



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

DATE: September 15, 2010

TO: Wayne Rew, Chair
Pat Modugno, Vice Chair
Esther L. Valadez, Commissioner
Leslie G. Bellamy, Commissioner
Harold Helsley, Commissioner

FROM: Samuel Z. Dea, Supervising Regional Planner *SZD for SED*
Special Projects Section

**SUBJECT: PROJECT NO. R2009-02239-(5)
AV SOLAR RANCH ONE, LLC
VESTING TENTATIVE TRACT MAP NO. 071035
CONDITIONAL USE PERMIT NO. 200900026
ENVIRONMENTAL ASSESSMENT NO. 200900027
AGENDA ITEM NO. 7**

In the two weeks since the Commission received the hearing materials package for today's continued hearing, staff and county counsel have made additional factual corrections to the subject conditional use permit and vesting tentative tract map Findings and minor modifications to language in the conditional use permit Conditions. Attached are the full documents showing tracked changes. Staff will address the various corrections and modifications during the staff presentation. Additionally, the CEQA Findings have been factually updated to include a limited amount of additional details from the EIR. Only the CEQA Findings pages with tracked changes are included for the Commission's convenience.

Prepared by Kim K. Szalay, MPL, AICP, Principal Regional Planning Assistant
Reviewed by Samuel Z. Dea, Supervising Regional Planner

ATTACHMENTS

Revised Conditional Use Permit Findings
Revised Vesting Tentative Tract Map Findings
Revised Conditional Use Permit Conditions of Approval
Updated letter from the Department of Public Works dated June 30, 2010
CEQA Findings (pages with tracked changes only)
Antelope Acres Town Council: President's e-mail dated September 14, 2010
Public Comment Letter

SZD:KKS

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

PROJECT NO. R2009-02239-(5)
CONDITIONAL USE PERMIT NO. 200900026
ENVIRONMENTAL ASSESSMENT NO. 200900027
HEARING DATES: JUNE 30, 2010 AND SEPTEMBER 15, 2010

SYNOPSIS

The applicant, AV Solar Ranch 1, LLC, requests Vesting Tentative Tract ("VTTM") No. 071035 to authorize a reversion to acreage from 147 lots to 1 lot on 790 acres in the A-2-5 (Heavy Agricultural-Five Acres Minimum Required Area) zone and Conditional Use Permit ("CUP") No. 200900026 to authorize construction, operation, and maintenance of a 230 megawatt ~~80,000-panel~~ photovoltaic solar electric power generation facility on 2,093 gross acres (including the 790-acre VTTM site) and on-site grading in excess of 100,000 cubic yards in the A-2-5 (Heavy Agricultural – Five Acres Minimum Required Area) zone; and installation of 0.75 miles of onsite and 2.25 miles of offsite high voltage 230 kilovolt electricity transmission lines in the A-2-5 and A-1-2 (Light Agricultural-Two Acres Minimum Required Area) zones. The subject property to which the CUP applies includes 33 contiguous parcels including one reversion to acreage parcel proposed to be created by the VTTM.

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION

June 30, 2010 Public Hearing

A duly noticed public hearing was held on June 30, 2010, before the Regional Planning Commission ("Commission"). Commissioners Bellamy, Rew, Helsley, and Modugno were present. Commissioner Valadez was absent. The applicant and two persons testified in favor of the project and two persons testified with concerns regarding the request. Approximately 25 members of the public were present at the public hearing plus the applicant's team of six persons. The Commission directed staff and the applicant to further address the following issues:

- Clarify and provide the possibility of capturing rainwater and washwater runoff
- Provide decommissioning financial assurances
- Provide a cost/benefit comparison of undergrounding versus above ground transmission line installations
- ~~Require Investigate~~ fencing options so as to be of a suitable color to blend with the surrounding terrain
- Clarify and provide numbers of tracking solar panels and fixed tilt solar panels proposed
- Verify and provide the current market rate per kilowatt hour for purchase of electrical power
- Provide potential high-value mitigation sites for the required 450 acres of off-site mitigation land
- Clarify night lighting requirements and proposal

- Verify and provide the Federal funding critical timeline requirements
- Clarify the status of the comment letter submitted by the Antelope Acres Town Council

There being no further testimony or discussion, the Commission continued the public hearing to September 15, 2010, to provide time for staff and the applicant to provide the additional items requested and to prepare the Final Environmental Impact Report and Findings and Conditions for action on the requested CUP and VTTM.

September 15, 2010 Public Hearing

[Reserved for proceedings to be included following close of the public hearing.]

FINDINGS

1. The applicant is requesting a conditional use permit for construction, operation, and maintenance of a 230 megawatt ~~80,000-panel~~ photovoltaic solar electric power generation facility on 2,093 gross acres (including the 790-acre property included in the VTTM) and on-site grading in excess of 100,000 cubic yards in the A-2-5 (Heavy Agricultural – Five Acres Minimum Required Area) zone; and installation of 0.75 miles of onsite and 2.25 miles of offsite high voltage 230 kilovolt electricity transmission lines in the A-2-5 and A-1-2 (Light Agricultural-Two Acres Minimum Required Area) zones.
2. All portions of the project are located within the following boundary extremes: north and south of SR 138 between 155th Street West to the east and 180th Street West to the west, and between West Avenue B-8 to the north and West Avenue E to the south. Not all properties located within these boundary extremes are within the Project area. Primary access is proposed to be located on 170th Street West approximately 0.6 miles north of SR 138 (Avenue D).
3. The subject property consists of 33 contiguous parcels on 2,093 acres, including one proposed 790-acre reversion to acreage parcel. The property is flat and gently sloping downward to the northeast. All parcels are vacant with the exception of an existing abandoned ranch house and appurtenant facilities located on a parcel adjacent to and south of SR 138 (Avenue D). All such facilities are proposed to be demolished.
4. The proposed 230-megawatt solar photovoltaic electric power generation facility includes approximately 80,000 photovoltaic panel arrays including optional use of sun-tracking or fixed, tilt or horizontal array units; associated electrical and distribution equipment including approximately 185 electrical equipment structures with the option to be unenclosed or enclosed; onsite unenclosed electricity substation; operations and maintenance building; a 230-kilovolt transmission line approximately 4.25 miles in length (approximately 2.25 miles within unincorporated

Los Angeles County and 2 miles within Kern County) within the 170th Street West public right of way in unincorporated Los Angeles County, and on private property and/or 170th Street West public right of way in Kern County, connecting to Southern California Edison proposed Whirlwind substation facilities in Kern County; undergrounding of all high-voltage transmission lines located within unincorporated Los Angeles County with the exception of two required above-ground crossings of the public right of way; onsite 34.5 kilovolt transmission line proposed within 170th Street West public right of way and private property; undergrounding all of the low-voltage transmission lines except as required to include one above ground crossing of the public right of way and approximately four required above ground crossings over jurisdictional drainages within the project site; a maximum of 180,000 cubic yards of balanced grading for flood control management; employee parking area; perimeter fencing; associated access roads; native landscaping screening north and south of SR 138 (Avenue D); new potable water well and use of existing wells for non-potable uses; two above ground water tanks (approximately 10,000 and 100,000 gallons); construction of onsite septic and leach-field system; and demolition of all existing structures on-site including two residences, a mobile home, and accessory structures. The proposed project will require approximately 150 acre feet of water per year during construction of the project for a period not to exceed 38 months. On-going operation of the project will require approximately 12 acre feet per year of water supply, of which three acre feet per year are required to be potable.

5. The subject property is located within the N1 (Non Urban 1) land use designation in the Antelope Valley Areawide General Plan ("AVAGP"), a component of the Los Angeles Countywide General Plan.
6. The subject property is zoned A-2-5 (Heavy Agricultural – Five Acre Minimum Required Area).
7. Six Certificates of Compliance have been issued on various lots on the subject property to certify compliance with the Subdivision Map Act. The subject property is comprised of a total of 179 lots. After proposed reversion to acreage of the 147 lots to one lot, the property would be comprised of 33 lots.
8. Surrounding land uses within a 500-foot radius of the property include vacant parcels and Joshua Tree Woodland Habitat Significant Ecological Area ("SEA") No. 60 adjacent to the north and east, and vacant parcels to the south and west. Joshua Tree Woodland Habitat SEA No. 57 is located nearby to the southeast of the project site. The project provides undeveloped land buffers to the SEA's and does not disturb or intrude into the SEA's. Nearby property owners within a 1,000-foot radius of the project boundaries were notified by mail regarding the project.

9. The surrounding areas within a 500-foot radius of the property are zoned A-1-2 and A-2-5 to the north and west, A-1-2, A-2-2 (Heavy Agricultural – Two Acre Minimum Required Area), and A-2-5 to the south and east.
10. The proposed project is consistent with the applicable goals and policies of the County of Los Angeles Countywide General Plan (“General Plan”) as follows:
 - a. Policy No. 2 of the Conservation and Open Space Element is as follows: “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 proposing development of solar energy production facilities.
 - b. Policy No. 3 of the Conservation and Open Space Element specifically promotes solar energy: “Promote the use of solar energy to the maximum extent possible” (General Plan, Pg. II-26). The project is a utility-scale solar project proposing 230-megawatts of solar electricity generation and is consistent with this policy.
 - c. Policy No. II-15 of the Conservation and Open Space Element Recommended Action Plan provides the following guidance: “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, Federal loan guarantees, and State Public Utilities Commission authorized cost recovery mechanisms in the event the project qualifies for subject funding opportunities.
11. The proposed project is consistent with the applicable goals and policies of the AVAGP and the N1 (Non-Urban 1) land use designation in the AVAGP. 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 (AVAGP, Pg. VI-5). The project is consistent with policies of the Plan as follows:
 - 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 SEA’s in the vicinity. Additional project design features and mitigation measures have been incorporated and required to further protect and preserve surrounding habitat in the Antelope Valley. An existing on-site juvenile Joshua Tree recruitment area is avoided by the project.
 - 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 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. The proposed operations building will be constructed in compliance with green building requirements of the County Green Building Ordinance.
- 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 their related support poles. Therefore, to be consistent with this policy, the on-site low voltage and the on-site and off-site high voltage transmission lines will be undergrounded, with the exception of three required above-ground crossings in the unincorporated County area within the public right of way including one point of connection at the Kern County border, and approximately four required above ground crossings over jurisdictional drainages within the project site in order 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 require long-term planning for solar and wind project transmission line installations in the Antelope Valley. Although not located within an urban area, the project site is subject to long-range planning efforts for future development in the area. Therefore, to be consistent with this policy, the project will include the undergrounding of both the low and high voltage transmission lines both on and off the project site within the unincorporated County area with the exception of one required above ground crossing of the public right of way and one above-ground point of connection at the Kern County border. Therefore, to be consistent with this policy, the on-site low voltage and the on-site and off-site high voltage transmission lines will be undergrounded, with the exception of three required above-ground crossings in

the unincorporated County area within the public right of way including one point of connection at the Kern County border, and approximately four required above ground crossings over jurisdictional drainages within the project site in order 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 proposes to avoid development in the nearby Joshua Tree Woodlands SEA No. 60, and the project avoids removal of, or, encroachment upon, mature and younger Joshua Trees located on the site.
- g. Policy No. 70: "Encourage planting of street trees in urban portions of the Antelope Valley" (AVAGP, pg. V-9). Naturally-placed native vegetation, including Joshua Trees, is proposed for screening along the north and south sides of SR 138. The project also proposes to provide for additional planting and maintenance of street trees and landscaping in nearby areas of the Antelope Valley that may include urbanizing areas.
- h. 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" (AVAGP, pg. V-10). The project is a large-scale renewable energy project that would provide additional employment opportunities and introduce 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). During the 38-month construction period proposed, a maximum of 150 acre feet of water per year may be used for project construction activities. The project proposes to limit use of groundwater to a maximum of 12 acre feet per year during project operations. Long-term operation of the project requires occasional cleaning of the solar panel surfaces in order to maximize electricity production. Existing wells with projected adequate yield are proposed to be used for non-potable washwater and other non-potable uses. A new well is proposed to provide for necessary potable water to supply the operations and maintenance facility and construction workers. The project provides adequate water supply.
- 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). The project proposes retaining

natural permeable ground surfaces and providing drainage swales in addition to retaining natural flow and volumes through the primary drainages on the site.

- 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 are being maintained by the project to retain natural flows of storm waters, and additional buffering of the main drainage course is proposed to provide 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 100 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 construction grading and construction over a 38-month period, and to use other standard dust control measures in order to limit the extent of air pollution from fugitive dust during construction of the project. Operation of the project proposes retaining native vegetation and re-vegetating to the greatest extent feasible while in compliance with fire control clearance requirements. By providing a utility scale solar project, the project is facilitating the use of clean, renewable energy, which in turn helps to reduce emissions from other types of 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 project avoids the nearby Joshua Tree Woodlands SEA and proposes to avoid development in and removal of young Joshua Trees from an existing Joshua Tree recruitment area located onsite.
 - n. Policy No. 217: "Promote use of alternative energy sources (including solar and wind) for heating and cooling" (AVAGP, pg. V-26). The project aims to produce 230-megawatts of photovoltaic solar electric power for use in California to assist meeting renewable energy needs and mandates.
12. The project is consistent with the AVAGP Guidelines for Non-Residential Uses in Non-Urban Areas (Pages VI-24, 25) as follows:
- a. Location. The project is consistent with location guidelines of the Plan. The proposed project is located on previously disturbed land surrounded by vacant properties and agricultural uses in the general vicinity. Proposed operations are relatively passive similar to existing surrounding uses. Existing primary

roadways will be retained for maintaining existing circulation patterns in the area. Existing utilities, other public services, and infrastructure are available to the project. The project provides native landscaping and open space buffering along SR 138 as visual mitigation for public passersby. The relatively flat topography, distance from known active faults, and previously farmed and disturbed property, make the location suitable for the proposed photovoltaic solar electricity generation development.

- b. Access. The project primary access is consistent with access guidelines of the Plan. The project proposes primary access approximately one half mile north of SR 138 on 170th Street West. This location prevents the hazards associated with higher speeds on SR 138 if access were to be taken from the highway. Transport of materials during construction of the project largely avoids existing residential communities.
 - c. Design. The proposed design of the project is consistent with design guidelines of the Plan. The first 1,000 feet of solar panels installed adjacent to SR 138 are proposed to be of the low-profile horizontal or low-profile fixed tilt variety to maximize views to the Tehachapi Mountains to the north and other vistas to the south from the highway. Additionally, native drought-tolerant shrubs, Joshua Trees, and grasses are proposed to screen the frontages of solar panel development along SR 138 on both the north and south sides of the right-of-way. As natural a placement of plantings as possible and temporary drip systems to establish the plantings are proposed. Perimeter fencing that is colored to minimize visual intrusion will be provided for security and safety purposes. No outdoor advertising and minimal security lighting shielded downward to avoid light spillover is proposed, which will minimize visual impacts to neighboring properties and wildlife.
13. The subject property 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 as required in order to integrate the project with the uses in the surrounding area given that the project complies with all applicable development standards of the A-2-5 (Heavy Agricultural-Five Acres Minimum Required Area) zone. Section 22.24.150 of the County Code, Uses Subject to Permits, lists the following use as permitted provided a conditional use permit is approved, "Electric distribution substations, electric transmission substations and generating plants, including microwave facilities used in conjunction with any one thereof." The proposed 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 Zoning Ordinance as follows:

- a. Section 22.24.170.A Front, Side and Rear Yard Requirements. A minimum set back of 20 feet for front yard, five feet for side yard and corner side yard, 10 feet for reversed corner side yard, and 15 feet for rear yard is required. The project exceeds requirements by providing a minimum set back of 50 feet from the property line throughout property. Specific designated areas provide additional set back, buffering, or other dedicated spaces as indicated on the site plans. The project complies with yard setback requirements.
- b. Section 22.48.160 Fences and Walls. Depending on the location within the property, three and one half to six feet in height is the maximum fence height permitted per County Code. The project proposes perimeter fencing eight feet in height for project security and safety purposes. The applicant is seeking a yard modification to allow the fence to be a uniform eight feet in height around the entire perimeter of the project site. The Commission supports this request and believes it to be appropriate for the use and the location. The project complies with fencing requirements, as proposed to be modified pursuant to the yard modification process.
- c. Chapter 22.52 Part 7 Outside Storage. Part 7 requires that all outside storage open to view from the exterior boundary of a lot or parcel of land upon which it is conducted shall be enclosed by a solid wall or fence. This requirement would not apply to temporary material staging areas and temporary outdoor worker shelters used during construction. For the purposes of this project, temporary staging areas, temporary outdoor worker shelters, and a temporary cement batching plant are defined as areas used for construction and the use of which are not to exceed project build out or 38 months from the start of construction, whichever occurs first. The project does not propose permanent outside storage for on-going operations. The project complies with operational outside storage requirements.
- d. Chapter 22.52 Part 11, Section 22.52.1220. Uses not specified – Number of spaces required. Where parking requirements for any use are not specified, parking shall be provided in an amount which the director finds adequate to prevent traffic congestion and excessive on-street parking. Whenever practical, such determination shall be based upon the requirements for the most comparable use specified in this Part 11. Because parking requirements for the project are not specifically listed, the determination has been made that the most appropriate parking standards are those applicable to industrial uses. Industrial Use and Handicapped Parking. Therefore, for purposes of determining the required number of parking spaces for the project, ~~Either either~~ one space per two employees or one space per 500 square feet and is required to meet industrial use standard parking requirements. ~~o~~One handicapped space per 40 standard spaces is required to meet the parking requirements set forth in Section 22.52.1140. The project proposes a 20,000 square-foot

operations and maintenance building requiring 40 standard parking spaces including at least one of which is a handicapped parking space. The project complies with parking requirements.

- e. Chapter 22.52 Part 20 Green Building Requirements. County Green Building Standards for energy conservation, indoor and outdoor water conservation, demolition recycling, and LEED Silver or equivalent building construction apply to the project for self-contained non-warehouse portions of the proposed 20,000 square-foot operations and maintenance building, demolition of existing buildings, landscape watering, and wash water operations. Tree planting requirements require modification. The project proposed meets or exceeds Green Building standards including modification of tree planting requirements as allowed by the County Code for certain circumstances. The proposed 20,000 square-foot operations and maintenance building is located on a single 790-acre lot. Compliance with the Green Building Ordinance would require the planting of 10,324 trees. The applicant requests a waiver or modification by the Director of Public Works for the number of trees required. In lieu of the tree planting requirement, the applicant proposes to plant native drought-tolerant shrubs, a limited number of Joshua trees, and numerous native grasses in as natural a pattern as possible within 10-feet of property frontage along SR 138 on both the north and south sides of the highway for the length of the subject property. A drip system would initially be used to establish the native plantings. These plantings would also serve as screening of the project components located closest to the highway. Additionally, in lieu of the total number of required onsite tree plantings, the applicant proposes to offer payment to the County for additional tree plantings and provision for landscaping maintenance along public rights of way in the Antelope Valley vicinity. The Commission supports the proposed alternative measures. The Director of Public Works has granted the modification to the Green Building ordinance requested and accepted the alternative measures. The project complies with Green Building standards as modified.
- f. Chapter 22.52 Part 21 Drought-Tolerant Landscaping. Requirements for drought-tolerant landscaping include 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 proposed complies with Drought-Tolerant Landscaping requirements.
- g. Chapter 22.52 Part 22 Low-Impact Development (LID). This part of the County Zoning Ordinance references Title 12 Chapter 12.84 for Low Impact Development Standards. These standards are designed to limit hydro-modification impacts to natural drainage systems and to manage excess volume from each lot upon which development is occurring so as to be infiltrated at the lot level or alternatively to sub-regional facilities. The project

proposes to sustain the primary natural drainage course running through the site from southwest to northeast and to provide numerous vegetated swales throughout the development area to infiltrate runoff to the satisfaction of the Department of Public Works. The project complies with LID requirements.

14. The project on the subject property will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, and 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 because the project is compatible with the surrounding neighborhood and land uses. Aerial photography of the 2,093-acre project site provides imagery indicating grading/plowing over the majority of the site many years previously. This is evidenced by a previously farmed orchard and other disturbed land underlying the re-established plants including desert shrubs, seasonal wildflowers, other native and non-native grasses, a number of juvenile Joshua Trees at a northerly portion of the site, and bare soil. Recycled use of previously disturbed land is preferred for development compared to use of pristine undisturbed native lands. The passive operation of a photovoltaic solar field provides a compatible "neighbor" to two SEA's, one to the north/northeast and one to the south, on which no additional development is likely to occur. Fencing permeable to small and moderate sized animals, a minimum 100-foot wide drainage and wildlife movement area, native plants and Joshua trees screening low-profile solar panels located along SR 138, and recommended undergrounding of transmission lines, together enable the project to be compatible with the surrounding area. Additionally, the majority of other adjacent properties within a 500-foot radius of the site are vacant and not currently developed. The project is compatible with existing land uses.
15. 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. During construction, truck traffic will increase in the area, though not a significant impact. During operations, traffic generated by the relatively passive solar project operations is minimal. Project conditions and mitigation measures require street pavement conditions to be documented by the applicant prior to and after construction and to make fair-share payment for any repair and/or reconstruction required to 170th Street West to the satisfaction of the Department of Public Works.
16. Although the applicant originally proposed above ground transmission lines, the Environmental Impact Report for the project analyzed both the above ground and the underground placement of the 34.5 kilovolt and 230 kilovolt transmission lines and concluded that neither the above ground nor the underground transmission lines would result in significant environmental impacts. In order to minimize visual intrusion and minimize the proliferation of above ground transmission lines as well

as to ensure compliance with the applicable provisions of the Countywide General Plan and the AVAGP, the Commission determined that the undergrounding of both the on-site and off-site transmission lines within the unincorporated County area is required, with the exception of three required above ground public right of way crossings including one above ground point of connection at the Kern County border and approximately four required above ground crossings over jurisdictional drainages within the project site.

17. An Initial Study was prepared for this 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 of the County of Los Angeles. The Initial Study identified potentially significant effects on the environment. Based on the Initial Study, a Draft Environmental Impact Report ("DEIR") was prepared for this project. The public comment period for the DEIR began on June 16, 2010 and ended on July 30, 2010 (45 days). After the public comment period ended, a Final Environmental Impact Report ("FEIR") was prepared with response to comments received during the public comment period. Mitigation measures are necessary in order to ensure the proposed project will not have a significant effect on the environment, and such measures have been included in the Mitigation Monitoring and Reporting Program ("MMRP").
18. Potential significant impacts that were analyzed in the EIR include geotechnical hazards, flood hazards, fire hazards, water quality, air quality, biological resources, cultural and paleontological resources, visual qualities, traffic and access, fire protection services, sheriff services, utility services, environmental safety, land use, and global climate change. Agricultural resources and noise were also analyzed even though the Initial Study did not identify them as potential impacts. Change of character and growth inducing impacts were analyzed as other considerations for analysis in the EIR. The EIR concludes that all of these potential impacts were determined to be either less than significant without further mitigation (fire protection services, sheriff services, utility services, and global climate change), or, can be mitigated to a level of less than significant with further mitigation (geotechnical hazards, flood hazards, fire hazards, water quality, air quality, biological resources, cultural resources, agricultural resources, visual qualities, traffic and access, environmental safety, land use, noise, and change of character).
19. The technical and engineering aspects of the project have been resolved to the satisfaction of the Los Angeles County Departments of Public Works, Fire, Parks and Recreation, Public Health, and Regional Planning.
20. 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 and property posting. Additionally, the project was noticed and case materials were available on the County Department of Regional Planning website and at libraries located in the Antelope Valley vicinity. A total of 471 hearing notices were mailed to property owners within a 1,000-foot radius of the project boundaries and to other interested parties on May 24, 2010, and the DEIR Notice of Completion was mailed to the same owners and other parties on June 14, 2010. Newspaper notices were posted in the Antelope Valley Press and La Opinion and on the site on May 27, 2010. The Notice of Completion was posted in the same papers and on the site on June 16, 2010.

21. Approximately six (6) items of written correspondence in support of the Project were received including support for developing additional renewable energy generation facilities and creating jobs including "green" jobs. Proponents in favor included, but are not limited to, the Governor of California, Arnold Schwarznegger, State Assemblyman, Thirty-Sixth District, Steve Knight, the City Manager of Lancaster, CA, the Antelope Acres Town Council, the Lancaster and Rosamond Chambers of Commerce president and C.E.O., and the president of the Antelope Valley Board of Trade.
22. Four (4) items of written correspondence expressing concerns about the Project were received, including concerns about loss of agricultural and open space lands, concerns about project proximity to other existing private properties and possible negative effect on property values, potential night lighting spillover, potential impacts to Joshua trees, amount of earth moving proposed, fencing type, and drainage and stormwater management. Proponents with concerns about the project included certain attendees of a meeting with the Association of Rural Town Councils and other private citizens.
23. Two (2) items of written correspondence inquiring about the location of their property in relationship to the subject property were received by Planning staff.
24. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the term of the grant to thirty (30) years.
25. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Special Projects Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. The use is consistent with the adopted general plan for the area; and
- B. The requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, and 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
- C. 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 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
- D. 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, THEREFORE, the information submitted by the applicant and presented at the hearing substantiates the required findings for a conditional use permit as set forth in Section 22.56.90 of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION

- 1. After consideration of the attached EIR and MMRP together with any comments received during the public review process, the Commission finds on the basis of the whole record before the Commission that there will be no significant impacts to the environment. After review and consideration of the EIR, the Regional Planning Commission certifies that the EIR has been completed in compliance with the California Environmental Quality Act and the State and County guidelines related thereto, and that the document reflects the independent judgment and analysis of the Commission, and determines that the significant adverse effects of the project, as described in the EIR, have been reduced to an acceptable level.
- 2. The MMRP for the proposed project incorporated in the EIR, is approved and adopted, and, pursuant to Section 21081.6 of the Public Resources Code, the Commission finds that the MMRP is adequately designed to ensure compliance with the mitigation measures during project implementation.
- 3. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. R200900026 is **APPROVED** subject to the attached conditions.

PROJECT NO. R2009-02239-(5)
CONDITIONAL USE PERMIT NO. 200900026
ENVIRONMENTAL ASSESSMENT NO. 200900027

FINDINGS
Page 15 of 15

VOTE:

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

c: Each Commissioner, Commission Services, BOS 5th District, Zoning Enforcement,
Building and Safety

SZD:KKS

9/04/14/10

**FINDINGS OF THE
REGIONAL PLANNING COMMISSION
OF THE COUNTY OF LOS ANGELES
PROJECT NO. R2009-02239-(5)
VESTING TENTATIVE TRACT MAP NO. 071035**

1. The Los Angeles County Regional Planning Commission ("Commission") conducted a duly noticed public hearing on the matter of Vesting Tentative Tract Map No. 071035 ("VTTM") on June 30, 2010 and September 15, 2010. VTTM No. 071035 was heard concurrently with Conditional Use Permit ("CUP") No. 200900026.
2. VTTM No. 071035 is a proposal for a reversion to acreage from 147 lots to 1 lot on 790 acres in the A-2-5 (Heavy Agricultural-Five Acres Minimum Required Area) zone.
3. CUP No. 200900026 is a related request to authorize construction, operation, and maintenance of a 230 megawatt ~~80,000-panel~~ photovoltaic solar electric power generation facility on 2,093 gross acres (including the 790-acre property included in the VTTM) and on-site grading in excess of 100,000 cubic yards in the A-2-5 (Heavy Agricultural – Five Acres Minimum Required Area) zone; and installation of 0.75 miles of onsite and 2.25 miles of offsite high voltage 230 kilovolt electricity transmission lines in the A-2-5 and A-1-2 (Light Agricultural-Two Acres Minimum Required Area) zones.
4. All portions of the Project site ("Project") covered by the CUP are located within the following boundary extremes: north and south of State Route 138 (Avenue D) between 155th Street West to the east and 180th Street West to the west, and between West Avenue B-8 to the north and West Avenue E to the south as depicted on the CUP Exhibit "A". Not all properties within these boundary extremes are within the Project. The portion of the Project comprising the VTTM property is bordered by Avenue C to the north, 155th Street West to the east, State Route 138 (Avenue D) to the south, and 170th Street West to the west as depicted on the VTTM. The Project is located within the Antelope Valley West Zoned District.
5. The subject property is 790 acres in size and currently vacant. It has an "L" shape on primarily flat terrain.
6. Primary access is proposed to be located on 170th Street West approximately 0.6 miles north of State Route 138 (Avenue D).
7. The applicant's VTTM, dated March 01, 2010, depicts the underlying 147 unimproved lots, generally five acres in lot area each and rectangular or square in shape on 790 acres. The subdivided lots were created by Tract No. 34457 approved by the Los Angeles County Board of Supervisors on November 24, 1987. The applicant proposes to revert the 147 lots back to one lot for use by the proposed photovoltaic solar power generation facility within the 2,093-acre Project site as proposed in the associated conditional use permit request.
8. The applicant's site plan, labeled Exhibit "A" in CUP No. 200900026 includes the 790-acre reversion to acreage site within the entire 2,093-acre Project site. The Exhibit "A" depicts a 230-megawatt solar photovoltaic electric power generation facility includes

approximately 80,000 photovoltaic panel arrays including optional use of sun-tracking or fixed, tilt or horizontal array units; associated electrical and distribution equipment including approximately 185 electrical equipment structures with the option to be unenclosed or enclosed; onsite unenclosed electricity substation; operations and maintenance building; a 230-kilovolt transmission line approximately 4.25 miles in length (approximately 2.25 miles within unincorporated Los Angeles County and 2 miles within Kern County) within the 170th Street West public right of way in unincorporated Los Angeles County, and on private property and/or 170th Street West public right of way in Kern County, connecting to Southern California Edison proposed Whirlwind substation facilities in Kern County; undergrounding of all high-voltage transmission lines located within unincorporated Los Angeles County with the exception of two required above-ground crossings of the public right of way; onsite 34.5 kilovolt transmission line proposed within 170th Street West public right of way and private property; undergrounding all of the low-voltage transmission lines except as required to include one above ground crossing of the public right of way and approximately four required above ground crossings over jurisdictional drainages within the project site; a maximum of 180,000 cubic yards of balanced grading for flood control management; employee parking area; perimeter fencing; associated access roads; native landscaping screening north and south of SR 138 (Avenue D); new potable water well and use of existing wells for non-potable uses; two above ground water tanks (approximately 10,000 and 100,000 gallons); construction of onsite septic and leach-field system; and demolition of all existing structures on-site including two residences, a mobile home, and accessory structures. The proposed project will require approximately 150 acre feet of water per year during construction of the project for a period not to exceed 38 months. On-going operation of the project will require approximately 12 acre feet per year of water supply, of which three acre feet per year are required to be potable.

9. The subject 790-acre VTTM property is depicted within the N1 (Non-Urban 1) land use category of the Antelope Valley Areawide General Plan ("Area Plan") Land Use Policy Map. The Area Plan is a component of the Los Angeles Countywide General Plan ("General Plan").
10. The property included in the VTTM is currently zoned A-2-5. The existing A-2-5 zoning was created by Ordinance No. 7086 establishing the Antelope Valley West Zoned District on January 15, 1957.
11. Six Certificates of Compliance have been issued on various lots on the subject property to certify compliance with the Subdivision Map Act. The subject property is comprised of a total of 179 lots. After proposed reversion to acreage of the 147 lots to one lot, the property would be comprised of 33 lots.

12. Surrounding land uses within a 500-foot radius of the property included in the VTTM include vacant parcels and Joshua Tree Woodland Habitat Significant Ecological Area ("SEA") No. 60 to the north and east, and vacant parcels within the proposed Project area to the south and west.
13. The surrounding areas within a 500-foot radius of the property included in the VTTM are zoned A-1-2 (Light Agricultural – Two Acre Minimum Required Area) to the north, A-2-5 and A-2-2 (Heavy Agricultural – Two Acre Minimum Required Area) to the east and A-2-5 to the south and west.
14. Approximately six (6) items of written correspondence in support of the Project were received including support for developing additional renewable energy generation facilities and creating jobs including "green" jobs. Proponents in favor included, but are not limited to, the Governor of California, Arnold Schwarznegger, State Assemblyman, Thirty-Sixth District, Steve Knight, the City Manager of Lancaster, CA, the Antelope Acres Town Council, the Lancaster and Rosamond Chambers of Commerce president and C.E.O., and the president of the Antelope Valley Board of Trade.
15. Four (4) items of written correspondence from the public expressing concerns about the Project were received, including concerns about loss of agricultural and open space lands, concerns about project proximity to other existing private properties and possible negative effect on property values, potential night lighting spillover, potential impacts to Joshua trees, amount of earth moving proposed, fencing type, and drainage and stormwater management. Proponents with concerns about the project included certain attendees of a meeting with the Association of Rural Town Councils (ARTC) and other private citizens as summarized in an e-mail correspondence from the President of the ARTC.
16. Two (2) items of written correspondence inquiring about the location of their property in relationship to the subject property were received by Planning staff.
17. A duly noticed public hearing was held on June 30, 2010 before the Regional Planning Commission. Commissioners Bellamy, Rew, Helsley, and Modugno were present. Commissioner Valadez was absent. The Commission heard a presentation of the Project by staff and testimony from the applicant. The applicant and two persons testified in favor of the project and two persons testified with concerns regarding the Project. Approximately 25 members of the public were present at the public hearing plus the applicant and the applicant's consultant team. The Regional Planning Commission directed staff and the applicant to further address the following issues:
 - Clarify and provide the possibility of capturing rainwater and washwater runoff
 - Provide decommissioning financial assurances

- Provide a cost/benefit comparison of undergrounding versus above ground transmission line installations
- ~~Require Investigate~~ fencing options so as to be of a suitable color to blend with the surrounding terrain
- Clarify and provide numbers of tracking solar panels and fixed tilt solar panels proposed
- Verify and provide the current market rate per kilowatt hour for purchase of electrical power
- Provide potential high-value mitigation sites for the required 450 acres of offsite mitigation land
- Clarify night lighting requirements and proposal
- Verify and provide the Federal funding critical timeline requirements

There being no further testimony or discussion, the Regional Planning Commission voted 4-0 to continue the public hearing to September 15, 2010 to provide time for staff and the applicant to provide the additional items requested and to prepare Findings and Conditions for final action on the requested CUP and VTTM.

18. [Reserved for summary of proceedings on September 15, 2010 continued public hearing.]
19. The reversion to acreage land division is consistent with the goals and policies of the General Plan and the N-1 (Non-Urban 1) land use designation and goals and policies of the Area Plan. 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 subject VTTM portion of the project is a reversion to acreage from 147 lots to one 790-acre lot for use as part of the solar utility installation proposed.
20. The Project is consistent with the proposed A-2-5 zone, as the proposed development meets the design standards of the zone and the proposed uses are allowed within the zone subject to a conditional use permit. Section 22.24.140 of the Los Angeles County Zoning Ordinance permits "Electric distribution substations, electric transmission substations and generating plants, including microwave facilities used in conjunction with any one thereof" and "Grading projects, on-site" when a conditional use permit has been obtained. The VTTM would allow the consolidation of smaller lots in order to develop a large scale solar electricity generating facility.
21. The proposed Project is required to comply with the development standards of the A-2 zone pursuant to Section 22.24.170 of the County Code, except as otherwise modified by the CUP.

22. The technical and engineering aspects of the project have been resolved to the satisfaction of the Los Angeles County Departments of Public Works, Fire, Parks and Recreation, Public Health, and Regional Planning.
23. Compatibility with surrounding land uses will be ensured through the related conditions of the CUP.
24. The proposed reversion to acreage and the provisions for its design and improvement are consistent with the goals and policies of the General Plan and Area Plan.
25. The housing and employment needs of the region were considered and balanced against the public service needs of local residents and available fiscal and environmental resources when the project was determined to be consistent with the General Plan and Area Plan.
26. The reversion to acreage site is physically suitable for the density and type of development proposed, since it has access to a County-maintained street and will be served by an on-site septic system and water well with sufficient capacity to meet domestic and fire protection needs. No residential units are proposed.
27. The design of the reversion to acreage will not cause serious public health problems, since sewage disposal, storm drainage, fire protection, and geological and soils factors are addressed in the Project CUP conditions of approval and MMRP.
28. As the reversion to acreage parcel is proposed to be at least five acres in size, no improvements are required.
29. The design of the reversion to acreage will not directly cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat. The Project impacts have been analyzed within the context of the overall Project and its design in the associated Environmental Impact Report and Mitigation and Monitoring Program.
30. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities therein. The majority of the Project development is comprised of open air solar panels and associated electrical equipment. Underground transmission lines are designed to use thermal concrete providing necessary dispersion of heat.
31. The reversion to acreage and development of the property in the manner set forth on this map will not unreasonably interfere with the free and complete exercise of public entity and/or public utility rights-of-way and/or easements within this map, since the

design and development as set forth in the conditions of approval and shown on the vesting tentative tract map provide adequate protection for any such easements.

32. Pursuant to Article 3.5 of the Subdivision Map Act, the proposed reversion to acreage does not contain or front upon any public waterway, river, stream, coastline, shoreline, lake or reservoir.
33. Pursuant to Chapter 6 Article 1 Section 66499.16 of the Subdivision Map Act, the subdivided real property is reverted to acreage since dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes and the subdivider has consented to reversion as documented in the Project application and associated materials filed.
34. This tract map has been submitted as a "vesting" tentative tract map. As such, it is subject to the provisions of Sections 21.38.010 through 21.38.080 of the County Code.
35. An Initial Study was prepared for this 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 of the County of Los Angeles. The Initial Study identified potentially significant effects on the environment. Based on the Initial Study, a Draft Environmental Impact Report ("DEIR") was prepared for this project. The public comment period for the DEIR began on June 16, 2010 and ended on July 30, 2010 (45 days). After the public comment period ended, a Final Environmental Impact Report ("FEIR") was prepared with response to comments received during the public comment period. Mitigation measures are necessary in order to ensure the proposed project will not have a significant effect on the environment, and such measures have been included in the Mitigation Monitoring and Reporting Program ("MMRP").
36. After consideration of the attached Environmental Impact Report ("EIR") and MMRP together with any comments received during the public review process, the Commission finds on the basis of the whole record before the Commission that there will be no significant impacts to the environment. Potential significant impacts that were analyzed in the EIR include geotechnical hazards, flood hazards, fire hazards, water quality, air quality, biological resources, cultural and paleontological resources, visual qualities, traffic and access, fire protection services, sheriff services, utility services, environmental safety, land use, and global climate change. Agricultural resources and noise were also analyzed even though the Initial Study did not identify them as potential impacts. Change of character and growth inducing impacts were analyzed as other considerations for analysis in the EIR. The EIR concludes that all of these potential impacts were determined to be either less than significant without further mitigation (fire protection services, sheriff services, utility services, and global climate change), or, can be mitigated to a level of less than significant with further

mitigation (geotechnical hazards, flood hazards, fire hazards, water quality, air quality, biological resources, cultural resources, agricultural resources, visual qualities, traffic and access, environmental safety, land use, noise, and change of character).

37. This project has not been determined by the California Department of Fish and Game ("CDFG") to have "no effect" on fish and wildlife resources. Therefore, the project is not exempt from CDFG fees pursuant to Section 711.4 of the California Fish and Game Fee.
38. Approval of the VTTM is conditioned on the permittee's compliance with the attached Conditions of Approval.
39. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Special Projects Section, Regional Planning.

THEREFORE, THE REGIONAL PLANNING COMMISSION:

1. After consideration of the attached EIR and MMRP together with any comments received during the public review process, the Commission finds on the basis of the whole record before the Commission that there will be no significant impacts to the environment. After review and consideration of the EIR, the Regional Planning Commission certifies that the EIR has been completed in compliance with the California Environmental Quality Act and the State and County guidelines related thereto, and that the document reflects the independent judgment and analysis of the Commission, and determines that the significant adverse effects of the project, as described in the EIR, have been reduced to an acceptable level.
2. The MMRP for the proposed project incorporated in the EIR, is approved and adopted, and, pursuant to Section 21081.6 of the Public Resources Code, the Commission finds that the MMRP is adequately designed to ensure compliance with the mitigation measures during project implementation.
3. In view of the findings of fact and conclusions presented above, Vesting Tentative Tract Map No. 071035 is **APPROVED** subject to the attached conditions, and recommendations of the Subdivision Committee.

SZD:KKS

| 9/14/10

This grant authorizes the construction, operation, and maintenance of a 230 megawatt ~~80,000-panel~~ photovoltaic electricity power generation facility on 2,093 gross acres; onsite grading in excess of 100,000 cubic yards; and installation of 0.75 miles of on-site and 2.25 miles of off-site high voltage 230 kilovolt electricity transmission lines in the A-2-5 (Heavy Agricultural-Five Acres Minimum Required Area) zone. The subject property is located near the intersection of State Route 138 (Avenue D) and 170th Street West in the Antelope Valley West Zoned District. This approval is subject to the following conditions:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of 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 of the grant have been recorded as required by Condition 7, and until all required monies have been paid pursuant to Condition numbers 9, 10 and 12. Notwithstanding the foregoing, this Condition (No. 2), and Condition numbers 3, 4, and 5 shall be effective immediately upon final approval of this grant by the County.
3. 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 Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning ("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 the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or 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.

- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.
 - c. The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.
5. This grant shall expire unless used within two (2) years after the recordation of the final parcel map for Vesting Tentative Tract Map ("VTTM") No. 071035. In the event that VTTM No. 071035 should expire without recordation of a final map, this grant shall terminate upon the expiration of the VTTM. In the event of expiration of VTTM No. 071035 and expiration of this grant, the permittee is on notice that entitlement to the use of the property if the map expires without recordation shall be subject to the regulations then in effect.
 6. 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.
 7. Prior to the use of this grant, the property owner or permittee shall **record the terms and conditions of the grant in the office of the County Recorder**. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
 8. **This grant authorizes a 30-year term, and therefore, shall terminate on September 15, 2040.** Upon termination of this grant, the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new Conditional Use Permit ("CUP") application shall be filed with Regional Planning at least six months prior to the termination date of this grant, whether or not any modification of the use is requested at that time.
 9. The subject property shall be 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. The permittee shall deposit with the County of Los Angeles within 60 days of permit approval the sum of **\$3,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for **fifteen (15) biennial (one every other year)** inspections.

Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on

- file. 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 one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost, whichever is greater.
10. Within three (3) days of the approval date of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination ("NOD") for Project No. R2009-02239-(5), which includes VTTM No. 071035 and CUP No. 200900026 in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code, the following applicable fee is required, **\$2,867.25** (\$2,792.25 for an Environmental Impact Report plus \$75.00 processing fee). No land use project subject to this requirement is final, vested or operative until the fee is paid.
 11. The applicant shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program ("MMRP"), which is incorporated herein in its entirety by this reference.
 12. The permittee shall deposit the sum of **\$6,000.00** with Regional Planning within 60 days of permit approval in order to defray the cost of reviewing and verifying the information contained in the reports required by the MMRP.
 13. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after giving proper notice and conducting a public hearing, revoke or modify this grant, if the Regional Planning Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
 14. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as required by said department.
 15. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
 16. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works ("Public Works").

17. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.
18. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
19. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit four (4) copies of the proposed plans to the Director of Regional Planning for review and approval. All revised plans must be accompanied by the written authorization of the property owner. If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of approval of the Conditional Use Permit.
20. Prior to issuance of any building permit, the permittee shall provide the County with a Decommissioning Plan, which shall include, at a minimum, a detailed plan for decommissioning and deconstruction of 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 of Regional Planning and the Director of Public Works and shall be subject to the review and approval of the Director of Planning and Director of Public Works. Upon discontinuance of operations as set forth in Condition No. 22 below, abandonment of the project or part of the project, or upon termination of this grant as provided in Condition No. 8 above, and in the event a new permit application is not timely filed for similar continued use or reuse of the site, the permittee shall perform decommissioning according to the Decommissioning Plan or shall 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 financial assurance guarantees, as required by and provided for in Condition No. 21 below, to perform itself or to contract for performance of such decommissioning. The Decommissioning Plan shall include, but shall not be limited to, provisions to address and implement the following requirements:
 - a. Removal of solar panel structures and all appurtenant above ground equipment.
 - b. Removal of overhead poles and above ground electricity lines on-site within the Project area.

- c. Removal of permanent above ground transmission lines and poles located in the public right-of-way would be required if determined not to be usable by the Department of Public Works and/or any other applicable public or private utility, otherwise such permanent above ground transmission lines and poles shall be allowed to be remain.
 - d. Removal of on-site substation, if project-owned. If a public or private utility assumes ownership of the substation, the substation may remain on-site to be used as part of the utility service to supply other applications.
 - e. Restoration of disturbed soil and revegetation of the site to its pre-construction condition with native vegetation similar to plants in the surrounding vicinity.
 - f. Restoration or reclamation of project roads to their ~~original~~ pre-construction condition unless the land owner elects to retain the improved roads for access throughout that land owner's property.
 - g. Removal of permanent operations and maintenance building unless such building is in such a condition as to be reusable by the land owner at the time of decommissioning and that land owner elects to retain such building.
21. Prior to the issuance of any building permits, the permittee shall provide performance and financial assurance guarantees in an amount sufficient to ensure the performance of the approved Decommissioning Plan. The performance and financial assurance guarantees shall be provided to the satisfaction of the Director of Regional Planning and the Director of Public Works. The permittee shall be solely responsible for the costs and expenses associated with decommissioning, and in the event that the performance and financial assurance guarantees are not sufficient to fully compensate the County for the cost and expense of such decommissioning, the permittee shall compensate 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 included. The performance and financial assurance guarantees shall be subject to the following additional conditions:
- a. The performance and financial assurance guarantees shall be detailed to the satisfaction of the Director of Regional Planning and the Director of Public Works in the approved Decommissioning Plan, and that plan shall explain the amounts and schedule for the provision of the performance and financial assurance guarantees.
 - b. The permittee shall provide a report to the Director of Regional Planning every five years after the date of final approval of this grant by the County to confirm that the performance and financial assurance guarantees are sufficient to ensure performance of the Decommissioning Plan. The report shall be subject

to review and approval by the Director of Regional Planning and the Director of Public Works as to whether the performance and financial assurance guarantees are adequate to meet existing conditions at the time of the report. A decommissioning pro forma summarizing the residual value of the salvageable property shall be included in the report. The pro forma shall include, at a minimum, the expected revenue from all salvageable property (as defined in Condition No. 210, above), as well as the then-current cost of decommissioning 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 that the performance and financial assurance guarantees are insufficient to perform decommissioning 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 of Regional Planning and the Director of Public Works.

- c. Any funds not utilized in connection with decommissioning by the County will be returned to the permittee.
 - d. The performance and financial assurance guarantees may be comprised of but not limited to one or more of any of the following to the satisfaction of the Director of Regional Planning and the Director of Public Works:
 - 1) An irrevocable letter of credit;
 - 2) A surety bond;
 - 3) A suitable insurance policy; ~~or~~
 - 4) A trust fund or escrow account established and maintained in accordance with the approved financial assurances and practices to guarantee that decommissioning will be completed in accordance with the approved Decommissioning Plan; ~~or~~
 - 5) A corporate guarantee.
22. 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 within 90 days from the date a written notice from the County is sent to the permittee. Within the 90-day period, the permittee may provide to the Director of Regional Planning a written request and justification to the satisfaction of the Director of Regional Planning for an extension of up to 12 months in order to resume operations on that portion of the site. The permittee may request a second 12-month extension in writing, which the Director of Regional Planning may grant if adequately justified to the satisfaction of the Director of Regional Planning. In no

case shall the operations on a solar field or portion of a solar field be discontinued for more than 36 months from the date that such operations were first deemed to be discontinued. In no event shall any such extension of the period in which to resume operations be deemed to extend the term of this grant nor shall it extend beyond the expiration date of the term of this grant.

23. The Project is subject to the additional following conditions:

- a. Permittee shall comply with all Public Works requirements and comply with all conditions set forth in its letter dated June 30, 2010, attached hereto and incorporated herein by this reference, to the satisfaction of said department.
- b. Permittee shall comply with all County of Los Angeles Fire Department requirements specified in its letter dated ~~May 19~~ September 2, 2010, attached hereto and incorporated herein by this reference to the satisfaction of said department.
- c. Permittee shall comply with all County of Los Angeles Department of Public Health requirements specified in its letter dated February 16, 2010, attached hereto and incorporated herein by this reference, to the satisfaction of said department. Adequate potable water and sewage facilities shall be provided to the satisfaction of said department.
- d. Permittee shall make a one-time payment of \$15,000 to the County of Los Angeles, for use by Public Works or the Department of Parks and Recreation for tree planting and tree maintenance within the Antelope Valley.
- e. Permittee shall dedicate land in fee simple to Caltrans 100 feet from centerline of the existing SR 138 on both sides of the right-of-way from 160th St. West to 170th St. West, and on the north side of SR 138 from 170th St. West to 175th St. West, or, to the satisfaction of Caltrans for a total width not to exceed 200 feet.
- f. Permittee shall make an irrevocable offer to dedicate to the County of Los Angeles a slope easement of 10 feet in width on both sides of the 200-foot wide Caltrans right-of-way from 160th St. West to 170th St. West, and on the north side of the 200-foot wide Caltrans right-of-way from 170th St. West to 175th St. West. The exact location of the slope easement shall be determined once Caltrans identifies the location of the 200-foot right of way.
- g. Permittee shall construct all transmission lines underground to the satisfaction of the Department of Public Works except where above ground right-of-way crossings are required including two high voltage and one low voltage crossing as depicted on Exhibit "A", and approximately four above ground low voltage crossings over jurisdictional drainages within the project site. as depicted on Exhibit "A".

- h. Permittee shall use solar panels no greater than 10 feet in maximum height from finished grade for the first 1,000 feet of solar panel arrays on each of the north and south sides of the required SR 138 (Avenue D) right-of-way.
- i. Temporary structures, outside storage, staging areas, and concrete batching plant allowed for construction purposes shall be removed from the project site within 120 days of project completion, but in no event shall any such temporary structures remain onsite for longer than 42 months from the date of issuance of building permits absent approval to extend the allowable time period for the temporary structures. 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 for a time extension for up to one (1) year maximum to the Director of Planning for review and approval. Any other outside storage needed shall comply with the requirements of Section 22.52 Part 7 of the County Code.
- j. Permittee shall maintain all landscaping in a neat, clean, and healthy condition, including proper pruning, weeding, removal of litter, fertilizing, and replacement of plants when necessary. Watering facilities shall consist of a temporary water-efficient irrigation system, such as drip irrigation, which shall be used only to establish the plantings in all landscaped areas.
- k. Permittee shall submit three copies of a landscape plan, comprised of at least 10 feet of the proposed landscaped area along the north and south sides of SR 138 adjacent to the subject property, and north and south of the respective 200-foot Caltrans right-of-way and the 10-foot County of Los Angeles slope easements as depicted on Exhibit "A", or, as otherwise determined by Caltrans and the County Department of Public Works. The landscape plan shall be submitted to and approved by the Director of Planning prior to issuance of a building permit. The landscape plan shall depict the site, type and location of all plants, trees, and watering facilities.
- l. All exterior fencing shall be ~~of a neutral color blending~~ visually non-intrusive with the natural surroundings to the satisfaction of the Director of Planning.
- m. 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 be comprised of the following: motion sensor or manual switch lighting for the entry lighting for on-site equipment structures and electricity substation lighting, and light sensor or motion sensor lighting for the main plant access gate and Operations and Maintenance building doorways and parking area.
- n. The permittee shall, to the satisfaction of the Director of Planning, utilize the subject property only for the project as proposed and approved herein, and therefore, the permittee agrees 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 conditional use permit.

- o. The proposed project shall be limited to use of a maximum of 150 acre-feet per year (AFY) of groundwater for the duration of the 38-month construction period.
- p. The proposed project shall be limited to use of a maximum of 12 AFY of groundwater for operation of the project for the duration of the conditional use permit with the exception of the following condition.
- q. In the event the required screening landscaping along SR 138 (Avenue D) fails is not established after the 38-month construction period, a maximum of an additional 3 AFY of groundwater supply beyond the 12 AFY of operational groundwater supply proposed, may be drawn for re-establishing landscaping. The additional 3 AFY of water shall be allowed for only the length of time minimally necessary to re-establish the landscaping.
- r. In the event piped recycled water suitable for use in the operation of the project becomes available from the public right-of-way at fair market value ~~within two miles of adjacent to~~ the project site, the permittee shall obtain necessary permits for connecting to the recycled water, construct access, connect to, and purchase the piped recycled water. Notwithstanding any other provision of this grant, at such time of connection to recycled water, the 12 AFY of operational groundwater supply allowed by this grant shall be reduced to a maximum of 3 AFY of groundwater for operation of the project.
- s. In the event that piped potable water becomes available from the public right-of-way at fair market value ~~within two miles of adjacent to~~ the project site, the permittee shall obtain necessary permits for connecting to the potable water, construct access, connect to, and purchase the piped potable water. Notwithstanding any other provision of this grant, at such time of connection to the piped potable water, the 12 AFY of operational groundwater supply allowed by this grant shall be reduced to 1 AFY.
- t. In the event that potable or non-potable water supply becomes restricted, trucked wash water may be used for non-potable purposes.
- u. In the event potable groundwater is restricted in the future, the permittee shall purchase water from County authorized water purveyors, including recycled water purveyors for non-potable uses, or conform to the Court and/or Watermaster rules, regulations, and restrictions, including paying all assessments, if any.

PROJECT NO. R2009-02239-(5)
CONDITIONAL USE PERMIT NO. 200900026

CONDITIONS
PAGE 10 OF 10

Attachments:

County DPW, Fire, and Public Health Conditions Letters
MMRP

SZD:KKS

| 8/31/109/14/10



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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

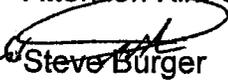
ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

June 30, 2010

IN REPLY PLEASE
REFER TO FILE: LD-1

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

Attention Kim Szalay

FROM:  Steve Burger
Land Development Division
Department of Public Works

**CONDITIONAL USE PERMIT (CUP) NO. RCUP 200900026
ANTELOPE VALLEY SOLAR RANCH ONE
PROJECT NO. R2009-02239
UNINCORPORATED COUNTY AREA OF ANTELOPE VALLEY**

- Public Works recommends approval of this CUP.
- Public Works does **NOT** recommend approval of this CUP.

This supersedes our June 15, 2010. We reviewed the revised site plan for the Solar Ranch One project. The project proposes a 230-megawatt, solar-electric, power-generation facility. The project components consist of photovoltaic panel arrays with electrical distribution equipment, an on-site substation, a 20,000-square-foot operation building, and approximately 3.5 miles of off-site transmission lines.

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

1. Water

- 1.1 The proposed project is not within the service area of a water utility. The applicant must provide an 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 the Public Health at (626) 430-5380 for water availability approval.

- 1.2 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.

For questions regarding the water requirements, please contact Tony Khalkhali at (626) 458-4921 or by e-mail at tkhalkh@dpw.lacounty.gov.

2 Grading

- 2.1 Obtain all applicable jurisdictional permits. These agencies may include, but may not be limited to, the State of California Regional Water Quality Control Board; State of California Department of Fish and Game; State of California Department of Conservation, Division of Oil, Gas, and Geothermal Resources; and U.S. Army Corps of Engineers.
- 2.2 Submit a grading plan to Public Works' Land Development Division for review and approval.
- 2.3 Acknowledgement and/or approval from all easement holders may be required.
- 2.4 Provide Public Works' Geotechnical and Materials Engineering Division's approval of the grading plan.
- 2.5 Covenants for off-site grading may be required to the satisfaction of Public Works.

For questions regarding the grading requirements, please contact Sam Richards at (626) 458-4921 or by e-mail at srich@dpw.lacounty.gov.

3. Road Improvements

- 3.1 Construction within road right of way and private and future streets shall not occur unless a permit is obtained from Public Works for the proposed work or until Tentative Tract No. 71035 has recorded and eliminated the right of way easements.

- 3.2 Dedicate or offer right of way (minimum of 100 feet from centerline) and slope/drainage easements on Avenue D (State Route 138) to the satisfaction of Caltrans and Public Works. Additional right of way may be required for future grade separation at the intersection of Avenue D and 170th Street West to the satisfaction of Caltrans and Public Works.
- 3.3 Make an offer of private and future right of way, 32 feet from centerline, on Avenue C, Avenue C-8, 155th Street West, and 160th Street West between Avenue C-8, Avenue D, 170th Street West, 175th Street West, and 180th Street West along the project frontage.
- 3.4 Dedicate or offer right of way for a standard knuckle at the intersection of 160th Street West and Avenue C-8 and at 175th Street West and Avenue C to the satisfaction of Public Works.
- 3.5 Dedicate or offer slope, drainage, and maintenance easements along the property frontage on 155th Street West, 160th Street West, 170th Street West, 175th Street West, 180th Street West, Avenue B-8, Avenue C, Avenue C-8, and Avenue D to the satisfaction of Public Works.
- 3.6 Provide a property line return radii of 13 feet at all local street intersections and 27 feet at the intersection of local streets with planned highways (those streets identify on the County Highway Plan), where all planned highways intersect, or where one of the roads serves a commercial or industrial development. Provide additional right of way for corner cut-off to meet current Americans with Disabilities Act guidelines to the satisfaction of Public Works.
- 3.7 Secure any related permits for any work within Caltrans' right of way.
- 3.8 Construct rural secondary highway improvements along the property frontage on 170th Street West, including any required transition paving, to the satisfaction of Public Works.
- 3.9 Provide a full scale (40:1) signing and striping plan for 170th Street West in the vicinity of the project to the satisfaction of Public Works.
- 3.10 Obtain an encroachment permit, or establish a franchise agreement, for any work within the road right of way from Public Works' Construction Division, Subdivision and Permit Section.

- 3.11 Acquire street plan approval or direct check status before obtaining grading or drainage permit.
- 3.12 Execute an Agreement to Improve for the street improvements prior to the issuance of a building or grading permit.

For questions regarding the road requirements, please contact Sam Richards at (626) 458-4921 or by e-mail at srich@dpw.lacounty.gov.

4. Building and Safety

- 4.1 Submit plans and specifications to meet current, applicable, codes and standards for structures, mechanical, plumbing, and electrical.
- 4.2 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.
- 4.3 Comply with fire, life safety, structural, and Americans with Disabilities Act guidelines per the current building codes as needed.
- 4.4 The proposed building must have a restroom for employees.
- 4.5 All foundations must be engineered to comply with existing soil conditions.
- 4.6 Comply with the "Agency Referral List," which will include Health, Fire, and other applicable agencies.

For questions regarding the building and safety requirements, please contact Francis Dominguez at (661) 723-4440 or by e-mail at fdominqu@dpw.lacounty.gov.

5. Drainage

- 5.1 Comply with the requirements of the drainage concept/hydrology study/ Standard Urban Stormwater Mitigation Plan/Low-Impact Development Plan, which was conceptually approved on January 27, 2010, to the satisfaction of Public Works.
- 5.2 If the solar panel foundation designs differ significantly from the design in the approved drainage concept, a revised drainage concept may be required to show that there are no additional impacts from the new foundation design (to the satisfaction of Public Works).

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

6. Green Building (Tree Planting)

- 6.1 Due to the unique nature of this project and practical difficulties implementing the tree planting required by Section 22.52.2130.C.5 (Green Building Ordinance), the Director of Public Works grants a modification to those requirements per Section 22.52.2150 of the County Code. As one of the requirements of the modification, prior to construction, the developer shall deposit a sum of \$15,000 to the County of Los Angeles for maintenance and enhancement of existing trees in the Antelope Valley. The money shall be deposited into appropriate accounts to Public Works' satisfaction. At Public Works' discretion, the moneys may be allocated to Public Works for street tree maintenance, to the Department of Parks and Recreation for maintenance and enhancement of trees on County parkland, or to both agencies.

For questions regarding the green building requirements, please contact Steve Burger at (626) 458-4943 or by e-mail at sburger@dpw.lacounty.gov.

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

RC:ca

P:\dpub\SUBMGT\CUP\TR071035_CUP 200900026_APN3258012-024TO083_SolarOneProject_final approval.3.docx

**REVISIONS TO FINDINGS OF FACT
AV SOLAR RANCH ONE
SCH#2009041145**

Minor revisions have been made to the Findings of Fact regarding the Final Environmental Impact Report to add additional information from the EIR and to make minor editorial corrections. Changes have been made to pages 4, 11, 13-15, 34, 36, 45-48, 53, and 66. Please refer to the attached pages for the track changes.

Biological Resources, Cultural and Paleontological Resources, Agricultural Resources, Visual Qualities, Traffic and Access, Fire and Sheriff Services, Utility Services, Environmental Safety, Land Use, Global Climate Change, Noise, Change In Character, and Growth Inducing impacts. The Draft EIR analyzed both project and cumulative effects of the Project on these topics and identified a variety of mitigation measures to minimize, reduce, avoid, or compensate for the potential adverse effects of the proposed Project. The Draft EIR also analyzed a number of potential alternatives to the proposed Project, including: 1) No Project Alternative; 2) Alternative Facility Layout; and 3) Underground Transmission Lines. Potential environmental impacts of each of these alternatives were discussed at the CEQA-prescribed level of detail and comparisons were made to the proposed Project.

After conducting its own internal departmental review and analysis of the proposed Project through the screencheck process, the Draft EIR was submitted to the State Clearinghouse, Governor's Office of Planning and Research, and circulated for the public review period beginning June 16, 2010. The 45-day public review period required by State CEQA Guidelines § 15087 ended on July 30, 2010. A Notice of Availability for the Draft EIR was published in the *Antelope Valley Press* and *La Opinión* newspapers, and a public hearing notice was sent to property owners within a 1000-foot radius of the proposed Project site and to known interested individuals and organizations. **The public hearing notice was also posted at the Project site.**

The Commission conducted a public hearing on the Project on June 30, 2010 and heard a presentation by Staff and the Applicant. At this hearing, Staff recommended and the Applicant agreed to underground nearly all portions of the Project-related 34.5-kV and 230-kV transmission lines in the County of Los Angeles, as analyzed in Project Alternative 3 in the Draft EIR. After public testimony, the Commission continued the Project hearing to September 15, 2010.

During the public hearing proceedings, the Commission determined that the undergrounding of both the on-site and off-site 34.5-kV and 230-kV transmission lines within the unincorporated County area is required, with the exception of three required above ground public right of way crossings including one above ground point of connection at the Kern County border **and above ground crossings over jurisdictional drainages** in order to minimize visual intrusion and minimize the proliferation of above ground transmission lines as well as to ensure compliance with the applicable provisions of the Countywide General Plan and the Antelope Valley Areawide General Plan.

The Commission finds that the Project does not require recirculation under CEQA (Public Resources Code Section 21092.1, CEQA Guidelines Section 15088.5). CEQA Guidelines Section 15088.5 requires recirculation of an EIR prior to certification of the Final EIR when "significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review." "New information is not

Draft EIR); use of appropriately rated electrical equipment (i.e., Underwriters Laboratories tested, designated with fire resistance rating, National Electrical Manufacturers Association (NEMA)-rated, Conformance European (CE) certifications, etc.). Implementation of the Operations Fire Protection and Prevention Plan and Project fire protection measures would reduce potential fire risks during operation to a less than significant level.

The on-site and off-site transmission lines may pose a fire hazard, when a conducting object comes in close proximity of a line, or in the event that a live-phase conductor falls to the ground. Transmission line clearances for vegetation will be implemented in accordance with Los Angeles County Title 32 Fire Code, Section 317 (Clearance of Brush and Vegetative Growth), Public Resources Code Section 4292 (Power Line Hazard Reduction), PRC Section 4293 (Power Line Clearance Required), and Public Utilities Commission General Order 95 (Rules for Overhead Electric Line Construction). Additionally, during transmission line maintenance activities (i.e., transmission line inspection, vegetation clearance, etc.) operating vehicles and equipment may potentially spark, and result in fire danger. Implementation of Mitigation Measure 5.4-1 (Fire Protection and Prevention Plan), as described below would reduce the potential impacts associated with fire hazards to less than significant.

With implementation of the **following above** safety and mitigation measure, it is expected that potential impacts associated with fire hazards would be reduced to a less than significant level.

MM-5.4-1: Fire Protection and Prevention Plan. The proposed Project shall develop and submit a Fire Protection and Prevention Plan to the LACFD for review and approval prior to issuance of a Grading Permit. The Plan shall address construction and operation activities for the Project, and establish standards and practices that will minimize the risk of fire danger, and in the case of fire, provide for immediate suppression and notification.

The Fire Protection and Prevention Plan shall address spark arresters, smoking and fire rules, storage and parking areas, use of gasoline-powered tools, road closures, use of a fire guard, and fire suppression equipment and training requirements. In addition, all vehicle parking areas, storage areas, stationary engine sites and welding areas shall be cleared of all vegetation, and flammable materials. All areas used for dispensing or storage of gasoline, diesel fuel or other oil products shall be cleared of vegetation and other flammable materials. These areas shall be posted with signs identifying they are "No Smoking" areas. An interim fire protection system shall be in place during construction until the permanent system is completed. The Plan shall also address vegetation clearance and maintenance requirements applicable to the transmission pole structures during operation.

Special attention shall be paid to operations involving open flames, such as welding, and use of flammable materials. Personnel involved in such operations shall have appropriate

2.4 WATER QUALITY

Potential Effect:

The Project would have a significant impact to water quality if it resulted in substantial water quality impacts due to use of water wells in an area of known water quality problems, or a septic system, and construction or post-construction activities.

Finding:

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

Facts Supporting the Finding:

The Project area is not located in an area of known water quality problems. The Project proposes use of an onsite wastewater treatment system, which includes a septic tank and leachfield. The Project site is not located within an area having high groundwater or geotechnical limits, and the proposed septic system would not be located in close proximity to a drainage course. The proposed septic system shall be designed and installed in accordance with Los Angeles County Department of Public Health (LACDPH) standards, as identified in Mitigation Measure 5.5-1, On-site Wastewater Treatment System Feasibility Report, as described below. As a result, the Project would result in less than significant impacts to groundwater quality. The Project construction activities would not reach the depth of groundwater, which is estimated to be approximately 130 to 200 feet below ground surface (bgs).

The Project and transmission line construction and operation activities have the potential to impact the quality of local stormwater runoff due to earth disturbance activities, which cause erosion and excess sedimentation, and use of chemicals (e.g., paints, solvents, petroleum oils, dielectric oils, etc.), leading to pollutant transport. The Project proposes use of an onsite wastewater treatment system. Project area depth to groundwater is not shallow, and is expected to range from 130 feet to over 200 feet bgs. Project construction would involve earth disturbance, selective vegetation clearing, and use of petroleum-based liquids and other chemicals (e.g., paints, solvents, oils, dust palliatives, equipment fluids, etc.), which have the potential to release stormwater pollutants. The Project would be constructed with design measures to reduce the potential for sedimentation: structures will be designed to withstand scouring or undermining of foundations in areas that may be subject to periodic inundation, and site development would only occur in the lower flood risk areas, and facility structures would avoid all drainages and Zone A areas. Project operation would involve vegetation management, clearing infiltration basin areas, and use of petroleum-based liquids and other chemicals. The potentially significant construction and operation impacts to water quality are mitigated to less than significant levels with implementation of Mitigation Measure 5.3-1, Erosion Control and Stormwater

Management Measures. These measures include compliance with applicable National Pollutant Discharge Elimination System (NPDES) requirements of the Lahontan Regional Water Quality Control Board and the LACDPW. Pertinent water quality protection measures include good housekeeping practices, inspections, monitoring, and maintenance of site facilities, spill prevention and control procedures, and ensuring stormwater runoff to be directed away from operating, processing, fueling, cleaning, and storage areas.

The following mitigation measure requires implementation of appropriate design standards for the proposed onsite wastewater treatment system, and is expected to reduce potential water quality impacts to a less than significant level:

Mitigation Measure 5.5-1: On-site Wastewater Treatment System Feasibility Report. Prior to construction/installation of the on-site septic/leach field system, a complete OWTS feasibility report shall be submitted to the LACDPH for review and approval. The feasibility report shall be prepared in conformance with the requirements outlined in the current version of LACDPH guidelines, "On-site Wastewater Treatment System Guidelines."

2.5 AIR QUALITY

Potential Effect:

The Project would have significant impacts to air quality if it exceeded the State's criteria for regional significance, exceed or conflict with air quality thresholds, standards, or plans, and generate or be in close proximity to sources that create dust and/or hazardous emissions.

Finding:

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

Facts Supporting the Finding:

The Project is classified as one of regional significance based on site acreage. However, the Project's operational emissions for the solar PV facility would be below the applicable significance thresholds and the facility would employ far fewer than 1,000 employees, so impacts to air quality would not be regionally significant. Construction of the proposed Project would result in emissions of criteria pollutants from construction equipment and mobile sources. In addition, construction activities would generate dust associated with ground-disturbing activities and vehicular/equipment movement on unpaved surfaces. Based on analysis of the construction emissions for the Project site and transmission line, the total construction emissions, with implementation of Mitigation Measure 5.6-1 through 5.6-10, below, are

less than the corresponding Antelope Valley Air Quality Management District (AVAQMD) emissions thresholds for criteria pollutants, **including fugitive dust.**

The Project would not conflict with or obstruct implementation of any of the proposed measures of the ozone attainment plan for AVAQMD. The construction-phase emissions would be short-term, and would not conflict with the long-term progress toward attainment because construction phase emissions comprise a small fraction of total AQMD inventory and are short-term and transitory in nature. The Project's use of a compliant fleet of non-road engines by the construction contractor (Mitigation Measure 5.6-4) would be consistent with the state and local plan requirements. Operation of the proposed Project, including the off-site transmission line, would not conflict with or obstruct implementation of any of the measures of the AVAQMD or the Kern County Air Pollution Control District (KCAPCD), including the AVAQMD ozone attainment plan. Operation of the Project involves passive electrical generation using the PV panels, panel washing, vegetation cutting and clearing, firewater pump engine testing, and water and maintenance truck activities. During operations, the quantified criteria pollutant emissions would be below the AVAQMD significance thresholds by a large margin.

The Project would generate diesel fumes (state regulated Toxic Air Contaminant [TAC]) during construction; however, due to the Project's temporary generation and buffer of land to the nearest residence, effects would be less than significant. Dust in the Project region is presumed to contain the *C. immitis* fungi, which can cause Valley Fever. The local populace is already exposed to dust likely containing the fungi, and exposure over time increases immunity to Valley Fever. However, construction workers not native or living in the area may be more susceptible to contracting Valley Fever. As a result, the Project would implement Mitigation Measures 5.6-2, 5.6-3, and 5.6-11 (below) to reduce potential impacts to less than significant levels. Project operations would not be expected to produce obnoxious odors or hazardous emissions. As a result, impacts would be less than significant.

Implementation of the following feasible mitigation measures as identified in the Draft EIR, would reduce potential Project impacts to air quality to less than significant levels:

MM 5.6-1: Ensure AVAQMD Construction Emission Thresholds would be Met.

Prior to issuance of the grading permit, the Applicant shall select an engineering, procurement, and construction (EPC) contractor to build the Project. The Applicant/EPC contractor shall be required to demonstrate that the final construction plans will not result in exceedances of applicable AVAQMD air emission significance thresholds during construction of the Project to the satisfaction of AVAQMD and LACDRP.

Prior to issuance of a grading permit, the Applicant shall prepare a report describing the Applicant's final engineering design-based plan for constructing the Project, including: 1) scheduling of construction activities; 2) equipment usage and details; 3) construction

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

Facts Supporting the Finding:

A Phase I cultural resource survey and literature search was conducted on the Project site and transmission line route, and identified 25 known archaeological sites, 43 isolates, and one **potentially** historic property on the Project site, and one archaeological site in the area of potential effect along the proposed transmission line route. Additionally, ground-disturbing construction and operation activities have the potential to disturb, damage, or destroy known and unknown (i.e., buried) archaeological sites. If significant archaeological sites are avoided and preserved during construction activities, the resources could still be indirectly yet significantly impacted by operational activities. Ground disturbing construction activities have the potential to disturb, damage, or destroy significant (as defined by CEQA Guidelines, Section 15064.5) undiscovered archaeological sites. As a result, Mitigation Measures 5.8-1 through 5.8-5, and 5.8-7 are proposed to avoid, perform Phase II testing and potential Phase III data recovery, and provide construction monitoring, training, and contingency plans (regarding human remains, if encountered), such that impacts to known and unknown archaeological resources would be less than significant.

The Project area contains surficial exposures consist of Quaternary Alluvium derived as fan deposits from the mountains to the southwest. These deposits are usually coarse and derived from igneous rocks, and typically do not contain significant vertebrate fossils (i.e., paleontological resources). No paleontologically sensitive rock formations have been identified in the proposed Project area. In the unlikely event that paleontological resources are identified during earth disturbance activities, Mitigation Measure 5.8-6 Paleontological Resource Protection (below) would be provided to protect any such resources should they be encountered.

No significant standing historic structures or built environment is present on the Project area; therefore, no impacts are anticipated. One historic period property (Larsen Ranch) was identified on the Project site, but was deemed not eligible for listing as a historic resource.

The Phase I cultural resource surveys and literature searches conducted for the Project area did not identify any known human remains. However, the potential exists for buried, undiscovered human remains to become disturbed, damaged, or destroyed during ground disturbance activities; therefore, the Project would implement Mitigation Measures 5.8-5 (Human Remains), which would result in less than significant impacts.

Implementation of the following feasible mitigation measures as identified in the Final EIR, would reduce potential Project impacts to cultural resources to less than significant levels:

and preservation of the remains, including reburial, as provided in the State of California Environmental Quality Act (CEQA) Guidelines, Section 15064.5(e), "CEQA and Archaeological Resources," CEQA Technical Advisory Series.

MM 5.8-6: Paleontological Resources Protection. In the event paleontological discoveries are encountered by the cultural monitors, all excavation shall cease in the area of the find and a paleontologist shall be retained, who shall devise a plan for recovery in accordance with standards established by the Society of Vertebrate Paleontology. At least one of the on-site cultural monitors during construction shall have familiarity and expertise in paleontological resources and have the ability to recognize significant vertebrate paleontological resources. Any paleontological resources shall be documented and submitted to the Natural History Museum of Los Angeles County, or any other accredited institution (i.e., San Bernardino County Museum, UCLA Dept of Earth and Space Sciences) that will accept paleontological resources for curation.

MM 5.8-7: Construction Worker Training. Prior to construction, the qualified archaeological monitor or qualified designee shall conduct a brief educational workshop such that all construction personnel understand monitoring requirements, roles and responsibilities of the monitors, and penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources. The construction worker training shall include an overview of potential cultural and paleontological resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to a designated on-site cultural monitor for further evaluation and action, as appropriate.

2.8 AGRICULTURAL RESOURCES

Potential Effect:

The Project would significantly impact agricultural resources if it converted substantial areas of Farmland (Prime Unique, or Farmland of Statewide Importance), or conflicted with zoning, agricultural use, or Williamson Act contracted lands.

Finding:

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

Facts Supporting the Finding:

As currently mapped under 2008 data from the California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program (FMMP), the Project site is characterized to contain 10.8 acres of Prime Farmland; however, this area does not meet the CDOC definition, which states that Prime Farmland "must have been used for

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment. .

Facts Supporting the Finding:

The proposed Project and transmission line does not involve residential uses, would not be considered to cause growth-inducing effects that would significantly increase population. The Project would provide security design and personnel during construction and operation. As a result, the Project would not result in a significant increase in demands for law enforcement. In the event that partial street closures are required for construction or maintenance, a Worksite Traffic Control Plan (Mitigation Measures 5.11-1, Provide Adequate Worksite Traffic Control) would be implemented, which would entail provision for safe access and use of flagmen and detours where needed, such that the Project would result in less than significant effects to law enforcement response times.

The Project is not located within an area of special law enforcement problems. The Project would be designed and operated with security measures, which include security fencing, controlled access gates, and 24-hour staffing, including full-time security employees who would conduct regular site security patrolling. As a result, the Project is anticipated to result in less than significant effects associated with special law enforcement problems.

2.13 UTILITY SERVICES

Potential Effect:

The Project would have potentially significant impacts to utility services if the Project construction and operation would result in a significant inadequate water supply, landfill capacity, electrical services, and natural gas services.

Finding:

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

Facts Supporting the Finding:

The proposed Project site and surrounding area is not currently served by a public domestic water supply system. The Project proposes to utilize groundwater from on-site wells to supply the Project's short-term construction water needs and long-term operational water needs. The Project overlies the Antelope Valley Groundwater Basin ("Basin"); ~~which is in adjudication. Several property owners and public water suppliers initiated legal proceeding asking the Superior Court of California to~~

~~determine the relative rights of users and potential users of the Basin.~~ There are no current legal restrictions on the groundwater pumping in the Basin. An owner of property overlying a groundwater basin has an “overlying” right to reasonable and beneficial use of water from the basin. The Project overlies the Basin; as such, the owner has an overlying right to use water from the Basin for the proposed Project, which would be reasonable and beneficial, as the Project will provide a new source of renewable energy in California. There is an adequate groundwater supply in the Project area within the western portion of the Basin to meet the Project’s water use based on historic groundwater contour data, well records in the Project area, and a well investigation/pump test performed on an on-site groundwater well. In addition, according to the Antelope Valley Integrated Regional Water Management Plan, groundwater is considered a reliable water source in the Antelope Valley Groundwater Basin.

The Antelope Valley Groundwater Basin is in adjudication, which is expected to determine all groundwater pumping rights in the Basin. Since groundwater extractions have exceeded the estimated natural recharge of the Antelope Valley Groundwater Basin, the Basin may be in overdraft. However, based on available data analyzed in the Draft EIR, water levels within the Project area have generally risen since the 1960s and appear to have stabilized. The high historical water usage for the Project site is approximately 776 acre feet per year (AFY) during a period that may be contemplated by the Adjudication. The proposed Project’s construction water usage of 150 AFY (over a period of approximately 38 months) equates to less than 20 percent of the high historical groundwater usage at the Project site. The Project’s long-term operational need of 12 AFY equates to less than 2 percent of the upper level of historical groundwater usage at the Project site. Based on the historic groundwater usage at the Project site, it is anticipated that while an allocation of groundwater in the Adjudication may be significantly less than the upper level of historical groundwater usage of 776 AFY for the Project site, it is reasonably likely that the Project site’s allocation would meet the Project’s operational water requirements of 12 AFY. As an overlying owner with historic usage, the Applicant may assert defenses to claims of prescription and may secure a correlative right to groundwater as an overlyer in an amount sufficient to supply the Project. In addition, Tthe Project’s temporary water use during construction (150 acre feet per year (“AFY”) for approximately 38 months) would represent approximately 0.18 percent of the Basin’s total sustainable yield. The Project’s water use during operation of the Project (12 AFY) would represent approximately 0.01 percent of the Basin’s total sustainable yield. Therefore, because the Project’s water usage would be a significant reduction from the amount of groundwater reasonably estimated to be allocated to the Project site, and would not likely exceed the Project’s correlative share of the native safe yield, the Project would not result in a significant impact related to water supply.

~~It is anticipated that the final judgment in the Adjudication will allocate groundwater to the Project site in an amount sufficient to meet the Project's water demand within the safe yield for the Basin, such that no significant impact would occur. In the unlikely event that it becomes necessary for the Project to supplement its overlying right to pump groundwater or its adjudicated allocation for the Project within the Basin,~~ Given the uncertainty inherent in the Adjudication, several reasonably foreseeable alternative water sources have been identified. These include the acquisition of transferable groundwater rights from a landowner and/or public water supplier with transferable groundwater rights; payment for an assessment to the Watermaster to pump groundwater from the Basin, which would be used to pay for imported water to be injected into the Basin; or from purchasing and trucking fresh and/or reclaimed water from wholesalers, retailers, or recycled water suppliers in the general Palmdale/Lancaster area. Based on the air and traffic analyses conducted for possible trucking of water, less than significant impacts to air quality and traffic impacts would result. As a result, the Project would result in less than significant impacts related to water supply.

The Project is not planned to require utility services for gas or propane. The Project would follow requirements under California Government Code Section 4216 to prevent incidents relating to damage of underground utilities, and would coordinate electrical service with Southern California Edison. As a result, the Project would result in less than significant effects to gas and electrical utility services.

During construction, the Project would recycle at least 65 percent of the generated solid waste, for an estimated maximum disposal of 31,028 tons per year ("TPY") of scrap materials, and a one-time generation of 28,553 tons of vegetation debris. During operation, the Project is estimated to generate 31 TPY of office and packaging materials, which would represent 0.000007 percent of the remaining disposal capacity at the nearest landfill, Lancaster Landfill and Recycling Center. The Project's recycling practices during construction would reduce the amount of solid waste entering landfills, and the Project's overall contribution to solid waste disposal would be expected to be less than significant.

2.14 ENVIRONMENTAL SAFETY

Potential Effect:

The Project would have potentially significant impacts to environmental safety if it created a significant hazard through the routine transport, use, disposal, or accidental release of hazardous materials, if the Project site contained residual soil toxicity, or resulted in electric and magnetic field hazards.

Finding:

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

Facts Supporting the Finding:

The Project site may contain hazardous materials associated with past agricultural uses and oil development activities. Contaminants of potential concerns include petroleum-based chemicals, pesticides, and metals, including arsenic, lead, mercury, and hexavalent chromium. An abandoned oil well is reportedly located on the facility site, and may not have been properly abandoned as a result of previous less stringent standards during the time of abandonment. The Project also involves removal of the existing farm residences and related structures that may contain building materials contaminated with hazardous materials, including asbestos and lead. Construction of the Project site and transmission line would require hazardous materials that would be typical of construction projects of this type, including, gasoline, diesel fuel, oils, lubricants, solvents, batteries, detergents, degreasers, paints, ethylene glycol, and welding materials and supplies, including pressurized gases. Project operation would require limited quantities of fuel oil, lubricants, solvents, batteries, janitorial supplies, paint, degreasers, herbicides, pesticides, FM200 fire suppressant, and approximately 84,000 gallons of transformer insulating oil that would be contained within electrical transformers and switches at the facility.

Operation of the Project transmission line involves transmission of high-voltage current, which would generate **electric and magnetic field (EMF)**. The Applicant has committed to managing the electric and magnetic field strengths associated with the proposed transmission line(s) by constructing the transmission facilities in accordance with: California Public Utilities Commission (CPUC) Government Order (GO) 95, which addresses shock hazards to the public by providing minimum clearance and maintenance requirements; GO 52 (Rules for Construction and Operation of Power and Communication Lines for the Prevention or Mitigation of Inductive Interference, which manages electric and magnetic field (**EMF**) strengths; and GO 131-D (Rules for Planning and Construction of Facilities for the Generation of Electricity and Certain Electric Transmission Facilities), as applicable. Compliance with these requirements would limit potential EMF levels from Project facilities to levels that are consistent with CPUC policies which consider protection of public health, and Project-related electric shock hazards to acceptable levels.

The following mitigation measures would reduce potential impacts due to hazardous materials contamination during construction and operation to less than significant levels:

MM 5.15-1: Additional assessment, and possibly remediation, of potentially contaminated soils on the Project site. Prior to the issuance of a grading permit, the Applicant shall obtain a site closure letter from the Los Angeles County Fire Department, Health Hazardous Materials Division. The Applicant shall conduct additional site

The Project would significantly impact global climate change if it would result in a significant increase in emission of greenhouse gases.

Finding:

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

Facts Supporting the Finding:

The Project proposes to generate approximately 230 MW of clean, renewable electrical power using solar PV technology. Assessment of Project-generated GHG emissions through the Project lifetime (construction and operation phase) indicate that the Project is reasonably expected to reduce carbon dioxide equivalence (CO_{2e}) emissions by over 196,000 metric tons (MT) CO_{2e} per year during operation compared to emissions from an equivalent electrical output **California** using eGrid information (i.e., current electrical supplies to the grid in California). The Project is fully consistent with the CARB Scoping Plan to implement AB 32 and its projected implementation measures, and is expected to result in a net decrease of greenhouse gas emissions within California due to its reduction in carbon intensity of energy generation. As a result, the Project is anticipated to result in less than significant construction and operation impacts to GHG emissions.

2.17 NOISE

Potential Effect:

The Project would have potentially significant noise impacts if it substantially increased ambient noise levels, including temporary or periodic increases.

Finding:

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

Facts Supporting the Finding:

During construction, construction equipment will be equipped with appropriate mufflers and maintained in order to reduce noise emission levels. Noise levels from construction activities (substation and O&M construction, Drainage A cutoff walls, and solar fields) were evaluated, and all activities complied with ordinances, with the exception of the pile driving scenario for the PV structures. Implementation of Mitigation Measure 5.18-1 (Pile Driver Orientation) would reduce pile driving noise levels to meet Los Angeles County Noise Ordinance Standards. Noise levels for construction of the transmission line were evaluated, and were found to be within acceptable noise levels at the nearest residences (sensitive receptors).

Facts Supporting the Finding:

The Project would implement security control, and would not involve uses that would result in significant demands to sheriff staffing or response times. As a result, the Project would be expected to result in less than significant incremental contributions to cumulative law enforcement impacts.

3.13 UTILITY SERVICES

Potential Effect:

Cumulative Project impacts to utility services may occur if the Project in combination with the related projects would result in a significantly cumulative increased demand for water, landfill capacity, electrical services, and natural gas.

Finding:

Changes or alteration have been required in, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

Facts Supporting the Finding:

The Project's water usage would be a significant reduction from the amount of groundwater reasonably estimated to be allocated to the Project site and would not likely exceed the Project's correlative share of the native safe yield. The Project's water demand comprises only 0.18 percent of the Antelope Valley Groundwater Basin's safe yield during construction, and 0.01 percent during operation. In the Antelope Valley Groundwater Basin, the unit water requirements for both agricultural and municipal land uses are within an overall range of about three to seven acre feet per acre per year (AF/A/YR). On a unitized basis, the Project's water demand would equate to about 0.07 AF/A/YR during construction and less than 0.01 AF/A/YR during operations (0.006 AF/A/YR). The water requirements on the Project site are exceptionally small. The proposed Project together with other existing and proposed groundwater users such as the Fairmont Butte Motorsports Park (proposed groundwater use of 49 AFY) could contribute to a cumulative impact on the groundwater resource. However, the Project's proposed minimal water extraction of 12 AFY during Project operations would constitute an insignificant contribution to any cumulative impacts to the Basin. Any long-term Project-related impacts on the Basin would be expected to be less than significant since the proposed withdrawals are minimal and would not exceed the allocations to be set as part of the Basin Adjudication in order to protect the Basin resource. The impacts of the proposed Project's minimal groundwater use of 150 AFY and 12 AFY during the construction and operations phases (i.e., about 0.18 and 0.01 percent, respectively, of the estimated total

Szalay, Kim

From: Alexanian, Sorin
Sent: Tuesday, September 14, 2010 5:00 PM
To: Dea, Samuel; Szalay, Kim
Subject: Fwd: AV Solar Project

Please forward to rpc.
Sent from my iPhone

Begin forwarded message:

From: "Hickling, Norm" <NHickling@lacbos.org>
Date: September 14, 2010 4:42:27 PM PDT
To: "Alexanian, Sorin" <salexanian@planning.lacounty.gov>, "Novak, Paul" <PNovak@lacbos.org>
Subject: FW: AV Solar Project

From the Antelope Acres Town Council. For the Planning Commission Record

*Norm Hickling, Deputy to Supervisor Antonovich
Antelope Valley Field Office
1113 Ave M-4, Suite A
Palmdale, Ca 93551
661-726-3600*

From: Vickie Nelson [<mailto:bvnelson1@verizon.net>]
Sent: Tuesday, September 14, 2010 3:40 PM
To: Hickling, Norm
Subject: AV Solar Project

Planning Staff or To Whom It May Concern:

I am Vickie Nelson, President of Antelope Acres Town Council. The Antelope Acres Town Council voted to support the AV Solar Ranch One project in March of 2009. This original support position of our Town Council has not changed. We look forward to continuing to work with First Solar as the project moves ahead.

Please call me if you have additional questions (661) 942-2198.

Vickie Nelson

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037

TEL: (650) 589-1660
FAX: (650) 589-5062

eklebaner@adamsbroadwell.com

SACRAMENTO OFFICE

520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814-4721

TEL: (916) 444-6201
FAX: (916) 444-6209

DANIEL L. CARDOZO
THOMAS A. ENSLOW
TANYA A. GULESSERIAN
JASON W. HOLDER
MARC D. JOSEPH
ELIZABETH KLEBANER
RACHAEL E. KOSS
LOULENA A. MILES
ROBYN C. PURCHIA

OF COUNSEL
THOMAS R. ADAMS
ANN BROADWELL
GLORIA D. SMITH

September 14, 2010

By Email and U.S. Mail

c/o Rosie Ruiz
Chair Wayne Rew and Commissioners
Regional Planning Commission
Los Angeles County
Department of Regional Planning
Impact Analysis Section, Room 1348
320 West Temple Street
Los Angeles, CA 90012
rruiz@planning.lacounty.gov

Re: Comments on the Final Environmental Impact Report for the AV Solar Ranch One Project (County Project R2009-02239, Conditional Use Permit No. 200900026)

Dear Chairman Rew and Commissioners:

We write on behalf of California Unions for Reliable Energy ("CURE") to comment on the Final Environmental Impact Report ("FEIR") prepared by the Los Angeles County Department of Regional Planning ("DRP") for the 230 MW AV Solar Ranch One Project ("Project") proposed by AV Solar Ranch 1, LLC. Although we will not attend tomorrow's hearing on the Project, we urge the Planning Commission to not approve the FEIR and to direct DRP to revise and recirculate a draft EIR to the public.

CURE submitted extensive comments on the draft EIR on July 30, 2010. After carefully reviewing the FEIR, we conclude that DRP failed to adequately respond to CURE's comments and that significant new information has been added to the EIR. For these reasons, DRP's contention that recirculation of the EIR is *not* required under the California Environmental Quality Act ("CEQA") lacks merit.

When significant new information is added to a draft environmental review document after the close of public comment and before Project certification, a

revised draft environmental review document must be noticed and recirculated for public comment.¹ New information is significant for the purpose of CEQA when the environmental review document is “changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect.”² Here, DRP has revised its analysis in response to CURE’s July 30, 2010 comments to include a *new* mitigation measure for *previously unidentified impacts* to the federally listed Desert tortoise and *new*, unsupported, *analyses* regarding baseline biological and air quality conditions at the Project site.³ Additionally, DRP now claims that this *industrial* Project is *not* subject to the requirements of Water Code sections 10910 and 10912. This new information qualifies as “significant new information” under CEQA.

As detailed in CURE’s July 30, 2010 comments, the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. The FEIR still does not adequately analyze potentially significant Project impacts in several critical resource areas, including air quality, biological resources, visual resources, and water quality, and fails to propose adequate mitigation for the significant impacts that it does identify. The FEIR continues to fail to present a stable and finite Project description and to include an adequate Water Supply Assessment as required by Sections 10910 and 19012 of the California Water Code. These defects, as well as numerous additional analytical deficiencies described fully in our July 30, 2010 comments, render the DEIR, and the FEIR, invalid as an environmental review document under CEQA.

The EIR must be recirculated for public review and comment in accordance with CEQA.⁴ Failure to circulate the EIR deprives the public of a meaningful opportunity to comment upon the substantial adverse effects of the Project.

Sincerely,

/s/

Elizabeth Klebaner

¹ Pub. Resources Code, § 21092.1.

² Cal. Code Regs. tit 14, § 15088.5.

³ See Department of Regional Planning, Los Angeles County, AV Solar Ranch One Project Final Environmental Impact Report, August 2010, pp. RORG-3-3, 3-13, 3-36-37, 3-45-46.

⁴ See *Cadiz Land Co., Inc. v. Rail Cycle, L.P.* (2000) 83 Cal.App.4th 74, 91.

September 14, 2010
Page 3

EK:

cc: ctran@planning.lacounty.gov (email only)
kszalay@planning.lacounty.gov (email only)