Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

April 6, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ray Kelly
5790 Fleet Street, Suite 200
Carlsbad, CA 92008

REGARDING: PROJECT NUMBER R2009-02089-(5)
RCUP 200900158
Avenue B and 210th Street West

Dear Applicant:

The Regional Planning Commission, by its action of Wednesday, March 30, 2011, **APPROVED** the above described project and entitlements. The attached documents contain the Regional Planning Commission's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 3 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant or and other interested person may appeal the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Please contact the Executive Office for the amount of the appeal fee at (213) 974-1426. **The appeal period for this project will end at 5:00 p.m. on Wednesday, April 13, 2011.** Any appeal must be delivered in person to the Executive Office by this time. If no appeal is filed during the specified period, the Regional Planning Commission action is final.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Adam Thurtell at (213)974-6443 or e-mail at AThurtell@planning.lacounty.gov of the Zoning Permits North Section . Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

Richard J. Bruckner
Director

Mark Child, Supervising Regional Planner
Zoning Permits North Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)

c: BOS; DPW (Building and Safety); Zoning Enforcement
MC:at

Hearing Footage: 3/30/2011-Item 7

INSTRUCTIONS

Please read carefully. Failure to follow these instructions as stated may result in delaying the issuance of the approved site plan and any necessary building permits.

After the termination of the appeal period (14 days after the hearing date), if no appeal was received, proceed with the following instructions.

1. Sign **both** attached Affidavit of Acceptance forms in the presence of a notary and have the notary attach an acknowledgement. Both the applicant and owner lines must be signed on the form, even if they are the same person.
2. Record the conditions of approval. Submit **in person (do not mail)** one original "Affidavit of Acceptance" form (with wet signature) and a copy of the Conditions of the grant to:

   The Los Angeles County Recorder
   12400 Imperial Highway
   Norwalk, CA 90650

   The "Affidavit of Acceptance" serves as proof to the Registrar Recorder of your acceptance of conditions associated with this grant. Both the County Recorder Office and the Department of Regional Planning need an original Affidavit of Acceptance form with wet signature.

   The County Recorder's Office will provide you a certified copy of the recorded conditions to be submitted to the Department of Regional Planning.
3. Make an appointment with the assigned case planner to submit the following items:
   - Second original Affidavit of Acceptance" form (with wet signature).
   - Certified copy of the recorded documents from the County Recorder.
   - Three copies of the site plan. **Plans must be folded** to fit into an 8 ½" X 14" folder.
   - One check for the inspection fees (see conditions for fee amount). Make the check payable to: County of Los Angeles.
   - A second check for the Fish and Game fees may be required (if marked below). LA County Registrar-Recorder/County Clerk in the amount of:
     - ☐ Not Required
     - ☒ $2,119.00 (includes $75.00 processing fee) for the issued Negative Declaration or Mitigated Negative Declaration
     - ☐ $2,867.25 (includes $75.00 processing fee) for the required Environmental Impact Report

     The County Clerk will not accept a Notice of Determination or Exemption for your project until the fees are paid.

     Section 21089 (b) of the Public Resources Code provides that no project approval is operative, vested, or final until these fees are paid.

   Please write project number on the check(s).
4. Submit the aforementioned items **in person (do not mail)** at:

   Hall of Records
   Department of Regional Planning, Room 1348
   320 West Temple Street
   Los Angeles, CA 90012

You will receive a copy of the approved site plan and a copy of the approved site plan and conditions will be sent to the Department of Public Works' Division of Building and Safety.

If you have any questions regarding these instructions, please contact Adam Thurtell at (213) 974-6443, from 7:30 a.m. to 5:30 p.m., Monday through Thursday or via email at AThurtell@planning.lacounty.gov. Our offices are closed on Fridays.

Please complete this form and return to:

The Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

AFFIDAVIT OF ACCEPTANCE

STATE OF CALIFORNIA }SS
COUNTY OF LOS ANGELES

REGARDING: PROJECT NUMBER R2009-02089-(5)
RCUP 200900158
Avenue B and 210th Street West

I/We the undersigned state:

I am/We are the owner of the real property described in the above-numbered case and the permittee in said case: I am/We are aware of, and accept, all the stated conditions in said grant.

I/We have enclosed a check in the amount of **$3,000.00** payable to the County of Los Angeles as required by the conditions of approval to ensure regular inspections for compliance: I/We also acknowledge that I/We and my/our successors in interest may be required to reimburse the Department of Regional Planning for any additional enforcement efforts necessary to bring the subject property into compliance.

Executed this_____day of _____, 20_____

I/We declare under the penalty of perjury that the foregoing is true and correct.

(Where the owner and permittee are not the same, both must sign.)

This signature must be acknowledged by a notary public. Attach appropriate acknowledgements.

Type or Print
Applicant **Name**_____

Address_____

City, State_____

Signature_____

Owner: **Name**_____

Address_____

City, State_____

Signature_____

Please complete this form and return to:

The Los Angeles County Recorder
12400 Imperial Highway
Norwalk, CA 90650

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(Where the owner and permittee are not the same, both must sign.)

This signature must be acknowledged by a notary public. Attach appropriate acknowledgements.

Type or Print
Applicant **Name**_____

Address_____

City, State_____

Signature_____

Owner: **Name**_____

Address_____

City, State_____

Signature_____

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

PROJECT NUMBER R2009-02089-(5)
RCUP 200900158
Avenue B and 210th Street West

HEARING DATE: 3/30/2011

SYNOPSIS:
The applicant, NRG Solar, LLC, proposes a 92 megawatt (MW) alternating current (AC) photovoltaic electric generating facility located on approximately 800 acres in the A-2 (Heavy Agriculture) Zone. The photovoltaic panels and all other associated installations would encompass approximately 580 acres of the total project area, and the project would include a yard modification for an eight-foot tall chain-link fence along the perimeters of the two project parcels and a one mile underground 66 kilovolt (kV) generation-tie line. The project will connect to the Neenach Substation, located at SR 138 and 210th Street West, via the one-mile undergrounded 66-kV generation-tie line. This project was approved by the Hearing Officer at a public hearing on December 21, 2011 and was subsequently appealed by two parties. The appellants are 1) Westside Concerned Citizens/Friends of Antelope Valley Open Space and 2) Fairmont Town Council. The reasons given for appeal include requests for an Environmental Impact Report (EIR) and assertions that the approved Mitigated Negative Declaration (MND) is inadequate. An appeal hearing date was set for March 2, 2011. The appellants requested more time to prepare a presentation, and on March 2, the Commission agreed to continue the hearing to March 30, 2011.

PROCEEDINGS BEFORE THE HEARING OFFICER:
A duly noticed hearing was held before Hearing Officer Mitch Glaser on December 21, 2010. The Hearing Officer heard testimony from the applicant's agent in favor of the request. Several questions were asked by a speaker who owns property in the vicinity of the project. The Hearing Officer approved the conditional use permit request.

PROCEEDINGS BEFORE THE PLANNING COMMISSION:
A duly noticed hearing was held before the Regional Planning Commission on March 2, 2011. The Commission heard testimony from members of the Oso Town Council. Appellants for the case had requested additional time to prepare a presentation, and the Commission continued the public hearing to March 30, 2011 without discussion.

A duly noticed public hearing was held before the Regional Planning Commission on March 30, 2011. The Commission heard testimony from the appellants in favor of the appeal and from the applicant in opposition to the appeal.

The Commission made changes and additions to the conditions that the Commission indicated were necessary in order to approve the project. These changes and additions

included clarifications of Dark Sky requirements, a requirement for the permittee to hold meetings with the community, a clarification of the manner in which funding for decommissioning of the project was to be guaranteed, a requirement that panel washing be done by pressurized washing and not with chemical cleaners, and a requirement for a trust fund to maintain and operate conservation land. These changes were read into the record and incorporated into the conditions by staff.

The Commission denied the request for an appeal and approved the project.

Findings

1. The subject property is located between Avenue B and 210th Street West in the unincorporated community of Antelope Valley within the Antelope Valley West.

2. The permittee, NRG Solar, LLC, seeks the CUP to authorize construction, operation, and maintenance of a 92 megawatt photovoltaic solar electric power generation facility on 800 gross acres in the A-2-5 (Heavy Agricultural - Five Acres Minimum Required Area) Zone. The CUP will also authorize an eight-foot tall chain-link fence along the perimeters of both parcels of the project and installation of on mile of high-voltage 66 kilovolt electricity generation-tie lines in the A-2-5 Zone.

3. The subject property is designated N1 (non-urban).

4. The subject property is zoned A-2-5 (Heavy Agricultural-Five Acres Minimum Required Area).

5. The surrounding properties are zoned as follows:
   North: A-2-5
   South: A-2-5
   East: A-2-5
   West: A-2-5

6. Surrounding land uses within 1000 include:
   North: vacant
   South: vacant
   East: vacant
   West vacant

7. The site is located between the following boundary extremes: West Avenue B to the north, West Avenue C to the south, 220th Street West to the west, and 200th Street West to the east. The western portion of the project, labeled the Western Parcel, consists of nine contiguous parcels, and the eastern portion of

the project, labeled the Eastern Parcel, consists of two contiguous parcels. The two portions of the project are approximately 0.5 mile apart. The project is located within the Antelope Valley West Zoned District.

8. All parcels are vacant with the exception an approximately 100-square-foot well house, an approximately 1,400-square-foot unoccupied trailer, and a 1,400-square-foot barn. These structures will be removed upon completion of construction.

9. The proposed 92 megawatt solar photovoltaic electric power generation facility will include and/or entail the optional use of sun-tracking, fixed tilt, or horizontal array units; associated electrical and distribution equipment, an operations and maintenance building; a 66 kilovolt generation-tie line approximately one mile in length along the proposed access road; undergrounding of all high-voltage transmission/generation-tie lines located in the unincorporated County; and the demolition of all on-site existing structures. The project will require approximately 300 acre feet per year ("AFY") of water during construction for a period not to exceed 18 months. The on-going operation of the project will require approximately 2 AFY of water.

10. The site is located within the N1 (Non Urban 1) land use designation in the Antelope Valley Areawide General Plan ("Area Plan"), a component of the Los Angeles Countywide General Plan ("General Plan").

11. Pursuant to the Area Plan, non-residential uses in the N1 land use category may include public and semi-public uses typically located in non-urban environs, such as solid and liquid waste disposal sites, utility and communication installations, and schools and other public facilities necessary to serve non-urban populations.

12. Pursuant to section 22.24.150 of the Los Angeles County Code ("County Code") electric distribution substations, electric transmission substations, and generating plants are permissible uses in the A-2 Zone with a CUP.

13. The project is consistent with the applicable goals and policies of the General Plan as follows:

    a. Policy No. 2 of the Conservation and Open Space Element provides: "Support the conservation of energy and encourage the development and utilization of new energy sources including geothermal, thermal waste, solar, wind and ocean-related sources." (General Plan, Pg. II-26). The project is consistent with this policy by developing solar energy production facilities.

b. Policy No. 3 of the Conservation and Open Space Element provides: "Promote the use of solar energy to the maximum extent possible." (General Plan, Pg. II-26). This policy specifically promotes solar energy, and since the project is a utility-scale solar project proposing 92 megawatts of solar electricity generation, the project is consistent with this policy.

c. Policy No. 7 of the Conservation and Open Space Element provides: "Preserve significant ecological areas and habitat management areas by appropriate measures, including preservation, mitigation and enhancement." (General Plan, Pg. II-27). The project is consistent with this policy in that the project site and transmission lines are not located within any designated SEA boundaries. Further, the project will generate minimal air emissions and noise during operations, and human activity will be light, most of which will occur in and around the relatively small area of the on-site operations and maintenance building. Only infrequent maintenance activities will be required at any one time and location within the solar field.

d. Policy No. II-15 of the Conservation and Open Space Element Recommended Action Plan provides: "Support stronger tax and cost-saving incentives to encourage greater use of alternative energy sources such as solar energy and wind power." (General Plan, Pg. VIII-39). The project proposes to use potential federal stimulus funding if the project qualifies under these federal programs.

14. The project is consistent with the applicable goals and policies of the Area Plan and the N1 (Non - Urban 1) land use designation in the Area Plan. The project is a photovoltaic solar electric power generation facility, which meets the definition of a "utility installation" referenced in the Area Plan's list of non-urban non-residential land uses in remote areas (Area Plan, Pg. VI-5). The project is consistent with the following policies of the Area Plan:

a. Policy No. 18: "Direct future growth away from areas exhibiting high environmental sensitivity to land use development unless appropriate mitigating measures can be implemented." (AVAGP, pg. V-3). The project uses previously disturbed and previously farmed land and avoids SEAs in the vicinity. Additional project design features and mitigation measures have been incorporated to further protect and preserve surrounding habitat in the Antelope Valley;

b. Policy No. 19: "Minimize disruption and degradation of the environment as land use development occurs, integrating land uses so that they are compatible with natural environmental systems."

(AVAGP, pg. V-3). The project retains natural drainage, limits grading to maintain the topography of the existing site, and provides permeable fencing for retaining animal movement throughout the property. Proposed vegetated swales and limited vegetation retained under and around solar panels provides partial integration of the site with existing habitat;

c. Policy No. 40: "Encourage efficient utilization of resources in the allocation of land to various uses, and incorporate energy conservation measures into the design and implementation of public and private projects." (AVAGP, pg. V-6). The project uses materials with an estimated lifespan of 25-30 years, makes little impact on public infrastructure, limits land disturbance, and provides public benefits through generation of renewable energy;

d. Policy No. 65: "Encourage the locating of new power distribution networks, communication lines, and other service network facilities underground in urban areas. Transmission lines should be located underground where feasible." (AVAGP, pg. V-9). Though not located in an urban area, the project site is subject to long-range planning for the Antelope Valley that envisions minimal visual intrusion by avoiding proliferation of above-ground transmission lines and related support poles. To be consistent with this policy, the on-site low-voltage and on- and off-site high-voltage transmission lines will be undergrounded to minimize visual intrusion and to avoid proliferation of above-ground transmission lines;

e. Policy No. 66: "Maintain a long-range program for the underground relocation of overhead power distribution facilities, telephone lines, and other utility services in urban areas." (AVAGP, pg. V-9). Many potential applications for renewable energy projects in the Antelope Valley require long-term planning for solar and wind project transmission line installations. Although not located within an urban area, the project site is subject to long-range planning efforts for future development in the area. To be consistent with this policy transmission lines associated with this project will be undergrounded to minimize visual intrusion and to avoid proliferation of above-ground transmission lines.

f. Policy No. 69: "Protect significant vegetation such as the Joshua Tree." (AVAGP, pg. V-9). The project site was chosen due to its historic use as farmland, and does not currently have Joshua Trees or other significant or sensitive natural vegetation. No Joshua trees will be disturbed as a result of this project;

g. Policy No. 70: "Encourage planting of street trees in urban portions of the Antelope Valley." (AVAGP, pg. V-9). Although the subject property is not considered to be within an urban area of the Antelope Valley, nevertheless, the intent of this policy to enhance landscaping and the streetscape is satisfied by this project. Vegetation currently growing on the subject property consists predominantly of invasive species. The landscaping plan recommended by staff as conditions of approval would eradicate and control invasive plant species, and proposes three species of trees in the plant palette;

h. Policy No. 71: "Encourage and support local efforts to attract new industry to the Antelope Valley. While the aerospace and other government related industries should continue to remain as major employment generators, emphasis should also be given to attracting other types of employers." (AVAGP, pg. V-10). The project is a large-scale renewable energy facility that would provide additional employment and new industry opportunities in the growing renewable energy sector within the Antelope Valley;

i. Policy No. 101: "Develop and use groundwater sources to their safe yield limits." (AVAGP, pg. V-13). The project proposes water use levels that are lower than what was previously required for farming, and water will be provided by five existing wells;

j. Policy No. 114: "As an interim policy, pending construction of regional drainage facilities, require installation of appropriate systems and facilities to retain the increase in storm runoff due to development on the project site or equivalent mitigating measures." (AVAGP, pg. V-14). In addition to retaining natural flow and volumes through the primary drainages on the site, the project proposes to retain natural permeable ground surfaces;

k. Policy No. 135: "Encourage development to utilize and enhance natural topographic features, thus establishing harmony between the natural and man-made environment." (AVAGP, pg. V-17). Natural drainages will be maintained by the project to retain the natural flow of stormwater, and additional buffering of the main drainage course is proposed for animal movement and ongoing habitat. Permeable fencing is also proposed to enable additional movement for small and moderate sized wildlife. The project proposes to preserve 220 acres onsite as natural open space;

l. Policy No. 140: "Promote air quality that is compatible with health,

well-being, and enjoyment of life. The public nuisance, property, and vegetative damage, and deterioration of aesthetic qualities that result from air pollution contaminants should be prevented to the greatest degree possible." (AVAGP, pg. V-17). The project proposes to stage limited grading and construction over a 18-month period, and to use other standard dust control measures to limit the extent of air pollution from fugitive dust during construction. During operation of the project, native vegetation will be re-vegetated to the greatest extent feasible while complying with fire control clearance requirements. By providing a utility scale solar project, the project will facilitate the use of clean, renewable energy, which in turn will help reduce emissions from other energy sources, thereby promoting improved air quality;

m. Policy No. 141: "Prohibit the harvesting of Joshua or Juniper trees for fuel purposes or for transplantation out of their normal habitat area." (AVAGP, pg. V-18). The landscaping plan recommended by staff as conditions of approval would eradicate and control invasive plant species, and proposes three species of trees in the plant palette, including Joshua trees. Additional new trees would be planted and harvesting of existing trees, such as Joshua or Juniper trees, would not occur as part of this project; and

n. Policy No. 217: "Promote use of alternative energy sources (including solar and wind) for heating and cooling." (AVAGP, pg. V-26). The project proposes to produce 92 megawatts of photovoltaic solar electric power for use in California to assist in meeting the state's renewable energy needs and mandates.

15. The project is consistent with the Area Plan guidelines for non-residential uses in non-urban areas (Pages VI-24, 25) as follows:

a. Location. The project is located on previously disturbed land surrounded by vacant properties and agricultural uses in the general vicinity. Proposed operations are relatively passive and similar to existing surrounding uses. Existing primary roadways will be retained to maintain existing circulation patterns in the area. Existing utilities, other public services, and infrastructure are available to support the project. The project will also provide native landscaping and open space. The relatively flat topography, distance from known active faults, and previously farmed and disturbed land, make the location suitable for the proposed development. Accordingly, the project is consistent with the location guidelines of the Area Plan;

b. Access. The project proposes to have primary access from SR 138

via 210th Street West and a portion of West Avenue C, which is currently a one-lane unpaved road Transport of materials during construction of the project will avoid existing residential communities. Accordingly, the project's primary access is consistent with the access guidelines of the Area Plan; and

16. The project will comply with all applicable development standards of the A-2 Zone. Section 22.24.150 of the County Code lists the following uses as permitted in the A-2 zone with a CUP: "electric distribution substations, electric transmission substations and generating plants, including microwave facilities used in conjunction with any one thereof." The project is a photovoltaic solar electric power generation plant, with transmission lines, which is consistent with such uses in the A-2 zone.

17. The site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in Title 22 of the County Code or as is otherwise required in order to integrate the project with the surrounding uses. The project is a photovoltaic solar electric power generation plant, with distribution substation and transmission lines, and complies with the following regulations of Title 22 of the County Code:

    a. Section 22.24.170.A of the County Code - Front, Side, and Rear Yard Standards. The standards for the A-2 zone require a minimum set back of 20 feet for front yards, five feet for side and corner side yards, 10 feet for reversed corner side yards, and 15 feet for rear yards. The project exceeds these requirements by providing a minimum set back of 50 feet from the property line throughout the site. Further, specific designated areas of the site provide additional set backs and buffering, as shown on the site plans. Accordingly, the project complies with the A-2 zone's yard requirements;

    b. Section 22.48.160 of the County Code - Fences and Walls. Under the County Code, the maximum permitted fence height ranges from 3.5 feet to 6 feet depending on the location of the involved property. The permittee requests a modification of this standard to allow fencing eight feet in height around the entire perimeter of the site for security and safety purposes. This modification request is appropriate considering the use and location of the site;

    c. Chapter 22.52, Part 7 of the County Code - Outside Storage. The County Code requires that all visible outside storage from the exterior boundary of a site shall be enclosed by a solid wall or fence. This requirement, however, does not apply to temporary material staging

areas and temporary outdoor worker shelters used during construction. The project may have temporary outside storage during its 18-month construction period but does not propose permanent outside storage for its on-going operations. Accordingly, the project complies with the County Code's outside storage requirements;

d. Section 22.52.1220 of the County Code - Parking Requirement For Uses Not Specified. Where parking requirements for a use are not specified in the County Code, parking shall be provided in an amount determined to be adequate to prevent traffic congestion and excessive on-street parking. Whenever practical, such determination shall be based on the parking requirement for the most comparable use specified in the County Code. Because the parking requirement for the project is not specified in the County Code, it has been determined that the most appropriate parking standard for the project is that applicable to an industrial use. Accordingly, under section 22.52.1140 of the County Code, the applicable parking standard is either one parking space per two employees, or one parking space per 500 square feet, where in either case, one handicapped parking space per 40 standard parking spaces is required. The project includes a 450 square-foot operations and maintenance building and a maximum of two employees, for which one parking space is required. The project includes five parking spaces, one of which is handicapped. The project complies with this parking requirement;

e. Chapter 22.52, Part 21 of the County Code - Drought - Tolerant Landscaping. The County's drought-tolerant landscaping standards require use of County-authorized drought-tolerant plant lists, minimum required percentages of drought-tolerant plantings, limitations on the amount of turf, and efficient watering management. The project complies with these requirements; and

f. Chapter 22.52, Part 22 of the County Code - Low-Impact Development ("LID"). The County's LID standards are designed to limit hydro-modification impacts to natural drainage systems and to manage excess volume from each lot where development occurs so as to infiltrate excess volume at the lot level, or in the alternative, in sub-regional facilities. The project proposes to sustain the primary natural drainage course through the site from southwest to northeast, and to provide numerous vegetated swales throughout the development to infiltrate runoff to the satisfaction of Public Works. Accordingly, the project complies with the County's LID requirements.

18. The project 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. The existing local roadway system is adequate to serve the project without improvements. During construction, truck traffic will increase in the area, though not to a significant level. During operations, traffic generated by the project's relatively passive operations is minimal. Traffic volume added to the surrounding roadway circulation system, during construction and operation, will have no significant effect at any of the intersections or road segments proximate to the project area. The site will include a system of on-site roads to allow access to all areas of the site, and to minimize the need for using public roadways. The on-site roads will be designed and constructed to accommodate the traffic needs of the project and necessary access for emergency services.

19. The project will require minimal public or private service facilities and is adequately served by these facilities. Sanitary needs during construction will be served by portable toilets, and operational needs will be met by an on-site sanitary waste septic system.

20. The Project will apply for a cash grant in lieu of Production Tax Credits, under Section 1603 of the American Recovery and Reinvestment Tax Act of 2009 (ARRA). To be eligible for the ARRA cash grant, applicants must start construction prior to the end of 2010. Construction is considered to have begun when physical work of a significant nature has begun, and includes starting construction on the Project site or starting work off-site. Under the safe harbor requirements of ARRA, physical work of a significant nature begins when more than five percent of the cost of the property for the Project has been paid or incurred.

21. The project 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. The project is compatible with surrounding land uses as follows:

    a. The project will not present significant emissions, noise, pollutants, or visual intrusions;

    b. Human activity and associated traffic to and from the project site will be minimal;

    c. The project will not create a significant increase to the local population and thus will not increase the level of demand on schools, fire protection, law enforcement, or emergency services;

d. The low-profile of the project's solar panels, combined with the generally flat terrain of the project site and surrounding area, will make the project visually compatible with the surrounding environment;

e. Aerial photography of the site provides imagery indicating grading/plowing over the majority of the site years ago. Recycled use of previously disturbed land is preferred for development over using undisturbed native lands for development;

f. The majority of other adjacent properties within a 500-foot radius are vacant and not currently developed.

22. An Initial Study was prepared for the project in compliance with the California Environmental Quality Act (Public Resources Code section 21000 et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County. Based on the Initial Study, the County Department of Regional Planning ("Regional Planning") determined that a Mitigated Negative Declaration ("MND") was the appropriate environmental document for the project.

23. A Notice of Intent to Adopt the MND was provided in accordance with the applicable provisions of CEQA. After consideration of the attached Mitigated Negative Declaration together with any comments received during the public review process, the Planning Commission finds on the basis of the whole record before the Planning Commission that there is no substantial evidence the project will have a significant effect on the environment as mitigated, finds the Mitigated Negative Declaration reflects the independent judgment and analysis of the County, and approves the Mitigated Negative Declaration.

24. Approval of this project is conditioned on the permittee's compliance with the attached conditions of approval and the MMP.

25. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter is the Los Angeles County Department of Regional Planning, Hall of Records, 13th Floor, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits Section, Regional Planning.

BASED ON THE FOREGOING, THE 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 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

4. 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

5. 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 this Title 22.

6. AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a Conditional Use Permit as set forth in Section 22.56.040 of the Los Angeles County Code.

PLANNING COMMISSION ACTION:

1. The Planning Commission has considered the Mitigated Negative Declaration together with any comments received during the public review process, finds on the basis of the whole record before the Planning Commission that there is no substantial evidence the project will have a significant effect of the environment, finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission, and adopts the Mitigated Negative Declaration and Mitigation Monitoring Program for the project.

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 Conditional Use Permit 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 Number RCUP200900158 Project Number R2009-02089-(5) is APPROVED, Subject to the attached conditions.

CONDITIONS OF APPROVAL
PROJECT NO. R2009-02089-(5)
CONDITIONAL USE PERMIT CASE NO. 200900158-(5)

1. This grant authorizes use of the subject property for the construction, operation and maintenance of a 92 megawatt alternating current photovoltaic energy generating facility on approximately 800 gross acres, a yard modification to allow construction and maintenance of an eight-foot tall chain-link fence in the front and side yard setback along the perimeters of the two project parcels, and a one mile underground 66 kilovolt (kV) generation-tie line all as depicted on the approved Exhibit "A" dated June 21, 2010, subject to all of following conditions of approval:

2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or entity making use of this grant.

3. This grant shall not be effective for any purpose unless and 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. 6, and until all required monies have been paid pursuant to Condition No. 6. Notwithstanding the foregoing, this Condition No. 3, and Condition Nos. 7, 8, 9, and 10 shall be effective immediately upon final approval of this grant.

4. 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.

5. 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 it is found that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety, or so as to be a nuisance.

6. 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").

7. Within three days of the March 30, 2011 approval of this grant, the permittee shall remit processing fees payable to the County in connection with the filing and posting of a Notice of Determination ("NOD") in compliance with section 21152 of the California Public Resources Code for Project No. R2009-02089-(5). The date of final approval is the date the County's actions become effective pursuant to Section 22.60.260 of the Los Angeles County Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to section 711.4 of the California Fish and Game Code, the permittee is responsible for the payment of fees established by said department for the project's impacts to fish and wildlife and to defray the cost of wildlife protection and management. The permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in section 711.4 of the Fish and Game Code (currently $2119.00 for a Mitigated Negative Declaration). No land use project subject to this requirement is final, vested, or operative until the fee is paid.

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 reasonably 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 reasonably 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, pay Regional Planning an initial deposit of $5,000, from which actual costs shall be billed and deducted for the purpose of defraying the 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. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

    a. If during the litigation process actual costs 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 the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and

b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

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 Los Angeles County Code ("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. Upon expiration, entitlement to the use of the property shall be subject to the regulations then in effect.

11. This grant shall terminate on December 21, 2040. 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 will be subject to 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 final approval of this grant, the permittee shall deposit with the County the sum of $3,000 to be placed in a performance fund to 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 15 biennial inspections (one every other year). Inspections shall be unannounced.

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 for and shall reimburse Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject

property into compliance. The charge for additional inspections shall be the amount equal to the recovery cost at the time any additional inspections are required. The current recovery cost is $200 per inspection.

14. The permittee shall comply with all mitigation measures identified in the attached Mitigation Monitoring and Reporting Program ("MMP"), which is incorporated herein in its entirety by this reference.

15. Within 60 days of the date of final approval of this grant, the permittee shall deposit the sum of $6,000 with Regional Planning in order to defray the cost of reviewing the permittee's reports and verifying compliance with the information contained in the reports required by the MMP. The permittee shall retain the services of a qualified Environmental/Mitigation Monitoring Consultant, subject to the approval of the Director, to ensure that all applicable mitigation measures are implemented and reported in the required Mitigation Monitoring Reports.

16. 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. In addition, the permittee shall comply with all requirements set forth in the County Fire Department's letter dated December 17, 2010, attached hereto, to the satisfaction of said department.

17. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, or by the approved Exhibit "A" or a revised Exhibit "A" approved by the Director.

18. All structures related to the permittee's use shall conform to the requirements of the County Department of Public Works ("Public Works), Division of Building and Safety. In addition, the permittee shall comply with all requirements and conditions set forth in Public Works' letter dated December 8, 2010, attached hereto, to the satisfaction of said department.

19. Except for seasonal decorations or signage provided by or for a civic or non-profit organization, all structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage that do not directly relate to the use of the property or provide pertinent information about the premises. In the event any such extraneous markings become visible, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of their visibility, 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.

20. The subject property shall be developed and maintained in substantial compliance with the approved Exhibit "A." In the event that subsequent revised

plans are submitted, the permittee shall submit four copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) for such revisions.

21. Prior to obtaining any building permit, the permittee shall provide the County a decommissioning plan ("Decommissioning Plan") in connection with any and/or all of the terminating events described in Condition No. 24, which Plan shall include, at a minimum, a detailed plan for decommissioning and deconstructing the facility, and for restoration of the site (collectively referred to as "decommissioning"). The Decommissioning Plan shall be developed to the satisfaction of the Director and the Director of Public Works and subject to their review and approval.

    The Decommissioning Plan shall provide for, including, but not be limited to, the following:

    a. Removal of solar panel structures and all appurtenant above-ground equipment;

    b. Removal of on-site overhead poles and above-ground electricity lines;

    c. Removal of permanent above-ground transmission lines and poles located in the public right-of-way if determined not usable by Public Works and/or any other applicable public or private utility. Otherwise such transmission lines and poles shall be allowed to remain;

    d. Restoration of any disturbed soil and revegetation of the site to its pre-construction condition, with native vegetation similar to the vegetation in the surrounding vicinity;

    e. Restoration or reclamation of project roads to their pre-construction condition unless the then-existing owner of the site elects to retain the improved roads for access throughout the site;

    f. Removal of permanent operations facilities and maintenance buildings unless these facilities and/or maintenance buildings are in a condition as to be reusable by the then-existing owner of the site, as determined by the Director, and the then-existing owner elects to retain such facilities and/or buildings;

    g. Documentation of the pre-construction condition of the project site, including, but not be limited to, a photographic record; and

    h. Details of the performance and financial assurance guarantees described in Condition No. 22, explaining the amounts and schedule for the provision of such guarantees.

22. Prior to obtaining any building permits, the permittee shall provide to the County, to the satisfaction of the Director and the Director of Public Works, performance and financial assurance guarantees in an amount sufficient to ensure the performance of the approved Decommissioning Plan, as described in Condition No. 21. Additionally, the permittee shall be solely responsible for the costs and expenses associated with decommissioning the site after any of the terminating events described in Condition No. 24. In the event that the performance and financial assurance guarantees are not sufficient to fully compensate the County for the cost and expense of decommissioning the site, the permittee shall be responsible for compensating the County for any shortfall. In determining the sufficiency of the performance and financial assurance guarantees, the residual value of the solar panels, support structures, and other salvageable equipment (collectively "Salvageable Property") shall be considered.

    With respect to the performance and financial assurance guarantees, the following requirements shall apply:

    a. The permittee shall ensure that such guarantees are detailed in the approved Decommissioning Plan to the satisfaction of the Director and the Director of Public Works, and that such Decommissioning Plan shall explain the amounts and schedule for the provision of such guarantees;

    b. The permittee shall provide a report to the Director every five years after the date of final approval of this grant to confirm that the performance and financial assurance guarantees are sufficient to ensure performance and implementation of the Decommissioning Plan. The report shall be subject to review and approval by the Director and the Director of Public Works particularly as to whether the performance and financial assurance guarantees are adequate to meet existing conditions at the time of the report.

        A decommissioning pro forma summarizing the residual value of the Salvageable Property shall be included in the report. The pro forma shall include, at a minimum, the expected revenue from all Salvageable Property, as defined in this Condition No. 22, the then-current cost of decommissioning the site, as required by the approved Decommissioning Plan, and the then-current value of any performance and financial assurance guarantees that have been provided as of the date of such report. In the event it is determined that the performance and financial assurance guarantees are insufficient to perform the decommissioning of the site as required by the approved Decommissioning Plan, the permittee shall be required to provide additional performance and financial assurance guarantees to the satisfaction of the Director and the Director of Public Works;

c. Any funds not used by the County in connection with decommissioning the site shall be returned to the permittee; and

d. The performance and financial assurance guarantees may consist of, including, but not limited to, one or more of the following, to the satisfaction of the Director and the Director of Public Works:

1) An irrevocable letter of credit;

2) A surety bond;

3) An appropriate insurance policy; or

4) A trust fund or escrow account established and maintained in accordance with approved financial assurances and practices to guarantee that decommissioning the site will be completed in accordance with the approved Decommissioning Plan as approved by the Department of Public Works.

23. Upon discontinuance of the permittee's operation as set forth in Condition No. 24, abandonment of the project in whole or in part, or termination of this grant as described in Condition No. 11, and in the event that a new permit application is not timely filed for a continued similar use or reuse of the site, the permittee shall perform decommissioning in accordance with the approved Decommissioning Plan, or compensate the County for use of a County-contracted consultant to perform such decommissioning. In the alternative, and at the County's sole election, the County shall be entitled to use any performance and/or financial assurance guarantees, as described in Condition No. 22(d), to perform the decommissioning itself or to contract for such decommissioning.

24. In the event that any portion of the solar field is not in operational condition for a consecutive period of 12 months, operations for that portion of the site shall be deemed to have been discontinued and that portion of the facility shall be removed from the site within 90 days from the date that written notice is sent to the permittee from Regional Planning. Within this 90-day period, the permittee may provide the Director a written request and justification for an extension of up to 12 months to resume operations of that portion of the site, which request shall be subject to the satisfaction and approval of the Director. A second written request and justification for a second extension of up to 12 months may also be submitted, which the Director may grant if the request is adequately justified based on the Director's determination. In no event shall the operations of the solar field or portion of the solar field be discontinued for more than 36 months from the date such operations were first deemed discontinued without being decommissioned pursuant to the approved Decommissioning Plan. Further, in no event shall any extension of the period to resume operations of any portion of

the site pursuant to this Condition No. 24 be deemed to extend the term or expiration date of this grant.

25. Temporary structures, outside storage, staging areas, and concrete batching plants allowed for construction shall be removed from the project site within 120 days of project completion, but in no event shall any such temporary structures remain on site for longer than 42 months from the date of building permit issuance absent approval to extend this time period. In the event additional time beyond 42 months is needed to complete removal of temporary structures and related materials, the permittee shall submit a written request to the Director for review and approval for a time extension for up to one year to complete removal of these structures. Any other outside storage needed for the project shall comply with the requirements of Part 7 of section 22.52 of the County Code.

26. The permittee shall install portable wheel wash stations for the duration of construction activities to prevent the spread of invasive weed seed from the tire treads of vehicles entering and leaving the project sites. The seeds collected from the debris basins of these wash stations shall be disposed of in green waste or trash receptacles when the basins require maintenance.

27. The permittee shall maintain all landscaping in a neat, clean, and healthful condition and shall properly prune, weed, remove litter, fertilize, and replace plants when necessary. Watering facilities shall consist of a temporary water-efficient irrigation system, such as a drip irrigation, which shall only be used to establish and maintain the plantings in all landscaped areas.

28. The permittee shall retain a licensed landscape architect to design the landscape planting plan for the project site. The landscape architect shall have experience working with natural vegetation communities and habitat types.

29. The applicant shall retain a landscape maintenance professional who is knowledgeable of the care and maintenance of native plants as well as perpetuating the Best Management Practices of the weed abatement program.

30. The permittee shall use plants listed as native on the project site in Table 3 (List of Plants Observed During Botanical Survey) of the MND and incorporate the management practices provided by the County biologist in his assessment (see attached).

31. All exterior fencing shall be visually non-intrusive to the satisfaction of the Director.

32. All lighting and use of lights shall be designed and installed in a manner that will further the principles of the International Dark Sky Association, as approved by

the Director, and shall employ motion detecting sensors that are designed to be triggered by human activity on the site.

33. Night-lighting, limited to that required by applicable lighting regulations for safety and security, shall be shielded and directed downward to avoid lighting spillover and shall consist of: (a) motion sensor for entry-lighting to the on-site equipment structures; (b) light-sensor or motion-sensor lighting for the main plant access gate and operations and maintenance building doorways and parking area; and (c) any and all light fixtures shall be cut-off fixtures as defined by the International Dark Sky Association.

34. The permittee shall, to the satisfaction of the Director, utilize the subject property only for the project as proposed and approved herein. In this regard, the permittee shall agree to and shall retire any development rights, including any rights to undertake irrigated farming on the subject property that require the use of groundwater in excess of the groundwater use approved by this grant for the life of this CUP.

35. The proposed project shall be limited to a maximum use of 300-acre-feet per year ("AFY") of groundwater for the duration of the project's 18-month construction period.

36. The proposed project shall be limited to a maximum use of 2 AFY of groundwater for operation of the project for the duration of this grant.

37. In the event that piped recycled water suitable for use in operating the project becomes available from the public right-of-way one mile from the project site at fair market value, the permittee shall obtain the necessary permits to connect to the recycled water, construct access, and connect to and purchase the piped recycled water.

38. In the event that piped potable water becomes available from the public right-of- one mile from the project site at fair market value, the permittee shall obtain the necessary permits to connect to the potable water, construct access, and connect to and purchase the piped potable water. Notwithstanding any other provision of this grant, at such time that such connection to the piped potable water has been made pursuant to this Condition No. 37, the 2 AFY of operational groundwater supply allowed by this grant shall be reduced to a maximum of 1 AFY of groundwater.

39. In the event that potable or non-potable water supply becomes restricted, trucked wash water may be used for non-potable purposes.

40. In the event potable groundwater is restricted in the future, the permittee shall purchase water from County-authorized water purveyors, including County-authorized recycled water purveyors for non-potable uses, or shall otherwise

conform to the Court and/or Watermaster rules, regulations, and restrictions, including those rules, regulations, and restrictions that would require the payment of all assessments, if any.

41. The permittee shall comply with all applicable guidelines of Chapter 4.8 of the Water Quality Control Plan for the Lahontan Region, as set forth in a letter from the California Regional Water Quality Control Board dated October 7, 2010, attached hereto, to the satisfaction of said department.

42. The permittee shall hold annual meetings with the community as outlined below.

    a. The permittee shall hold two community meetings prior to the first annual meeting. The first of these meetings shall occur within six months of the date of final approval of this grant. The permittee shall provide notice of these community meetings to the Department at least two weeks in advance of such meeting in order to allow for a representative of the Department to attend.

    b. The permittee shall compile a list a community groups and representatives who shall be notified of the annual meetings and submit such a list to the Department within thirty (30) days of the date of approval. The permittee shall be responsible for maintaining the list.

    c. The permittee shall coordinate with community groups and organizations to notify the community of the date, time, and location of the annual meeting and provide a copy of such notification in advance of the scheduled meeting to the Department and the Fire Department. The permittee shall provide a copy of the minutes of the annual meeting to the Department.

43. The Department of Regional Planning project number, conditional use permit number and lease holder contact information shall be prominently displayed on the facility accessible to the public where it can be easily viewed at or near eye level.

44. Washing of photovoltaic panels shall be limited to water and pressurized water.

45. The permittee shall provide for the ownership and maintenance of 50 acres of conservation land on the subject property and 40 acres of conservation land off-site to the satisfaction of the Department of Regional Planning. All such conservation lands shall be offered to trust or conservation agencies. If another agency does not accept this offer, the applicant shall keep and maintain said land in perpetuity. All conservation land shall be held in such a way as to protect and preserve it from future development.

MC:at
Tuesday, April 6, 2011

Attachments
Mitigation Monitoring and Reporting Program
Department of Public Works' letter December 8, 2010
Fire Department letter dated December 17, 2010
California Regional Water Quality Control Board letter dated October 7, 2010
Assessment and Guidelines Provided by County Biologist

MITIGATION MONITORING PROGRAM

PROJECT NO. RENVT200900128/ RCUPT200900158

The Department of Regional Planning staff has determined the following conditions or changes in the project are necessary in order to assure there will be no substantial evidence the proposed project will have a significant effect on the environment.

The applicant shall deposit the sum of $6,000 with the Department of Regional Planning (DRP) within 30 days of permit approval in order to defray the cost of reviewing and verifying the information contained in the annual reports or as required by this Mitigation Monitoring Program.

#	*Mitigation*	*Action Required*	*When Monitoring to Occur*	*Responsible Agency or Party*	*Monitoring Agency or Party*
	Geotechnical				
	Submit a Geotechnical / Soils Report to the Los Angeles County Department of Public Works for review and approval.	Submit Geotechnical/Soils report for review and approval	Prior to the issuance of grading permit	Applicant	DPW
	Construction activities will be conducted in accordance with a SWPPP, which will be completed and available onsite at all times during construction and will incorporate industry standard BMPs for erosion and dust control. BMPs will be installed, as appropriate, prior to the start of ground disturbance and will be maintained throughout Project construction.	Submit detailed liquefaction and seismic stability analysis for review and approval	Prior to issuance of grading permit	Applicant	DPW
	Flood				
	A final Hydrology and Hydraulics Report will be prepared that includes recommendations to address potential design and flood constraints. The final report will be provided to the Department of Public Works prior to issuance of grading permits for the Project. The design features included in the final report will be implemented.	Submit Hydrology/ Hydraulics report for review and approval	Prior to issuance of grading permit	Applicant	DPW

#	*Mitigation*	*Action Required*	*When Monitoring to Occur*	*Responsible Agency or Party*	*Monitoring Agency or Party*
Fire					
	Prepare and submit a Fire Protection and Prevention Plan to the LACFD for review and approval prior to issuance of a Grading Permit.	Submit a Fire Protection and Prevention Plan for review and approval	Prior to issuance of grading permit	Applicant	Fire Department DRP
Noise					
	Construction equipment and vehicles will be fitted with efficient and well-maintained mufflers to reduce noise emission levels. In addition, the Project construction equipment and vehicles will be maintained according to manufacturers' instructions and recommendations.	Submit a copy of approved Building Plans	Field verification during all phases of construction	Applicant	DPW DRP
Air Quality					
	Prepare and submit a Dust Control Plan.	Submit a Dust Control Plan for review and approval	Prior to issuance of grading permit	Applicant	AVAQMD DRP
	The construction contractor will ensure that all mechanical equipment associated with Project construction is properly tuned and maintained in accordance with the manufacturers' specifications.	Submit a copy of approved Building Plans	Field verification during all phases of construction	Applicant Contractor	AVAQMD DRP
	Engine idle time will be restricted to no more than 5 minutes as required by the California Air Resources Board engine-idling regulation. Exceptions in the regulation include vehicles that need to idle as part of their operation, such as concrete mixer trucks.	Submit a copy of approved Building Plans	Field verification during all phases of construction	Applicant Contractor	AVAQMD DRP
	Any off-road stationary and portable gasoline-powered equipment brought onsite for construction activities will have U.S. Environmental Protection Agency (EPA) Phase 1/Phase 2 compliant engines.	Submit engine documentation for review and approval	Prior to issuance of grading permit	Applicant Contractor	AVAQMD DRP

#	*Mitigation*	*Action Required*	*When Monitoring to Occur*	*Responsible Agency or Party*	*Monitoring Agency or Party*
Biota					
	Construction plans will be developed to avoid active burrows within 165 feet of the impact zone or to provide for relocating burrowing owls to a protected onsite or offsite mitigation site. If avoidance is not practicable, a mitigation and monitoring plan will be developed in consultation with the California Department of Fish and Game (CDFG) and will be implemented and funded by the Applicant.	Submit grading plans for review and approval	Field inspection during grading and construction	Applicant Contractor	DRP Department of Fish and Game
	Pre-construction surveys will be conducted for nesting birds and the American badger. If necessary, construction plans will be developed to avoid nesting periods or to provide for avoidance or relocation of the American badger.	Consult with the Department of Fish and Game	Prior to issuance of a grading permit	Applicant Contractor	DRP Department of Fish and Game
	Pre-construction surveys will be conducted for active Swainson's hawk nests in suitable habitat located within 0.5 mile of the Project (California Energy Commission and CDFG, 2010).	Consult with the Department of Fish and Game	Prior to issuance of a grading permit	Applicant Contractor	DRP Department of Fish and Game
	Pre-construction clearance surveys will be conducted for ground-dwelling special-status species, including coast horned lizard, to ensure that these species are excluded from the impact zone during construction.	Consult with the Department of Fish and Game	Prior to issuance of a grading permit	Applicant Contractor	DRP Department of Fish and Game
	Develop a habitat management plan for the burrowing owl.	Submit a habitat management plan for review and approval	Prior to issuance of a grading permit	Applicant Contractor	DRP Department of Fish and Game

#	*Mitigation*	*Action Required*	*When Monitoring to Occur*	*Responsible Agency or Party*	*Monitoring Agency or Party*
	Cultural Resources				
	If cultural resources or materials are discovered during ground-disturbing activities, work near the discovery should cease and the area should be protected until the find can be evaluated by a qualified archaeologist. Depending on the nature of the find, additional consultation with the State Historic Preservation Office or with Tribal leaders may be necessary before work can resume in the area of the find.	Halt work if cultural resources are discovered	During construction	Applicant Contractor	South Central Coastal Information Center DRP
	If human remains are encountered, according to State Health and Safety Code Section 7050, no further disturbance will occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98.	Halt work if cultural resources are discovered	During construction	Applicant Contractor	County Coroner DRP
	Prior to construction, the Applicant will retain a qualified paleontologist to design and implement a mitigation program where excavations deeper than 6 feet would occur.	Submit grading plans for review and approval	Prior to start of grading activities	Applicant	DPW DRP
	Prior to ground disturbance, all construction personnel will be given awareness training, which will include instruction in both verbal and written forms that cultural or paleontological resources may be encountered during construction.	Provide worker awareness training	Prior to start of grading activities	Applicant Contractor	DRP

#	*Mitigation*	*Action Required*	*When Monitoring to Occur*	*Responsible Agency or Party*	*Monitoring Agency or Party*
Traffic					
	Prepare a Construction Traffic Control Plan and will submit the Plan to the County and Caltrans for review and approval prior to starting construction. The Plan will include flagging, safety measures, signage, and other related measures to protect the traveling public and construction workforce.	Submit a Traffic Control Plan	Prior to start of grading activities	Applicant Contractor	DPW DRP

As the applicant, I agree to incorporate these changes/conditions into the project and understand that the public hearing and consideration by the Hearing Officer and/or Regional Planning Commission will be on the project as changed/conditioned.

_____ _____

Applicant Date

☐ No response within 10 days. Environmental determination requires that these changes/conditions be included in the project.

_____ _____

Staff Date

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
http://dpw.lacounty.gov

GAIL FARBER, Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

December 8, 2010

IN REPLY PLEASE
REFER TO FILE: LD-1

TO: Mark Child, AICP
Zoning Permits I Section
Department of Regional Planning

Attention Adam Thurtell

FROM: Steve Burger
Land Development Division
Department of Public Works

CONDITIONAL USE PERMIT (CUP) NO. 200900158
PROJECT NO. R2009-02089
ALPINE SOLAR
AVENUE B, AVENUE C, 210TH STREET WEST, AND 220TH STREET WEST
UNINCORPORATED COUNTY AREA OF ANTELOPE VALLEY

☒ Public Works recommends approval of this CUP.

☐ Public Works does **NOT** recommend approval of this CUP.

We reviewed the site plan for the construction and operation of a new 92 megawatts solar, photovoltaic energy facility in the vicinity of Avenue B, Avenue C, 210th Street West, and 220th Street West in the unincorporated County area of Antelope Valley.

Any deviation from the approved CUP may require a revised or amended CUP to be submitted to the Department of Regional Planning.

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

1. Road

   1.1 Make an offer of private and future right of way, 32 feet from centerline, along the property frontage on Avenue B, Avenue B-8, Avenue C, 210th Street West, 215th Street West, 205th Street West, and 200th Street West to the satisfaction of Public Works. For segments of these streets which have an existing right of way, make an offer of the difference to the satisfaction of Public Works. For segments of these streets which have

more than the required right of way, the applicant may pursue vacation of excess right of way by submitting an application and fees to Survey/Mapping & Property Management Division. Fees will be required for processing of road deeds.

1.2 Make an offer of private and future right of way, 30 feet from centerline, along the property frontage on Avenue B-4, Avenue B-12, 202nd Street West, 212th Street West, and 217th Street West to the satisfaction of Public Works. For segments of these streets which have an existing right of way, make an offer of the difference to the satisfaction of Public Works. For segments of these streets which have more than the required right of way, applicant may pursue vacation of excess right of way by submitting an application and fees to Survey/Mapping & Property Management Division. Fees will be required for processing of road deeds.

1.3 Make an offer of private and future right of way for a property corner cut-off at all local street intersections, based on a property line radius of 13 feet, to the satisfaction of Public Works.

1.4 Provide a minimum 10-feet-wide slope and drainage easements along future or private and future streets to the satisfaction of Public Works. A grading exhibit may be required to determine the extent of the slope easements.

1.5 Whenever there is an offer of a future street or a private and future street, provide a drainage statement/letter.

1.6 Permittee shall construct all transmission lines underground within the road right of way to the satisfaction of Public Works.

1.7 Obtain an encroachment permit, or establish a franchise agreement, for any work within the road right of way from Public Works' Land Development Division, Subdivision and Permit Section.

For questions regarding the road conditions, please contact Patricia Constanza at (626) 458-4921 or pconstan@dpw.lacounty.gov.

2. Grading

2.1 Prior to construction, submit a grading plan for approval (as applicable). The grading plans must show and call out the construction of at least all drainage devices and details, paved driveways, elevation and drainage of all pads, and the Standard Urban Stormwater Mitigation Plan devices if applicable. The applicant is required to show and call out all existing easements on the grading plan and obtain the easement holder approvals.

2.2 A maintenance agreement may be required for privately maintained drainage devices.

2.3 Provide soil/geology approval of the grading plan from Public Works' Geotechnical and Materials Engineering Division, as applicable.

2.4 Regulatory agency approvals/permit may be required prior to grading plan approval.

For questions regarding the grading conditions, please contact Patricia Constanza at (626) 458-4921 or pconstan@dpw.lacounty.gov.

3. Drainage

3.1 Prior to grading plan approval, obtain approval or letter of nonjurisdictional from the State Department of Fish and Game, the State Water Resources Control Board, and the Corps of Engineers.

3.2 Portions of the site are located within flood hazard areas, including a FEMA Zone A and several Floodplain Management Paths, as shown on the Antelope Valley Comprehensive Plan of Flood Control and Water Conservation. The County reserves the right to restrict construction within these flood hazard areas. No obstructions to flow will be allowed within flood hazard areas.

3.3 Prior to construction, per County Code Section 12.84.460 comply with Low-Impact Development (LID) requirements in accordance with the LID Standards Manual, which can be found at http://dpw.lacounty.gov/wmd/LA_County_LID_Manual.pdf.

3.4 Prior to issuance of building permits and/or commencement of construction, a drainage and grading plan must be approved to provide for the proper distribution of drainage and for contributory drainage from adjoining properties; eliminate the sheet overflow, ponding, and protect the property from high velocity scouring action; and comply with National Pollutant Discharge Elimination System, Stormwater Management Plan, and Standard Urban Stormwater Mitigation Plan requirements.

For questions regarding the drainage conditions, please contact Christopher Sheppard at (626) 458-4921 or csheppard@dpw.lacounty.gov.

4. Soils and Geology

4.1 Provide geotechnical reports that address, but are not limited to, hydro-consolidation and recommends mitigation at the grading/building plan stage.

For questions regarding the soils and geology condition, please contact Jeremy Wan at (626) 458-4925 or jwan@dpw.lacounty.gov.

5. Building and Safety

5.1 Submit plans and specifications to meet current, applicable, codes and standards for structures, mechanical, plumbing, and electrical.

5.2 All electrical installations shall comply with the following criteria:

- The portion of the project associated with power generation and transmission shall be designed in accordance with the National Electric Safety Code or in accordance with other standards or regulations acceptable to the building official.

- The nonpower generation and transmission portion of the project shall be designed in accordance with the National Electric Code or in accordance with other standards or regulations acceptable to the building official.

5.3 Comply with fire, life safety, structural, and Americans with Disabilities Act guidelines, per the current building codes, as needed.

5.4 The proposed building must have a restroom for employees.

5.5 All foundations must be engineered to comply with existing soil conditions.

5.6 Comply with the "Agency Referral List," which will include Health, Fire, and other applicable agencies.

For questions regarding the building and safety conditions, please contact Clint Lee at (626) 458-3173 or cllee@dpw.lacounty.gov.

6. Water

6.1 A water system maintained by the property owner, with appurtenant facilities to serve all buildings in the project, must be provided. If required, the system must include fire hydrants of the type and location (both on-site and off-site) as determined by the Fire Department. The water mains shall be sized to accommodate the total domestic and fire flows.

6.2 The proposed project is not within the service area of a water utility. The applicant must provide adequate sustainable supply of potable water from an approved source to the satisfaction of the County of Los Angeles Department of Public Health. Please contact Public Health at (626) 430-5380 for water availability approval.

For questions regarding the water conditions, please contact Tony Khalkhali at (626) 458-4921 or khalkh@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.

RC:ca
P:\ldpub\SUBMGT\CUP\Project R2009-02089 Alpine Solar Appproval.docx

COUNTY OF LOS ANGELES
FIRE DEPARTMENT

Land Development Unit – Fire Prevention Division
5823 Rickenbacker Road
Commerce, California 90040-3027
Office (323) 890-4243 Fax (323) 890-9783

DATE: December 17, 2010

TO: Department of Regional Planning
Permits and Variances

PROJECT #: CUP R2009-02089

LOCATION: Alpine Solar Project // Avenue B and 210th Street West, Antelope Valley (Co.)

☐ 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 psi residual pressure. ___ Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.

☐ The required fire flow for private on-site hydrants is ____ gallons per minute at 20 psi. Each private on-site hydrant must be capable of flowing ____ gallons per minute at 20 psi with two hydrants flowing simultaneously, one of which must be the furthest from the public water source.

☐ Verify __ 6" X 4" X 2 1/2" 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 proposed development for two solar array fields is cleared for public hearing only. The applicant is required to resubmit revised plans for Fire Department review and approval.

ELECTRICAL COMPONENTS:

1. All electrical disconnect locations shall be clearly identified, and shall be in compliance with all applicable state and local codes.

2. No structure shall be within 100 feet of an overhead drip line of the 66-kV lines, or greater.

VEGETATION MANAGEMENT:

1. The clearance of vegetation shall be in compliance with the brush clearance regulation as defined by the Fire Code or as directed by the Fire Official (IFC 304).

2. The vegetation shall be trimmed to a maximum height of 6-inchES within the boundaries of the solar array fields.

3. Electrical transformer vaults or structures shall have vegetation cleared to mineral soil for a distance of 50 feet.

☒ **Water:** WATER REQUIREMENTS:

1. This development requires the installation of three (3) water tanks. Two (2) water tanks will be required at the 600-acre western parcel, and one (1) water tank is required at the 200-acre eastern parcel. The water tanks shall be indicated on the revised site plan

WATER TANK REQUIREMENTS:

1. Each water tank shall be a minimum tank size of 10,000 gallons for fire department use only, and shall be clearly identified as "Fire Department Use Only".

2. One water tank will be located adjacent to the ingress/egress gate located on the address side of each parcel, and one (1) water tank shall be located at the second ingress/egress gate for the 600-acre western parcel.

3. The water tanks shall be in compliance with LACoFD Regulation 19.

4. Each water tank shall have a low-level water local alarm in compliance with all applicable codes and regulations.

5. At each water tank, provide a fire department supply outlet which is 2-1/2 inches in diameter with National Standard Threads (NST). The supply outlet is to be located 14-24 inches above finished grade and is required to be protected by approved barricades per LACoFD Regulation 8.

6. If the outlet is not provided directly off of the tank, provide a 6-inch underground to a 4-inch upright with a 2-1/2 inch outlet, and is required to be protected by approved barricades per LACoFD Regulation 8.

☒ **Access:** ON-SITE FIRE APPARATUS ACCESS ROADS:

1. Provided a fire apparatus access road to all on-site structures that are above and below grade, including electrical collection vaults, which shall meet the listed requirements.

2. A fire apparatus access road shall be provided to structures which are used for habitable offices or maintenance space. The access road shall be minimum width of 26 feet, clear-to-sky, with a 32-foot centerline turning radius providing all weather access to within 150 feet of all portions of the exterior walls.

3. This development will require a minimum of two (2) ingress/egress gates for the 600-acre western parcel, and one (1) ingress/egress gate for the 200-acre eastern parcel.

4. All on-site access roads shall be installed and maintained in a drivable condition for the duration of the solar project.

5. All on-site access roads shall be installed prior to occupancy or operation of the facility.

6. All on-site access roads shall be a minimum width of 20 feet, clear to sky, and have a minimum turning radius of 32 feet on the centerline for all turns.

7. All on-site access roads shall have a soil compaction of 90% OR the apparatus access shall be excavated and recompacted to 90%.

8. An access road shall be provided around the entire perimeter of the solar project, and comply with the above noted access requirements.

9. Additional interior fire access roads are required to provide access to the solar array fields and shall comply with all requirements. The interior access roads shall be shown on the revised site plan.

ON-SITE INGRESS/EGRESS GATES:

1. This development will require a minimum of two (2) ingress/egress gates for the 600-acre western parcel, and one (1) access gate at the 200-acre eastern parcel. A gate shall be located on the address side of the each parcel, and at a secondary location for the 600-acre western parcel.

2. Shall be a minimum of 20 feet wide, clear to sky, with all gate accessory hardware clear of the road width.

3. Shall be in compliance with LACoFD Regulation 5

4. An approved limited access device shall be located at each ingress/egress gates

5. The facility emergency contact information shall be provided within each limited access device, per LACoFD Regulation 5, and shall also be clearly indicated with an appropriate placard at each ingress location. The minimum size of the placard shall be 12 inches X 12 inches.

☒ **Special Requirements:** Submit a minimum of four (4) copies of the revised site plan with an Engineer Scale no greater than 1"=200" to the Fire Department Land Development Unit (address is listed above) for review. The revised site plan shall include all Fire Department requirements.

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: ***SCOTT JAEGGI***

California Regional Water Quality Control Board
Lahontan Region

Linda S. Adams
Secretary for
Environmental Protection

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150
(530) 542-5400 • Fax (530) 544-2271
www.waterboards.ca.gov/lahontan

Arnold Schwarzenegger
Governor

October 7, 2010

Anthony Curzi, Planner
Los Angeles County
320 West Temple Street
Los Angeles, CA 90012

COMMENTS REGARDING THE MITIGATED NEGATIVE DECLARATION FOR THE ALPINE SOLAR PROJECT (PROJECT NO. R2009-02089), ANTELOPE VALLEY, LOS ANGELES COUNTY

The California Regional Water Quality Control Board, Lahontan Region (Water Board) received a copy of the above-referenced Mitigated Negative Declaration (MND) on September 7, 2010. As a state agency responsible for protecting water quality within the Lahontan Region and CEQA "responsible" agency, we have reviewed the information submitted and have the following additional comments.

General Comments

State law assigns responsibility for protection of water quality with the Lahontan Watershed Basin to the California Regional Water Quality Control Board, Lahontan Region (Water Board). The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains policies that the Regional Board uses with other laws and regulations to protect water quality within the region, as noted on page 89 of the MND. These policies specifically include in Chapter 4.8 guidelines for land development (enclosed) applicable to the project that indicate, wherever possible, existing drainage patterns should not be significantly modified. On that basis, we encourage development of photovoltaic and other solar projects on previously disturbed land, rather than pristine desert, as is proposed here on former agricultural lands. We are concerned nonetheless by the proposed vegetation removal by grading and compaction of the upper 12 inches of soil (page 90) on large areas of the approximately 800-acre project site with multiple surface water drainage channels. We assert unless mitigation is incorporated these activities could significantly modify existing drainage patterns by increasing soil imperviousness and result in significant effects on downstream runoff and pollutant delivery and erosion processes. We recommend incorporating the Land Development guidelines 1 through 16 of Chapter 4.8 as conditions of project approval, in addition to any other applicable permit requirements.

Regulatory Requirements

If the project involves dredging, filling, or excavating in waters of the State, including waters of the U.S, pursuant to California Water Code (CWC) sections 13160 and 13260, the Project proponent must file with the Water Board a complete Clean Water Act Section 401

water quality certification (WQC) application for proposed discharges to waters of the U.S. or Report of Waste Discharge (ROWD) for proposed discharges to waters of the State. The WQC application or ROWD must fully describe the proposed discharge and be filed with the Water Board at least 140 days before the discharge occurs (CWC Section 13264). The *Application for Clean Water Act section 401 Water Quality Certification and/or Waste Discharge Requirements for Projects Involving Discharge of Dredged and/or Fill Material to Waters of the U.S. and/or Waters of the State* can be located on our website at http://www.waterboards.ca.gov/lahontan/water_issues/programs/clean_water_act_401/index.shtml. The application must include any environmental documents, technical reports, plans, diagrams, maps, mitigation and monitoring proposals, and other documents that characterize the discharge.

Please note, page 90 of the MND states that discharges greater than 0.2 acres, 400 linear feet, or 50 cubic yards are regulated in accordance with the Water Board's Order No. R6T-2003-0004. This information is inaccurate since these Regional General Waste Discharge Requirements (GWDRs) do not have any size requirement. The State Water Resources Control Board Order No. 2004-0004-DWQ, *Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to Outside of Federal Jurisdiction*, do have the above size restrictions; i.e., discharges may be authorized under these Statewide GWDRs (Order No. 2004-0004-DWQ) provided the discharges are not greater than 0.2 acre and 400 linear feet of fill and excavation, and not more than 50 cubic yards of dredge material discharge.

Other Information

Please note that a revised Statewide Construction General Permit (CGP) has been reissued by the State Water Resources Control Board to replace Water Quality Order No. 99-08-DWQ, and became effective as of July 1, 2010. The new permit is Water Quality Order No. 2009-0009-DWQ. Information on the CGP can be obtained at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

If you have any questions, please contact Tobi Tyler at (530) 542-5435 or Ttyler@waterboards.ca.gov or Alan Miller at (530) 542-5430.

Alan E. Miller, P.E.
Chief, North Basin Regulatory Unit

Enclosure: Basin Plan section 4.8, pages 1-2

TT/clhT: Alpine Solar PV comments 10-5-10 TT.doc
[File: Pending / Los Angeles County / Alpine Solar Project]

4.8 LAND DEVELOPMENT

The construction and maintenance of urban and commercial developments can impact water quality in many ways. Construction activities inherently disturb soil and vegetation, often resulting in accelerated erosion and sedimentation. Stormwater runoff from developed areas can also contain petroleum products, nutrients, and other contaminants.

This section contains a discussion of the potential water quality impacts expected to result from land development activities, followed by control measures to reduce or offset water quality impacts from such activities.

Construction Activities and Guidelines

Construction activities often produce erosion by disturbing the natural ground surface through scarifying, grading, and filling. Floodplain and wetland disturbances often reduce the ability of the natural environment to retain sediment and assimilate nutrients. Construction materials such as concrete, paints, petroleum products, and other chemicals can contaminate nearby water bodies. Construction impacts such as these are typically associated with subdivisions, commercial developments, and industrial developments.

Control Measures for Construction Activities

The Regional Board regulates the construction of subdivisions, commercial developments, industrial developments, and roadways based upon the level of threat to water quality. The Regional Board will request a Report of Waste Discharge and consider the issuance of an appropriate permit for any proposed project where water quality concerns are identified in the California Environmental Quality Act (CEQA) review process. Any construction activity whose land disturbance activities exceed five acres must also comply with the statewide general NPDES permit for stormwater discharges (see "Stormwater" section of this Chapter).

The following are guidelines for construction projects regulated by the Regional Board, particularly for projects located in portions of the Region where erosion and stormwater threaten sensitive watersheds. The Regional Board recommends that each county within the Region adopt a grading/erosion control ordinance to require implementation of these same guidelines for all soil disturbing activities:

1. Surplus or waste material should not be placed in drainageways or within the 100-year floodplain of any surface water.

2. All loose piles of soil, silt, clay, sand, debris, or other earthen materials should be protected in a reasonable manner to prevent any discharge to waters of the State.

3. Dewatering should be performed in a manner so as to prevent the discharge of earthen material from the site.

4. All disturbed areas should be stabilized by appropriate soil stabilization measures by October 15th of each year.

5. All work performed during the wet season of each year should be conducted in such a manner that the project can be winterized (all soils stabilized to prevent runoff) within 48 hours if necessary. The wet season typically extends from October 15th through May 1st in the higher elevations of the Lahontan Region. The season may be truncated in the desert areas of the Region.

6. Where possible, existing drainage patterns should not be significantly modified.

7. After completion of a construction project, all surplus or waste earthen material should be removed from the site and deposited in an approved disposal location.

8. Drainage swales disturbed by construction activities should be stabilized by appropriate soil stabilization measures to prevent erosion.

9. All non-construction areas should be protected by fencing or other means to prevent unnecessary disturbance.

10. During construction, temporary protected gravel dikes, protected earthen dikes, or sand bag dikes should be used as necessary to prevent discharge of earthen materials from the site during periods of precipitation or runoff.

11. Impervious areas should be constructed with infiltration trenches along the downgradient sides to dispose of all runoff greater than background levels of the undisturbed site. Infiltration trenches are not recommended in areas where infiltration poses a risk of ground water contamination.

12. Infiltration trenches or similar protection facilities should be constructed on the downgradient side of all structural drip lines.

13. Revegetated areas should be continually maintained in order to assure adequate growth and root development. Physical erosion control facilities should be placed on a routine maintenance and inspection program to provide continued erosion control integrity.

14. Waste drainage waters in excess of that which can be adequately retained on the property should be collected before such waters have a chance to degrade. Collected water shall be treated, if necessary, before discharge from the property.

15. Where construction activities involve the crossing and/or alteration of a stream channel, such activities should be timed to occur during the period in which stream flow is expected to be lowest for the year.

16. Use of materials other than potable water for dust control (i.e., reclaimed wastewater, chemicals such as magnesium chloride, etc.) is strongly encouraged but must have prior Regional Board approval before its use.

Specific Policy and Guidelines for Mammoth Lakes Area

To control erosion and drainage in the Mammoth Lakes watershed at an elevation above 7,000 feet (Figure 4.8-1), the following policy and guidelines apply:

Policy:

A Report of Waste Discharge is required not less than 90 days before the intended start of construction activities of a **new development** of either (a) six or more dwelling units, or (b) commercial developments involving soil disturbance on one-quarter acre or more.

The Report of Waste Discharge shall contain a description of, and time schedule for implementation, for both the **interim erosion control measures** to be applied during project construction, and **short- and long-term erosion control measures** to be employed after the construction phase of the project. The descriptions shall include appropriate engineering drawings, criteria, and design calculations.

Guidelines:

1. Drainage collection, retention, and infiltration facilities shall be constructed and maintained to prevent transport of the runoff from a 20-year, 1-hour design storm from the project site. A 20-year, 1-hour design storm for the Mammoth Lakes area is equal to 1.0 inch (2.5 cm) of rainfall.

2. Surplus or waste materials shall not be placed in drainageways or within the 100-year flood plain of surface waters.

3. All loose piles of soil, silt, clay, sand, debris, or earthen materials shall be protected in a reasonable manner to prevent any discharge to waters of the State.

4. Dewatering shall be done in a manner so as to prevent the discharge of earthen materials from the site.

5. All disturbed areas shall be stabilized by appropriate soil stabilization measures by October 15 of each year.

6. All work performed between October 15th and May 1st of each year shall be conducted in such a manner that the project can be winterized within 48 hours.

7. Where possible, existing drainage patterns shall not be significantly modified.

8. After completion of a construction project, all surplus or waste earthen material shall be removed from the site and deposited at a legal point of disposal.

9. Drainage swales disturbed by construction activities shall be stabilized by the addition of crushed rock or riprap, as necessary, or other appropriate stabilization methods.

10. All nonconstruction areas shall be protected by fencing or other means to prevent unnecessary disturbance.

11. During construction, temporary erosion control facilities (e.g., impermeable dikes, filter fences, hay bales, etc.) shall be used as necessary to prevent discharge of earthen materials from the site during periods of precipitation or runoff.

12. Revegetated areas shall be regularly and continually maintained in order to assure adequate growth and root development. Physical

Assessment and Guidelines provided by the County biologist:

Valley needlegrass grassland (Holland code 42110)

The majority of the area occupied by the project site consists of non-native grassland.

As a result of cultivation, livestock grazing, changes in fire regimes, and other disturbances, most of the grasslands in California are dominated by annual, non-native grasses and forbs. These communities usually occur on clay-rich soils that are moist or waterlogged in winter and very dry in summer. Characteristic nonnative species are wild oats, bromes, and filarees. Before Euro-American settlement, most of the valley needlegrass grassland was dominated by native bunchgrasses. Open areas between the tussocks of this perennial bunchgrass supported many wildflowers, including owl's clover, lupine, farewell-to-spring, and brodiaeas. This native grassland community, known as valley needlegrass grassland, has been almost completely replaced by annual grassland. A transition between valley needlegrass grassland and Mojave Desert steppe occurs over a short distance on the eastern slopes of the Tehachapi and southern California mountains. For example, the nodding needlegrass (Nasella cernua) vegetation series and the desert needlegrass (Achnatherum speciosum) vegetation series replace the purple needlegrass (N. pulchra) and creeping wild rye (Leymus triticoides) series of the valley grassland association. The needlegrass series tend to segregate based on substrate and slope factors with desert needlegrass occupying the flat ridges and lower slopes of uplands as the soils become more coarse and sandy in areas of the western Antelope Valley of Los Angeles County.

Areas that were determined to be non-native annual grassland may be landscaped with the following grasses and wildflowers. Grasses (listed from xeric to mesic): Squirreltail (Elymus elymoides), Indian ricegrass (Oryzopsis hymenoides), One-sided bluegrass (Poa secunda), Nodding needlegrass (Nasella cernua), Foothill needlegrass (Nasella lepida), Desert needlegrass (Achnatherum speciosum), Hook three-awn (Aristida ternipes), Blue wildrye (Elymus glaucus), California fescue (Festuca californica), Junegrass (Koeleria macrantha), Creeping ryegrass (Leymus triticoides), California melic (Melica californica), One-sided bluegrass (Poa secunda), and Smallflower melicgrass (Melica imperfecta). Wildflowers: yarrow (Achillea millefolium), soft blow wives (Achyrachaena mollis), Annual mountain dandelion (Agoseris heterophylla), golden stars (Bloomeria crocea), Golden brodiaea (Brodiaea lutea), desert paintbrush (Castilleja angustifolia), California soaproot (Chlorogalum pomeridianum), winecup clarkia (Clarkia purpurea), Jeffrey's Shooting Star (Dodecatheon jeffreyi), poppy (Eschscholzia spp.), goldfields (Lasthenia spp.), California plantain (Plantago erecta), Purple sanicle (Sanicula bipinnatifida), checker mallow (Sidalcea spp.), and blue eyed grass (Sisyrinchium spp) as well as Cheesebush (Hymenoclea salsola).

Rubber Rabbitbrush Scrub (35.310.00 Sawyer and Keeler-Wolf)

The vegetation community occupying the second greatest spatial extent of the project site is rubber rabbitbrush scrub.

In California, rubber rabbitbrush (Chrysothamnus nauseosus) stands are dominated by any of eight rubber rabbitbrush subspecies. Some subspecies are local while others have extensive ranges including disturbed areas as abandoned agricultural land and over-grazed pastures. Rabbitbrush species grow in a vegetation series dominated by trees, shrubs, and even grasses on gravelly, well-drained soils. Though not observed on the project site, Joshua trees (Yucca brevifolia) can also be sparsely distributed in rubber rabbitbrush scrub.

Areas that were determined to be rubber rabbitbrush scrub may be landscaped with the following species: Big sagebrush (Artemisia tridentata), Rubber rabbitbrush (Chrysothamnus nauseosus), Yellow rabbitbrush (Chrysothamnus viscidiflorus), Ephedra (Ephedra spp.), Western juniper (Juniperus occidentalis), Singleleaf pinyon (Pinus monophylla), Joshua tree (Yucca brevifolia), Desert bitterbrush (Purshia tridentata var. glandulosa), and Alkali sacaton (Sporobolus airoides).

Southern Riparian Scrub (*63.900.00 Sawyer and Keeler-Wolf, Holland Code 63300)

The ephemeral wash in the western parcel was mostly likely Southern Riparian Scrub prior to its clearing for agriculture. This is considered a sensitive natural community by the California Department of Fish and Game.

Southern Riparian Scrub is a mix of low-growing riparian trees and shrubs, restricted to a relatively narrow stream course. Well-developed vegetation consists of a linear corridor of contiguous small tree and shrub canopy dominated by willows, including Arroyo Willow (Salix lasiolepis), Red Willow (Salix laevigata), Lance-leaf Willow (Salix lucida ssp. lasiandra) and/or Narrow-leaved Willow (Salix exigua). Less developed vegetation includes sporadic patches of mule fat (Baccharis salicifolia), coyote bush (Baccharis pilularis), and California sagebrush (Artemisia californica). This community is associated with areas of loose, sandy alluvium, and requires frequent flooding or scouring to prevent succession to a riparian forest dominated by cottonwoods and sycamores (Holland 1986).

The landscaping of the ephemeral wash area will consist of species selected from the above natural community description.

Since the wash is highly disturbed, other grass, shrub, and tree species from the other vegetation series described above can be blended into the project's riparian buffer in order have the site blend into the surrounding environment. Some of the species listed in these descriptions may not be appropriate for the project based on their water requirements. It will be up to the landscape architect

to select species listed in the above descriptions and combine them in hydrozones on the project site appropriate to Planting Zone 7 of the Los Angeles County Drought Tolerant Ordnance. Table 3 (List of Plants Observed During Botanical Survey) of the MND is a good resource to learn which native plants can thrive without supplemental irrigation once established. No vegetation in the landscape plan will be in conflict with the Fuel Modification Plan of the County of Los Angeles Fire Department Forestry Division Guidelines.

Invasion by species listed in the database of weeds maintained by the California Invasive Plant Council (Cal-IPC) will be constant and recurring. Removal of any nonnative species that is placed on the list will further the success of the landscape plantings and reduce the loss of biodiversity in the region. The Cal-IPC list of invasive plants changes as new species are considered invasive; therefore, the targets of the weed abatement program should be updated no less than every six months.