

Planning Commission Transmittal Checklist

Hearing Date

3/30/2011

Agenda Item Number

7

Project Number: R2009-02089-(5)
Case(s): RCUP200900158
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 checked="" type="checkbox"/>	<input type="checkbox"/>	FD Letter
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Other Department's Letter(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Burden Of Proof Statement(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Environmental Documentation (IS, MMP, EIR)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Opponent And Proponent Letters
<input checked="" type="checkbox"/>	<input 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

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 3/30/2011	AGENDA ITEM 7
RPC CONSENT DATE	CONTINUE TO

APPLICANT NRG Alta Vista, LLC, Attn: Tim Hemig,	OWNER NRG Alta Vista, LLC, Attn: Tim Hemig,	REPRESENTATIVE Ray Kelly, NRG Solar
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PROJECT DESCRIPTION
 The applicant proposes a 92 megawatt (MW) alternating current (AC) photovoltaic 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.
 The project will connect to the Neenach Substation, located at SR 138 and 210th Street West, via an undergrounded 66-kV transmission line.

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 natural drainage channel bisects the project area, running east-west. 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 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 (Heavy Agricultural-Five Acres Minimum Required Area)
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
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ENVIRONMENTAL DETERMINATION
 Mitigated Negative Declaration

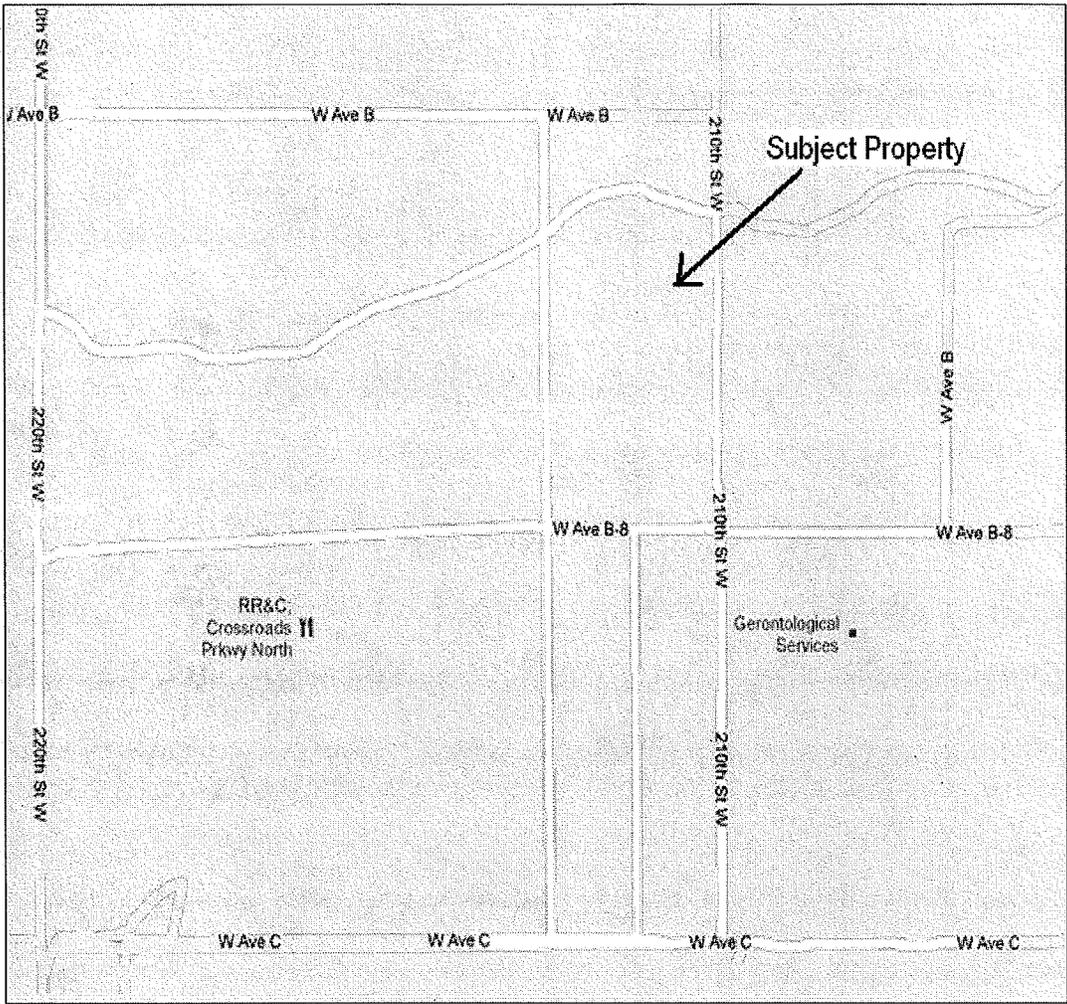
RPC LAST MEETING ACTION SUMMARY

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





Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

March 17, 2011

TO: Pat Modugno, Chair
Esther L. Valadez, Vice Chair
Leslie G. Bellamy, Commissioner
Harold V. Helsley, Commissioner
Curt Pedersen, Commissioner

FROM: Mark Child *MC*
Section Head, Zoning Permits North

**SUBJECT: Project Number R2009-02089-(5)
RCUP 200900158
RPC Meeting: March 30, 2011
Agenda Item: 7**

This project, a proposal for a 92 megawatt (MW) alternating current (AC) photovoltaic generating facility located on approximately 800 gross acres, was approved by the hearing officer on December 21, 2010, and has been 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 (see attachment). 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.

It is staff's opinion that the approved environmental document is appropriate for this project. During the Initial Study process it was determined that that this project will have significant impacts that can be mitigated to a level of no significance, requiring a MND. The impacts that have been identified in the MND, and the mitigation measures are outlined in the Mitigation Monitoring Program (MMP). The applicant must meet the requirements of the MMP as a condition of approval of the permit. The applicant must also 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. An example of one mitigation measure included in the MMP, and thus required of the applicant, is the relocation of burrowing owls to the satisfaction of Fish and Game.

The project location is appropriate. The Antelope Valley has prime land for renewable energy installations, and is the focus of multiple renewable energy projects. The site is zoned for heavy agriculture (A-2), has a very recent history of use as farmland, and is not designated as a Significant Ecological Area. Project design includes undergrounding of all transmission lines.

Included in this package is a letter from Fish and Game that was received after the December 21st hearing. In the interim, the applicant has met with Fish and Game, and an agreement has been reached. Fish and Game indicated in a phone conversation that an additional letter will be provided on March 23.

This project is consistent with policies of the General Plan and the Antelope Valley Area Plan, including several policies that promote alternative and renewable energy. This project is also consistent with the intent of State Assembly Bill 32, which requires reduction in greenhouse gas emissions.

Suggested motion:

I move that the Regional Planning Commission deny the appeal and approve Project No. R2009-02089-(5).

MC:at

Attachments: appeal filings



**Los Angeles County
Department of Regional Planning**



Planning for the Challenges Ahead

Richard J. Bruckner
Director

**REGIONAL PLANNING COMMISSION
APPEAL FORM**

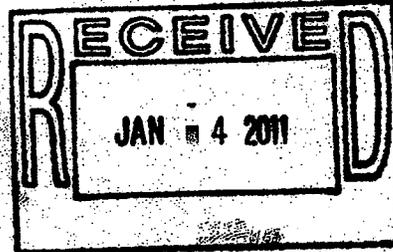
COPIES: EACH COMMISSIONER

STAFF

*Moyanman
Child
Thurtell
Kerne*

DATE: January 3, 2011

TO: Ms. Rosie Ruiz
Regional Planning Commission Secretary
Department of Regional Planning
County of Los Angeles
320 W. Temple Avenue, Room 1350
Los Angeles, California 90012



FROM: Westside Concerned Citizens and F.A.V.O.S. (Friends of Antelope Valley Open Space)
Name

SUBJECT: Project Number(s): R - 2009 - 02089 - (5)
Case Number(s): Conditional Use Permit No. 200900158
Case Planner: Mr. Thurtell
Address: Avenue B and 210 Street West
Assessors Parcel Number: 3256 015 016 (11 PARCELS)
Zoned District: Antelope Valley West Zone District

Entitlement Requested:

- a. NRG Energy request to construct a solar photovoltaic electric generating plant on 800 acres in the A-2 zone. CUP No. 200900158
- b. NRG Energy request to consider a MND for this project. Environmental assessment No. 200900128

Related Zoning Matters:

Tentative Tract/Parcel Map No.	
CUP, VAR or Oak Tree No.	CUP No. 200900158
Change of Zone Case No.	
Other	

(Reverse)

I am appealing the decision of (check one and fill in the underlying information):

Director

Hearing Officer

Decision Date: Dec. 21, 2010

Public Hearing Date: Dec. 21, 2010

Hearing Officer's Name: Mr. McCarthy

Agenda Item Number: # 7

The following decision is being appealed (check all that apply):

The Denial of this request

The Approval of this request

The following conditions of approval:

List conditions here

The reason for this appeal is as follows:

please see attached

Are you the applicant for the subject case(s) (check one)? YES NO

Submitted herewith is a check or money order for the amount due, as indicated on the Fee Schedule on the Los Angeles County Department of Regional Planning's website.

Robert J. Kerekas
Appellant (Signature)

ROBERT J. KEREKES
Print Name

47508 93rd St West, Antelope Acres, CA 93536
Address

661 728-0095
Day Time Telephone No.

*Fee subject to change.

Reason for this appeal:

Numerous requests for an EIR by local residents were ignored

The failure to provide a complete EIR and CEQA review comment process denied local residents an adequate opportunity to express concerns about this development

Project proponents did not follow through on promised consultation with local residents

MND provides inadequate analysis of negative impacts of project on nearby biological resources including SEA #60, Ripley Desert State Park and other sensitive areas including currently unprotected Joshua Tree habitats

MND provides no analysis of cumulative impact; lack of overall plan for Western Antelope Valley concerning the many proposed wind and solar installations allows for no analysis of the contributions of this project to the cumulative impact of these multiple projects

Land proposed for mitigation is not connected to existing or planned protected open space and has the potential for becoming a biological island

MND provides inadequate analysis of the loss of habitat in relationship to disruption of wildlife movement, disturbance of forage and nesting areas, etc.

MND provides inadequate analysis of effect of solar panels on climate patterns and aviation

Ongoing concerns about Joshua Trees destroyed in conjunction with the development of this project have not been adequately addressed

MND does not address negative impacts of grading, soil conditioners, herbicides, cleaning agents and water runoff in sufficient detail to allow for comment

Full CEQA review including an EIR should be required for this project.

Received from Robert J. Kerekes
Address 47508 93rd Street West
Antelope Acres CA 95536
one hundred eighty nine 00/100

1-4-21
20
\$ 689.00
Dollars

ENVIRONMENTAL PERMITS

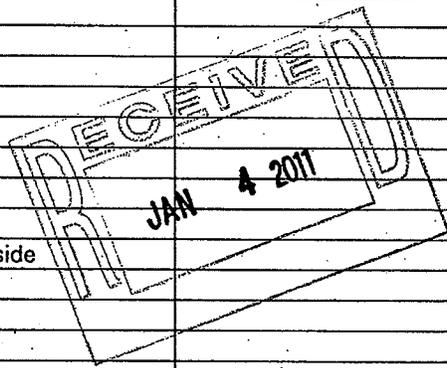
	Case No.	Amount	Surcharge	Total
Initial Study				
Major Environment Impact Report				
Minor Environment Impact Report				
Appeal to the Environmental Review Committee				

SUBDIVISION PERMITS

	# Lots	# Units	Case No.	Amount	Surcharge	Total
Certificate of Compliance						
Condominium Conversion Notification						
Lot Line Adjustment						
Tentative Parcel Map						
PM Revision Before Approval (Major)						
PM Revision After Approval (Minor)						
PM Revision After Approval (Major)						
Parcel Map Waiver						
Tentative Tract Map						
TM Revision Before Approval (Major)						
TM Revision After Approval (Minor)						
TM Revision After Approval (Major)						

ZONING PERMITS

	Case No.	Amount	Surcharge	Total
Animal Permit				
Appeal to the Regional Planning Commission	<u>R 2009-02815</u>	<u>\$689.00</u>		<u>\$689.00</u>
Approval in Concept	<u>CUP 2009 00158</u>			
Aviation Case				
Cemetery Permit				
Coastal Development Permit				
Coastal Development Permit, Amendment				
Conditional Use Permit				
CUP, Land Reclamation Projects				
CUP, Low Income Housing				
CUP, Significant Ecological Areas				
Development Agreement				
Explosive Storage Permit				
Highway Realignment				
Mobilehome Permit				
Non-Conforming Use				
Oak Tree Permit				
Parking Permit				
Plan Amendment, Local				
Plan Amendment, Countywide				
Plot Plan Review				
Plot Plan Review, Commercial/Industrial/Hillside				
Specific Plans				
Surface Mining Permit				
Temporary Use Permit				
Variance				
Zone Change				



OTHER

Description	Total

OTHER

Description	Total

Cash \$ 689.00 Check/Money Order # _____ CAR _____

Justin O. Smye, Com. Services
Signature & Official Title



Los Angeles County
Department of Regional Planning

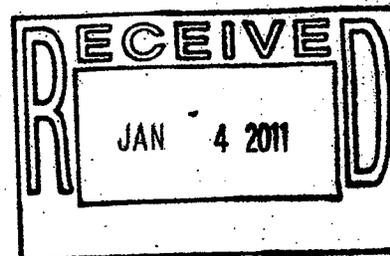
Planning for the Challenges Ahead



Richard J. Bruckner
Director

REGIONAL PLANNING COMMISSION
APPEAL FORM

DATE: January 4, 2011



TO: Ms. Rosie Ruiz
Regional Planning Commission Secretary
Department of Regional Planning
County of Los Angeles
320 W. Temple Avenue, Room 1350
Los Angeles, California 90012

COPIES: EACH COMMISSIONER
STAFF

FROM: Fairmont Town Council; David K. Jefferies (Resident)
Name

*Muyaman
Abdel
Thurtell
Keane*

SUBJECT: Project Number(s): R-2009-02089- (5)

Case Number(s): Conditional Use Permit No. 20090015 8

Case Planner: Mr. Thurtell

Address: Avenue B and 210th Street West, Lancaster, CA

Assessors Parcel Number: _____

Zoned District: Antelope Valley West Zone District

Entitlement Requested:

a. NRG Energy request to construct a solar photovoltaic electric
generating plant on 800 acres in the A-2 zone. CUP No. 200900158

b. NRG Energy request to consider a MND for this project. Environmental
assessment No. 200900128

Related Zoning Matters:

Tentative Tract/Parcel Map No.	
CUP, VAR or Oak Tree No.	CUP No. 200900158
Change of Zone Case No.	
Other	

(Reverse)

I am appealing the decision of (check one and fill in the underlying information):

Director

Hearing Officer

Decision Date: _____

Public Hearing Date: _____

12-21-2010

Hearing Officer's Name: _____

Mr. Thurtell, Mr. Glazz

Agenda Item Number: _____

7

The following decision is being appealed (check all that apply):

The Denial of this request

The Approval of this request

The following conditions of approval:

List conditions here

The reason for this appeal is as follows:

See attached. Here incorporated as if set forth in full.

Are you the applicant for the subject case(s) (check one)? YES NO

Submitted herewith is a check or money order for the amount due, as indicated on the Fee Schedule on the Los Angeles County Department of Regional Planning's website.

David K. Jefferies
Appellant (Signature)

David K. Jefferies
Print Name

C/O 42544 10th Street West, Suite C, Lancaster, CA 93534
Address

(661)942-8247

Day Time Telephone No. _____

*Fee subject to change.

Reasons for Appeal:

1. Numerous requests by local residents that Applicant provide an E.I.R were ignored;
2. Applicant's M.N.D. was provided to the residents of the Fairmont area at the last minute. No member of N.R.G. ever met with residents;
3. Applicant's M.N.D. contains significant errors and omissions. All photography provided was for 2006 or prior years. The statement regarding "prior use" of the property neglects to mention that 40 acres were previously used for the dumping of inorganic waste product;
4. Applicant's M.N.D. provides no analysis of the cumulative impact of this and other planned projects in the Western Antelope Valley;
5. Applicant's M.N.D. fails to accurately describe the existence of wildlife, forage, and sites of historical significance. Further, this M.N.D. fails to analyze the potential for loss of habitat, disturbance of foliage, and loss of sites of historical significance;
6. Applicant's M.N.D. does not address the negative impacts of grading the site, the use of herbicides and other chemicals, and the project's impact on drainage and water quality;
7. Applicant's M.N.D. provides no definition of specific mitigation measures;
8. Use of an M.N.D. such as that provided by Applicant on a project of this significance, one of the first, sets a terrible precedent for the standard of care expected in the design and construction of numerous proposed projects;
9. Contrary to Applicant's M.N.D., much of the land on which this project is located is recovering from having been farmed, and is in the process of restoring itself to desert habitat.

Received from David K Jeffersons
Address 42544 10th Street West, Suite C
Van Nuys, CA 91534
Eight hundred eighty nine 00/100

1-4-11 ²⁰

(661) 942-8247 \$ 689.00

Dollars

ENVIRONMENTAL PERMITS

	Case No.	Amount	Surcharge	Total
Initial Study				
Major Environment Impact Report				
Minor Environment Impact Report				
Appeal to the Environmental Review Committee				

SUBDIVISION PERMITS

	# Lots	# Units	Case No.	Amount	Surcharge	Total
Certificate of Compliance						
Condominium Conversion Notification						
Lot Line Adjustment						
Tentative Parcel Map						
PM Revision Before Approval (Major)						
PM Revision After Approval (Minor)						
PM Revision After Approval (Major)						
Parcel Map Waiver						
Tentative Tract Map						
TM Revision Before Approval (Major)						
TM Revision After Approval (Minor)						
TM Revision After Approval (Major)						

ZONING PERMITS

	Case No.	Amount	Surcharge	Total
Animal Permit				
Appeal to the Regional Planning Commission	<u>2009-02089</u>	<u>\$ 680.</u>		<u>\$ 680.</u>
Approval in Concept		<u>9.00</u>		<u>9.00</u>
Aviation Case				
Cemetery Permit				
Coastal Development Permit				
Coastal Development Permit, Amendment				
Conditional Use Permit				
CUP, Land Reclamation Projects				
CUP, Low Income Housing				
CUP, Significant Ecological Areas				
Development Agreement				
Explosive Storage Permit				
Highway Realignment				
Mobilehome Permit				
Non-Conforming Use				
Oak Tree Permit				
Parking Permit				
Plan Amendment, Local	<u>JAN 4 2011</u>			
Plan Amendment, Countywide				
Plot Plan Review				
Plot Plan Review, Commercial/Industrial/Hillside				
Specific Plans				
Surface Mining Permit				
Temporary Use Permit				
Variance				
Zone Change				

OTHER

Description	Total

OTHER

Description	Total
	<u>\$ 689.00</u>

Cash \$ 9.00 Check/Money Order # 680.00 CAR # 6752

Patricia D. Jones, Com. Services
Signature & Official Title

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.

~~Details of the panels~~

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 ("Parks & Recreation"), and the applicant has reached an easement agreement with this department project requires an easement from the Parks & Recreation to be developed as proposed. The applicant has reached an agreement with Parks & Recreation regarding the easement and is in the process of finalizing that agreement with the County. 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~~-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).

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 certification and adoption of the Mitigated Negative Declaration for the project and 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 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 underground 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 Planning Commission]

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.

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 of 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.
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.

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 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;
 - 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.
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 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.

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; (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.
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 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.
 37. 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.
 38. In the event that potable or non-potable water supply becomes restricted, trucked wash water may be used for non-potable purposes.
 39. 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.
 40. 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.

MC:at
Tuesday, December 21, 2010

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

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 (*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 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.

Correspondence from Public Agencies



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
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<http://dpw.lacounty.gov>

GAIL FARBER, Director

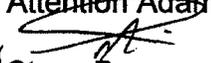
ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

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-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](http://dpw.lacounty.gov/wmd/LA%20County%20LID%20Manual.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:\dpub\SUBMGT\CUP\Project R2009-02089 Alpine Solar Approval.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**



Antelope Acres Town Council

Post Office Box 6708 * Lancaster, CA 93539
Phone: (661) 942-2198 * Fax: (888) 786-8186
E-Mail: bvnelson1@verizon.net

Los Angeles County Planning Commission
Attention: Mr. Adam Thurtell
320 West Temple Street
Los Angeles, CA 90012

Re: NRG Alpine Solar Project
Project No. R2009-02089-(5)
CUP No, RCUP200900158

The Antelope Acres Town Council feels that an Environmental Impact Report must be prepared for the NRG Alpine Solar Project based on the following substantial evidence that this project may have a significant effect on the environment.

The size of the project itself should automatically require an EIR to avoid a potential CEQA lawsuit. The Antelope Valley Area-wide Plan states that this area is part of "natural open spaces" and "diverse ecological habitats".

The mitigated negative declaration cites AV Solar Ranch One (AVS) Environmental Impact Report as references for selected mitigation documentation. Ironically, the information could not have been used if AVS had not been required to do the depth of study necessitated by an EIR.

Although mono-farming (carrots, onions, etc.) may not be reestablished, the west Antelope Valley has been designated by local communities (Antelope Acres, Fairmont, Neenach, Holiday Valley, etc.), as prime land for new agricultural opportunities, such as vineyards, horse farms, orchards, etc. The negative declaration does not mitigate the loss of this potential land use, the last of its kind in Los Angeles County.

The California Environmental Quality Act requires an EIR if a project would have effects that are individually limited but cumulatively considerable when viewed together with the effects of related projects. Guidelines Sec. 15065(c).

Cumulative impacts may be caused either by future phases of the project under consideration or by other closely related past, present, and reasonably foreseeable future projects. Guidelines Sec. 15355.

Published in the Antelope Valley Press, Thursday, September 30, 2010, there is a list of names and addresses of 12 proposed solar power plants planned for the Antelope Valley. More have been added since then.

Since the County has identified the area around the Edison lines as a potential solar field, cumulative effects must include more than a five-mile radius from each project. They must reflect the long-term effects to wildlife in the greater Antelope Valley, as well as water runoff patterns well beyond the project, and the scenic impacts on residents viewed from more than just the road. The destruction of an ecologically and aesthetically valuable view shed is potentially significant, especially when considered cumulatively with all the other expected solar projects in the areas the county has earmarked.

A twenty year lease should be considered short-term for a project that will change the environmental nature of the valley. This is one of the last Los Angeles County areas where you have significant open space, meaning natural contours of the land can be seen for miles without interruption of anything other than rural (farmland) and natural desert vegetation. This is in contrast to a view of industrial-type solar facilities and an increased number and size of transmission lines and poles.

Although the location is former farmland, it has been vacant for long enough that wildlife has moved in and coyotes and raptors use it as foraging as noted in the negative declaration. This has been brought to our attention by several people who live near the area and can give detailed reports. Burrowing Owls are consistently moving further west due to development and the small amount of acreage set aside for them has not been proven to provide a substantial habitat to survive. The mitigated negative declaration is inadequate in this area. Studies must be done not only at the right time but also in a temperature-sensitive manner, according to all reputable wildlife experts. C2HM Hill conducted a survey of biota on unusually cool, windy wet conditions. Protocol for burrowing owl surveys indicate that surveys should not be done under these weather conditions because it is difficult to hear the owl calls and the birds will seek cover in areas other than their burrow (California Burrowing Owl Consortium, 1993 and AV Solar Ranch One Biota Report, Table 4-1). Therefore, it is next to impossible to access an accurate count.

Acceptable mitigation is not the removal or avoidance of wildlife; but the purchase of permanent mitigation lands, an exemplary precedent set by First Solar, and should be mandated for every project of this type.

Suitable nesting habitat for the Greater Roadrunner exists in and around the project site. Roadrunners are solitary birds that cover large areas, are usually seen accidentally, and need to be specifically targeted for nesting and habitat discovery. Residents are well aware that the area is prime Roadrunner habitat

(Cornett, J.W., 2001. "The Roadrunner". Nature Trails Press, California). This is not addressed nor targeted.

The presence of a wet winter will produce an array of plants that were not seen in the spring or summer of 2010, of which some may be endangered. Disturbed farmland is a good germinating ground for low growing plants and re-introduction of shrubs. The limitations of the applicant's survey were not discussed in the Biota Report.

Mitigation deals with construction phase but not the effect of thousands of square feet of closely spaced solar panels which create a runoff pattern effect more like that from roofs of tract home developments. There are no studies that deal with this aspect of runoff patterns.

The language is dismissive of the people who live in the west end of the Antelope Valley because it does not go beyond five miles of the project vicinity to address any of their concerns or potential impacts to their lifestyle. The mitigations in the negative declaration indicate a profound lack of understanding of the rural life. Residents' concerns are based on their years of living in the rural areas. Rural life in the western Antelope Valley, unlike in urban areas, is impacted by all projects, especially since the west valley is one ecosystem defined by the mountains that surround it.

The Antelope Acres Town Council requests an EIR be completed. A mitigated negative declaration sets a precedent and indicates a lack of respect for the residents, the wildlife and the land not only on but also surrounding the project area.

Sincerely,

Vickie Nelson
President Antelope Acres Town Council

FAIRMONT LAND USE AND MITIGATION COMMITTEE

Authorized by the Fairmont Town Council

42544 10th Street West, Suite C

Lancaster, California 93534

Phone (661) 942-8247

Fax (661) 942-2724

December 20, 2010

Supervisor of 5th District,
Michael D. Antonovich
1113 West Avenue M-4, Suite A
Palmdale, CA 93551

Los Angeles County Department of
Regional Planning
320 West Temple Street
Los Angeles, CA 90112

Re: Project Number R2009-02089-(5)
RCUP 200900158

Dear Supervisor Antonovich and to Whom It May Concern:

As a result of a recent meeting of the Fairmont Land Use and Mitigation Committee authorized by the Fairmont Town Council, we believe it is imperative that we comment on the above-described project.

First we would like to thank Mr. Coby King, General Manager of MWW Group, for spending most of his last Sunday traveling to the Antelope Valley and doing his very best to inform us about the NRG Solar Phone One, project.

We represent the residents of the Fairmont area where the proposed project is to be built. Because of the timing of the eventual delivery of NRG Solar's M.N.D., the residents have had absolutely no opportunity to review the relevant information.

With few exceptions, the residents of the Fairmont area are in favor of the development of solar energy projects in the area. They merely ask that they be fully informed about these projects and be allowed a voice in any discussion about the best way to complete such projects.

As one of the very first projects, NRG Solar's Phase One is a very important part of the future. The nature of this project is such that we believe an E.I.R. is absolutely necessary. This project must be done properly.

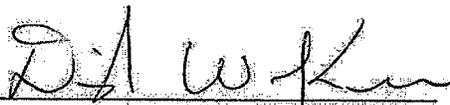
Supervisor Michael D. Antonovich
December 20, 2010
Page 2 of 2

Despite the very brief opportunity any of us has had to review the proposed M.N.D. for this project, it is immediately apparent that it is flawed in many areas. It lacks sufficient information to allow us to make a determination regarding feasibility. For example, it fails to deal with issues of water drainage let alone flooding.

We look forward to working with you in the future to create positive outcomes for all worthwhile projects.

Thank you for this opportunity.

Sincerely,

A handwritten signature in black ink, appearing to read "D. A. Kerr", written over a horizontal line.

Dave Kerr, President of Fairmont
Town Council, Member of Fairmont
Land Use and Mitigation Committee

Thurtell, Adam

From: Frank [ciao2u@woodiewww.com]
Sent: Monday, December 20, 2010 10:13 PM
To: Thurtell, Adam
Subject: NRG ALPINE SOLAR PROJECT NEGATIVE DECLARATION

DEAR SIR

AFTER REVIEWING THE NRG'S REQUEST TO PROCEED WITH A "NEGATIVE DECLARATION", THE REPORT APPEARS TO HAVE GONE TO GREAT LENGTHS IN WRITTEN AND PHOTOGRAPHIC DECLARATIONS TO CONCEAL OR MISLEAD THE READER INTO BELIEVING THAT THERE IS NOTHING OF ANY VALUE AROUND THEIR PROJECT.

- 1) ALL PICTURES TAKEN SHOW NOTHING BUT UNOCCUPIED LAND
- 2) ALL REFERENCES TO ADJACENT PROPERTIES ARE MARKED AS VACANT
- 3) THEY HAVE A BARRIER OF TREES ALONG TWO SIDES OF THEIR PROPERTY, BUT NOT ONE PICTURE SHOWING THIS.
- 4) THEY SHOW A PICTURE TAKEN FROM A LOCAL GAS STATION, BUT NOT ONE OF THE HOMES AROUND IT.
- 5) THEY HAVE TAKEN PICTURES ON MY PROPERTY POINTING AWAY FROM MY FARM SHOWING NOTHING BUT VACANT LAND.
- 6) THEY HAVE REFERENCED MY LAND AS BEING VACANT.
- 7) ON ONE OF THEIR PROJECT SITES, GREEN WASTE WAS BURIED IN AN ONGOING PROJECT FOR OVER A YEAR. SO WHAT HAS HAPPENED TO THE PESTICIDES, HERBICIDES, FERTILIZER AND ORGANIC WASTE THAT CAME IN WITH THIS PRODUCT?

THIS REPORT IS FALSE AND MISLEADING. MY PROPERTY IS ADJACENT TO THE PROJECT AND EVERY REFERENCE IN WRITING AND PHOTOGRAPHIC EVIDENCE IN THE REPORT LEADS THE READER INTO BELIEVING THAT THERE IS NOTHING THERE. ALL PHOTOGRAPHS WERE TAKEN WITH GREAT CARE IN A DIRECTION POINTING AWAY FROM MY FARM AND FENCE. IT IS CURIOUS TO ME THAT SINCE I HAVE OVER FOUR THOUSAND (4000) FEET OF CHAIN LINK FENCE AND PROBABLY OVER TWENTY THOUSAND (20,000) TREES, THAT THERE ARE NO PHOTOGRAPHS OF THIS. ALSO, THEIR PLANNED DRAINAGE WILL GO RIGHT THROUGH MY PROPERTY. THIS IS NOT ACCEPTABLE!

I HAVE NOTHING AGAINST THE PROJECT! BUT, WHENEVER I HAVE HAD TO DO SOMETHING ON MY LAND, I WAS HELD TO THE LETTER OF THE LAW. UNLESS NRG HAS A DIFFERENT SET OF LAWS TO GO BY THAN I DO, THEY NEED TO CORRECT THEIR REPORT AND PRESENT IT AS IT REALLY IS, NOT AS WHAT THEY WANT IT TO APPEAR TO BE.

I DO NOT WANT THE NRG'S ALPINE SOLAR PROJECT'S "NEGATIVE DECLARATION" TO BE ACCEPTED WITHOUT FURTHER STUDY AS TO THE IMPACT UPON MY LAND.

RESPECTFULLY YOURS
FRANK S. CHIDO
19720 WEST AVE B
LANCASTER CA

(818) 999 2090

20 December 2010

Susan Zahnter
P. O. Box 786
Lake Hughes, CA 93532

Mr. Adam Thurtell
Los Angeles County Department of Regional Planning
320 West Temple St
Los Angeles, CA 90012

Re: Project R2009-02089, Alpine Solar Project, NRG Solar

Dear Mr. Thurtell,

I am writing as a concerned resident of the Western Antelope Valley with regard to the the Alpine Solar Project. I am disturbed by the request of the project proponent's request for a mitigated negative declaration. After perusing the project documents I have concluded that this utility-scale solar development be required to conduct a full environmental impact review.

This project is surrounded by several tracts of land comprising Significant Ecological Area Number 60, Joshua Tree Woodland Habitat. How could the project proponent state that there would be no disruption of wildlife movement, disturbance of forage and nesting areas of important raptors, i.e. Swainson's hawks, Prairie Falcons, and Western Burrowing Owls, or other sensitive species— American badgers and the Tri-colored blackbird? What effects will grading, reflective glare, soil conditioners, herbicides, cleaning agents, and water runoff have on those surrounding tracts? Hundreds of acres of solar panels planted across an already sensitive desert and joshua tree woodlands should be studied for the temperature changes that would most likely be like asphalt paving in urban areas that cause increased temperatures. How will this affect our desert and woodland habitats? These are questions that should be answered by an EIR.

This project, combined with several others in the area, will certainly have cumulative impacts on air quality, water quality, biological resources, archeological resources, and scenic integrity. These should be completely measured, and if possible, fully mitigated. Environmental impact review gives local residents more needed information on how these so-called "green" projects, that are not so environmentally friendly, affect the rural character of our natural areas.

If this utility-scale project is granted a mitigated negative declaration, a dangerous precedent will be set, especially with regard to large scale projects adjoining SEAs. Aren't these areas required to have special consideration required by CEQA?

I respectfully request that the Los Angeles County Regional Planning Commission require the Alpine Solar Project to perform an environmental impact review.

Sincerely,
Susan Zahnter

Thurtell, Adam

From: padre2@antelecom.net
Sent: Monday, December 20, 2010 8:54 PM
To: Thurtell, Adam
Subject: alpine solar NRG

With enough solar projects filling in the west end of the Antelope Valley, in the high desert, I am opposed to this project. Either as it is presented or as it may be amended, Thank you, Tom Florence

Thurtell, Adam

From: Curtis Williams [honeydo2too@yahoo.com]
Sent: Monday, December 20, 2010 1:20 PM
To: Norm Hickling
Cc: Thurtell, Adam
Subject: Alpine Solar Project

Dear Field Deputy Hickling,

I understand that the NRG has requested a "negative declaration" for the Fairmont area Alpine Solar Project, which such a request to be considered, an extensive EIR would be waived.

This, as a citizen and resident and voter within the LAC 5th District, is not an acceptable means of doing business when its outcome would have a long-lasting impact on this rural hamlet.

I also understand that the reasoning behind this request is to qualify for Federal Grant monies, this too, is not an acceptable excuse. There is a cost of doing business, there is also a cost of doing business incorrectly -- like having a qualified EIR and CUP in a timely and efficient manner.

Our family well recognize the need for effecient alternative energies and the resources to supply those needs. We also recognize that we possess some of the best opportunities to harvest green energy, but not if we must pay the price for homework not being done nor turned in on time -- that is not a passing grade.

Bottom line, at this point, we whole-heartedly object to NRG and the Alpine Solar Project without proper enviromental investigation and follow-thru on any reported negative decrepency as a result of such investigation.

Yours truly,
Curtis and Maria Williams
honeydo2too@yahoo.com

Thurtell, Adam

From: SSlos@aol.com
Sent: Monday, December 20, 2010 9:56 AM
To: nhickling@lacbos.org
Cc: Thurtell, Adam
Subject: Solar Project

TO: Adam Thurtell, Planner
Zoning Permits I Section
Department of Regional Planning
Los Angeles County
Department of Regional Planning
320 West Temple Street,
Los Angeles, CA 90012
(213) 974-6461

SUBJECT: Comments on proposed Alpine Solar Project
County Project NO. R2009-02089(5).
Case(s) RCUP 200900158

Owner:
NRG Alta Vista LLC,
Alta Vista Suntower,
Red Dawn Sun Tower LLC

My Name is Susan Slosing, I am a Law Abiding Tax paying citizen who has lived out here for many years. I am opposed to the Solar Co. NRG Alta Vista setting up their Solar Project and the issuing of a "Cart Blanch" for the Project. I feel the project has merit but trying to sneak in the CUP because of time constraints is not acceptable. I believe the EIR is set in place to practice and allow the community protection. Without the benefit of an EIR (Environmental Impact Report) to protect both party's involved, I believe could cause potential unforeseen problems. We need to follow the Guidelines put forth to protect everybody! Respectfully, Susan Slosing

Thurtell, Adam

From: ASW Diamond [steve1@antelecom.net]
Sent: Monday, December 20, 2010 9:38 AM
To: Thurtell, Adam
Subject: Fw: proposed alpine solar project

----- Original Message -----

From: ASW Diamond
To: nhickling@lacbos.org
Sent: Monday, December 20, 2010 9:29 AM
Subject: proposed alpine solar project

hi adam thurell planner

this is steve werth treasurer from fairmont town council

my opinion of alpine solar project county project # r2009-03089(5) case (s) rcup 200900158
they need to have EIR done for a big project like that

i have neighbore down the street from me 5 acres he want to grow berry trees they want himto have EIR they run him off

the small chruch been here for 10 years they want them to EIR and other things they are moving out

mad as hell
steve werth

Thurtell, Adam

From: Chittea, Joel T [Joel.T.Chittea@morganstanleysmithbarney.com]
Sent: Monday, December 20, 2010 9:01 AM
To: nhickling@iacbos.org; Thurtell, Adam
Subject: AV Solar Hearing

Dear Sirs:

I own 640 acres of property in Kern County just north of the proposed AV Solar project.

I strongly endorse the use of the property in the west end of the Antelope Valley for "green energy" projects such as this proposed solar project as well as whatever wind energy projects may arise also.

However, I believe that ANY project of this scope and magnitude should have an Environmental Impact Report created so that everybody, yourselves included, knows what the true ramifications of a project are. To do less is irresponsible at best and negligent at worst.

I could go on citing the many issues that may arise from a project like this but it is not necessary at this point. Please do the right thing and require the study for the sake of the land. The fact that the timing of the project and how it will receive federal money has created this sense of urgency is irrelevant. They've had a long time to work on this, their rush is not our problem.

Thanks for your consideration.

Joel T. Chittea
4172 Churchill Dr.
Newbury Park, CA 91320

805-573-4348

Important Notice to Recipients:

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Thurtell, Adam

From: Jack T. [jacktca@gmail.com]
Sent: Friday, December 17, 2010 5:06 PM
To: Thurtell, Adam
Cc: jmperkins1x1@gmail.com
Subject: NRG Solar mitigation - dust generated by dirt road

Adam Thurtell,

I have property out in the Holiday Valley Estates (HVE) in Neenach and I'm building a small house there. I have a comment to make about page 4 of 9 of the staff analysis of the report reference number R2009-02089-(5), RCUP 200900158. On page 4 of 9 it states that access to this proposed solar site will be by gravel road. The construction and use of this facility and road will generate lots of dust. It would be better to insist on a paved road but on the other hand it doesn't make sense to pave an otherwise little used 210th Street West which is a non-residential neighborhood. However as mitigation for the extra dust generated you might consider asking NRG Solar to pay for the cost of paving a small portion of B-8 in the next door residential enclave of Holiday Valley Estates. 1/4 mile of pavement costs roughly \$50,000. 1/2 mile would pave all of B-8 which is used by many many families on a daily basis. The dust saved by paving all or part of B-8 in HVE should more than make up for the dust generated by construction and use at NRG Solar.

Sincerely,
Jack Tuszynski
(818) 795-1572

Thurtell, Adam

From: Jack T. [jacktca@gmail.com]
Sent: Friday, December 17, 2010 4:21 PM
To: Thurtell, Adam
Subject: R2009-02089-(5), RCUP 200900158

Adam Thurtell,

I saw the notice about this hearing on the avhidesert.com forum. This constitutes a double standard. A few miles down the road in Neenach the DWP built a pumping station. Nobody ever got the opportunity to have a notice of public hearing or a regional planning process. Fairmont is getting all of the benefits of mitigation. Neenach is getting the shaft. Thank you very much for a job not done.

Jack Tuszynski

Thurtell, Adam

From: LDWEBBO@aol.com
Sent: Friday, December 17, 2010 3:26 PM
To: Thurtell, Adam
Subject: Alpine Solar Project Dec. 21 Hearing

Dec. 17, 2010

TO: Adam Thurtell, Planner
Zoning Permits I Section
Department of Regional Planning
Los Angeles County
Department of Regional Planning
320 West Temple Street,
Los Angeles, CA 90012
(213) 974-6461

SUBJECT: Comments on proposed Alpine Solar Project
County Project NO. R2009-02089(5).

From: L. Dean Webb, Member of the Antelope Valley Environmental Group (AVEG) and the AV Group of the Sierra Club.
1000 E. Caperton
Lancaster, CA., 93535

eMail <ldwebbo@aol.com>

TO: Mr. Thurtell, and The Hearing Officer for the LA County Regional Planners and Staff.

My comments are in most part positive on this project and I am only speaking for myself, and not any group. I spoke to someone last September in DRP about the project. I was surprised to see the sign on Hwy 138(Ave D) and 210 th st west the other day about a hearing this Tuesday Dec 21. None of the Antelope Valley (AV) west side people I talked to seem to know the status of the project.

The following are my general comments for consideration by the hearing officer on Dec 21. Using disturbed soil and employing photovoltaic technology (low water usage) as a power source are both positive ways for this type of facility. Some concerns I have follow. (1) The effects on nearby "Ripley Desert Woodland" State Park and SEA # 60 should be addressed and reviewed. Three additional issues needing more study are (2) water usage during construction and operation, (3) dust control measures and (4) impacts on wildlife. LA County and the Antelope Valley (AV) are in the process of a water adjudication process. There are indications that water shortages will continue to be a lasting fact in the AV.

The disturbed soil where the proposed location of the solar farm has partially recovered over time and the plants average about two feet in height. I found several large flocks of quail running through the fields. The report mentions finding burrowing owls around the fields where the Solar Farm is planned. It is not clear to me that the applicant has a clear and well-planned process for protecting the burrowing owl and other wildlife.

I think a study is needed by California Fish and Game, Audubon, and other interested parties to develop a plan for birds and other wildlife to co-exist with the expanding solar and wind farms moving into the western AV. As each development moves in, the burrowing owls and other wildlife are relocated off or out to the side without the considered consequences.

My concerns are from the "cumulative environmental effects" of this project and others, which could reduce and possibly eliminate most of the wildlife in the western AV. A well developed plan could help maintain areas of remaining open space elements in the western AV for Joshua trees, wildflowers, recreation (hiking and bicycling), wildlife corridors, panoramic vistas and County SEA's. The project's close proximity to Ripley State Park should warrant consideration by the applicant of adding some acreage to the Park for the added protection of local plants and animals.

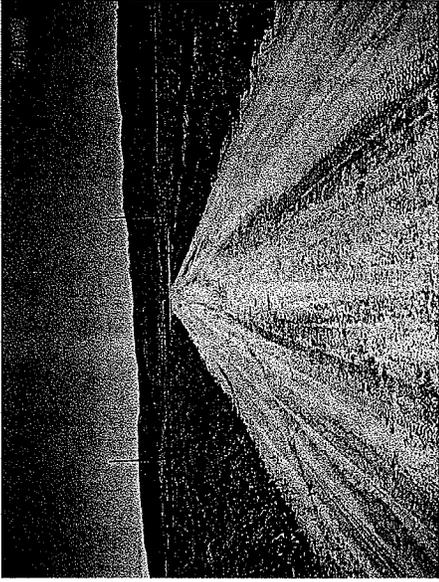
A final concern is hard to quantify. During March of 2009 about 325 acres of land near where Alpine is located were graded. About 100 acres were Joshua tree woodlands with 60 acres of Joshua tree woodlands located in SEA # 60. I have been told that Alpine purchased (or traded NRG?) some land from eSolar, which had part of the 325 acres of Joshua tree woodlands bulldozed in the SEA by mistake. If this is correct information, then mitigation is needed and should reference the bulldozed SEA incident (see Oct. 21, 2009 letter from "California Fish and Game" to Mr. John Gutwein. AICP, LA Count DRP). I was out there when the bulldozing was taking place and saw the "five pits" dug for covering over the Joshua trees. I called the office of Supervisor Antonovich, he put a stop to the destruction. If this set of occurrences are not found to agree with the data presented at the hearing, then I welcome any corrections.

Sincerely,

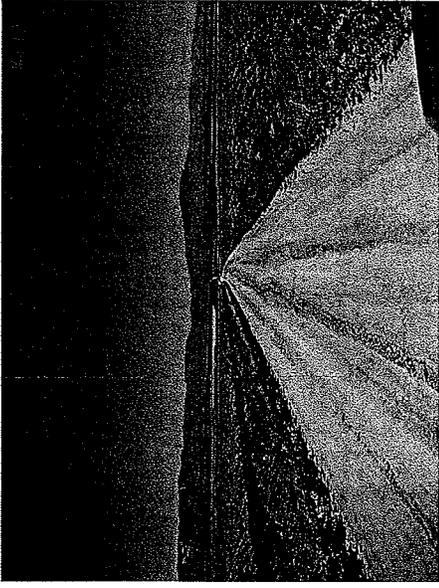
L. Dean Webb, Member of "AVEG" and the "AV Group of the Sierra Club".
1000 E. Caperton,
Lancaster, CA., 93535

eMail < ldwebbo@aol.com >

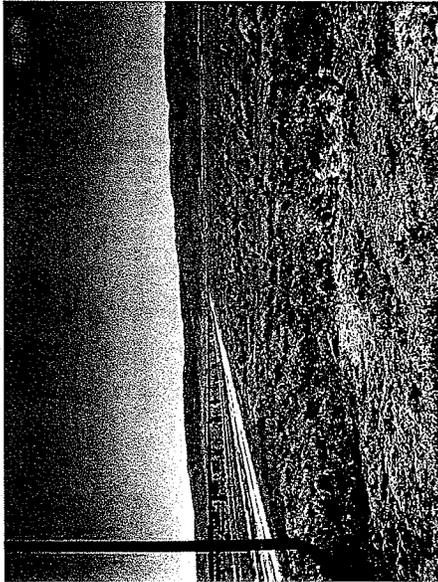
Alpine ~ Western Site



220th Street looking south to Highway 138 intersection.



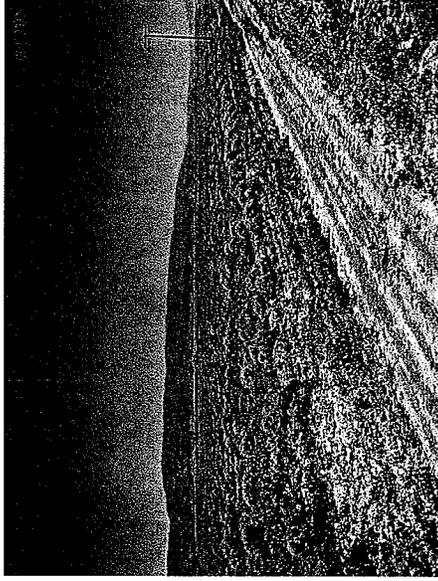
220th Street looking north to site.



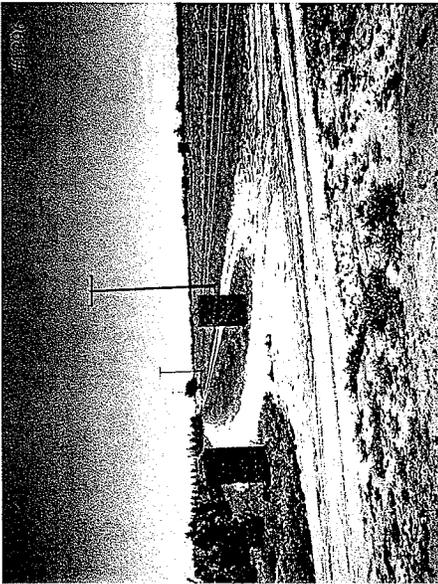
Intersection of 220th Street & Ave C
looking south from the SW corner of the site.



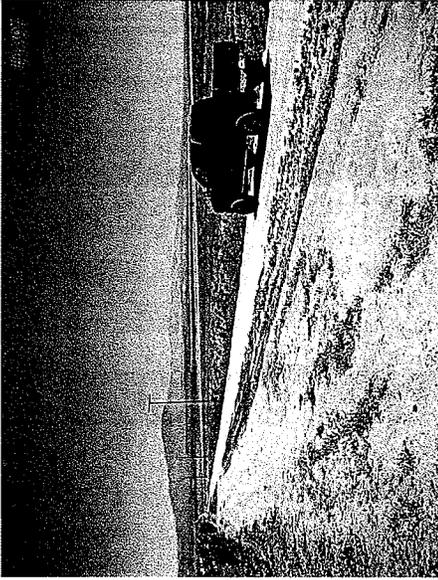
Intersection of 220th Street & Ave C
looking southwest from the SW corner of the site.



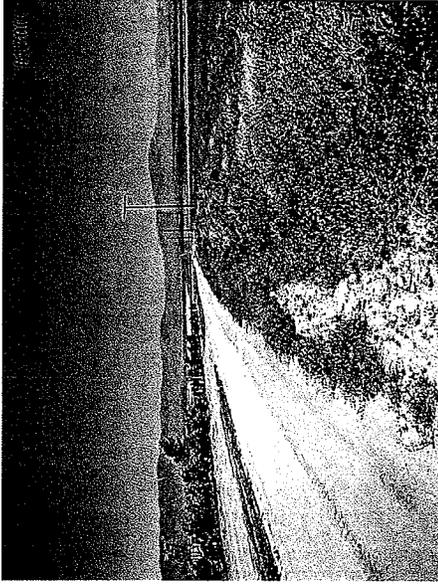
Intersection of 220th Street & Ave C
looking west from the SW corner of the site.



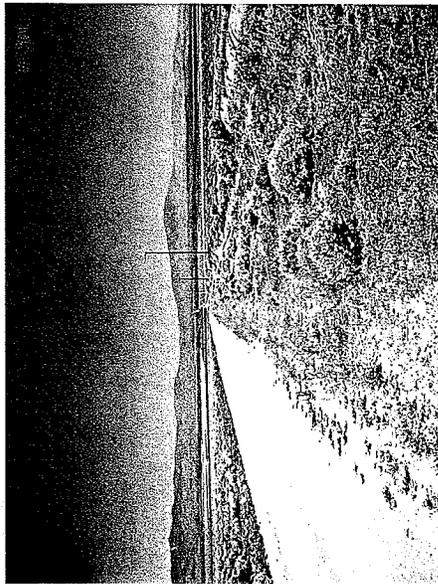
Intersection of 220th Street & Ave C looking east.



220th Street looking northeast at site.



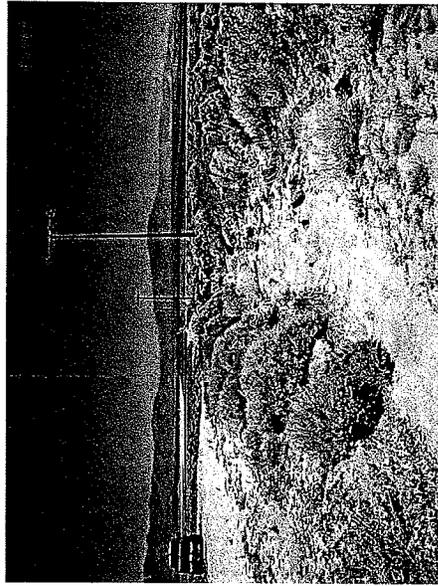
220th Street looking north.



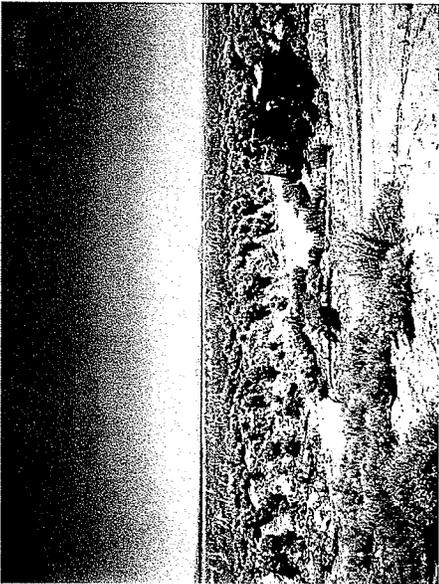
220th Street looking north.



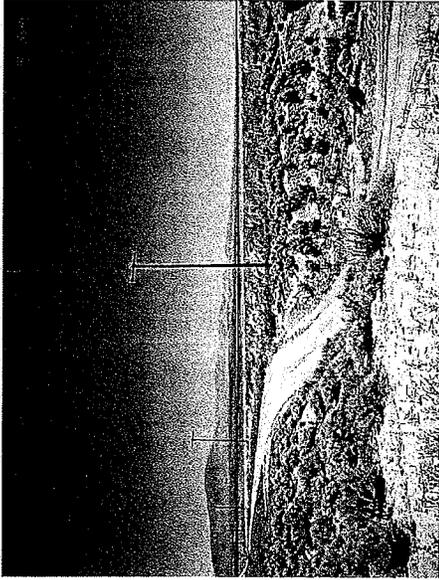
220th Street looking south.



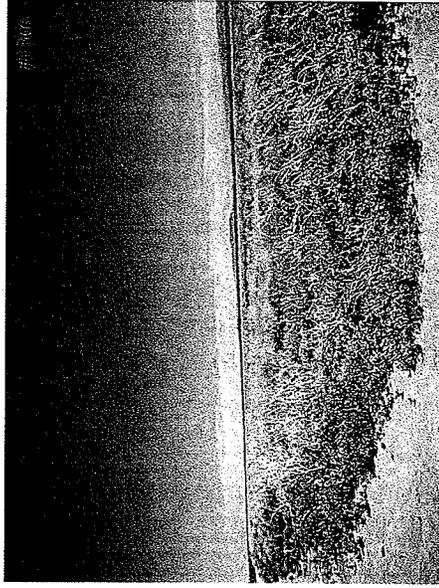
220th Street looking north, drainage cut entering natural channel.



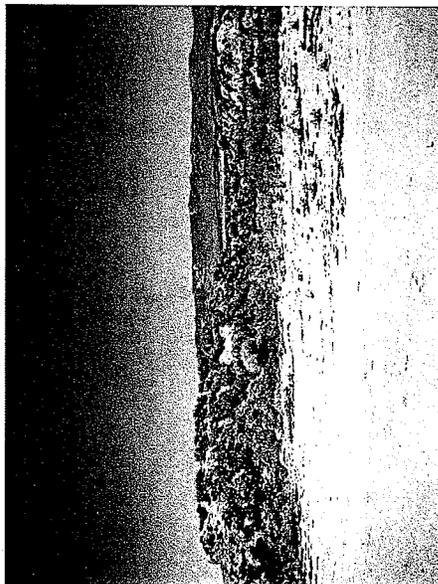
220th Street looking northeast, natural channel.



220th Street looking northeast, natural channel crossing.



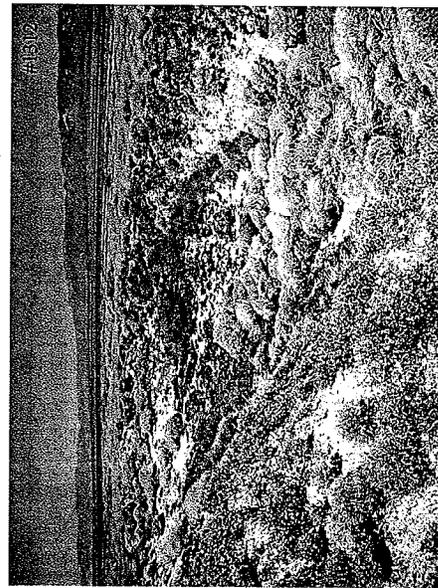
Intersection of 220th Street & Ave. B, looking southeast.



Dirt mounds and irrigation pond along southern property line.



Dirt mounds, irrigation pond & well along southern property line.



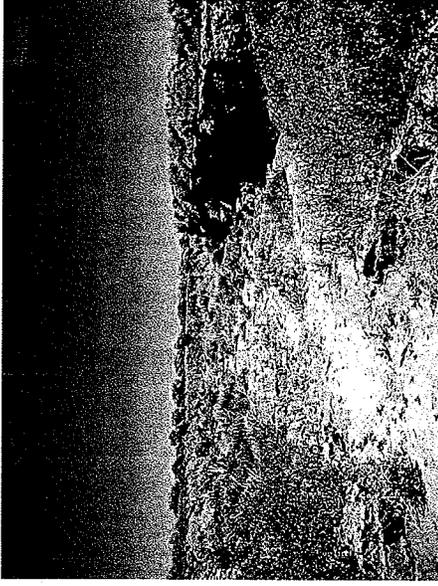
Dirt mounds and irrigation pond along southern property line.



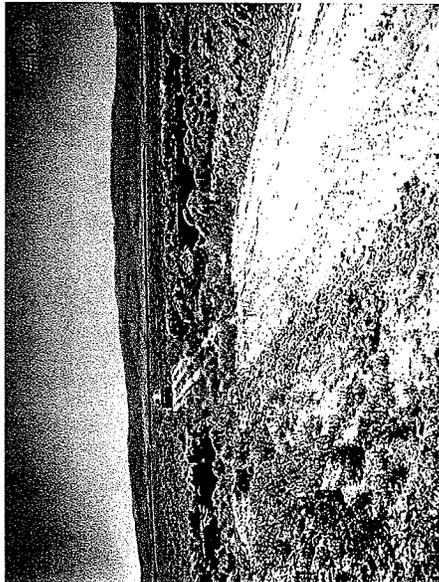
210th Street looking northeast, natural channel crossing.



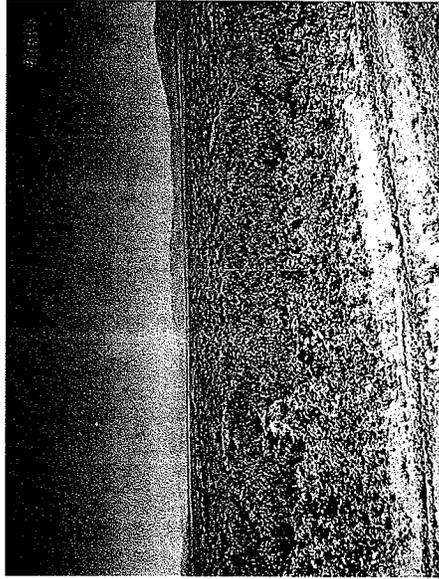
210th Street looking west, natural channel.



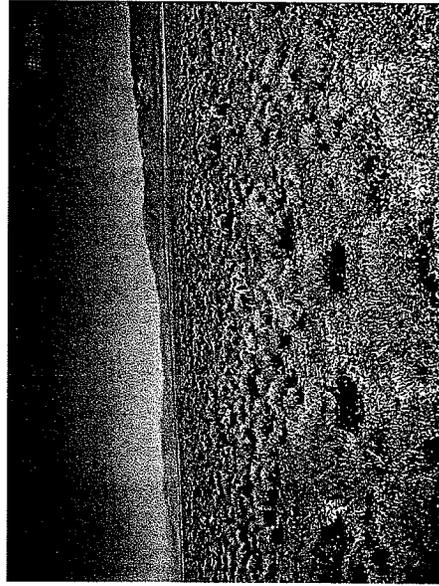
210th Street looking east, natural channel.



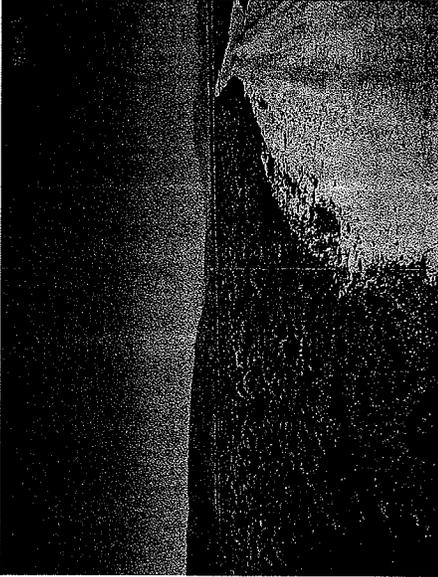
210th Street looking south, natural channel crossing.



210th Street south of Ave B, eastern boundary, looking west.
(North of natural channel)



210th Street south of Ave B, eastern boundary, looking northwest
(North of natural channel)

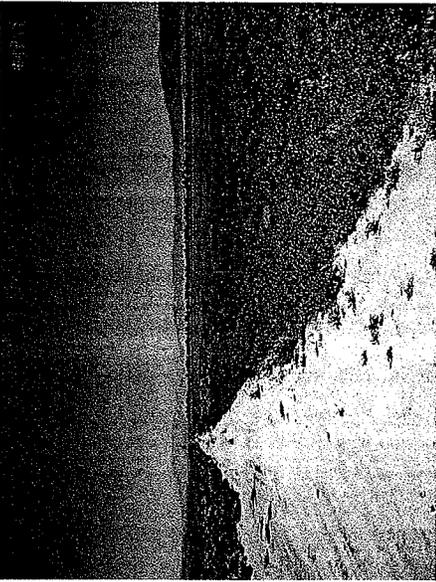


Ave. B-8 & 210th Street, eastern boundary, looking west.



Ave. B-8 & 210th Street, eastern boundary, looking southwest.

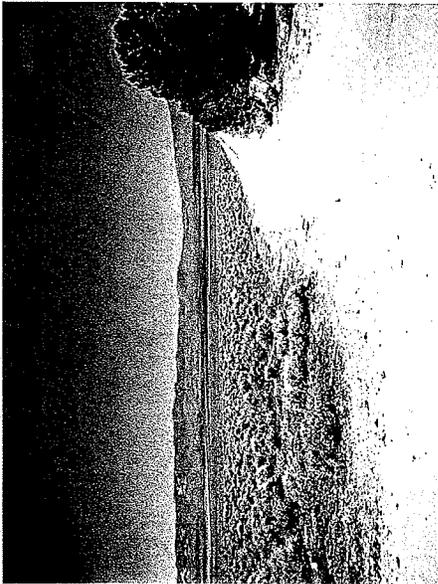
Alpine ~ Eastern Site



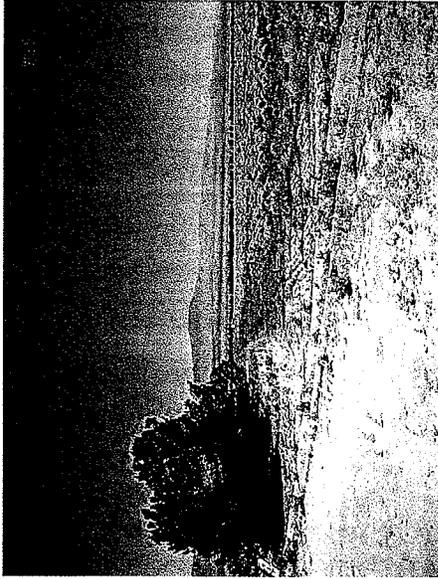
Ave. C at SE corner of eastern site, looking west.



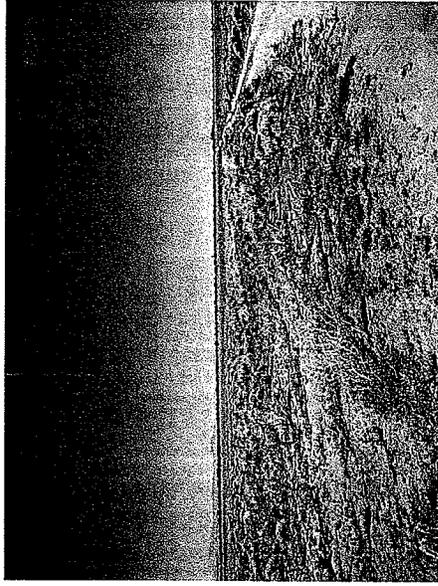
Ave. C at SW corner of eastern site, looking west.



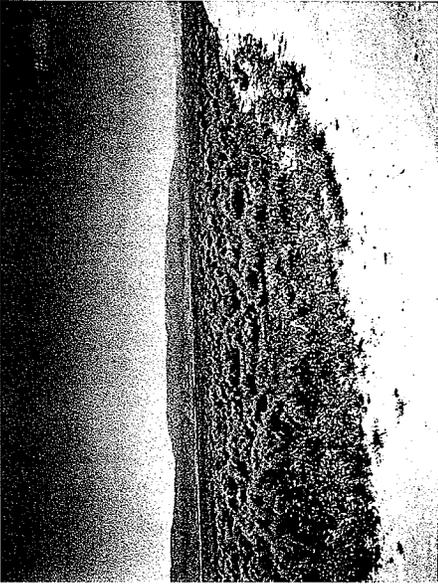
Ave. C at SW corner of eastern site, looking north.



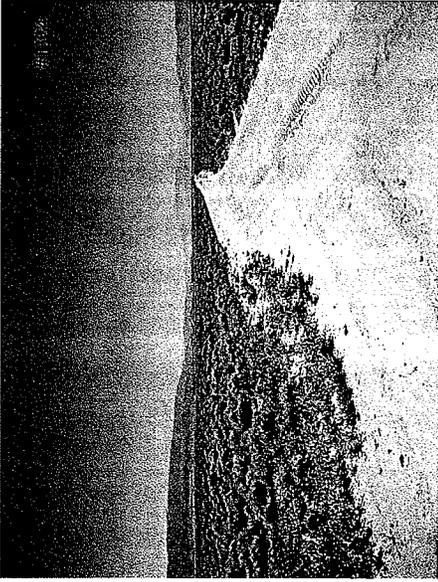
Ave. C at SW corner of eastern site, looking north.



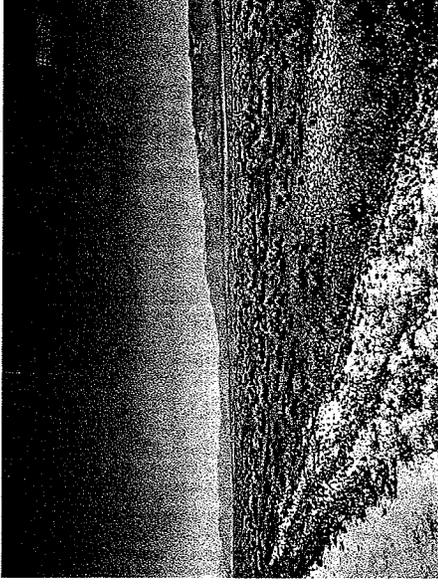
Ave. C at SW corner of eastern site, looking east.



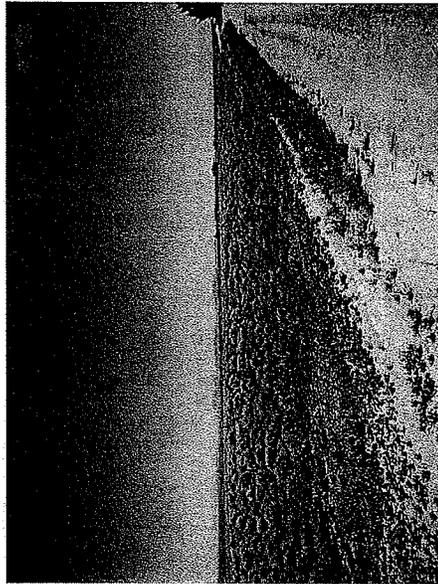
Ave. B-8 at western site boundary, looking southwest.



Ave. B-8 at western site boundary, looking west.



Ave. B-8 at western site boundary, looking northwest.



Ave. B-8 at western site boundary, looking northeast.