Hearing Officer Transmittal Checklist

Hearing Date
December 18, 2012
Agenda Item No.
12

Project Number: R2010-00808-(5)
Case(s): Conditional Use Permit Modification 201000071
Planner: Anthony Curzi

- ☒ Project Summary
- ☒ Property Location Map
- ☐ Staff Analysis
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☒ Draft Findings
- ☒ Draft Conditions
- ☐ Burden of Proof Statement(s)
- ☒ Environmental Documentation (Addendum)
- ☐ Correspondence
- ☐ Photographs
- ☐ Aerial Image(s)
- ☐ Land Use/Zoning Map
- ☐ Tentative Tract / Parcel Map
- ☐ Site Plan / Floor Plans / Elevations
- ☐ Exhibit Map
- ☐ Landscaping Plans
- ☒ Memo

Reviewed By: _____

Department *of* Regional Planning
320 West Temple Street
Los Angeles, California 90012

PROJECT SUMMARY

PROJECT NUMBER
R2010-00808-(5)

HEARING DATE
December 18, 2012

REQUESTED ENTITLEMENTS
Conditional Use Permit Modification No. 201000071
Environmental Assessment No.201000010

OWNER / APPLICANT
Various/Solar Star XIX, LLC

MAP/EXHIBIT DATE
NA

PROJECT OVERVIEW

The applicant proposes a Modification of Condition No. 28 of previously approved Conditional Use Permit (CUP) 201000071 to authorize an increase in the amount of water usage for construction of photovoltaic solar facility. Condition 28 currently allows a maximum of 35 acre/feet per year (AFY) or 105 acre/feet (AF) total during the three-year construction phase and the applicant requests to increase this amount to an average of 110 AFY or 330 AF total. This increase is necessary to prevent excessive dust from impacting the community from the construction of the facility. All water used will come from a source outside the adjudicated area of the Antelope Valley Groundwater Basin.

An Environmental Impact Report (EIR) Addendum has been prepared that substantiates that no new impacts from the proposed action will occur.

LOCATION
East of 170th Street West and north of Avenue D (Hwy 138)

ACCESS
Various

ASSESSORS PARCEL NUMBER(S)
3258-001-001, 3258-001-024, 3258-001-025

3258-001-028, 3258-001-029, 3258-001-030, 3258-001-031, 3258-001-038, 3258-001-040, 3261-001-002, 3261-001-003, 3261-001-004

SITE AREA
1,238 Acres

GENERAL PLAN / LOCAL PLAN
Antelope Valley Areawide General Plan

ZONED DISTRICT
Antelope Valley West

LAND USE DESIGNATION
N1 (Non-Urban 1)

ZONE
A-2-5 (Heavy Agricultural – Five Acre Minimum Required Lot Area)

PROPOSED UNITS
NA

MAX DENSITY/UNITS
NA

COMMUNITY STANDARDS DISTRICT
NA

ENVIRONMENTAL DETERMINATION (CEQA)
Environmental Impact Report Addendum

KEY ISSUES

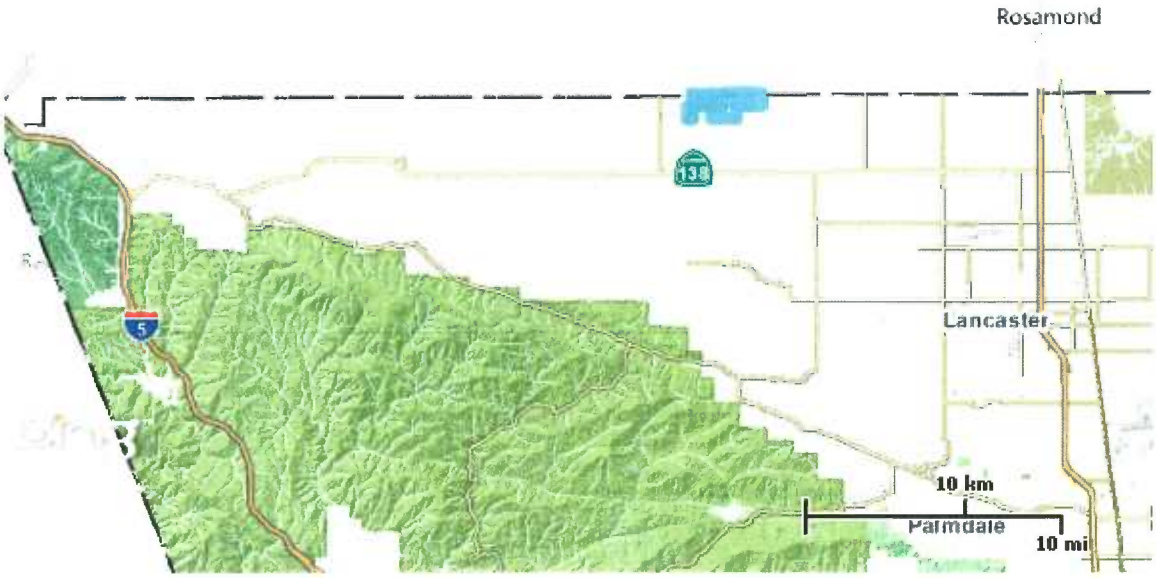
- Consistency with the Los Angeles County General Plan and Antelope Valley Areawide General Plan.
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
  - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)

CASE STATUS
Discussion Item Scheduled.

CASE PLANNER:
Anthony Curzi

PHONE NUMBER:
(213) 974-6443

E-MAIL ADDRESS:
acurzi@planning.lacounty.gov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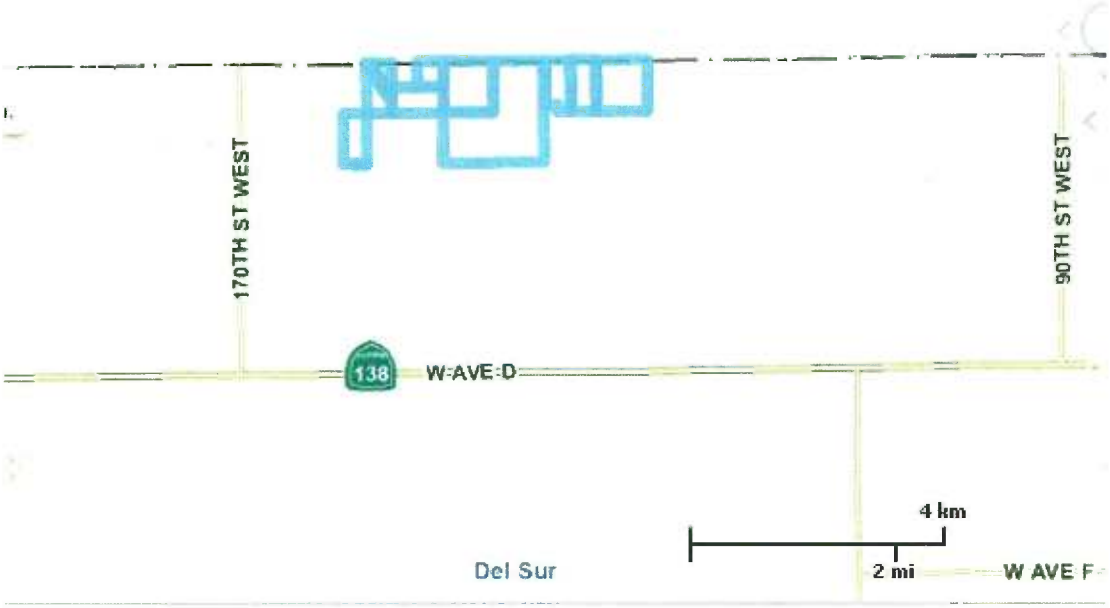
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W AVE D
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Del Sur
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W AVE F

Frazier Park
Edwards Air Force Base
Adela
He
Anaheim
Santa Ana

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

December 13, 2012

TO: PATRICIA HACHIYA, AICP
HEARING OFFICER

FROM: ANTHONY CURZI AC
ZONING PERMITS NORTH SECTION

SUBJECT: PROJECT NO. R2010-00808-(5)
MINOR MODIFICATION TO CONDITIONAL USE PERMIT NO. 201000071
BETWEEN AVENUE A AND AVENUE B AND 130TH STREET WEST AND 160TH STREET WEST
ANTELOPE VALLEY WEST ZONED DISTRICT
HEARING OFFICER MEETING: DECEMBER 18, 2012
AGENDA ITEM 12

The applicant, Solar Star XIX, LLC, is requesting a minor modification of condition of approval Number 28 of previously approved Conditional Use Permit (CUP) No. 201000071 to authorize an increase in the amount of water usage for construction of a photovoltaic solar facility.

Condition No. 28 currently allows a maximum of 35 acre-feet per year (AFY) or 105 acre-feet (AF) total during the three-year construction phase. The applicant requests to increase this amount to an average of 110 AFY or a total of 330 AF during the three-year construction period.

This increase is necessary to prevent excessive dust from impacting the community during the construction of the facility. All water used will come from a source outside the adjudicated area of the Antelope Valley Groundwater Basin. The additional water for construction activities will be stored in Kern County, and accessed through a well and trucked in. An addendum to the certified Final Environmental Impact Report (EIR) has been prepared that substantiates that no new impacts from the proposed action will occur as additional truck traffic and air quality impacts will be de minimis impacts.

CUP No. 201000071, approved on October 19, 2011 by the Los Angeles County Regional Planning Commission (RPC), authorized the construction, operation, and maintenance of a photovoltaic solar electricity generating plant. The facilitiy is located on a total of 4,782 acres, 1,238 of which are located within Los Angeles County and entitled under CUP No. 201000071, and the remaining in Kern County. A Final EIR determined that there would be significant and unavoidable impacts with respect to aesthetics, at both a project and cumulative level; prime farmland, at both a project and cumulative level; air quality (cumulative only), and biological resources (cumulative only). A Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program were also adopted by the RPC on October 19, 2011.

The proposed increase in water usage would be consistent with the original CUP as it will allow the applicant to construct the approved project while reducing potential negative impacts from dust occurring from construction. This request does not deviate from the overall intent of the CUP.

Condition No. 28, as currently approved, reads as follows:

> *"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 water 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 the Antelope Valley Groundwater Basin."*

With the requested modification, Condition Number 28 would read as follows:

> *"The project shall be limited to an average use of 110 acre-feet per year ("AFY") for a total of 330 acre-feet 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 construction and/or 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 the Antelope Valley Groundwater Basin, irrespective of any supply contracts in place."*

This proposed modification will allow the applicant to use more water from outside the Antelope Valley Groundwater Basin during the 36-month construction period to better control dust. Allowing such a change will better ensure that neighborhood impacts are kept to a minimum. The additional condition language regarding supply contracts is also recommended by staff to clarify responsibilities regarding water source.

Notices of the proposed application were mailed out on November 21, 2012, with notice that any person opposing the granting of the application submit a written protest within 15 days after receipt of the notice. The 15-day period ended on December 10, 2012, and no written protests were received. Notice of the application was also published in the *Antelope Valley Press* on November 24, 2012, and posted on the subject property.

In view of the facts presented above, Staff recommends **Approval** of the Minor Modification to CUP 201000071 with the modified condition.

All other conditions of approval of the original CUP 201000071 grant remain in effect and unchanged.

"I APPROVE THE ENVIRO0NMENTAL IMPACT REPORT ADDENDUM AND THE MINOR MODIFICATION TO CONDITIONAL USE PERMIT NO. 201000071 WITH THE FOLLOWING REVISED CONDITIONS."

SMT:AMC
12/18/2012

DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2010-00808-(5)
MODIFICATION TO CONDITIONAL USE PERMIT NO. 201000071

1. **ENTITLEMENT REQUESTED.** The applicant, Solar Star XIX, LLC, is requesting a minor modification to Conditional Use Permit (CUP) No. 201000071 Condition No. 28 to authorize an increase in allowable water use during the 36-month construction period for a photovoltaic solar facility in the A-2-5 (Heavy Agricultural – Five Acre Minimum Required Lot Area) Zone.

2. **MEETING DATE.** December 18, 2012.

3. **PROCEEDINGS BEFORE THE HEARING OFFICER.**

4. **PROJECT DESCRIPTION.** The applicant proposes a modification of Condition No. 28 of previously approved CUP 201000071 to authorize an increase in the amount of water usage for construction of a photovoltaic solar facility. Condition No. 28 currently allows a maximum of 35 acre-feet per year (AFY) or 105 acre-feet (AF) total during the three-year construction phase. The applicant requests to increase this amount to an average of 110 AFY or a total of 330 AF during the three-year construction period. All water used will come from a source outside the adjudication area of the Antelope Valley Groundwater Basin. Additional water will be trucked in from a location in Kern County, and will result in a potential of 13 trips per day to the Los Angeles County portion of the project site during the construction period. An addendum to the certified Environmental Impact Report has been prepared that substantiates that no new impacts from the proposed action will occur.

5. **LOCATION.** The subject property is located between Avenue A and Avenue B and between 130th Street West and 160th Street West, at the Kern County boundary, within the Antelope Valley West Zoned District and in the Fifth Supervisorial District. The Assessor's Parcel Numbers are 3258-001-001, 3258-001-024, 3258-001-025, 3258-001-028, 3258-001-029, 3258-001-030, 3258-001-031, 3258-001-038, 3258-001-040, 3261-001-002, 3261-001-003, and 3261-001-004.

6. **EXISTING ZONING.** The subject site is zoned A-2-5.
   Surrounding zoning is as follows:
   North: A-2-5
   South: A-2-5
   East: A-2-5
   West: A-2-5

7. **EXISTING LAND USES.** The subject site contains vacant land previously used for agricultural purposes.
   Surrounding land uses within 1000 feet are as follows:

North: Vacant land
South: Vacant land
East: Vacant land
West: Vacant land

8. **PREVIOUS CASES / ZONING HISTORY.** CUP 201000071, approved on October 19, 2011 by the Los Angeles County Regional Planning Commission (RPC), authorized the construction, operation, and maintenance of a photovoltaic solar electricity generating plant on 1,238 acres of a total 4,782 acres, of which the remainder is located in Kern County. A Final EIR determined that there would be significant and unavoidable impacts with respect to aesthetics, at both a project and cumulative level; prime farmland, at both a project and cumulative level; air quality at a cumulative level, and biological resources at a cumulative level. The Findings of Fact, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program were also adopted by the RPC on October 19, 2011.

9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The previously approved project for a solar energy facility was found to be consistent with both the Los Angeles County General Plan and the Antelope Valley Areawide General Plan ("Area Plan"). The subject site is within the N1 (Non-Urban 1) land use category of the Area Plan. The proposed modification will not change this land use and only allows an increase in water use for construction purposes. Policy 102 of the Area Plan states the following:

   - *Use imported water, when available, to relieve overdrafted groundwater basins and maintain their safe yield for domestic uses outside of urban areas.*

   Water that will be used for construction and operational purposes will be imported water from outside the Antelope Valley Groundwater Basin. As such, groundwater will be protected from overdraft.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The proposed modification will not change the zoning of the subject site, which is A-2-5. Electricity generating plants are permitted in the A-2-5 zone with the issuance of a conditional use permit. The approved facility will comply with all zoning and development standards, and the proposed modification will not affect these standards or the compliance therewith.

11. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The proposed modification will allow the applicant to use more water during the 36-month construction period to better control dust. Allowing such a change will better ensure that neighborhood impacts are kept to a minimum. The additional water will be from a source outside the Antelope Valley Groundwater Basin, and additional truck trips were found to be a *de minimis* impact. All other features of the solar facility will remain as previously analyzed and approved.

12. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** No comments were received.

13. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** No comments were received.

14. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.56.1620 of the County Code, the community was appropriately notified of the application by mail, newspaper and property posting.

15. **PUBLIC COMMENTS.** No comments were received.

MODIFICATION TO CONDITIONAL USE PERMIT SPECIFIC FINDINGS

16. The proposed modification to Condition No. 28 will not change the land use for the site as approved. Such land use, an electricity generating plant, is consistent with the adopted general plan for the area.

    Therefore, the proposed use will be consistent with the adopted general plan for the area.

17. The proposed modification of Condition No. 28 will not change the overall scope of the previously approved project and will not alter the means by which the burden of proof was met. The proposed modification will allow the applicant to better meet the needs of the community.

    - No protests were received during the specified protest period pursuant to Section 22.56.1630.A.

    Therefore, not more than one protest was received and staff may recommend approval to the Hearing Officer of the modification.

    - The proposed modification of Condition No. 28 will authorize an increase in water use for construction purposes for dust control and will be beneficial as it will allow the applicant to better mitigate construction impacts. Water will be brought to the site via trucks and additional truck traffic has been found to be a de minimis impact.

    Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, 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 proposed modification to Condition No. 28 will not change the size or shape of the property or any physical feature of the approved solar project. The request is to allow an increase in the allowable water usage for a 36-month construction period, and does not change the physical layout or design of the approved facility.

Therefore, 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, of as is otherwise required in order to integrate said use with the uses in the surrounding area.

Therefore, the burden of proof for the conditional use permit as modified has been satisfied pursuant to Section 22.56.040.

18. The proposed modification of Condition No. 28 will in no way change existing or proposed highway or street layouts, widths, or improvements. All highways and streets in the vicinity are adequate to carry the kind and quantity of traffic generated by the project, including additional truck trips that would be generated by the additional water.

    Therefore, 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.

19. The proposed modification of Condition No. 28 will only allow for more water use during the construction phase of the project to allow for better dust control. All water used for construction will come from a source outside the Antelope Valley Groundwater Basin. Such a change will result in a beneficial impact to the overall project. All other terms and conditions will remain as is with this modification.

    Therefore, the modified conditional use permit will not materially deviate from the terms and conditions imposed in the previously approved conditional use permit.

20. Allowing the applicant the possibility of having more water available to control dust during construction will permit the applicant to prevent and minimize impacts, while otherwise allowing the project to fulfill its obligations.

21. As dust from construction is a special concern for solar projects, allowing the applicant to use more water for construction purposes is necessary to ensure that dust is under control, while otherwise allowing the project to fulfill its obligations.

    Therefore, the approval of the application is necessary to allow the reasonable operation and use granted in the conditional use permit.

ENVIRONMENTAL DETERMINATION

22. The project's impacts were fully analyzed in an environmental impact report, and an addendum to the final environmental impact report was prepared that substantiates that no new impacts from the proposed modification will occur.

    Therefore, the Hearing Officer, acting in its role as responsible agency for the project, certifies that the Final Environmental Impact Report Addendum has been completed in compliance with the California Environmental Quality Act and the State and County guidelines related thereto and reflects the independent judgment and analysis of the County.

23. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

A. That the proposed use will be consistent with the adopted general plan for the area; and

B. That the burden of proof for the conditional use permit as modified has been satisfied pursuant to Section 22.56.040:

    a. Not more than one protest was received during the specified protest period pursuant to Section 22.56.1630.A;

    b. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, 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;

    c. 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, of as is otherwise required in order to integrate said use with the uses in the surrounding area;

    d. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity

of traffic such use would generate, and by other public or private service facilities as are required; and

C. That the modified conditional use permit will not materially deviate from the terms and conditions imposed in the previously approved conditional use permit; and

D. That the approval of the application is necessary to allow the reasonable operation and use granted in the conditional use permit.

THEREFORE, the information submitted by the applicant and presented at the public meeting substantiates the required findings for Modification to Conditional Use Permit No. 201000071 as set forth in Section 22.56.1600 and 22.56.090 of the County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer, acting in its role as responsible agency for the project, certifies that the Final Environmental Impact Report Addendum has been completed in compliance with the California Environmental Quality Act and the State and County guidelines related thereto and reflects the independent judgment and analysis of the County.

2. In view of the findings of fact and conclusions presented above, the modification to condition no. 28 to Conditional Use Permit No. 201000071 is approved.

Action Date: December 18, 2012

SMT:amc
December 18, 2012

c: Hearing Officer, Zoning Enforcement, Building and Safety

ADDENDUM TO CONDITIONAL USE PERMIT CASE NO. 201000071

MINOR MODIFICATION OF CONDITION NO. 28 OF CONDITIONAL USE PERMIT NO. 201000071

Pursuant to Part 11 of the Los Angeles County Zoning Ordinance (Conditional Use Permit – Modifications or Eliminations of Conditions), an in conformance with the Hearing Officer approval action regarding minor modification to Conditional Use Permit No. 201000071 on December 18, 2012, Condition No. 28 of the originally approved Conditional Use Permit No. 201000071 is hereby amended to read as follows:

28. "The project shall be limited to an average use of 110 acre-feet per year ("AFY") for a total of 330 acre-feet 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 construction and/or 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 the Antelope Valley Groundwater Basin, irrespective of any supply contracts in place."

Action Date: December 18, 2012

ADDENDUM NO. 2 TO THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE ANTELOPE VALLEY SOLAR PROJECT

1.0 INTRODUCTION

This Addendum No. 2 to the Environmental Impact Report (EIR) for the Antelope Valley Solar Project (AVSP) has been prepared by Los Angeles County to assess a proposed change to the AVSP to increase the maximum allowable water use during construction for the Los Angeles County portion of the project. The proposed change would not alter the size, location or operations of the AVSP, but is intended to ensure that the project has sufficient water and adequate flexibility to implement dust control mitigation requirements consistent with updated project information.

2.0 BACKGROUND

The AVSP consists of the construction and operation of a 650 megawatts (MW) alternating current (AC) photovoltaic (PV) generating facility located on approximately 4,642 acres in Los Angeles and Kern Counties. The Los Angeles County portion includes 1,238 acres. The Kern County portion includes approximately 3,404 acres, including two operations and maintenance buildings. Major components of the AVSP include installation of solar PV panels mounted on trackers; steel support structures and related tracker motors; combiners, electrical inverters and transformers; electrical substations with switchyards; overhead and buried electrical conduit, transmission and collection lines; a septic system and leach field; on-site access roads; security fencing; and temporary construction laydown areas, equipment, and structures.

Kern County is the lead agency for the project pursuant to the California Environmental Quality Act (CEQA). Los Angeles County (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 Final 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.[1]

On October 19, 2011, the Los Angeles County Regional Planning Commission approved the portion of the project located within Los Angeles County, subject to conditions of approval. The Planning Commission also reviewed and considered the Final EIR and found that it reflected the independent judgment of the County. The Planning Commission also adopted an Addendum to the Final EIR, CEQA Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring Program.

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[1] On March 13, 2012, the Kern County Board of Supervisors approved changes to the project's boundaries in Kern County. At that time, the Kern County Board of Supervisors also approved an Addendum to the Final EIR.

A responsible agency's role under CEQA is more limited than that of a lead agency, and the responsible agency generally must rely on the information provided in the lead agency's EIR. Section 15096(a) of the CEQA Guidelines provides that a "responsible agency complies with CEQA by considering the EIR or negative declaration prepared by the lead agency and by reaching its own conclusions on whether and how to approve the project involved." A responsible agency may prepare a subsequent EIR only if the triggering events specified in CEQA Guidelines section 15162 have occurred. Section 15162 requires the preparation of a subsequent EIR if the agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15164 requires a responsible agency to prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred. An addendum need not be circulated for public review. A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in the Addendum, the agency's findings on the project, or elsewhere in the record.

3.0 FINDINGS

None of the conditions described above under Section 15162 of the CEQA Guidelines requiring the preparation of a subsequent EIR have occurred. New significant environmental effects or a substantial increase in the severity of previously identified significant effects are not expected. In addition, no substantial changes have occurred with respect to the circumstances under which the project will be undertaken. These findings are supported by information in the record, as well as by the following factors.

- From 2005 to 2009, water use on the AVSP site for agricultural irrigation ranged from approximately 12,639 to 19,085 acre-feet per year ("AFY"), for an average use of about 15,862 AFY.

- The Final EIR estimated that the AVSP would require approximately 133 acre-feet during the 36-month construction period (primarily for dust suppression). Following the completion of construction, the Final EIR estimated that the project would require approximately 30 to 40 AFY for operations and maintenance activities. Based on these estimates, the Final EIR concluded that, over a twenty year period, the project would require approximately 1,080 acre-feet of water, which is approximately 1.3 percent of the quantity of water previously applied to the site over a five-year period.

- With respect to the portion of the AVSP located within Los Angeles County, the Regional Planning Commission adopted a condition of approval specifying the maximum allowable water use in the County. Condition No. 28 states, in part: "The project shall be limited to a maximum use of 35 AFY or a total of 105 acre-feet of water for the duration of the project's 36-month construction period."

- Solar Star California XIX, LLC (Solar Star XIX)[2] has requested that Condition No. 28 be modified to allow the project to use an average of 110 AFY or a total of 330 acre-feet in Los Angeles County for the duration of the project's 36-month construction schedule. This change is intended to ensure that the project has sufficient water and adequate flexibility to implement dust control mitigation requirements and is consistent with the recent dust control requirements at similar facilities and additional information on this site's condition.

- Solar Star XIX has entered into a Water Supply Agreement with Homer LLC, pursuant to which it has secured sufficient water supplies for the construction and operation of the portion of the AVSP that includes all of the Los Angeles County portion of the project. Homer has the legal right to acquire, and it has acquired, a supply of State Water Project (SWP) water that has been imported to the Antelope Valley Groundwater Basin and is currently stored in the Antelope Valley Water Bank pursuant to a May 5, 2011 water storage and recovery agreement between Homer and

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[2] Solar Star XIX is the developer of the portion of the AVSP that includes all of the Los Angeles County portion of the project site.

the Semitropic-Rosamond Water Bank Authority.[3] Water will be provided to Solar Star XIX at an on-site water well in Kern County and will be trucked into Los Angeles County.

- Based on updated water demand estimates, Solar Star XIX estimates that the entire AVSP would require approximately 800 AFY in the aggregate over the duration of the project's 36-month construction period, or approximately 400 acre-feet more than originally estimated. Thus, over a twenty year period, the project would require approximately 1,480 acre-feet, which is less than two percent of the quantity of water previously applied to the site over a five-year period just prior to approval of the AVSP (2005-2009). Moreover, all of the water would come from an out-of-basin source – the project would not use any native groundwater. Therefore, with the proposed change to the AVSP, the project would continue to beneficially impact groundwater resources by using imported water outside the groundwater basin.

- Kern County approved a Water Supply Assessment (WSA) for the AVSP on August 2, 2011. The WSA demonstrates sufficient water supply would be available for the AVSP's water demands as well as non-project water demands. The WSA states, in part:

> "The water supply management projects and programs described [] in Table 9 are anticipated to provide up to 287,391 – 299,290 acre-feet per year of water supply reliability, increasing to 352,171 – 364,070 by 2025, with the development of the North Los Angeles/Kern County Regional Recycled Water Project. Tables 6 through 8 indicate that projected water supply availability shortfall ranges between 67,200 acre-feet during the first year of multi-dry year projections, and 293,800 acre-feet during year 2035 of single-dry year projections, without consideration to the reliability of other sources available to water purveyors, such as their use of future groundwater banking programs, future conservation efforts, and use of recycled water (AVEK, 2008).
>
> The additional projected water supplies indicated [] in Table 9 demonstrate that water supply management programs within the Antelope Valley Region and the proposed project area would ensure adequate water supply to compensate for projected shortfalls under average-year, dry-year, and multiple-dry-year conditions over a future projection of 20 years. Sufficient water supply would therefore be available for the proposed project water demands as well as non-project water demands."

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[3] Groundwater banking is the storing of surface water supplies in an area via recharge, such as imported SWP or Central Valley Project water, then recovering the water via groundwater wells for use. The AVSP is located within the surface recharge area of the Antelope Valley Water Bank, operated by the Semitropic-Rosamond Water Bank Authority, a joint powers authority consisting of Semitropic Water Storage District, Rosamond Community Services District, and Valley Mutual Water Company.

- Solar Star XIX's proposed temporary increase in water use for construction activities would not be substantial when placed in the context of overall water use relative to agricultural uses. The AVSP would continue to result in a significant net reduction in groundwater consumption relative to agricultural use over the five-year pre-project period and would have a positive impact on the local groundwater table level. Therefore, the project would continue to have a beneficial impact to groundwater resources by using imported water from outside the basin.