

# 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 (CO<sub>2</sub>e) 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.