



CONDITIONAL USE PERMIT BURDEN OF PROOF

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

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

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

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

See Attached

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

C. That the proposed site is adequately served:

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

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

The proposed AV Solar Ranch One Project (Project) consists of a 230 megawatt (MW) solar photovoltaic (PV) facility on 2,100 acres of fallow agricultural land in northern Los Angeles County along State Route 138 (Figure 1). The Project includes a 230 kilovolt (kV) transmission line to interconnect the Project to the transmission system. Two potential locations have been identified to interconnect the Project to the Southern California Edison Company (SCE) transmission system – either 3.5 miles north of the Project site or 1.0 mile east of the Project site. The interconnection point will be determined through a system study conducted by the California Independent System Operator (Cal ISO).

The Project will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the area, for the following reasons:

Low Impact Technology

- During operation, the Project will generate minimal air and noise emissions. With an estimated 16 full time workers, human activity and associated traffic to and from the site will be minimal, with most of the activity occurring in and around the relatively small area of the on-site operations and maintenance building. Maintenance activities within the solar field will be infrequent. The solar equipment is only about 12 to 15 feet high and is non-reflective. Minimal night lighting will be required because the solar equipment does not operate during non-daylight hours. Night lighting will primarily be in the vicinity of the operations and maintenance building, to the extent necessary for worker safety. The lights will be directed downward and shielded.

Compatible Land Use

- The Project is located in an area of the Antelope Valley that is sparsely populated agricultural and undeveloped land. The nearest resident is approximately 0.4 miles from the Project site.
- The Project site has a land use designation of Non-Urban (N-1), and is zoned Heavy Agriculture (A-2) as defined by the Los Angeles County General Plan. The Los Angeles County Department of Regional Planning has determined that a solar energy

generation facility is equivalent to an electric generating plant. Under the Los Angeles County Zoning Code (January 13, 2009), electric generating plants and transmission substations are allowed in zone A-2 with the issuance of a CUP (Chapter 22.24.150[A]).

Carbon-Free Renewable Energy

- The United States has a greater solar energy resource potential than any other industrialized nation. The multiple benefits associated with developing this resource have been recognized repeatedly by both federal and state policy-makers. Development of solar resources reduces reliance on foreign sources of fuel, promotes national security, diversifies energy portfolios, contributes to the reduction of greenhouse gas emissions, and generates “green” jobs. The Project will contribute much needed on-peak power to the electrical grid in California. The Project will benefit health, peace, comfort and welfare of persons living and residing in the area by providing a carbon-free and emission-free source of renewable energy.
- The Project will help California meet its statutory and regulatory goal of increasing renewable power generation. California has enacted legislation mandating that certain load serving entities procure enough renewable power to ensure that 20 percent of their retail sales are served by renewable resources by 2010, and is currently considering legislation that would increase the goal to 33 percent renewables by 2020. The California Air Resources Board has already adopted this requirement as part of its implementation of AB 32, and the Governor has also directed State agencies to implement policies requiring the State to achieve 33 percent renewables by 2020, through Executive Order S-14-08 (November 17, 2008). The Project is an eligible renewable resource within the meaning of the California Public Resources Code, and will contribute to these goals.

Environmental Compatibility

Air Quality

- The Project will produce minimal air emissions during operation. Generating electricity using PV technology produces negligible air emissions. During operations, the Project will produce an insignificant volume of emissions from maintenance vehicles and from operation of a diesel-fired emergency firewater pump during a power outage, if necessary. Emissions from the diesel firewater pump will be regulated through a Permit to Operate, issued by the Antelope Valley Air Quality Management District. Air emissions from the Project will be substantially lower than those associated with a fossil-fired generating facility of the same installed capacity.
- Construction-related air emissions, resulting from fugitive dust and operation of construction equipment, will be temporary. Fugitive dust emissions will be

mitigated through implementation of a Fugitive Dust Mitigation Plan as required by the County, and construction equipment will comply with air pollution control requirements.

Water Quality and Use

- The proposed Project will not have a significant effect on ground or surface water quality. Potential soil erosion and drainage sedimentation will be minimized. The Project will prepare and implement a Storm Water Pollution Prevention Plan in compliance with California's General Permits for storm water management during construction and operation. Sanitary needs for the Project will be served with portable toilets during construction, and by an on-site sanitary waste septic system during operations.
- The primary use of water during construction will be for dust control, soil compaction, and mixing of concrete. Water use during operation, is primarily associated with solar panel washing, expected to be required twice per year. Water is not required by PV technology to generate electricity. It is currently expected that the Project's water needs will be supplied by two existing on-site wells and/or one or more newly constructed wells. Water use during Project operation will be substantially less than previous agricultural operations on the site. While water use is not expected to be significant, Best Management Practices (BMPs) for water conservation will be implemented to further minimize water consumption. Such BMPs will include:
 - Use of low-flush toilets
 - Use of drought-tolerant and native vegetation for landscaping and revegetation
 - Minimizing the frequency of solar panel washing to the extent feasible (approximately twice per year)

Waste

- The Project will not generate significant amounts of hazardous waste. All Project-related hazardous materials and waste will be transported, handled, stored, and disposed of in accordance with applicable Certified Unified Program Agency, County, State, and Federal requirements.
- Construction of the proposed Project will require limited use of hazardous materials, consisting of: paints, solvents, compressed gas (for welding), batteries, diesel or gasoline (used for equipment fuel) and oil. Construction activities will also generate hazardous wastes consisting of: flushing and cleaning fluids, spent batteries, used oil, welding materials and dried paint.
- During operation, limited quantities of hazardous materials will be needed to perform general maintenance activities. These materials may include petroleum-

based fluids (such as fuel oil, equipment oil, lubricants, and solvents), cleaning supplies, paint and air conditioning fluids (hydrochlorofluorocarbons). Generally, these types of materials will be stored in small quantities in an on-site operations and maintenance building. Hazardous wastes generated during operation are expected to include: used equipment oils and lubricants, oily rags, dried paints and used air conditioning fluids.

Noise

- Construction of the Project is not anticipated to significantly increase ambient noise levels. Construction will involve temporary and short-term use of equipment during: site preparation; limited grading activities; building construction; installation of solar arrays, and associated electrical equipment; and construction of the transmission line. Construction activities will occur primarily during daylight hours. Any increase in noise levels during construction will attenuate rapidly with distance from the site boundary and transmission line route area. Construction activities will conform to applicable County noise ordinances.

Noise emissions associated with Project operations are not expected to be significant. Potential sources of noise during operations include maintenance activities, vehicle traffic, and occasional use of the emergency firewater pump, if necessary. Noise from these sources would generally not be audible off-site.

Traffic

- The Project will not have a significant effect on local traffic. Construction-related traffic will be associated with the Project workforce commuting to the site and delivery of equipment and supplies. Project-related traffic during operation will be associated with a relatively small workforce of approximately 16 employees. A Traffic Impact Analysis conducted by URS Corporation found that the traffic volume added to the surrounding roadway circulation system during both construction and operation will have no significant effect at any of the intersections or road segments in the Project area.

Aesthetics

- The relatively 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. Almost all of the Project site will be occupied by solar trackers that are 12 to 15 feet in height. The operations and maintenance building will be less than 30 feet in height, and the maximum equipment height associated with the Project substation will be 60 feet. Visibility of the Project site from surrounding public areas will be limited. Views from the Antelope Valley California Poppy Reserve, approximately 1.5 miles south of the Project site, are largely screened by intervening topography. The project will be visible from a portion of the Santa Monica Mountains

Conservancy on Fairmont Butte, but this area receives limited use by the public. Because of the flat terrain and intervening vegetation, the Project site is essentially not visible from Arthur B. Ripley Desert Woodland State Park, located approximately 2.5 miles to the southwest. Visual simulations from both of these parks are provided as Attachment 1.

Public Services

- The Project will have little effect on public services such as schools, fire protection and law enforcement. During Project construction, it is expected that most of the workforce will be hired locally, and few if any workers will relocate to communities in the site area. The relatively small Project operations workforce of 16 full-time workers is expected to be hired from the existing local population. Therefore, the Project will not adversely impact schools or other services.
- The Project will not place a significant demand on local fire protection services. The Project facilities are largely non-flammable solar equipment, and the operations and maintenance buildings and electrical equipment will have built-in fire protection systems. Wildfire risk will be minimized by management of vegetation on the Project site. In general, vegetation will be controlled to a height of less than 2 feet to avoid interference with Project equipment.
- The Project is not expected to have a significant effect on local law enforcement services. The Project site will be fenced, and a full-time security staff will be on-site on a 24-hour basis.

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

The Project will not be detrimental to future utilization or enjoyment of the surrounding area. Project operation will generate very little noise (primarily from infrequent maintenance vehicle traffic on the site), and lighting will be limited to that necessary for worker safety at the operations and maintenance building. The anticipated Project staffing of 16 full-time workers will not adversely affect traffic conditions in the area. Additionally, as described above in Item A.1, the Project will be consistent with existing land use and zoning designations, and as a result, is not expected to cause significant adverse effects to surrounding land uses. Public use of the nearby Antelope Valley California Poppy Reserve and Arthur B. Ripley Desert Woodland State Park will not be adversely affected because the Project will be largely screened from views at these State parks by intervening topography and vegetation.

The Project is not expected to materially affect the valuation of adjacent properties. As described in item A.1., the Project area is sparsely populated and the existing land use is primarily agricultural in nature. The Project is compatible with existing uses and does not present significant emissions, noise, pollutants, or visual intrusions that would

adversely affect property values. The Project transmission line will be located in an existing road right-of-way, and is designed to minimize visual impacts by utilizing steel poles, neutral colors, and non-reflective conductors (wires).

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

The Project will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

Land Use and Environmental Compatibility

As described above in Item A.1, the Project will be consistent with existing land use and zoning and is not expected to result in significant adverse effects to local or regional air quality, water quality, or environmental safety. In addition, the proposed Project has the following attributes:

- Minimal air emissions, primarily associated with vehicle traffic from the 16 full time workers at the site.
- Insignificant increases to the local population, during either construction or operation, (refer to Item A.1) that would increase the level of demand on schools, fire protection, law enforcement, or emergency services.
- Minimal demand on existing fire and law enforcement due to:
 - Storage of only small quantities of flammable materials on site, incorporation of vegetation management and installation of fire protection systems designed in accordance with Los Angeles County Fire Department regulations.
 - Installation of site fencing, controlled access gates, and full-time security, and regular security patrols at the site.

Carbon-Free Renewable Energy

- The United States has a greater solar energy resource potential than any other industrialized nation. The multiple benefits associated with developing this resource have been recognized repeatedly by both federal and state policy-makers. Development of solar resources reduces reliance on foreign sources of fuel, promotes national security, diversifies energy portfolios, contributes to the reduction of greenhouse gas emissions, and generates “green” jobs. The Project will contribute much needed on-peak power to the electrical grid in California. The Project will benefit health, peace, comfort and welfare of persons living and residing in the area by providing a carbon-free and emission-free source of renewable energy.

- The Project will help California meet its statutory and regulatory goal of increasing renewable power generation. California has enacted legislation mandating that certain load serving entities procure enough renewable power to ensure that 20 percent of their retail sales are served by renewable resources by 2010, and is currently considering legislation that would increase the goal to 33 percent renewables by 2020. The California Air Resources Board has already adopted this requirement as part of its implementation of AB 32, and the Governor has also directed State agencies to implement policies requiring the State to achieve 33 percent renewables by 2020, through Executive Order S-14-08 (November 17, 2008). The Project is an eligible renewable resource within the meaning of the California Public Resources Code, and will contribute to these goals.

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

The proposed Project site encompasses approximately 2,100 acres. As shown on the site layout in Figure 2, there is adequate area within the site boundaries to accommodate development features, including Project fencing, parking and loading facilities, landscaping, internal maintenance roads, as well as design features and setbacks required by Los Angeles County.

As described in Item A.1, above, the Project will be consistent with existing land use and zoning and will integrate well with the land uses of the surrounding area (primarily active and fallow agricultural land and undeveloped land).

The proposed and alternate transmission line routes will be located within the existing County road rights-of-way and would not require use of or trespass on additional private land.

C. The proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate

The existing local roadway system is adequate to serve the Project without improvements. Increased traffic volumes will occur during the construction period from workers commuting to the site and equipment and supplies deliveries. During operations, the Project-related traffic will be limited to occasional deliveries and use by approximately 16 on-site workers. A Traffic Impact Analysis conducted by URS Corporation found that the traffic volume added to the surrounding roadway circulation system, during both construction and operation, will have no significant effect at any of the intersections or road segments in the Project area.

The Project will include a system of on-site roads to allow access to all areas of the Project site and to minimize the need to use public roadways. The on-site roads will be designed and constructed to accommodate the traffic needs of the Project and necessary access by fire fighting and other emergency equipment.

2. By other public or private service facilities as are required.

The Project will require minimal public or private service facilities and, as summarized below, will be largely self-sufficient:

- Water will be supplied by two existing on-site wells and/or one or more additional wells, as necessary.
- Sanitary needs during construction will be served by portable toilets, and operational needs will be met by an on-site sanitary waste septic system. The full time operational staff will include approximately 16 workers, so septic demand will be small.
- Electrical power for Project auxiliaries will be supplied during non-daylight hours by back feed from the existing electrical grid, or from the local electrical utility's transmission system. An emergency diesel powered firewater pump may be required to provide power for fire protection in the event that power from the electrical grid is unavailable.
- The Project will not require any natural gas or other fossil fuels for operations. Fuel requirements for on-site equipment or other incidental uses, if any, will be delivered from local sources, as needed, but are expected to be minimal.