

Hearing Officer Transmittal Checklist

Hearing Date 12/21/2010
Agenda Item Number 7

Project Number: R2009-02089-(5)
Case(s): RCUP 200900158
Contact Person: Adam Thurtell

Included	NA/None	Document
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Factual
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property Location Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Staff Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Conditions
<input checked="" type="checkbox"/>	<input type="checkbox"/>	DPW Letter
<input type="checkbox"/>	<input checked="" type="checkbox"/>	FD Letter
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other Department's Letter(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Burden Of Proof Statement(s)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Documentation (IS, MMP EIR)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Opponent And Proponent Letters
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Photographs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution (ZC Or PA)
<input type="checkbox"/>	<input type="checkbox"/>	Ordinance with 8.5 X 11 Map (ZC Or PA)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Aerial (Ortho/Oblique) Image(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land Use Radius Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan And Elevations
<input type="checkbox"/>	<input type="checkbox"/>	

→ MND with MMP provided previously
MMP

Reviewed By: 



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6443
PROJECT NUMBER R2009-02089-(5)
RCUP 200900158

PUBLIC HEARING DATE
 12/21/2010

AGENDA ITEM
 7

RPC CONSENT DATE

CONTINUE TO

APPLICANT
 NRG Solar

OWNER
 NRG Alta Vista, LLC; Alta Vista
 Suntower, LLC; Red Dawn Suntower,
 LLC

REPRESENTATIVE
 Ray Kelly, Keith Latham

PROJECT DESCRIPTION

The applicant proposes a 92 megawatt (MW) alternating current (AC) photovoltaic (PV) generating facility located on approximately 800 acres in the A-2 (Heavy Agriculture) Zone. The project includes 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. The PV panels and all other associated installations would encompass approximately 580 acres of the total project area.

REQUIRED ENTITLEMENTS

The applicant requests a conditional use permit to authorize a solar PV electric generating plant on 800 acres and a yard modification to allow construction and maintenance of an eight-foot tall chain-link fence in the front and side yard setback in the A-2 (Heavy Agriculture) Zone.

LOCATION/ADDRESS

Avenue B and 210th Street West

SITE DESCRIPTION

The site plan depicts an 800 acre project area, 580 acres of which would be developed with a photovoltaic solar generating facility. A wash bisects the project area, running east-west. No construction will take place in the wash. The project will be connected to the Neenach Substation by a 1-mile long 66 kilovolt (kV) transmission line that would run north to south along an unpaved portion of 210th Street West.

ACCESS

138 (Avenue D) via easement and ownership of parcels

ZONED DISTRICT

Antelope Valley West

ASSESSORS PARCEL NUMBER

3256015016, 3256015017, 3256015002, 3256015005,
 3256015006, 3256015008, 3256015010,
 3256015011, 3256015013, 3256015014, 3256015015

COMMUNITY

Antelope Valley

SIZE

800 Acres

COMMUNITY STANDARDS DISTRICT

	EXISTING LAND USE	EXISTING ZONING
Project Site	vacant	A-2-5
North	vacant	A-2-5
East	vacant	A-2-5
South	vacant	A-2-5
West	vacant	A-2-5

GENERAL PLAN/COMMUNITY PLAN

Antelope Valley Plan

LAND USE DESIGNATION

N1 (non-urban)

MAXIMUM DENSITY

ENVIRONMENTAL DETERMINATION

Mitigated Negative Declaration

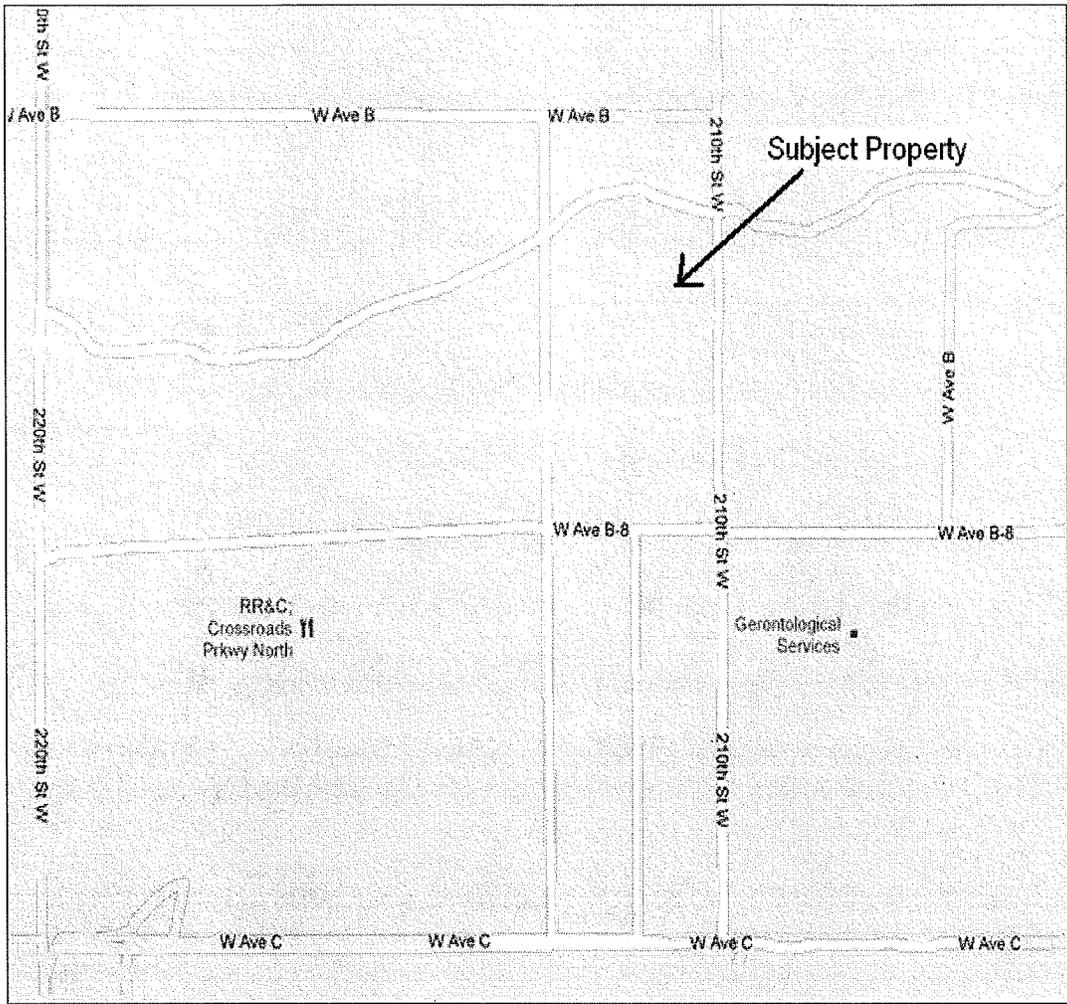
RPC LAST MEETING ACTION SUMMARY

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

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

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

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



STAFF ANALYSIS
PROJECT NUMBER R2009-02089-(5)
RCUP 200900158

PROJECT DESCRIPTION

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.

REQUIRED ENTITLEMENTS

The applicant requests a conditional use permit to authorize a solar photovoltaic electric generating plant on 800 acres in the A-2 (Heavy Agriculture) Zone. The project meets the definition of "electric generating plant" in the County Zoning Code. Pursuant to Section 22.24.140, electric generating plants are a use subject to a conditional use permit in the A-2 Zone.

LOCATION

Avenue B and 210th Street West, Antelope Valley West Zoned District, community of Neenach.

SITE PLAN DESCRIPTION

The site plan depicts an 800 acre project area, 580 acres of which would be developed with a 92-megawatt photovoltaic solar generating facility. All portions of the project are bounded by 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.

A natural drainage channel runs east-west across the northern part of the Western Parcel and across the northwestern corner of the Eastern Parcel. No construction will take place in the drainage channel, and the area north of the channel will remain vacant. The project will be connected to the Neenach Substation, located at SR 138 and 210th Street West, by a one-mile long undergrounded 66 kV generation-tie line that would run north to south along an unpaved portion of 210th Street West.

ENVIRONMENTAL DETERMINATION

The Department of Regional Planning has determined that a Mitigated Negative Declaration is the appropriate environmental documentation under California

Environmental Quality Act (CEQA) reporting requirements. The Mitigation Monitoring Program includes considerations for impacts from fire, flooding, and water quality. The Initial Study concludes that the project design and/or suggested conditions will adequately mitigate these impacts to a level of no significance.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

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

PREVIOUS CASES/ZONING HISTORY

There are no permits previously issued for the subject property.

The Western Parcel of the subject property, which comprises 600 acres of the project, has consisted of farmland with farmsteads dating back to at least 1952 and vacant land before, dating back to at least 1922. Portions of the subject property have been used for farming carrots for approximately the last two years.

- Aerial photos from 1952 through 2005 site described as “vacant farmland.”
- Two groundwater wells exist on the project site. According to USGS data, the wells were installed in 1955 for agricultural use.
- The subject property was leased by Mr. John Calandri of Calandri/SonRiseFarms, LP Calandri/SonRise for farming carrots. Portions of the subject property have been used by Calandri/SonRise for farming over the last two years.

The Eastern Parcel of the subject property, which comprises 200 acres of the project, has consisted of vacant farmland dating back to at least 1952. A structure was constructed on the northwestern portion of parcel 3256-006-013 between 1975 and 1989. The use of structure could not be determined. In 2002, a pre-manufactured home and a barn were constructed on the southeastern portion of parcel 3256-006-012.

- Aerial photos from 1952 through 2006 site described as “vacant farmland.”
- Two groundwater wells exist on the subject property used for irrigating the onsite farms.

STAFF EVALUATION

The project site is located in a rural area of the Antelope Valley in the northern portion of Los Angeles County. The nearest rural residential communities are Neenach, located approximately 3 miles from the western boundary of the project site, and Antelope

Acres, located approximately 10 miles from the eastern boundary of the project site. The closest residence is approximately 4,000 feet from the western boundary.

The largest communities in the vicinity of the project site include Rosamond, approximately 18 miles to the northeast, and Lancaster, approximately 20 miles to the southeast. The Los Angeles County Desert Pines Wildlife Sanctuary is approximately four miles to the south, the Arthur B. Ripley Desert Woodland State Park is approximately three miles to the south, and the Antelope Valley Poppy Preserve State Park approximately seven miles to the southeast. Major transportation facilities include SR 14 (north-south); SR 138/Avenue D (east-west); and several public, private, and military airports.

Existing structures onsite include 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. The project site has five water wells: two agricultural wells and one domestic well on the Western Parcel, and one agricultural and one domestic well on the Eastern Parcel.

The water consumption for facility operations, including periodic PV module washing and domestic (potable) use, is less than 2 acre feet per year (AFY). This water will be pumped from wells located on the project site, treated as needed for use onsite, or purchased from a local cleaning contractor and transported by truck to the site. Potable water for use in the O&M building will be provided by a source approved by LACDPH. If, during the initial 15 years of operations, public water (potable and/or reclaimed water) becomes available via a public pipeline within one mile of the project, the project owner will utilize such water if such water is available in sufficient long-term quantity and quality at a unit price that is economically viable for the project; and if the project can acquire a right-of-way using commercially reasonable efforts in which to construct and operate a pipeline connecting to such a public pipeline.

Water for construction will be supplied by onsite groundwater wells. The use of water for construction purposes will be limited to soil conditioning and dust suppression. Up to 300 AFY of water may be required for the 18-months that construction takes place, with actual water use dependent upon rainfall during construction. There are five existing water supply wells onsite—three wells have been in agricultural use and two were used as private residential wells. The onsite well evaluations show that the historical production rates and current pumping capacity greatly exceed the water demand requirements of the project. Portable toilets will be used for onsite personnel use during construction and operation. Drinking water will be trucked to the site. Effluent generated during construction will be removed to an offsite treatment facility.

The project will comply with the Water Quality Control Plan for the Lahontan Region, which will ensure that grading will not impact existing drainage paths. Equipment pads and any proposed structures will be elevated above the 100-year floodplain and will

meet applicable Los Angeles County Department of Public Works (LACDPW) standards and regulations. Dust palliatives will be used in road base and ground cover for erosion and dust control. The site will be graded (as necessary) using a balanced cut-and-fill approach, without import except for drainage control riprap rock material and structural pad engineered base material.

The project site slopes gradually toward the drainage channel; therefore, water will sheet-flow to the drainage channel. The solar PV arrays will be located at least 100 feet away from centerline of the drainage channel to provide a setback so that the Project will not affect the natural drainage channel.

Offsite earthwork will include grading and construction of an at-grade all-weather (e.g., gravel) road on 210th Street West and West Avenue C, proposed as the facility access roads. The parcels (upon which the access road will be constructed are owned by the applicant, with the exception of three parcels. One parcel is owned by Los Angeles County Department of Parks and Recreation, and the applicant has reached an easement agreement with this department. The remaining two parcels are privately owned, and the owners have granted easements. The access road dead ends in the subject property and will not result in increased traffic or inducing growth.

There is no significant or sensitive natural vegetation located on site; the project will take place on fallow farmland inhabited by invasive species. Staff recommends conditions for a landscaping plan for the 220 acres of the project area that will remain vacant.

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.

A similar solar photovoltaic project, Antelope Valley Solar Ranch 1, was recently approved by the Board of Supervisors.

General Plan Consistency

The proposed project is consistent with the County of Los Angeles General Plan and the Antelope Valley Areawide General Plan N1 (Non-Urban 1) land use designation. The project meets the definition of a "utility installation" referenced in the listing of non-urban non-residential land uses allowed in remote areas designated Non-Urban 1 (Antelope Valley Areawide General Plan, Pg. VI-5). The project also meets many of the

stated goals and policies of the County of Los Angeles General Plan and the Antelope Valley Areawide General Plan.

General Plan Policies

Policy Nos. 2 and 3 of the Conservation and Open Space Element promote solar energy. The project proposes solar energy generation, consistent with these policies. Policy No. 2 is as follows: "Support the conservation of energy and encourage the development and utilization of new energy and encourage the development and utilization of new energy sources including geothermal, thermal waste, solar, wind and ocean-related sources." (General Plan, pg. II-26) Policy No. 3 is as follows: "Promote the use of solar energy to the maximum extent possible." (General Plan, pg. II-26)

The project proposes undergrounding of a 66-kV generation-tie line, consistent with Policy No. 65 and 66.

- 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." (Antelope Valley Areawide General Plan, pg. V-9)
- 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." (Antelope Valley Areawide General Plan, 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, consistent with Policy No. 69.

- Policy No. 69: "Protect significant vegetation such as the Joshua Tree." (Antelope Valley Areawide General Plan, pg. V-9)

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, consistent with Policy No. 70.

- Policy No. 70: "Encourage planting of trees in urban portions of the Antelope Valley." (Antelope Valley Areawide General Plan, pg. V-9)

This project represents a growing trend of locating renewable energy projects in northern Los Angeles County, consistent with Policy No. 71.

- Policy No. 71: "Encourage and support local efforts to attract new industry to the Antelope Valley. While the aero-space and other government related industries should continue to remain as major employment generators, emphasis should also be given to attracting other types of employers." (Antelope Valley Areawide General Plan, pg. V-10).

The project proposes water use levels that are lower than what was previously required for farming, consistent with Policy No. 101.

- Policy No. 101: "Develop and use groundwater sources to their safe yield limits." (Antelope Valley Areawide General Plan, pg. V-13)

The project is designed to convey runoff to mirror existing flow patterns, and will not result in increased storm runoff, consistent with Policy No. 114.

- 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." (Antelope Valley Areawide General Plan, pg. V-14)
- Natural drainages on site will remain undeveloped, consistent with Policy No. 135. Policy No. 135: "Encourage development to utilize and enhance natural topographic features, thus establishing harmony between the natural and man-made environment." (Antelope Valley Areawide General Plan, pg. V-17)

The project itself represents a gradual shift from the use of fossil fuels to the use of renewable energy, which will lower emissions, and the landscape plan will re-vegetate and maintain native plants. This is consistent with Policy No. 140.

- 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." (Antelope Valley Areawide General Plan, pg. V-17)

The landscape plan includes Joshua trees as a suggested species to plant and maintain on-site. Any such plantings would take place on site and within fencing, which would prevent harvesting or transplanting, which is consistent with Policy No. 141.

- Policy No. 141: "Prohibit the harvesting of Joshua or Juniper trees for fuel purposes or for transplantation out of their normal habitat area." (Antelope Valley Areawide General Plan, pg. V-18)

This project would produce 92-megawatts of photovoltaic solar electricity for use in California to assist meeting renewable energy needs and mandates. The energy produced as a result of this project would be used indirectly for heating and cooling, consistent with Policy No. 217.

- Policy No. 217: "Promote use of alternative energy sources (including solar and wind) for heating and cooling." (Antelope Valley Areawide General Plan, pg. V-26)

Zoning Ordinance and Development Standards Compliance

The project meets the definition of "electric generating plant" in the County Zoning Code. Pursuant to Section 22.24.140, electric generating plants are a use subject to a conditional use permit in the A-2 Zone.

Fences and Walls: Pursuant to Section 22.48.160, all walls and fences shall be between three and one half feet in height and six feet in height, depending on the location within the property.

The applicant is proposing a yard modification to allow chain link fences eight feet in height along the perimeters of both the Western Parcel and the Eastern Parcel of the project. This request is (in keeping with the use proposed on the project, and staff supports this request.

Yard requirements: Pursuant to Section 22.24.170, r, front yards in A-2 Zones shall not be less than 20 feet in depth, interior side yards of not less than five feet, and rear yards of not less than 15 feet. [beyond the yardmod request] The project proposes 20 feet setbacks of structures along all external property boundaries, and therefore meets or exceeds all yard requirements.

The applicant is proposing a yard modification to allow chain link fences eight feet in height along the perimeter of the property line. This request is in keeping with the use proposed on the project, and staff supports this request.

Parking: Pursuant to Section 22.52.1220 of the County Code, 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 instant 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, which exceeds this requirement.

Neighborhood Impact/Land Use Compatibility

The proposed use is compatible with the predominant land use in the area. The adjacent neighboring parcels in all directions are zoned A-2 and are vacant. Farmland is

the predominant use in the area. The project includes undergrounding of power lines, in consideration of long term growth in the Antelope Valley and consistent with policy. The Antelope Valley Solar project, previously approved on [December 7, 2010], also included undergrounding of all transmission and generation-tie lines.

Burden of Proof

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

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

In a letter dated December 8, 2010, the Department of Public Works recommended approval of this project with conditions.

The California Regional Water Quality Control Board – Lahontan Region provided comments on October 7, 2010 suggesting guidelines for the minimization of alterations to existing drainage paths (See RWQCB Comment Letter, Appendix M of the MND).

PUBLIC COMMENTS

No public comments have been received at this time.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

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

Staff recommends Approval of project number R2009-02089-(5) RCUP 200900158 subject to the attached conditions.

Prepared by Adam Thurtell, RPAII
Reviewed by Mark Child, Supervising Regional Planner, Zoning Permits-North

- Attachments:
Draft Conditions of Approval
Applicant's Burden of Proof statement
Environmental Document
Site Photographs
Site Plan

Land Use Map

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES**

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

HEARING DATE: 12/21/2010

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.

PROCEEDINGS BEFORE THE HEARING OFFICER:

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 one 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). 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,

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

HEARING OFFICER ACTION:

1. The Hearing Officer 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 Hearing Officer 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 Hearing Officer, 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. R2009-02239-(5)
CONDITIONAL USE PERMIT CASE NO. 2009-00026-(5)**

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 subject to the following conditions of approval:

1. 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.
2. 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. 7. Notwithstanding the foregoing, this Condition No. 3, and Condition Nos. 5, 8, and 9 shall be effective immediately upon final approval of this grant.
3. 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.
4. 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.
5. Prior to the use of this grant, the terms and conditions of the grant shall be recorded 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 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").
6. Within three days of the approval date 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 in compliance with section 21152 of the California Public Resources Code for Project No. R2009-02089-(5). 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 current fee amount is \$2,867.25. No land use project subject to this requirement is final, vested, or operative until the fee is paid.

7. 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.
8. 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").

9. This grant shall expire unless used within two years after the recordation of a final map for the Vesting Map. In the event that the Vesting Map should expire without the recordation of a final map, this grant shall terminate upon the

expiration of the Vesting Map. Entitlement to the use of the property thereof, or unrecorded portion thereof, shall be subject to the regulations then in effect.

10. This grant shall terminate 30 years after the final approval date of this grant by the Board. 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, a new conditional use permit application shall be filed with Regional Planning at least six months prior to said termination date, whether or not any modification of the use is requested at that time.
11. 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.
12. 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).

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 of payment. The current recovery cost is \$200 per inspection.

13. 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.
14. Within 60 days 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.
15. 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 [letter to be received prior to hearing], attached hereto, to the satisfaction of said department.

16. 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.
17. 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 2, 2010, attached hereto, to the satisfaction of said department.
18. 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.
19. 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.
20. 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. 23, 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. Removal of the on-site substation, if owned by the permittee. If in the future a public or private utility assumes ownership of the substation, such substation may remain on site to be used as part of the utility service;
 - e. 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;
 - f. 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;
 - g. 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;
 - h. Documentation of the pre-construction condition of the project site, including, but not be limited to, a photographic record; and
 - i. Details of the performance and financial assurance guarantees described in Condition No. 22, explaining the amounts and schedule for the provision of such guarantees.
21. 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 Finding No. 21. In this connection, 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. 23. 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 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;
 - 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; or

- 5) A corporate guarantee.
22. 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.
23. 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 the County. 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.
24. The permittee shall construct all transmission lines underground to the satisfaction of Public Works, except where above-ground right-of-way crossings are required.
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. 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 or manual switch lighting for entry-lighting to the on-site equipment structures; and (b) light-sensor or motion-sensor lighting for the main plant access gate and operations and maintenance building doorways and parking area.
33. 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.

34. 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.
35. 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.
36. In the event that piped recycled water suitable for use in operating the project becomes available from the public right-of-way adjacent to 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.
37. In the event that piped potable water becomes available from the public right-of-way adjacent to 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. In the event that potable or non-potable water supply becomes restricted, trucked wash water may be used for non-potable purposes.
38. 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.

MC:at
Tuesday, December 21, 2010

Attachments
Mitigation Monitoring and Reporting Program
Department of Public Works' letter December 8, 2010

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 wifes (*Achyraea 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 to 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 Ordinance. 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.



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

GAIL FARBER, Director

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

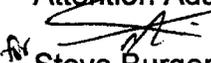
ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

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-foot-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 clee@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:\dpub\SUBMGT\CUP\Project R2009-02089 Alpine Solar Approval.docx



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

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

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

Once constructed, noise and traffic from the site will be minimal. Environmental impacts from the proposed project have been investigated and been found to be non-existent or minimal.

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

The project site is of sufficient size to accommodate the proposed project and any county standard land

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

the project will generate minor levels of traffic. existing and proposed new streets are sufficient to handle the traffic volumes generated by the proposed project.

The **Mitigated Negative Declaration and Mitigation Monitoring Program**

can be found at the Department of Regional Planning public website: planning.lacounty.gov

To access the document, either enter the project number in the 'search' field or enter the following address in your address bar:

[http://planning.lacounty.gov/case/view/project no. r2009-02089-5 conditional use permit 200900158/](http://planning.lacounty.gov/case/view/project_no_r2009-02089-5_conditional_use_permit_200900158/)