

# Regional Planning Commission Transmittal Checklist

<b>Hearing Date</b> 8/10/2011
<b>Agenda Item No.</b> 8

**Project Number:** R2011-00177-(5)  
**Case(s):** Conditional Use Permit No. 201100018  
**Planner:** Adam Thurtell

- Factual
- Property Location Map
- Staff Report
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use Radius Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans

**Reviewed By:** \_\_\_\_\_



Los Angeles County Department of Regional Planning  
 320 West Temple Street  
 Los Angeles, California 90012  
 Telephone (213) 974-6443

**PROJECT NUMBER R2011-00177-(5)**  
**RCUP 201100018**

<b>PUBLIC HEARING DATE</b> 8/10/2011	<b>AGENDA ITEM</b>
<b>RPC CONSENT DATE</b>	<b>CONTINUE TO</b>

<b>APPLICANT</b> Antelope Power, LLC	<b>OWNER</b> Healy Enterprises, Inc	<b>REPRESENTATIVE</b> Roger Van Wert
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**PROJECT DESCRIPTION**  
 The applicant proposes five temporary meteorological towers, 197' 8" (60 meter) in height, on 3,284 acres in the A-2-5 (Heavy Agricultural, Five Acre Minimum) Zone. The towers will collect meteorological measurements for a three-year period. Four years from approval the towers will be removed. The towers will have a nine square foot base (three feet by three feet) and four sets of guys with a 164 foot (50 meter) outer radius. Each of the guys will be anchored with a six foot rod encased in Quickrete and a three-inch-by-three-inch plate.

**REQUIRED ENTITLEMENTS**  
 To authorize the replacement of three existing 85 ft. meteorological towers with three new 198 ft towers and to authorize two additional 198 ft. meteorological towers, located on 3,284 acres in the A-2-5 Zone, Antelope Valley West Zoned District. Each tower will be located on an undeveloped parcel with the exception of the three existing MET towers, which will be removed. Map is approximate—project site consists of 58 parcels and five separate tower locations. Please see the Regional Planning website for detailed information, including exact tower locations

**LOCATION/ADDRESS**  
 vicinity of 170th Street West and Lancaster Road

**SITE DESCRIPTION**  
 The site plan depicts five meteorological tower locations on approximately 4,000 acres of land.

<b>ACCESS</b> Lancaster Road, service roads	<b>ZONED DISTRICT</b> Antelope Valley West
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<b>ASSESSORS PARCEL NUMBER</b> 3236-010-007, 3236-020-018, 3236-024-001, 3236-021-004, 3267-001-001 (tower locations)	<b>COMMUNITY</b> Antelope Valley
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<b>SIZE</b> Approximately 4,000 Acres	<b>COMMUNITY STANDARDS DISTRICT</b> N/A
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	EXISTING LAND USE	EXISTING ZONING
Project Site	One single family residence; seven barns, 2,000 sq. ft. each; one 3,000 sq. ft. maintenance shed; one 500 sq. ft. trailer; one 1,000 sq. ft. open-sided hay barn; and three 85-foot tall MET Towers.	A-2-5
North	undeveloped vacant land	A-2-5
East	undeveloped vacant land	A-2-5
South	undeveloped vacant land	A-2-5
West	undeveloped vacant land	A-2-5

<b>GENERAL PLAN/COMMUNITY PLAN</b> Antelope Valley Area Plan	<b>LAND USE DESIGNATION</b> N-1 (Non-Urban)	<b>MAXIMUM DENSITY</b> 0.5 du/ac
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**ENVIRONMENTAL DETERMINATION**  
 Class 6 Categorical Exemption-Information Collection

**RPC LAST MEETING ACTION SUMMARY**

LAST RPC MEETING DATE	RPC ACTION	NEEDED FOR NEXT MEETING
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING/ABSENT

**TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS**

STAFF CONTACT PERSON: Adam Thurtell		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) 0 (F) 0	PETITIONS (O) 0 (F) 0	LETTERS (O) 0 (F) 0

\*(O) = Opponents (F) = In Favor

Antelope Valley  
California  
Poppy Reserve

W Ave F-8

approximate project  
location



Lancaster Rd

160th St W

Lancaster Rd

Lancaster Rd

170th St W

W Ave H

160th St W

170th St W

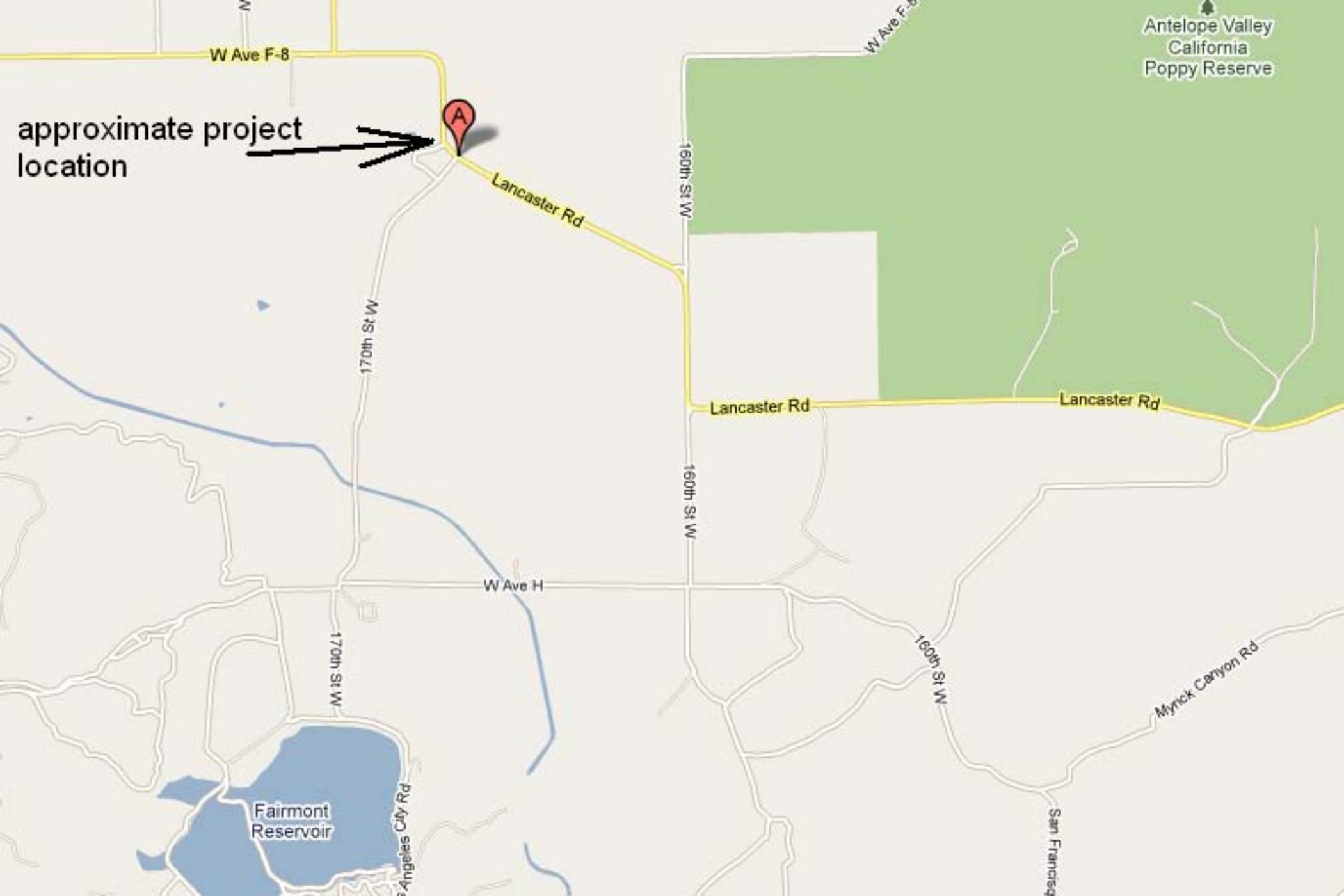
Fairmont  
Reservoir

Los Angeles City Rd

160th St W

San Francisco

Myrick Canyon Rd



**STAFF ANALYSIS**  
**PROJECT NO. R2011-00177-(5)**  
**CONDITIONAL USE PERMIT NO. 201100018**

**PROJECT DESCRIPTION**

The applicant proposes five temporary meteorological towers (MET tower), each 197' 8" (60 meter) in height, on approximately 3,284 acres in the A-2-5 (Heavy Agricultural - Five Acre Minimum) Zone. The towers will collect meteorological measurements for a three-year period. Four years from approval the towers will be removed.

Each MET tower will have a ten square foot base and four sets of guys with a 164 foot (50 meter) outer radius. Each of the guys will be anchored with a six foot rod encased in Quickrete and a three-inch-by-three-inch plate. The guy wires will be equipped with guy guards to prevent tripping and bird diverters with a maximum distance of 15 meters between diverters. The total combined ground area that will be disturbed by this project is approximately 50 square feet. The towers would be located a significant distance from the property lines and adjacent road right-of-ways, and the towers would not be located within or over any drainage, utility, or other easements.

**REQUIRED ENTITLEMENTS**

MET towers that exceed 85 feet in height on lots greater than two acres require a public hearing (Section 22.52.1620 of the Los Angeles County Code). MET towers are aesthetically similar to radio towers, which require a conditional use permit in the A-2 Zone (Section 22.24.150).

**LOCATION**

Vicinity of 170th Street West and Lancaster Road (tower location map attached).

**SITE PLAN DESCRIPTION**

The site plan depicts five MET tower locations on approximately 3,284 acres of land. The subject property contains the following structures: one 2,000 sq. ft. single family residence; seven barns, 2,000 sq. ft. each; one 3,000 sq. ft. maintenance shed; one 500 sq. ft. standard trailer; one 1,000 sq. ft. open-sided hay barn; and three 85-foot tall MET Towers. Each tower would be placed on a vacant parcel.

**ENVIRONMENTAL DETERMINATION**

The Los Angeles County Department of Regional Planning has determined that a Categorical Exemption Class 6, Information Collection, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements.

### **LEGAL NOTIFICATION AND PUBLIC OUTREACH**

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

### **PREVIOUS CASES/ZONING HISTORY**

On May 11, 2010, this Department issued Plot Plan approvals for each existing 85 foot MET tower (RPP201000189, RPP2010190, and RPP2010191).

### **STAFF EVALUATION**

#### **General Plan Consistency**

The proposed project is consistent with the County of Los Angeles General Plan, and the N1 (Non-Urban 1) land use designation of the Antelope Valley Areawide General Plan.

The intent of the N1 land use designation is to maintain the character of dispersed non-urban settlements and communities; provide for agricultural and mineral production; preserve areas of significant natural and scenic resources; and avoid intensive development of areas subject to severe natural hazards or lacking essential services. The project site is located in a rural area of the Antelope Valley in the northern portion of Los Angeles County. The nearest rural residential communities are Lake Elizabeth, located approximately 9.7 miles south of the project site, and Lake Hughes, located approximately 12 miles south of the project site. The city of Lancaster is approximately 18 miles east of the project site.

Construction of the MET towers would be noninvasive and temporary. After three years the subject property would be returned to its state pre-construction of these five MET towers. The visual impact of the towers would be minimal while meeting standards of the Federal Aviation Administration (FAA). A flashing beacon is not required by the FAA and would not be included on the towers.

#### **General Plan Policies**

Policy Nos. 2 and 3 of the Conservation and Open Space Element promote wind energy. The project proposes five MET towers that will only measure environmental factors, and determine the future viability of a wind-powered electric generating facility, consistent with these policies. Policy No. 2 is as follows: "Support the conservation of energy and encourage the development and utilization of new energy and encourage the development and utilization of new energy sources including...wind ...sources." (General Plan, pg. II-26)

#### **Zoning Ordinance and Development Standards Compliance**

MET towers that exceed 85 feet in height on lots greater than two acres are a use subject to permit in the A-2 Zone (Section 22.24.140 of the County Code). If approved,

the CUP would allow development of the project in compliance with the Zoning Ordinance.

**Neighborhood Impact/Land Use Compatibility**

The proposed use is compatible with the predominant zoning and land use in the area. The adjacent neighboring parcels are zoned A-2 and A-1 (Light Agricultural). Three 85 foot tall MET towers exist on the subject property.

**Burden of Proof**

The applicant is required to substantiate all facts identified by Section 22.56.040 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

**COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

In a letter dated April 6, 2011, the Department of Public Works recommended approval of this project with conditions.

In a letter dated June 2, 2011, the Fire Department cleared this project for public hearing.

**PUBLIC COMMENTS**

Staff has received several letters in regard to this project. All correspondence regarding this project is attached.

**FEES/DEPOSITS**

If approved, fees identified in the attached project conditions will apply unless modified by the Regional Planning Commission.

**STAFF RECOMMENDATION**

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends APPROVAL of Project No. R2011-00177-(5), CUP 201100018 subject to the attached conditions.

**SUGGESTED MOTION: I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND APPROVE THE CATEGORICAL EXEMPTION.**

**SUGGESTED MOTION: I MOVE THAT THE REGIONAL PLANNING COMMISSION APPROVE PROJECT NO. R2011-00177-(5), CONDITIONAL USE PERMIT NO. 201100018.**

Prepared by Adam Thurtell, Regional Planning Assistant II  
Reviewed by Susan Tae, Supervising Regional Planner, Zoning Permits North Section

Attachments:

Draft Findings  
Draft Conditions of Approval  
Applicant's Burden of Proof statement  
Site Photographs  
Site Plan  
Land Use Map

**FINDINGS AND ORDER OF THE  
REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES**

**PROJECT NO. R2011-00177-(5)  
CONDITIONAL USE PERMIT NO. 201100018  
170th Street West near Lancaster Road**

**HEARING DATE: 8/10/2011**

**SYNOPSIS:**

The applicant, Element Power, LLC, proposes five temporary meteorological towers (MET towers), each 197' 8" (60 meter) in height, on approximately 3,284 acres in the A-2-5 (Heavy Agricultural Five Acre Minimum) Zone. The towers will collect meteorological measurements for a three-year period. Four years from approval the towers will be removed.

Each MET tower will have a ten square foot base and four sets of guys with a 164 foot (50 meter) outer radius. Each of the guys will be anchored with a six foot rod encased in Quickrete and a three-inch-by-three-inch plate. The guy wires will be equipped with guy guards to prevent tripping and bird diverters with a maximum distance of 15 meters between diverters. The total combined ground area that will be disturbed by this project is approximately 50 square feet. The towers would be located a significant distance from the property lines and adjacent road right-of-ways, and the towers would not be located within or over any drainage, utility, or other easements.

**PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:**

[hearing proceedings]

**Findings**

1. The subject property is located near 170th Street West and Lancaster Road in the unincorporated community of Antelope Valley within the Antelope Valley West Zoned District.
2. The applicant is requesting a conditional use permit (CUP) to authorize the construction of a five temporary meteorological towers (MET towers) each 197' 8" (60 meters) in height. The towers would be removed after three years of operation.
3. The subject property is currently designated N1 (Non-Urban) in the Antelope Valley Area Plan.

The intent of the N1 land use designation is to maintain the character of

dispersed non-urban settlements and communities; provide for agricultural and mineral production; preserve areas of significant natural and scenic resources; and avoid intensive development of areas subject to severe natural hazards or lacking essential services.

The MET towers are consistent with the N1 designation. Construction of the MET towers would be noninvasive and temporary. After three years the subject property would be returned to its state pre-construction of these five MET towers. The visual impact of the towers would be minimal while meeting standards of the Federal Aviation Administration (FAA). Flashing beacons are not required by the FAA and would not be included on the towers.

4. The subject property is currently zoned A-2-5 (Heavy Agricultural - Five Acre Minimum). MET towers that exceed 85 feet in height on lots greater than two acres require a public hearing (Section 22.52.1620 of the Los Angeles County Code). MET towers are aesthetically similar to radio towers, which require a conditional use permit in the A-2 Zone (Section 22.24.150).
5. The surrounding properties are zoned as follows:  
North: A-2-5  
South: A-2-5  
East: A-1-2 (Light Agricultural – Two Acre Minimum), A-2-5  
West: A-2-5
6. The subject property contains the following structures: one 2,000 square feet. single family residence; seven barns, 2,000 sq. ft. each; one 3,000 sq. ft. maintenance shed; one 500 sq. ft. standard trailer; one 1,000 sq. ft. open-sided hay barn; and three 85-foot tall MET towers. Each tower would be placed on a vacant parcel.
7. Access to the subject property is provided by 170th Street West, an existing Limited Secondary Highway on the County Master Plan of Highways. 170th Street West is currently unimproved and unpaved at this location. Access roads to each individual tower will be unpaved. 170<sup>th</sup> Street West and the proposed unpaved access roads will adequately serve the subject property and allow the kind and quantity of traffic generated for construction and maintenance of the MET towers.
8. This project is Categorical Exempt under Class 6, Information Collection, under the California Environmental Quality Act (CEQA) reporting requirements. The purpose of the towers is to collect basic meteorological information, and the design of the towers will not result in a serious or major disturbance to an environmental resource.

9. The towers will collect meteorological information for three years, and will then be removed. In order to give the applicant time to remove the towers, the grant term is for a total of four years. To ensure that the towers are removed, the site will be inspected after the grant term expires.
10. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the term of the grant to a total of four years, including three years of monitoring.
11. The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Los Angeles County Department of Regional Planning.

**BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:**

1. That the proposed use is consistent with the adopted general plan for the area; and
2. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
3. That the Los Angeles County Department of Regional Planning has determined that a Categorical Exemption, Class 6—Information Collection, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements; and
4. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare; and
5. That the proposed site is adequately served by highways or streets of sufficient

width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required; and

6. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping and other development features prescribed in Title 22 of the County Code.

**REGIONAL PLANNING COMMISSION ACTION:**

1. The Regional Planning Commission has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources and by local guidelines that this class of projects does not have a significant effect on the environment.
2. AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a CUP as set forth in Section 22.56.040 of the Los Angeles County Code.
3. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201100018, Project No. R2011-00177-(5) is APPROVED, subject to the attached conditions.

c: Each Commissioner, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL  
PROJECT NO. R2011-00177-(5)  
CONDITIONAL USE PERMIT NO. 201100018**

1. This grant authorizes use of the subject property for the construction, operation and maintenance of five temporary meteorological towers (MET tower) each 197' 8" (60 meters) in height, as depicted on the approved Exhibit "A", subject to all of following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, the owner of the property, and any other person, corporation, or entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept all of the conditions of this grant, and that the conditions have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 13. Notwithstanding the foregoing, this Condition No. 3, and Condition Nos. 8, 9, and 10 shall be effective immediately upon the date of final approval of this grant.
4. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
5. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
6. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the County Regional Planning Commission ("Commission") or a County Hearing Officer may, after conducting a public hearing, revoke or modify this grant if the Commission or Hearing Officer finds that these conditions have been violated, that this grant has been exercised so as to be detrimental to the public's health or safety, has been exercised so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
7. Prior to the use of this grant the permittee, or the owner of the subject property if other than the permittee, shall record the terms and conditions of the grant in the office of the County Registrar-Recorder/County Clerk. In addition, upon any transfer or lease of the subject property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its terms and conditions to the

transferee or lessee, as applicable, of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director of Regional Planning ("Director").

8. The permittee shall defend, indemnify, and hold harmless the County, its agents, 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 this permit approval, which action is brought within the applicable time period of section 65009 of the California Government Code or any other applicable limitation period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to fully cooperate in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
9. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing make an initial deposit with Regional Planning in the amount of \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to the permittee or the permittee's counsel.

If during the litigation process actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of the initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with section 2.170.010 of the County Code.

10. This grant shall expire unless used within two years from the date of final approval of the grant by the County. A single, one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
11. This grant shall terminate on August 10, 2015. Monitoring shall terminate on or before August 10, 2014, and removal of the MET towers shall be completed within one year from the date that monitoring terminates, but in no event later than the grant termination date. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any

modifications to the use at that time, the permittee shall file a new conditional use permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six months prior to the termination date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.

12. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections will be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file.
13. Within 60 days after the date of final approval of this grant, the permittee shall deposit with the County the sum of ~~\$400.00~~. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. This fund shall provide for two inspections; one inspection shall take place after construction and one inspection shall take place upon removal of the MET towers.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The charge for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.
14. All development shall comply with the requirements of the County Department of Public Works ("Public Works").
15. All development pursuant to this grant shall be kept in full compliance with the County Fire Code.
16. All requirements of Title 22 of the County Code and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions, or as shown on the approved plans.

17. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas on the premises over which the permittee has control.

18. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

19. The permittee shall maintain a current contact name, address, and phone number with Regional Planning at all times

20. A safety light that meets Federal Aviation Administration ("FAA") standards may be installed at the applicant's discretion. All lights shall be shielded from adjacent properties, and no other lights shall be placed upon the tower.

21. One sign, limited to 18 inches in length and one foot in height, shall be posted at the base of each tower; the signs shall include a notice of no trespassing, and the phone number of the property owner to call in the event of an emergency.

22. All climbing apparatus shall be located a minimum of 12 feet above the ground, and the towers shall be designed to prevent climbing within the first 12 feet.

23. Safety wires shall be installed on the turnbuckles of all guy wires on the towers.

24. No part of any MET tower shall be located within or over drainage, utility, or other established easements, or on or over property lines.

25. The height of each tower, measured from the natural grade to the top of the tower, shall not exceed a height of 197' 8" feet (60 meters).

26. The minimum distance between each MET tower excluding guy wires and their anchors, and any property line or road right-of-way, shall be 200 feet, provided that the required distance shall also comply with any applicable fire setback requirements pursuant to section 4290 of the Public Resources Code.

27. Within three (3) years after approval of this grant the permittee shall cease operation of the MET towers. Prior to termination of this grant as required by

Condition No. 11, the permittee shall remove the facilities, clear the sites of all equipment, and restore the sites as nearly as practicable to its condition prior to the installation of the facilities. Failure to remove each such facility as required above shall constitute a public nuisance. Prior to installation of any such facility, the permittee shall post a performance security, satisfactory to the Director of Public Works, in an amount and form sufficient to cover the cost of the removal of that facility as provided herein.

28. Upon final approval of this grant, the permittee shall contact the County Fire Department to determine the requirements that must be satisfied for fire protection purposes related to the permittee's use. All such requirements shall be satisfied to the satisfaction of and within the timeframe set by said department.
29. Upon final approval of this grant, the permittee shall contact the FAA to determine the requirements that must be satisfied for purposes related to the permittee's use. All such requirements shall be satisfied to the satisfaction of and within the timeframe set by said agency
30. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, three copies of a modified Exhibit "A" shall be submitted to Regional Planning within 60 days of the date of final approval of this grant.
31. All structures related to the permittee's use shall conform to the requirements of Public Works Division of Building and Safety.

SMT:AT  
August 10, 2011

## Burden of Proof

The project includes the replacement of three existing 85-foot tall Temporary Meteorological Towers ("Temp Met Tower" or the "Towers") with three 198-foot Temp Met Towers and construction of two new 198-foot Temp Met Towers for the monitoring and gathering of meteorological data as well as data on bird and bat migration patterns (the "Project"). The data would be used to ascertain whether existing conditions at the site are conducive for permanent energy conversion systems. The Towers would replace three existing shorter (85-foot) meteorological towers installed by the applicant on the sites pursuant to a previously approved Site Plan.

Similar to the existing 85-foot towers, the Towers would have a tubular design with attached meteorological devices on top. The Towers would be supported by guy wires attached with screw-in or other similar low-impact anchors and a small tower base that mounts the tower to the ground. The guy wires for the Temp Met Towers will be equipped with bird diverters at a maximum distance of 15 meters between diverters and guy guards to prevent tripping. The four outermost guy wires for each Temp Met Tower will also be equipped with 18 inch orange marker balls. Please see the Site Plan included with the Zoning Permit Application for additional tower details. The Towers would remain in place for up to two years. Construction of the Towers would require minimal site disturbance, especially considering that three of the Towers would merely replace (in the same location) the existing short towers on the Site. Existing unpaved roads would be used for access during the construction and the meteorological data monitoring period.

Pursuant to Section 22.56.040 of the County of Los Angeles Code, an applicant for a Conditional Use Permit ("CUP") must substantiate, to the satisfaction of the hearing officer, the following facts:

**A. That the requested use at the location will not:**

- 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or;**

The Project would be generally located in the Antelope Valley region of Los Angeles County, within the rural community of Fairmont. The Census 2000 data indicates that the population of Fairmont is approximately 1,478 persons spread over a large rural area. In other words, the project area is sparsely populated. The closest city to the sites is the City of Lancaster, which is approximately 16.5 miles east.

There are two notable, yet minor, uses close to or on the site. The first is the operation of Healy Farms, a horse training facility located along 170<sup>th</sup> Street and Lancaster Road. It is located approximately 1,500 feet from Tower 1. The second is the Church of Fairmont, which is located on 160<sup>th</sup> Street and Lancaster Road. It is located approximately 2,975 feet from Tower 2. The Project would not affect either of these uses.

More specifically, the Towers would be located on a mostly vacant approximately 3,284 acre site composed of seventy-two parcels (the "Site"). There are, however, two single-story residences located northwest (1,200 feet) and southwest (1,400 feet) from Tower 1 on the Site.

The Towers would not generate noise, emissions, odors, or waste. Tower construction, maintenance, and eventual removal will not generate significant traffic or require the storage of hazardous materials. The Towers would be temporary, and would be removed within five years. Also, three of the Towers would simply replace the existing 85-foot towers currently on the sites.

Therefore, the Project would not adversely affect the health, peace, comfort, or welfare of persons working or residing in the area.

**2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or:**

In the vicinity, the primary use of the land is agriculture, including crop and grazing lands. Installation of the Towers would not affect these uses, especially considering that three of the Towers would replace the nearly identical shorter towers that are on the sites. In addition, the Antelope Valley Poppy Preserve Park (the "Park") is located approximately ½ mile (at the closest point) from the Towers. Installation of the Towers would not hinder or affect use of the Park.

As noted, the Towers would be located on rural parcels dominated by ranch lands that have been used for sheep and horse grazing and other agricultural purposes for many years. Development of the Project would not require land subdivision, construction of new roads, installation of fencing, or any other project design features that could be materially detrimental to the valuation of surrounding property. Also as noted, the area surrounding the project site is very sparsely populated and the Project would not materially interfere with the existing residents use or enjoyment of property in the vicinity.

Furthermore, the Towers would be temporary and would require minimal construction. The total at-grade construction area is only approximately 10 square feet for each of the two new tower bases. Guy wires will overlay an additional one acre per tower. In addition, this small construction footprint for three of the Towers would occur in virtually the same area on the site where the existing Towers are located. The remainder of each parcel and all of the surrounding land would be unaffected by the Project.

Therefore, the Project would not be materially detrimental to the use, enjoyment, or valuation of the property or valuation of the property of other persons located in the vicinity.

**3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and**

The Project would involve the simple installation of two new Temp Met Towers and the upgrade of three existing Temp Met Towers. The Project would thereby present virtually no health and safety risks. The Towers would be approximately 198-feet tall, six-inches in diameter, and equipped with minimal mechanical and electrical devices that collect meteorological data as well as data on bird and bat migratory patterns. The Towers would be securely affixed to the ground with guy wires and base mountings. The guy wires for the Towers will be equipped with bird diverters at a maximum distance of 15 meters between diverters and guy guards to prevent tripping. The four outermost guy wires for each Tower will also be equipped with 18 inch orange marker balls. The Towers would be equipped with lightning spikes and grounding wires to limit damage caused by potential lightning strikes. The top 20 feet of each Tower will be painted red and white and include a red signaling light in accordance with FAA requirements.

Moreover, the Towers would be unmanned and located on a very large and mostly vacant site, which dramatically reduces the likelihood of public endangerment due to tower failure or malfunction. The Towers would not create emissions, odors, waste, or any other by-product that could constitute a menace to public health. Also, as noted above, the Project area is virtually uninhabited.

Therefore, the Project would not jeopardize, endanger or constitute a menace to the public health, safety or general welfare.

**B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and**

As noted above, the Towers would be located on an approximately 3,284 acre site. The Site is more than adequate in size for the installation of the 198-foot towers. The Project would be limited to tower installation, maintenance, and removal. Accordingly, the Project would not require the construction of any yards, walls, fences, parking facilities, landscaping, or other development features. The Towers would be positioned to accommodate any applicable setbacks. In addition, the Project would use existing roads, require minimal construction, and erect narrow-profiled devices that would not create significant visual impacts. The Project is otherwise consistent with applicable County policies and will help advance production of renewable energy by allowing the applicant to accurately assess the specific wind speeds and direction on the site. The Towers will also enable to collect data on bird and bat migration patterns from equipment located 45 meters above the ground, which is considered by experts to provide more accurate and useful information. This data will be used by the applicant to inform the design of its proposed up-to 200 MW Proposed Renewable Energy Farm; without data collected from towers of sufficient height (i.e. 60 meters), design of such a facility is infeasible.

Therefore, the proposed sites would be adequate in size and shape to accommodate the project design features, and the Project would be adequately integrated with the surrounding area uses.

**C. That the proposed site is adequately served:**

- 1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and**
- 2. By other public or private service facilities as are required. (Ord. 85-0195 § 16 (part), 1985; Ord. 1494 Ch. 5 Art. 1 § 501.4, 1927.)**

There are several existing roads in the vicinity of each Tower. For example, Tower 1 is located southwest of the intersection of unimproved roadways Avenue F-8 and 165th Street West. A portion of Lancaster Road, as it merges into 167th Street runs through the Site. Tower 2 is located southwest of the intersection of unimproved 162<sup>nd</sup> Street and Avenue G-8. The Tower is located near unimproved Avenue H to the south and 167th Street to the west. Tower 3 is located southwest of the intersection of unimproved 145th Street and Avenue H. These roads would be used for construction, maintenance, and tower removal. The Project would not require new roads.

Moreover, the Project would not generate significant traffic because the towers are unmanned and construction and maintenance trips would be minimal. The existing dirt roads would be adequate for tower installation, periodic inspection, data collection, and tower removal. No other public or private facilities or services would be needed to serve the proposed towers.

Therefore, the Project sites would be adequately served by existing roadways and services.

**Upon approval of the site plan, we recommend the following conditions:**

1. Building and Safety

- 1.1 Submit building plans for review and approval to the Building and Safety Division's Antelope Valley District office.

For questions regarding the building and safety condition, please contact Clint Lee at (626) 458-6370 or [clee@dpw.lacounty.gov](mailto:clee@dpw.lacounty.gov).

2. Aviation

- 2.1 The contractor shall submit Federal Aviation Administration Form No. 7460-1 (Notice of Proposed Construction or Alteration) to the Federal Aviation Administration Regional Office. The form and submittal instructions can be found at <http://www.faa.gov>.

For questions regarding the aviation condition, please contact Jason Morgan at (626) 300-4608 or [jmorgan@dpw.lacounty.gov](mailto:jmorgan@dpw.lacounty.gov).

If you have any other questions or require additional information, please contact Ruben Cruz at (626) 458-4910 or [rcruz@dpw.lacounty.gov](mailto:rcruz@dpw.lacounty.gov).

RC:ca

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**COUNTY OF LOS ANGELES  
FIRE DEPARTMENT**

**5823 Rickenbacker Road  
Commerce, California 90040-3027**

**DATE:** June 2, 2011

**TO:** Department of Regional Planning  
Permits and Variances

**PROJECT #:** CUP R2011-00177

**LOCATION:** VIC 170 Street West & Lancaster Road

- The Fire Department Land Development Unit has no additional requirements for this permit.
- The required fire flow for this development is \_\_\_\_ gallons per minute for \_ hours. The water mains in the street, fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.
- Verify \_\_ existing public fire hydrant, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- Comments** The Fire Department has cleared this project to proceed with the public hearing process.  
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- Water:** \_\_\_\_\_
- Access:** \_\_\_\_\_
- Special Requirements:** Additional review by the Fire Department will be required when new construction of a building(s) is proposed within the property.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243.

Inspector: Wally Collins

Land Development Unit – Fire Prevention Division – Office (323) 890-4243 Fax (323) 890-9783

## Thurtell, Adam

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**From:** RHague7@aol.com  
**Sent:** Friday, July 22, 2011 2:10 PM  
**To:** Thurtell, Adam  
**Subject:** R2011-00177-(5), RCUP 201100018 by Element Power

July 22, 2011

Adam Thurtell,  
Dept. Of Regional Planning, 320 W. Temple St., Los Angeles, CA 90012

RE: R2011-00177-(5), RCUP 201100018 by Element Power

Dear Sir:

My name is Richard Hague and I and my wife, Kay, have been residents of the Kings Canyon/Bleich Flat area (approx. 215<sup>th</sup> St W. and Ave. G in the Antelope Valley) for 35 years. We moved here after our youngest child graduated from Palmdale High School in 1976. It is a beautiful and tranquil rural setting.

I am fully aware that Element is simply asking to replace three existing meteorological towers and add two more. These towers to be just under 200 feet, 113 feet taller than their current three.

My objection is not to the towers per se, but rather to what they imply. The "Wildflower Green Energy Farm" Element is proposing will be preceded by certain steps including these "Met" towers as well as a thorough BCA and an EIR proving they will not damage severely or destroy the local environment. The "local environment" is my concern.

Element has already submitted two poorly prepared BCA's to SEATAC and is now working on a third. The area they propose to cover with solar panels and giant wind turbines is closely associated with SEA 57, 58 and 60. The SEA concept was developed, beginning around 1970 and then approved in 1980, by the L. A. County Board of Supervisors. It is stronger than ever and is likely to be strengthened and enlarged in the proposed new County Wide Plan when adopted.

The juxtaposition of Elements proposed wind farm and the above mentioned SEA's blithely ignores the fact that SEA's aren't islands with well defined borders that birds, mammals, reptiles, and various other wildlife and flora take note of. Nor are they suddenly cut off or drastically changed by man made lines on a map. A very large area will be covered by solar panels blocking sunlight to fields of wildflowers, especially the California Poppy. The name they have chosen for their project is quite ironic under the circumstances.

The 20 or more immense wind turbines, right at 500 feet, block access by firefighting borate bombing aircraft whose optimum altitude for effectiveness is 150 feet (verified by calls to the operators of the same). These same turbines require a massive construction effort which destroys large areas of land regardless of the 2% claimed and then must be maintained using permanent roads and O & M buildings as well as substations and gen-tie lines.

I realize I've not been talking about the "Met" towers but why Element needs them and their implications for the future. I cannot separate in my mind the towers from the project, though Element has done so. If Element dots all the "i"s and crosses all the "t"s in their application for these towers and County Planning won't or can't look ahead at where they are going with this, then the towers are, sadly, a done deal.

I sincerely believe much greater attention should be paid to all aspects of this push for alternative energy. Great care should be exercised in the placement of vast solar energy fields and immense wind turbines on ecologically sensitive lands. I hope we're not stampeding into one kind of environmental effort at the expense of our heritage in another. It is imperative to preserve what we have because once lost, it will never be regained and will leave nothing for our future generations.

Sincerely,

Richard Hague

Mailing address: PO Box 767, Lancaster, CA 93584

Rd, Lancaster, CA 93536

661 724 1623

[rhague7@aol.com](mailto:rhague7@aol.com)

Physical address: 46404 Kings Canyon