

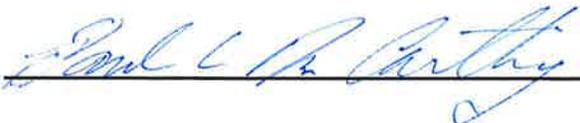
Regional Planning Commission Transmittal Checklist

Hearing Date
February 12, 2014
Agenda Item No.

5

Project Number: R2012-01589-(5)
Case(s): Conditional Use Permit Case No. 201200086
Environmental Assessment Case No. 201200158
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 (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans
- Dust Control Plan

Reviewed By: 



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

PROJECT NUMBER
R2012-01589-(5)

HEARING DATE
February 12, 2014

PROJECT SUMMARY

REQUESTED ENTITLEMENTS

Conditional Use Permit No.201200086
Environmental Assessment No. 201200158

OWNER / APPLICANT

Antonios Margaritis; Royal Investors Group, LLC; AV Foothills, LLC/Canadian Solar

MAP/EXHIBIT DATE

August 14, 2013

PROJECT OVERVIEW

The applicant, Canadian Solar, requests a conditional use permit to construct, operate, and maintain a solar photovoltaic renewable energy facility ("electric generating plant") in the A-2-5 (Heavy Agricultural – Five Acre Minimum Required Lot Area) zone. The project will generate 20 megawatts-alternating current (ac) of electricity on 178.5 acres of a 263-acre site. The facility will employ the use of single-axis tracking panels, including associated onsite electrical and ancillary equipment. An off-site 1.5-mile 66-kilovolt transmission line will run from the Project's eastern boundary to the Antelope Substation along Avenue J in the City of Lancaster. The facility will include an onsite substation, switchyard, interconnection generation-tie (gen-tie) line, equipment enclosure, and a meteorological station. The Applicant will transport water for construction and operational purposes from a water purveyor located outside the adjudicated area of the Antelope Valley Groundwater Basin.

Two 10,000-gallon water tanks will be provided for Fire Department use. Also proposed is a 12-foot-wide multipurpose trail easement (with an 8-foot-wide usable trail) along 110th Street West and vegetative screening along 110th Street West, Avenue J, and the northern edge of project site. A six-foot-tall fence topped with two feet of barbed wire will surround the site. The fence will have one-foot intermittent openings at the bottom to allow for wildlife passage.

LOCATION

Northwest and southwest corners of West Avenue J and 110th Street West

ACCESS

110th Street West and Avenue J

ASSESSORS PARCEL NUMBERS

3267-004-016 to 3267-004-018, 3267-004-025 to 3267-004-029, 3267-004-044 to 3267-004-046, 3267-014-017 to 3267-014-020 (15 parcels total)

SITE AREA

263.00 Acres (178.50 Acres for Solar Array)

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)

Mitigated Negative Declaration (MND) with impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Recreation, Utilities/Service Systems, and Mandatory Findings of Significance all reduced to less than significant with mitigation measures.

KEY ISSUES

- Consistency with the Los Angeles County General Plan and the Antelope Valley Areawide General Plan
- Satisfaction of the following Sections of Title 22 of the Los Angeles County Code:
 - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
 - 22.24.170 (A-2 Zone Development Standards)

CASE PLANNER:

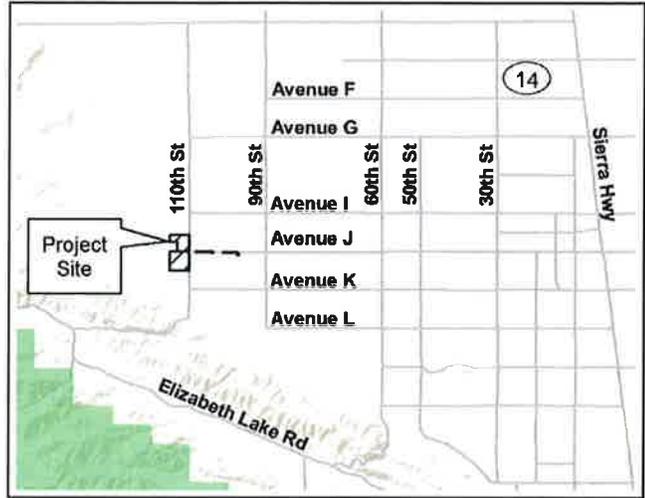
Anthony Curzi

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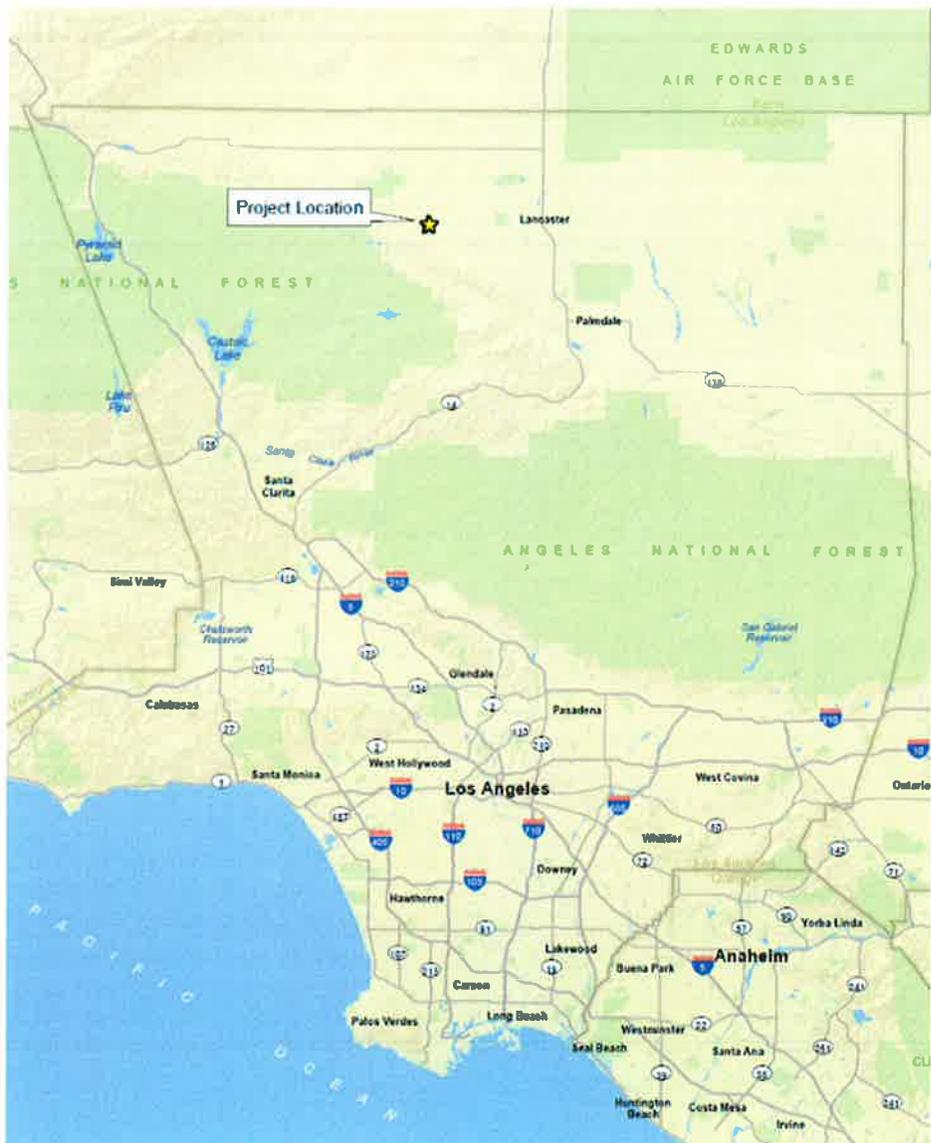
(213) 974-6443

E-MAIL ADDRESS:

acurzi@planning.lacounty.gov



Vicinity Map



Regional Map

ENTITLEMENTS REQUESTED

- Conditional Use Permit (“CUP”) to authorize the construction, operation, and maintenance of a photovoltaic solar electric generating plant in the A-2-5 (Heavy Agricultural – Five Acre Minimum Required Lot Area) Zone pursuant to the Los Angeles County (“County”) Code Section 22.24.150.

PROJECT DESCRIPTION

The applicant is requesting a CUP for the construction, operation, and maintenance of a nominal 20-megawatt, photovoltaic solar energy facility located on 178.5 acres of a 263-acre site. The project will also entail the construction of an 8-foot-wide trail (within a 12-foot-wide easement) as required by the County Department of Parks and Recreation (“Parks and Recreation”) and perimeter landscaped vegetative screening along 110th Street West, West Avenue J, and the northern edge of the project site. The facility will include an on-site substation, switchyard, interconnection generation-tie (“gen-tie”) line, an equipment enclosure, a meteorological station, and two 10-000 gallon water tanks for use by the Fire Department. The project will obtain water from a source located outside the adjudicated area of the Antelope Valley Groundwater Basin. A 6-foot-tall fence topped with 2 feet of barbed wire will surround the site and will have intermittent 1-foot openings at the bottom to allow for wildlife passage.

The project will be constructed with a “light-on-land” approach. There will be no mass grading; solar arrays will be driven directly into the ground. Grading will only occur for the access roads, project substation, inverter pads, water tank pads, retention basins and trail areas. At a maximum, 20 acres could be in active disturbance at one time, although it will be more common for only three acres to be in disturbance. The project soil will be stabilized with binders and will be watered during construction to prevent fugitive dust. An as-built plan will detail how the project has been constructed and if additional vegetative restoration is necessary. In the event such restoration is necessary, a Revegetation Plan will be required.

SITE PLAN DESCRIPTION

The site plan depicts the subject site located west of 110th Street West and both north and south of Avenue J, divided into a North Portion and South Portion. Two 20-foot-wide driveways, both on Avenue J, provide access to the North and South Portions. The two 10,000-gallon water tanks are located at the driveway entrances of the North and South Portions. Five hundred-kilovolt transmission line towers are shown along the westerly boundary of the North and South portions running in a north-to-south direction, and along the southerly boundary of the South Portion, running west to east.

Solar arrays comprise a majority of the L-shaped North Portion and the square-shaped South Portion. The solar arrays are depicted arranged in blocks of 250 kilowatts. Perimeter and internal roads are also shown in the fields. The on-site electrical substation is located in the northeast corner of the South Portion.

Elevations depict the approximately 18-foot-tall water tank with access ladder. Six-foot-tall chain-link fencing topped with 2 feet of barbed wire is also depicted.

EXISTING ZONING

The subject property is zoned A-2-5 in the West Antelope Zoned District.

Surrounding properties are zoned as follows:

North: A-2-5, A-1-2 (Light Agricultural – Two Acre Minimum Required Lot Area)

South: A-2-5

East: (Heavy Agricultural – Two Acre Minimum Required Lot Area), City of Lancaster (RR-2.5 [Rural Residential – 2½ Acre Minimum Required Lot Area], SP [Specific Plan]).

West: A-2-5

EXISTING LAND USES

The subject property is vacant land and Southern California Edison (“SCE”) transmission lines.

Surrounding properties are developed as follows:

North: Vacant land, single-family residential.

South: Vacant land, single-family residential.

East: Vacant land, single-family residential.

West: Vacant land.

PREVIOUS CASES/ZONING HISTORY

Ordinance No. 7397 established the A-2-5 zone on the subject property on September 23, 1958.

ENVIRONMENTAL DETERMINATION

The County Department of Regional Planning (“Regional Planning”) recommends that a Mitigated Negative Declaration (“MND”) is the appropriate environmental documentation under the California Environmental Quality Act (“CEQA”) and the County environmental guidelines. The Initial Study concluded that there are certain potentially significant environmental impacts associated with the project that can be reduced to less than significant levels with the implementation of the proposed mitigation measures. As mitigation measures to reduce impacts to levels below significant were identified in the Initial Study phase and agreed to be incorporated into the project by the applicant, an MND is the appropriate environmental documentation. The draft Mitigation Monitoring Program (“MMP”) is included as an attachment to this report.

The areas of environmental impact found to be less than significant with project mitigation incorporated include the following:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Hazards and Hazardous Materials
- Recreation

- Utilities/Service Systems
- Mandatory Findings of Significance

The following areas require no mitigation as described in the Initial Study.

- Agriculture and Forest Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Transportation/Traffic

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the "R" (Non-Urban) category of the County General Plan ("General Plan") and the "N1" (Non-Urban 1) land use category of the Antelope Valley Areawide General Plan ("Community Plan"). These designations are intended for low-density and low-intensity uses such as low-density residential uses. (The N1 designation permits 0.5 dwelling units per acre.)

The proposed use is not a residential project; however, the Community Plan allows for utility uses and non-residential uses in rural areas provided certain conditions are met. These include a public hearing process, which shall impose appropriate conditioning for the project to ensure that negative impacts on adjacent land uses are minimized. This project will go through the public hearing process and conditions have been recommended to ensure that impacts are minimized. Furthermore, an environmental review has been performed and mitigation measures have been identified that further reduce the environmental impacts of the project.

The Community Plan provides further guidelines for the development of non-residential uses in non-urban areas. These guidelines specify that the location, access, and design of the proposed use shall be compatible with the community's rural character and not have negative impacts to surrounding uses. The location, access, and design of the proposed project are all compatible with the surrounding area, making the project appropriate for the area.

The photovoltaic solar energy facility is a largely passive utility-type use that is unobtrusive in its operation and maintenance and is therefore consistent with the permitted uses of the underlying land use categories.

The following policies of the General Plan are applicable to the proposed project:

- *General Goals and Policies Chapter – Land Use and Urban Development Pattern – Policy 23 (Page I-21): “Ensure that development in non-urban areas is compatible with rural lifestyles, does not necessitate the expansion of urban service systems, and does not cause significant negative environmental impacts or subject people and property to serious hazards.*

The proposed photovoltaic solar facility will be designed in a manner that is compatible with the rural lifestyle in the area. It is located on former farmland adjacent to large transmission lines. It will be a largely passive utility-type use and will require little maintenance. It will be designed with a hiking/mountain biking/equestrian trail and will be screened from public view with perimeter landscaping. The project will not cause significant negative environmental impacts, nor will it subject people or property to serious hazard because measures have been included in the proposed conditions to ensure that risks from fugitive dust will be reduced.

- *General Goals and Policies Chapter - Area Development Priorities – Policy 61 (Page I-31): “Maintain the open and rural character of the non-urban areas of the Antelope Valley.”*

The project site is an area that is considered rural. It is surrounded by vacant land, scattered residences, and ranches. The proposed project would essentially preserve the rural character of the community by developing a low-intensity land use on the property. The majority of the acreage of the property (102.5 acres) would be undisturbed, including within the fenced area of the solar array and the development that is proposed is modest in its scale and use. Furthermore, the dedication and construction of the Poppy Trail as required by Parks and Recreation will allow residents to traverse 110th Street West in a north/south direction. The proposed conditions and mitigation measures will require the applicant to provide 272.5 acres of off-site mitigation land as well.

- *Conservation and Open Space Chapter – Needs and Policies – Policy 2 (Page II-26): “Support the conservation of energy and encourage the development and utilization of new energy sources including geothermal, thermal waste, solar, wind and ocean-related sources.”*

The project is for a photovoltaic solar energy facility that will generate 20 megawatts of renewable energy.

- *Conservation and Open Space Chapter – Needs and Policies – Policy 3 (Page II-26): “Promote the use of solar energy to the maximum extent possible.”*

The project is for a photovoltaic solar energy facility that will generate 20 megawatts of renewable energy.

- *Conservation and Open Space Chapter – Needs and Policies – Policy 13 (Page II-28): “Encourage open space easements and dedications as a means of meeting scenic, recreational and conservation needs.”*

The project will be required to provide 357 acres of on- and off-site mitigation land. This includes 272.5 acres of off-site land near the project site and 84.5 acres on-site outside the fenced-in area of the solar arrays.

- *Conservation and Open Space Chapter – Needs and Policies – Policy 30 (Page II-31): “Develop a system of bikeways, scenic highways, and riding and hiking trails; link recreational facilities where possible.”*

As part of the project, the applicant will dedicate and construct approximately one mile of the Poppy Trail.

The following policies of the Community Plan are applicable to the proposed project:

- *Policy 19 (Page V-3): “Minimize disruption and degradation of the environment as land use development occurs, integrating land uses so that they are compatible with natural environmental systems.”*

The project will maintain natural drainages and minimizes grading to the site. Grading will only occur for access roads, retention basins, and water tanks.

- *Policy 40 (Page V-6): “Encourage efficient utilization of resources in allocation of land to various uses, and incorporate energy conservation measures into the design and implementation of public and private projects.*

The project will generate 20 megawatts of carbon-free renewable energy, reducing greenhouse gas emissions and allowing the State to meet its goals to reduce global warming. The project will also minimize ground disturbance and imposes only modest demands on public infrastructure.

Zoning Ordinance and Development Standards Compliance

Pursuant to Section 22.24.170 of the County Code, establishments in the A-2 zone are subject to the following development standards:

- Front, side, and rear yards shall be provided as required in the R-1 zone.
 - All required setbacks are provided on the project site

Site Visit

Staff, including the project planner and County biologist, visited the site on September 26, 2012. The project planner noted the presence of the transmission lines and the remoteness of the area, along with the nearby residences. The biologist confirmed details of the biological documentation of the site, including the presence of drainage swales, stands of native grasses, and burrows along the transmission line corridor displaying sign of prior burrowing owl occupancy, though not indicating active presence at the time of the site visit.

Burden of Proof

In addition to being consistent with the County General Plan, the applicant is required to substantiate all facts identified by Section 22.56.040 of the County Code. The Burden of Proof with applicant's responses is attached. For the reasons set forth below, staff believes that the applicant has met the burden of proof.

The subject property is governed by the Antelope Valley Areawide General Plan, a component of the County General Plan. Its land use designation is N1 (Non-Urban 1). The N1 designation is intended for low-density residential uses of a maximum of 0.5 dwelling units per acre. The proposed use is not a residential project; however, the Community Plan allows for utility uses and non-residential uses in rural areas provided certain conditions are met. These include a public hearing process, which shall require appropriate conditioning of the project to ensure that negative impacts on adjacent land uses are minimized. This project will go through the public hearing process and conditions have been recommended to ensure that impacts are minimized. Furthermore, an environmental review has been performed and mitigation measures have been identified that further reduce the environmental impacts of the project.

The Community Plan provides further guidelines for the development of non-residential uses in non-urban areas. These guidelines specify that the location, access, and design of the proposed use shall be compatible with the community rural character and will not have negative impacts to surrounding uses. As the project will be a low-intensity, largely passive utility use appropriately located on disturbed land, will have adequate access to well-maintained and sufficiently wide streets, will be attractively landscaped at its perimeter, and will be appropriately fenced with wildlife-friendly fencing, it complies with the requirements of the Community Plan.

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

The requested use is a largely passive utility use. It will not interfere with others quiet enjoyment of their property. The facility will be unstaffed and will require periodic visits from maintenance personnel. The photovoltaic facility will contain rows of solar panels with a maximum height of 8 feet at full tilt. Two 10,000-gallon water tanks, painted in earth tone colors and with a maximum height of approximately 18 feet, will also be located on the project site. During construction, the project will be screened from view by fabric or slats in the perimeter fence. The fence will be 6 feet tall and topped with 2 feet of barbed wire. Furthermore, perimeter landscaping will soften the aesthetic impact of the facility. An equestrian/mountain biking/hiking trail (Poppy Trail) will be constructed along 110th Street West and will allow community residents and visitors to traverse the edge of the site. A Dust Control Plan will ensure that fugitive dust from the construction and operation of the project will be minimized. An as-built plan will be required to demonstrate that the project meets all requirements for revegetation of disturbed areas in the solar field. In the event the as-built plan demonstrates the need for additional restoration, a Revegetation Plan will then be required.

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 project site is comprised of 15 separate parcels and totals 263 acres and is located both north and south of West Avenue J. The solar facility will occupy 178.5 acres. The

site is large enough to accommodate all County requirements for fire safety, clearances, flood easements, perimeter landscaping and for the construction of the 12-foot-wide trail easement of the Poppy Trail. As the site will be remotely monitored, there will be periodic visits for maintenance purposes. There is adequate space in the solar field for maintenance vehicles to park.

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

The project is at the northwest and southwest corners of 110th Street West and West Avenue J. 110th Street West is a 100-foot-wide Major Highway as identified on the County Master Plan of Highways. West Avenue J is a 62-foot-wide Major Highway to the east of the project site, at the intersection with 110th Street West. Both highways are paved and are adequately improved to carry the traffic generated by both the construction and operation of the proposed facility. The facility is not expected to generate pedestrian or bicycle traffic, but a hiking trail will be constructed along the project's frontage along 110th Street West to accommodate hikers and pedestrians, and the County Bicycle Master Plan identifies 110th Street West as a future route for a Class III bike path from Johnson Road to Avenue G. Ingress and egress to the site will be from two 20-foot-wide driveways, both located on West Avenue J with one leading to the North Portion and one to the South Portion.

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 pedestrian, bicycle, and vehicle traffic such use would generate, and by other public or private service facilities as are required

Neighborhood Impact/Land Use Compatibility

The proposed facility will comprise a photovoltaic solar energy field on 178.5 acres of a 263-acre site. Additionally, the project will incorporate perimeter landscaping along West Avenue J, 110th Street West, and the northern edge of the project site. A 12-foot-wide easement (with an 8-foot-wide useable trail) for the Poppy Trail will be dedicated and constructed along 110th Street West for pedestrians, hikers, mountain bikers, and equestrians.

The subject property is located in a rural area with the closest residence located 700 feet east of the project site on West Avenue J. Fifteen single-residence properties are located within a one-mile radius of the project boundary. The project site is comprised of previously disturbed farmland and contains mostly annual grasslands and small patches of native perennial grasses. Southern California Edison's Tehachapi Renewable Transmission Project transmission towers are located across the western edge of the North and South Portions; they also run through the southern edge of the South Portion. As such, the introduction of a solar facility on the subject property incorporating landscaping and a trail will result in a compatible land use with the neighborhood.

Electricity generating plants are permitted in the A-2 zone subject to a CUP. Furthermore, while solar facilities are classified as an "electric generating plant" under the County Code, the subject proposal is more comparable to a utility use, which is a permitted use under the Community Plan, the governing land use plan for the area.

The facility will be a largely passive, unstaffed facility with periodic maintenance visits. The site will have a fenced in area containing the solar arrays, but will also have 84.5 acres of an unfenced area that will remain in the current natural state, providing mitigation land for plants and species. The applicant will also be required to provide 272.5 acres of off-site mitigation land. As such, impacts related to biological resources will be mitigated, and open space will be set aside and preserved for the community's enjoyment.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

County Department of Public Works ("Public Works")

Public Works recommends approval of this project and has recommended conditions of approval, compliance with which are required by the proposed conditions.

County Fire Department ("Fire Department")

The Fire Department recommends approval of this project and has recommended conditions, compliance with which are required by the proposed conditions.

Parks and Recreation

Parks and Recreation requests an easement be dedicated and a recreational trail be constructed along 110th Street West as part of the Poppy Trail, requirements which are included in the proposed conditions.

County Department of Public Health ("Public Health")

Public Health recommends approval of the proposed project with recommended conditions pertaining to potable water supply, sewage disposal, noise, and air quality compliance with which are required by the proposed conditions.

OTHER AGENCY COMMENTS AND RECOMMENDATIONS

California Department of Transportation ("Caltrans")

Caltrans' letter asked to County to consider and be mindful of storm water run-off and that a transportation permit will be required from Caltrans for the transportation of heavy equipment and materials which require a permit.

California Department of Fish and Wildlife ("CDFW")

CDFW's letter pertained to the County's analysis of burrowing owls, Swainson's hawk, and mitigation land. CDFW disagreed with the MND's conclusions regarding these resources. The County has incorporated CDFW's recommendations into the Final MND and MMP. CDFW's letter also recommended that the Initial Study ("IS")/MND analyze impacts to stream and riparian resources, and that the Decommissioning Plan be released for public review and comment. Since the Decommissioning Plan is not

required until after project approval, the County cannot release it for public review and comment.

Antelope Valley Air Quality Management District ("AVAQMD")

AVAQMD letter states that phased construction meets their requirements for reduction of dust, that a Dust Control Plan is required, and specifies requirements for watering the site to prevent fugitive dust. AVAQMD's requirements are included in the proposed conditions for the project.

Lahontan Regional Water Quality Control Board ("LRWQCB")

LRWQCB commented on an early draft of the IS/MND. LRWQCB's letter concurred with the County's decision to proceed with an MND, and requested specific mitigation measures to protect natural drainages. Such measures are included in the proposed conditions.

Southern California Edison ("SCE")

SCE commented on the project's IS/MND released for public and agency review. The SCE letter clarified certain text and mitigation measures pertaining to the gen-tie line and hazardous waste.

City of Palmdale

The City of Palmdale commented on an early draft of the IS/MND. Comments from Palmdale pertained to ensuring that impacts from fugitive dust and PM₁₀ were minimized. Palmdale also asked how dust would be controlled post construction. Dust control measures are required in the proposed mitigation measures.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and Regional Planning website posting.

The applicant has met 15 times with members of the community, including the elected and original Antelope Acres Town Councils, Fairmont Town Council, Oso Town Council, Friends of Antelope Valley Open Space, City of Lancaster, Antelope Valley Resource Conservation District, and International Brotherhood of Electrical Workers Union to present and discuss the project.

PUBLIC COMMENTS

One letter in support, one letter in opposition, and one telephone call in opposition were received. Eight letters commenting on the MND were also received.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Regional Planning Commission.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2012-01589-(5), Conditional Use Permit Number 201200086, subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND ADOPT THE MITIGATED NEGATIVE DECLARATION.

I FURTHER MOVE THAT THE REGIONAL PLANNING COMMISSION APPROVE CONDITIONAL USE PERMIT NUMBER 201200086 SUBJECT TO THE FINDINGS AND CONDITIONS INCLUDED IN THE STAFF REPORT.

Prepared by Anthony M. Curzi, Regional Planning Assistant II, Zoning Permits North Section

Reviewed by Paul McCarthy, Supervising Regional Planner, Zoning Permits North Section

Attachments:

Draft Findings, Draft Conditions of Approval
Applicant's Burden of Proof statement
Environmental Document
Correspondence
Site Photographs, Aerial Image
Land Use/Zoning Maps, Site Plan
Landscaping Plans, Dust Control Plan

PMC:amc
February 12, 2014

**DRAFT FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. R2012-01589-(5)
CONDITIONAL USE PERMIT NO. 201200086**

1. **ENTITLEMENT REQUESTED.** The applicant, Canadian Solar, is requesting a Conditional Use Permit (“CUP”) to authorize the construction, operation, and maintenance of a photovoltaic solar electric generating plant in the A-2-5 (Heavy Agricultural – Five Acre Minimum Required Lot Area) Zone pursuant to the Los Angeles County (“County”) Code Section 22.24.150.
2. **HEARING DATE.** February 12, 2014.
3. **PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION.** A duly-noticed public hearing was held on February 12, 2014 before the Regional Planning Commission (“Commission”).
4. **PROJECT DESCRIPTION.** The applicant is requesting a CUP for the construction, operation, and maintenance of a nominal 20-megawatt, photovoltaic solar energy facility located on 178.5 acres of a 263-acre site. The project will also entail the construction of an 8-foot-wide trail as required by the County Department of Parks and Recreation (“Parks and Recreation”) and perimeter landscaped vegetative screening along 110th Street West, West Avenue J, and the northern edge of the project site. The facility will include an on-site substation, switchyard, interconnection generation-tie (gen-tie) line, an equipment enclosure, a meteorological station, and two 10-000 gallon water tanks for use by the Fire Department. The project will obtain water from a source located outside the adjudicated area of the Antelope Valley Groundwater Basin. A 6-foot-tall fence topped with 2 feet of barbed wire will surround the site and will have intermittent 1-foot openings at the bottom to allow for wildlife passage.

The project will be constructed with a “light-on-land” approach. There will be no mass grading; solar arrays will be driven directly into the ground. Grading will only occur for the access roads, project substation, inverter pads, water tank pads, retention basins, and trail areas. At a maximum, 20 acres could be in active disturbance at one time, although it will be more common for only three acres to be in disturbance. The project soil will be stabilized with binders and will be watered during construction to prevent fugitive dust. An as-built plan will detail how the project has been constructed and if additional vegetative restoration is necessary. In the event such restoration is necessary, a Revegetation Plan will be required.

5. **LOCATION.** The subject site is located at the northwest and southwest corners of the West Avenue J and 110th Street West intersection in unincorporated Los Angeles County (near the western boundary of the City of Lancaster). The location is within the Fifth Supervisorial District of Los Angeles County and the Antelope Valley West Zoned District. The Assessor’s Parcel Numbers are 3267-004-016, 3267-004-017, 3267-004-018, 3267-004-025, 3267-004-026, 3267-004-027, 3267-

004-028, 3267-004-029, 3267-004-044, 3267-004-045, 3267-004-046, 3267-014-017, 3267-014-018, 3267-014-019, 3267-014-020.

6. **SITE PLAN DESCRIPTION.** The site plan depicts the subject site located west of 110th Street West and both north and south of Avenue J, divided into a North Portion and South Portion. Two 20-foot-wide driveways, both on Avenue J, provide access to the North and South Portions. The two 10,000-gallon water tanks are both located at the entrances of the North and South Portions, near the driveways. Five hundred-kilovolt transmission line towers are shown along the westerly boundary of the North and South portions running in a north-to-south direction, and along the southerly boundary of the South Portion, running west to east.

Solar arrays comprise a majority of the L-shaped North Portion and the square-shaped South Portion. The solar arrays are depicted arranged in blocks of 250 kilowatts. Perimeter and internal roads are also shown in the fields. The on-site electrical sub-station is located in the northeast corner of the South Portion.

Elevations depict the approximately 18-foot-tall water tank with access ladder. Six-foot-tall chain-link fencing topped with 2 feet of barbed wire is also depicted.

7. **EXISTING ZONING.** The zoning of the subject property is A-2-5 in the Antelope Valley West Zoned District.

Surrounding properties are zoned as follows:

North: A-2-5, A-1-2 (Light Agricultural – Two Acre Minimum Required Lot Area).

South: A-2-5.

East: A-2-2 (Heavy Agricultural – Two Acre Minimum Required Lot Area), City of Lancaster (RR-2.5 [Rural Residential – 2½ Acre Minimum Required Lot Area], SP [Specific Plan]).

West: A-2-5.

8. **EXISTING LAND USES.** The land use on the subject site is vacant land and Southern California Edison (“SCE”) transmission lines.

Surrounding properties are developed as follows:

North: Vacant land, single-family residential.

South: Vacant land, single-family residential.

East: Vacant land, single-family residential.

West: Vacant land.

9. **PREVIOUS CASES/ZONING HISTORY.** Ordinance No. 7397 established the A-2-5 zone on the subject property on September 23, 1958.

10. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.**

The project site is located within the “R” (Non-Urban) category of the County General Plan (“General Plan”) and the “N1” (Non-Urban 1) land use category of the

Antelope Valley Areawide General Plan (“Community Plan”). These designations are intended for low-density and low-intensity uses such as low-density residential uses. (The N1 designation permits 0.5 dwelling units per acre.)

The proposed use is not a residential project; however, the Community Plan allows for utility uses and non-residential uses in rural areas provided certain conditions are met. These include a public hearing process which shall impose appropriate conditioning for the project to ensure that negative impacts on adjacent land uses are minimized. This project has gone through the public hearing process and conditions have been adopted to ensure that impacts are minimized. Furthermore, an environmental review has been performed and mitigation measures have been identified that further reduce the environmental impacts of the project.

The Community Plan provides further guidelines for the development of non-residential uses in non-urban areas. These guidelines specify that the location, access, and design of the proposed use are compatible with the community's rural character and will not have negative impacts to surrounding uses. The location, access, and design of the proposed project are all compatible with the surrounding area, making the project is appropriate for the area.

The photovoltaic solar energy facility is a largely passive utility-type use that is unobtrusive in its operation and maintenance and is therefore consistent with the permitted uses of the underlying land use categories.

The following policies of the General Plan are applicable to the proposed project:

- *General Goals and Policies Chapter – Land Use and Urban Development Pattern – Policy 23 (Page I-21): “Ensure that development in non-urban areas is compatible with rural lifestyles, does not necessitate the expansion of urban service systems, and does not cause significant negative environmental impacts or subject people and property to serious hazards.*

The proposed photovoltaic solar facility will be designed in a manner that is compatible with the rural lifestyle in the area. It is located on former farmland adjacent to large transmission lines. It will be a largely passive utility-type use and will require little maintenance. It will be designed with a hiking/mountain biking/equestrian trail and will be screened from public view with perimeter landscaping. The project will not cause significant negative environmental impacts, nor will it subject people or property to serious hazard because measures have been adopted in the conditions to ensure that risks from fugitive dust will be reduced.

- *General Goals and Policies Chapter - Area Development Priorities – Policy 61 (Page I-31): “Maintain the open and rural character of the non-urban areas of the Antelope Valley.”*

The project site is an area that is considered rural. It is surrounded by vacant land, scattered residences, and ranches. The proposed project would essentially preserve the rural character of the community by developing a low-intensity land use on the property. The majority of the acreage of the property (102.5 acres) would be

undisturbed, including within the fenced area of the solar array, and the development that is proposed is modest in its scale and use. Furthermore, the dedication and construction of the Poppy Trail as required by Parks and Recreation will allow residents to traverse 110th Street West in a north/south direction. The applicant will be required to provide 272.5 acres of off-site mitigation land as well.

- *Conservation and Open Space Chapter – Needs and Policies – Policy 2 (Page II-26): “Support the use of solar energy to the maximum extent possible.”*

The project is for a photovoltaic solar energy facility that will generate 20 megawatts of renewable energy.

- *Conservation and Open Space Chapter – Needs and Policies – Policy 3 (Page II-26): “Promote the use of solar energy to the maximum extent possible.”*

The project is for a photovoltaic solar energy facility that will generate 20 megawatts of renewable energy.

- *Conservation and Open Space Chapter – Needs and Policies – Policy 13 (Page II-28): “Encourage open space easements and dedications as a means of meeting scenic, recreational and conservation needs.”*

The project will be required to provide 357 acres of on- and off-site mitigation land. This includes 272.5 acres of off-site land near the project site and 84.5 acres on-site outside the fence-in area of the solar arrays.

- *Conservation and Open Space Chapter – Needs and Policies – Policy 30 (Page II-31): “Develop a system of bikeways, scenic highways, and riding and hiking trails; link recreational facilities where possible.”*

As part of the project, the applicant will dedicate and construct approximately one mile of the Poppy Trail.

The following policies of the Community Plan are applicable to the proposed project:

- *Policy 19 (Page V-3): “Minimize disruption and degradation of the environment as land use development occurs, integrating land uses so that they are compatible with natural environmental systems.”*

The project will maintain natural drainages and minimizes grading to the site. Grading will only occur for access roads, retention basins, and water tanks.

- *Policy 40 (Page V-6): “Encourage efficient utilization of resources in allocation of land to various uses, and incorporate energy conservation measures into the design and implementation of public and private projects.”*

The project will generate 20 megawatts of carbon-free energy, reducing greenhouse gas emissions and allowing the State to meet its goals to reduce global warming. The project will also minimize ground disturbance and puts modest demands on public infrastructure.

11. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The subject site is comprised of 15 parcels and totals 263 gross acres. All required development standards are met on the subject site.
12. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The proposed facility will comprise a photovoltaic solar energy field on 178.5 acres of a 263-acre site. Additionally, the project will incorporate perimeter landscaping along West Avenue J, 110th Street West, and the northern edge of the project site. A 12-foot-wide easement (with an 8-foot-wide useable trail) for the Poppy Trail will be dedicated and constructed along 110th Street West for pedestrians, hikers, mountain bikers, and equestrians.

The subject property is located in a rural area with the closest residence located 700 east of the project site on West Avenue J. Fifteen single-residence properties are located within a one-mile radius of the project boundary. The project site is comprised of previously disturbed farmland and contains mostly annual grasslands and small patches of native perennial grasses. Southern California Edison's Tehachapi Renewable Transmission Project transmission towers are located across the western edge of the North and South Portions; they also run through the southern edge of the South Portion. As such, the introduction of a solar facility on the subject property incorporating landscaping and a trail will result in a compatible land use with the neighborhood.

Electricity generating plants are permitted in the A-2 zone subject to a CUP. Furthermore, while solar facilities are classified as an "electric generating plant" under the County Code, the subject proposal is more comparable to a utility use, which is a permitted use under the Community Plan, the governing land use plan for the area.

The facility will be largely a passive, unstaffed facility with periodic maintenance visits. The site will have a fenced in area containing the solar arrays, but will also have 84.5 acres of an unfenced area that will remain in the current natural state, providing mitigation land for plants and species. The applicant will also be required to provide 272.5 acres of off-site mitigation land. As such, impacts related to biological resources will be mitigated, and open space will be set aside and preserved for the community's enjoyment.

13. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.**

County Department of Public Works ("Public Works")

Public Works recommends approval of this project and has recommended conditions of approval, compliance with which are required by the proposed conditions.

County Fire Department ("Fire Department")

The Fire Department recommends approval of this project and has recommended conditions, compliance with which are required by the proposed conditions.

Parks and Recreation

Parks and Recreation requests an easement be dedicated and a recreational trail be constructed along 110th Street West as part of the Poppy Trail, requirements which are included in the proposed conditions.

County Department of Public Health ("Public Health")

Public Health recommends approval of the proposed project with recommended conditions pertaining to potable water supply, sewage disposal, noise, and air quality, compliance with which are required by the proposed conditions.

14. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.**

California Department of Transportation ("Caltrans")

Caltrans' letter asked to County to consider and be mindful of storm water run-off and that a transportation permit will be required from Caltrans for the transportation of heavy equipment and materials which require a permit.

California Department of Fish and Wildlife ("CDFW")

CDFW's letter pertained to the County's analysis of burrowing owls, Swainson's hawk, and mitigation land. CDFW disagreed with the MND's conclusions regarding these resources. The County has incorporated CDFW's recommendations into the MND and MMP. CDFW's letter also recommended that the Initial Study ("IS")/MND analyze impacts to stream and riparian resources, and that the Decommissioning Plan be released for public review and comment. Since the Decommissioning Plan is not required until after project approval, the County could not release it for public review and comment.

Antelope Valley Air Quality Management District ("AVAQMD")

AVAQMD letter states that phased construction meets their requirements for reduction of dust, that a Dust Control Plan is required, and specifies requirements for watering the site to prevent fugitive dust. AVAQMD's requirements are included in the proposed conditions for the project.

Lahontan Regional Water Quality Control Board ("LRWQCB")

LRWQCB commented on an early draft of the IS/MND. LRWQCB's letter concurred with the County's decision to proceed with an MND, and requested specific mitigation measures to protect natural drainages. Such measures are included in the proposed conditions.

Southern California Edison ("SCE")

SCE commented on the project's IS/MND released for public and agency review. The SCE letter clarified certain text and mitigation measures pertaining to the gentie line and hazardous waste.

City of Palmdale

The City of Palmdale commented on an early draft of the IS/MND. Comments from Palmdale pertained to ensuring that impacts from fugitive dust and PM₁₀ were minimized. Palmdale also asked how dust would be controlled post construction. Dust control measures are required in the proposed mitigation measures.

15. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.

The applicant has met 15 times with members of the community, including the elected and original Antelope Acres Town Councils, Fairmont Town Council, Oso Town Council, Friends of Antelope Valley Open Space, City of Lancaster, Antelope Valley Resource Conservation District, and International Brotherhood of Electrical Workers Union to present and discuss the project.

16. **PUBLIC COMMENTS.** One letter in support, one letter in opposition, and one telephone call in opposition were received. Eight letters commenting on the MND were also received.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

17. The subject property is governed by the Antelope Valley Areawide General Plan, a component of the County General Plan. Its land use designation is N1 (Non-Urban 1). The N1 designation is intended for low-density residential uses of a maximum of 0.5 dwelling units per acre. The proposed use is not a residential project; however, the Community Plan allows for utility uses and non-residential uses in rural areas provided certain conditions are met. These include a public hearing process, which shall require appropriate conditioning of the project to ensure that negative impacts on adjacent land uses are minimized. This project has gone through the public hearing process and conditions have been adopted to ensure that impacts are minimized. Furthermore, an environmental review has been performed and mitigation measures have been identified that further reduce the environmental impacts of the project.

The Community Plan provides further guidelines for the development of non-residential uses in non-urban areas. These guidelines specify that the location, access, and design of the proposed use are compatible with the community's rural character and will not have negative impacts to surrounding uses. As the project will be a low-intensity, largely passive utility use appropriately located on disturbed land, will have adequate access to well-maintained and sufficiently wide streets, will be attractively landscaped at its perimeter, and will be appropriately fenced with wildlife-friendly fencing, it is appropriate for the subject location.

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

18. The requested use is a largely passive utility use. It will not interfere with others quiet enjoyment of their property. The photovoltaic facility will contain rows of solar panels with a maximum height of 8 feet at full tilt. Two 10,000-gallon water tanks, painted in earth tone colors and with a maximum height of approximately 18 feet, will also be located on the project site. During construction, the project will be screened from view by fabric or slats in the perimeter fence. The fence will be 6 feet tall and topped with 2 feet of barbed wire. Furthermore, perimeter landscaping will soften the aesthetic impact of the facility. An equestrian/mountain biking/hiking trail (Poppy Trail) will be constructed along 110th Street West and will allow

community residents and visitors to traverse the edge of the site. A Dust Control Plan will ensure that fugitive dust from the construction and operation of the project will be minimized.

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.

19. The project site is comprised of 15 separate parcels and totals 263 acres and is located both north and south of West Avenue J. The solar facility will occupy 178.5 acres. The site is large enough to accommodate all County requirements for fire safety, clearances, flood easements, perimeter landscaping and for the construction of the 12-foot-wide trail easement (with 8-foot-wide useable trail) of the Poppy Trail. As the site will be remotely monitored, there will be periodic visits for maintenance purposes. There is adequate space in the solar field for maintenance vehicles to park.

Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, 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.

20. The project is at the northwest and southwest corners of 110th Street West and West Avenue J. 110th Street West is a 100-foot-wide Major Highway as identified on the County Master Plan of Highways. West Avenue J is a 62-foot-wide Major Highway to the east of the project site, at the intersection with 110th Street West. Both highways are paved and are adequately improved to carry the traffic generated by both the construction and operation of the proposed facility. The facility is not expected to generate pedestrian or bicycle traffic, but a hiking trail will be constructed along the project's frontage along 110th Street West to accommodate hikers and pedestrians, and the County Bicycle Master Plan identifies 110th Street West as a future route for a Class III bike path from Johnson Road to Avenue G. Ingress and egress to the site will be from two driveways, both located on West Avenue J with one leading to the North Portion and one to the South Portion. As the project will generate electricity for public consumption, a gen-tie line will be constructed along West Avenue J 1.5 miles to the east to the Antelope Substation.

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 pedestrian, bicycle, and vehicle traffic such use would generate, and by other public or private service facilities as are required.

ENVIRONMENTAL DETERMINATION

21. The County, as Lead Agency for the project, has analyzed the environmental impacts of the project in a Mitigated Negative Declaration ("MND") (SCH No. 2013101055). The MND includes Response to Comments dated January 30, 2014 and identifies mitigation measures to be implemented as part of the project. The Commission has reviewed and considered the MND and finds that it reflects the independent judgment of the County. As stated in the MND, identified impacts to aesthetic resources, air quality, biological resources, cultural resources, hazards and hazardous materials, recreation, and utilities and service systems can be reduced to acceptable levels with the mitigation measures identified in the MND and incorporated as conditions in this grant. A Mitigation Monitoring Program ("MMP") consistent with the MND, has been prepared by the County, and its requirements have been incorporated into the conditions of approval for this project. The MMP prepared in conjunction with the MND identifies in detail the manner in which compliance with the measures adopted to mitigation or avoid potential adverse impacts of the project to the environment is ensured.

Therefore, the Commission, having considered the MND together with any comments received during the public review process, finds on the basis of the whole record before the Commission that there is no substantial evidence that the project will have a significant effect on the environment as modified, finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Commission.

22. The Initial Study concluded that there are certain potentially significant environmental impacts associated with the project that can be reduced to less than significant with the implementation of the proposed mitigation measures. As mitigation measures to reduce impacts to levels below significant were identified in the Initial Study phase, an MND is the appropriate environmental documentation. The draft Mitigation Monitoring Program ("MMP") is included as an attachment to this report.

The areas of environmental impact found to be less than significant with project mitigation incorporated include the following:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Hazards and Hazardous Materials
- Recreation
- Utilities/Service Systems
- Mandatory Findings of Significance

The following areas require no mitigation as described in the Initial Study.

- Agriculture and Forest Resources
- Energy

- Geology and Soils
 - Greenhouse Gas Emissions
 - Hydrology and Water Quality
 - Land Use and Planning
 - Mineral Resources
 - Noise
 - Population and Housing
 - Public Services
 - Transportation/Traffic
23. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Commission determines that it is necessary to limit the term of the grant to twenty (20) years.
24. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- 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; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, 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
- 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 pedestrian, bicycle, and vehicle traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a CUP as set forth in Section 22.56.090 of the County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

1. The Commission, having considered the MND together with any comments received during the public review process, finds on the basis of the whole record before the Commission that there is no substantial evidence that the project will have a significant effect on the environment as modified, finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Commission, and adopts the Mitigated Negative Declaration and Mitigation Monitoring Program for the project.
2. In view of the findings of fact and conclusions presented above, CUP No. 201200086 is approved subject to the attached conditions.

ACTION DATE: February 12, 2014

SMT:amc
February 12, 2014

c: Each Commissioner, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2012-01589-(5)
CONDITIONAL USE PERMIT NO. 201200086**

PROJECT DESCRIPTION

The applicant is requesting a CUP for the construction, operation, and maintenance of a nominal 20-megawatt, photovoltaic solar energy facility located on 178.5 acres of a 263-acre site. The project will also entail the construction of an 8-foot-wide trail (within a 12-foot-wide easement) as required by the County Department of Parks and Recreation ("Parks and Recreation") and perimeter landscaped vegetative screening along 110th Street West, West Avenue J, and the northern edge of the project site. The facility will include an on-site substation, switchyard, interconnection generation-tie ("gen-tie") line, an equipment enclosure, a meteorological station, and two 10-000 gallon water tanks for use by the Fire Department. The project will obtain water from a source located outside the adjudicated area of the Antelope Valley Groundwater Basin. A 6-foot-tall fence topped with 2 feet of barbed wire will surround the site and will have intermittent 1-foot openings at the bottom to allow for wildlife passage.

The project will be constructed with a "light-on-land" approach. There will be no mass grading; solar arrays will be driven directly into the ground. Grading will only occur for the access roads, project substation, inverter pads, water tank pads, retention basins and trail areas. At a maximum, 20 acres could be in active disturbance at one time, although it will be more common for only three acres to be in disturbance. The project soil will be stabilized with binders and will be watered during construction to prevent fugitive dust. An as-built plan will detail how the project has been constructed and if additional vegetative restoration is necessary. In the event such restoration is necessary, a Revegetation Plan will be required.

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the 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 of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition Nos. 10, 11, and 14. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, 9, and 12 shall be effective immediately upon the date of final approval of this grant by the County.
3. 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.

4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate 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 reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$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 provided to permittee or 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 any 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 according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the 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 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 conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on February 12, 2034.** Entitlement to 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 (6) months prior to the expiration 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 would be subject to the then-applicable regulations.

9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. 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. The permittee shall deposit with the County the sum of **\$6,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **six inspections during the construction period and one annually for the remainder of the grant term, for a total of 30 inspections**. Inspections shall be unannounced.

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

11. Within three (3) days of the date of final approval of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Wildlife pursuant to Section 711.4 of the California Fish and Game Code, 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 **\$2,231.25** (\$2,156.25 for a Mitigated Negative Declaration plus \$75.00 processing fee). No land use project subject to this requirement is final, vested or operative until the fee is paid.
12. The permittee shall comply with all mitigation measures identified in the Mitigation Monitoring Program ("MMP"), which are incorporated by this reference as conditions of approval.

13. Within thirty (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 Mitigated Negative Declaration 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 approval or as required. The reports shall describe the status of the permittee's compliance with the required mitigation measures.
14. The permittee shall deposit an initial sum of \$6,000.00 with Regional Planning within thirty (30) days of the date of final approval of this grant to defray the cost of reviewing and verifying the information contained in the reports required by the MMP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.
15. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a 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.
16. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
17. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works ("Public Works") to the satisfaction of said department.
18. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
19. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
20. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal

decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

21. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
22. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT

23. The permittee shall dedicate and construct a 12-foot-wide easement for a recreational trail along 110th Street West, as required by County Parks and Recreation and as depicted on the Exhibit "A".
24. The permittee shall submit to Regional Planning a Landscape Plan for review and approval and shall comply with all requirements of such plan.
25. The permittee shall undertake and comply with a landscape maintenance program that controls the spread of invasive species on the subject property during the life of the grant term. The landscape maintenance program shall be submitted to Regional Planning for review and approval.
26. Prior to the issuance of building permits, the permittee shall install a perimeter landscaped vegetative screen along the property fronting 110th Street West, West Avenue J, and the northern edge of the project site, as depicted on the approved Landscape Plan. The landscaped vegetative screen shall not encroach upon the recreational trail.
27. The permittee shall irrigate the perimeter landscaped vegetative screen for a minimum of three years or until the landscaping has successfully established. The permittee shall ensure that the landscaped screen remains successfully established to the satisfaction of Regional Planning throughout the entire grant term. 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.

28. The use of pesticides, herbicides, and rodenticides shall be prohibited on the subject property during the life of the grant term.
29. Prior to any ground disturbance and/or the issuance of grading permits, the permittee shall submit a dust control plan for review and approval by Regional Planning and the Antelope Valley Air Quality Management District ("AVAQMD"). The permittee shall abide by all requirements and conditions of the approved dust control plan.
30. The offsite generation tie-line shall be placed underground for the entire length to the Antelope Substation to the extent feasible.
31. 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. 34, 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 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 all on-site water and sewage lines and septic tanks;
 - d. 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;
 - e. 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;
 - f. 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;
 - g. Documentation of the pre-construction condition of the project site, including, but not limited to, a photographic record; and
 - h. Details of the performance and financial assurance guarantees described in Condition No. 32, explaining the amounts and schedule for the provision of such guarantees.
32. 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. 31. 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. 34. 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 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 performance and implementation of the Decommissioning Plan. The report shall be subject to review and approval by the Director and 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. 32, 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 provide as of the date of such report. In the event it is determined that the performance and financial assurance guarantees as 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 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 Regional Planning.

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

33. Upon discontinuance of the permittee's operation as set forth in Condition No. 34, abandonment of the project in whole or in part, or termination of this grant as described in Condition No. 8, 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. 32 (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.
34. In the event that any portion of the solar field is not in operational condition for a consecutive period of 24 months, operations for the 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. 34 be deemed to extend the term or expiration date of this grant.
35. The permittee shall not use any groundwater for the construction and/or maintenance of the solar facility.

PROJECT SITE SPECIFIC CONDITIONS

36. This grant shall authorize the construction, operation, and maintenance of a photovoltaic solar energy facility, offsite generation tie-line, and appurtenant equipment on 178.5 acres of a 263-acre site.

37. The permittee shall hire and retain an on-site compliance monitor: a "Special Inspector."
38. The permittee shall install a mechanical dust-monitoring device on the subject property subject to the approval of AVAQMD.
39. The project shall comply with all requirements of the Rural Outdoor Lighting District.
40. 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. Wheel wash stations shall comply with CSQA BMP Construction Handbook.
41. Nothing in this grant shall prevent the permittee from installing more efficient solar panels in the future, increasing output, provided the footprint and overall disturbance area of the project does not increase. At such time the permittee wishes to install more efficient solar panels, a Revised Exhibit "A" shall be submitted to the County for such installation.
42. All fencing shall be wildlife-friendly fencing as depicted on the Exhibit "A".
43. The permittee shall revegetate disturbed areas to the extent feasible with indigenous drought-tolerant plants.
44. The two water tanks on the subject property shall be painted an earth-tone color (beige, sand, taupe or similar colors) to blend in with the surroundings, subject to review and approval by the Director.
45. Temporary screening of construction and staging areas (e.g. fencing with fabric or slats) shall be installed prior to construction activities to the satisfaction of Regional Planning.
46. The project shall only use water from an approved source located outside the boundaries of the Antelope Valley Groundwater Adjudication Basin.
47. The permittee shall be limited to a maximum use of 50 acre-feet of water for construction, an additional 4 acre-feet for the establishment of the landscaped vegetative screen, and 3 acre-feet per year ("AFY") for operation and maintenance. Additionally 91 acre-feet are permitted for the decommissioning of the project, should that event become necessary. Total water use for the entire 20-year life of the project shall be limited to 201 acre-feet.
48. 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.

49. Appropriate training for respiratory protection shall be provided to construction workers. Dust masks (National Institute for Occupational Safety and Health [NIOSH] approved) shall be provided with proper training to construction workers to mitigate against dust exposure and possibly Valley Fever during high-wind events and/or dust-generating activities.
50. The permittee shall comply with all conditions set forth in the attached County Public Works, Fire, Public Health, Parks and Recreation Department letters dated October 15, 2013, August 7, 2012, September 27, 2013, and October 15, 2013,, which are incorporated as if set forth in full herein.

Attachments:

Mitigation Monitoring Program (pages 1- 10)

Fire, Public Works, Public Health, Parks and Recreation Department letters dated October 15, 2013, August 7, 2012, September 27, 2013, and October 15, 2013

**MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
PROJECT NO. R2012-01589-(5) / PERMIT NO. CUP 201200086 / ENV NO. 201200158**

MM#	Mitigation	Action Required	When Monitoring to Occur	Responsible Party	Monitoring Agency or Party	Verification of Compliance		
						Initials	Date	Remarks
AES-1	The Project shall incorporate landscaping with native, drought-tolerant vegetation for the exterior of the Project Site along the portions of the perimeter fence facing 110th Street West, West Avenue J, and along the northern boundary of the site. A Landscape Plan shall be prepared, subject to the review and approval of the County of Los Angeles. Irrigation via water trucks would be conducted until the landscaping is established. Such landscaping shall be maintained as approved during the operational phase of the Project. All perimeter landscaping shall be planted prior to energization of the solar panels.	<p>Submittal and approval of a Landscape Plan.</p> <p>Installation of landscaping as described in the Landscape Plan.</p> <p>Maintenance of landscaping during operation.</p>	Prior to issuance of certificate of occupancy	Applicant	DRP			
AES-2	Lighting to be installed in specific locations around the periphery of the Project site, as required for nighttime security purposes, shall consist of modern, low intensity, downward-shielded fixtures that are motion-activated, and shall be directed onto the Project site. Motion detectors shall be set at a sensitivity level that cannot be triggered by small animal movement.	Review and approval of a lighting plan with mitigation measure requirements incorporated.	Prior to issuance of building permit	Applicant	DRP			
AES-3	The glass used to cover the Project's flat-plate photovoltaic (PV) panels shall be "high-transmission, low-iron" tempered glass and have a reflectance value of 8 percent or less. All other structures and equipment associated with the Project, including the water tanks and Substation, shall be painted with a color chosen to blend with the surroundings and minimize visual impacts.	Review and approval of the site plan with mitigation measure requirements incorporated.	Prior to issuance of building permit	Applicant	DRP			
Air Quality		Installation of PV panels as described in plans and specifications.	Prior to energization of the solar panels	Applicant	DRP			

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<p>During construction of the Project, the Project shall comply with Antelope Valley Air Quality Management District's (AVAQMD's) Rule 403, Fugitive Dust, to prepare a Dust Control Plan for controlling fugitive dust and avoiding nuisance. Compliance with this rule would result in a reduction in short term particulate pollutant emissions. The Dust Control Plan shall be subject to the review and approval of the AVAQMD and shall include the following strategies:</p> <ul style="list-style-type: none"> • <u>Minimal Grading and Ground Disturbance:</u> The Project shall perform the minimum amount of grading and disturb the minimum amount of existing vegetation to construct the Project. Grading shall generally be limited to the proposed access roads, retention basins, Project Substation foundation, inverter pads, water tank pads, and trail areas. The existing vegetation in all other areas shall be mowed to a height consistent with vegetation management requirements and left in place. • <u>Vehicle Use:</u> The Project shall only use construction vehicles with tires and shall prohibit use of equipment with rotating wheel tracks (e.g. tank treads or caterpillar tracks). • <u>Construction Scheduling:</u> Grading activities shall be temporarily halted and/or site watering shall be increased during wind speeds that exceed 25 miles per hour, or when visible dust plumes have the potential to be transported: 1) off the Project site or 2) 200 feet beyond the centerline of the construction of linear facilities (such as the Grid-Tie). Earth-moving activities on the Project site shall be scheduled during to occur during the latter portion of the rainy season, when it is anticipated that natural rainfall shall assist with mitigation of fugitive dust. • <u>Water Application:</u> The Project shall apply water to the construction site as necessary to control fugitive dust. As required by the AVAQMD, when water is used as fugitive dust control, watering is required three times a day and increased to a minimum of four times a day if there is evidence of visible wind-driven fugitive dust. • <u>Soil Binders/Wood Mulch:</u> Soil binders and wood mulch shall be applied as necessary. • <u>Stock Piles Stabilization:</u> All stock not currently in use shall be stabilized from erosion through the use of watering, soil binders, or protected with a plastic or geo-textile mat. • <u>Final Stabilization:</u> Prior to completion of construction, all disturbed areas shall be permanently stabilized through the use of an all-weather surface treatment and existing vegetation shall be maintained at a maximum height of 6 inches, per LACFD requirements. • <u>Monitoring:</u> A qualified construction mitigation manager (CMM) or delegate shall be retained to be on-site during all grading activities to ensure compliance with the approved Dust Control Plan. The CMM or Delegate shall monitor all construction activities for visible dust plumes. The CMM 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>Submittal and approval of a Dust Control Plan.</p>	<p>Prior to issuance of grading or building permits, whichever occurs first</p>	<p>Applicant</p>	<p>DRP</p>			
<p>Biological Resources</p>	<p>Implementation of dust control measures as described in the Dust Control Plan during construction.</p>	<p>During construction</p>	<p>Applicant</p>	<p>AVAQMD Applicant-appointed monitor</p>	<p>DRP</p>		

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<p>BIO-1</p> <p>A pre-construction survey for the burrowing owl shall be conducted prior to start of construction/ground-breaking activities. Beginning 30 days prior to the start of construction, surveys shall be conducted weekly with the final survey occurring 1 day prior to the start of construction. During the first survey, a habitat assessment will be conducted to identify potentially suitable burrows which shall become the focus of subsequent surveys. For those burrows located along the Grid-Tie transmission route off the Project site, a second survey will be conducted within 24 hours of any ground-breaking activities. If these surveys do not detect occupied burrowing owls, then no further mitigation is required. If burrows occupied by burrowing owls are detected on the Project site, the Project Applicant shall notify the California Department of Fish and Wildlife (CDFW) and shall implement the following actions prior to construction (either Set A for breeding burrowing owls [March to July] or Set B for non-breeding burrowing owls [August to February]). Buffer distances are based on the recommended restricted activity dates and setback distances by level of disturbance listed in the CDFW's 2012 Staff Report on Burrowing Owl Mitigation.</p> <p>Set A Measures (for Breeding Burrowing Owls, between March and July)</p> <p>A1) No work shall occur within 500 meters of the active nesting burrow unless on-site biologists determines specific conditions would allow a smaller buffer; the CDFW shall be consulted to determine whether a reduced buffer is acceptable.</p> <p>A2) Provide weekly monitoring of the burrowing owl nesting burrow to determine nesting outcome.</p> <p>A3) Provide CDFW with monthly updates of burrowing owl nesting success.</p> <p>A4) Resume construction at the burrow site once the qualified Biologist has made the determination that the burrow is no longer in use. Prior to resumption of work and subsequent to approval from the CDFW and County, the burrow shall be safely collapsed if necessary to complete project construction.</p> <p>If burrows occupied by burrowing owls are detected within 200 meters of the off-site Grid-Tie or other disturbance areas, the Project Biologist shall monitor the owl(s) to ensure that the Project does not negatively impact breeding. If negative indirect impacts are suspected, the Project Biologist shall propose measures to reduce indirect impacts to the owl(s) during construction.</p>	<p>Pre-construction Burrowing Owl survey. Review and approval of the Burrowing Owl survey results.</p>	<p>Prior to start of construction or ground-breaking activities</p>	<p>Applicant</p>	<p>DRP CDFW</p>		
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**MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
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<p>BIO-1 (cont'd)</p>	<p>Set B Measures (for Non-Breeding Burrowing Owls, between August and February)</p> <p>B1) A qualified Biologist shall notify the CDFW of the occupied burrow location and that either passive or active relocation measures will be implemented if burrow destruction is necessary for project completion.</p> <p>B2) The Biologist shall remove the burrow if avoidance is not feasible.</p> <p>If impacts to burrowing owl occupied burrows are unavoidable, preservation of lands containing potentially suitable burrowing owl habitat shall be preserved at a 1:1 ratio and in accordance with guidance of the CDFW's 2012 Staff Report on Burrowing Owl Mitigation. The 1:1 ratio is expected to be adequate due to the homogenous landscape of the project area resulting in very high likelihood of highly similar, and thereby successful, mitigation lands.. Impacted lands shall be defined as the directly impacted occupied burrows and immediately adjacent habitat areas. Replacement lands shall be within the Project region (i.e. western Antelope Valley) and shall be located as close to the Project site as feasible. Vegetation types present and condition of mitigation lands shall be similar to those found on the impacted occupied burrowing owl lands. If suitable natural burrows are not present within the Project site, artificial burrows shall be constructed in accordance with guidance of the CDFW's 2012 Staff Report on Burrowing Owl Mitigation and California Burrowing Owl Consortium (1993) Guidelines. Maintenance of such lands shall be the responsibility of the Project Applicant and shall ensure that conditions and general biological value remain consistent over time. Mitigation lands shall be preserved in perpetuity, or for the length of project impacts if temporal, with a conservation easement or other form of legal dedication. Lands may be deeded to a land management-conservation entity with prior approval from the County. Mitigation lands and deeds or conservation easements proposed shall be approved by the County prior to issuance of grading permits.</p> <p>Within 60 days of recordation of the permanent deed restriction(s) or conservation easement(s), a Maintenance Plan for the off-site mitigation lands shall be submitted to the County for review and approval. The plan shall include the maintenance requirements for the mitigation area, based on the characteristics of the mitigation land and the mitigation requirements described above. The Maintenance Plan shall also describe the performance standards for determining that mitigation requirements for the lands have been met.</p>						
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BIO-2	<p>If construction activities on the Project site and along the Grid-Tie alignment are completed between September 16 and March 31 (i.e., non-nesting season), then additional surveys for Swainson's hawk are not required.</p> <p>If new or ongoing construction activities (i.e., additional removal of potential foraging habitat through ground-disturbing activities) would occur on the Project site and along the Grid-Tie alignment between April 1 and September 15, surveys for Swainson's hawk shall be conducted following the 2010 CDFG survey protocol for the Antelope Valley prior to or concurrent with construction activities. If no active nests are detected, then no further mitigation is necessary.</p> <p>If the survey detects an active Swainson's hawk nest within a 5-mile radius of the Project site, all construction activities must fully and immediately cease and the CDFW shall be notified. If the nest is determined to be unsuccessful by a qualified Biologist, the Project Applicant may resume construction activities as long as no other active nests are located within the 5-mile radius of the Project site, as authorized by CDFW and LACDRP. If Swainson's hawk nests are determined to be successful, the Project Applicant shall consult with CDFW to determine if a "take" authorization of a State-listed species (per the California Endangered Species Act) is warranted in light of the mitigation land requirements set forth under MM CML-1. If warranted, the Project Applicant shall pursue a CDFW permit, which will include any additional conditions requiring impact minimization to the Swainson's hawk.</p>	Pre-construction Swainson's Hawk survey, only if construction or ground-breaking activities occur during the nesting season.	Prior to start of construction/ground-breaking activities	Applicant	DRP CDFW		
BIO-3	<p>If jurisdictional waters cannot be avoided, the Project Applicant shall apply for a Section 401 permit from the Regional Water Quality Control Board (RWQCB) and a 1602 Streambed Alteration Agreement from CDFW. These permits shall be obtained prior to approval of improvement plans; issuance of grading permits; and/or any clearing, grading, or excavation work on the Project site. The Project Applicant shall ensure that the Project would result in no net loss of "Waters of the State" by providing mitigation through impact avoidance; impact minimization; and/or compensatory mitigation for the impact, as determined in the Streambed Alteration Agreement. Compensatory mitigation may consist of (a) obtaining credits from a mitigation bank; (b) making a payment to an in-lieu fee program that would conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities (these programs are generally administered by government agencies or nonprofit organizations that have established an agreement with the regulatory agencies to use in-lieu fee payments collected from permit Applicants); and/or (c) providing compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity. This last type of compensatory mitigation may be provided at or adjacent to the impact site (i.e., on-site mitigation) or at another location, usually within the same watershed as the permitted impact (i.e., off-site mitigation). The Project Applicant retains responsibility for the implementation and success of the mitigation project. Evidence of secured permits shall be provided prior to approval of improvement plans; issuance of grading permits; and/or any clearing, grading, or excavation work on the Project site.</p>	If jurisdictional waters cannot be avoided, a Section 401 permit and SAA must be obtained.	Prior to approval of improvement plans; issuance of grading permits; and/or any clearing, grading, or excavation work	Applicant	DRP RWQCB		
BIO-4	<p>Temporary construction staking or fencing shall be erected under the supervision of a qualified Biologist at or outside the edge of the impact areas where they interface with jurisdictional features. This fencing shall be erected prior to commencement of grading activities and shall demarcate areas where human and equipment access and disturbance from grading are prohibited. A qualified Biologist shall monitor all site preparation and grading activities near these interfaces during construction. Staging areas shall be restricted to approved impact areas only.</p>	Temporary staking or fencing of jurisdictional features.	Prior to start of construction or ground-breaking activities	Applicant/ Construction Manager	DRP		

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<p>BIO-5</p> <p>The perimeter fencing surrounding the Project site will be raised at regular intervals above ground level to allow for the passage of wildlife to the lesser of either: 18 inches above grade or to the maximum height allowed by the PUC.</p>	<p>Review and approval of the site plan with the mitigation measure requirements incorporated. Installation of perimeter fencing as described in plans and specifications.</p>	<p>Prior to issuance of grading or building permits, whichever occurs first</p>	<p>Applicant/ Construction Manager</p>	<p>DRP</p>			
<p>BIO-6</p> <p>To ensure compliance with the Migratory Bird Treaty Act (MBTA) and Section 3503.5 of the California Fish and Game Code, construction activities shall be conducted during the non-nesting season (September 1–January 31) to avoid any potential disturbance of avian breeding activities. Project-related activities with the potential to disturb suitable bird nesting habitat shall be prohibited from February 1 through August 31, unless a Project Biologist acceptable to the Director of Regional Planning surveys the Project area prior to disturbance to confirm the absence of active nests or nesting habitat. Disturbance shall be defined as any activity that physically removes or damages vegetation or habitat or any action that may cause disruption of nesting behavior such as loud noise from equipment or artificial night lighting. If site clearing, construction or other ground disturbance would be conducted within the general nesting season (February 1–August 31), then a pre construction nesting bird survey shall be conducted by a qualified Biologist within three days prior to disturbance. If an active nest is located within or adjacent to the construction area and the Biologist determines that work activities may impact nesting, the Biologist shall demarcate an appropriate buffer zone around the nest, generally prohibiting construction activities within 300 feet (500 feet for raptors) of the active nest. The size of the buffer may vary (depending on site features, the sensitivity of the species, and the type of construction activity), but will be designed to prevent disruption of nesting activity. If construction activities must occur within the buffer zone of an active bird nest, the Biologist must monitor the construction activities to avoid undue disturbance to the nesting activities. The buffer zone restrictions will be eliminated once the Biologist determines that nesting activity has ceased. Surveys shall be conducted weekly, beginning no earlier than 30 days and ending no later than 3 days prior to the commencement of disturbance. The Project Applicant shall record the results of the recommended protective measures described above and submit the records to the Department of Regional Planning to document compliance with applicable State and Federal laws pertaining to the protection of native birds.</p>	<p>Pre-construction nesting bird surveys. Review and approval of the nesting bird survey results.</p>	<p>Prior to start of construction or ground-breaking activities</p>	<p>Applicant/ Construction Manager</p>	<p>DRP CDFW</p>			
<p>Cultural Resources</p>							

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<p>CUL-1 In the event of the discovery of potential cultural resources during ground-disturbing activities, ground-disturbing activities within 50 feet of the discovery shall be halted and diverted until a qualified Archaeologist assesses the resource for significance. The qualified Archaeologist will assess the resource pursuant to Section 21083.2(g) of the California Public Resources Code and Section 15064.5(a) of the State CEQA Guidelines to make recommendations of significance. The Archaeologist shall provide their recommendations to the County for a determination of significance. If the County determines the resource to be a significant resource, a "unique archaeological resource", or a "historical resource", the Archaeologist shall formulate a mitigation plan in consultation with the County that will mitigate impacts to the resource to a less than significant level. Potential mitigation could include planning construction to avoid the resource; protection and preservation in place; and/or data recovery excavation of a representative sample of the site's constituents.</p> <p>The Archaeologist shall prepare a report of the results of any study prepared as part of a testing or mitigation plan, following accepted professional practice. The report shall follow guidelines of the California Office of Historic Preservation. Copies of the report shall be submitted to the County of Los Angeles and to the California Historic Resources Information System at the South Central Coastal Information Center (SCCIC).</p>	<p>If potential cultural resources are discovered, they must be evaluated. If significant, a mitigation plan must be formulated.</p>	<p>During construction</p>	<p>Applicant/ Construction Manager</p>	<p>DRP</p>	
<p>CUL-2 Should fossils/paleontological resources be found during ground disturbing activities for the Project, ground-disturbing activities within 50 feet of the discovery shall be halted or diverted until a qualified Paleontologist inspects the find and evaluates it for significance. Work may proceed in other areas of the site, subject to the direction of the Paleontologist. If determined significant, the Paleontologist shall be authorized to quickly and efficiently salvage and remove the fossil from its locality, as appropriate, before ground disturbing activities resume in the area. These actions, as well as final disposition of the resources, shall be subject to the approval of the County of Los Angeles. These would include identification and evaluation of the discovery and curation of the fossil in perpetuity in an accredited scientific institution approved by the County.</p>	<p>If paleontological resources are discovered, they must be evaluated. If significant, a mitigation plan must be formulated.</p>	<p>During construction</p>	<p>Applicant/ Construction Manager</p>	<p>DRP</p>	
<p>CUL-3 In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found during ground-disturbing activities, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur. The County Coroner shall be notified within 24 hours of the discovery. If the County Coroner determines that the remains are or believed to be Native American, s/he shall notify the NAHC in Sacramento within 24 hours of the discovery. In accordance with Section 5097.98 of the California Public Resources Code, the NAHC must immediately notify those persons it believes to be the most likely descended from the deceased Native American. The descendants shall complete their inspection within 48 hours of being granted access to the site by the Property Owner. The property owner would then determine, in consultation with a designated Native American representative, the final disposition of the human remains (14 California Code of Regulations §15064.5[e]).</p>	<p>If human remains are discovered, the County Coroner must be notified.</p>	<p>During construction</p>	<p>Applicant/ Construction Manager</p>	<p>DRP Coroner</p>	

Hazards and Hazardous Materials

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HAZ-1	During construction activities, any hazardous materials encountered on the Project site requiring off-site disposal that meet hazardous waste criteria shall be transported off site by a properly licensed hazardous waste hauler who shall comply with all applicable State and federal requirements, including California Department of Transportation (Caltrans) regulations under Title 49 of the Code of Federal Regulations (CFR). Hazardous materials that may be encountered during proposed Project implementation would be handled, treated, and/or disposed of in accordance with applicable regulations and/or the requirements of the local oversight agency(ies).	If encountered, transfer and dispose of hazardous materials in compliance with applicable regulations.	During construction	Applicant/ Construction Manager	Applicant- appointed monitor		
HAZ-2	The Contractor shall conduct construction activities in compliance with the regulations of the Los Angeles County Fire Department, which serves as the designated Certified Unified Program Agency (CUPA), and shall implement the State and federal regulations related to (1) the Hazardous Waste Generator Program; (2) Hazardous Materials Release Response Plans and Inventory Program; (3) California Accidental Release Prevention Program (Cal-ARP); (4) the aboveground storage tank (AST) Program; and (5) the underground storage tank (UST) Program.	Conduct construction activities in compliance with regulations of LACFD.	During construction	Applicant/ Construction Manager	LACFD		
HAZ-3	Prior to commencement of on-site ground-disturbing activities, the Project Applicant shall obtain a statistically valid number of soil samples from the identified areas and analyze for the presence of organochlorine pesticides and arsenic. The results of testing shall be made available to the County for review and confirmation. If the results of the soil testing show the presence of chemicals below regulatory levels, grading or excavation may proceed accordingly. If chemical levels are above regulatory standards, remediation and/or removal of contaminated soils in compliance with applicable local, State, and federal standards and requirements shall be conducted prior to Project construction.	Pre-construction soil testing and compliance with applicable regulations.	Prior to start of construction or ground-breaking activities	Applicant/ Construction Manager	LACFD		
HAZ-4	If abnormal soil staining and/or odors are encountered during grading and excavation activities that could indicate the presence of petroleum hydrocarbons, heavy metals, or other contamination, construction activities shall be halted and an assessment of the soils shall be conducted prior to the continuation of grading or excavation activities. If the results of the soil testing show the presence of chemicals below regulatory levels, grading or excavation may proceed accordingly. If chemical levels are above regulatory standards, remediation and/or removal of contaminated soils in compliance with applicable local, State, and federal standards and requirements shall be conducted prior to Project construction.	Halting of construction and soil testing, if abnormal soil conditions are encountered.	During construction	Applicant/ Construction Manager	Applicant- appointed monitor		
HAZ-5	During operation, the County shall require the use of demineralized water in all photovoltaic (PV) panel cleaning activities. No other cleaning agents or additives shall be used.	Requires use of water only for panel cleaning.	During operation	Applicant/ Operator	Applicant- appointed monitor		
Recreation							
REC-1	The Applicant shall design and construct an eight foot (8') wide trail along the eastern boundary of the Project site, in a manner consistent with the County of Los Angeles Trails Manual (Trails Manual), to form part of Los Angeles County Trail Number 130 (California Poppy Trail) on the Los Angeles County Trails Map. The trail shall be constructed within a twelve foot (12') easement that shall be dedicated and recorded as a separate document. Prior to issuance of Building Permits, the Applicant shall submit detailed grading information for the trail construction to the Department of Parks and Recreation and include all pertinent information required in the Trails Manual.	Design a trail in compliance with County Trails Manual.	Prior to issuance of grading or building permits, whichever occurs first	Applicant	DPR		

**MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
PROJECT NO. R2012-01589-(5) / PERMIT NO. CUP 201200086 / ENV NO. 201200158**

	Construct a trail in compliance with County Trails Manual.	Prior to energization of the solar panels	Applicant	DRP			
Utilities and Service Systems UTL-1 Construction activities on the Project site shall be conducted in compliance with Chapter 20.87 (Construction and Demolition Debris Recycling and Reuse) of the Los Angeles County Code. Therefore, a Recycling and Reuse Plan (RRP) must be submitted to the Los Angeles County Department of Public Works, Environmental Programs Division, prior to permits (grading or building, whichever comes first) being issued for the Project.	Submittal and approval of a RRP.	Prior to issuance of grading or building permits, whichever occurs first	Applicant/ Construction Manager	DPW			
Mandatory Findings of Significance							
CML-1 Prior to the issuance of a grading permit, Project Applicant shall provide dedicated open-space lands at a minimum 2:1 ratio (replacement:impact) for the lands disturbed by Project implementation. The acreage of impacted lands requiring mitigation is calculated to include all graded areas and all areas within the fenced confines of the proposed facility, including areas directly beneath and between solar panels. A total of 357 acres of mitigation land shall therefore be provided by the Project Applicant. The 84 acres of the Project site that shall not be developed may count towards satisfaction of a portion of the total required acreage. The remaining 273 acres shall be acquired off-site. Off-site mitigation lands must be located within the Project region (i.e. western Antelope Valley) and shall be located as close to the Project site as feasible. The vegetation types, overall biological value, and the condition of mitigation lands shall be comparable to those found on the impacted lands on the Project site. Maintenance of such lands shall be the responsibility of the Project Applicant and the mitigation lands must be maintained to ensure conditions and general biological value remain consistent over time. Mitigation lands shall be selected in consultation with CDFW and preserved with a conservation easement or other form of legal dedication in perpetuity, or until the Project site is restored to its pre-developed conditions per the requirements of the approved Decommissioning Plan. Lands may be deeded to a land management-conservation entity with prior approval from the County. Mitigation lands and deeds or conservation easements proposed shall be approved by the County prior to issuance of grading permits. Within 60 days of recordation of the permanent deed restriction(s) or conservation easement(s), a Maintenance Plan for the off-site mitigation lands shall be submitted to the County for review and approval. The plan shall include the maintenance requirements for the mitigation area, based on the characteristics of the mitigation land and the mitigation requirements described above. The Maintenance Plan shall also describe the performance standards for determining that mitigation requirements for the lands have been met.	Obtain dedicated open space	Prior to issuance of grading or building permits, whichever occurs first	Applicant/ Construction Manager	DRP CDFW			

**MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
PROJECT NO. R2012-01589-(5) / PERMIT NO. CUP 201200086 / ENV NO. 201200158**

<p>CML-2</p> <p>Prior to energization of the Project, if the as-built plan reveals the need for restoration after construction, a Revegetation Plan shall be submitted for review and approval to the County. The CSP will detail access routes, storage areas, high-traffic areas, and methods for the installation of the panels and other equipment in non-graded areas. The CSP will ensure that construction staging areas are sited in upland areas outside stream channels and other surface waters on or around the Project site. Buffer areas will be identified and exclusion fencing will be used to protect the water resource and to prevent unauthorized vehicles or equipment from entering or otherwise disturbing stream channels. Construction equipment will be required to use existing roadways to the extent feasible. A qualified construction mitigation manager (CMM) or delegate will be responsible for documenting adherence to the CSP during the construction phase of the project.</p> <p>A post-construction "as-built" plan will be required prior to energization of the project, which shall detail areas of disturbance needing further restorative work in order to meet the expected criteria upon which the cumulative impacts analyses were based. In the event that the as-built plan reveals the need for restoration after construction, a Revegetation Plan that details steps proposed for the restoration of disturbed areas after construction will be required to be prepared and implemented. Restoration performance goals shall be based upon the quality of the on-site vegetation at the time of the CUP approval. The Revegetation Plan shall include a five-year annual reporting program to document the site's recovery towards these expected criteria, and shall include provisions for adaptive management contingencies if adequate re-vegetation has not occurred within a three year period from energization.</p> <p>After the five year monitoring period has elapsed, the mitigation may be deemed complete if the performance goals have been satisfied. Further mitigation may be required, subject to enforcement penalties, if the performance goals have not been met.</p> <p>Maintenance of the site in keeping with performance goal criteria shall be a condition of the CUP, subject to enforcement penalties, and shall be confirmed through a requirement in the project MMRP that annual reporting shall continue for the life of the project.</p>	<p>Submittal and approval of a HMMP and CSP</p>	<p>Prior to issuance of grading permit for the CSP, and prior to CUP approval for the HMMP.</p>	<p>Applicant/ Construction Manager</p>	<p>DRP Applicant- appointed monitor</p>			
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**Burden of Proof for Requested Conditional Use Permit
West Antelope Photovoltaic Power Project**

The proposed West Antelope Project (Project) is a 20 megawatt (MW) photovoltaic project located in the unincorporated County of Los Angeles, at 110th Street West and West Avenue J, just outside of the western boundaries of the city of Lancaster, on currently vacant land zoned for heavy agricultural development. A 1.5 mile, 66-kV, underground generation-tie line will run east from the Project to the SCE-owned Antelope Substation at 95th Street West and West Avenue J. At 95th Street West and West Avenue J, the Gen-Tie Line will enter the Antelope Substation in order to electrically couple the Project to the existing transmission infrastructure. The Project will operate year-round, producing up to 20 MW of renewable electric power during daytime hours. In early 2012, the Applicant secured a 20-year agreement with Pacific Gas & Electric ("**PG&E**") to supply electricity generated by the Project to this nearby utility.

I. **The requested Conditional Use Permit will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area because:**

A. **The West Antelope Project will help the state of California meet its Renewable Portfolio Standard goals.**

Under state law SBX1-2, the California legislature has created a Renewable Portfolio Standard (RPS) whereby select utilities in California must have 25% of their retail load met by renewable generation by 2016, and 33% by 2020. As a renewable resource, this Project will help PG&E to meet these RPS requirements. In addition to these compliance benefits for PG&E, renewable generation provides numerous benefits for the citizens of the state of California, including: decreased dependence on foreign sources of fuel, a diversified generation portfolio, less exposure to variable fuel costs, a reduction in greenhouse gas emissions and other air pollutants, and "green" jobs throughout the renewables supply chain.

B. **The West Antelope Project is appropriate for the site.**

The West Antelope Project is located on previously disturbed land in the sparsely populated Antelope Valley. The Project site is depicted within the Heavy Agriculture (A-2-5) zoning category and is surrounded by agriculturally zoned land and the city of Lancaster. The site contains no Prime Farmland. Much of the area surrounding the Project site is vacant, with some isolated low density, rural residential development in the vicinity.

C. **The West Antelope Project will be a low-impact, passive land use.**

Noise

Operation of the proposed Project would generate very minimal noise levels. The Project would generate electricity with panels mounted on very slow moving, silently-rotating single-axis trackers. A maximum of four to five employees would make periodic trips to maintain the Project with most of the work being done remotely. Periodic maintenance would primarily consist of cleaning the photovoltaic panels, as necessary. Because of the

passive nature of the on-site operations, the likelihood of noise disturbance for nearby properties is negligible.

During the brief construction period, there will be typical construction noises during daytime hours. Although the construction activities associated with earth-moving equipment and other construction machinery would temporarily increase noise levels for adjacent land uses, these impacts will be temporary and will conform to applicable County noise ordinances.

Air Quality

During operation, the Project itself will generate no air emissions and will, in fact, replace conventional sources of power generation that would create emissions. However, a negligible volume of emissions will be produced from the occasional maintenance vehicles that come on-site to service the Project.

Construction-related emissions, resulting from fugitive dust and construction equipment, will be generated during the six month construction period. The fugitive dust emissions will be mitigated through implementation of a Fugitive Dust Mitigation Plan as required by the County, and construction equipment will comply with air pollution control requirements.

Hazardous Waste

During construction and operation, very limited quantities of hazardous materials would be utilized, including petroleum-based fluids, cleaning supplies, batteries and paint. Among other materials, ~6,000 gallons of vegetable or mineral oil will be sealed within the transformers on the Project site, and approximately 4-5 gallons of battery fluids will be sealed within the batteries on the Project site. These materials will be transported, handled, stored and disposed of in accordance with Federal, State and Local requirements, and will have no effect on the health of persons residing or working nearby.

Traffic

The majority of operations and monitoring for the Project facilities will be done remotely. On days when on-site employees are needed, four to five workers will travel to the site to operate and maintain the solar facilities. Therefore, there will be a negligible long-term traffic impact from the Project.

Traffic generated during the construction phase would include worker vehicles and heavy trucks. Based on the existing roadway capacity and usage, it is anticipated that the Project will not have a significant impact even during the temporary construction period.

Aesthetic/Visual

The Project's solar facilities will have a low profile, with the majority of the Project comprising solar trackers reaching a maximum height of approximately eight feet.

The site's west and south boundaries are defined by a large 500 kV transmission line running from the Tehachapi mountains to the Antelope Substation. Neighboring scenic vistas include views of the Foothill Area and Quartz Hill. The Antelope Valley California Poppy Reserve is also distantly visible to the west of the Project site, and views of the mountains and open desert are also available. With implementation of the proposed Project, the available views of the identified scenic resources would not change and would continue to be available from the streets and the surrounding area. Therefore, no impacts to scenic vistas would occur as a result of the proposed Project.

The proposed Project would generate light predominantly from security and perimeter lighting. Lighting will consist of modern, low intensity, downward-shielded fixtures that are motion-activated, and will be directed onto the immediate site. Therefore, lighting impacts would be minimized.

Public Services

The Project would incrementally increase the need for fire and police services; however, the site is within the current service area of both these agencies, and the additional time and cost to service the site is minimal. The Project would not induce substantial population growth and, therefore, would not substantially increase demand on parks or other public facilities.

Development of the Project would not result in an incremental increase in population, and no increase in the number of students in either the Antelope Valley Union High School District or the Westside School District.

Water Quality

The proposed Project would not have a significant effect on ground or surface water quality. Potential soil erosion and drainage sedimentation will be minimized, and the Project will prepare and implement a Storm Water Pollution Prevention Plan in compliance with California's General Permits for storm water management during construction and operation.

The proposed Project would also not generate any wastewater that would be disposed of in a sewer or septic system. Some wastewater would be generated from the occasional washing of the solar panels, and this water would be disposed of on-site in accordance with any requirements of the Regional Water Quality Control Board. As no hazardous materials would be utilized on-site, the wastewater is not expected to exceed any established standards.

Water Usage

During operations and maintenance, the proposed Project will use water trucked in from outside of the Antelope Valley groundwater basin and/or from a greywater source for the occasional washing of the PV panels. Washing would occur approximately twice per year. Similarly, during construction, the water used for dust control, soil compaction, and the mixing of concrete will be trucked in from outside of the Antelope Valley groundwater basin and/or from a greywater source. Sanitary needs during construction and operations will be met by portable facilities approved by the County Health Department.

The proposed Project would therefore not impact any groundwater recharge area or groundwater supplies.

D. Development at the site will enhance the comfort and welfare of the surrounding community by creating new jobs.

During the approximately six-month construction period, it is estimated that the Project will employ up to one hundred construction workers per day. Many of these jobs will be filled by local electricians and journeymen. On an ongoing basis, four to five operations and maintenance jobs will also need to be filled by the local workforce.

II. The proposed project will not be materially detrimental to the use, enjoyment, or valuation of other persons located in the vicinity of the site because:

A. The proposed Project is compatible with the existing uses, enjoyment, or land valuations of its neighbors.

The Project area is sparsely populated, and the Project will not interfere with other people's quiet enjoyment of their land. The Project will not produce significant emissions, noise, pollutants, or visual impacts that would adversely impact other uses, enjoyment or valuations. As described above in I.C., the Project will be a low-impact, passive use of the property.

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

A. The proposed Project will provide substantial benefits for public health and the general welfare with no negative impacts to public health, safety or the general welfare.

The proposed photovoltaic Project will displace conventional sources of power generation that would create air pollution, thereby positively impacting public health. As indicated by the California legislature's passage of the 2011 RPS legislation, the implementation of renewable energy also brings substantial benefits for the general welfare, including: decreased dependence on foreign sources of fuel, a diversified generation portfolio, less exposure to variable fuel costs, a reduction in greenhouse gas emissions and other air pollutants, and "green" jobs throughout the renewables supply chain.

IV. **The site of the proposed project is appropriate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features and will fully integrate the proposed uses with the surrounding area.**

The Project site is located in a sparsely populated area in the Antelope Valley, where the solar resources are some of the best in California. Detailed engineering has been performed to demonstrate that the approximately 263 acre site is appropriate in size and shape to accommodate the planned solar facilities and all other development features necessary to integrate the Project with the surrounding area.

V. **The proposed Project is adequately served by nearby highways, streets, and other service facilities because:**

A. **The area enjoys excellent access to major regional highways and streets.**

The highways and streets surrounding the proposed Project are of sufficient width and will not need improvement in order to carry the minimal traffic generated by the Project. The Project site is conveniently located approximately 10 miles west of California 14, and sits at the crossroads of two significant thoroughfares: West Avenue J and 110th Street West.

B. **The Project will require minimal public or private service facilities and will be largely self-sufficient.**

The minimal ongoing water needs will be trucked in as necessary. Sanitary needs during construction and operations will be met by portable facilities approved by the County Health Department. Electrical power for Project auxiliaries will be supplied during non-generating hours by back feed from the existing electrical grid.

Los Angeles County Regional Planning Commission
320 West Temple Street, 13th Floor
Los Angeles, California 90012

RE: West Antelope Solar Energy Project – SUPPORT

Commissioners,

My name is Antonios Margaritis, and I am the landowner of a site on which a portion of the West Antelope Solar Energy Project (R2012-01589-(5) / CUP 201200086) is located. It is my understanding that this project will be up for an approval hearing on January 8th. I support solar energy as a non-polluting generation source alternative to fossil power plants. The environmental attributes from this project will benefit all Californians.

There are no significant environmental impacts from this project, and the land will be put back to a useful life. This project is being constructed in compliance with the Board of Supervisors Resolution on Fugitive Dust, and there will be no grading, scraping or disking where the solar arrays will be located. I also understand that the project has agreed to 2 to 1 mitigation land for impacted areas.

I support the West Antelope Solar Energy Project and have appreciated the integrity of both Tuusso Energy and Canadian Solar as they have developed the project. As a landowner I have always been a careful steward of the land and now will be a steward of the air. The land that in the past had grown crops will now grow clean electricity at this solar farm.

Thank you for your support,

A handwritten signature in black ink, appearing to read "to my margaritis", written in a cursive style.

Antonios Margaritis
9022 Hasty Ave.
Downey, CA 90240

Anthony Curzi

From: Judy Watson [j_a_c_1940@yahoo.com]
Sent: Sunday, November 17, 2013 3:54 PM
To: Anthony Curzi; Mitch Glaser
Subject: Candian Solar Project

Categories: Red Category

Nov. 17, 2013

As a member CCWAV, Concerned Citizens of West Antelope Valley, we've been fighting for over two years to save the wildflower fields around the Poppy Reserve. When I look over the desert from atop the mountain behind me, I see AV Solar One's, 2,300 acres, NRG Solar's 800 acres and thousands of new acres from Sun Power Solar, plus millions of panels glaring in the sun. More projects are on the books to destroy thousands of acreage of plant life, poppy fields and desert creatures habitat. Plus the added problem of more blowing dust. Solar Panels produce electricity 6-8 hours a day, when the sun shines, more in summer, less in winter. Hundreds of wind turbines stretched out for miles against the base of the Tehachapi's, some barely spinning while most sat idle during Oct and Nov. Motors start up frequently, to slowly turn the blades to keep them 'oiled up', using electricity, not producing any. There they sit, hundreds of them, dead in the water. The huge amount of desert being destroyed, the billions of tax dollars spent for these projects, with only 0-5 permanent jobs, for a relatively small amount of electricity produced, somehow the numbers don't add up. Very little 'promised' jobs for the local residents came to pass. These company's brought in their own crews. It did not boost Antelope Valleys economy, whatsoever. Is it really worth the amount of land destroyed? This is for our kids future? They'll have to look at picture books to see what the desert used to look like. Co2 is also destroyed by clearing the land and wiping out vegetation. What do you do with worn out blades, and solar panels that are good for only 15-30 years? Europe, has unrecyclable blades and toxic panels piling up with no where to dispose of them. Why is it this country never learns from other country's mistakes. Green Energy can never replace Oil and Coal in the consumption it is used. They produce power 24/7, plus keep thousands employed. We only need to find a cleaner way to produce it. The other solution is Solar panels on every home, business shopping center, hospital, and government building. Direct power, where it's needed, nothing lost or wasted being transmitted through power lines traveling for miles. By putting solar panels on all existing structures, no new land is destroyed, saving the environment.

Judy Watson
46460 Kings Canyon Rd.
Lancaster, Calif.
93536

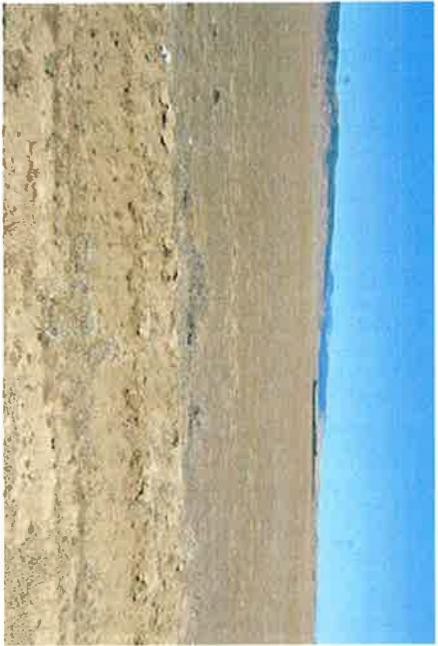


Photo 1: Northeast corner of site looking west.



Photo 2: Northeast corner of site looking south.



Photo 3: Intersection of Avenue J and 110th St. looking west.

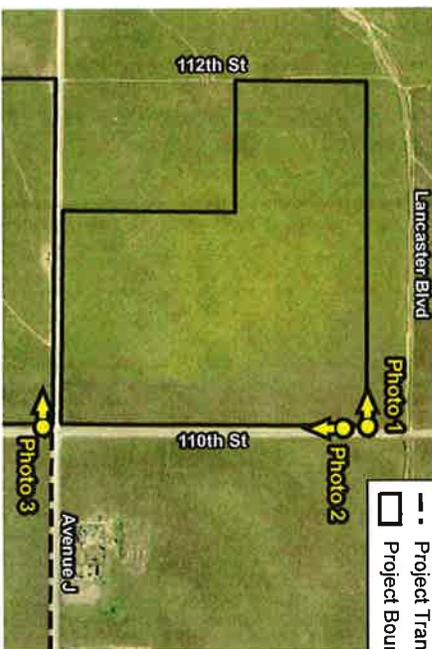


Photo location map.

Site Photographs

West Antelope Solar Project



Photo 4: Southeast corner of site looking north.



Photo 5: Southeast corner of site looking west.



Photo 6: Avenue J and western edge of site looking southeast.

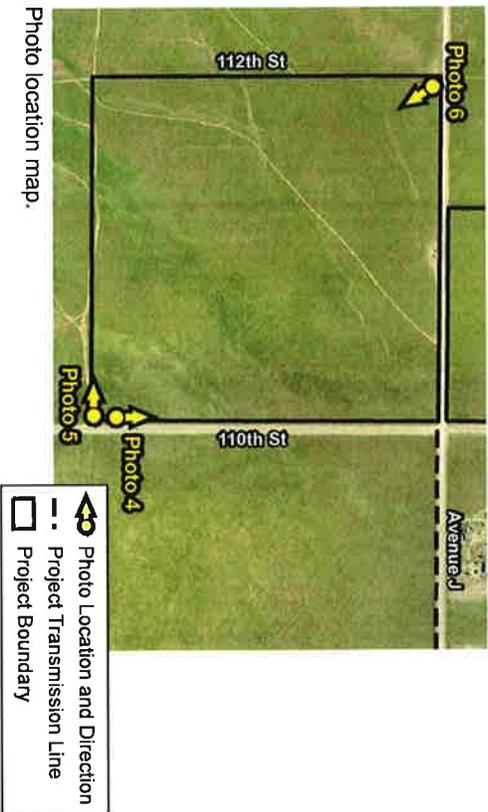


Photo location map.

Site Photographs

West Antelope Solar Project



Photo 7: Avenue J and midpoint of site looking northwest.

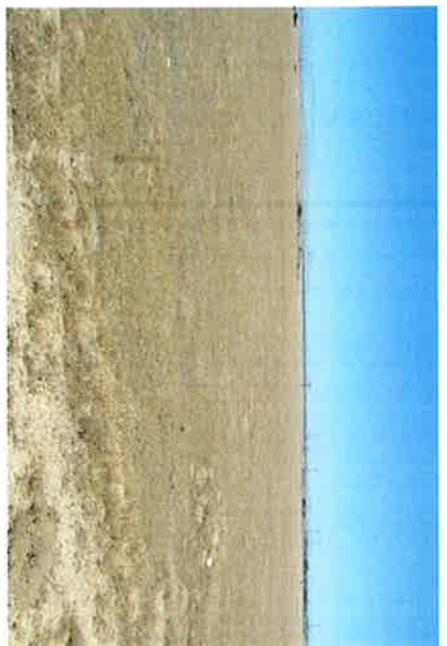
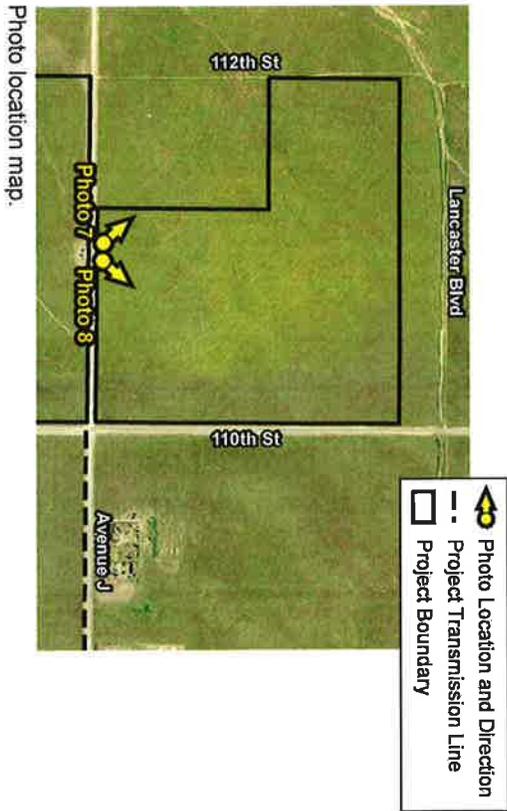


Photo 8: Avenue J and midpoint of site looking northeast.



Site Photographs

West Antelope Solar Project

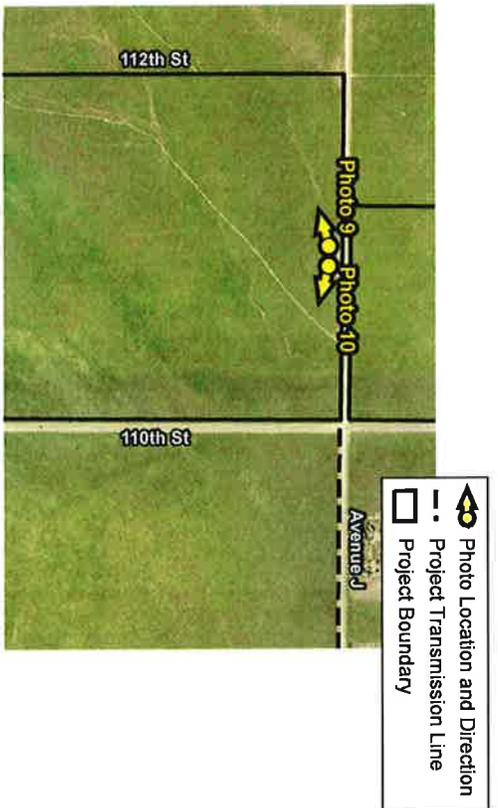


Photo location map.



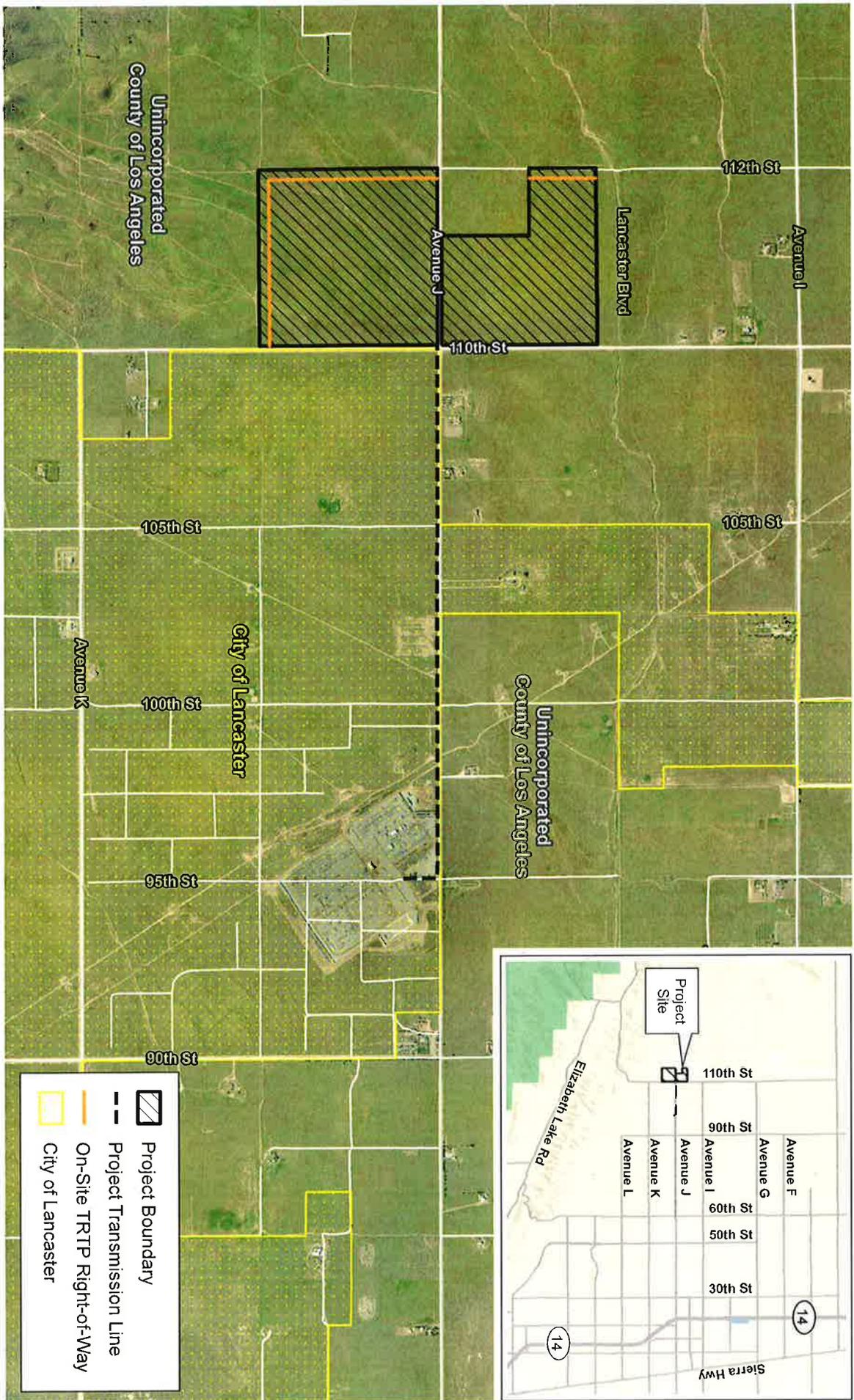
Photo 9: Avenue J and midpoint of site looking southwest.



Photo 10: Avenue J and midpoint of site looking southeast.

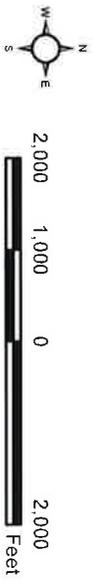
Site Photographs

West Antelope Solar Project



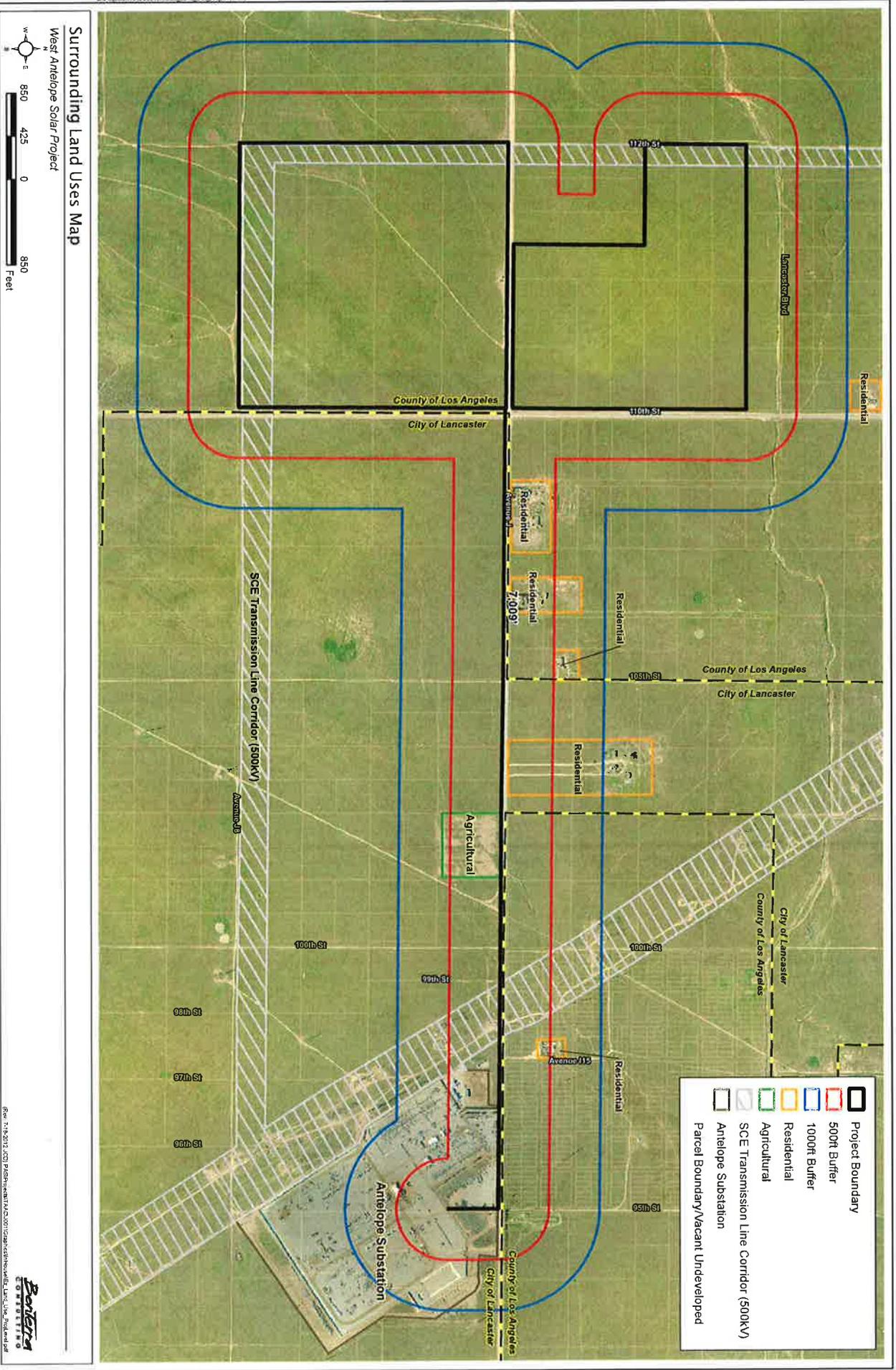
Local Vicinity and Aerial Photograph

West Antelope Solar Project



-  Project Boundary
-  Project Transmission Line
-  On-Site TRTP Right-of-Way
-  City of Lancaster

Exhibit 3-2



- Project Boundary
- 500ft Buffer
- 1000ft Buffer
- Residential
- Agricultural
- SCE Transmission Line Corridor (500kV)
- Antelope Substation
- Parcel Boundary/Vacant Undeveloped

Surrounding Land Uses Map
 West Antelope Solar Project

850 425 0 850
 Feet

North arrow pointing up.

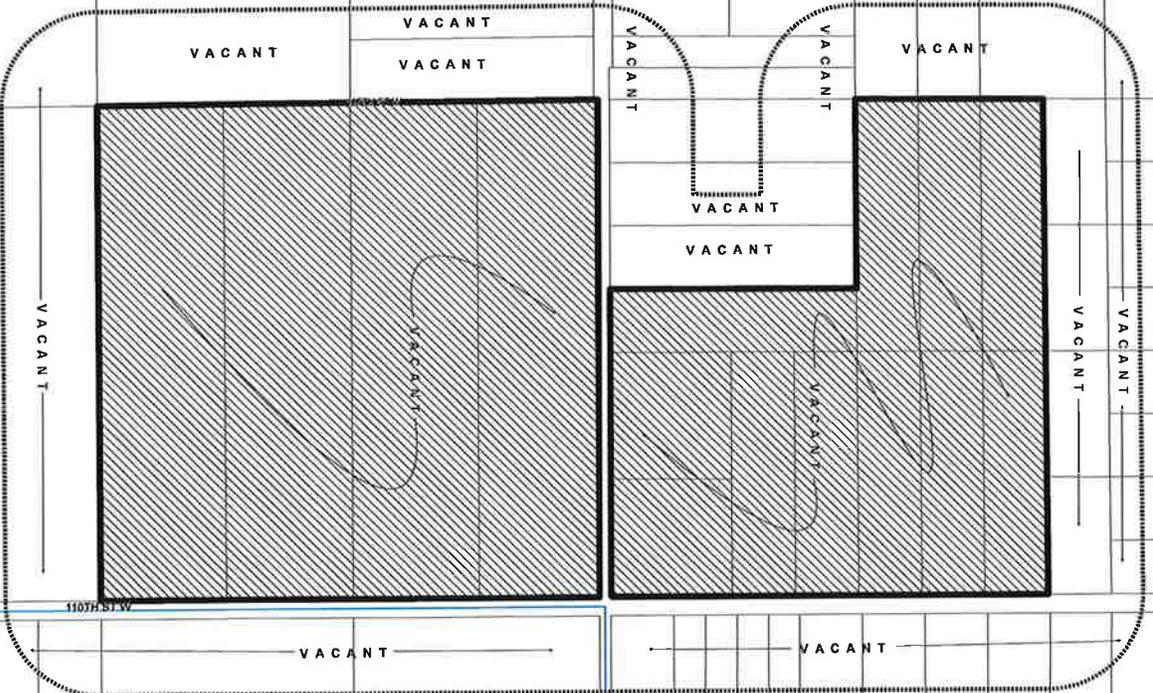
LAND USE

LAND USE 500 FOOT RADIUS MAP

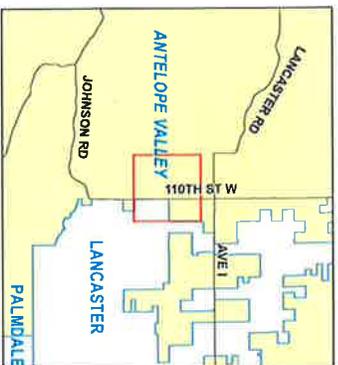
Proj. R2012-01589 (5)
RCUP 2012-00086

Legend

VACANT

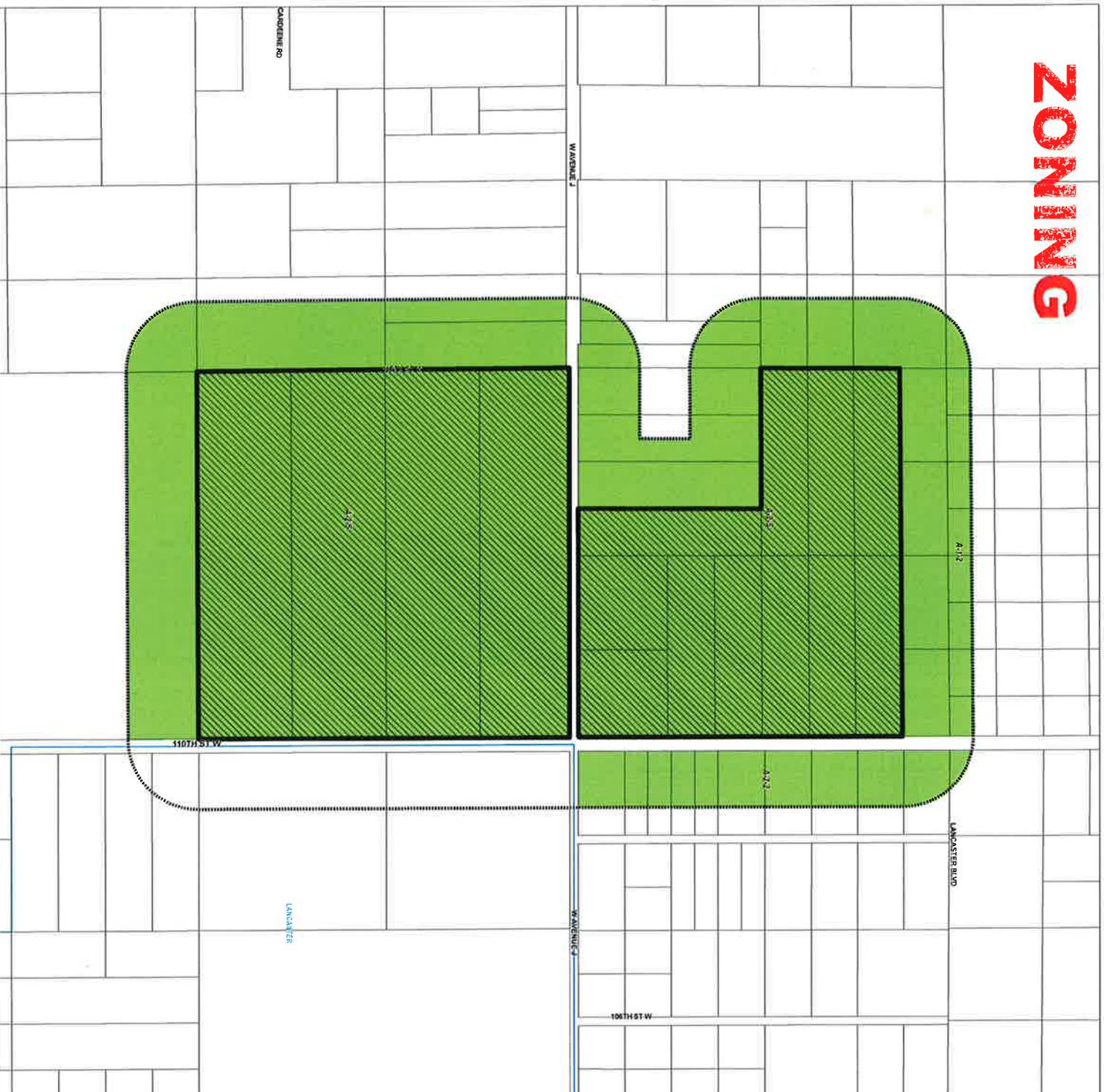


VICINITY MAP



LOS ANGELES COUNTY
Department of Regional Planning
320 W. Temple St.
Los Angeles, CA 90012

ZONING



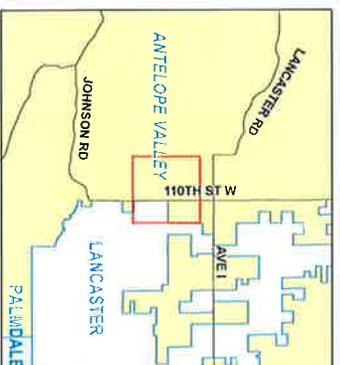
ZONING 500 FOOT RADIUS MAP

Proj. R2012-01589 (5)
RCUP 2012-00086

Legend

-  A-1 - LIGHT AGRICULTURE
-  A-2 - HEAVY AGRICULTURE

VICINITY MAP



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Los Angeles, CA 90012