



# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



**Richard J. Bruckner**  
Director

## HEARING EXAMINER STAFF SUMMARY

**COUNTY PROJECT NOS. R2011-00833-(5), R2011-00798-(5), R2011-00799(5),  
R2011-00807(5), R2011-00801(5), R2011-00805(5)  
CONDITIONAL USE PERMIT NOS. 201100079, 201100070, 201100071, 201100076,  
201100072, 201100074  
ZONE CHANGE NO. 201100005  
ENVIRONMENTAL REVIEW NO. 201100109  
STATE CLEARINGHOUSE EIR NO. 2012061068**

### DESCRIPTION OF PROJECTS

The applicant, Silverado Power, LLC is proposing the Silverado Power West, Los Angeles County projects which are comprised of six photovoltaic solar energy generation facilities ("SGFs") and their associated generation-tie transmission lines ("Genties"), together called "Projects". The six Project sites together cover approximately 987 acres and would produce 172 megawatts ("MW") of electrical power in total. The Project sites range in size from 38.49 acres to 256 acres, and would generate from 5 MW to 52 MW in electricity generation capacity per site. Each of the six Projects are planned for separate properties, are being developed separately, and are analyzed individually and cumulatively in the subject Draft Environmental Impact Report ("DEIR") for all phases of each project including planning, construction, and operation according to the requirements of Section 15161 of the California Environmental Quality Act ("CEQA"). The Projects are independent of each other in terms of the required approvals from the County. Each Project can succeed as a stand-alone project if other projects are not acted upon by Los Angeles County or if technical or financial problems delay or prevent the subsequent development of a Project. CEQA allows for a group of projects to be analyzed within a single EIR. Each of the six Projects must also receive approval of its own Conditional Use Permit ("CUP") application and for Project 1 approval of a Zone Change application on the merits of the individual project and individual site.

The Projects are located on primarily unproductive farmland that is no longer used for farming or other agricultural purposes. Each of the six Projects would be designed and built in a very similar manner. Each of the six sites would employ a series of photovoltaic module arrays, using fixed-tilt or tracker mounting supports, to convert sunlight into electrical energy without the use of heat transfer fluid or cooling water. The facilities would deliver the electrical output to the existing regional transmission system. Construction would generally take place during normal daylight hours and would conform to County construction requirements. No grading, disking, tilling, or rolling is proposed for preparation of the solar array areas; some grading is required for internal roads and required flood control drainage features. The Projects would be constructed in phases and then operated for an estimated 35 years. The Projects have been sited

to minimize impacts to the environment and to the local community by using previously disturbed land that has been degraded from prior use, and proposes use of existing electrical distribution facilities, rights-of-way, roads, and other existing infrastructure where feasible to minimize the need for new electrical support facilities. The Projects to be developed are listed below by Project name, Project number, assessor's parcel number ("APN"), acres, megawatts of electrical energy that would be produced, and zoning and land use designations:

<b>Silverado Power West, Los Angeles County</b>						
<b>Project Name</b>	<b>County Project/CUP Nos.</b>	<b>Assessor's Parcel No. (APN)</b>	<b>Acres</b>	<b>MWs</b>	<b>Zone*</b>	<b>Land Use</b>
Project 1 North Lancaster Ranch	R2011-00833 /201100079	3262-001-006, 3262-001-006	240	20	From A-1-2 to A-2	N-1**
Project 2 Western Antelope Blue Sky Ranch	R2011-00798 /201100070	3267-015-001	157	40	A-2-5	N-1
Project 3 American Solar Greenworks	R2011-00799 /201100071	3268-018-035, 3268-018-002, 3268-018-036	135.6	35	A-2-2	N-1
Project 4 Antelope Solar Greenworks	R2011-00807 /201100076	3218-002-018, 3218-002-023, 3203-002-015, 3203-002-017, 3218-001-002, 3218-001-003, 3218-001-004, 3203-002-011, 3203-002-012, 3203-002-013, 3203-002-014, 3219-019-011	256	52	A-2-2	N-1
Project 5 Silver Sun Greenworks	R2011-00801 /201100072	3267-003-001, 3267-003-002, 3267-003-003	160	20	A-2-5	N-1
Project 6 Lancaster WAD	R2011-00805 /201100074	3115-010-004	38.5	5	D-2-2	N-1
<b>TOTAL</b>			<b>987.1 Acres</b>	<b>172 MWs</b>		

\* The A-1 zone is Light Agriculture and the A-2 zone is Heavy Agriculture. D-2 is Desert and Mountain zone. The number after the zoning designation is acres of minimum required area.

\*\* N-1 land use is Non-Urban 1

Detailed descriptions of each Project site are provided in Chapter 3, Description of Projects, of the DEIR. The required entitlements are pursuant to the Los Angeles County Zoning Ordinance, Title 22 as indicated below.

## **REQUIRED ENTITLEMENTS**

- Project 1:

Conditional Use Permit to authorize a solar photovoltaic electricity generation facility and construction of a water tank in the A-2 (Heavy Agriculture) zone (Section 22.24.150).

Zone Change to change the zoning from A-1 (Light Agriculture) to A-2 (Heavy Agriculture) for Project 1 (Section 22.16.070).

- Project 2:

Conditional Use Permit to authorize a solar photovoltaic electricity generation facility and construction of a water tank in the A-2-5 (Heavy Agriculture-five acres minimum required area) zone (Section 22.24.150).

- Project 3:

Conditional Use Permit to authorize a solar photovoltaic electricity generation facility and construction of a water tank in the A-2-2 (Heavy Agriculture-two acres minimum required area) zone (Section 22.24.150).

- Project 4:

Conditional Use Permit to authorize a solar photovoltaic electricity generation facility and construction of a water tank in the A-2-2 (Heavy Agriculture-two acres minimum required area) zone (Section 22.24.150).

- Project 5:

Conditional Use Permit to authorize a solar photovoltaic electricity generation facility and construction of a water tank in the A-2-5 (Heavy Agriculture-five acres minimum required area) zone (Section 22.24.150).

- Project 6:

Conditional Use Permit to authorize a solar photovoltaic electricity generation facility and construction of a water tank in the D-2-2 (Desert-Mountain-two acres minimum required area) zone (Section 22.32.090).

## **LOCATION AND ACCESS**

The Projects are located in the Antelope Valley in unincorporated Los Angeles County and are west of the SR 14. All six Project sites are located between 30<sup>th</sup> Street West and 120<sup>th</sup> Street West on the east-west axis. On the north-south axis, the sites are between Avenue K to the south and Avenue A to the north. The individual Projects are located adjacent to the following intersections:

Project 1: 105th Street West & West Avenue B, Lancaster, CA  
Project 2: 110th Street West & West Avenue K, Lancaster, CA  
Project 3: 70th Street West & West Avenue G, Lancaster, CA  
Project 4: 97th Street West & West Avenue I, Lancaster, CA  
Project 5: 120th Street West & West Avenue I, Lancaster, CA  
Project 6: 35th Street West & West Avenue D, Lancaster, CA

## **SITE DESCRIPTION**

The Projects are generally located on flat unproductive farmland that is no longer used for farming. The location of the Projects include a variety of land uses, although a majority of the surrounding lands are unoccupied agricultural and grazing lands. The nearest residential communities are Antelope Acres, the Fairmont Community, the City of Lancaster, and the City of Palmdale. Land uses surrounding the Projects consist of open space areas, agricultural land, low density single family housing, and undeveloped grazing lands. Historically, agriculture has been a primary land use in the Antelope Valley. Some properties in the area continue to be utilized for agricultural production; however, because of the declining groundwater levels in the Antelope Valley region and due to the costs of imported water, the properties in the area have a limited supply of water to irrigate crops. Many of these properties have ceased farming activity over the last two decades and remain as unproductive fallow land. Angeles National Forest in the San Gabriel Mountains is located south of the Projects, and the Tehachapi Mountains are located to the north. Each Project site would include the following elements:

- Temporary meteorological station (on two sites – Project 4 Antelope Solar Greenworks, and Project 6 Lancaster WAD)
- PV modules
- PV module mounting system
- Balance of system and electrical boxes (e.g., combiner boxes, electrical disconnects)
- Substation (Projects 1 – 5)
- Electrical inverters and transformers
- Electrical AC collection system, including switchgear
- Data monitoring equipment
- Generation tie line
- Access roads and chain link perimeter security fencing
- No permanent operations or other buildings are proposed on any of the Projects' sites

The major components of the proposed Projects are described in greater detail in Section 3.4 of the DEIR.

### **ENVIRONMENTAL DETERMINATION**

The Department of Regional Planning (“Department”) determined by way of an Initial Study and identified in the Notice of Preparation sent to agencies, that an EIR was necessary for the Project. The areas of potential environmental impact analyzed in the DEIR include the following:

- Aesthetics
- Agriculture and Forest
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gases and Climate Change
- Hazards and Hazardous Materials
- Hydrology
- Land Use
- Noise
- Public Services
- Traffic and Transportation
- Utilities and Service Systems

The following areas were determined not to be significant and required no further environmental review as described in the Initial Study:

- Mineral Resources
- Employment
- Population
- Housing
- Recreation

As identified in the DEIR, after implementation of the required mitigation measures as would be enforced by the Project’s Mitigation Monitoring and Reporting Program, the Projects would not result in significant and unavoidable impacts to the environment. A summary of the areas analyzed that have less than significant impacts to the environment after implementation of mitigation measures is included below:

#### Aesthetics

Visual impacts to the aesthetics in Antelope Valley are a concern to the public. The visual effects of the Projects are shown in Section 4.1 of the Draft EIR. Inclusion of a 10-foot wide screening vegetation buffer intended to screen or partially screen some of the Projects has been proposed as a Mitigation Measure and would minimize the visual impacts of the Projects. All gen-tie lines located within the County of Los Angeles would

be placed underground to reduce the visual impact unless other applicable regulations require limited segments of above-ground installation. Assuring that dark skies at night in the Antelope Valley are protected from light pollution is also a concern to the public. Using only minimal lighting on each site and using only shielded downward facing lighting on each site at night would minimize this impact and maintain the dark skies presently found in the valley at night. Impacts to aesthetics would be less than significant.

#### Agriculture and Forestry

Projects 1, 2, 3, 5 and 6 would not cause the conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural use. Although Project 4 has a property with Prime Farmland designation, it has not been farmed for more than 10 years and thus use for solar development would not actually impact any farming activity. The Department of Conservation has reviewed the Project 4 site and, in a letter dated December 31, 2012, determined that the properties “will be reclassified to Grazing Land on the 2012 edition of the Important Farmland Map for Los Angeles County.” Impacts to Agriculture and Forestry would be less than significant.

#### Air Quality

Air quality would be maintained in the areas around the Projects by array site preparation including only mowing of vegetation with no grading, disking, tilling, or rolling of the array sites, and only limited required grading for internal roads and drainage features. Compliance with Air Quality Management District rules for fugitive dust control such as establishing a dust control plan including regular watering of construction areas, use of gravel, wood chips, and non-toxic soil binders, re-establishing vegetation where feasible, and limiting the amount of internal road or drainage feature grading per day are some of the required dust control measures. Impacts to Air Quality would be less than significant.

#### Biological Resources

Wildlife protections include requirements that prior to grading, additional site surveys would assure all wildlife on the sites would be removed and/or protected. A biological monitor would be onsite during all earthwork activities, mowing, and other construction activities. Mitigation lands would be acquired to mitigate impacts on sensitive species such as Swainson’s hawk, Burrowing Owl, special-status migratory and wintering birds, and the Alkali Mariposa Lily. Impacts to Biological Resources would be less than significant.

#### Cultural Resources

Mitigation Measures are provided which require protection of any cultural resources or human remains or paleontological resources which may be found during construction. Impacts to Cultural Resources would be less than significant.

#### Geology and Soils

The Projects would not expose people or structures to adverse effects related to geologic hazards including strong seismic shaking, seismic related ground failure, and

landslides with the implementation of mitigation measures. The Projects impacts to soil erosion, on-site or off-site landslides, lateral spreading, subsidence, liquefaction or collapse, and expansive soil would be less than significant with the implementation of mitigation measures. Impacts to Geology and Soils would be less than significant.

#### Greenhouse Gas Emissions and Climate Change

Maximum construction levels are not expected to result in annual GHG emissions which exceed the threshold proposed by the AVAQMD. As such, the Projects would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. Impacts to Green House Gas Emissions and Climate Change would be less than significant.

#### Hazards and Hazardous Materials

There is a potential concern for hazardous constituents, particularly cadmium, to leach from certain types of solar modules into the local soils or ground water. Solar panels which use cadmium telluride composition would be covered with glass. Prior to the start of construction activities, a Hazardous Materials Management and Hazardous Waste Management Plan and a Stormwater Pollution Prevention Plan shall be implemented for each project. The public also stated their concern that local law enforcement and fire services are not adequate in the area and may be impacted by the Project. This issue is addressed further in the Draft EIR in Section 4.12. Impacts to Hazards and Hazardous Materials would be less than significant.

#### Hydrology (Flood Control)

Control of surface water regarding water flow onto and out of the Projects is a potential concern. Technical hydrology studies are provided giving the designs for storm water control on the Projects' sites which would meet Los Angeles County design standards. Impacts to Hydrology would be less than significant.

#### Land Use and Planning

The Projects are allowed within the land use and zoning designations with discretionary review and approval, with the exception of Project 1 which would require a zone change. There are no established communities that would be divided as a result of Projects. Projects would be consistent with applicable land use plans and policies, and in compliance with applicable regulations. Impacts to Land Use and Planning would be less than significant.

#### Noise

Construction noise and vibration impacts would be temporary and localized to sensitive receptors such as residences located in close proximity to the Projects sites. Noise and vibration from construction of the Projects are expected to happen for only 4 to 8 weeks per Project site. Mitigation measures are provided for construction noise and vibration for each Project to reduce impacts to less than significant.

### Public Services

The Projects' impacts to capacity or service level, or that result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for fire protection and sheriff protection would be less than significant. The Projects would have no impact on park, school, library, or public building capacities, service levels or performance objectives. Impacts to Public Services would be less than significant.

### Transportation and Traffic

Based on the transportation analysis, the impacts of the Projects on the existing transportation and traffic system in the areas surrounding the Projects would be limited in construction duration and traffic volume, roads would continue to operate well under the maximum traffic capacity, and as such traffic impacts with mitigation would be less than significant.

### Utilities and Service Systems (Water)

The amount of water and the extraction of water pumped from wells on the Projects is a concern for residents living in the area. Calculations and analyses were performed to determine the amount of water required for construction and operation of the Projects. Water estimates are provided in Section 4.14 of the DEIR. Since the Projects are proposing to use out-of-basin water and recycled water for construction and operations, the impacts from water usage would be less than significant.

## **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 Hearing Examiner Hearing by mail, newspaper, property posting, library posting and on the Department's website. Newspaper notices were published in The Signal and La Opinion on January 6, 2014. Notices to property owners located within a 1,000-foot radius of the property boundaries, to a courtesy list of interested parties, and to five local libraries, were mailed on January 3, 2014. Notices were verified to be posted on the subject property and were made available on the Department's website on January 6, 2014. On January 6, 2014 a Notice of Completion and Notice of Availability ("NOC-NOA") of a DEIR was posted at the County Recorder's office. On January 3, 2014 the NOC-NOA was sent by mail to required agencies including the State Clearing House and other interested parties. The NOC-NOA is also posted on the Project site and on the Department's website.

## **PREVIOUS CASES/ZONING HISTORY**

There are no previous zoning cases pertaining to the Projects' sites.

## **STAFF EVALUATION**

Project consistency with the County of Los Angeles General Plan, Antelope Valley Areawide General Plan, compliance with the County Zoning Ordinance and development standards, compatibility regarding land use and neighborhood impact, and

evaluation of the applicant's ability to meet all requirements for a Conditional Use Permit for Projects 1-6, a Zone Change for Project 1, and corresponding burdens of proof as applicable, will be determined subsequent to the Hearing Examiner public hearing. The Hearing Examiner Public hearing is established primarily to receive public testimony on the merits of the Project as analyzed in the Draft EIR prior to Project consideration by the Regional Planning Commission ("Planning Commission") at a later date.

### **Project Issues**

Several development issues regarding the proposed project were raised by public agencies in response to the Initial Study/Notice of Preparation of an EIR and Scoping Meeting, through the County interdepartmental Screencheck DEIR review process, and the current DEIR public review. Previous comments included issues related to visual impacts, dust control, decommissioning at the end of the life of the Projects, impacts to wildlife and habitat, water supply concerns, hydrology and run off controls, hazardous materials, and public services regarding Sheriff and Fire Department response times. These issues have been addressed in the DEIR.

### **COUNTY DEPARTMENT AND AGENCY COMMENTS AND RECOMMENDATIONS**

County Department and applicable agency comments and conditions will be finalized subsequent to the Hearing Examiner public hearing and prior to consideration by the Planning Commission and Board of Supervisors ("Board"). At the time of this report the Native American Heritage Commission ("NAHC") provided an updated list of NAHC contacts for ongoing consultation with the NAHC.

### **PUBLIC COMMENTS**

#### **Members of the Public**

Two (2) members of the public provided written comments regarding the project at the time of this report.

#### Comments in Favor

No comments in favor were received at the time of this report.

#### Comments Opposed

Two (2) comments opposed to the Project were received at the time of this report. The comments expressed concerns about the effect of the Projects on property values and views in the area.

#### Comments Neither in Favor Nor Opposed

Two (2) comments were received indicating appreciation for the communication received with no comment on the Projects.

### **REMAINING PROCEDURES**

Since the DEIR public comment period does not close until February 19, 2014, mitigation measures and draft conditions pertaining to the Project will be completed following the Hearing Examiner public hearing. Once the DEIR comment period closes,

the Department will review public comments received, will draft responses to those comments, and draft the Final EIR and Mitigation Monitoring and Reporting Program. Staff will also prepare CEQA Findings, draft Findings and Conditions pertaining to the Project related entitlements, and submit documentation to the Planning Commission for consideration prior to the Planning Commission hearing to be set at a future date.

Once the public hearing before the Planning Commission is scheduled and completed, the Planning Commission will certify or reject the EIR and approve or deny the entitlements requested for Projects 2-5 and make a recommendation to the Board regarding the Zone Change for Project 1. A public hearing would be held before the Board for the Zone Change and a call for review of the associated EIR and Conditional Use Permit for Project 1. During this hearing, the Board would decide whether or not to adopt the EIR and approve or deny the Project 1 Zone Change and CUP entitlement requests.

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1/27/14