Bolthouse PROPERTIES, LLC
2000 Oak Street, Suite 250 • Bakersfield, CA 93301
Ph: (661) 323-4005 • Fax: (661) 323-4006
www.BolthouseProperties.com

August 5, 2014

SEA Program
c/o Emma Howard
Regional Planning Department Floor 13
320 W. Temple Street
Los Angeles, CA 90012

RE: Department Recommendations on SEA Boundary Changes and SEA Program Update

Dear Ms. Howard,

We appreciate the process that Los Angeles County has gone through in developing this complex update to the SEA Program as part of the 2035 General Plan Update. We have reviewed the SEA Staff Report dated July 24, 2014 and corresponding attachments. Based on our review of these materials, we still have concerns regarding the impact on our properties and request additional consideration of SEA boundary adjustments. We also believe they there are still items that can be clarified to ensure we have the opportunity to thoroughly assess the SEA Program Update and full range of potential impacts to our affected properties.

Bolthouse Properties submitted a comment letter on April 22, 2014. Our comment letter described our concerns with the SEA boundaries in certain areas as well as requested clarification of the review process that our properties would be subject to under the SEA Program. As stated in our previous letter, Bolthouse Properties understands the value of maintaining our natural biological resources and agrees that the current SEA meets several SEA designation criteria and supports many regional biological values. However, we are concerned about the expansion of the Antelope Valley SEA and how it may affect our current and future agricultural, residential, and renewable energy facility development plans for parcels located in or transecting the boundaries of the Proposed SEA.

We continue to have the following concerns and comments that we respectfully request be considered prior to approval of the SEA Program:

1) **Request for boundary adjustments**

Most of the properties that are owned by Bolthouse Properties, that are within the SEA boundary are identified as Agricultural Developed Areas on the SEA Development Map and therefore it is our understanding that they qualify for Site Plan Review. As stated in our letter

dated April 22, 2014, one of our concerns is to protect our interests in the future development of utility scale solar projects on our land. A number of our properties that would be affected by the expanded SEA boundaries have been under contract for over two years for options to develop utility scale solar projects. We previously requested consideration of boundary adjustments or further justification for the expansion of the SEA boundaries affecting these properties. In the County's *"SEA Boundary Comments and Recommendations Spreadsheet"* our previous boundary adjustment requests are responded to under comment id #35.

a. Properties in City of Lancaster (south of Avenue J-8 and west of 100th Street E.)

Assessor Parcel Numbers	Location
3376026009	Lancaster
3376026008	Lancaster
3376026007	Lancaster
3376026006	Lancaster
3376026005	Lancaster
3376026004	Lancaster
3376026003	Lancaster

In our previous letter, we requested that the County take a closer look at the boundary in this area as the expanded SEA boundary overlaps a very small portion of these parcels and these properties are located at the edge of the SEA boundary. Staff's recommendation is that they do not recommend a boundary adjustment at this time because the SEA edge conforms to FEMA floodplains. Furthermore, staff indicates that these properties are located within incorporated city of Lancaster and therefore are not subject to the SEA ordinance.

However, we still have concerns that these areas are not mapped correctly. The expanded SEA boundary overlaps a small portion of the above listed properties as well as APN 3376026002 (not previously listed). An examination of the GIS-NET 3 data layer shows that a portion of 3376026003 and 3376026002 are not shown as "Developed Area/Agricultural Land. This is inconsistent with the mapping of the other properties listed above and all properties are currently in active farm use. Additionally, parcel 3376026002 is developed with a single-family residential home and a storage area for farm equipment. All these properties are bordered on the east by a road. While the SEA edge may conform to FEMA floodplain maps (as provided in response to comment id #35/reference APN 3376026009) and the above listed properties may be located in incorporated City of Lancaster and therefore are not subject to the SEA Ordinance, we still request a careful look at the SEA boundary in this area to ensure its accuracy and applicability. Specifically, we request the following:

- The County should have this area examined more closely by a qualified biologist to determine whether the expanded SEA boundary in this area is appropriate and

conforms to actual boundaries of natural features/water resources. If not these areas should be removed from the expanded SEA boundary.

- If these properties are not removed from the expanded SEA boundary (as determined by a qualified biologist), the County should accurately reflect the developed areas on the SEA Development Map.

b. Additional Properties not Previously Included and Optioned for Solar Energy Projects

Bolthouse Properties has been working diligently with the County, State and utility companies to further pursue solar options on our properties. As a considerable amount of time and capital has been invested pursuing these solar options, we would like clarification of the Site Plan review process and the additional processing time and costs that would be involved. The properties listed in the table below are now included in the expanded SEA boundary.

Some are located in the city of Lancaster, which pursuant to staff's previous response means, they would not be subject to the SEA ordinance. However, the properties located in unincorporated LA County would be subject to the Site Plan Review process. Some of these properties are contiguous, but would not be subject to the same review and development standards (intended to preserve or protect natural areas).

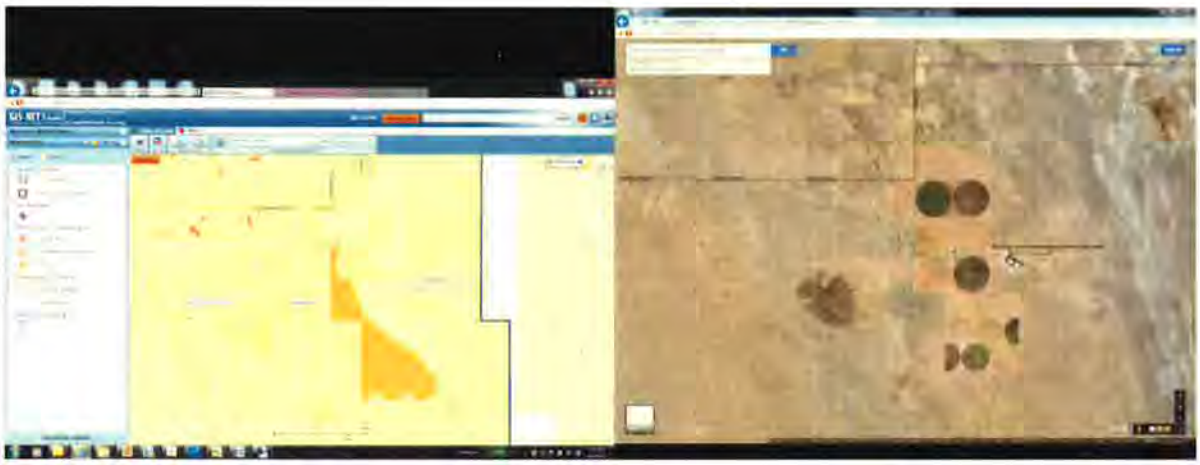
APN#	Location	SEA Proposed-Developed Area (as shown in GIS)
3376022004	**County**	**Agricultural Developed Area**
3376022005	**County**	**Agricultural Developed Area**
3376022006	**County**	**Agricultural Developed Area**
3376022016	**County**	**Agricultural Developed Area**
3376022017	**County**	**Agricultural Developed Area**
3376022018	**County**	**Agricultural Developed Area**
3378005006	**County**	**Agricultural Developed Area**
3378005001	Lancaster	Agricultural Developed Area
3378005002	Lancaster	Agricultural Developed Area
3378005004	Lancaster	Agricultural Developed Area
3378005005	Lancaster	Agricultural Developed Area

Similar to our above request, we request that the County have these areas examined more closely by a qualified biologist to determine whether the expanded SEA boundary in this area is appropriate and conforms to actual boundaries of natural features/water resources. If not these areas should be removed from the expanded SEA boundary.

c. Properties located at E. Avenue R and 240th Street

The properties listed below were previously identified by the County as being included in the proposed SEA boundary. However, as confirmed by staff's response, only two of them are included in the proposed SEA boundary.

APN#	Location	Included in Proposed SEA (as shown in GIS)	SEA Proposed-Developed Area (as shown in GIS)
3091021018	County	No	
3091020019	County	No	
3091020020	County	No	
3091024006	County	No	
3091024007	County	Yes	Agricultural Developed Land
3032004020	County	No	
3032004021	County	Yes	Agricultural Developed Land



The two properties are considered Agricultural Developed Lands. The SEA boundary bisects the properties. Per staff's response, these properties are included based on the location of water resources and the SEA boundary is said to generally follow natural features.

These two properties, along with other adjacent properties totaling approximately 2,020 acres have been under contract for over two years for options to develop utility scale solar projects.

As you can see from the aerial, these properties are in active agricultural use and are highly disturbed. They are also located at the edge of the SEA boundary. We request that the County have these areas examined more closely by a qualified biologist to determine whether the expanded SEA boundary in this area conforms to actual boundaries of natural features/water

resources and is appropriate for the preservation or protection of water resources. If not these areas should be removed from the expanded SEA boundary.

2) Process and determination of SEA Boundary Adjustments

As stated in the "*Principles for Adjusting SEA Boundaries*" document, the basic principles to determine which areas belong within the SEA Map are:

> "In general, the boundaries chosen conformed to natural topographic features; however, man-made features and artificial boundaries were used where they coincided with appropriate biological limits. Where SEAs required additional protection from adjacent land uses, buffer zones were mapped to protect watershed units or to provide distancing from noise, light, traffic and other development impacts. However, the majority of the original SEAs were thought to consist of more or less self-contained units, not in need of additional buffering."
>
> "Delineation of the outer boundaries of the proposed SEAs considered many factors. In general they were drawn to include those areas that met the designation criteria and the sustainable biological unit of which they are a part. <u>Most development and other disturbed areas that occurred along the edges of these units were excluded from the SEA</u>. Within the interior of proposed SEAs, only large developments were excluded."

While we understand that staff's methodology for adjusting the SEA boundaries had to make some broad determinations given the scope and magnitude of this effort (i.e. only large areas of contiguous development of 40 acres or more were excluded from SEAs. Agriculture, grazing and renewable energy structures such as wind turbines and solar panels are not considered under this category of contiguous urban development), we request that our properties be more closely examined, particularly in the edge locations to determine if their inclusion is appropriate and necessary.

Our request for removal of Bolthouse properties from the SEA appears to be consistent with the process outlined under "*Removal from SEAs*" in the "*Principles for Adjusting SEA Boundaries*" document. The document states that removal of portions along the boundaries of SEAs in unincorporated Los Angeles County will be considered for properties of any size if it will better align with natural features. Further, the document states that where comments have requested, staff will examine if they can adjust these boundaries more precisely and reflect any potential changes to these areas.

Lastly, we request that the County consider including a provision in the SEA Program that would allow properties to be removed from the SEA boundary without being subject to a lengthy or expensive review process. If properties, such as those above, are located on the edge of the SEA boundary, and/or where development or long-term use of the property has diminished its value as suitable habitat or as a valuable ecological area, and/or where mapping errors have occurred, property owners should have a mechanism to remove the

properties from the SEA designation without incurring significant costs or a significant investment of time.

We appreciate the County's consideration of our concerns and requests as they pertain to the SEA Program. Please do not hesitate to contact me should you have any questions or would like to further discuss.

Sincerely,

Brad DeBranch, Project Planner for
Stephan J. DeBranch
Senior Vice President of Development
Bolthouse Properties, LLC

Cc: Kimiko Lizardi, ESA