

**TIMING:** Copies of the announcements, schedules and mailing list shall be submitted to P&D for review 10 days prior to initiation of any grading or construction activities.

**MONITORING:** P&D staff shall perform periodic site inspections to verify compliance with activity schedules and to verify implementation of complaint resolution measures throughout construction phase.



## **21. SPEC-NOI-5: Equipment Shielding – Construction.**

Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded with appropriate acoustic shielding to P&D's satisfaction or shall be located at a minimum of 200 feet from occupied residences.

**PLAN REQUIREMENTS:** The Owner/Applicant shall designate the equipment area with appropriate acoustic shielding on building and grading plans.

**TIMING:** Equipment and shielding shall be installed prior to construction and remain in the designated location throughout construction activities.

**MONITORING:** The Owner/Applicant shall demonstrate that the acoustic shielding is in place prior to commencement of construction activities. P&D compliance staff shall perform site inspections throughout construction to ensure compliance.

## **22. Standard Mitigation Measure Noise-05: Construction Routes.**

Construction routes shall be limited to SR-166 and Kirschenmann Road. The Owner/Applicant shall provide all adjacent property owners with a construction activity schedule and construction routes 10 days in advance of construction activities. Any alterations or additions shall require 5-day notification.

**PLAN REQUIREMENTS:** The Owner/Applicant shall submit a copy of the mailing list and construction schedule identifying construction routes and mailing list to P&D permit compliance staff.

**TIMING:** Schedule and mailing list shall be submitted 10 days prior to initiation of any earth movement.

**MONITORING:** Permit compliance monitoring shall perform periodic site inspections to verify compliance with activity schedules.

## **23. Standard Mitigation Measure NPDES-23: SWQMP-Operation.**

The Owner/Applicant shall submit and implement a Storm Water Quality Management Plan (SWQMP) designed to prevent the entry of pollutants from the project site into the drainage system after development. The SWQMP shall identify:

1. A combination of structural and non-structural BMPs from the California Storm Water BMP Handbook for New Development and Redevelopment (California Storm Water Quality Association), or other approved methods;
2. Potential pollutant sources that may affect the quality of the storm water discharges;
3. Design and placement of structural and non-structural BMPs to address identified pollutants;

4. Inspection and maintenance program;
5. Method for ensuring maintenance of all BMPs over the life of the project.

The Applicant has proposed to include small water quality treatment basins to reduce pollutants while detaining flows to minimize runoff from the site. Other treatment BMPs could also be used in conjunction with, or in lieu of, small water quality treatment basins.

**PLAN REQUIREMENTS:** The Owner/Applicant shall (1) submit the SWQMP to P&D for review and approval prior to final plan approval; (2) include design and field components on land use, grading and building plans as applicable; (3) post performance securities prior to final plan approval to ensure installation and maintenance.

**TIMING:** SWQMP measures shall be constructed and operational prior to Final Building Inspection Clearance. The Owner/Applicant shall maintain the SWQMP components for the life of the project and keep a record of maintenance and submit the maintenance record to P&D compliance monitoring staff annually between October 1 and 31. The Owner/Applicant shall record a buyer notification that states: "IMPORTANT: BUYER NOTIFICATION" and contains the maintenance requirement language above.

**MONITORING:** The Owner/Applicant shall demonstrate to Public Works, Water Resources Division that SWQMP components are in place prior to Final Building Inspection Clearance. The installation security shall be released upon satisfactory installation of all items in approved plans and the maintenance security shall be released after five consecutive years of satisfactory maintenance and maintenance reporting. P&D compliance monitoring staff and Public Works-Water Resources Division staff will review required maintenance records.

#### **24. Standard Mitigation Measure SolidW-02. Solid Waste-Recycle.**

The Owner/Applicant and their contractors and subcontractors shall separate demolition and excess construction materials onsite for reuse/recycling or proper disposal (e.g., concrete, asphalt, wood, brush). The Owner/Applicant shall provide separate onsite bins as needed for recycling.

**PLAN REQUIREMENTS:** The Owner/Applicant shall print this requirement on all grading and construction plans. Owner shall provide P&D with receipts for recycled materials or for separate bins.

**TIMING:** Materials shall be recycled as necessary throughout construction. All materials shall be recycled prior to Final Building Inspection Clearance.

**MONITORING:** The Owner/Applicant shall provide P&D compliance staff with receipts prior to Final Building Inspection Clearance.

## **25. Standard Mitigation Measure SolidW-03. Solid Waste-Construction Site.**

The Owner/Applicant shall provide an adequate number of covered receptacles for construction and employee trash to prevent trash & debris from blowing offsite, shall ensure waste is picked up weekly or more frequently as needed, and shall ensure site is free of trash and debris when construction is complete.

**PLAN REQUIREMENTS:** All plans shall contain notes that the site is to remain trash-free throughout construction.

**TIMING:** Prior to building permit issuance, the Owner/Applicant shall designate and provide P&D with the name and phone number of a contact person(s) responsible for trash prevention and site clean-up. Additional covered receptacles shall be provided as determined necessary by P&D.

**MONITORING:** Permit compliance monitoring staff shall inspect periodically throughout grading and construction activities and prior to Final Building Inspection Clearance to ensure the construction site is free of all trash and debris.

## **26. SPEC-TT-1: Traffic Control Plan.**

The Owner/Applicant shall prepare and implement a traffic control plan to reduce construction-related impacts on roadway operation, safety hazards, alternative transportation, parking, and emergency access. Construction traffic control plans typically include the following.

1. A street layout showing the location of construction activity and surrounding streets to be used as detour routes, including special signage.
2. A tentative start date and construction duration period for each phase of construction.
3. The name, address, and emergency contact number for those responsible for maintaining the traffic control devices during the course of construction.
4. Written approval to implement traffic control from local agencies with jurisdiction, as needed.

Additionally, the construction traffic control plan will include the following stipulations.

1. Provide access for emergency vehicles at all times.
2. Avoid creating additional delay at intersections currently operating at congested conditions, either by choosing routes that avoid these locations or limiting construction activities to nonpeak hours.
3. Maintain access for driveways and private roads, except for brief periods of construction, in which case property owners will be notified.
4. Provide adequate off-street parking areas at designated staging areas for construction-related vehicles.

5. Maintain pedestrian and bicycle access and circulation during Project construction where safe to do so. If construction encroaches on a sidewalk, a safe detour will be provided for pedestrians at the nearest crosswalk. If construction encroaches on a bike lane, warning signs will be posted that indicate bicycles and vehicles are sharing the roadway.
6. Use traffic controls that include flag persons wearing Occupational Safety and Health Administration–approved vests and using a "Stop/Slow" paddle to warn motorists of construction activity.
7. Maintain access to transit services and ensure that public transit vehicles are detoured.
8. Post standard construction warning signs in advance of the construction area and at any intersection that provides access to the construction area.
9. Post construction warning signs in accordance with local standards or those set forth in the California MUTCD (Caltrans 2010) in advance of the construction area and at any intersection that provides access to the construction area.
10. During lane closures, notify local police and fire departments of construction locations to ensure that alternative evacuation and emergency routes are designed to maintain response times during construction periods, if necessary.
11. Provide written notification to contractors regarding appropriate routes to and from construction sites, and weight and speed limits for local roads used to access construction sites. Submit a copy of all such written notifications to the local agencies with jurisdiction.
12. Repair or restore the road right-of-way to its original condition or better upon completion of work.

**PLAN REQUIREMENTS:** A Construction Traffic Control Plan shall be prepared and submitted to P&D and Public Works.

**TIMING:** The Owner/Applicant shall submit the Traffic Control Plan to P&D and Public Works for review and approval prior to issuance of zoning clearance.

**MONITORING:** The Owner/Applicant shall demonstrate to P&D staff Traffic Control Plan implementation. Field inspection will be conducted by P&D staff to ensure that the plan is being implemented throughout the construction phase.

## **27. SPEC-TT-2. Roadway Pre-Construction Conditions Report**

The Owner/Applicant shall prepare a Roadway Pre-Construction Conditions Report that shall contain photo-documentation of pavement conditions along the potentially affected portions of Kirschenmann Street and Foothill Road in order to record road conditions along the proposed haul route(s). The report shall include construction contractor procedures to ensure compliance with construction and maintenance vehicles requirements consistent with Caltrans General Rule 35550, which states: (a) The gross weight on any one axle shall not

exceed 20,000 pounds, and the gross weight upon any one wheel, or wheels, supporting one end of an axle, shall not exceed 10,500 pounds unless otherwise permitted by CalTrans. The Owner/Applicant shall provide County-approved performance bonds or other mechanisms to ensure that any necessary post-construction road repair related to Project construction activities occurs.

**PLAN REQUIREMENTS:** The Owner/Applicant shall prepare a Roadway Pre-Construction Conditions Report that shall contain photo-documentation of pavement conditions along the potentially affected portions of Kirschenmann Street and Foothill Road in order to record road conditions along the proposed haul route(s).

**TIMING:** Owner/Applicant shall submit the Roadway Pre-Construction Conditions Report to P&D and Public Works for review and approval prior to issuance of grading permits. The Owner/Applicant shall submit performance bonds or other mechanisms necessary to ensure post-construction road repair to P&D staff for review and approval prior to issuance of grading permits. Prior to P&D final site inspection, staff shall take identical photographs to document the damage associated with construction traffic. Prior to Final Building Inspection Clearance, P&D staff shall ensure that the Owner/Applicant performance bond or other mechanism has provided adequate funds to repair any roadway damage incurred.

**MONITORING:** The Owner/Applicant shall demonstrate to P&D post-construction repair of damaged roadways pursuant to the approved Roadway Pre-Construction Conditions Report.

**28. Standard Mitigation Measure WatConv-01: Sediment and Contamination Containment.**

The Owner/Applicant shall prevent water contamination during construction by implementing the following construction site measures:

1. All entrances/exits to the construction site shall be stabilized using methods designed to reduce transport of sediment off site. Stabilizing measures may include but are not limited to use of gravel pads, steel rumble plates, temporary paving, etc. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods. Entrances/exits shall be maintained until graded areas have been stabilized by structures, long-term erosion control measures or landscaping.
2. Apply concrete, asphalt, and seal coat only during dry weather.
3. Cover storm drains and manholes within the construction area when paving or applying seal coat, slurry, fog seal, etc.
4. Store, handle and dispose of construction materials and waste such as paint, mortar, concrete slurry, fuels, etc. in a manner which minimizes the potential for storm water contamination.

**PLAN REQUIREMENTS:** The Owner/Applicant shall ensure all above construction site measures are printed as notes on plans.

**TIMING:** Stabilizing measures shall be in place prior to commencement of construction. Other measures shall be in place throughout construction.

**MONITORING:** The Owner/Applicant shall demonstrate compliance with these measures to P&D compliance monitoring staff as requested during construction.

**29. Standard Mitigation Measure WatConv-07: SWPPP.**

The Owner/Applicant will submit proof of exemption or a copy of the NOI to obtain coverage under the Construction General Permit of the NPDES issued by the RWQCB.

**TIMING:** Prior to issuance of grading permit the Owner/Applicant will submit proof of exemption or a copy of the NOI and will provide a copy of the required SWPPP to Planning and Development. The Owner/Applicant will keep a copy of the SWPPP on the Project site during grading and construction activities.

**MONITORING:** The Planning and Development permit processing planner will review the documentation prior to approval of the grading permit. Planning and Development compliance monitoring staff will inspect the site during construction for compliance with the SWPPP.

**PROJECT SPECIFIC CONDITIONS:**

**30. Aest-09 Construction Clean-up.** The developer shall clear the project site of all excess construction debris.

**PLAN REQUIREMENT:** This requirement shall be noted on final building plans.

**TIMING:** Debris clearance shall occur prior to Final Building Inspection Clearance.

**MONITORING:** P&D compliance monitoring staff shall site inspect prior to Final Building Inspection Clearance.

**31. CulRes-09 Stop Work at Encounter.** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of Phase 2 investigations of the County Archaeological Guidelines and funded by the Owner/Applicant.

**PLAN REQUIREMENTS:** This condition shall be printed on all building and grading plans.

**MONITORING:** P&D permit processing planner shall check plans prior to issuance of zoning clearance and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

**32. Erosion and Sediment Control Plan.** Where required by the latest edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, a Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP) and/or an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. Grading and erosion and sediment control plans shall be designed to minimize erosion during construction and shall be implemented for the duration of the grading period and until re-graded areas have been stabilized by structures, long-term erosion control measures or permanent landscaping. The Owner/Applicant shall submit the SWPPP, SWMP or ESCP) using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/creeks, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The SWPPP or ESCP shall be a part of the Grading Plan submittal and will be reviewed for its technical merits by P&D. Information on Erosion Control requirements can be found on the County web site re: Grading Ordinance Chapter 14 (<http://sbcountyplanning.org/building/grading.cfm>) refer to Erosion and Sediment Control Plan Requirements; and in the California Green Code for SWPPP (projects < 1 acre) and/or SWMP requirements.

**PLAN REQUIREMENTS:** The grading and SWPPP, SWMP and/or ESCP shall be submitted for review and approved by P&D prior to approval of land use clearances. The plan shall be designed to address erosion, sediment and pollution control during all phases of development of the site until all disturbed areas are permanently stabilized.

**TIMING:** The SWPPP requirements shall be implemented prior to the commencement of grading and throughout the year. The ESCP/SWMP requirements shall be implemented between November 1<sup>st</sup> and April 15<sup>th</sup> of each year, except pollution control measures shall be implemented year round.

**MONITORING:** P&D staff shall perform site inspections throughout the construction phase.

## **CONDITIONAL USE PERMIT CONDITIONS**

**33. Rules-01 Effective Date-Not Appealable to CCC.** This Conditional Use Permit shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit. [LUDC §35.82.020].

**34. Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.

- 35. Rules-12 CUP Expiration.** The Owner/Applicant shall obtain the required zoning clearance within the 18 months following the effective date of this Conditional Use Permit. If the required zoning clearance is not issued within 18 months following the effective date of this Conditional Use Permit, or within such extended period of time as may be authorized in compliance with Section 35.84.030 of the Land Use Development Code, and an application for an extension has not been submitted to the Planning and Development Department, then Conditional Use Permit shall be considered void and of no further effect.
- 36. Rules-17 CUP-Void.** This Conditional Use Permit shall become void and be automatically revoked if the development and/or authorized use allowed by this Conditional Use Permit is discontinued for a period of more than 12 months, or within such extended period of time as may be authorized in compliance with Section 35.82.060(G)(4) of the Land Use Development Code. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any zoning clearance approved or issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit. [LUDC §35.82.060 & §35.84.060].
- 37. Rules-21 CUP Revisions-Change of Use.** Any change of use in the proposed structure shall be subject to appropriate environmental analysis and review by the County including Building Code compliance.
- 38. Rules-23 Processing Fees Required.** Prior to issuance of zoning clearance, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- 39. Rules-37 Time Extensions-All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

## COUNTY RULES AND REGULATIONS

- 40. SPEC Rules-01 Agricultural Preserve/Land Conservation Contract.** Prior to zoning clearance, the Owner/Applicant shall record the Replacement Land Conservation Contract (Case No. 13AGP-00000-00024) for 76-AP-072.
- 41. SPEC Rules-02 Sale of Site.** Any sale, lease or financing of the project site and any portions thereof shall be in compliance with the exhibit(s), project description and the conditions of approval including all related covenants and agreements.
- 42. SPEC Rules-03 EQAP Condition.** Prior to issuance of zoning clearance, an Environmental Quality Assurance Program (EQAP) shall be prepared according to procedures established



by P&D, paid for by the Owner/Applicant and submitted for review and approval by P&D. The EQAP shall include the following:

1. All conditions and mitigation measures imposed on this project and the impacts they are mitigating separated by subject area.
2. A plan for coordination and implementation of all measures and any additional plans and programs required therein.
3. A description of all measures the Owner/Applicant will take to assure compliance, including field monitoring, data collection, management and coordination of all field personnel and feedback to field personnel and affected County agencies including P&D.
4. A schedule for the EQAP monitor to be in the field, subject to revision based on changes in the project construction schedule and approved by Planning & Development staff.
5. Contractor feedback responsibilities shall include periodic reports (as specified in the conditions of approval, or otherwise agreed to by P&D, in consultation with the Owner/Applicant) to be prepared throughout grading and construction. These shall include status of development, status of conditions, incidents of non-compliance and their results and any other pertinent or requested data.
6. A contractor to carry out the EQAP shall be selected by P&D in consultation with the Owner/Applicant. The contractor(s) will be under contract and responsible to the County, with all appropriate costs to be funded by the Owner/Applicant. The monitor shall be responsible for overall monitoring and reporting to the County on the project compliance status and effectiveness of project conditions of approval during project grading and construction. In addition, the monitor has the authority and ability to ensure compliance with all project conditions and to stop work in an emergency.

The EQAP shall also provide for any appropriate procedures not specified in the conditions of approval to be carried out if they are necessary to avoid environmental impacts.

**43. Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.

**44. Rules-04 Additional Approvals Required.** Approval of this Conditional Use Permit is subject to the Board of Supervisors approving the required Comprehensive Plan amendments; Land Use Development Code ordinance amendments; change in land use designation for 167 acres of APN 149-140-076 from Agriculture Commercial (AC) to A-II; applying a Utility-Scale Solar Photovoltaic Facility Overlay to APN's 149-150-029, 149-

150-030, 149-150-031, 149-150-032 and 167 acre portion of APN 149-140-076; and re-zoning APN's 149-150-029, 149-150-030, 149-150-031 and 149-150-032 from Unlimited Agriculture (U under Ordinance No. 661) to Agriculture II (AG-II-40).

- 45. Rules-09 Signs.** No signs of any type are approved with this action unless otherwise specified. All signs shall be permitted in compliance with Land Use Development Code.
- 46. Rules-20 Revisions to Related Plans.** The Owner/Applicant shall request a revision for any proposed changes to the approved Storm Water Quality Management Plan (SWQMP) and Storm Water Pollution Prevention Plan (SWPPP). Substantial conformity shall be determined by the Director of P&D.
- 47. Rules-25 Signed Agreement to Comply.** Prior to issuance of zoning clearance, the Owner/Applicant shall provide evidence that they have recorded a signed Agreement to Comply with Conditions that specifies that the Owner of the property agrees to comply with the project description, approved exhibits and all conditions of approval. Form may be obtained from the P&D office.
- 48. Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:
1. Air Pollution Control District letter dated April 22, 2010;
  2. Fire Department letter dated June 13, 2014;
  3. Flood control Water Agency letter dated April 15, 2010
  4. Public Works, Transportation Division letter dated June 28, 2014
- 49. Rules-30 Plans Requirements.** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
- 50. Rules-32 Contractor and Subcontractor Notification.** The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner / Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.
- 51. Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

**52. Rules-35 Limits-Except DPs.** This approval does not confer legal status on any existing structures(s) or use(s) on the property unless specifically authorized by this approval.

**53. SPEC-REPORTS-1.** Planning & Development shall forward reports generated from the Applicant's Environmental Commitment A-BIO-3 Avian and Bat Monitoring Plan to U.S. Fish and Wildlife Service.