



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

October 19, 2011

Richard J. Bruckner
Director

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Renewable Resources Group
5700 Wilshire Blvd., Suite 330
Los Angeles, CA 90036

**REGARDING: PROJECT NUMBER R2010-00808-(5)
RCUP 201000071 RENV 201000032
115th Street West and Avenue B, Antelope Valley West Zoned District**

Dear Applicant:

The Regional Planning Commission, by its action of Wednesday, October 19, 2011, **APPROVED** the above described project and entitlements. The attached documents contain the Regional Planning Commission's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 3 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant or and other interested person may appeal the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Please contact the Executive Office for the amount of the appeal fee at (213) 974-1426. **The appeal period for this project will end at 5:00 p.m. on Wednesday, November 2, 2011.** Any appeal must be delivered in person to the Executive Office by this time. If no appeal is filed during the specified period, the Regional Planning Commission action is final.

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

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

Sincerely,

Richard J. Bruckner
Director


Susie Tae, Supervising Regional Planner
Zoning Permits North

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

c: BOS; DPW (Building and Safety); Zoning Enforcement, Testifiers, Renewable Resources Group

SMT:at

Hearing Footage: 10/19/2011-Item 6(x)

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

**PROJECT NO. R2010-00808-(5)
CONDITIONAL USE PERMIT NO. 201000071
Avenue B and 160th Street West**

HEARING DATES: 8/31/2011, 9/21/2011, 10/12/2011, 10/19/2011

SYNOPSIS:

The applicant, Renewable Resources Group, proposes an alternating current (AC) photovoltaic (PV) generating facility located on approximately 4,782 acres in Kern and Los Angeles Counties anticipated to generate approximately 650 megawatts (MW) of power. The project includes approximately 2,152 acres of solar panel arrays and other related development and infrastructure, including nine miles of 230-kV generation tie-line lines and transmission support towers, two operations and maintenance (O&M) buildings, and electrical equipment including combiners; electrical inverters and transformers; and electrical substations with switchyards.

The project site is located in both Los Angeles and Kern Counties, with the majority of the development, including a majority of the necessary infrastructure for the project located in Kern County. The Kern County portion includes approximately 3,544 acres, including two operations and maintenance (O&M) buildings. The Los Angeles County ("County") portion of the project would consist of approximately 1,238 acres in the A-2-5 (Heavy Agricultural - Five Acre Minimum Required Lot Area) Zone.

Kern County is the Lead Agency for the project pursuant to the California Environmental Quality Act ("CEQA"). Los Angeles County is a Responsible Agency under CEQA, with permitting authority over that portion of the project that is located within the County. As Lead Agency, Kern County analyzed the environmental impacts of the project in the Environmental Impact Report ("EIR") (State Clearinghouse (SCH) No. 2010031022), which was certified by Kern County on August 2, 2011. Also on August 2, 2011, the Kern County Board of Supervisors approved the portion of the project located within Kern County.

Proceedings before the Planning Commission

A public hearing was held before the Los Angeles County Regional Planning Commission ("Planning Commission") on August 31, 2011, and was continued without discussion to September 21, 2011 to allow the completion of County reviews.

On September 21, 2011, the Planning Commission continued the hearing to October 12, 2011 without discussion, to complete the necessary reviews.

On October 12, 2011, the Commission heard testimony from the applicant, five testifiers in favor of the project, and one testifier with concerns. The Planning Commission

continued the matter to October 19, 2011 to allow time for finalized versions of the findings and conditions to be circulated for review, and to accommodate Commissioner Modugno for the public hearing.

On October 19, the Commission heard testimony from the applicant in favor of the project. The Commission requested clarification regarding the intent of Condition No. 27, which prohibits the use of the three existing groundwater wells on, and prohibits the development of additional wells within, the Los Angeles County portion of the project site. The applicant clarified that the intent was that the existing water wells would not be used for any purpose. The planning Commission adopted the Addendum to the Final EIR, the CEQA findings, and the Mitigation Monitoring and Reporting Program, and approved Conditional Use Permit No. 201000071.

FINDINGS:

1. The approximately 4,782 acre project site is located in both Kern and Los Angeles Counties, and is bounded by 115th Street West on the east, 190th Street West on the west, Avenue B on the south, and Rosamond Boulevard on the north in the unincorporated community of Fairmont within the Antelope Valley West Zoned District. The approximately 1,238 acre County portion of the project ("subject property") is bounded by 130th Street West on the east, 160th Street West on the west, Avenue B on the south, and Avenue A on the north.
2. The applicant is requesting a conditional use permit (CUP) to authorize the construction, operation, and maintenance of an alternating current (AC) photovoltaic generating facility located on approximately 1,238 acres in the A-2-5 (Heavy Agricultural - Five Acre Minimum Required Lot Area) Zone, which, along with the portion of the project located in Kern County is expected to generate approximately 650 megawatts (MW) of power. The CUP also authorizes a seven-foot tall wildlife friendly fence, which is one foot taller than the standard maximum fence height, along the perimeter of the project boundary.
4. The subject property is zoned A-2-5.
5. The surrounding properties are zoned as follows:
North: A-2-5
South: A-2-5
East: A-2-5
West: A-2-5
6. Surrounding land uses within 1000 feet include:
North: vacant
South: vacant

East: vacant
West: vacant

7. The Los Angeles County ("County") portion of the project site consists of 10 existing parcels. All parcels in the County portion of the project are farmed, fallow, or vacant.
8. The proposed 4,782 acre solar photovoltaic electric power generation facility will include the use of single-axis photovoltaic tracker; associated electrical and distribution equipment; and undergrounding of all high-voltage transmission/generation-tie lines located in the unincorporated County. The project includes approximately 2,152 acres of solar panel arrays and other related development and infrastructure, including 9 miles of 230-kV generation tie-line lines and transmission support towers, two operations and maintenance (O&M) buildings, and electrical equipment including combiners; electrical inverters and transformers; and electrical substations with switchyards.

The project site is located in both Los Angeles and Kern Counties, with the majority of the development, including a majority of the necessary infrastructure for the project located in Kern County. The Kern County portion includes approximately 3,544 acres, including two operations and maintenance (O&M) buildings. The Los Angeles County ("County") portion of the project would consist of approximately 1,238 acres in the A-2-5 (Heavy Agricultural - Five Acre Minimum) Zone.
9. The water consumption for facility operations, including construction and periodic PV module washing and domestic (potable) use, would be supplied entirely from water wells located on the Kern County portion of the project.
10. The subject property is located within the N1 (Non Urban 1) land use designation in the Antelope Valley Areawide General Plan ("Area Plan"), a component of the Los Angeles Countywide General Plan ("General Plan").
11. Pursuant to the Area Plan, non-residential uses in the N1 land use category may include public and semi-public uses typically located in non-urban environs, such as solid and liquid waste disposal sites, utility and communication installations, and schools and other public facilities necessary to serve non-urban populations.
12. Pursuant to Section 22.24.150 of the Los Angeles County Code ("County Code") electric distribution substations, electric transmission substations, and generating plants are permissible uses in the A-2 Zone with a CUP.
13. The proposed project is consistent with the County General Plan and the

Antelope Valley Areawide General Plan N1 (Non-Urban 1) land use designation for the subject property. 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). As described below, the project also meets many of the stated goals and policies of the County General Plan and the Antelope Valley Areawide General Plan.

14. Policy Nos. 2 and 3 of the Conservation and Open Space Element promote solar energy. Policy No. 2 states: "Support the conservation of energy and encourage the development and utilization of new energy and encourage the development and utilization of new energy sources including geothermal, thermal waste, solar, wind and ocean-related sources." (General Plan, pg. II-26) Policy No. 3 states: "Promote the use of solar energy to the maximum extent possible." (General Plan, pg. II-26) Relatedly, Policy No. 217 also encourages the use and development of alternative energy sources. Policy No. 217 states: "Promote use of alternative energy sources (including solar and wind) for heating and cooling." (Antelope Valley Areawide General Plan, pg. V-26)

The project proposes photovoltaic solar energy generation, consistent with these policies. The project within the County proposes to develop approximately 1,238 acres of previously disturbed property with photovoltaic solar panels and related infrastructure that is expected to generate approximately 188 MW of electricity for use in California. The project would assist in California meeting its renewable energy goals and mandates. The energy produced as a result of this project would be available to provide for the general needs of residents for electricity, and would be used indirectly for heating and cooling.

15. Policies No. 65 and 66 promote the development of energy generation facilities in a manner that will minimize impacts on the surrounding areas by undergrounding transmissions lines. Policy No. 65 states: "Encourage the locating of new power distribution networks, communication lines, and other service network facilities underground in urban areas. Transmission lines should be located underground where feasible." (Antelope Valley Areawide General Plan, pg. V-9.) Policy No. 66 states: "Maintain a long-range program for the underground relocation of overhead power distribution facilities, telephone lines and other utility services in urban areas." (Antelope Valley Areawide General Plan, pg. V-9)

The project proposes an above ground 34 kV collection line 60 feet in length. To remain consistent with previously approved renewable energy projects and with Policies No. 65 and 66, undergrounding of this collection line will be a condition of approval.

16. Policy No. 69 is intended to encourage projects to be development in a manner that would protect natural vegetation. Policy No. 141 is more specifically intended to protect Joshua trees, Juniper trees, and their habitat. Policy No. 69 states: "Protect significant vegetation such as the Joshua Tree." (Antelope Valley Areawide General Plan, pg. V-9) Policy No. 141 states: "Prohibit the harvesting of Joshua or Juniper trees for fuel purposes or for transplantation out of their normal habitat area." (Antelope Valley Areawide General Plan, pg. V-18)

The project site was chosen due to its historic use as farmland, and does not currently have Joshua Trees, Juniper trees, or other significant or sensitive natural vegetation. No Joshua trees will be disturbed as a result of this project, consistent with Policy No. 69.

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

This project represents a growing trend of locating renewable energy projects in the northern County, which provide both construction related jobs as well as a number of direct and indirect employment opportunities, consistent with Policy No. 71.

18. Policies No. 114 and 135 encourage the development of project site in a manner that will preserve natural drainage patterns. Policy No. 114 states: "As an interim policy, pending construction of regional drainage facilities, require installation of appropriate systems and facilities to retain the increase in storm runoff due to development on the project site or equivalent mitigating measures." (Antelope Valley Areawide General Plan, pg. V-14) Policy No. 135 states: "Encourage development to utilize and enhance natural topographic features, thus establishing harmony between the natural and man-made environment." (Antelope Valley Areawide General Plan, pg. V-17)

The project design is intended to convey runoff to mirror existing flow patterns. The project does not intend to result in increased storm runoff, and the natural drainages on the project site will remain undeveloped. Therefore, the project is consistent with both Policies No. 114 and 135.

19. Policy No. 140 encourages the promotion of healthy air quality to ensure the health, well being, and enjoyment of life for Antelope Valley Residents. Policy

No. 140 states: "Promote air quality that is compatible with health, well-being, and enjoyment of life. The public nuisance, property and vegetative damage, and deterioration of aesthetic qualities that result from air pollution contaminants should be prevented to the greatest degree possible." (Antelope Valley Areawide General Plan, pg. V-17)

The project itself represents a gradual shift from the use of fossil fuels to the use of renewable energy, which will lower emissions associated with fossil fuel usage and assist in reaching the State's renewable energy portfolio goals. Additionally, the project proposes a landscape plan that will result in the control of invasive species and the revegetation with and maintenance of native plants on the project site. Therefore, the project is consistent with Policy No. 140.

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

- a. Section 22.24.170.A of the County Code - Front, Side, and Rear Yard Standards. The standards for the A-2 zone require a minimum set back of 20 feet for front yards, five feet for side and corner side yards, 10 feet for reverse corner side yards, and 15 feet for rear yards. The project proposes 35-foot setbacks of structures along all external property boundaries, and therefore meets or exceeds all yard requirements notwithstanding the proposed yard modification for fence height.;
- b. Section 22.48.160 of the County Code - Fences and Walls. Under the County Code, the maximum permitted fence height ranges from 3.5 feet to 6 feet within required setback areas, depending on where the fence is located on the subject property. The permittee requests a modification of this standard to allow wildlife-friendly fencing seven feet in height around the entire perimeter of the site for security and safety purposes. This modification request is appropriate considering the use and location of the site;
- c. Chapter 22.52, Part 7 of the County Code - Outside Storage. The County Code requires that all visible outside storage from the exterior boundary of a site shall be enclosed by a solid wall or fence. This requirement, however, does not apply to temporary material staging areas and temporary outdoor worker shelters used during

construction. The project may have temporary outside storage during its 36-month construction period but does not propose permanent outside storage for its on-going operations. Accordingly, the project complies with the County Code's outside storage requirements;

- d. Section 22.52.1220 of the County Code - Parking Requirement For Uses Not Specified. Where parking requirements for a use are not specified in the County Code, parking shall be provided in an amount determined to be adequate to prevent traffic congestion and excessive on-street parking. Whenever practical, such determination shall be based on the parking requirement for the most comparable use specified in the County Code. Because the parking requirement for the project is not specified in the County Code, it has been determined that the most appropriate parking standard for the project is that applicable to an industrial use. Accordingly, under Section 22.52.1140 of the County Code, the applicable parking standard is either one parking space per two employees, or one parking space per 500 square feet, where in either case, one handicapped parking space per 40 standard parking spaces is required. The project includes two operations and maintenance buildings, both of which will be located in Kern County. Therefore no parking spaces are required for the County portion of the project;
 - e. Chapter 22.52, Part 21 of the County Code - Drought - Tolerant Landscaping. The County's drought-tolerant landscaping standards require use of County-authorized drought-tolerant plant lists, minimum required percentages of drought-tolerant plantings, limitations on the amount of turf, and efficient watering management. The project complies with these requirements; and
 - f. Chapter 22.52, Part 22 of the County Code - Low Impact Development ("LID"). The County's LID standards are designed to limit hydro-modification impacts to natural drainage systems and to manage excess volume from each lot where development occurs so as to infiltrate excess volume at the lot level, or in the alternative, in sub-regional facilities. The project complies with the County's LID requirements.
21. The project is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate. The existing local roadway system is adequate to serve the project without improvements. During construction, truck traffic will increase in the area, though not to a significant level. During operations, traffic generated by the project's relatively passive operations is minimal. Traffic volume added to the

- surrounding roadway circulation system, during construction and operation, will have no significant effect at any of the intersections or road segments proximate to the project area. The site will include a system of on-site roads to allow access to all areas of the site, and to minimize the need for using public roadways. The on-site roads will be designed and constructed to accommodate the traffic needs of the project and necessary access for emergency services.
22. The project will require minimal public or private service facilities and is adequately served by these facilities. Sanitary needs during construction will be served by portable toilets, and no on-site sanitary waste septic system is required.
23. The project will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare. The project is compatible with surrounding land uses as follows:
- a. The project will not present significant emissions, noise, pollutants, or visual intrusions;
 - b. Human activity and associated traffic to and from the project site will be minimal;
 - c. The project will not create a significant increase to the local population and thus will not increase the level of demand on schools, fire protection, law enforcement, or emergency services;
 - d. The low-profile of the project's solar panels, combined with the generally flat terrain of the project site and surrounding area, will make the project visually compatible with the surrounding environment;
 - e. Aerial photography of the site provides imagery indicating grading/plowing over the majority of the site years ago. Recycled use of previously disturbed land is preferred for development over using undisturbed native lands for development;
 - f. The majority of other adjacent properties within a 500-foot radius are vacant and not currently developed.
24. Kern County is the Lead Agency for the project pursuant to the California Environmental Quality Act ("CEQA"). Los Angeles County is a Responsible Agency under CEQA, with permitting authority over that portion of the project

that is located within the County. As Lead Agency, Kern County analyzed the environmental impacts of the project in the Environmental Impact Report ("EIR") (SCH No. 2010031022), which was certified by Kern County on August 2, 2011. Also on August 2, 2011, the Kern County Board of Supervisors approved the portion of the project located within Kern County.

25. A Final EIR for the project has been prepared by Kern County in accordance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Final EIR consists of the Technical Reports to the dated May and June 2011, the Draft EIR dated April 2011, and the Final EIR including Responses to Comments dated August 2, 2011. The Final EIR contains the response to comments, and identifies mitigation measures to be implemented as part of the project.
26. The Commission has reviewed and considered the Final EIR and finds that it reflects the independent judgment of the County. As stated in the Final EIR and the Findings of Fact and Statement of Overriding Considerations regarding the Final EIR, implementation of the project will result in specifically identified significant effects upon the environment. Except for adverse effects upon visual quality, cumulative aesthetics, cumulative air quality, cumulative agricultural resources, and cumulative biological resources, identified significant adverse effects can be reduced to acceptable levels with the mitigation measures identified in the Final EIR and incorporated as conditions in this grant and the related CUP.
27. With respect to the adverse effects upon visual quality, cumulative aesthetics, cumulative air quality, cumulative agricultural resources, and cumulative biological resources, the Commission determines that the substantial benefits resulting from implementation of the project outweigh the potential unavoidable adverse effects and are acceptable based upon the overriding considerations set forth in the Findings of Fact and Statement of Overriding Considerations, which findings and statement of overriding considerations are incorporated herein by reference.
28. A Mitigation Monitoring Program ("MMP") consistent with the conclusions and recommendations of the Final EIR has been prepared, and its requirements have been incorporated into the conditions of approval for this project.
29. The MMP prepared in conjunction with the Final EIR identifies in detail the manner in which compliance with the measures adopted to mitigate or avoid potential adverse impacts of the project to the environment is ensured.
30. The location of the documents and other materials constituting the record of

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

BASED ON THE FOREGOING, THE PLANNING COMMISSION CONCLUDES:

1. That the proposed use is consistent with the adopted general plan for the area; and
2. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare; and
3. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
4. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required;
5. AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a Conditional Use Permit as set forth in Section 22.56.040 of the County Code.

PLANNING COMMISSION ACTION:

1. Acting on behalf of the County as a Responsible Agency pursuant to CEQA, the Planning Commission has reviewed and considered the Final EIR (State Clearing House No. 2010031022) prepared for the project and certified by the lead agency, Kern County, on August 2, 2011; and adopts the Addendum to the Final EIR, the CEQA Findings of Fact, the Statement of Overriding Considerations, and the MMP.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201000071, Project No. R2010-00808-(5) is APPROVED, subject to the attached conditions.

Attachments: Findings of Fact, Statements of Overriding Consideration

**FINDINGS OF FACT IN SUPPORT OF FINDINGS
RELATED TO SIGNIFICANT ENVIRONMENTAL IMPACTS**

State CEQA Guidelines Section 15091

for

Antelope Valley Solar Project by Renewable Resources Group

Project No. R2010-00808-(5)
Conditional Use Permit No. 201000071
Environmental Assessment No. 201000032

**Final Environmental Impact Report
SCH# 2010031022**

**Lead Agency: Kern County Planning and Community Development Department
Responsible Agency: Los Angeles County**

SECTION I. INTRODUCTION

The following findings of fact are based in part on the information contained in the draft and final Environmental Impact Report (EIR) for the Antelope Valley Solar Project by Renewable Resources Group, as well as additional facts found in the complete record of proceedings. The final EIR is hereby incorporated by reference and is available for review at the Kern County Planning and Community Development Department (Planning Department), 2700 M Street, Suite 100, Bakersfield, California 93301, during normal business hours.

**SECTION II. FINDINGS REGARDING THE POTENTIAL ENVIRONMENTAL EFFECTS
OF THE PROJECT**

The Kern County Planning Department issued a notice of preparation of a draft EIR on March 8, 2010. Based on the initial study and notice of preparation, a determination was made that the final EIR would contain a comprehensive analysis of environmental issues identified in Appendix G of the California Environmental Quality Act (CEQA) Guidelines and not screened out during the notice of preparation. With respect to all impacts identified as "less than significant" or as having "no impact" in the final EIR, the Los Angeles County ("County") Regional Planning Commission ("Planning Commission") finds that those impacts have been described accurately and are less than significant or have no impact. Despite concluding that certain impacts would be less than significant or would have no impact, the final EIR nonetheless incorporates mitigation measures in the form of complying with the goals, policies, and implementation measures of the County General Plan, Conditional Use Permit (CUP) requirements, or other adopted regulations. The Planning Commission finds that these effects are less than significant or

have no impact before and after implementation of these mitigation measures.

In addition, some impacts in the final EIR were found to be “significant” but were able to be mitigated to less-than-significant levels, and others were found to be “significant and unavoidable.” The Planning Commission finds that those impacts have been described accurately and are less than significant with the implementation of mitigation or are significant and unavoidable.

AESTHETICS

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

The project would not have a substantial adverse effect on a scenic vista. (Impact 4.1-1)

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The project would create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. (Impact 4.1-3)

Description of Significant Impact

The proposed project would create a new source of lighting within the project site to provide for nighttime security, and glare could potentially occur from reflection off the solar panels. Increased truck traffic and the transport of the equipment and construction materials to the project site would temporarily increase glare conditions during construction. However, this increase in glare would be minimal and temporary. Therefore, construction of the proposed project would not create a new source of substantial glare that would affect daytime views in the area. The proposed project would include security lighting. Security lighting would likely be installed around the perimeter of the site, near the operations and maintenance building, and near the on-site substation. If improperly designed or oriented, such lighting may result in light trespass that falls outside the boundaries of the project site. Under particularly adverse conditions, spillover lighting causes annoyance, discomfort, or loss in visual performance because of its intensity, direction, or source type and visibility.

Finding

The project would create a new source of substantial light or glare that could adversely affect day or nighttime views in the area. These impacts would be reduced to a less-than-significant level with the implementation of the mitigation measures described below.

MM 4.1-4LA: Project facility lighting shall be designed to provide the minimum illumination needed to achieve safety and security objectives. All lighting shall be directed downward and shielded to focus illumination on the desired areas only and avoid light trespass into adjacent areas. Lenses and bulbs shall not extend below the shields.

MM 4.1-5LA: Solar panels and hardware shall be designed to minimize glare and spectral highlighting. To the extent feasible, emerging technologies shall be utilized that introduce diffusion coatings and

nanotechnological innovations that will effectively reduce the refractive index of the solar cells and protective glass. These technological advancements are intended to make the solar panels more efficient at converting incident sunlight into electrical power, but have the tertiary effect of reducing the amount of light that escapes into the atmosphere in the form of reflected light, which would be the potential source of glare and spectral highlighting.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.1-4 through 4.1-5 would reduce impacts to less-than-significant levels.

C. Environmental Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.

Significant Effect

The project would substantially degrade the existing visual character or quality of the site and its surroundings. (Impact 4.1-2)

Description of Specific Impact

Implementation of the proposed project would ultimately result in the placement of 1,243 acres of photovoltaic solar panels and associated infrastructure on the project site. The utility-scale solar facility would alter the existing agricultural open-space character of the project site by introducing a unique energy-generation element into the landscape. Specifically, there would be potentially significant impacts associated with “cultural modifications,” or manmade features which strongly impact the area’s visual resources, “vegetation” and “color” due to the replacement of an orchard and agricultural fields with solar panels, and “adjacent scenery” because views of hills in the distance would be partially blocked by fencing associated with the project. The area’s visual character is significantly altered.

Finding

The features which create significant aesthetic impacts (solar panels) are an inherent and necessary part of the project. While mitigation measures have been included to reduce aesthetic impacts as identified below, impacts are considered significant and unavoidable.

MM 4.1-1LA: The applicant shall clear debris from the project area at least twice per year; this can be done in conjunction with regular panel washing and site maintenance activities. The applicant shall erect signs with contact information for the applicant’s maintenance staff at regular intervals along the site boundary, as required by the County Department of Regional Planning (“Regional Planning”). Maintenance staff shall respond within two weeks to resident requests for additional cleanup of debris.

MM 4.1-2LA: During construction, any areas used for storage of equipment, vehicles, or construction materials and located within 200 feet of an occupied residence shall be screened from the residence using metal fence slats or similar view-screening materials. Such areas shall be maintained clear of debris. Maintenance staff shall respond within two weeks to resident requests for additional cleanup of construction waste or debris.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures 4.1-1LA through 4.1-2LA would serve to reduce the overall visual impact of the proposed project by ensuring regular clearance of debris and other visual clutter, and by providing a visual shield of the site to nearby KOPs. While these measures would reduce the overall aesthetic impact, they would not entirely preserve the existing open space landscape character, and impacts to visual resources would be significant and unavoidable.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

The project would not have any cumulative effects on aesthetics that would have a less than significant impact.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

Significant Effect

The project would result in a cumulative aesthetic impact.

Description of Significant Impact

Multiple projects, including several utility-scale solar energy production facilities, are proposed in the project vicinity. These projects would cover at least 9,000 acres within five miles of the project site. These have the potential to result in cumulative impacts to aesthetics when considered together with the proposed project. As the discussion provided above indicates, the project would have significant and unavoidable impacts related to aesthetics after implementation of mitigation. Other projects in the region would also be required to implement various mitigation measures to reduce impacts. However, the conversion of thousands of acres in a presently rural area to solar energy production uses cannot be mitigated to a degree that impacts are no longer significant.

Finding

The project's cumulative aesthetic impact is considered cumulatively considerable. Implementation of Mitigation Measures 4.1-1LA through 4.1-6LA would reduce cumulative impacts.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce the impacts caused by the project that results in a cumulative aesthetic impact. Even with implementation of Mitigation Measures 4.1-1LA through 4.1-6LA, implementation of the proposed project would result in a cumulatively considerable significant aesthetics impact related to visual character of the site and its surroundings.

AGRICULTURE AND FOREST RESOURCES

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

The project would not involve other changes in the existing environment that, because of their location

or nature, could result in conversion of Farmland to nonagricultural use or conversion of forestland to non-forest use. (Impact 4.2-3)

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

The project would not result in any potentially significant impacts that could be mitigated to less-than-significant levels.

C. Environmental Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.

Significant Effect

The project would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Department of Conservation, to nonagricultural use. (Impact 4.2-1)

Description of Specific Impact

Implementation of the proposed project would result in the conversion to non-agricultural use of 1,013 acres of Important Farmland, including lands designated by the California Department of Conservation as Prime Farmland (1,013 acres). The conversion of Important Farmland to non-agricultural use results in direct conversion impacts, or the conversion of land within the project site boundary, as well as the potential for indirect impacts, which is the pressure to convert other properties adjacent to the project site from agricultural to non-agricultural use.

Finding

The removal of agricultural uses is necessary for the implementation of the project. While a mitigation measure has been included to reduce impacts to agriculture resources as identified below, impacts are considered significant and unavoidable.

MM 4.2-1LA: Prior to issuance of a grading or building permit, whichever occurs first, the applicant shall provide written evidence of completion of one or more of the following measures to mitigate the loss of Important Farmland at a ratio of 1:1 for net acreage before conversion. Net acreage is to be calculated by excluding existing roads. Due to the fact that the California Department of Fish and Game has indicated that agricultural land is the best foraging habitat for Swainson's hawk, acreages required for Swainson's hawk mitigation and for agricultural land mitigation are the same. A revised Exhibit "A" to the Conditional Use Permit shall be submitted substantiating the net acreage calculation along with written evidence of compliance.

Farmland Options

- a) Funding and purchase of agricultural conservation easements (will be managed and maintained by an appropriate entity);
- b) Purchase of credits from an established agricultural farmland mitigation bank;
- c) Contribution of agricultural land or equivalent funding to an organization that provides for the

preservation of farmland in California; or

- d) Participation in any agricultural land mitigation program adopted by Los Angeles County that provides equal or more effective mitigation than the measures listed above.

Mitigation land would meet the definition of Prime Farmland or Farmland of Statewide Importance established by the State Department of Conservation on any qualifying land in the State of California. For the purposes of Swainson's hawk mitigation, completion of the selected measure(s) must be on qualifying land within the Antelope Valley (Kern or Los Angeles Counties) and must be within the foraging habitat of the Swainson's hawk as defined by the California Department of Fish and Game. The following options can be completed in any combination.

Swainson's hawk Options:

- 1) Fund and purchase agricultural conservation easements (will be managed and maintained by an appropriate entity) on land that meets the definition of Prime Farmland or Farmland of Statewide Importance established by the State Department of Conservation in the Antelope Valley, and is within the foraging habitat of the Swainson's hawk as defined by the California Department of Fish and Game and within five miles of a known active Swainson's hawk nest. This option can be completed in conjunction with Option A as detailed above;
- 2) Fund and purchase a conservation easement (that will be managed and maintained by the appropriate entity) on native land within the Swainson's hawk foraging habitat in the Antelope Valley at a ratio to be determined through consultation with the California Department of Fish and Game within five miles of a known active Swainson's hawk nest; or
- 3) Should the project proponent exhaust all available land in the Antelope Valley, they must submit proof to Regional Planning. Once the proof has been accepted by Regional Planning the project proponent must fund and purchase agricultural conservation easements (will be managed and maintained by an appropriate entity) on land that meets the definition of Prime Farmland or Farmland of Statewide Importance established by the State Department of Conservation anywhere in the State of California. Qualifying land must be within the foraging habitat of the Swainson's hawk as defined by the California Department of Fish and Game and within ten miles of a known active Swainson's hawk nest.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure 4.2-1LA would serve to reduce the overall impact of the loss of agricultural land by protecting other agricultural lands in the region on an acre-for-acre basis. While this measure would reduce impacts to agriculture, it would not create new farmland to replace that which is removed by the project, and impacts to agriculture resources would be significant and unavoidable.

Significant Effect

The project would conflict with existing zoning for agricultural use or a Williamson Act contract. (Impact 4.2-2)

Description of Specific Impact

Implementation of the proposed project would result in the cancellation of Williamson Act contracts on

approximately 1,033 acres on the Kern County portion of the project site.

Finding

The removal of agricultural uses is necessary for the implementation of the project. Impacts would be reduced through implementation of Mitigation Measure 4.2-1KC, as described above; however, following implementation, impacts related to the cancellation of Williamson Act contracts would continue to be considered significant and unavoidable.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure 4.2-1KC would serve to reduce impacts to agricultural resources by preserving farmland outside of the project site, which aids in the achievement of the same goals as those of the Williamson Act. While this measure would reduce the overall impact to agricultural resources, it would not entirely replace the lands presently protected by Williamson Act contracts, and the impact would be significant and unavoidable.

Significant Effect

The project would result in the cancellation of an open space contract made pursuant to the California Land Conservation Act of 1965 or Farmland Security Zone Contract for any parcel of 100 or more acres (PRC Section 15206(b)(3)). (Impact 4.2-4)

Description of Specific Impact

Implementation of the proposed project would result in the cancellation of Williamson Act contracts on approximately 1,033 acres on the Kern County portion of the project site. Six parcels over 100 acres in size (all located within Kern County) are protected by such contracts.

Finding

The removal of agricultural uses is necessary for the implementation of the project. Impacts would be reduced through implementation of Mitigation Measure 4.2-1KC, as described above; however, following implementation, impacts related to the loss of open space contracts on parcels of 100 or more acres would continue to be considered significant and unavoidable.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure 4.2-1KC would serve to reduce impacts to agricultural resources by preserving farmland outside of the project site, which aids in the achievement of the same goals as those of the Williamson Act. While this measure would reduce the overall impact to agricultural resources, it would not entirely replace the lands presently protected by Williamson Act contracts, and the impact would be significant and unavoidable.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

The project would not have any cumulative effects on aesthetics that would have a less than significant impact.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

Significant Effect

The project would result in a cumulative impact to agriculture resources.

Description of Significant Impact

A total of 26 projects, covering approximately 3,900 acres, are currently proposed within a six-mile radius of the project site. These projects consist primarily of renewable energy projects (solar and wind) and housing developments. If approved, these projects have the potential to convert agricultural lands to nonagricultural uses. The conversion of 2,502 acres of active farmland (including areas designated as Prime Farmland and Farmland of Statewide Importance) to non-agricultural use, combined with other area development projects that would impact active farmland, as well as the cancellation of Williamson Act contracts on nearly 1,033 acres in Kern County, would result in a cumulatively significant and unavoidable impact.

Finding

The project's impact on agriculture resources is considered cumulatively considerable. Implementation of Mitigation Measure 4.2-1LA would reduce cumulative impacts.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce the impacts caused by the project that result in a cumulative impact to agriculture resources. Even with implementation of Mitigation Measure 4.2-1LA, implementation of the proposed project would result in a cumulatively considerable impact related to agriculture resources due to the loss of Farmland and lands covered by Williamson Act contracts.

AIR QUALITY

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

The project would not conflict with or obstruct implementation of an applicable air quality plan. (Impact 4.3-1) *The following mitigation measures are implemented to further reduce project-related emissions:*

MM 4.3-1LA: Construction and operation of the proposed project shall be conducted in compliance with applicable rules and regulations set forth by the Antelope Valley Air Quality Management District. Dust control measures outlined below shall be implemented where they are applicable and feasible. The list shall not be considered all-inclusive and any other measures to reduce fugitive dust emissions not listed shall be encouraged.

- a) Land Preparation, Excavation and/or Demolition. The following dust control measures shall be implemented:
 - i. All soil excavated or graded shall be sufficiently watered to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed soil areas. Watering

shall take place a minimum of twice daily on unpaved/untreated roads and on disturbed soil areas with active operations.

- ii. All clearing, grading, earth moving, and excavation activities shall cease during periods of winds greater than 20 miles per hour (averaged over one hour), if disturbed material is easily windblown; or when dust plumes of 20 percent or greater opacity impact public roads, occupied structures or neighboring property.
 - iii. All fine material transported off-site shall be either sufficiently watered or securely covered to prevent excessive dust.
 - iv. Areas disturbed by clearing, earth moving, or excavation activities shall be minimized at all times.
 - v. Stockpiles of soil or other fine loose material shall be stabilized by watering or other appropriate method to prevent wind-blown fugitive dust.
 - vi. Where acceptable to the fire department, weed control shall be accomplished by mowing instead of discing, thereby, leaving the ground undisturbed and with a mulch covering.
- b) Site Construction. After clearing, grading, earth moving and/or excavating, the following dust control practices shall be implemented:
- i. Once initial leveling has ceased, all inactive soil areas within the construction site shall either be seeded and watered until plant growth is evident, treated with a dust palliative, or watered twice daily until soil has sufficiently crusted to prevent fugitive dust emissions.
 - ii. All active disturbed soil areas shall be sufficiently watered at least twice daily to prevent excessive dust.
 - iii. Vehicles accessing the site will be provided with oral instructions or maps depicting access routes to minimize travel on unimproved roadways in the vicinity of the site.
- c) Vehicular Activities. During all phases of construction, the following vehicular control measures shall be implemented:
- i. On-site vehicle speed shall be limited to 15 miles per hour.
 - ii. All areas with vehicle traffic shall be paved, treated with dust palliatives, or watered a minimum of twice daily.
 - iii. Streets adjacent to the project site shall be kept clean and project related accumulated silt shall be removed.
 - iv. Access to the site shall be by means of an apron into the project site from adjoining surfaced roadways. The apron shall be surfaced or treated with dust palliatives. If operating on soils that cling to the wheels of vehicles, a grizzly or other such device shall be used on the road exiting the project site, immediately prior to the pavement, in order to remove most of the soil material from vehicle tires.

- v. The project proponent and/or its contractor(s) shall adopt travel routes and plans, as deemed appropriate, to minimize the inefficient use of vehicles and other equipment.
- vi. Diesel engine idle time shall be restricted to no more than 5 minutes as requires by the CARB engine idling regulation. Exceptions in the regulation include vehicles that need to idle as part of their operation, such as concrete mixer trucks.

MM 4.3-2LA: The project proponent and/or its contractor(s) shall implement the following measures during construction of the proposed project:

- All equipment shall be maintained as recommended by manufacturer's manuals.
- Equipment shall be shut down when not in use for extended periods of time.
- Construction equipment shall operate no longer than eight (8) cumulative hours per day.
- Electric equipment shall be used whenever possible in lieu of diesel or gasoline powered equipment.
- All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NO_x emissions.
- On-road and off-road diesel equipment shall use diesel particulate filters if permitted under manufacturer's guidelines.

The project would violate an air quality standard or contribute substantially to an existing or projected air quality standard. (Impact 4.3-2)

The project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region in nonattainment under an applicable federal or state ambient air quality standard. (Impact 4.3-3)

The project would expose sensitive receptors to substantial pollutant concentrations. (Impact 4.3-4)

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

The project would not have any environmental effects on air quality that can be mitigated to a less-than-significant level.

C. Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant

The project would not have any environmental effects on air quality that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

There are no cumulative impacts on air quality that would be reduced to a less-than-significant level with the incorporation of the proposed mitigation measures.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

Significant Effect

Cumulative impacts to air quality during the construction period would be significant and unavoidable.

Description of Significant Impact

Significant cumulative impacts from the proposed project, when considered with nearby, reasonably foreseeable planned projects, would only have the potential to occur during project construction. The majority of project emissions would occur temporarily during the construction phase, which is expected to begin in 2013 and conclude in 2015. After that, there would be minimal emissions and insignificant cumulative impacts during operation of the proposed project.

Finding

Due to the uncertainty of the timing of other projects that may be constructed within the Mojave Desert Air Basin, it is assumed that temporary cumulative impacts from construction would remain significant and unavoidable. Implementation of Mitigation Measures 4.3-1LA and 4.3-2LA would reduce cumulative air quality impacts.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Even after the implementation of Mitigation Measures MM 4.3-1LA and MM 4.3-2LA, impacts related to cumulative air quality construction impacts would remain significant and unavoidable.

BIOLOGICAL RESOURCES

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

The project would not have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game (CDFG) or the United States Fish and Wildlife Service (USFWS). (Impact 4.4-2)

The project would not have a substantial adverse impact on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, and coastal wetlands), either individually or in combination with the known or probable impacts of other activities through direct removal, filling, hydrological interruption, or other means. (Impact 4.4-3)

The project would not interfere substantially with the movement of any migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. (Impact 4.4-4) *The following mitigation measure is implemented to further reduce potential impacts to migratory bird species:*

MM 4.4-10LA: The following measures shall be implemented prior to issuance of a grading or building permit:

The applicant shall submit written documentation to Regional Planning showing that all power lines are constructed to 2006 Avian Power Line Interaction Committee Guidelines. The applicant shall conform to the latest practices (as outlined in the 2006 Avian Power Line Interaction Committee document) to protect birds from electrocution and collision. Implementation of these guidelines shall be verified by Kern County. The applicant shall install power collection and transmission facilities using Avian Power Line Interaction Committee standards for collision-reducing techniques as outlined in *Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006* (Avian Power Line Interaction Committee, 2006).

The project would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. (Impact 4.4-5)

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by CDFG or USFWS. (Impact 4.4-1)

Description of Significant Impact

Several wildlife species, including desert tortoise, coast horned lizard, silvery legless lizard, American badger, desert kit fox, Swainson's hawk, burrowing owl, and several other species protected under the California Fish and Game Code and/or the Migratory Bird Treaty Act, have the potential to occur in the study area. Construction activities would have the potential to result in significant impacts to these species.

Finding

The project would have a substantial adverse impact, either directly or through habitat modifications, on species identified as a Candidate, Sensitive, or Special-Status species in local or regional plans, policies, or regulations, or by CDFG or USFWS. These impacts would be reduced to a less-than-significant level with the implementation of the mitigation measures described below.

MM 4.4-1LA. The applicant shall provide environmental training to all personnel working on the site during project construction and operation in the form of a 'tailgate session.' The training shall include a review of special-status species known to occur in the project site to promote their awareness, and implementation measures if a species is encountered or killed. The sign-in sheet from this session shall be turned in to Regional Planning. If a species is encountered or killed, the appropriate employee will be required to contact the on-call biological services provider and Regional Planning.

MM 4.4-2LA. If an injured or dead special-status species is encountered during construction, the applicant shall stop work within the immediate vicinity. The applicant shall notify Regional Planning, the on-call biologist, and the appropriate resources agency (e.g., U.S. Fish and Wildlife Service or California Department of Fish and Game) and comply with any actions required before construction is allowed to proceed.

MM 4.4-3LA: The following measures shall be implemented prior to issuance of a grading or building permit. Appropriate notes shall be included on any grading permit, building permit, or final map.

- Within 15 days of site clearing, a qualified biologist shall conduct a preconstruction migratory bird and raptor nesting survey. Surveys need not be conducted for the entire project site at one time; they may be phased so that surveys occur shortly before a portion of the site is disturbed. The surveying biologist must be qualified to determine the status and stage of nesting by migratory birds and all locally breeding raptor species without causing intrusive disturbance. This survey shall include species protected under the Migratory Bird Treaty Act including Swainson's hawk, LeConte's thrasher, and mountain plover. The survey shall cover all reasonably potential nesting locations for the relevant species on or closely adjacent to the project site.
- If an active nest is confirmed by the biologist, no construction activities shall occur within at least one half mile of the nesting site until the end of the breeding season when the nest is confirmed to be no longer in use and the young have fledged. If it is not feasible to have a one half mile setback from the nest, the California Department of Fish and Game will be contacted to determine the appropriate measures. California Department of Fish and Game will be notified of the identification of active nests and will be consulted regarding resumption of construction activities.

MM 4.4-4LA: To mitigate for the potential impacts to burrowing owls, the following measures shall be implemented as part of the approval for a grading or building permit. Appropriate notes shall be included on any grading permit, building permit or final map.

To avoid impacts on western burrowing owl, the following guidelines, adapted from the California Department of Fish and Game (CDFG) *Staff Report on Burrowing Owl Mitigation* (CDFG, 1995), shall be implemented:

- a) A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) shall conduct a preconstruction survey to locate any breeding or wintering burrowing owls no more than 30 days prior to the start of construction.
- b) If no burrowing owls are detected, no further mitigation is necessary. If burrowing owls are detected, no ground-disturbing activities, such as road construction or installation of turbines or ancillary facilities, shall be permitted within 250 feet of an active burrow during the breeding season (February 1–August 31), unless otherwise authorized by the CDFG. Occupied burrows should not be disturbed during the nesting season unless a qualified biologist approved by the CDFG, verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival.
- c) During the nonbreeding (winter) season (September 1–January 31), ground-disturbing work can proceed near active burrows as long as the work occurs no closer than 160 feet from the burrow and the site is not directly affected by the project activity. If active winter burrows are found that would be directly affected by ground-disturbing activities, owls can be displaced from winter burrows. A qualified wildlife biologist shall install one-way doors at the entrance to the active burrow and other potentially active burrows within 150 feet of the active burrow. Forty-eight hours after the installation of the one-way doors, the doors can be removed, and ground-disturbing activities can proceed.
- d) Should burrowing owls be found on-site, and if it is determined that the proposed project

would reduce suitable habitat on-site below CDFG threshold levels, the habitat shall be replaced off-site if no suitable on-site habitat is available. Off-site habitat must consist of suitable burrowing owl habitat, as defined in the Burrowing Owl Survey Protocol, and the location shall be approved by the CDFG. The appropriate replacement ratio will be determined through consultation with the CDFG.

MM 4.4-5LA: The following measures shall be implemented prior to issuance of a grading or building permit. Appropriate notes shall be included on any grading permit, building permit, or final map:

A qualified biologist shall conduct focused preconstruction surveys no more than two weeks prior to commencement of construction activities for potential American badger or desert kit fox dens. Copies of the completed surveys shall be turned in to Regional Planning. The survey shall be conducted in areas of suitable habitat for American badger and desert kit fox, which includes fallow agricultural land and scrub habitats (a total of 360 acres on the project site). Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within two weeks prior to that portion of the site being disturbed. If no potential American badger or desert kit fox dens are present, no further mitigation is required. If potential dens are observed, the following measures are required to avoid potential adverse effects to the American badger:

- If the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent badgers or foxes from re-using them during construction.
- If the qualified biologist determines that potential dens may be active, the biologist shall notify the California Department of Fish and Game (CDFG). Entrances to the dens shall be blocked with soil, sticks, and debris for three to five days to discourage use of these dens prior to project disturbance. The den entrances shall be blocked to an incrementally greater degree over the three-to five-day period. After the qualified biologist determines that badgers and foxes have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction.
- Construction activities shall not occur within 30 feet of active badger dens.

MM 4.4-6LA: No earlier than 30 days prior to the commencement of construction activities, a preconstruction survey shall be conducted by a qualified biologist to determine if active maternity roosts of bats are present. Copies of the completed survey shall be turned in to Regional Planning. The survey shall be conducted in areas considered suitable habitat for bats, which consists of abandoned structures, windbreaks, orchards, and scrub (a total of approximately 196 acres) that occurs within the project disturbance zone or within 300 feet of the project disturbance zone boundary. Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within 30 days prior to a portion of the site is disturbed. If an active maternity roost is identified in these areas, the maternity roost will not be directly disturbed, and some construction activities within 300 feet of the maternity roost may be postponed or halted until the maternity roost is vacated and juveniles have fledged, as determined by the biologist. The breeding season for native bat species in California is approximately March 1 through August 31.

MM 4.4-7LA: Preconstruction surveys and avoidance measures shall be implemented for coast horned lizard and silvery legless lizard.

For construction activities occurring in or directly adjacent to occupied or suitable habitat for coast horned lizard and silvery legless lizard, preconstruction surveys shall be conducted by a qualified

biologist to determine if these special-status species are present. Copies of the completed surveys shall be turned in to Regional Planning. Surveys need not be conducted for all suitable habitat areas at one time; they may be phased so that surveys occur shortly before a portion of the site is disturbed. If visual searches or raking (in the case of silvery legless lizard) are used for preconstruction surveys, the biologist shall conduct surveys no earlier than 72 hours prior to disturbance, and if pitfall trapping is used, the biologist shall conduct trapping no earlier than 5 days prior to disturbance. If these species are located in the disturbance zone, then individuals shall be avoided, if possible. If avoidance is not possible, the project proponent shall consult with the California Department of Fish and Game.

MM 4.4-8LA: To mitigate for potential impacts to desert tortoise, the following measures shall be implemented as part of the approval for a grading or building permit. Appropriate notes shall be included on any grading permit, building permit or final map. In the event a desert tortoise is encountered during construction, the project proponent will not move or otherwise disturb the desert tortoise, will cease work within 100 feet of the tortoise, and will immediately contact the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) for further consultation. In order to minimize potential direct or indirect impacts (loss of habitat), mitigation measures are required.

- Prior to construction, the applicant may contact the USFWS and CDFG to determine if preconstruction surveys and tortoise-proof fencing are warranted for the project site given the most up to date information on tortoise range. If the USFWS and CDFG determine that surveys and/or fencing are not required, the applicant may proceed with construction without further measures. Copies of the correspondence shall be submitted to Regional Planning. If the USFWS and CDFG are not consulted, the applicant will implement the measures described below.
- If the USFWS and/or CDFG determine that surveys are warranted based on the coordination described above, pre-construction tortoise clearance surveys shall be conducted at 15 foot intervals to locate and remove desert tortoises prior to grading or ground disturbance. The survey shall be conducted by an Authorized Biologist within 24 hours of the onset of the surface disturbance unless a tortoise-proof fence has been installed that would prevent reentry of the animals. An "Authorized Biologist" is defined as a wildlife biologist who has been authorized to handle desert tortoises by USFWS and CDFG for this project. Name(s) of proposed Authorized Biologist(s) must be submitted to USFWS and CDFG for approval at least 15 days prior to anticipated need.

All burrows that could provide shelter for a desert tortoise should be excavated during the first clearance survey. If a tortoise is encountered while conducting a clearance survey or during burrow excavation the tortoise will not be handled but will be monitored from a distance to ensure its safety. No ground disturbance will be conducted within 100 feet of the tortoise until the tortoise has moved on its own out of the area, or until the project proponent has received approval from the USFWS and CDFG to move the tortoise off-site.

- Temporary tortoise-proof fencing shall be erected and maintained during construction between the interface of the project construction areas and any remaining desert tortoise habitat prior to initiating construction and clearance surveys for desert tortoises on site. The fence is intended to prevent tortoises from wandering onto the project site prior to and during construction. Tortoise fencing shall be a maximum ½" mesh size extending a minimum of 18" above the ground and buried at least 12" below the surface to ensure that tortoise do not burrow underneath the fence. Ongoing maintenance of the fencing shall occur with oversight by an authorized biologist. Fence inspections shall be conducted by an authorized biologist on a bi-weekly basis throughout construction in order to maintain compliance with mitigation measures.

- All construction personnel should undergo desert tortoise awareness training. An authorized biologist shall facilitate a “tailgate” meeting prior to the onset of vegetation clearance surveys and construction activities. Copies of the sign in sheet and any distributed materials shall be turned in to Regional Planning.
- A raven management plan shall be developed for the project site in consultation with the USFWS and CDFG. This plan shall include at a minimum:
 - Identification of all raven nests within the project area during construction.
 - Weekly inspection under all nests in the project area for evidence of desert tortoise predation (scutes, shells, etc.), and, if evidence of predation is noted, submit a report to CDFG, USFWS, and Regional Planning within five calendar days; and
 - Provisions for the management of trash that could attract common ravens during the construction and operation phases of the project.

Should the USFWS determine it is necessary for the proposed project to participate in the regional comprehensive raven management plan, to address biological resources, the project proponent shall be subject to compensation through the payment of fees not to exceed \$150 per disturbed acre.

- Dogs shall be restrained either by enclosure in a kennel or by chaining to a point within the tortoise-proof enclosure if one has been constructed for the activity.
- All construction personnel shall watch for desert tortoises within the construction area whenever driving, transporting, or operating equipment. Driving speeds shall not exceed 20 miles per hour on approved non-public access roads.
- If no desert tortoises are found during preconstruction surveys, the project proponent will provide a report to USFWS and CDFG within one week of starting construction. Following construction, the project proponent will submit a report within 90 days, documenting applicable desert tortoise measures taken during the project, such as tortoise training, fence monitoring and maintenance, etc. If desert tortoises are found during surveys or construction, the applicant will notify the USFWS and CDFG immediately as specified above.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would have a substantial adverse impact, either directly or through habitat modifications, on any species identified as a Candidate, Sensitive, or Special-Status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS. In consideration of the potential use of the project site by special-status wildlife species, impacts on special-status wildlife species would be significant. Implementation of Mitigation Measures 4.4-1LA through 4.4-8LA would reduce impacts to these species to less-than-significant levels.

C. Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.

The project would not have any environmental effects on biological resources that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than

Significant Impact on the Environment.

The project would not result in cumulative environmental effects that would have a less than significant impact on the environment.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

Significant Effect

Cumulative impacts to biological resources would be significant and unavoidable.

Description of Significant Impact

As urbanization pressures increase within Kern and Los Angeles Counties, impacts to biological resources within the region are increasing on a cumulative level. When considered with other past, present, and probable future projects as listed in Table 3-5 of this EIR, which total over 16,000 acres, the proposed project would result in a cumulatively significant loss of biological resources, including the loss and/or fragmentation of a substantial fraction of the existing wildlife habitat in the region even with the implementation of mitigation. This is most notably the case for the cumulative loss of foraging habitat for the Swainson's hawk. As described and listed in Table 3-5 the EIR, several other large solar projects may be developed in the region surrounding the Antelope Valley Solar Project in the future, including the Rosamond Solar Array (1,177 acres), Willow Springs Solar Array (1,402 acres), and Alpine Solar (800 acres), and others. Cumulatively, under a full development scenario across the Antelope Valley, the loss of foraging habitat for Swainson's hawk may total more than 16,000 acres, or approximately 8 percent of the foraging habitat within 10 miles of the known nests.

Finding

Through the implementation of Mitigation Measures 4.4-11A through 4.4-10LA, the potential cumulative effects to biological resources (including impacts to Swainson's hawk due to loss of foraging habitat) associated with this project and other past, present, and reasonably foreseeable future projects would be reduced. However, even with implementation of these measures, impacts would remain significant and unavoidable.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would lead to habitat loss. Implementation of Mitigation Measures MM 4.4-11A and MM 4.4-10LA would serve to reduce potential cumulative effects related biological impacts. However, the proposed project's contribution to biological impacts in the County, including loss of Swainson's hawk foraging areas, is cumulatively considerable and significant.

CULTURAL RESOURCES

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

None of the project's environmental effects have been found to result in no impacts or only less-than-significant impacts.

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The project would cause a substantial adverse change in the significance of an historical resource. (Impact 4.5-1)

Description of Significant Impact

Cultural resources pedestrian surveys on the site identified two historical refuse scatters, identified as Sites AVSP-H-105 and AVSP-H-106. These sites consist of surface scatters with no evidence of embedded material or indication that materials are buried subsurface. The sites are not associated with any person or event significant in our history, and their potential to yield information appears to have been exhausted by the recordation conducted as part of the cultural resources study. As such, these sites are not eligible for the California Register of Historical Resources. There is a potential for the proposed project to impact additional, unidentified, significant historic-era deposits.

Finding

The project's potential to damage or destroy a previously unknown significant historical resource is considered significant; however, potential adverse effects caused by the project could be mitigated to a less-than-significant level.

MM 4.5-1LA: The applicant shall retain a qualified archaeologist, defined as an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology, to carry out all mitigation measures related to archaeological and historical resources.

MM 4.5-2LA: If cultural resources are encountered, all activity within 60 feet of the find shall cease until it can be evaluated by a qualified archaeologist. Cultural resource materials may include, but are not limited to, historic resources such as household debris, ceramics, industrially related materials and fire-blown glass, metal, wood, brick, or structural remnants. If the qualified archaeologist determines that the resources may be significant, he or she will notify the County and will develop an appropriate treatment plan for the resources. Additional investigations may be required to mitigate adverse impacts from project implementation. These additional studies may include avoidance, testing, and evaluation, or data recovery excavation. The County shall consult with appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American in nature.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would damage or destroy a previously unknown significant historical resource. The project impacts are considered significant but would be reduced to a level that is less than significant with implementation of Mitigation Measures 4.5-1LA and 4.5-2LA.

Significant Effect

The project would cause a substantial adverse change in the significance of an archaeological resource. (Impact 4.5-2)

Description of Significant Impact

Cultural resources pedestrian surveys on the site identified three prehistoric archaeological sites, identified as Site AVSP-P-001, CA-KER-8173H, and CA-KER-8176H. These sites may have subsurface deposits that have the potential to yield information important to our understanding of prehistory and therefore may be eligible for inclusion in the California Register of Historical Resources. These prehistoric sites have the potential to be directly impacted by the project. Because the sites have the potential to contain information important to history, the project may cause a substantial adverse change in archaeological resources pursuant to §15064.5 of the State CEQA Guidelines. Additionally, there is a possibility that prehistoric archaeological sites that once existed on the surface may now be buried and could be encountered during project-related excavation.

Finding

The project's potential to damage or destroy archaeological site AVSP-P-001 or other, previously unknown significant archaeological resources is considered significant; however, potential adverse effects caused by the project could be mitigated to a less-than-significant level.

MM 4.5-3LA: Archaeological sites AVSP-P-001, CA-KER-8173H, and CA-KER-8176H, should be avoided. If avoidance of these sites is not feasible, prior to issuing any grading or excavation permits and prior to any project-related ground disturbing activities, a detailed Archaeological Research Design and Treatment Plan (ARDTP) shall be prepared and implemented by a qualified archaeologist. The ARDTP would outline a data recovery plan that targets the recovery of important scientific data contained in the portion/s of the archaeological resource(s) to be impacted by the project. After the treatment plan is carried out, a report shall be prepared that summarizes the results of the data recovery effort and, based on its findings, re-assesses the need for the implementation of archaeological monitoring. The report shall be submitted to the appropriate County agency and to the Southern San Joaquin Valley Information Center.

MM 4.5-4LA: If the Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist determines that an archaeological monitor is required, prior to issuance of a grading permit, an archaeological monitor shall be retained by the applicant to monitor all ground-disturbing activities. Ground-disturbing activities to be monitored include, but are not limited to, brush clearance and grubbing, grading, trenching, excavation, and the construction of fencing and access roads. Pile driving is not considered to be a ground-disturbing activity. The duration and timing of monitoring shall be determined by the qualified archaeologist in consultation with the County and based on the grading plans.

The archaeological monitor shall work under the supervision of the qualified archaeologist. In the event that cultural resources are unearthed during ground-disturbing activities, the archaeological monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated.

Archaeological materials recovered during the investigation and archaeological monitoring shall be curated at an accredited curatorial facility. A curation agreement shall be executed prior to the issuance of a grading permit.

MM 4.5-5LA: 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.

MM 4.5-6KC: A Native American monitor shall be notified prior to construction and allowed the opportunity to be present during all ground disturbing activities, including vegetation clearing, grubbing, grading, filling, drilling, and trenching. In the event that any sacred site or resource is identified, a Native American monitor shall be retained to divert construction activities to another area of the project site while a proper plan for avoidance or removal is determined to the satisfaction of Regional Planning.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would damage or destroy significant archaeological resources. The project impacts are considered significant but would be reduced to a level that is less than significant with implementation of Mitigation Measures 4.5-3LA through 4.5-6LA.

Significant Effect

The project would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (Impact 4.5-3)

Description of Significant Impact

The analysis of paleontological records states that grading or shallow excavations in the uppermost few feet of the younger Quaternary fan and fluvial deposits in the project area would probably not uncover significant fossil vertebrate remains. However, deeper excavations in the proposed project area that extend down into older Quaternary deposits are more likely to encounter significant vertebrate fossils.

Finding

The project's potential to damage or destroy paleontological resources is considered significant; however, potential adverse effects caused by the project could be mitigated to a less-than-significant level.

MM 4.5-7LA: Prior to the issuance of grading permits, a qualified paleontologist shall be retained and approved by the lead agency to monitor all ground-disturbing activity that occurs deeper than five feet below ground surface. Pile driving is not considered to be a ground-disturbing activity. The duration and timing of monitoring shall be determined by the qualified paleontologist in consultation with the appropriate agency and based on the grading plans. Initially, all ground-disturbing activities deeper than five feet shall be monitored. However, during the course of monitoring, if the paleontologist can demonstrate that the level of monitoring should be reduced, the paleontologist, in consultation with the appropriate agency, may adjust the level of monitoring to circumstances as warranted.

If a potentially significant fossil is found, the paleontologist shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation and, if necessary, salvage. Any fossils encountered and recovered shall be catalogued and donated to a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs shall also be filed at the repository.

Following the completion of the above tasks, the paleontologist shall prepare a report documenting the absence or discovery of fossil resources on-site. If fossils are found, the report shall summarize the results of the inspection program, identify those fossils encountered, recovery and curation efforts, and the

methods used in these efforts, as well as describe the fossils collected and their significance. A copy of the report shall be provided to Regional Planning and to the Natural History Museum of Los Angeles County

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would damage or destroy a paleontological resource. The project impacts are considered significant but would be reduced to a level that is less than significant with implementation Mitigation Measure 4.5-7LA.

Significant Effect

The project would disturb human remains, including those interred outside of formal cemeteries. (Impact 4.5-4)

Description of Significant Impact

There is no indication, either from the archival research results or the archaeological survey, that any particular location in the project area has been used for human burial purposes in the recent or distant past. However, in the event that human remains are inadvertently discovered during project construction activities, the human remains could be inadvertently damaged, which could be a significant impact.

Finding

The project's potential to uncover buried archaeological deposits including human remains is considered significant; however, potential adverse effects caused by the project could be mitigated to a less-than-significant level.

MM 4.5-8LA: If human skeletal remains are uncovered during project construction, the project proponent (depending upon the project component) shall immediately halt work, contact the Los Angeles County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.4 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are American Indian, the project proponent shall contact the NAHC, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641). Per Public Resources Code 5097.98, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the American Indian human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section (PRC 5097.98), with the most likely descendents regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to buried archaeological resources including human remains. The project impacts are considered significant but would be reduced to a level that is less than significant with implementation of Mitigation Measure 4.5-8KC.

C. Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.

The project would not have any environmental effects on cultural resources that cannot be mitigated to a

less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

Significant Effect

The project would result in cumulatively significant impacts to cultural resources.

Description of Significant Impact

The project area contains a significant archaeological and historical record that, in many cases, has not been well-documented or recorded. Thus, there is the potential for ongoing and future development projects in the vicinity to disturb landscapes that may contain known or unknown cultural resources.

The potential construction impacts of the proposed project, in combination with other projects in the area, could contribute to a cumulatively significant impact on cultural resources. Future projects with potentially significant impacts to cultural resources would be required to comply with federal, State, and local regulations and ordinances protecting cultural resources through implementation of similar mitigation measures during construction. Nonetheless, excavation activities associated with the proposed project in conjunction with other projects in the area could contribute to the progressive loss of fossil remains, as-yet unrecorded fossil sites, associated geological and geographic data, and fossil bearing strata.

Finding

The proposed project has the potential to result in cumulatively considerable impacts related to cultural resources, specifically in regards to the progressive loss of historical, archaeological, and paleontological resources resulting from excavation activities associated with projects in the cumulative impacts scenario. The implementation of Mitigation Measures 4.5-1LA through 4.5-8LA would reduce impacts to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce cumulative impacts caused by the project. With the implementation of Mitigation Measures 4.5-1KC and 4.5-8KC, these cumulative land use impacts would be considered less than significant.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

The project would not have any cumulative effects on cultural resources that would have a significant impact.

GREENHOUSE GAS EMISSIONS

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

The project would not generate greenhouse gas emissions, either directly or indirectly, that may

have a significant impact on the environment. (Impact 4.6-1)

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

The project would not have any environmental effects related to greenhouse gas emissions that are potentially significant but can be mitigated to less-than-significant levels.

C. Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.

The project would not have any environmental effects related to greenhouse gas emissions that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

Cumulative impacts related to greenhouse gas emissions would result in a less-than-significant impact on the environment.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

There would be no cumulative impacts on greenhouse gas emissions that would have a significant impact on the environment.

HYDROLOGY AND WATER QUALITY

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

The project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table. (Impact 4.7-1)

The project would not substantially alter the existing drainage patterns of the project site or area, including through the alteration of the course of a stream or river, in a manner than would result in substantial erosion on-site or off-site. (Impact 4.7-2)

The project would not substantially alter the existing drainage patterns of the project site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of runoff in a manner than would result in substantial flooding on-site or off-site. (Impact 4.7-3)

The proposed project would not place within a 100-year flood hazard area structures that would impede or redirect flood flows. (Impact 4.7-4)

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The project would place within a 100-year flood hazard area structures that would impede or redirect flood flows (Impact 4.7-4)

Description of Significant Impact

A large portion of the project footprint is situated within the 100-year floodplain. However, because the solar panels would be elevated several feet above ground level, less than one percent of the project site would be covered by structures which would impede or redirect flood flows. Nevertheless, these structures and grading associated with construction, could alter the existing flood flows on site.

Finding

The project has the potential to alter existing flood flows on the site and redirect these flood flows onto other parcels. This impact can be mitigated to a less than significant level with the approval of stormwater and drainage plans for the site, or restriction to no solar panels within these areas.

MM. 4.7-1LA: Compliance with the goals, policies, and implementation measures of the County General Plan is required. No additional mitigation measures are proposed.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that could alter or impede flood flows. The project impacts are considered less than significant and would be further reduced with implementation of Mitigation Measures 4.7-1LA.

C. Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.

The project would not have any environmental effects on hydrology and water quality that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

There are no cumulative impacts on hydrology and water quality that would be reduced to a less-than-significant level with the incorporation of mitigation measures.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

The project would not have any cumulative effects on hydrology and water quality that would have a significant impact.

LAND USE AND PLANNING

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

The project would not conflict with any applicable land use plan, policy, or regulation of an agency with

jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. (Impact 4.8-1)

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

The project would not have any environmental effects on land use that are potentially significant and that cannot be mitigated to less-than-significant levels.

C. Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.

The project would not have any environmental effects on land use and planning that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

Significant Effect

The project would result in cumulative land use and planning impacts.

Description of Significant Impact

Should solar power generation facilities cease to be commercially viable enterprises, there is the potential for multiple facilities covering thousands of acres to be abandoned within the County. The cumulative effects of such abandonment could result in impacts on surrounding land uses. In addition, the military has identified potential conflicts between users of the radio frequency spectrum located both on and off military installations with implementation of the proposed project along with other cumulative renewable energy projects. Operations of unmanned radio-controlled aircraft flights can result in electronic interference from other sources of radio signals.

Finding

The proposed project has the potential to result in cumulatively considerable impacts related to land use consistency, specifically in regards to abandonment and compatibility with military uses. The following mitigation measures are proposed and would reduce impacts to a less-than-significant level.

MM 4.8-1LA: Prior to issuance of any building permit the applicant shall provide the County with a Decommissioning Plan for review and approval by the County, or a County-contracted consulting firm(s) at a cost to be borne by the project proponent. The Decommissioning Plan shall factor in the cost to remove the solar panels and support structures, replacement of any disturbed soil from removal of support structures, and control of fugitive dust on the remaining vacant land. Preservation of the vegetation planted on the site as part of the operational landscape re-vegetation and restoration plan is sufficient to fulfill the fugitive dust control requirement and shall be outlined in the Decommissioning Plan. Salvage value for the solar panels and support structures shall be included in the financial assurance calculations. The assumption, when preparing the estimate, is that the project proponent is incapable of performing the work or has abandoned the solar facility, thereby resulting in the County hiring an independent contractor to perform the decommissioning work. In addition to submittal of a Decommissioning Plan, the project proponent shall post or establish and maintain with the County financial assurances related to the deconstruction of the site as identified on the approved Decommission Plan should at any point in time

the project proponent determine it is not in their best interest to operate the facility.

The financial assurance required prior to issuance of any building permit shall be established using one of the following:

- (a) An irrevocable letter of credit,
- (b) A surety bond,
- (c) A trust fund in accordance with the approved financial assurances to guarantee the deconstruction work will be completed in accordance with the approved decommission plan; or
- (d) other financial assurances as reviewed and approved by the respective County administrative offices, in consultation with the Kern County Planning and Community Development Department or Regional Planning, as applicable.

The financial institution or Surety Company shall give the County at least 120 days notice of intent to terminate the letter of credit or bond. Financial assurances shall be reviewed annually by the respective counties or County-contracted consulting firm(s) at a cost to be borne by the project proponent to substantiate that adequate funds exist to ensure deconstruction of all solar panels and support structures identified on the approved Decommission Plan. Should the project proponent deconstruct the site on their own, the Counties will not pursue forfeiture of the financial assurance. Once deconstruction has occurred, financial assurance for that portion of the site will no longer be required and any financial assurance posted will be adjusted or returned accordingly. Any funds not utilized through decommission of the site by the County shall be returned to the project proponent.

Should any portion of the solar field not be in operational condition for a consecutive period of twenty-four (24) months that portion of the site shall be deemed abandoned and shall be removed within sixty (60) days from the date a written notice is sent to the property owner and solar field owner, as well as the project operator, by the Counties. Within this sixty (60) day period, the property owner, solar field owner, or project operator may provide the respective planning departments a written request and justification for an extension for an additional twelve (12) months. The Director of Regional Planning shall consider the request in accordance with applicable County Code requirements. In no case shall a solar field which has been deemed abandoned be permitted to remain in place for more than forty-eight (48) months from the date the solar facility was first deemed abandoned.

MM 4.8-2LA: Prior to the operation of the solar facility, the applicant shall consult with the Department of Defense to identify the appropriate Frequency Management Office officials to coordinate the use of telemetry to avoid potential frequency conflicts with military operations.

MM 4.8-3LA: Prior to issuance of a grading permit, the applicant shall obtain authorization to modify the tree planting requirements of the County Green Building Ordinance from the County Director of Public Works and shall comply with all considerations and other terms of the Green Building Ordinance requirements to the satisfaction of the Director of Public Works (see Sections 22.52.2130.C.5 and Section 22.52.2150 of the Los Angeles County Code).

MM 4.8-4LA: Prior to commencement of operations, the project proponent must submit a landscape revegetation and restoration plan for the project site. Ground cover must be native low-lying vegetations and must be installed under the solar panels on the entire site. Plants to be used must be determined through consultation with local experts and must be approved by Regional Planning Director prior to planting. The plan must include a timeline for planting of vegetation, percentage of site to be covered,

plants to be installed and detail the consultation efforts completed, and the methods and schedule for proposed maintenance, installation of wildlife-friendly fencing, prohibition on the use of rodenticides, and installation of desert kit fox dens, including escape and pupping dens. Ground cover must be continuously maintained on the project site by the project proponent in accordance with the County Zoning Ordinance. All areas identified for re-vegetation and restoration improvements shall be evaluated for compliance with the re-vegetation and restoration plan annually for a period of 3 years, beginning from the commercial operation date of the entire project, and with an annual evaluation report submitted to Regional Planning Director.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce cumulative impacts caused by the project. With the implementation of Mitigation Measures 4.8-1LA and 4.8-2LA included below, these cumulative land use impacts would be considered less than significant.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

The project would not have any cumulative effects on land use and planning that would have a significant impact.

PUBLIC SERVICES

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

The project would not have any environmental effects related to public services that result in no impacts or only less-than-significant impacts.

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The proposed project would result in adverse physical impacts associated with the provision of new or physically altered governmental facilities, and/or result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services, which include: fire protection and police protection. (Impact 4.9-1)

Description of Significant Impact

The project would result in substantial adverse physical impacts associated with the provision of or need for new or altered governmental facilities, the construction of which would result in significant environmental impacts, in order to maintain acceptable service ratios, response times, or to other performance objectives for the following public services: fire protection and police/sheriff protection. Mitigation Measures 4.9-1LA and 4.9-2LA would reduce potential adverse effects caused by the project to a less-than-significant level.

MM 4.9-1LA:

- a. The applicant shall work with County staff in Kern and Los Angeles Counties to determine how the receipt of sales and use taxes related to the construction of the project will be maximized. The sales and use taxes shall be divided between the two Counties proportionate to the amount of the project to be constructed in their respective jurisdictions. This process shall include, but is not necessarily limited to: applicant obtaining a street address within the unincorporated portion of the respective County for acquisition, purchasing, and billing purposes; applicant registering this address with the State Board of Equalization; applicant using this address for acquisition, purchasing, and billing purposes associated with the proposed project; and applicant allowing the respective County to use this sales tax information publicly for reporting purposes.

MM 4.9-2LA: The applicant will develop and implement a fire safety plan for use during construction and operation. The applicant will submit the plan, along with maps of the project site and access roads, to the County Fire Department for review and approval prior to the issuance of any building permit or grading permits. The fire safety plan will contain notification procedures and emergency fire precautions including, but not limited to, the following:

- a. All internal combustion engines, stationary and mobile, will be equipped with spark arresters. Spark arresters will be in good working order.
- b. Light trucks and cars with factory-installed (type) mufflers will be used only on roads where the roadway is cleared of vegetation. These vehicle types will maintain their factory-installed (type) muffler in good condition.
- c. Fire rules will be posted on the project bulletin board at the contractor's field office and areas visible to employees.
- d. Equipment parking areas and small stationary engine sites will be cleared of all extraneous flammable materials.
- e. Personnel will be trained in the practices of the fire safety plan relevant to their duties. Construction and maintenance personnel will be trained and equipped to extinguish small fires in order to prevent them from growing into more serious threats.
- f. The applicant will make an effort to restrict use of chainsaws, chippers, vegetation masticators, grinders, drill rigs, tractors, torches, and explosives to outside of the official fire season. When the above tools are used, water tanks equipped with hoses, fire rakes, and axes will be easily accessible to personnel.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project that result in substantial adverse physical impacts associated with the provision of or need for new or altered governmental facilities, the construction of which would result in significant environmental impacts, in order to maintain acceptable service ratios, response times, or to other performance objectives for any of the following public services: fire protection, police/sheriff protection, schools, parks or other facilities. Project impacts to fire protection and police/sheriff protection are considered significant, but would be reduced to a level that is less than significant with implementation of Mitigation Measures 4.9-1LA and 4.9-2LA.

C. *Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.*

The project would not have any environmental effects on public services that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

The project would not result in a cumulative effect on public services that would have a significant impact.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

The project would not have any cumulative effects on public services that would have a significant impact.

TRANSPORTATION AND TRAFFIC

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

The project would not exceed, either individually or cumulatively, a Level Of Service (“LOS”) standard established by the county Congestion Management Agency or adopted county threshold for designated roads or highways. (Impact 4.10-1)

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The project would exceed, either individually or cumulatively, an LOS standard established by the county congestion management agency or adopted county threshold for designated roads or highways. (Impact 4.10-1)

Description of Significant Impact

The project would result in increased traffic in the project area, especially during construction. Mitigation Measures 4.10-1LA through 4.10-2LA would reduce potential adverse effects caused by the project to a less-than-significant level.

MM 4.10-1LA: Prior to any construction activities and/or issuance of required encroachment permits from Caltrans and County, the project proponent shall prepare worksite traffic control plans for review and approval from Caltrans and the County Department of Public Works. The plans shall include: 1) the location and usage of appropriate construction work warning signs that shall be placed in accordance with Caltrans Manual on Uniform Traffic Control Devices; 2) proper merging taper and/or shifting lane schematics; and 3) adequate work area and buffer zone designation as well as proper location and conduct of flagmen and the traffic management supervisor at the installation worksite area. The project worksite traffic control plans shall be coordinated with driver and worker safety in mind. Where the observed speed limit on affected roadways is 55 MPH or more, the plans shall incorporate and implement the following minimum standard requirements per the Work Area Traffic Control Handbook (WATCH):

- A Type C flashing arrow pane shall be used for each closed lane.
- The minimum height for traffic cones shall be 28 inches.
- A minimum of three advance warning signs shall be posted.
- Consideration of advanced safety enhancement measures shall be taken into account for workers in the work zones.

The above safety and traffic control measures identified in the traffic control plans shall also be implemented at pole installation sites within the public road right-of-way and/or roadway crossings at a minimum.

Additionally, the County, including the County Fire Department (LACFD) Fire Stations 78 and 112 shall be notified at least three days in advance of any street closures that may affect fire and/or paramedic responses in the area. Applicant shall provide alternate route (detour) plans to Los Angeles County, including three sets to the LACFD, with a tentative schedule of planned closures, prior to the beginning of construction.

MM 4.10-2LA: Prior to issuance of grading permit, the project proponent shall document and submit all required information and/or material pertaining to the pavement conditions of 170th Street West including the formula for calculating the project's fair share of any repair and/or reconstruction of 170th Street West to the satisfaction of County Department of Public Works (LACDPW). The project proponent shall reimburse the County of Los Angeles for the cost of any repairs and/or reconstruction of 170th Street West attributable to the project as agreed to by the LACDPW. The timing of any necessary repairs and/or reconstruction of 170th Street West and the required payment by the project proponent shall be determined by LACDPW.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project that result in substantial adverse physical impacts associated with traffic and circulation. These impacts are considered significant, but would be reduced to a level that is less than significant with implementation of Mitigation Measures 4.10-1LA through 4.10-2LA.

C. Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.

The project would not have any environmental effects on transportation and traffic that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

There are no cumulative impacts on transportation and traffic that would be reduced to a less-than-significant level with the incorporation of the proposed mitigation measures.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

There are no cumulative impacts on transportation and traffic that would have a significant impact on the

environment.

SECTION III. FINDINGS REGARDING CONSIDERATIONS, WHICH MAKE CERTAIN ALTERNATIVES, ANALYZED IN THE FINAL ENVIRONMENTAL IMPACT REPORT INFEASIBLE.

The following findings and brief explanation of the rationale for the findings regarding project alternatives identified in the EIR are set forth to comply with the requirements of Section 15091(s)(3) of the *CEQA Guidelines*.

The consideration of alternatives is an integral component of the CEQA process. The selection and evaluation of a reasonable range of alternatives provides the public and decision-makers with information on ways to avoid or lessen environmental impacts created by a proposed project. When selecting alternatives for evaluation, CEQA requires alternatives that meet most of the basic objectives of the project, while avoiding or substantially lessening the project's significant effects. Thus, objectives for the proposed project were considered by this board in evaluating the alternatives. These objectives are to:

- Assist in achieving the State's Renewables Portfolio Standard and greenhouse gas emissions reduction objectives to the maximum extent possible based on anticipated transmission facility capacity and reserved queue position.
- Locate solar power plant facilities as near as possible to electrical transmission facilities with anticipated capacity and reserved queue position.
- Site the project in an area with excellent solar energy resource, in order to maximize productivity from the photovoltaic panels.
- To the extent feasible, site the project on disturbed land.
- Use a proven and available solar photovoltaic technology.
- Ensure that the project can be constructed, and power provided at a competitive price.
- Co-locate solar power plant facilities with underground water bank facilities in order to maximize use of water bank land and minimize the cost of providing solar renewable energy.

Four alternatives to the project have been defined and analyzed. Section 15126.6 of the *CEQA Guidelines* provides that alternatives do not need to be evaluated to the same level of detail as the proposed project.

ALTERNATIVE A: NO PROJECT

Under the Alternative A: No Project, the existing land uses on the 1,243-acre project site, which include agriculture, and vacant desert land, would continue. In addition, existing ancillary structures, such as the roadways providing access to the project area, would remain in their current capacity. The undeveloped setting of the project site would continue for an indefinite period and no physical changes within the project site would occur. The No Project Alternative would maintain the current zoning and land use designations.

Finding

The No Project Alternative would avoid some impacts associated with the proposed project's short-term, long-term, and cumulative impacts, but would result in a greater long-term and cumulative impacts in certain environmental issue areas. Unlike the proposed project, this alternative would not have significant

and unavoidable impacts associated with aesthetics (project-level and cumulative), agriculture resources (project-level and cumulative), air quality (cumulative), or biological resources (cumulative). Long-term air quality and greenhouse gas impacts would be substantially greater with the No Project Alternative because solar energy production from the project would not displace more heavily polluting sources of electricity generation. In addition, this alternative would not meet any of the project's objectives. On balance, because the No Project Alternative would not provide the long-term air quality and greenhouse gas benefits of the Project, and because the County finds accomplishment of the project objectives to be desirable from a public policy perspective and the No Project alternative does not accomplish those objectives, the County rejects the No Project Alternative.

ALTERNATIVE B: REDUCED PROJECT

Under Alternative B: Reduced Project Alternative, development would involve a 82-percent reduction in project size, thereby avoiding all Williamson Act contract land and Important Farmlands on the site. The project under this alternative would consist of a 34-megawatt (MW) solar photovoltaic generating facility on 225 acres. This alternative would continue to require a CUP. Under this alternative, the following specific project components could be reduced in number or size in comparison to the proposed project:

- A solar field of photovoltaic panels and associated improvements (e.g., access roads, fencing, secondary access drives, combiners, etc.),
- An electrical collection system (transformer and inverter) that aggregates the output from the photovoltaic panels and converts the electricity from DC to alternating current AC,
- The transmission line to SCE, and
- A project substation.

Finding

The Reduced Project Alternative would reduce impacts associated with aesthetics, agriculture resources, air quality (project-level), biological resources (project-level), cultural resources, and traffic and transportation, when compared to the proposed project. Despite a reduction in their severity, significant and unavoidable impacts to aesthetics (project-level and cumulative), air quality (cumulative), and biological resources (cumulative) would remain.

The Reduced Project Alternative would have similar impacts associated with hydrology and water quality, land use and planning, and public services, when compared to the proposed project. Once operational, this alternative would result in greater impacts to long-term air quality (project-level) and greenhouse gases than the proposed project because solar energy production would not displace as great of a quantity of more heavily polluting sources of electricity generation, compared with the Project.

Therefore, the Reduced Project Alternative would reduce impacts in most environmental issue areas as compared to the proposed project, but would result in negative long-term impacts to air quality and greenhouse gases.

This alternative partially accomplishes the project objectives. However, it meets certain objectives to a lesser degree than the proposed project. Among these are:

- Assist in achieving the State's Renewables Portfolio Standard and greenhouse gas emissions reduction objectives to the maximum extent possible based on anticipated transmission facility capacity and reserved queue position.

- Ensure that the project can be constructed, and power provided at a competitive price.

On balance, because the Reduced Project Alternative would provide lesser long-term air quality and greenhouse gas benefits than the Project, and because the County finds accomplishment of the project objectives to be desirable from a public policy perspective and the Reduced Project Alternative would not accomplish those objectives as fully as the Project, the County rejects the Reduced Project Alternative.

ALTERNATIVE C: BUILD-OUT OF EXISTING LAND USE

Under Alternative C: Build-Out of Existing Land Use, the project site could be developed to the maximum intensity allowed under the land use designations of the County General Plan and Antelope Valley Areawide General Plan within the Los Angeles County portions of the project site. Implementation of the Build-Out of Existing Land Use Alternative would consist of development under the current land use designations of N1 Non-urban 1 (0.5 du/ac) in Los Angeles County. This alternative would yield approximately 10,800 residential units. Under this alternative, no utility scale solar photovoltaic panels would be developed, as those entitlements do not currently exist on-site.

Finding

The Build-Out of Existing Land Use Alternative would not avoid the significant and unavoidable impacts of the proposed project related to aesthetics, agriculture resources, air quality or biological resources. While this alternative would reduce impacts to agricultural lands, the impact remains significant and unavoidable. The Build-Out of Existing Land Use Alternative would result in fewer impacts to land use and planning as compared to the proposed project. However, this alternative increases project impacts related to air quality, biological resources, greenhouse gas emissions, hydrology and water quality, and traffic and transportation. This alternative would not meet any of the project objectives, such as helping meet California's Renewables Portfolio Standard goals.

On balance, because the Build-Out of Existing Land Use Alternative would not provide the long-term air quality and greenhouse gas benefits of the Project, because it would increase impacts to hydrology and water quality and to traffic and transportation compared with the Project, and because the County finds accomplishment of the project objectives to be desirable from a public policy perspective and the Build-Out of Existing Land Use Alternative would not accomplish those objectives, the County rejects the Build-Out of Existing Land Use Alternative.

ALTERNATIVE D: NO UTILITY-SCALE SOLAR DEVELOPMENT—DISTRIBUTED COMMERCIAL AND INDUSTRIAL ROOFTOP SOLAR ONLY

Alternative D: No Utility-Scale Solar Development would involve the development of a number of geographically distributed small to medium solar photovoltaic systems (100 kilowatts to 1 MW) within existing developed areas, typically on the rooftops of commercial and industrial facilities situated throughout the County. Under this alternative, no new land would be developed or altered. However, depending on the type of solar modules installed and the type of tracking equipment used (if any), a similar or greater amount of acreage (i.e., greater than 4,782 acres of total rooftop area) may be required to attain the proposed project's capacity of 650 MW of solar photovoltaic generating capacity. Because of space or capital cost constraints, many rooftop solar photovoltaic systems would be fixed-axis systems or would not include the same type of sun-tracking equipment that would be installed in a freestanding utility-scale solar photovoltaic project and, therefore, would not attain the same level of efficiency with

respect to solar photovoltaic generation. This alternative would enable the generation of 650 MW of electricity, but it would be for on-site use only. This alternative assumes that rooftop development would occur primarily on commercial and industrial structures due to the greater availability of large, relatively flat roof areas necessary for efficient solar installations.

Finding

The No Utility-Scale Solar Development Alternative would reduce impacts associated with aesthetics, agriculture resources, air quality, biological resources, cultural resources, greenhouse gases, public services, and traffic and transportation when compared to the proposed project. Impacts related to hydrology and water quality and land use and planning would be similar to those of the proposed project.

This alternative would partially achieve the project objectives, such as assisting in achieving the State's Renewables Portfolio Standard and greenhouse gas reduction objectives, siting panels on disturbed areas and using a proven and available solar photovoltaic technology. Alternative D would not meet the following project objectives:

- Locate solar power plant facilities as near as possible to electrical transmission facilities with anticipated capacity and reserved queue position.
- Ensure that the project can be constructed, and power provided at a competitive price.
- Co-locate solar power plant facilities with underground water bank facilities in order to maximize use of water bank land and minimize the cost of providing solar renewable energy.

This alternative includes a number of drawbacks, including, but not limited to the following:

- There would be difficulties with respect to buildout of the system within a timeframe that would be similar to that of the proposed project.
- Given the distributed nature of such a network of facilities, management and maintenance would not be as efficient, and total capital costs would likely be higher.
- The requirement to negotiate with a large number of individual property owners to permit placement of solar panels on rooftops.
- The difficulty of ensuring proper maintenance of a large number of smaller solar installations.
- The lack of an effective electricity distribution system for large numbers of small electricity producers.

Given the size of the proposed project, the project objectives, the need to arrange a suitable assemblage of participating commercial and industrial properties and the challenges stated above, it is impractical and infeasible to propose a distributed generation project of this type and still proceed within a reasonably similar timeframe as the proposed project. Further, to achieve the State's Renewables Portfolio Standard, renewable power generation from multiple sources, including both utility scale solar and distributed solar power generation will be needed. Thus, the No Utility-Scale Solar Development Alternative does not replace, or eliminate the need for, the proposed project. On balance, because the County finds accomplishment of the project objectives to be desirable from a public policy perspective and the No Utility-Scale Solar Development Alternative would not accomplish those objectives as fully as the Project, the County rejects the No Utility-Scale Solar Development Alternative.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The *CEQA Guidelines* require the identification of an environmentally superior alternative to the project (*CEQA Guidelines*, Section 15126.6[e][2]). An environmentally superior alternative is an alternative to the project that would reduce and/or eliminate the significant environmental impacts associated with the project without creating other significant impacts and without substantially reducing and/or eliminating the environmental benefits attributable to the project.

Selection of an environmentally superior alternative is based on an evaluation of the extent to which the alternatives reduce or eliminate the significant impacts associated with the project on a comparison of the remaining environmental impacts of each alternative. In conducting this comparative evaluation, it can be difficult to make a determination of relative significance because some categories are relatively more or less important and cannot be simply summed. In some cases, these categories do not create a picture of the nuances of the alternatives.

Finding

The Environmentally Superior Alternative to the proposed project would be Alternative D: No Utility-Scale Solar Development—Distributed Commercial and Industrial Rooftop Solar Only. This alternative would avoid all significant and unavoidable impacts that would occur under the proposed project. No substantially adverse and long-term impacts would occur to the environment as a result of this alternative. This alternative would also result in fewer impacts to cultural resources, greenhouse gas emissions, public services, and traffic and transportation and similar impacts to hydrology and water quality and land use and planning as compared to the proposed project.

The no Utility-Scale Solar Development Alternative does not replace, or eliminate the need for, the proposed project. On balance, because the County finds accomplishment of the project objectives to be desirable from a public policy perspective and the No Utility-Scale Solar Development Alternative would not accomplish those objectives fully as the Project, the County rejects the No Utility-Scale Solar Development Alternative.

STATEMENT OF OVERRIDING CONSIDERATIONS

State CEQA Guidelines Section 15052

for

Antelope Valley Solar Project by Renewable Resources Group

**Project No. R2010-00808-(5)
Conditional Use Permit No. 201000071
Environmental Assessment No. 201000032**

**Final Environmental Impact Report
(SCH No. 2010031022)**

**Lead Agency: Kern County Planning and Community Development Department
Responsible Agency: Los Angeles County (“County”)**

The California Environmental Quality Act (CEQA) requires a public agency to balance the benefits of a proposed project against its significant unavoidable adverse impacts in determining to approve the project. The Antelope Valley Solar Project would result in environmental effects that, although mitigated to the extent feasible by the implementation of mitigation measures required for the project, would remain significant and unavoidable adverse impacts, as discussed in the final environmental impact report (EIR) and CEQA findings of fact. These impacts are summarized below and constitute those impacts for which this statement of overriding considerations is made.

1. Impact 4.1-2 (The project would substantially degrade the existing visual character or quality of the site and its surroundings). The proposed project would introduce a large utility-scale development into a predominantly rural landscape. Implementation of the proposed project would ultimately result in the placement of 1,243 acres of solar panels and associated infrastructure and new substations on the project site. Mitigation is proposed including regular site maintenance to reduce the collection of debris, the installation of visually-shielding fencing, and the placement of landscaping at intervals along the site perimeter. However, impacts to visual resources would be considered significant and unavoidable.
2. The project would result in cumulative aesthetics impacts. The proposed project would result in a cumulatively significant and unavoidable impact on aesthetics. Multiple projects, including several utility-scale solar energy production facilities, are proposed in the project vicinity. These projects would cover at least 9,000 acres within five miles of the project site. Combined, these have the potential to result in cumulative impacts to aesthetics when considered together with the proposed project. The project would have significant and unavoidable impacts

related to aesthetics after implementation of mitigation measures including regular site maintenance to reduce the collection of debris, the installation of visually-shielding fencing, and the placement of landscaping at intervals along the site perimeter. Other projects in the region would also be required to implement various mitigation measures to reduce impacts. However, the conversion of thousands of acres in a presently rural area to solar energy production uses cannot be mitigated to a degree that impacts are no longer significant.

3. Impact 4.2-1 (The project would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Department of Conservation, to nonagricultural use). The proposed project would convert approximately 4,357 acres of Prime Farmland within Kern and Los Angeles Counties to nonagricultural use. Mitigation measures are proposed to mitigate the loss of Farmland at a 1:1 ratio through the use of conservation easements, the purchase of credits from a farmland mitigation bank, or other means. However, because the preservation of agricultural land ultimately does not result in the replacement of land converted by the project, impacts to Farmland would be considered significant and unavoidable.
4. Impact 4.2-2 (The project would conflict with existing zoning for agricultural use or a Williamson Act Contract). The proposed project would not conflict with existing zoning for agricultural use, as solar energy generation is a conditionally permitted use within agricultural zones in the County. However, because the preservation of agricultural land does not ultimately result in the replacement of contracted land converted by the project, impacts related to conflicts with existing Williamson Act Contracts would be considered significant and unavoidable.
5. Impact 4.2-4 (The project would result in the cancellation of an open space contract made pursuant to the California Land Conservation Act of 1965 or Farmland Security Zone Contract for any parcel of 100 or more acres (PRC Section 15206(b)(3))).
6. The project would result in cumulative agricultural resources impacts. The proposed project would result in a cumulatively significant and unavoidable impact on agriculture resources. Multiple projects, including several utility-scale solar energy production facilities, are proposed in the project vicinity. These projects would cover at least 9,000 acres within five miles of the project site. A portion of this acreage may consist of agricultural lands. Combined, these projects have the potential to result in cumulative impacts to agriculture resources when considered together with the proposed project. The project and other projects in the region would be required to implement various mitigation measures to mitigate for the loss of farmland; however, the project's contribution to the conversion of thousands of acres of agricultural uses to solar energy production

uses cannot be mitigated to a degree that impacts are no longer considered significant.

7. The project would result in cumulative air quality impacts. Construction of the proposed project together with simultaneous construction of nearby, reasonably foreseeable planned projects in the area would result in significant cumulative air quality impacts. The majority of project emissions would occur temporarily during the construction phase, which is expected to start in 2013 and be completed over a 3-year period. After that, there would be minimal emissions and insignificant cumulative impacts during operation of the proposed project. Due to the uncertainty of other projects that may be constructed within the Mojave Desert Air Basin, it is assumed that temporary cumulative impacts from construction would remain significant and unavoidable.
8. The project would result in cumulative impacts to biological resources. Swainson's hawk is known to forage in the project area. As urbanization pressures increase within the County, impacts to biological resources within the region are increasing on a cumulative level. When considered with other past, present, and probably future projects, the proposed project would result in a cumulatively significant loss of some biological resources in the region, even with the implementation of mitigation. This is most notably the case for the cumulative loss of foraging habitat for the Swainson's hawk. Cumulatively under a full development scenario with other projects in the area, the loss of foraging habitat for Swainson's hawk may total more than 16,000 acres, or approximately 8 percent of the foraging habitat within 10 miles of known nests. Mitigation measures are proposed to reduce this overall cumulative impact, including the conservation of farmland within the foraging habitat of the Swainson's hawk as defined by the California Department of Fish and Game; however, impacts would still remain significant and unavoidable. Therefore, the proposed project, coupled with other development proposed in the area, would result in a cumulatively significant and unavoidable impact to biological resources.

Findings

The County Regional Planning Commission ("Planning Commission") finds and determines that it has considered the identified means of lessening or avoiding the project's significant effects and that to the extent any significant direct or indirect environmental effects, including cumulative project impacts, remain unavoidable or not reduced to below a level of significance after mitigation, such impacts are at an unacceptable level in light of the social, legal, economic, environmental, technological, and other project benefits discussed below, and such benefits override, outweigh, and make "acceptable" any such remaining environmental impacts of the project (*CEQA Guidelines* Section 15092(b)).

The following benefits and considerations outweigh the identified significant and unavoidable adverse environmental impacts. All of these benefits and considerations are based on the facts set forth in the findings, the final EIR, and the record of proceedings for the project. Each of these benefits and considerations is a separate and independent basis that justifies approval of the project, so that if a court were to set aside the determination that any particular benefit or consideration would occur and justifies project approval, this Planning Commission would otherwise stand by its determination that the remaining benefit(s) or considerations are sufficient to justify and substantiate project approval.

Facts

Each benefit set forth below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, and the Planning Commission determines that the adverse environmental impacts of the project are “acceptable” if any of these benefits would be realized. The project would provide benefits to the County as follows:

1. The proposed project would help to meet the increasing demand for clean, renewable electrical power.
2. The proposed project would provide up to 188 megawatts of electricity, which would supply the energy needs of about 66,500 residences.
3. The proposed project would generate electricity that emits minimal amount of criteria air pollutants in the Antelope Valley Air Quality Management District.
4. The proposed project would displace more heavily polluting sources of electricity generation, resulting in a net decrease of between 169,453 and 484,353 carbon dioxide equivalents (CO₂e) per year.
5. The proposed project would assist the State of California in achieving the Renewables Portfolio Standards for 2010 and 2020 by providing a significant new source of renewable energy
6. The proposed project would help California meet its statutory and regulatory goal of increasing renewable power generation.
7. The proposed project would generate approximately 188 construction jobs, 4 full-time operations employees, and provide increased business for local contractors and vendors over the life of the facility.
8. The proposed project optimizes the use of the site, which possesses characteristics ideal for locating a solar energy facility. These characteristics include, but are not

limited to the project site's limited topography and high solar insolation, the site's proximity to the electrical grid and minimal conflicts with surrounding land uses.

9. The implementation of the proposed project would be consistent with the stated goals and policies of Chapter 3 of the County General Plan and Chapter 5 of the Antelope Valley Areawide Plan, as outlined in the Energy Element of the County General Plan, and the Antelope Valley Areawide General Plan.

**DRAFT CONDITIONS OF APPROVAL
PROJECT NO. R2010-00808-(5)
CONDITIONAL USE PERMIT NO. 201000071**

PROJECT DESCRIPTION

The project is for the construction, operation, and maintenance of a photovoltaic energy generating facility on approximately 1,238 gross acres subject to the following conditions of approval:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or entity making use of this grant.
2. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
3. This grant shall not be effective for any purpose unless and until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept all of the conditions of this grant, and that the conditions have been recorded as required by Condition No. 6, and until all required monies have been paid pursuant to Condition Nos. 7, 12 and 15. Notwithstanding the foregoing, this Condition No. 3, and Condition Nos. 7, 8, 9, and 10 shall be effective immediately upon final approval of this grant.
4. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
5. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the County Regional Planning Commission ("Commission") or a County Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the 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, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
6. Prior to the use of this grant the permittee, or the owner of the subject property if other than the permittee, shall record the terms and conditions of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the subject property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its terms and conditions to the

transferee or lessee, as applicable, of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director of Regional Planning ("Director").

7. Within three days of the final approval date of this grant, the permittee shall remit processing fees payable to the County in connection with the filing and posting of a Notice of Determination ("NOD") in compliance with section 21152 of the California Public Resources Code for Project No. R2010-00808-(5). Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to section 711.4 of the California Fish and Game Code, the permittee is responsible for the payment of fees established by said department for the project's impacts to fish and wildlife and to defray the cost of wildlife protection and management. The permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in section 711.4 of the Fish and Game Code (currently \$2914.25, which includes \$2839.25 for an Environmental Impact Report and a \$75.00 processing fee). No land use project subject to this requirement is final, vested, or operative until the fee is paid.
8. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of section 65009 of the California Government Code or any other applicable limitation period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall 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.
9. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing, pay Regional Planning an initial deposit of \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to the permittee or the permittee's counsel.

If during the litigation process actual costs or expenses 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 \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

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

cost for collection and duplication of records and other related documents shall be paid by the permittee in accordance with Section 2.170.010 of the County Code.

10. This grant shall expire unless used within two years from the date of final approval of the grant by the County. A single, one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. Upon expiration, entitlement to the use of the property shall be subject to the regulations then in effect.
11. This grant shall terminate on October 19, 2041. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new conditional use permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six months prior to the termination date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and will be subject to then-applicable regulations.
12. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. Within 60 days after final approval of this grant, the permittee shall deposit with Regional Planning 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. This fund provides for 15 biennial inspections (one every other year). Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

13. The permittee shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program ("MMP"), which is attached and incorporated by this reference as if set forth fully herein.
14. Within 30 days of the date of final approval of the grant by the County, the permittee shall record a covenant and agreement, which attaches the MMP and agrees to comply with the mitigation measures imposed by the Environmental Impact Report for this project, in the office of the Recorder. Prior to recordation of the covenant, the permittee shall submit a draft copy of the covenant and agreement to Regional Planning for review and approval. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall submit annual mitigation monitoring reports to Regional Planning for review or as required. The reports shall describe the status of the permittee's compliance with the required mitigation measures.
15. Within 60 days of the date of final approval of this grant by the County, the permittee shall deposit the sum of \$6,000.00 with Regional Planning in order to defray the cost of reviewing and verifying compliance with the information contained in the reports required by the MMP. The permittee shall retain the services of a qualified Environmental/Mitigation Monitoring Consultant, subject to the approval of the Director, to ensure that all applicable mitigation measures are implemented and reported in the required Mitigation Monitoring Reports.
16. Upon final approval of this grant, the permittee shall contact the County Fire Department to determine the requirements that must be satisfied for fire protection purposes related to the permittee's use. All such requirements shall be satisfied to the satisfaction of and within the timeframe set by said department. In addition, the permittee shall comply with all requirements set forth in the County Fire Department's letter dated September 9, 2011, attached hereto and incorporated herein by this reference.
17. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless otherwise modified as set forth in these conditions or as shown on the approved Exhibit "A" or a revised Exhibit "A" approved by the Director. Any subsequent changes to the project pursuant to a revised Exhibit "A" shall be submitted to Regional Planning for review and approval and shall be accompanied by the required fee. All revised plans must be accompanied by the written authorization of the property owner(s) for such revisions.
18. All structures related to the permittee's use shall conform to the requirements of the County Department of Public Works ("Public Works), Division of Building and Safety. In addition, the permittee shall comply with all requirements and conditions set forth in Public Works' letter dated October 6, 2011, attached hereto and incorporated herein by this reference, to the satisfaction of said department.

19. Except for seasonal decorations or signage provided by or for a civic or non-profit organization, all structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage that do not directly relate to the use of the property or provide pertinent information about the premises. In the event any such extraneous markings become visible, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of their visibility, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
20. The subject property shall be developed and maintained in substantial compliance with the approved Exhibit "A." If changes to the site plan are required as a result of direction given at the public hearing, the permittee shall submit four copies of the modified Exhibit "A" to Regional Planning within 60 days of the date of final approval. All revised plans must be accompanied by the written authorization of the property owner(s) for such revisions.
21. Prior to obtaining any building permit, the permittee shall provide the County with a decommissioning plan ("Decommissioning Plan") in connection with any and/or all of the terminating events described in Condition No. 24, which Plan shall include, at a minimum, a detailed plan for decommissioning and deconstructing the facility, and for restoration of the site (collectively referred to as "decommissioning"). The Decommissioning Plan shall be developed to the satisfaction of the Director and the Director of Public Works and subject to their review and approval.

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

- a. Removal of solar panel structures and all appurtenant above-ground equipment;
- b. Removal of on-site overhead poles and above-ground electricity lines;
- c. Removal of permanent above-ground transmission lines and poles located in the public right-of-way if determined not usable by Public Works and/or any other applicable public or private utility. Otherwise such transmission lines and poles shall be allowed to remain;
- d. Restoration of any disturbed soil and revegetation of the site to its pre-construction condition, with native vegetation similar to the vegetation in the surrounding vicinity;
- e. Restoration or reclamation of project roads to their pre-construction condition unless the then-existing owner of the site elects to retain the improved roads for access throughout the site;

- f. Documentation of the pre-construction condition of the project site, including, but not be limited to, a photographic record; and
 - g. Details of the performance and financial assurance guarantees described in Condition No. 22, explaining the amounts and schedule for the provision of such guarantees.
22. Prior to obtaining any building permits, the permittee shall provide to the County, to the satisfaction of the Director and the Director of Public Works, performance and financial assurance guarantees in an amount sufficient to ensure the performance of the approved Decommissioning Plan, as described in Condition No. 21. Additionally, the permittee shall be solely responsible for the costs and expenses associated with decommissioning the site after any of the terminating events described in Condition No. 24. In the event that the performance and financial assurance guarantees are not sufficient to fully compensate the County for the cost and expense of decommissioning the site, the permittee shall be responsible for compensating the County for any shortfall. In determining the sufficiency of the performance and financial assurance guarantees, the residual value of the solar panels, support structures, and other salvageable equipment (collectively "Salvageable Property") shall be considered. The residual value of the real property itself shall not be considered or included in the determination of whether the performance and financial assurance guarantees are sufficient.

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

- a. The permittee shall ensure that such guarantees are detailed in the approved Decommissioning Plan to the satisfaction of the Director and the Director of Public Works, and that such Decommissioning Plan shall explain the amounts and schedule for the provision of such guarantees;
- b. The permittee shall provide a report to the Director every five years after the date of final approval of this grant to confirm that the performance and financial assurance guarantees are sufficient to ensure performance and implementation of the Decommissioning Plan. The report shall be subject to review and approval by the Director and the Director of Public Works particularly as to whether the performance and financial assurance guarantees are adequate to meet existing conditions at the time of the report.

A decommissioning pro forma summarizing the residual value of the Salvageable Property shall be included in the report. The pro forma shall include, at a minimum, the expected revenue from all Salvageable Property, as defined in this Condition No. 22, the then-current cost of decommissioning the site, as required by the approved Decommissioning Plan, and the then-current value of any performance and financial

assurance guarantees that have been provided as of the date of such report. In the event it is determined that the performance and financial assurance guarantees are insufficient to perform the decommissioning of the site as required by the approved Decommissioning Plan, the permittee shall be required to provide additional performance and financial assurance guarantees to the satisfaction of the Director and the Director of Public Works;

- c. Any funds not used by the County in connection with decommissioning the site shall be returned to the permittee; and
- d. The performance and financial assurance guarantees may consist of, including, but not limited to, one or more of the following, to the satisfaction of the Director and the Director of Public Works:
 - 1) An irrevocable letter of credit;
 - 2) A surety bond;
 - 3) An appropriate insurance policy;
 - 4) A trust fund or escrow account established and maintained in accordance with approved financial assurances and practices to guarantee that decommissioning the site will be completed in accordance with the approved Decommissioning Plan as approved by the Department of Public Works; or
 - 5) Other financial assurances as reviewed and approved by the respective County administrative offices, in consultation with the Los Angeles County Department of Regional Planning.

A corporate guarantee shall not be considered a sufficient financial assurance guarantee.

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

to the subject property to perform such decommissioning or to allow a County-retained contractor to perform such decommissioning.

24. In the event that any portion of the solar field is not in operational condition for a consecutive period of 24 months, operations for that portion of the site shall be deemed to have been discontinued and that portion of the facility shall be removed from the site within 60 days from the date that written notice is sent to the permittee from Regional Planning. Within this 60-day period, the permittee may provide the Director a written request and justification for an extension of up to 12 months to resume operations of that portion of the site, which request shall be subject to the satisfaction and approval of the Director. A second written request and justification for a second extension of up to 12 months may also be submitted, which the Director may grant if the request is adequately justified based on the Director's determination. In no event shall the operations of the solar field or portion of the solar field be discontinued for more than 36 months from the date such operations were first deemed discontinued without being decommissioned pursuant to the approved Decommissioning Plan. Further, in no event shall any extension of the period to resume operations of any portion of the site pursuant to this Condition No. 24 be deemed to extend the term or expiration date of this grant.
25. Temporary structures, outside storage, staging areas, and concrete batching plants allowed for construction shall be removed from the project site within 120 days of project completion, but in no event shall any such temporary structures remain on site for longer than 36 months from the date of building permit issuance absent approval to extend this time period. In the event additional time beyond 36 months is needed to complete removal of temporary structures and related materials, the permittee shall submit a written request to the Director for review and approval for a time extension for up to one year to complete removal of these structures. Any other outside storage needed for the project shall comply with the requirements of Part 7 of section 22.52 of the County Code.
26. The permittee shall install portable wheel wash stations for the duration of construction activities to prevent the spread of invasive weed seed from the tire treads of vehicles entering and leaving the project sites. The seeds collected from the debris basins of these wash stations shall be disposed of in green waste or trash receptacles when the basins require maintenance.
27. The permittee shall not use the three groundwater wells that exist on the project site. The permittee shall not establish any additional groundwater wells on the project site.
28. The project shall be limited to a maximum use of 35 acre-feet per year ("AFY") or a total of 105 AFY of water for the duration of the project's 36-month construction period. The project shall be limited to a maximum use of 11 AFY of

water for operation of the project for the duration of this grant. Any water utilized on the subject property for operation of the project, including but not limited to facility operations, construction, periodic PV module washing, and domestic (potable) use, shall be supplied entirely from a source located outside of the Antelope Valley Groundwater Basin.

29. The permittee shall discontinue any past and existing irrigation on the project site prior to building permit issuance, and by no later than July 2014.
30. In the event that piped recycled water suitable for use in operating the project becomes available from the public right-of-way one mile from the project site at fair market value, and the permittee does not have an existing supply of water from a source located outside of the Antelope Valley Groundwater Basin, the permittee shall obtain the necessary permits to connect to the recycled water, construct access, and connect to and purchase the piped recycled water.
31. In the event that piped potable water becomes available from the public right-of-way one mile from the project site at fair market value and potable water becomes necessary for project operations and the permittee does not have an existing supply of water from a source located outside of the Antelope Valley Groundwater Basin, the permittee shall obtain the necessary permits to connect to the potable water, construct access, and connect to and purchase the piped potable water.
32. In the event groundwater use is restricted in the future pursuant to Court Order or Judgment and the permittee does not have an existing supply of water from a source located outside of the Antelope Valley Groundwater Basin, the permittee shall purchase water from County-authorized water purveyors, including County-authorized recycled water purveyors for non-potable uses, or authorized State Water Project contractors, and shall otherwise conform to the rules, regulations, and restrictions set forth in any applicable Court Orders or Judgment, including those rules, regulations, and restrictions that would permittee to pay assessments, if any.
33. The permittee shall maintain all landscaping in a neat, clean, and healthful condition, and shall properly prune, weed, remove litter, fertilize, and replace plants when necessary. Watering facilities shall consist of a water-efficient irrigation system, such as a drip irrigation, which shall only be used to establish and maintain the plantings in all landscaped areas.
34. All lighting and use of lights shall be designed and installed in a manner that will further the principles of the International Dark Sky Association, as approved by the Director, and shall employ motion detecting sensors that are designed to be triggered by human activity on the site.

35. The permittee shall comply with all applicable guidelines of Chapter 4.8 of the Water Quality Control Plan for the Lahontan Region.
36. The Regional Planning project number, conditional use permit number and lease holder contact information shall be prominently displayed on the facility accessible to the public where it can be easily viewed at or near eye level.
37. Washing of photovoltaic panels shall be limited to water and pressurized water.
38. All fencing shall be wildlife-friendly fencing up to a height of seven feet.
39. The permittee shall construct all power lines underground to the satisfaction of Public Works except where above ground power lines are required by Kern County at the County border.
40. No later than prior to building permit issuance, the permittee shall submit a landscaping plan for the subject property that include, but is not limited to, a plan for appropriate vegetation of the site in the vicinity of the PV module installations. Such landscaping plan shall provide for the use of native and/or drought tolerant plants as feasible and shall be subject to the review and approval of Regional Planning.

SMT:at
October 20, 2011

Attachments

Mitigation Monitoring and Reporting Program
Department of Public Works letter dated October 6, 2011
Fire Department letter dated September 9, 2011

Table 1-6B
Los Angeles County
Mitigation Measures

Table 1-6B. Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
AESTHETICS (LOS ANGELES COUNTY)			
<p>Impact 4.1-1: The project would have a substantial adverse effect on a scenic vista.</p>	<p>Less than Significant</p>	<p>Compliance with the goals, policies; and implementation measures of the Kern County General Plan and Los Angeles County General Plan is required. No additional mitigation measures are proposed.</p>	<p>Less than Significant</p>
<p>Impact 4.1-2: The project would substantially degrade the existing visual character or quality of the site and its surroundings.</p>	<p>Significant</p>	<p>MM 4.1-1LA: The applicant shall clear debris from the project area, including adjacent streets and easements, at least twice per year; this can be done in conjunction with regular panel washing and site maintenance activities. The applicant shall erect signs with contact information for the applicant's maintenance staff at regular intervals along the site boundary, as required by the Los Angeles County Department of Regional Planning. Maintenance staff shall respond within two weeks to resident requests for additional cleanup of debris.</p> <p>MM 4.1-2LA: During construction, any areas used for storage of equipment, vehicles, or construction materials and located within 200 feet of an occupied residence shall be screened from the residence using metal fence slats or similar view-screening materials. Such areas shall be maintained clear of debris. Maintenance staff shall respond within two weeks to resident requests for additional cleanup of construction waste or debris.</p> <p>Prior to start of operations, the applicant shall install metal fence slats or similar view-screening materials as approved by the Los Angeles County Department of Regional Planning in all on-site perimeter fencing adjacent to parcels zoned for residential use (R-1, R-2, R-3, R-A, or RPD), unless the adjacent property is owned by the project proponent (to be verified by the Department of Regional Planning) or a public or private agency that has submitted correspondence to the Department of Regional Planning requesting this requirement be waived. Should the project proponent or agency sell the adjacent property, slat fencing or similar view-screening materials will need to be installed prior to the sale.</p> <p>MM 4.1-3LA: Drought-tolerant plants, to be approved by the Los Angeles County Department of Regional Planning, shall be planted along the fence line at 500-foot intervals where the adjoining property is zoned for residential use (R-1, R-2, R-3, R-A, or RPD), unless the adjacent property is owned by the project proponent (to be</p>	<p>Significant and Unavoidable</p>

Table 1-6B (cont.). Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
<p>Impact 4.1-3: The project would create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.</p>	<p>Significant</p>	<p>verified by the Department of Regional Planning) or a public or private agency that has submitted correspondence to the Department of Regional Planning requesting this requirement be waived. Should the project proponent or agency sell the adjacent property, drought-tolerant will need to be planted prior to the sale.</p> <p>MM 4.1-4LA: Project facility lighting shall be designed to provide the minimum illumination needed to achieve safety and security objectives. All lighting shall be directed downward and shielded to focus illumination on the desired areas only and avoid light trespass into adjacent areas. Lenses and bulbs shall not extend below the shields.</p> <p>MM 4.1-5LA: Where appropriate, proposed on-site buildings (and, as appropriate, other equipment) shall use non-reflective materials and neutral colors as approved by the Los Angeles County Department of Regional Planning.</p> <p>MM 4.1-6LA: Solar panels and hardware shall be designed to minimize glare and spectral highlighting. To the extent feasible, emerging technologies shall be utilized that introduce diffusion coatings and nanotechnological innovations that will effectively reduce the refractive index of the solar cells and protective glass. These technological advancements are intended to make the solar panels more efficient at converting incident sunlight into electrical power, but have the tertiary effect of reducing the amount of light that escapes into the atmosphere in the form of reflected light, which would be the potential source of glare and spectral highlighting.</p>	<p>Less than Significant</p>
<p>Cumulative</p>	<p>Cumulatively Significant</p>	<p>Implementation Mitigation Measures 4.1-1 through 4.1-6.</p>	<p>Cumulatively Significant and Unavoidable</p>
AGRICULTURE AND FOREST RESOURCES (LOS ANGELES COUNTY)			
<p>Impact 4.2-1: The project would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring</p>	<p>Significant</p>	<p>MM 4.2-1LA: Prior to issuance of a grading or building permit, whichever occurs first, the applicant shall provide written evidence of completion of one or more of the following measures to mitigate the loss of Important Farmland at a ratio of 1:1 for net acreage before conversion and for Swanson's hawk. Net acreage is to be calculated by excluding existing roads. Due to the fact that the California Department of Fish and Game has indicated that agricultural land is the best foraging habitat for Swainson's hawk, acreages required for Swainson's hawk mitigation and for agricultural land mitigation are the same. A plot plan shall be submitted substantiating the net acreage calculation along with written evidence of compliance.</p>	<p>Significant and Unavoidable</p>

Table 1-6B (cont.). Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Program of the California Department of Conservation, to nonagricultural use.		<p>Farmland Options:</p> <ul style="list-style-type: none"> a) Funding and purchase of agricultural conservation easements (will be managed and maintained by an appropriate entity); b) Purchase of credits from an established agricultural farmland mitigation bank; c) Contribution of agricultural land or equivalent funding to an organization that provides for the preservation of farmland in California; or d) Participation in any agricultural land mitigation program adopted by Kern County that provides equal or more effective mitigation than the measures listed above. <p>Mitigation land would meet the definition of Prime Farmland or Farmland of Statewide Importance established by the State Department of Conservation on any qualifying land in the State of California. For the purposes of Swanson's hawk mitigation, completion of the selected measure(s) must be on qualifying land within the Antelope Valley (Kern or Los Angeles Counties) and must be within the foraging habitat of the Swainson's hawk as defined by the California Department of Fish and Game. The following options can be completed in any combination.</p> <p>Swainson's Hawk Options:</p> <ol style="list-style-type: none"> 1) Fund and purchase agricultural conservation easements (will be managed and maintained by an appropriate entity) on land that meets the definition of Prime Farmland or Farmland of Statewide Importance established by the State Department of Conservation in the Antelope Valley, and is within the foraging habitat of the Swainson's hawk as defined by the California Department of Fish and Game and within five miles of a known active Swainson's hawk nest. This option can be completed in conjunction with Option A as detailed above; 2) Fund and purchase a conservation easement (that will be managed and maintained by an appropriate entity) on native land within the Swainson's hawk foraging habitat in the Antelope Valley at a ratio to be determined through consultation with the California Department of Fish and Game within five miles of a known active Swainson's hawk nest; or 3) Should the project proponent exhaust all available land in the Antelope Valley, they must submit proof to the Los Angeles County Planning and Department. Once the proof has been accepted by the Los Angeles County Planning Department the project proponent must fund and purchase agricultural conservation easements (will be managed and maintained by an appropriate entity) on land that meets the 	

Table 1-6B (cont.) Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
		definition of Prime Farmland or Farmland of Statewide Importance established by the State Department of Conservation anywhere in the State of California. Qualifying land must be within the foraging habitat of the Swainson's hawk as defined by the California Department of Fish and Game and within ten miles of a known active Swainson's hawk nest.	
Impact 4.2-2: The project would conflict with existing zoning for agricultural use or a Williamson Act Contract.	Significant	Implementation of Mitigation Measure 4.2-1.	Significant and Unavoidable
Impact 4.2-3: The project would involve other changes in the existing environment that, because of their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forestland to non-forest use.	Less than Significant	Compliance with the goals, policies, and implementation measures of the Kern County General Plan and Los Angeles County General Plan are required. No additional mitigation measures are proposed.	Less than Significant
Impact 4.2-4: The project would result in the cancellation of an open space contract made pursuant to the California Land Conservation Act of 1965 or Farmland Security Zone Contract for any parcel of 100 or more acres (PRC Section 15206(b)(3)).	Significant	Implementation of Mitigation Measure 4.2-1.	Significant and Unavoidable
Cumulative	Cumulatively Significant	Implementation of Mitigation Measure 4.2-1.	Significant and Unavoidable

Table 1-6B (cont.). Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
<p>Impact 4.3-1: The project would conflict with or obstruct implementation of an applicable air quality plan.</p>	<p>Less than significant</p>	<p>MM 4.3-1IA: Construction and operation of the proposed project shall be conducted in compliance with applicable rules and regulations set forth by the Antelope Valley Air Quality Management District. Dust control measures outlined below shall be implemented where they are applicable and feasible. The list shall not be considered all-inclusive and any other measures to reduce fugitive dust emissions not listed shall be encouraged.</p>	<p>Less than significant</p>
		<p>a) Land Preparation, Excavation and/or Demolition. The following dust control measures shall be implemented:</p>	
		<p>i) All soil excavated or graded shall be sufficiently watered to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed soil areas. Watering shall take place a minimum of three times daily on unpaved/untreated roads used for active operations and on disturbed soil areas with active operations.</p>	
		<p>ii) All clearing, grading, earth moving, and excavation activities shall cease during periods of winds greater than 20 miles per hour (averaged over one hour), if disturbed material is easily windblown; or when dust plumes of 20 percent or greater opacity impact public roads, occupied structures or neighboring property.</p>	
		<p>iii) All fine material transported off-site shall be either sufficiently watered or securely covered to prevent excessive dust.</p>	
		<p>iv) Areas disturbed by clearing, earth moving, or excavation activities shall be minimized at all times.</p>	
		<p>v) Stockpiles of soil or other fine loose material shall be stabilized by watering or other appropriate method to prevent wind-blown fugitive dust.</p>	
		<p>vi) Where acceptable to the fire department, weed control shall be accomplished by mowing instead of discing, thereby, leaving the ground undisturbed and with a mulch covering.</p>	
		<p>b) Site Construction. After clearing, grading, earth moving and/or excavating, the following dust control practices shall be implemented:</p>	
		<p>i. Once initial leveling has ceased, all inactive soil areas within the construction site shall either be seeded and watered until plant growth is evident, treated</p>	

Table 1-6B (cont.). Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<ul style="list-style-type: none"> with a non-toxic dust palliative, or watered twice daily until soil has sufficiently crusted to prevent fugitive dust emissions. ii. All active disturbed soil areas shall be sufficiently watered at least twice daily to prevent excessive dust. iii. Vehicles accessing the site will be provided with oral instructions or maps depicting access routes to minimize travel on unimproved roadways in the vicinity of the site. 	
		<ul style="list-style-type: none"> c) Vehicular Activities. During all phases of construction, the following vehicular control measures shall be implemented: <ul style="list-style-type: none"> i. On-site vehicle speed shall be limited to 15 miles per hour. ii. All areas with vehicle traffic shall be paved, treated with non-toxic dust palliatives, or watered a minimum of twice daily. iii. Streets adjacent to the project site shall be kept clean and project related accumulated silt shall be removed. iv. Access to the site shall be by means of an apron into the project site from adjoining surfaced roadways. The apron shall be surfaced or treated with non-toxic dust palliatives. If operating on soils that cling to the wheels of vehicles, a grizzly or other such device shall be used on the road exiting the project site, immediately prior to the pavement, in order to remove most of the soil material from vehicle tires. v. The project proponent and/or its contractor(s) shall adopt travel routes and plans, as deemed appropriate, to minimize the inefficient use of vehicles and other equipment. vi. Diesel engine idle time shall be restricted to no more than 5 minutes as required by the CARB engine idling regulation. Exceptions in the regulation include vehicles that need to idle as part of their operation, such as concrete mixer trucks. 	
		<p>MM 4.3-2LA: The project proponent and/or its contractor(s) shall implement the following measures during construction of the proposed project:</p> <ul style="list-style-type: none"> a) All equipment shall be maintained as recommended by manufacturer's manuals. b) Equipment shall be shut down when not in use for extended periods of time. c) Construction equipment shall operate no longer than eight (8) cumulative hours 	

Table 1-6B (cont.). Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p>d) Electric equipment shall be used whenever possible in lieu of diesel or gasoline powered equipment.</p> <p>e) All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NO_x emissions.</p> <p>f) On-road and off-road diesel equipment shall use diesel particulate filters if permitted under manufacturer's guidelines.</p> <p>MM 4.3-3LA: Prior to issuance of the grading permit, the project proponent/engineering, procurement, and construction (EPC) contractor shall be required to demonstrate that the final construction plans will not result in exceedances of applicable Antelope Valley Air Quality Management District (AVAQMD) air emission significance thresholds, including criteria pollutant emission standards during construction of the project (except for emissions exceedances related to PM₁₀, which are identified in this EIR) to the satisfaction of AVAQMD and the Los Angeles County Department of Regional Planning. The emission calculations shall include consideration of the emission reductions provided by implementation of required mitigation measures in this EIR.</p> <p>Prior to issuance of a grading permit, the project proponent shall prepare a report describing the final engineering design-based plan for constructing the project, including: 1) scheduling of construction activities; 2) equipment usage and details; 3) construction workforce loading; 4) truck deliveries schedule; and 5) ground disturbing/dust generating activities, etc.</p> <p>MM 4.3-4LA: An air quality construction mitigation manager (AQCM) or delegate shall monitor all construction activities for visible dust plumes. Observations of visible dust plumes that have the potential to be transported: 1) off the project site; 2) 200 feet beyond the centerline of the construction of linear facilities; or 3) within 100 feet upwind of any regularly occupied structures not owned by the project owner indicate that existing mitigation measures are not resulting in effective mitigation. The AQCM or Delegate shall promptly implement additional dust plume reduction measures in the event that such visible dust plumes are observed. Additional measures to be implemented, as necessary, shall include increased watering, application of dust palliatives, and/or scaled back construction activities up to and including temporary work cessation.</p>	

Table 1-6B (cont.). Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p>MM 4.3-5LA: All portable construction diesel engines not registered under CARB's Statewide Portable Equipment Registration Program, which have a rating of 50 hp or more, and all off-road construction diesel engines not registered under CARB's In-use Off-road Diesel Vehicle Regulation, which have a rating of 25 hp or more, shall meet the projected 2011 fleet average of NO_x and PM emissions as that predicted by the OFFROAD2007 model. The engineering, procurement, and construction (EPC) contractor shall use the CARB Portable Diesel Engine Airborne Toxic Control Measure (ATCM) Fleet Calculators and the Off-road Diesel Fleet Average Calculators (for large/medium fleets) in accordance with the respective regulation under Title 13 of the California Code of Regulations (CCR) to conduct this comparison. No Tier 0 diesel equipment shall be used at the site after the initial calculation/registration without recalculation using the CARB fleet calculators. The fleet average calculation of the on-site equipment shall be conducted annually to ensure compliance. The EPC contractor shall ensure labeling of all portable and off road diesel equipment in accordance with Title 13 of the CCR.</p>	
		<p>MM 4.3-6LA: Where pile foundations are used, the engineering, procurement, and construction (EPC) contractor shall use 2006 model or newer engines in order to meet the EMFAC predicted emissions levels in grams of pollutant per mile travelled (g/mile) of on-road heavy duty diesel trucks used for water hauling at the site. The EPC contractor shall ensure labeling of such trucks to indicate model year.</p>	
		<p>MM 4.3-7LA: Any off-road stationary and portable gasoline powered equipment brought on site for construction activities shall have U.S. Environmental Protection Agency (USEPA) Phase 1/Phase 2 compliant engines, where the specific engine requirement shall be based on the new engine standard in effect two years prior to the commencement of project construction. In the event that USEPA Phase 1/Phase 2 compliant engines are determined not to be available, the project proponent shall provide documentation to the Antelope Valley Air Quality Management District (AVAQMD) with an explanation.</p>	
		<p>MM 4.3-8LA: Appropriate training for respiratory protection shall be provided to construction workers. Dust masks (NIOSH-approved) shall be provided with proper training to construction workers to mitigate the protection against dust exposure and possibly Valley Fever during high wind events and/or dust-generating activities.</p>	
<p>Impact 4.3-2: The project would violate an air</p>	<p>Less than Significant</p>	<p>Implementation of MM 4.3-1 through MM 4.3-8.</p>	<p>Less than Significant</p>

Table 1-6B (cont.). Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
<p>quality standard or contribute substantially to an existing or projected air quality standard.</p>	<p>Less than Significant</p>	<p>Implementation of MM 4.3-1 through MM 4.3-8.</p>	<p>Less than Significant</p>
<p>Impact 4.3-3: The project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard.</p>	<p>Less than Significant</p>	<p>Implementation of MM 4.3-1 through MM 4.3-8.</p>	<p>Less than Significant</p>
<p>Impact 4.3-4: The project would expose sensitive receptors to substantial pollutant concentrations.</p>	<p>Cumulatively Significant</p>	<p>Implementation of MM 4.3-1 through MM 4.3-8.</p>	<p>Significant and Unavoidable</p>
<p>BIOLOGICAL RESOURCES (LOS ANGELES COUNTY)</p>			
<p>Impact 4.4-1: The project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by CDFG or USFWS.</p>	<p>Significant</p>	<p>MM 4.4-1LA. The applicant shall provide environmental training to all personnel working on the site during project construction and operation in the form of a 'tailgate session.' The training shall include a review of special-status species known to occur in the project site to promote their awareness, and implementation measures if a species is encountered or killed. The sign-in sheet from this session shall be turned in to the Los Angeles County Department of Regional Planning. If a species is encountered or killed, the appropriate employee will be required to contact the on-call biological services provider and the Department of Regional Planning.</p> <p>MM 4.4-2LA. If an injured or dead special-status species is encountered during construction, the applicant shall stop work within the immediate vicinity. The applicant shall notify the Los Angeles County Department of Regional Planning, the on-</p>	<p>Less than Significant</p>

Table 1-6B (cont.). Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p>call biologist, and the appropriate resources agency (e.g., U.S. Fish and Wildlife Service or California Department of Fish and Game) and comply with any actions required before construction is allowed to proceed.</p> <p>MM 4.4-3LA: The following measures shall be implemented prior to issuance of a grading or building permit. Appropriate notes shall be included on any grading permit, building permit, or final map.</p> <p>a) Within 15 days of site clearing, a qualified biologist shall conduct a preconstruction migratory bird and raptor nesting survey. Surveys need not be conducted for the entire project site at one time; they may be phased so that surveys occur shortly before a portion of the site is disturbed. The surveying biologist must be qualified to determine the status and stage of nesting by migratory birds and all locally breeding raptor species without causing intrusive disturbance. This survey shall include species protected under the Migratory Bird Treaty Act including Swainson's hawk, LeConte's thrasher, and mountain plover. The survey shall cover all reasonably potential nesting locations for the relevant species on or closely adjacent to the project site.</p> <p>b) If an active nest is confirmed by the biologist, no construction activities shall occur within at least 300 feet of the nesting site until the end of the breeding season when the nest is confirmed to be no longer in use and the young have fledged. California Department of Fish and Game will be notified of the identification of active nests and will be consulted regarding resumption of construction activities.</p> <p>MM 4.4-4LA: To mitigate for the potential impacts to burrowing owls, the following measures shall be implemented as part of the approval for a grading or building permit. Appropriate notes shall be included on any grading permit, building permit or final map.</p> <p>To avoid impacts on western burrowing owl, the following guidelines, adapted from the California Department of Fish and Game (CDFG) <i>Staff Report on Burrowing Owl Mitigation</i> (CDFG, 1995), shall be implemented:</p> <p>a) A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) shall conduct a preconstruction survey to locate any breeding or wintering burrowing owls no more than 30 days prior to the start of construction.</p> <p>b) If no burrowing owls are detected, no further mitigation is necessary. If burrowing owls are detected, no ground-disturbing activities, such as road construction or</p>	

Table 1-6B (cont.). Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p>installation of turbines or ancillary facilities, shall be permitted within 250 feet of an active burrow during the breeding season (February 1-August 31), unless otherwise authorized by the CDFG. Occupied burrows should not be disturbed during the nesting season unless a qualified biologist approved by the CDFG, verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival.</p> <p>c) During the nonbreeding (winter) season (September 1-January 31), ground-disturbing work can proceed near active burrows as long as the work occurs no closer than 160 feet from the burrow and the site is not directly affected by the project activity. If active winter burrows are found that would be directly affected by ground-disturbing activities, owls can be displaced from winter burrows. A qualified wildlife biologist shall install one-way doors at the entrance to the active burrow and other potentially active burrows within 150 feet of the active burrow. Forty-eight hours after the installation of the one-way doors, the doors can be removed, and ground-disturbing activities can proceed.</p> <p>d) Should burrowing owls be found on-site, and if it is determined that the proposed project would reduce suitable habitat on-site below CDFG threshold levels, the habitat shall be replaced off-site if no suitable on-site habitat is available. Off-site habitat must consist of suitable burrowing owl habitat, as defined in the Burrowing Owl Survey Protocol, and the location shall be approved by the CDFG. The appropriate replacement ratio will be determined through consultation with the CDFG.</p> <p>MM 4.4-5LA: The following measures shall be implemented prior to issuance of a grading or building permit. Appropriate notes shall be included on any grading permit building permit, or final map:</p> <p>A qualified biologist shall conduct focused preconstruction surveys no more than two weeks prior to commencement of construction activities for potential American badger or desert kit fox dens. Copies of the completed surveys shall be turned in to the Los Angeles County Department of Regional Planning. The survey shall be conducted in areas of suitable habitat for American badger and desert kit fox, which includes fallow agricultural land and scrub habitats (a total of 360 acres on the project site). Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within two weeks prior to a portion of the site is disturbed. If no</p>	

Table 1-6B (cont.). Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p>potential American badger or desert kit fox dens are present, no further mitigation is required. If potential dens are observed, the following measures are required to avoid potential adverse effects to the American badger:</p>	
		<p>a) If the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent badgers or foxes from re-using them during construction.</p>	
		<p>b) If the qualified biologist determines that potential dens may be active, the entrances of the dens shall be blocked with soil, sticks, and debris for three to five days to discourage use of these dens prior to project disturbance. The den entrances shall be blocked to an incrementally greater degree over the three- to five-day period. After the qualified biologist determines that badgers and foxes have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction.</p>	
		<p>c) Construction activities shall not occur within 30 feet of active badger or fox dens.</p>	
		<p>MM 4.4-6LA: No earlier than 30 days prior to the commencement of construction activities, a preconstruction survey shall be conducted by a qualified biologist to determine if active maternity roosts of bats are present. Copies of the completed survey shall be turned in to the Los Angeles County Department of Regional Planning. The survey shall be conducted in areas considered suitable habitat for bats, which consists of abandoned structures, windbreaks, orchards, and scrub (a total of approximately 196 acres) that occurs within the project disturbance zone or within 300 feet of the project disturbance zone boundary. Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within 30 days prior to a portion of the site is disturbed. If an active maternity roost is identified in these areas, the maternity roost will not be directly disturbed, and some construction activities within 300 feet of the maternity roost may be postponed or halted until the maternity roost is vacated and juveniles have fledged, as determined by the biologist. The breeding season for native bat species in California is approximately March 1 through August 31.</p>	
		<p>MM 4.4-7LA: Preconstruction surveys and avoidance measures shall be implemented for coast horned lizard and silvery legless lizard.</p>	
		<p>For construction activities occurring in or directly adjacent to occupied or suitable habitat for coast horned lizard and silvery legless lizard, preconstruction surveys shall be conducted by a qualified biologist to determine if these special-status species are</p>	

Table 1-6B (cont.): Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p>Copies of the completed surveys shall be turned in to the Los Angeles County Department of Regional Planning. Surveys need not be conducted for all suitable habitat areas at one time; they may be phased so that surveys occur shortly before a portion of the site is disturbed. If visual searches or raking (in the case of silvery legless lizard) are used for preconstruction surveys, the biologist shall conduct surveys no earlier than 72 hours prior to disturbance, and if pitfall trapping is used, the biologist shall conduct trapping no earlier than 5 days prior to disturbance. If these species are located in the disturbance zone, then individuals shall be captured and relocated to suitable habitat for the species within the open space.</p>	
		<p>MM 4.4-8LA: To mitigate for potential impacts to desert tortoise, the following measures shall be implemented as part of the approval for a grading or building permit. Appropriate notes shall be included on any grading permit, building permit or final map. In the event a desert tortoise is encountered during construction, the project proponent will not move or otherwise disturb the desert tortoise, will cease work within 100 feet of the tortoise, and will immediately contact the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) for further consultation. In order to minimize potential direct or indirect impacts (loss of habitat), mitigation measures are required.</p>	
		<p>a) Prior to construction, the applicant may contact the USFWS and CDFG to determine if preconstruction surveys and tortoise-proof fencing are warranted for the project site given the most up to date information on tortoise range. If the USFWS and CDFG determine that surveys and/or fencing are not required, the applicant may proceed with construction without further measures. Copies of the correspondence shall be submitted to the Los Angeles County Department of Regional Planning. If the USFWS and CDFG are not consulted, the applicant will implement the measures described below.</p>	
		<p>b) If the USFWS and/or CDFG determine that surveys are warranted based on the coordination described above, pre-construction tortoise clearance surveys shall be conducted at 15 foot intervals to locate and remove desert tortoises prior to grading or ground disturbance. The survey shall be conducted by an Authorized Biologist within 24 hours of the onset of the surface disturbance unless a tortoise-proof fence has been installed that would prevent reentry of the animals. An "Authorized Biologist" is defined as a wildlife biologist who has been authorized to handle desert tortoises by USFWS and CDFG for this project. Name(s) of proposed Authorized Biologist(s) must be submitted to USFWS and CDFG for approval at</p>	

Table 1-6B (cont.). Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p>least 15 days prior to anticipated need.</p> <p>All burrows that could provide shelter for a desert tortoise should be excavated during the first clearance survey. If a tortoise is encountered while conducting a clearance survey or during burrow excavation the tortoise will not be handled but will be monitored from a distance to ensure its safety. No ground disturbance will be conducted within 100 feet of the tortoise until the tortoise has moved on its own out of the area, or until the project proponent has received approval from the USFWS and CDFG to move the tortoise off-site.</p> <p>c) Temporary tortoise-proof fencing shall be erected and maintained during construction between the interface of the project construction areas and any remaining desert tortoise habitat prior to initiating construction and clearance surveys for desert tortoises on site. The fence is intended to prevent tortoises from wandering onto the project site prior to and during construction. Tortoise fencing shall be a maximum ½" mesh size extending a minimum of 18" above the ground and buried at least 12" below the surface to ensure that tortoise do not burrow underneath the fence. Ongoing maintenance of the fencing shall occur with oversight by an authorized biologist. Fence inspections shall be conducted by an authorized biologist on a bi-weekly basis throughout construction in order to maintain compliance with mitigation measures.</p> <p>d) All construction personnel should undergo desert tortoise awareness training. An authorized biologist shall facilitate a "tailgate" meeting prior to the onset of vegetation clearance surveys and construction activities. Copies of the sign in sheet and any distributed materials shall be turned in to the Los Angeles County Department of Regional Planning.</p> <p>e) A raven management plan shall be developed for the project site in consultation with the USFWS and CDFG. This plan shall include at a minimum:</p> <ul style="list-style-type: none"> i) Identification of all raven nests within the project area during construction. ii) Weekly inspection under all nests in the project area for evidence of desert tortoise predation (scutes, shells, etc.), and, if evidence of predation is noted, submit a report to CDFG, USFWS, and the Los Angeles County Department of Regional Planning within five calendar days; and iii) Provisions for the management of trash that could attract common ravens during the construction and operation phases of the project. 	

Table 1-6B (cont.). Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p>Should the USFWS determine it is necessary for the proposed project to participate in the regional comprehensive raven management plan, to address biological resources, the project proponent shall be subject to compensation through the payment of fees not to exceed \$150 per disturbed acre.</p>	
		<p>f) Dogs shall be restrained either by enclosure in a kennel or by chaining to a point within the tortoise-proof enclosure if one has been constructed for the activity.</p>	
		<p>g) All construction personnel shall watch for desert tortoises within the construction area whenever driving, transporting, or operating equipment. Driving speeds shall not exceed 20 miles per hour on approved non-public access roads.</p>	
		<p>h) If no desert tortoises are found during preconstruction surveys, the project proponent will provide a report to USFWS and CDFG within one week of starting construction. Following construction, the project proponent will submit a report within 90 days, documenting applicable desert tortoise measures taken during the project, such as tortoise training, fence monitoring and maintenance, etc. If desert tortoises are found during surveys or construction, the applicant will notify the USFWS and CDFG immediately as specified above.</p>	
<p>Impact 4.4-2: The project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in</p>	<p>Less than significant</p>	<p>Compliance with the goals, policies, and implementation measures of the Kern County General Plan and Los Angeles County General Plan is required. No additional mitigation measures are proposed.</p>	<p>Less than Significant</p>

Table 1-6B (cont.). Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
local or regional plans, policies, or regulations, or by CDFG or USFWS.			
<p>Impact 4.4-3: The project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.</p>	Less than significant	<p>Compliance with the goals, policies, and implementation measures of the Kern County General Plan and Los Angeles County General Plan is required. No additional mitigation measures are proposed.</p>	Less than Significant
<p>Impact 4.4-4: The project would interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.</p>	Less than significant	<p>MM 4.4-10LA: The following measures shall be implemented prior to issuance of a grading or building permit: The applicant shall submit written documentation to Los Angeles County Department of Regional Planning showing that all power lines are constructed to 2006 Avian Power Line Interaction Committee Guidelines. The applicant shall conform to the latest practices (as outlined in the 2006 Avian Power Line Interaction Committee document) to protect birds from electrocution and collision. Implementation of these guidelines shall be verified by Los Angeles County. The applicant shall install power collection and transmission facilities using Avian Power Line Interaction Committee standards for collision-reducing techniques as outlined in <i>Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006</i> (Avian Power Line Interaction Committee, 2006).</p>	Less than Significant

Table 1-6B (cont.). Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
<p>Impact 4.4-5: The Project would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.</p>	<p>Less than significant</p>	<p>Compliance with the goals, policies, and implementation measures of the Kern County General Plan and Los Angeles County General Plan is required. No additional mitigation measures are proposed.</p>	<p>Less than Significant</p>
<p>Cumulative</p>	<p>Cumulatively Significant</p>	<p>Implementation of Mitigation Measures 4.4-1 through 4.4-10.</p>	<p>Significant and Unavoidable</p>
<p>CULTURAL RESOURCES (LOS ANGELES COUNTY)</p>			
<p>Impact 4.5-1: The project would cause a substantial adverse change in the significance of a historic resource, as defined in State CEQA Guidelines Section 15064.5.</p>	<p>Significant</p>	<p>MM 4.5-1LA: The applicant shall retain a qualified archaeologist, defined as an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology, to carry out all mitigation measures related to archaeological and historical resources.</p> <p>MM 4.5-2LA: If cultural resources are encountered, all activity within 60 feet of the find shall cease until it can be evaluated by a qualified archaeologist. Cultural resource materials may include, but are not limited to, historic resources such as household debris, ceramics, industrially related materials and fire-blown glass, metal, wood, brick, or structural remnants. If the qualified archaeologist determines that the resources may be significant, he or she will notify the County and will develop an appropriate treatment plan for the resources. Additional investigations may be required to mitigate adverse impacts from project implementation. These additional studies may include avoidance, testing, and evaluation, or data recovery excavation. The County shall consult with appropriate Native American representatives in determining appropriate treatment for unearthened cultural resources if the resources are prehistoric or Native American in nature.</p>	<p>Less than Significant</p>

Table 1-6B (cont.), Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
<p>Impact 4.5-2: The project would cause a substantial adverse change in the significance of an archaeological resource, pursuant to State CEQA Guidelines Section 15064.5.</p>	<p>Significant</p>	<p>Implementation of Mitigation Measures 4.5-1, 4.5-2, and the following additional measures: MM 4.5-3LA: Archaeological site AVSP-P-001 should be avoided. If avoidance of this site is not feasible, prior to issuing any grading or excavation permits and prior to any project-related ground disturbing activities, a detailed Archaeological Research Design and Treatment Plan (ARDTP) shall be prepared and implemented by a qualified archaeologist. The ARDTP would outline a data recovery plan that targets the recovery of important scientific data contained in the portion/s of the archaeological resource(s) to be impacted by the project. After the treatment plan is carried out, a report shall be prepared that summarizes the results of the data recovery effort and, based on its findings, re-assesses the need for the implementation of archaeological monitoring. The report shall be submitted to the appropriate County agency and to the Southern San Joaquin Valley Information Center.</p> <p>MM 4.5-4LA: If the Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist determines that an archaeological monitor is required, prior to issuance of a grading permit, an archaeological monitor shall be retained by the applicant to monitor all ground-disturbing activities. Ground-disturbing activities to be monitored include, but are not limited to, brush clearance and grubbing, grading, trenching, excavation, and the construction of fencing and access roads. Pile driving is not considered to be a ground-disturbing activity. The duration and timing of monitoring shall be determined by the qualified archaeologist in consultation with the County and based on the grading plans.</p> <p>The archaeological monitor shall work under the supervision of the qualified archaeologist. In the event that cultural resources are unearthed during ground-disturbing activities, the archaeological monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated.</p> <p>Archaeological materials recovered during the investigation and archaeological monitoring shall be curated for posterity and access by future researchers at an accredited curatorial facility. A curation agreement shall be executed prior to the issuance of a grading permit.</p> <p>MM 4.5-5LA: 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</p>	<p>Less than Significant</p>

Table 1-6B (cont.). Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
<p>Impact 4.5-3: The project would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.</p>	<p>Significant</p>	<p>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.</p> <p>MM 4.5-6LA: A Native American monitor shall be notified prior to construction and allowed the opportunity to be present during all ground disturbing activities, including vegetation clearing, grubbing, grading, filling, drilling, and trenching. In the event that any sacred site or resource is identified, a Native American monitor shall be retained to divert construction activities to another area of the project site while a proper plan for avoidance or removal is determined to the satisfaction of the Los Angeles County Department of Regional Planning.</p>	<p>Less than Significant</p>
<p>MM 4.5-7LA: Prior to the issuance of grading permits, a qualified paleontologist shall be retained and approved by the lead agency to monitor all ground-disturbing activity that occurs deeper than five feet below ground surface. Pile driving is not considered to be a ground-disturbing activity. The duration and timing of monitoring shall be determined by the qualified paleontologist in consultation with the appropriate agency and based on the grading plans. Initially, all ground-disturbing activities deeper than five feet shall be monitored. However, during the course of monitoring, if the paleontologist can demonstrate that the level of monitoring should be reduced, the paleontologist, in consultation with the appropriate agency, may adjust the level of monitoring to circumstances as warranted.</p> <p>If a potentially significant fossil is found, the paleontologist shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation and, if necessary, salvage. Any fossils encountered and recovered shall be catalogued and donated to a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs shall also be filed at the repository.</p> <p>Following the completion of the above tasks, the paleontologist shall prepare a report documenting the absence or discovery of fossil resources on-site. If fossils are found, the report shall summarize the results of the inspection program, identify those fossils encountered, recovery and curation efforts, and the methods used in these efforts, as</p>	<p>Significant</p>	<p>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.</p> <p>MM 4.5-6LA: A Native American monitor shall be notified prior to construction and allowed the opportunity to be present during all ground disturbing activities, including vegetation clearing, grubbing, grading, filling, drilling, and trenching. In the event that any sacred site or resource is identified, a Native American monitor shall be retained to divert construction activities to another area of the project site while a proper plan for avoidance or removal is determined to the satisfaction of the Los Angeles County Department of Regional Planning.</p>	<p>Less than Significant</p>

Table 1-6B (cont.). Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
<p>Impact 4.5-4: The project would disturb human remains, including those interred outside of formal cemeteries.</p>	Significant	<p>well as describe the fossils collected and their significance. A copy of the report shall be provided to the Los Angeles County Department of Regional Planning and to the Natural History Museum of Los Angeles County.</p> <p>MM 4.5-8LA: If human skeletal remains are uncovered during project construction, the project proponent (depending upon the project component) shall immediately halt work, contact the Los Angeles County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.4 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are American Indian, the project proponent shall contact the NAHC, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641). Per Public Resources Code 5097.98, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the American Indian human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section. (PRC 5097.98), with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.</p>	Less than Significant
Cumulative	Significant	Implementation of Mitigation Measures 4.5-1 through 4.5-8.	Less than Significant
GREENHOUSE GAS EMISSIONS (LOS ANGELES COUNTY)			
<p>Impact 4.6-1: The project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.</p>	Less than Significant	Compliance with the goals, policies, and implementation measures of the Kern County General Plan and Los Angeles County General Plan is required. No additional mitigation measures are proposed.	Less than Significant
Cumulative	Less than Significant	Compliance with the goals, policies, and implementation measures of the Kern County General Plan and Los Angeles County General Plan is required. No additional mitigation measures are proposed.	Less than Significant
HYDROLOGY AND WATER QUALITY (LOS ANGELES COUNTY)			
<p>Impact 4.7-1: The project</p>	Less than	Compliance with the goals, policies, and implementation measures of the Kern County	Less than

Table 1-6B (cont.) Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
<p>would substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.</p>	Significant	<p>General Plan and Los Angeles County General Plan is required. No additional mitigation measures are proposed.</p>	Significant
<p>Impact 4.7-2: The project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on site or off site.</p>	Less than Significant	<p>Compliance with the goals, policies, and implementation measures of the Kern County General Plan and Los Angeles County General Plan is required. No additional mitigation measures are proposed.</p>	Less than Significant
<p>Impact 4.7-3: The project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on site or off site.</p>	Less than Significant	<p>Compliance with the goals, policies, and implementation measures of the Kern County General Plan and Los Angeles County General Plan is required. No additional mitigation measures are proposed.</p>	Less than Significant
<p>Impact 4.7-4: The project would place within a 100-</p>	Less than Significant	<p>Compliance with the goals, policies, and implementation measures of the Kern County General Plan and Los Angeles County General Plan is required. No additional</p>	Less than Significant

Table 1-6B (cont.) Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
year flood hazard area structures that would impede or redirect flood flows.		mitigation measures are proposed.	
Cumulative	Less than Significant	Compliance with the goals, policies, and implementation measures of the Kern County General Plan and Los Angeles County General Plan is required. No additional mitigation measures are proposed.	Less than Significant
LAND-USE AND PLANNING (LOS ANGELES COUNTY)			
Impact 4-8-1: The project would conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.	Less than Significant	Compliance with the goals, policies, and implementation measures of the Kern County General Plan and Los Angeles County General Plan is required. No additional mitigation measures are proposed.	Less than Significant
Cumulative	Cumulatively Significant	MM 4-8-1LA: Prior to issuance of any building permit the applicant shall provide the County with a Decommission Plan for review and approval by Kern and Los Angeles Counties, or a County-contracted consulting firm(s) at a cost to be borne by the project proponent. The Decommission Plan shall factor in the cost to remove the solar panels and support structures, replacement of any disturbed soil from removal of support structures, and control of fugitive dust on the remaining vacant land. <u>Preservation of the vegetation planted on the site as part of the operational landscape re-vegetation and restoration plan is sufficient to fulfill the fugitive dust control requirement and shall be outlined in the Decommissioning Plan.</u> Salvage value for the solar panels and support structures shall be included in the financial assurance calculations. The assumption,	Less than Significant

Table 1-6B (cont.). Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p>when preparing the estimate, is that the project proponent is incapable of performing the work or has abandoned the solar facility, thereby resulting in the County hiring an independent contractor to perform the decommission work. In addition to submittal of a Decommission Plan, the project proponent shall post or establish and maintain with the County financial assurances related to the deconstruction of the site as identified on the approved Decommission Plan should at any point in time the project proponent determine it is not in their best interest to operate the facility.</p> <p>The financial assurance required prior to issuance of any building permit shall be established using one of the following:</p> <ul style="list-style-type: none"> a) An irrevocable letter of credit, b) A surety bond, c) A trust fund in accordance with the approved financial assurances to guarantee the deconstruction work will be completed in accordance with the approved decommission plan; or d) other financial assurances as reviewed and approved by the respective County administrative offices, in consultation with the Kern County Planning and Community Development Department or Los Angeles County Department of Regional Planning, as applicable. <p>The financial institution or Surety Company shall give the County at least 120 days notice of intent to terminate the letter of credit or bond. Financial assurances shall be reviewed annually by the respective counties or County-contracted consulting firm(s) at a cost to be borne by the project proponent to substantiate that adequate funds exist to ensure deconstruction of all solar panels and support structures identified on the approved Decommission Plan. Should the project proponent deconstruct the site on their own, the Counties will not pursue forfeiture of the financial assurance. Once deconstruction has occurred, financial assurance for that portion of the site will no longer be required and any financial assurance posted will be adjusted or returned accordingly. Any funds not utilized through decommission of the site by the County shall be returned to the project proponent.</p> <p>Should any portion of the solar field not be in operational condition for a consecutive period of twenty-four (24) months that portion of the site shall be deemed abandoned and shall be removed within sixty (60) days from the date a written notice is sent to the property owner and solar field owner, as well as the project operator, by the Counties. Within this sixty (60) day period, the property owner, solar field owner, or</p>	

Table 1-6B (cont.), Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p>project operator may provide the respective planning departments a written request and justification for an extension for an additional twelve (12) months. The Kern County Planning and Community Development Director shall consider any such request at a Director's Hearing as provided for in Section 19.102.070 of the Kern County Zoning Ordinance; the Los Angeles County Director of Regional Planning shall consider the request in accordance with applicable County Code requirements. In no case shall a solar field which has been deemed abandoned be permitted to remain in place for more than forty-eight (48) months from the date the solar facility was first deemed abandoned.</p> <p>MM 4.8-2LA: Prior to the operation of the solar facility, the applicant shall consult with the Department of Defense to identify the appropriate Frequency Management Office officials to coordinate the use of telemetry to avoid potential frequency conflicts with military operations.</p> <p>MM 4.8-3LA: Prior to issuance of a grading permit, the applicant shall obtain authorization to modify the tree planting requirements of the Los Angeles County Green Building Ordinance from the Los Angeles County Director of Public Works and shall comply with all considerations and other terms of the Green Building Ordinance requirements to the satisfaction of the Director of Public Works (see Sections 22.52.2130.C.5 and Section 22.52.2150 of the Los Angeles County Code).</p> <p>MM 4.8-4LA: Prior to commencement of operations, the project proponent must submit a landscape re-vegetation and restoration plan for the project site. Ground cover must be native low-lying vegetation and must be installed under the solar panels on the entire site. Plants to be used must be determined through consultation with local experts and must be approved by the Los Angeles County Planning Director prior to planting. The plan must include a timeline for planting of the vegetation, percentage of the site to be covered, plants to be installed and detail the consultation efforts completed, and the methods and schedule for proposed maintenance, installation of wildlife-friendly fencing, prohibition on the use of rodenticides, and installation of desert kit fox dens, including escape and pupping dens. Ground cover must be continuously maintained on the project site by the project proponent in accordance with the Los Angeles County Zoning Ordinance. All areas identified for re-vegetation and restoration improvements shall be evaluated for compliance with the re-vegetation and restoration plan annually for a period of 3 years, beginning from the commercial operation date of the entire project, and with an annual evaluation report</p>	

Table 1-6B (cont.). Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
submitted to the Planning and Community Development Department Director.			
PUBLIC SERVICES (LOS ANGELES COUNTY)			
<p>Impact 4.9-1: The project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities; and/or result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services, which include: fire protection and police protection.</p>	<p>Significant</p>	<p>MM 4.9-1LA: The applicant shall work with County staff in Kern and Los Angeles Counties to determine how the receipt of sales and use taxes related to the construction of the project will be maximized. The sales and use taxes shall be divided between the two Counties proportionate to the amount of the project to be constructed in their respective jurisdictions. This process shall include, but is not necessarily limited to: applicant obtaining a street address within the unincorporated portion of the respective County for acquisition, purchasing, and billing purposes; applicant registering this address with the State Board of Equalization; applicant using this address for acquisition, purchasing, and billing purposes associated with the proposed project; and applicant allowing the respective County to use this sales tax information publicly for reporting purposes.</p>	<p>Less than Significant</p>
<p>MM 4.9-2LA: The applicant will develop and implement a fire safety plan for use during construction and operation. The applicant will submit the plan, along with maps of the project site and access roads, to the Los Angeles County Fire Department for review and approval prior to the issuance of any building permit or grading permits. The fire safety plan will contain notification procedures and emergency fire precautions including, but not limited to, the following:</p> <ul style="list-style-type: none"> a) All internal combustion engines, stationary and mobile, will be equipped with spark arresters. Spark arresters will be in good working order. b) Light trucks and cars with factory-installed (type) mufflers will be used only on roads where the roadway is cleared of vegetation. These vehicle types will maintain their factory-installed (type) muffler in good condition. c) Fire rules will be posted on the project bulletin board at the contractor's field office and areas visible to employees. d) Equipment parking areas and small stationary engine sites will be cleared of all extraneous flammable materials. e) Personnel will be trained in the practices of the fire safety plan relevant to their duties. Construction and maintenance personnel will be trained and equipped to extinguish small fires in order to prevent them from growing into more serious threats. f) The applicant will make an effort to restrict use of chainsaws, chippers, vegetation 	<p>Significant</p>	<p>MM 4.9-2LA: The applicant will develop and implement a fire safety plan for use during construction and operation. The applicant will submit the plan, along with maps of the project site and access roads, to the Los Angeles County Fire Department for review and approval prior to the issuance of any building permit or grading permits. The fire safety plan will contain notification procedures and emergency fire precautions including, but not limited to, the following:</p> <ul style="list-style-type: none"> a) All internal combustion engines, stationary and mobile, will be equipped with spark arresters. Spark arresters will be in good working order. b) Light trucks and cars with factory-installed (type) mufflers will be used only on roads where the roadway is cleared of vegetation. These vehicle types will maintain their factory-installed (type) muffler in good condition. c) Fire rules will be posted on the project bulletin board at the contractor's field office and areas visible to employees. d) Equipment parking areas and small stationary engine sites will be cleared of all extraneous flammable materials. e) Personnel will be trained in the practices of the fire safety plan relevant to their duties. Construction and maintenance personnel will be trained and equipped to extinguish small fires in order to prevent them from growing into more serious threats. f) The applicant will make an effort to restrict use of chainsaws, chippers, vegetation 	<p>Less than Significant</p>

Table 1-6B (cont.). Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p>masticators, grinders, drill rigs, tractors, torches, and explosives to outside of the official fire season. When the above tools are used, water tanks equipped with hoses, fire rakes, and axes will be easily accessible to personnel.</p> <p>MM 4.9-31A: 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 assessment or remediation activities as required by and to the satisfaction of the Voluntary Oversight Program of the CUPA (Los Angeles County Fire Department, Health Hazardous Materials Division).</p> <p>Additional assessment and/or remediation may include the following:</p> <ul style="list-style-type: none"> a) Preparation of applicable Phase II Environmental Site Assessment Work Plans that describe the proposed approach and methods to be used in characterizing shallow soils. The Work Plans shall include the proposed sampling locations, sample collection procedures, analytical methods, quality control measures, and a site-specific health and safety plan. The Phase II ESA(s) shall be submitted to the CUPA for regulatory review and approval. b) Implementation of the Phase II ESA Work Plan(s) with CUPA oversight. <p>As necessary, Site Remediation Action Plans shall be developed. Upon CUPA concurrence with the recommendations presented the Phase II ESA(s), remedial action plans shall be prepared for submittal to the CUPA. The remedial action plans shall include the following.</p> <ul style="list-style-type: none"> i) Remediation goals and cleanup criteria. ii) Evaluation of corrective action alternatives that compares the effectiveness, feasibility, and cost benefit of each alternative. The remedial action plans shall take into account existing and proposed uses of the Project area. iii) Identification of the preferred alternative with consideration of protection of resources within the Project area. iv) A detailed description of the access points and haul-out routes for remedial activities; remediation methods and procedures; mitigation of dust; minimization or avoidance of disturbance of sensitive ecosystems; and verification soil sampling and analysis. Included in the discussion shall be information on disposal sites, transport and disposal methods, as well as recordkeeping methods for documenting remediation, regulatory compliance, 	

Table 1-6B (cont.) Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p>and health and safety programs for on-site workers.</p> <p>MM 4.9-4LA: Prior to issuance of a grading permit, a soil management plan shall be submitted to the CUPA for review and approval. The plan shall include practices that are consistent with the California Title 8, Occupational Safety and Health Administration (Cal-OSHA) regulations, as well as CUPA remediation standards that are protective of the planned use. Appropriately trained construction personnel shall be present during site preparation, grading, and related earthwork activities (e.g., augering) to monitor soil conditions encountered. In order to confirm the absence or presence of hazardous substances associated with former land use, a sampling strategy may be implemented. The sampling strategy shall include procedures regarding logging/sampling and laboratory analyses. The Soil Management Plan shall outline guidelines for the following:</p> <ul style="list-style-type: none"> a) Identifying impacted soil b) Assessing impacted soil c) Soil excavation d) Impacted soil storage e) Verification sampling f) Impacted soil characterization and disposal <p>MM 4.9-5LA: Prior to the commencement of any demolition activity on the Los Angeles County portion of the project site, the demolition contractor shall prepare a written Demolition Hazardous Building Materials Assessment and Management Program for review and approval by the Certified Unified Program Agency (CUPA), and/or other appropriate regulatory agency. The Demolition Hazardous Building Materials Management Program shall include an assessment for lead-based paint (LBP) and asbestos-containing material (ACM), and the following plans shall be prepared:</p> <ul style="list-style-type: none"> a) Lead-based Paint Abatement and Management Plan. An LBP Abatement Plan shall be prepared and implemented by a qualified contractor. Elements of the plan shall include the following: <ul style="list-style-type: none"> i) Containment of all work areas to prohibit off-site migration of paint chip debris. 	

Table 1-6B (cont.). Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
		ii) Removal or encapsulation of all peeling and stratified LBP on building surfaces and on non-building surfaces to the degree necessary to properly complete demolition activities per the recommendations of the survey. The demolition contractor shall properly contain and dispose of intact LBP on all equipment to be cut and/or removed during demolition.	
		iii) Providing on-site air monitoring during all abatement activities and perimeter monitoring to ensure no contamination of work of adjacent areas.	
		iv) Cleanup and/or HEPA vacuum paint chips.	
		v) Collection, segregation, and profiling waste for disposal determination.	
		vi) Post-demolition testing of soil to assure that soil at the site is not contaminated by LBP.	
		vii) Providing for appropriate disposal of all waste.	
		Asbestos-containing Materials Abatement and Management Plan. Prior to demolition work that shall disturb identified ACMs, an ACM Abatement and Management Plan shall be prepared. Asbestos abatement shall be conducted during demolition activities, consistent with OSHA and air quality regulations. The Management Plan shall include detailed information regarding ACM classification, ACM hazard assessment (the possibility of fiber release from ACM is based on the materials condition, such as friability), ACM inventory information, training and qualification for workers, demolition handling procedures, waste management and disposal procedures, and emergency response procedures (in case of a release of friable materials) licensed asbestos abatement removal contractor shall remove the ACMs under the oversight of a California Certified Asbestos Consultant. All identified ACMs shall be removed and appropriately disposed of by a state-certified asbestos contractor. The proposed project shall include notification of demolition activities to the Antelope Valley Air Quality Management District.	
Cumulative	Less than Significant	Implementation of Mitigation Measures 4.9-1 through 4.9-4.	Less than Significant

Table 1-6B (cont.). Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
<p>Impact 4.10-1: The project would exceed, either individually or cumulatively, an LOS standard established by the county Congestion Management Agency or adopted county threshold for designated roads or highways (specifically, would implementation of the project cause the LOS for roadways and/or intersections to decline below the following thresholds or further degrade already degraded segments: Metropolitan Bakersfield General Plan LOS "C", or Kern County General Plan LOS "D".</p>	<p>Less than Significant</p>	<p>MM 4.10-11A: Prior to any construction activities and/or issuance of required encroachment permits from Caltrans and Los Angeles Counties, the project proponent shall prepare worksite traffic control plans for review and approval from Caltrans and the Los Angeles County Department of Public Works. The plans shall include: 1) the location and usage of appropriate construction work warning signs that shall be placed in accordance with the California Manual on Uniform Traffic Control Devices; 2) proper merging taper and/or shifting lane schematics; and 3) adequate work area and buffer zone designation as well as proper location and conduct of flagmen and the traffic management supervisor at the installation worksite area. The project worksite traffic control plans shall be coordinated with driver and worker safety in mind. Where the observed speed limit on affected roadways is 55 MPH or more, the plans shall incorporate and implement the following minimum standard requirements per the Work Area Traffic Control Handbook (WATCH):</p> <ul style="list-style-type: none"> a) A Type C flashing arrow pane shall be used for each closed lane. b) The minimum height for traffic cones shall be 28 inches. c) A minimum of three advance warning signs shall be posted. d) Consideration of advanced safety enhancement measures shall be taken into account for workers in the work zones. <p>The above safety and traffic control measures identified in the traffic control plans shall also be implemented at pole installation sites within the public road right-of-way and/or roadway crossings at a minimum.</p> <p>Additionally, the County, including the Los Angeles County Fire Department (LACFD) Fire Stations 78 and 112 shall be notified at least three days in advance of any street closures that may affect fire and/or paramedic responses in the area. Applicant shall provide alternate route (detour) plans to Los Angeles County, including three sets to the LACFD, with a tentative schedule of planned closures, prior to the beginning of construction.</p>	<p>Less than Significant</p>
<p>MM 4.10-21A: Prior to issuance of a grading permit, the project proponent shall document and submit all required information and/or material pertaining to the pavement conditions of 170th Street West including the formula for calculating the project's fair share of any repair and/or reconstruction of 170th Street West to the</p>			

Table 1-6B (cont.). Los Angeles County – Summary of Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Cumulative	Less than Significant	<p>satisfaction of the Los Angeles County Department of Public Works (LACDPW). The project proponent shall reimburse the County of Los Angeles for the cost of any repairs and/or reconstruction of 170th Street West attributable to the project as agreed to by the LACDPW. The timing of any necessary repairs and/or reconstruction of 170th Street West and the required payment by the project proponent shall be determined by LACDPW.</p> <p>Compliance with the goals, policies, and implementation measures of the Kern County General Plan and Los Angeles County General Plan is required. No additional mitigation measures are proposed.</p>	Less than Significant



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

GAIL FARBER, Director

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

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

October 6, 2011

IN REPLY PLEASE
REFER TO FILE: **LD-1**

TO: Susan Tae
Zoning Permits I Section
Department of Regional Planning

Attention Dean Edwards

FROM:  Steve Burger
Land Development Division
Department of Public Works

**CONDITIONAL USE PERMIT (CUP) NO. 201000071
PROJECT NO. R2010-00808
ANTELOPE VALLEY SOLAR PROJECT
VICINITY OF 130TH STREET WEST AND AVENUE A
ASSESSOR'S MAP BOOK NO. 3258, PAGE 1,
PARCEL NOS. 1, 24, 28, 30, 31, 38, AND 40 AND
ASSESSOR'S MAP BOOK NO. 3261, PAGE 1, PARCEL NOS. 2, 3, AND 4
UNINCORPORATED COUNTY AREA OF ANTELOPE VALLEY**

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

We reviewed CUP No. 201000071 in the unincorporated County area of the Antelope Valley. The project is for the construction and operation of a new 650 megawatts, solar-photovoltaic, power generating facility on 5,400 acres (1,311 acres in Los Angeles County and 4,069 acres in Kern County) in the vicinity of the 130th Street West and Avenue A.

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

1. Road
 - 1.1 Submit a revised site plan subject to the approval of Regional Planning and Public Works with the following information:

- 1.1.1 Show all private and future offers and all proposed slope and drainage easements to accommodate the future street improvements. A grading exhibit showing topographical data and limits of grading shall be submitted for our review.
- 1.1.2 Show ingress and egress access location from the public right of way for the proposed project. Show all access points away from the existing and proposed road intersections. Whenever possible, access should occur from local or collectors road than from major highways.
- 1.1.3 Provide a typical section from right of way to right of way showing the existing pavement conditions and future (ultimate) street improvements along property frontage. Future on-site grades should be compatible with future street improvements.
- 1.1.4 Show right-of-way dimensions, roadway, and parkway dimensions along the frontages.
- 1.1.5 Accurately delineate and label the existing right of way.
- 1.1.6 All new distribution/transmission facilities must be undergrounded; show the location of the proposed facilities within the typical section.
- 1.1.7 Show point of connection and any proposed facilities to connect the proposed project to the existing transmission system.
- 1.1.8 Show the location of the operational and maintenance buildings.
- 1.1.9 Include a location map showing the entire property area including the area within the Kern County boundary.
- 1.2 Dedicate road right of way, 40 feet from centerline, along the property frontage for secondary highways (130th Street West and Avenue A) to the satisfaction of Public Works. Submit a fee deposit to cover all related road deed processing and reviews.
- 13 Dedicate road right of way, 32 feet from centerline, along the property frontage of Avenue B to the satisfaction of Public Works.

- 1.4 Make an offer of private and future right of way, 32 feet from centerline, along the property frontage on 140th Street West, 155th Street West, 157th Street West, 160th Street West, and Avenue A-8 (between 157th Street West, and 155th Street West) to the satisfaction of Public Works.
- 1.5 Provide a property line return radii of 13 feet at all local street intersections. Provide additional right of way for corner cut-offs to meet current Americans with Disabilities Act (ADA) guidelines and to the satisfaction of Public Works.
- 16 Provide a property line return radii of 27 feet at the intersection of Avenue A and 130th Street West. Provide additional right of way for corner cut-offs to meet current ADA guidelines and to the satisfaction of Public Works.
- 1.7 Provide adequate slope and drainage easements along all street frontages to the satisfaction of Public Works.
- 1.8 Whenever there is an offer of a future street, or a private and future street, provide a drainage statement/letter.
- 1.9 Construction within the road right of way and private and future streets shall not occur unless a permit is obtained from Public Works for the proposed work.
- 1.10 Repair any public improvements damaged during construction along the property frontage to the satisfaction of Public Works.
- 1.11 Underground all facilities to the satisfaction of Public Works. A franchise agreement will be required for distribution/transmission facilities within public right of way.
- 1.12 Acquire street plan approval or direct check status before obtaining a grading or drainage permit as applicable.
- 1.13 Execute an Agreement to Improve for the street improvements prior to the issuance of a building or grading permit as applicable.

2. Grading

- 2.1 Submit a revised site plan subject to the approval of Regional Planning and Public Works with the following information:
 - 2.1.1 Show benchmark information.
 - 2.2.2 Show location of equipment building and/or storage facilities.
 - 2.2.3 Show pad elevations for all proposed rough grading and finished floor elevations for all proposed precise grading.
 - 2.2.4 Provide earthwork volume (including cut, fill, import, export, and overexcavation) as applicable.
 - 2.2.5 Provide all existing on-site public and private easements with names of the holders, document numbers, and recorded dates. Label all easements as "to remain," "to be relocated," or "to be abandoned."
 - 2.2.6 Provide the limits of the any fire lane, including any turnaround areas, required by the Fire Department; limits of grading; longitudinal grades; pavement dimension; and centerline curve data.
 - 2.2.7 Indicate maintenance responsibilities for all drainage devices.
- 2.2 Submit a grading plan for approval. The grading plans must show and call out the construction of at least all drainage devices and details, paved driveways, elevation and drainage of all pads, and the Standard Urban Stormwater Mitigation Plan (SUSMP) devices, if applicable. The applicant is required to show and call out all existing easements on the grading plan and obtain the easement holder approvals.
- 2.3 The latest drainage concept/hydrology/SUSMP/Low-Impact Development (LID) plan by Public Works' Land Development Division, Storm Drain and Hydrology Section.
- 2.4 A maintenance agreement may be required for privately maintained drainage devices.

- 2.5 Provide soil/geology approval of the grading plan from Public Works' Geotechnical and Materials Engineering Division, as applicable.
- 2.6 Obtain all applicable jurisdictional and regulatory permits. These agencies may include the State of California Regional Water Quality Control Board; State Department of Fish and Game; State of California Department of Conservation, Division of Oil, Gas and Geothermal Resources; and US Army Corps of Engineers.

For questions regarding the road and grading conditions, please contact Andy Narag at (626) 458-4921 or anarag@dpw.lacounty.gov.

3. Building and Safety

- 3.1 Submit plans and specifications to meet current applicable codes and standards for structures, grading, mechanical, plumbing, and electrical.
- 3.2 All electrical installations shall comply with the following criteria:
 - 3.2.1 The portions 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.
 - 3.2.2 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.
- 3.3 Comply with fire, life safety, structural, and accessibility requirements including ADA guidelines.
- 3.4 Any occupiable building must have a restroom for employees.
- 3.5 All foundations must be engineered to comply with existing soil conditions.
- 3.6 Obtain approval from other agencies prior to permit issuance.

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

4. Drainage

- 4.1 Prior to grading plan approval, the applicant shall obtain a Jurisdictional Determination letter or equivalent from the US Army Corps of Engineers and written acknowledgement from State Department of Fish and Game that no jurisdictional surface water drainages occur in the grading footprint. Documentation from jurisdictional agencies shall be obtained to the satisfaction of Public Works.
- 4.2 Portions of the site contain a drainage area designated as a 260-foot-wide Flood Plain Management Path as shown on the Antelope Valley Master Drainage Plan. The County reserves the right to restrict construction within this flood hazard area. Prior to grading plan approval, obtain and record a covenant dedicating to the County the right to restrict the erection of buildings or other structures in the flood hazard area as shown on the Antelope Valley Master Drainage Plan to the satisfaction of Public Works.
- 4.3 Prior to grading plan approval, per County Code Section 12.84.460, comply with LID requirements in accordance with the LID Standards Manual, which can be found at <http://dpw.lacounty.gov/wmd/LA County LID Manual.pdf>.
- 4.4 Prior to issuance of building permits, a drainage and grading plan must be approved to provide for the proper distribution of drainage and for contributory drainage from adjoining properties; to eliminate the sheet overflow, ponding, and protect the lots from high velocity scouring action; and to comply with National Pollutant Discharge Elimination System, Stormwater Management Plan, and SUSMP.

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

5. Traffic Studies

- 5.1 Submit a revised site plan showing the proposed ingress and egress location for the site. Upon submittal of the revised site plan, traffic comments and conditions will be determined.

For questions regarding the traffic studies conditions, please contact Jeff Pletyak at (626) 300-4721 or jpletyak@dpw.lacounty.gov.

Susan Tae
October 6, 2011
Page 7

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

RC:ca

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COUNTY OF LOS ANGELES FIRE DEPARTMENT

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

DATE: September 9, 2011

TO: Department of Regional Planning
Zoning Permits North Section – Adam Thurtell

PROJECT #: CUP #2010-00808

LOCATION: Generally bounded by 130th Street West to the east, 160th Street West to the west, Avenue A to the North & Avenue to the South

REVISED CONDITIONS

General Comments:

1. The proposed Conditional Use Permit for a solar array field is "**Cleared**" for public hearing only. ***There will be no further clearances or approvals for this permit until all Fire Department conditions have been completed.***
2. The proposed solar array fields will require multiple entry and exit locations due to the size of the field.
3. Provide the location of access road leading from the closest paved public street to the proposed solar array fields. The required width of this road is 20 feet.
4. The proposed solar array fields are required to have a 20-foot on-site perimeter Fire Department access road.
5. This development requires several on-site Fire Department access roads going in the directions North-South & east-west. The access roads are required throughout the proposed solar array fields. The minimum width for the interior access roads is 20 feet, with a 32-foot center-line turning radius. The inner radius shall be 22 feet, and the outer radius shall be 42 feet.
6. The Fire Department is requiring the access roads to have a soil compaction of 90%, OR the apparatus access road shall be excavated and re-compacted to 90%.
7. The Fire Department is not requiring "All Weather Access" at this time; however, if buildings are built in the County of Los Angeles part of the development, additional access requirements will need to be addressed by the Fire Department. This will require "All Weather Access" and an increase in the access road widths and turning radius.

Vegetation Management:

1. The clearance of vegetation shall be in compliance with the brush clearance regulation as defined by the Fire Code or as directed by the Fire Official.
2. The vegetation shall be trimmed to a maximum height of 6 inches within the boundaries of the solar array.
3. Electrical transformer vaults or structures shall have all vegetation cleared to mineral soil for a distance of 50 feet.



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

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

Water & Water Tank Requirements:

1. This development requires the installation of several water tanks with a minimum tank size of 10,000 gallons for Fire Department use only. The number of water tanks will be determined with submittal of the revised site plan to the Fire Department.
2. The water tanks shall be clearly identified for "Fire Department Use Only".
3. The water tanks shall be located adjacent to the ingress/egress gate located on the address side of the property.
4. The water tanks shall be in compliance with LACoFD Regulation 19, which provides guidance in the installation of a water tank.
5. The water tank shall have a low level water local alarm which shall be in compliance with all applicable codes and regulations.
6. The water tank shall have a Fire Department supply outlet of 2 1/2 inches in diameter with National Standard threads. The supply outlet is to be located 14-24 inches above the finished grade, and is required to be protected by approved barricades.
7. If the outlet is not provided directly off of the tank, provide a 6 inch underground pipe to a 4 inch upright pipe with an outlet of 2 1/2 inches with National Standard threads, which is required to be protected by barricades.

On-site Fire Apparatus Access Road Requirements:

1. The fire apparatus on-site access roads shall be installed and maintained in a drivable condition for the duration of the solar project.
2. The fire apparatus on-site access roads shall be installed prior to occupancy or operation of the facility.
3. Provide a minimum width of 20 feet, clear-to-the sky, for all on-site fire apparatus access roads with a minimum center-line turning radius of 32 feet for each turn.
4. The fire apparatus on-site access roads shall have a soil compaction of 90%, OR the apparatus access road shall be excavated and re-compacted to 90%.
5. Provide a 20-foot North-South & east-west Fire Department access roads throughout the development.
6. Provide a Fire Department access road around the entire perimeter of the solar project, which shall comply with the above noted requirements.
7. Provide access to any on-site building, above and below grade, including electrical collection vaults, and comply with the above listed requirements.
8. Structures which are used for habitable offices or maintenance space shall be provided with all weather access to within 150 feet of all portions of exterior walls.



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

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

On-Site Ingress/ Egress Gates:

1. The onsite ingress/ egress gate shall be located on the address side of the property.
2. The onsite ingress/ egress gate width shall be a minimum 20 feet, clear-to-the sky, with all gate hardware clear of the road way width.
3. The facility emergency contact information shall be provided with each limited access device, per LACoFD Regulation 5, and shall be clearly indicated with an appropriate placard at each ingress location. The minimum size of the placard shall be 12 inches X 12 inches.
4. The onsite ingress/ egress gates shall be in compliance with LACoFD Fire Prevention Regulation #5.

Electrical Equipment:

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

Additional Requirements:

1. Submit a minimum of four copies of the revised site plan with the indicated corrections to the Fire Department's Land Development Unit for review. The revised site plan shall be scaled with an Engineer Scale no greater than 1"=200". Additional access and water system requirements may be addressed at this time.
2. All Fire Protection facilities, including access and water, must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243.

Inspector: Wally Collins