Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

July 27, 2011

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

PROJECT NO. R2010-01402-(5)
CONDITIONAL USE PERMIT NO. 201000136
MICHAEL O'SULLIVAN, BOULEVARD ASSOCIATES, LLC
700 UNIVERSE BOULEVARD
JUNO BEACH, FL 33408
ANTELOPE VALLEY WEST ZONED DISTRICT
FIFTH SUPERVISORIAL DISTRICT (3-VOTE)

IT IS RECOMMENDED THAT THE BOARD:

Indicate its intent to deny the appeal of the Los Angeles County Regional Planning Commission's ("Commission") approval, approve the conditional use permit, and instruct County Counsel to prepare the necessary findings to affirm the Commission's approval of Conditional Use Permit No. 201000136.

PURPOSE /JUSTIFICATION OF RECOMMENDED ACTION

The meteorological tower is necessary to gather information that would determine the viability and location of a future wind-powered electric generating facility in the area of the project site.

The proposed design and location are appropriate because the facility will be on a vacant lot 40 acres in size. The facility will be temporary, and is Categorically Exempt from the California Environmental Quality Act (CEQA) because it is for the purpose of information collection. Any proposal to install wind-powered commercial electric generating facilities will be the subject of environmental review and require public hearing and action by the Regional Planning Commission.

Implementation of Strategic Plan Goals

The proposed project promotes the Strategic Plan Goal of providing Community and Municipal Services to the residents of the County's unincorporated communities. The project would measure environmental factors and determine the future viability of a wind-powered electric

generating facility. Exploration of the viability of such facilities encourages the development and utilization of renewable energy projects, which would allow the County to be more energy self-sufficient.

FISCAL IMPACT/FINANCING

The proposed project will have no fiscal impact on Los Angeles County because the subject property is privately owned and the owner is bearing the full costs of construction.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The applicant, Michael O'Sullivan, Boulevard Associates, LLC, requested a conditional use permit to authorize a 197' 8" (60 meter) tall temporary meteorological tower on an undeveloped 40-acre parcel in the A-1-2 (Light Agricultural – Two Acre Minimum) Zone. Meteorological towers that exceed 85 feet in height on lots greater than two acres, are a use subject to permit in the A-1 Zone under Sections 22.24.090, 22.52.1620 and 22.52.1640 of the Los Angeles County Code ("County Code"). Approval of the conditional use permit will allow development of the temporary meteorological towers in compliance with Title 22 of the County Code (Zoning Ordinance).

The tower will collect meteorological measurements for a three-year period, and will be removed after the third year and no later than four years from approval of this grant. The meteorological tower will measure environmental factors, and the information gathered from the tower will be used to determine the viability of future wind-powered electric generating facilities in the area of the project site. The visual impact of the tower will be minimal while meeting standards of the Federal Aviation Administration (FAA). A flashing beacon is not required by the FAA and will not be included on the tower.

The tower will have a nine square-foot base (three feet by three feet) and four sets of guy wires with a 164-foot (50 meter) outer radius. Each of the guy wires will be anchored with a six-foot rod encased in Quikrete and a three-inch-by-three-inch plate.

The subject property is located at 170th Street West near Lancaster Road in the unincorporated community of Antelope Valley within the Antelope Valley West Zoned District. (Latitude and longitude coordinates are approximately 34.729727, -118.433347.)

The subject property is a 40-acre undeveloped parcel. The parcel is gently sloping with undisturbed vegetation.

This project was approved by the Hearing Officer at a public hearing on March 15, 2011 and was subsequently appealed by John Calvert. The reasons given for appeal were "effects upon flora and fauna, nuisance/disturbance of flashing beacon, negative effect on use, enjoyment and valuation of neighboring properties and nearby state and county parklands." At a public hearing on June 8, 2011 the Regional Planning Commission voted 5 – 0 to deny the appeal and approve the conditional use permit.

Pursuant to subsection A of Section 22.60.230 of the County Code, John Calvert appealed the Regional Planning Commission's decision to the Board of Supervisors on June 20, 2011. A public hearing is required pursuant to Section 22.60.240 of the County Code and Sections 65335 and 65856 of the Government Code. Notice of the hearing must be given pursuant to the

procedures set forth in Section 22.60.174 of the County Code. These procedures exceed the minimum standards of Government Code Sections 6061, 65090, 65355, and 65856 relating to notice of public hearing.

ENVIRONMENTAL DOCUMENTATION

The proposed project is eligible for a Categorical Exemption from CEQA reporting requirements under Class 6 – Information Collection because the purpose of the tower is to collect basic meteorological information, and the design of the tower will not result in a serious or major disturbance to an environmental resource.

IMPACT ON CURRENT SERVICES OR PROJECTS

Action on the proposed conditional use permit is not anticipated to have a negative impact on current services.

Respectfully submitted,

Richard J. Bruckner
Director

RJB:SMT:at

Attachments: Commission Findings and Conditions, Commission Staff Report and attachments, Factual, Site Plan

c: Chief Executive Officer
County Counsel
Clerk of the Board
Assessor
Director, Department of Public Works

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

June 8, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Jesse Gilholm
354 Hurst Ave
Ventura, CA 93001

REGARDING: PROJECT NO. R2010-01402-(5)
CONDITIONAL USE PERMIT NO. 201000136
170 Street West near Lancaster Road (approx. 34.729727,-118.433347)

Dear Applicant:

The Regional Planning Commission, by its action of Wednesday, June 8, 2011, **APPROVED** the above described project and entitlements. The attached documents contain the Regional Planning Commission's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 3 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant or any other interested person may appeal the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Please contact the Executive Office for the amount of the appeal fee at (213) 974-1426. **The appeal period for this project will end at 5:00 p.m. on Wednesday, June 22, 2011.** Any appeal must be delivered in person to the Executive Office by this time. If no appeal is filed during the specified period, the Regional Planning Commission action is final.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Adam Thurtell at (213)974-6443 or e-mail at athurtell@planning.lacounty.gov of the Zoning Permits North Section. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

Richard J. Bruckner
Director

for Susan Tae

Susan Tae, AICP, Section Head
Zoning Permits North Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)

c: BOS; DPW (Building and Safety); Zoning Enforcement, Testifiers, Sheriff, A.C. Warnack Trust

SMT:AT

Hearing Footage: 6/8/2011-Item 5

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

PROJECT NO. R2010-01402-(5)
CONDITIONAL USE PERMIT NO. 201000136
170th Street West near Lancaster Road (map coordinates: 34.729727,-118.433347)

HEARING DATE: 6/8/2011

SYNOPSIS:
The applicant, Michael O'Sullivan, Boulevard Associates, LLC, proposes a 197' 8" (60 meter) tall temporary meteorological tower on an undeveloped 40-acre parcel in the A-1-2 (Light Agricultural – Two Acre Minimum) Zone. The tower will collect meteorological measurements for a three-year period, and will be removed after the third year and no later than four years from approval of this grant. The meteorological tower will measure environmental factors, and the information gathered from the tower will be used to determine the viability of future wind-powered electric generating facilities in the area of the project site.

The tower will have a nine square foot base (three feet by three feet) and four sets of guys with a 164 foot (50 meter) outer radius. Each of the guys will be anchored with a six foot rod encased in Quikrete and a three-inch-by-three-inch plate.

This project was approved by the Hearing Officer at a public hearing on March 15, 2011 and was subsequently appealed. The appellant is John Calvert. The reasons given for appeal are effects upon flora and fauna, nuisance/disturbance of flashing beacon, negative effect on use, enjoyment and valuation of neighboring properties and nearby state and county parklands.

PROCEEDINGS BEFORE THE HEARING OFFICER:
A duly noticed hearing was held before Hearing Officer Pat Hachiya on March 15, 2011. The Hearing Officer heard testimony from the applicant's agent, a representative of Transition Habitat Conservancy with concerns about future windmill projects, and one testifier in opposition. The Hearing Officer approved the conditional use permit request. The conditional use permit was subsequently appealed to the Regional Planning Commission.

PROCEEDINGS BEFORE THE PLANNING COMMISSION:
A duly noticed public hearing was held before the Regional Planning Commission on June 8, 2011. The Commission heard testimony from the appellant, the applicant, and ten testifiers in favor of the appeal. Testifiers in favor of the appeal included a representative of Three Points Town Council, a representative of Transition Habitat Conservancy, and representatives of Concerned Citizens of Western Antelope Valley. Testifiers in favor of the appeal raised issues including impact on flora and fauna,

aesthetics of the tower, concerns about the impacts of future windmill projects. The representative of the Three Points Town Council registered that council's opposition to the project.

Representatives of the applicant addressed concerns about aesthetic and environmental impacts by describing the construction of the tower and presenting photographic simulations of the meteorological tower.

The Commission discussed the importance of developing a renewable resource plan to aid in the consideration of future wind and renewable projects. The Commission explained that consideration of the project was limited to the meteorological tower, and that potential future wind projects could not be considered in the decision making process.

There being no further testimony, the Commission denied the request for an appeal, determined that the project was categorically exempt from the California Environmental Quality Act, and approved the project.

Findings

1. The subject property is located at 170th Street West near Lancaster Road (approx. 34.729727,-118.433347) in the unincorporated community of Antelope Valley within the Antelope Valley West Zoned District.

2. The applicant is requesting a conditional use permit (CUP) to authorize the construction of a temporary meteorological tower 60 meters in height. The tower would be removed after three years of operation.

3. The subject property is currently designated N1 (Non-Urban) in the Antelope Valley Area Plan.

   The intent of the N1 land use designation is to maintain the character of dispersed non-urban settlements and communities; provide for agricultural and mineral production; preserve areas of significant natural and scenic resources; and avoid intensive development of areas subject to severe natural hazards or lacking essential services.

   The meteorological tower is consistent with the N1 designation. Construction of the meteorological tower would be noninvasive and temporary. After three years the subject property would be returned to pre-construction state. The visual impact of the tower would be minimal while meeting standards of the Federal Aviation Administration (FAA). A flashing beacon is not required by the FAA and would not be included on the tower.

4. The subject property is currently zoned A-1-2 (Light Agricultural – Two Acre Minimume, 2-acre lot-size minimum). Meteorological towers that exceed 85 feet in height on lots greater than two acres are a use subject to permit in the A-1 Zone. (Section 22.24.090 of the County Code).

5. The surrounding properties are zoned as follows:
North: A-2-5 (LightHeavy Agricultural – Five Acre Minimume, 5-acre lot-size minimum)
South: A-1-2 (Light Agriculture, 2-acre lot-size minimum)
East: A-1-2 (Light Agriculture, 2-acre lot-size minimum)
West: A-2-5 (Light Agriculture, 5-acre lot-size minimum)

6. The subject property is currently undeveloped. Surrounding land uses within 1,000 feet are all vacant.

7. Access to the subject property is provided by 170th Street West, an existing Limited Secondary Highway on the Master Plan of Highways. 170th Street West is currently unimproved and unpaved at this location.

8. This project is Categorically Exempt under Class 6, Information Collection, under the California Environmental Quality Act (CEQA) reporting requirements. The purpose of the tower is to collect basic meteorological information, and the design of the tower will not result in a serious or major disturbance to an environmental resource.

9. A duly noticed hearing was held before Hearing Officer Pat Hachiya on March 15, 2011. The Hearing Officer heard testimony from the applicant's agent, a representative of Transition Habitat Conservancy with concerns about future windmill projects, and one testifier, John Calvert, in opposition. The Hearing Officer heard testimony in opposition from John Calvert. Mr. Calvert expressed concerns that the property posting was improperly placed. The Hearing Officer found that public notification for this project met Los Angeles County Code (Zoning Code Ordinance) requirements and that the applicant made additional outreach efforts that included meeting with local town councils.

10. The conditional use permit was subsequently appealed to the Regional Planning Commission. The Regional Planning Commission denied the appeal.

11. The tower will collect meteorological information for three years, and will then be removed. In order to give the applicant time to remove the tower, the grant term is for a total of four years, with three years of monitoring. To ensure that the tower is removed, the site will be inspected after the grant

term expires.

12. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer Regional Planning Commission determines that it is necessary to limit the term of the grant to a total of four years, including three years of monitoring.

13. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's Regional Planning 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:

1. That the proposed use is consistent with the adopted general plan for the area; and

2. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and

3. That the Los Angeles County Department of Regional Planning has determined that a Categorical Exemption, Class 6—Information Collection, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements; and

4. That the requested use at the proposed location 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

5. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required; and

6. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping and other development features prescribed in Title 22 of the County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning Commission has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources and by local guidelines that this class of projects does not have a significant effect on the environment.

2. AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a CUP as set forth in Section 22.56.040 of the County Code.

3. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201000136, Project No. R2010-01402-(5) is APPROVED, subject to the attached conditions.

c: Hearing Officer, Each Commissioner, Zoning Enforcement, Building and Safety

CONDITIONS OF APPROVAL
PROJECT NO. R2010-01402-(5)
CONDITIONAL USE PERMIT NO. 201000136

1. This grant authorizes use of the subject property for the construction, operation and maintenance of a temporary meteorological tower (MET tower) 197' 8" (60 meters) in height, as depicted on the approved Exhibit "A", subject to all of following conditions of approval.

2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, the owner of the property, and any other person, corporation, or entity making use of this grant.

3. 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 Los Angeles County ("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 have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 13. Notwithstanding the foregoing, this Condition No. 3, and Condition Nos. 8, 9, and 10 shall be effective immediately upon the date of final approval of this grant.

4. 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.

5. 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.

6. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the County Regional Planning Commission ("Commission") or a County 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, that this grant has been exercised so as to be detrimental to the public's health or safety, has been exercised so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.

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. In addition, upon any transfer or lease of the subject 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 terms and conditions to the

transferee or lessee, as applicable, of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director of Regional Planning ("Director").

8. 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 section 65009 of the California Government Code or any other applicable limitation period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully 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 fully cooperate in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

9. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing make an initial deposit with Regional Planning in the amount of $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 to the permittee or the 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 $5000.00. 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 the 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 will be paid by the permittee in accordance with section 2.170.010 of the County Code.

10. This grant shall expire unless used within two years from the date of final approval of the grant by the County. A single, one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.

11. This grant shall terminate on June 8, 2015. Monitoring shall terminate on or before June 8, 2014, and removal of the MET tower shall be completed within one year from the date that monitoring terminates, but in no event later than the grant termination date. Entitlement to the 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 months prior to the termination 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.

12. The subject property shall be developed, 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 will 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.

13. Within 60 days after the date of final approval of this grant, the permittee shall deposit with the County the sum of $400.00. 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. This fund shall provide for two inspections; one inspection shall take place after construction and one inspection shall take place upon removal of the MET tower.

    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 condition 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 charge for additional inspections shall be $200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

14. All development shall comply with the requirements of the County Department of Public Works ("Public Works").

15. All development pursuant to this grant shall be kept in full compliance with the County Fire Code.

16. All requirements of Title 22 of the County Code [the County Code is mentioned earlier, either define it as the zoning ordinance up there, or just refer to it as the County Code here] and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions, or as shown on the approved plans.

17. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas on the premises over which the permittee has control.

18. All structures, walls, and fences open to public view shall remain free of 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 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.

19. The permittee shall maintain a current contact name, address, and phone number with Regional Planning at all times

20. A safety light that meets Federal Aviation Administration ("FAA") standards may be installed at the applicant's discretion. All lights shall be shielded from adjacent properties, and no other lights shall be placed upon the tower.

21. One sign, limited to 18 inches in length and one foot in height, shall be posted at the base of the tower; the sign shall include a notice of no trespassing, and the phone number of the property owner to call in the event of an emergency.

22. All climbing apparatus shall be located a minimum of 12 feet above the ground, and the tower shall be designed to prevent climbing within the first 12 feet.

23. Safety wires shall be installed on the turnbuckles of all guy wires on the tower.

24. No part of the MET tower shall be located within or over drainage, utility, or other established easements, or on or over property lines.

25. The tower height, measured from the natural grade to the top of the tower, shall not exceed a height of 197' 8" feet (60 meters).

26. The minimum distance between the MET tower excluding guy wires and their anchors, and any property line or road right-of-way, shall be 200 feet, provided that the required distance shall also comply with any applicable fire setback requirements pursuant to section 4290 of the Public Resources Code.

27. Within three (3) years after approval of this grant the permittee shall cease operation of the meteorological tower. Prior to termination of this grant as

required by Condition No. 11, the permittee shall remove the facility, clear the site of all equipment, and restore the site as nearly as practicable to its condition prior to the installation of the facility. Failure to remove such facility as required above shall constitute a public nuisance. Prior to installation of any such facility, the permittee shall post a performance security, satisfactory to the Director of Public Works, in an amount and form sufficient to cover the cost of the removal of the facility as provided herein.

28. Upon final approval of this grant, the permittee shall contact the County Fire Department to determine the requirements that must be satisfied for fire protection purposes related to the permittee's use. All such requirements shall be satisfied to the satisfaction of and within the timeframe set by said department.

29. Upon final approval of this grant, the permittee shall contact the FAA to determine the requirements that must be satisfied for purposes related to the permittee's use. All such requirements shall be satisfied to the satisfaction of and within the timeframe set by said department.

30. 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 copies of a modified Exhibit "A" shall be submitted to Regional Planning within 60 days of the date of final approval of this grant.

31. All structures related to the permittee's use shall conform to the requirements of Public Works Division of Building and Safety.

SMT:AT
Wednesday, June 08, 2011

Regional Planning Commission Transmittal Checklist	Hearing Date 6/8/2011
	Agenda Item Number 5

Project Number: R2010-01402-(5)
Case(s): RCUP201000136
Contact Person: Adam Thurtell

Included	NA/None	Document
☒	☐	Factual
☒	☐	Property Location Map
☒	☐	Staff Report
☒	☐	Draft Findings
☒	☐	Draft Conditions
☐	☒	DPW Letter
☐	☒	FD Letter
☐	☒	Other Department's Letter(s)
☒	☐	Burden Of Proof Statement(s)
☐	☒	Environmental Documentation (IS, MMP, EIR)
☐	☒	Opponent And Proponent Letters
☒	☐	Photographs
☐	☒	Resolution (ZC Or PA)
☐	☒	Ordinance with 8.5 X 11 Map (ZC Or PA)
☒	☐	Aerial (Ortho/Oblique) Image(s)
☒	☐	Land Use Radius Map
☒	☐	Site Plan And Elevations
☐	☐	_____

Reviewed By: Phillip Estes

Los Angeles County Department of Regional Planning 320 West Temple Street Los Angeles, California 90012 Telephone (213) 974-6443 **PROJECT NUMBER R2010-01402-(5)** **RCUP 201000136**	PUBLIC HEARING DATE 6/8/2011	AGENDA ITEM
	RPC CONSENT DATE	CONTINUE TO

APPLICANT	**OWNER**	**REPRESENTATIVE**
Michael O'Sullivan, Boulevard Associates, LLC	A.C. Warnack Trust	Jesse Gilholm

PROJECT DESCRIPTION

The applicant proposes a 197' 8" (60 meter) tall temporary meteorological tower on an undeveloped 40 acre parcel in the A-1-2 (Light Agriculture, 2-acre lot-size minimum) Zone. The tower will collect meteorological measurements for a three-year period. Three years from approval the tower will be removed.

REQUIRED ENTITLEMENTS

The applicant is requesting a conditional use permit to authorize the construction of a temporary meteorological tower 60 meters in height. The tower would be removed after three years of operation.

LOCATION/ADDRESS

170 Street West near Lancaster Road (approx. 34.729727,-118.433347)

SITE DESCRIPTION

The site plan depicts a 60-meter tall temporary meteorological tower on an undeveloped 40 acre parcel.

ACCESS	**ZONED DISTRICT**
170th Street West	Antelope Valley West
ASSESSORS PARCEL NUMBER	**COMMUNITY**
3240010007	Antelope Valley
SIZE	**COMMUNITY STANDARDS DISTRICT**
40 Acres	

	EXISTING LAND USE	**EXISTING ZONING**
Project Site	undeveloped vacant land	A-1-2 (Light Agriculture, 2-acre lot-size minimum)
North	undeveloped vacant land	A-2-5 (Light Agriculture, 5-acre lot-size minimum)
East	undeveloped vacant land	A-1-2 (Light Agriculture, 2-acre lot-size minimum)
South	undeveloped vacant land	A-1-2 (Light Agriculture, 2-acre lot-size minimum)
West	undeveloped vacant land	A-2-5 (Light Agriculture, 5-acre lot-size minimum)

GENERAL PLAN/COMMUNITY PLAN	**LAND USE DESIGNATION**	**MAXIMUM DENSITY**
Antelope Valley Area Plan	N1 (Non-Urban)	0.5 du/ac

ENVIRONMENTAL DETERMINATION

Class 6 Categorical Exemption—Information Collection

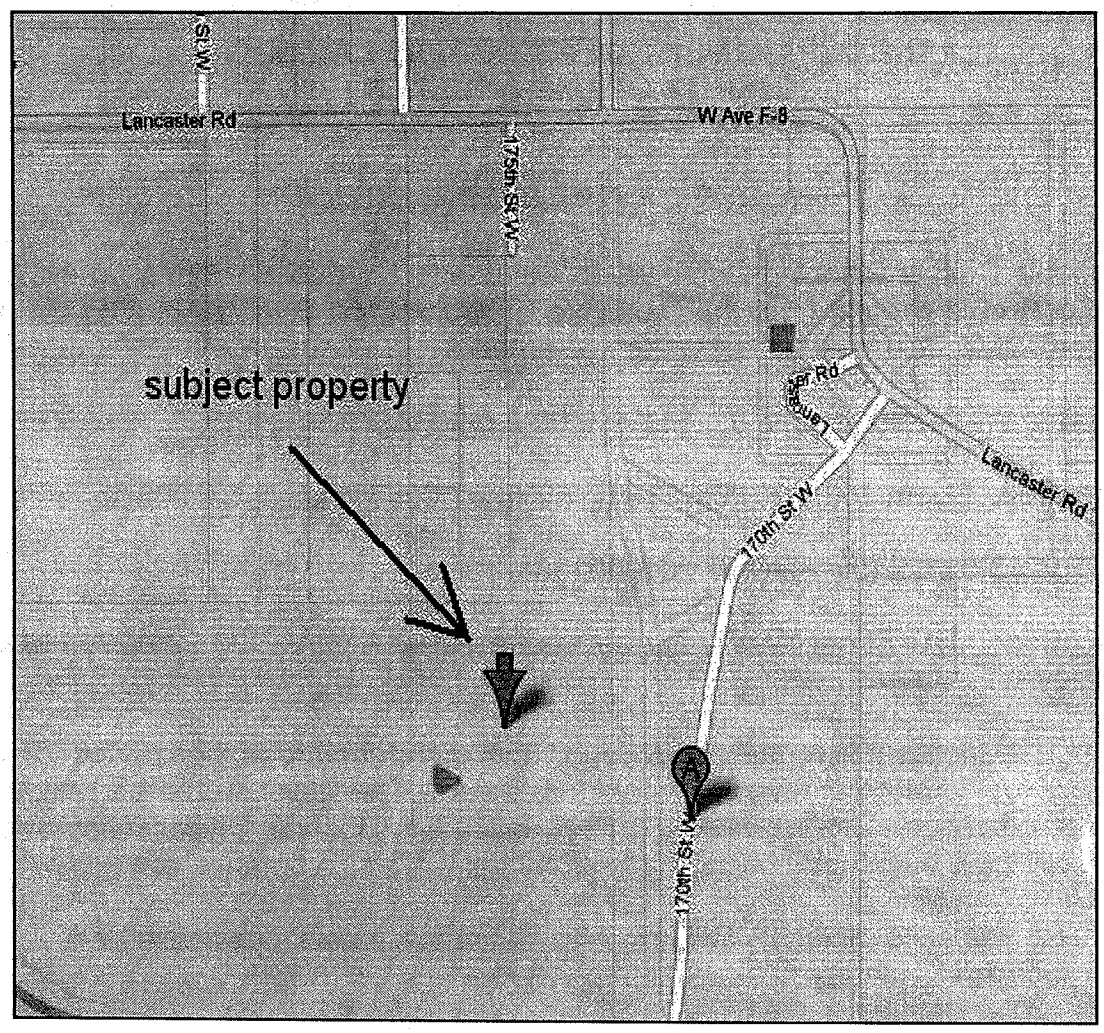
RPC LAST MEETING ACTION SUMMARY

LAST RPC MEETING DATE	RPC ACTION	NEEDED FOR NEXT MEETING
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING/ABSENT

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON: Adam Thurtell		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) 0 (F) 0	PETITIONS (O) 0 (F) 0	LETTERS (O) 0 (F) 0

*(O) = Opponents (F) = In Favor


Lancaster Rd
W Ave F-8
175th St W
subject property
Lancaster Rd
170th St W
Lancaster Rd

STAFF ANALYSIS
PROJECT NO. R2010-01402-(5)
CONDITIONAL USE PERMIT NO. 201000136

PROJECT DESCRIPTION
This is an appeal of a decision by the Hearing Officer to approve a Conditional Use Permit ("CUP") for a temporary meteorological tower. The applicant Michael O'Sullivan, Boulevard Associates, LLC, proposes a 197' 8" (60 meter) tall temporary meteorological tower on an undeveloped 40-acre parcel in the A-1-2 (Light Agricultural-Two Acre Minimum) Zone. The tower will collect meteorological measurements for a three-year period, and will be removed after the third year. The meteorological tower will measure environmental factors, and the information gathered from the tower will be used to determine the viability of future wind-powered electric generating facilities in the area of the project site.

The tower will have a nine square foot base (three feet by three feet) and four sets of guys with a 164 foot (50 meter) outer radius. Each of the guys will be anchored with a six foot rod encased in Quickrete and a three-inch-by-three-inch plate. The total ground area that will be disturbed by this project is less than 20 square feet.

This project was approved by the Hearing Officer at a public hearing on March 15, 2011, and was subsequently appealed by John Calvert. The reasons given for appeal are effects upon flora and fauna, nuisance/disturbance of flashing beacon, negative effect on use, enjoyment and valuation of neighboring properties and nearby state and county parklands.

REQUIRED ENTITLEMENTS
A conditional use permit is required to construct a temporary meteorological tower in the A-1 zone. A public hearing is required if the height of the tower exceeds 85 feet on a lot size of the subject property. Given that the height of the tower is 197' 8", a public hearing was conducted by the Hearing Officer on March 15, 2011.

LOCATION
170th Street West near Lancaster Road (approx. 34.729727,-118.433347)

SITE PLAN DESCRIPTION
The site plan depicts a 60-meter tall temporary meteorological tower on an undeveloped 40 acre parcel.

ENVIRONMENTAL DETERMINATION
The Department of Regional Planning has determined that a Categorical Exemption, Class 6—Information Collection, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the Los Angeles County Code (County Code), the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

PREVIOUS CASES/ZONING HISTORY

There are no previous cases on this site.

STAFF EVALUATION

General Plan Consistency

The proposed project is consistent with the County of Los Angeles General Plan, and the N1 (Non-Urban 1) land use designation of the Antelope Valley Areawide General Plan.

The intent of the N1 land use designation is to maintain the character of dispersed non-urban settlements and communities; provide for agricultural and mineral production; preserve areas of significant natural and scenic resources; and avoid intensive development of areas subject to severe natural hazards or lacking essential services. The project site is located in a rural area of the Antelope Valley in the northern portion of Los Angeles County. The nearest rural residential communities are Lake Elizabeth, located approximately 9.7 miles south of the project site, and Lake Hughes, located 12 miles south of the project site. The city of Lancaster is 18 miles east of the project site.

Construction of the meteorological tower would be noninvasive and temporary. Although information gathered from the meteorological tower would be used to determine the viability of a future wind-powered electric generating facility in the area of the project site, after three years the subject property would be returned to its preconstruction state, and any future projects on that site would be subject to additional review and analysis. The visual impact of the tower would be minimal while meeting standards of the Federal Aviation Administration (FAA). A flashing beacon is not required by the FAA and would not be included on the tower.

There are no existing structures on the project site.

General Plan Policies

Policy Nos. 2 and 3 of the Conservation and Open Space Element promote wind energy. The project proposes a meteorological tower that will only measure environmental factors, and determine the future viability of a wind-powered electric generating facility, consistent with these policies. Policy No. 2 is as follows: "Support the conservation of energy and encourage the development and utilization of new energy and encourage the development and utilization of new energy sources including...wind ...sources." (General Plan, pg. II-26)

Zoning Ordinance and Development Standards Compliance
Meteorological towers that exceed 85 feet in height on lots greater than two acres are a use subject to permit in the A-1 Zone (Section 22.24.090 of the County Code). If approved, the conditional use permit would allow development of the project in compliance with the Zoning Ordinance.

Neighborhood Impact/Land Use Compatibility
The proposed use is compatible with the predominant zoning and land use in the area. The adjacent neighboring parcels to the north and east are zoned A-2 (Heavy Agricultural) and the neighboring parcels to the south and west are also zoned A-1. All adjacent parcels are vacant. The meteorological tower is visually unintrusive, and the footprint of the base of the tower would be nine square feet. Construction of the tower would result in minimal ground disturbance.

Burden of Proof
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. Staff is of the opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS
No consultations were necessary for this project.

PUBLIC COMMENTS
Staff has received several letters in regard to this project. All correspondence regarding this project is attached.

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 No. R2010-01402-(5) CUP No. 201000136, subject to the attached conditions.

SUGGESTED APPROVAL MOTIONS

I move that the Regional Planning Commission close the public hearing, determine that the project is exempt from the California Environmental Quality Act pursuant to the Class 6 – Information Collection categorical exemption, and deny the appeal of the Hearing Officer's decision, thereby approving Conditional Use Permit No. 2010-00136, subject to the attached findings and conditions of approval.

Prepared by Adam Thurtell, Regional Planning Assistant II
Reviewed by Susan Tae, Supervising Regional Planner, Zoning Permits North Section

Attachments:
Draft Findings
Draft Conditions of Approval
Applicant's Burden of Proof statement
Site Photographs
Site Plan
Land Use Map

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

PROJECT NO. R2010-01402-(5)
CONDITIONAL USE PERMIT NO. 201000136
170th Street West near Lancaster Road (map coordinates: 34.729727,-118.433347)

HEARING DATE: 6/8/2011

SYNOPSIS:
The applicant, Michael O'Sullivan, Boulevard Associates, LLC, proposes a 197' 8" (60 meter) tall temporary meteorological tower on an undeveloped 40-acre parcel in the A-1-2 (Light Agricultural – Two Acre Minimum) Zone. The tower will collect meteorological measurements for a three-year period, and will be removed after the third year and no later than four years from approval of this grant. The meteorological tower will measure environmental factors, and the information gathered from the tower will be used to determine the viability of future wind-powered electric generating facilities in the area of the project site.

The tower will have a nine square foot base (three feet by three feet) and four sets of guys with a 164 foot (50 meter) outer radius. Each of the guys will be anchored with a six foot rod encased in Quikrete and a three-inch-by-three-inch plate.

This project was approved by the Hearing Officer at a public hearing on March 15, 2011 and was subsequently appealed. The appellant is John Calvert. The reasons given for appeal are effects upon flora and fauna, nuisance/disturbance of flashing beacon, negative effect on use, enjoyment and valuation of neighboring properties and nearby state and county parklands.

PROCEEDINGS BEFORE THE HEARING OFFICER:
A duly noticed hearing was held before Hearing Officer Pat Hachiya on March 15, 2011. The Hearing Officer heard testimony from the applicant's agent, a representative of Transition Habitat Conservancy with concerns about future windmill projects, and one testifier in opposition. The Hearing Officer approved the conditional use permit request. The conditional use permit was subsequently appealed to the Regional Planning Commission.

[Proceedings before the Planning Commission]

Findings

1. The subject property is located at 170th Street West near Lancaster Road (approx. 34.729727,-118.433347) in the unincorporated community of Antelope Valley within the Antelope Valley West Zoned District.

2. The applicant is requesting a conditional use permit (CUP) to authorize the construction of a temporary meteorological tower 60 meters in height. The tower would be removed after three years of operation.

3. The subject property is currently designated N1 (Non-Urban) in the Antelope Valley Area Plan.

   The intent of the N1 land use designation is to maintain the character of dispersed non-urban settlements and communities; provide for agricultural and mineral production; preserve areas of significant natural and scenic resources; and avoid intensive development of areas subject to severe natural hazards or lacking essential services.

   The meteorological tower is consistent with the N1 designation. Construction of the meteorological tower would be noninvasive and temporary. After three years the subject property would be returned to pre-construction state. The visual impact of the tower would be minimal while meeting standards of the Federal Aviation Administration (FAA). A flashing beacon is not required by the FAA and would not be included on the tower.

4. The subject property is currently zoned A-1-2 (Light Agricultural – Two Acre Minimume, 2-acre lot-size minimum). Meteorological towers that exceed 85 feet in height on lots greater than two acres are a use subject to permit in the A-1 Zone. (Section 22.24.090 of the County Code).

5. The surrounding properties are zoned as follows:
   North: A-2-5 (LightHeavy Agricultural – Five Acre Minimume, 5-acre lot-size minimum)
   South: A-1-2 (Light Agriculture, 2-acre lot-size minimum)
   East: A-1-2 (Light Agriculture, 2-acre lot-size minimum)
   West: A-2-5 (Light Agriculture, 5-acre lot-size minimum)

6. The subject property is currently undeveloped. Surrounding land uses within 1,000 feet are all vacant.

7. Access to the subject property is provided by 170th Street West, an existing Limited Secondary Highway on the Master Plan of Highways. 170th Street West is currently unimproved and unpaved at this location.

8. This project is Categorically Exempt under Class 6, Information Collection, under the California Environmental Quality Act (CEQA) reporting requirements. The purpose of the tower is to collect basic meteorological information, and the design of the tower will not result in a serious or major disturbance to an environmental resource.

9. A duly noticed hearing was held before Hearing Officer Pat Hachiya on March 15, 2011. The Hearing Officer heard testimony from the applicant's agent, a representative of Transition Habitat Conservancy with concerns about future windmill projects, and one testifier, John Calvert, in opposition. The Hearing Officer heard testimony in opposition from John Calvert. Mr. Calvert expressed concerns that the property posting was improperly placed. The Hearing Officer found that public notification for this project met Los Angeles County Code (Zoning Code Ordinance) requirements and that the applicant made additional outreach efforts that included meeting with local town councils.

10. The conditional use permit was subsequently appealed to the Regional Planning Commission. [to be updated after appeal hearing]

11. The tower will collect meteorological information for three years, and will then be removed. In order to give the applicant time to remove the tower, the grant term is 4for a total of four years, with three years of monitoring. To ensure that the tower is removed, the site will be inspected after the grant term expires.

12. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer Regional Planning Commission determines that it is necessary to limit the term of the grant to 4a total of four years, including three years of monitoring.

13. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's Regional Planning 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 INorth Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

1. That the proposed use is consistent with the adopted general plan for the area; and

2. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and

3. That the Los Angeles County Department of Regional Planning has determined that a Categorical Exemption, Class 6—Information Collection, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements; and

4. That the requested use at the proposed location 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

5. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required; and

6. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping and other development features prescribed in Title 22 of the County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning Commission has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources and by local guidelines that this class of projects does not have a significant effect on the environment.

2. AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a CUP as set forth in Section 22.56.040 of the County Code.

3. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201000136, Project No. R2010-01402-(5) is APPROVED, subject to the attached conditions.

c: Hearing Officer, Each Commissioner, Zoning Enforcement, Building and Safety

CONDITIONS OF APPROVAL
PROJECT NO. R2010-01402-(5)
CONDITIONAL USE PERMIT NO. 201000136

1. This grant authorizes use of the subject property for the construction, operation and maintenance of a temporary meteorological tower (MET tower) 197' 8" (60 meters) in height, as depicted on the approved Exhibit "A", subject to all of following conditions of approval.

2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, the owner of the property, and any other person, corporation, or entity making use of this grant.

3. 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 Los Angeles County ("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 have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 13. Notwithstanding the foregoing, this Condition No. 3, and Condition Nos. 8, 9, and 10 shall be effective immediately upon the date of final approval of this grant.

4. 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.

5. 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.

6. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the County Regional Planning Commission ("Commission") or a County 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, that this grant has been exercised so as to be detrimental to the public's health or safety, has been exercised so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.

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. In addition, upon any transfer or lease of the subject 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 terms and conditions to the

transferee or lessee, as applicable, of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director of Regional Planning ("Director").

8. 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 section 65009 of the California Government Code or any other applicable limitation period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully 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 fully cooperate in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

9. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing make an initial deposit with Regional Planning in the amount of $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 to the permittee or the 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 $5000.00. 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 the 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 will be paid by the permittee in accordance with section 2.170.010 of the County Code.

10. This grant shall expire unless used within two years from the date of final approval of the grant by the County. A single, one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.

11. This grant shall terminate on June 8, 2015. Monitoring shall terminate on or before June 8, 2014, and removal of the MET tower shall be completed within one year from the date that monitoring terminates, but in no event later than the grant termination date. Entitlement to the 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 months prior to the termination 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.

12. The subject property shall be developed, 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 will 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.

13. Within 60 days after the date of final approval of this grant, the permittee shall deposit with the County the sum of $400.00. 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. This fund shall provide for two inspections; one inspection shall take place after construction and one inspection shall take place upon removal of the MET tower.

    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 condition 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 charge for additional inspections shall be $200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

14. All development shall comply with the requirements of the County Department of Public Works ("Public Works").

15. All development pursuant to this grant shall be kept in full compliance with the County Fire Code.

16. All requirements of Title 22 of the County Code [the County Code is mentioned earlier, either define it as the zoning ordinance up there, or just refer to it as the County Code here] and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions, or as shown on the approved plans.

17. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas on the premises over which the permittee has control.

18. All structures, walls, and fences open to public view shall remain free of 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 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.

19. The permittee shall maintain a current contact name, address, and phone number with Regional Planning at all times

20. A safety light that meets Federal Aviation Administration ("FAA") standards may be installed at the applicant's discretion. All lights shall be shielded from adjacent properties, and no other lights shall be placed upon the tower.

21. One sign, limited to 18 inches in length and one foot in height, shall be posted at the base of the tower; the sign shall include a notice of no trespassing, and the phone number of the property owner to call in the event of an emergency.

22. All climbing apparatus shall be located a minimum of 12 feet above the ground, and the tower shall be designed to prevent climbing within the first 12 feet.

23. Safety wires shall be installed on the turnbuckles of all guy wires on the tower.

24. No part of the MET tower shall be located within or over drainage, utility, or other established easements, or on or over property lines.

25. The tower height, measured from the natural grade to the top of the tower, shall not exceed a height of 197' 8" feet (60 meters).

26. The minimum distance between the MET tower excluding guy wires and their anchors, and any property line or road right-of-way, shall be 200 feet, provided that the required distance shall also comply with any applicable fire setback requirements pursuant to section 4290 of the Public Resources Code.

27. Within three (3) years after approval of this grant the permittee shall cease operation of the meteorological tower. Prior to termination of this grant as

required by Condition No. 11, the permittee shall remove the facility, clear the site of all equipment, and restore the site as nearly as practicable to its condition prior to the installation of the facility. Failure to remove such facility as required above shall constitute a public nuisance. Prior to installation of any such facility, the permittee shall post a performance security, satisfactory to the Director of Public Works, in an amount and form sufficient to cover the cost of the removal of the facility as provided herein.

28. Upon final approval of this grant, the permittee shall contact the County Fire Department to determine the requirements that must be satisfied for fire protection purposes related to the permittee's use. All such requirements shall be satisfied to the satisfaction of and within the timeframe set by said department.

29. Upon final approval of this grant, the permittee shall contact the FAA to determine the requirements that must be satisfied for purposes related to the permittee's use. All such requirements shall be satisfied to the satisfaction of and within the timeframe set by said department.

30. 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, ___ copies of a modified Exhibit "A" shall be submitted to Regional Planning within 60 days of the date of final approval of this grant.

31. All structures related to the permittee's use shall conform to the requirements of Public Works Division of Building and Safety.

SMT:AT
Thursday, May 26, 2011

10-01402

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location will not:
1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The proposed project is a temporary facility which will pose virtually no adverse affect to persons residing or working in the surrounding area. the proposed facility is located on undeveloped land sorrounded by sparsely populated land.

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

The proposed project is an unmanned temporary facility located and sorrouned by sparsely populated undeveloped land. the proposed use will not have any impact of the sorrounding area; and will integrate with the uses in the sorrounding area.

C. That the proposed site is adequately served:
1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

the proposed unmanned temporary facility will require only periodic maintenance; thus there will not be any substantive increase in traffic. the facility does not require any utilities such as power, telephone, water or sewer. the facility is accessable via existing public streets and private roads. no modification to the existing access roads will be required.

Correspondence from Opponents

Adam Thurtell
Regional Planning Assistant II
LA. County Dept. of Regional Planning
320 West Temple Street
Los Angeles California, 90012

May 23, 2011

MAY 25 2011

Mr. Thurtell:

This letter is regarding Project No. R2010-01402-(5) RCUP 201000136. and the appeal of its approval on March 15, 2011 by Hearing Officer Hachiya. This appeal was filed by myself and several concerned members of my community. We believe that the conditional use permit for this meteorological tower should not be approved.

Reasons for denial of this permit are as diverse as the people who oppose it. While no one is opposed to finding alternate sources of energy or reducing our dependence on foreign oil we feel that no matter what data is collected by a Met tower, Industrial Scale Wind Generation is not efficient or economically viable and does more harm than good to the environment and economy.

I look forward to the hearing on June 8th as an opportunity to raise concerns and questions regarding the Staff Analysis, Conditions of Approval, and Burden of Proof for this project. I am sure that other members of the community are prepared to do the same. I ask that our concerns be seriously considered and addressed at that time.

Respectfully:
John Calvert
19460 West Lancaster Road
Lancaster California, 93536
(661) 724-2109

The following is one page from a 28 page petition received from the appellant. The full petition has been placed in the file and is available for review.

Petition to Oppose Meteorological Tower

Petition summary and background	Numerous Wind Turbine and Solar Projects are trying to move into the Western area of the Antelope Valley. We feel that the Meteorological Tower listed below, and others that are forth coming, are a precursor to an industrial facility inconsistent with and disruptive to the area. This area is a wildflower and wildlife habitat which is in very close proximity to the Antelope Valley Poppy Reserve, a popular State National Park for local residents and thousands of tourists each year. Such intrusion to the natural landscape would affect our numerous wildlife, including Golden Eagles (a Bird of Special Concern by CDFG 2006a), Prairie Falcons, and Cooper's Hawk (a Bird of Special Concern by CDFG 2006a) as well as the flora and other fauna in the western Antelope Valley. We fully support investigating sources of alternative energy in order to decrease our carbon footprint as well as energy costs, however we strongly oppose destroying this area of unique native vegetation and scenic beauty.
Action petitioned for	We, the undersigned, are opposed to the location of the 60 meters (approximately 196 feet) tall Meteorological Tower proposed for project #R2010-01402(5) at the west end of the Antelope Valley and any future known and unknown visually and environmentally impacting projects in this area.

Printed Name	Signature	Address
David M Watson		46460 Kings Cyn RD Lancaster CA 93536
Jennifer Whalen		46407 Kings Canyon Rd Lanc 93536
THOMAS WHALEN		46407 KINGS CYN. RD. LAN 93536
Jake Whalen		46407 Kings Cyn Rd Lancaster 93536
JUDITH A. WATSON		46460 Kings Cyn. Rd. Lancaster 93536
Carolyn M Botts		46720 King Cyn Rd, Lancaster
Robert F Botts		46720 King Cyn Rd, Lancaster
CHARLES W TYLER		18249 LANCASTER Rd, LANCASTER 93536
Andrew Sterling		18333 LANCASTER, RD. LANCASTER CA 93536
James Powell		20006 W Ave F Lancaster CA 93536
David G Watson		2021 PHLOX AVE ROSAMOND CA 93560
Judith K. Sterling		18333 Lancaster Rd, Lancaster CA 93536
Bill Rogers		46422 KINGS CYN RD Lancaster
Janet Rogers		46422 Kings Cyn Rd Lancaster CA 93536
John RUGE		46410 KING'S CYN RD LANCASTER CA 93536

The following sheet is one example of 23 form letters that were submitted by the appellant. All letters received by this Department have been placed in the file and are available for review.

Board of Supervisors
County of Los Angeles

MICHAEL D. ANTONOVICH
MAYOR

March 29, 2011

Mr. Douglas R. Bonanno
46301 Kings Canyon Road
Lancaster, CA 93536

Dear Mr. Bonanno:

Thank you for your letter to regarding Project R2010-01402.

As you may know, these projects are currently being considered through public hearing(s) by the Los Angeles County Regional Planning Commission. Your letter will be added to the administrative file for this project, and has also been forwarded to the hearing body for their consideration as part of the public record. Also, you will be alerted for future hearings concerning this project.

Again, thank you for writing and best regards.

Sincerely,

Mike Antonovich

MICHAEL D. ANTONOVICH
Mayor

MDA:nhm

c: Department of Regional Planning

ROOM 869 KENNETH HAHN HALL OF ADMINISTRATION, 500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012
TELEPHONE (213) 974-5555 • FAX (213) 974-1010 • E-MAIL:fifthdistrict@bos.co.la.ca.us

McGaughey, Sally

From: Hickling, Norm
Sent: Monday, March 28, 2011 1:55 PM
To: Alexanian, Sorin; Mark Child; Bruckner, Richard
Cc: Vizcarra, Edel; McGaughey, Sally
Subject: FW: case#2010-0142(5)

Please review the e-mail below regarding the noted project. Please prepare response.

Sally please log on to goldmine

Norm Hickling, Deputy to Supervisor Antonovich
Antelope Valley Field Office
1113 Ave M-4, Suite A
Palmdale, Ca 93551
661-726-3600

From: Doug Bonanno [mailto:dagobonanno@hotmail.com]
Sent: Sunday, March 27, 2011 10:47 AM
To: Hickling, Norm
Subject: case#2010-0142(5)

Re: Case # Project-R2010 -01402(5)
3/19/11

Dear Mr. Hickling,
I have lived in Kings Canyon for 26 years. We live here because we like the solitude, our "million dollar" view, and the wonderful aspects of nature that we see here. We are lucky to see wildlife such as mountain lions, bobcats, coyotes, bears, deer and elk, quail, golden eagles, different types of hawks, numerous species of owls, and other animals too many too mention. We also have many types of plant and flowers that grow here, including poppies and other wildflowers, Joshua Trees etc. The South Portal Mountain is a haven for the animals mentioned previously, because of the abundance of pine trees on the mountain which allow them a corridor of safe access to the nearby National Forests. This is considered a significant ecological area (SEA-58)
We have lived here all these years sacrificing to live here. We have a 3-4 mile drive up our bumpy dirt road and a 20 mile drive into town. We put up with extreme hot and cold weather, with severe rain and snow storms and windy conditions. Yet we all stay here and continue to make this place our home, because of the rewards of living in an ecological sanctuary.
Now we are threatened by energy companies trying to spoil this beautiful place with windmills and solar panels. Is the City of Lancaster and the County of Los Angeles going to allow this to happen, when there are so many alternative places to put these windmills and solar panel, besides the most pristine spot in all of Lancaster? Edison has already erected miles of large electrical line towers running north and south right throughout the middle of the valley. Why not put these windmills adjacent to these towers instead of scarring another spot in the area.
The area in question is adjacent to three State Parks, which include the Cal Poppy Reserve, Ripley's Desert Woodlands and another new wildlife sanctuary conservation area along the aqueduct near 190th street and Lancaster Blvd. Also these wind turbines have shown to be a fire hazard in other locations where they are being used. The area where Nextera wants to place these turbines is a very high risk fire area, and who will be responsible for a fire that could potentially be started by an exploding turbine.
I understand the need for renewable energy in today's energy reliant world, but I think that the placement of

these projects is critical as how to put them in areas that are not in the proximity of private residences.
I can't understand how we are expected to let anyone destroy what all of us live out here for, which is our peace and quiet, nature and our gorgeous views. People who have lived here many years, and built their homesteads with the expectations of enjoying their homes for the rest of their days, will soon be forced to live with the windmills and lights, or sell and move elsewhere. Question being who will buy your home? How much will your home be worth?

I feel that a met tower here would only lead to more towes an turbines.
I hope you will see our point of view in this matter. Thank You for your time.

Sincerely,
Douglas R. Bonanno
46301 Kings Canyon Rd.
Lancaster, Ca. 93536

Guest Editorial: Real Energy, Real Jobs

By Robert L. Bradley Jr.

Despite record federal deficits, the Obama administration is pouring millions of taxpayer dollars into "green" jobs initiatives. In Arizona, three state agencies just announced they're using $3 million in federal grant money to train locals for jobs at renewable-energy companies. North Carolina is spending $1 million in federal dollars to run an analysis of the labor market to determine demand for green jobs in coming years.

Policymakers at all levels of government should pause. Washington should rescind such grants and the recipients should return the booty; these jobs are "bubble" jobs, and as such, they're bad jobs.

Back in 2010, for example, President Obama visited the California-based solar power company Solyndra to tout the plant's new jobs. Just months after his visit, Solyndra shut down its plant - having yet to turn a profit - and laid off 175 workers. Congress is now investigating the $535 million loan guarantee the company received as part of the 2009 stimulus.

The President should have taken Solyndra's bust as a sign that "green" jobs are shaky ground on which to build America's 21st Century economy. Instead, the administration is continuing to shower money on the clean energy sector in the mistaken belief that government can pick winners and losers better than the market.

In total, the 2012 budget contains $8 billion in subsidies, government grants, and tax breaks for clean energy technologies, which the administration claims will create millions of new jobs. The logic seems straightforward: More wind turbines and solar panels mean more jobs for builders, technicians, and engineers.

Unfortunately, there's a big problem at the center of this agenda. Simply put, staking job creation on industries that depend on government favor for survival is not a long-term solution to our economic troubles.

To be sustainable, jobs - and the industries that create them - need to be based on actual consumer demand. Green jobs are created not by the market, but by subsidies and by mandate. Obama acknowledged as much in his State of the Union speech when he declared: "By 2035, 80 percent of America's electricity will come from clean energy sources." In other words, the government will create a market by requiring Americans to buy more expensive electricity from clean energy sources.

Currently, oil and natural gas supply 63 percent of our total energy needs, while renewables - wind, solar, hydropower, and ethanol - supply less than 10 percent. As a study by University of Illinois researchers bluntly puts it, "Turning off the electricity generated from coal and other non-renewable sources...would mean that most Americans would literally freeze in the dark."

The President now includes nuclear power, "clean" coal, and (peculiarly) natural gas among his politically favored "clean" energy sources. While the inclusion of fossil fuels and nuclear power makes Obama's electricity mandate somewhat more realistic, it also makes the economic rationale for lavishing government handouts upon renewables appear all the more flimsy.

Renewables already receive more than twice the level of subsidies compared with conventional energy sources. Yet, as evidenced by Solyndra, they still can't compete with cheaper energy supplies like natural gas. And who could expect them to ,when their production costs are more than six times those of other producers?

The Obama administration's answer is to hobble the more competitive industries with huge new tax burdens. Thus, the 2012 budget contains nearly $90 billion in tax increases on the oil and natural gas industry. Of course, it's ultimately consumers who will pay those taxes.

Consumers will also be paying higher energy prices as renewables drive up costs. The net drain on the economy will no doubt hurt job growth in other sectors, meaning that green job spending could end up a wash or worse. Spain's experience with green job spending suggests that "worse" is the far likelier outcome. According to a report by Spanish economists, the country lost 2.2 jobs for every job "created" in the "green" economy.

Nor will green jobs necessarily last long. Budget priorities shift as political parties move in and out of power and as new challenges arise. Just consider the deep cuts made to community service block grants in Obama's 2012 budget. Once a domestic-policy darling of our Community-Organizer-in-Chief, community service grants have been pushed aside for other policy priorities - like clean energy.

If the administration wants to get serious about job creation, it should look to the industries that don't need taxpayer money to stay afloat. Moreover, by promoting affordable energy supplies, it could bring down costs in all sectors of the economy - enabling the private sector to create real and sustainable jobs. With the unemployment rate at nearly 10 percent, this shouldn't be a hard choice to make.

Robert L. Bradley Jr. is the CEO & Founder of the Institute for Energy Research and author, most recently, of *Capitalism at Work: Business, Government, and Energy.*
IER Website: www.energyrealism.org
Political Capitalism website: www.politicalcapitalism.org
Energy Blog: www.MasterResource.org
Speaker Blog: www.RobertBradleyJr.com

Correspondence from Proponents

SSL
LAW
FIRM
LLP

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SAN FRANCISCO, CA 94105
TELEPHONE: 415.814.6400
FACSIMILE: 415.814.6401
business@ssllawfirm.com

May 25, 2011

VIA ELECTRONIC MAIL

Pat Modugno, Chair
Esther L. Valadez, Vice Chair
David W. Louie, Commissioner
Harold V. Helsley, Commissioner
Curt Pedersen, Commissioner
Regional Planning Commission
320 West Temple Street
Los Angeles, California 90012

Re: Appeal of Project R2010-01402: Conditional Use Permit 201000136
Project Address: Vicinity of H/195 Street West, Antelope Valley Zoned District

Dear Honorable Commissioners:

We are writing on behalf of Boulevard Associates, LLC,[1] the applicant for the above-captioned project, to request that you deny the appeal of this project and affirm the issuance of a conditional use permit ("CUP") for the installation of a temporary meteorological tower ("met tower"), as approved by Hearing Officer Hachiya on March 15, 2011.

I. Summary

The proposed met tower is a temporary structure that will collect data for a period of up to three years. The collected data will be used to determine the suitability of adjacent lands for wind energy generation.

The met tower will be located on a forty (40) acre parcel zoned for light agricultural use (A-1) in the Antelope Valley. A temporary met tower is an allowed use in A-1 zoned districts. Department staff recommended approval of the CUP.

On March 15, 2011, Hearing Officer Hachiya held a public hearing and approved the issuance of a CUP for the met tower. At that hearing, Ms. Hachiya heard from Planning staff, the applicant, and the appellant. Despite his attendance at the hearing, appellant testified that the Department's notice of the project was deficient. After considering the testimony received, the Hearing Officer determined that notice was sufficient and that the findings required under Los Angeles County Code section 22.56.090 were supported by the application and testimony. Hearing Officer Hachiya approved the project.

[1] Boulevard Associates, LLC is also known as, and is parented by, NextEra Energy Resources.

Appellant filed an appeal on March 28, 2011. Appellant no longer asserts that notice was deficient. Instead, he challenges the Hearing Officer's decision on grounds that were not presented during the hearing. Appellant's grounds for the appeal are limited to three brief statements:

> Project effects upon flora and fauna. Nuisance/disturbance of flashing beacon. Negative effect upon the use, enjoyment and valuation of neighboring properties and three nearby state and county parklands.

Appellant has presented no evidence in support of these claims. For the reasons outlined below, the appeal is baseless and should be rejected.

II. The Proposed Project

The proposed met tower is a single 60-meter (197-foot) tall tower that will collect data for a period of three years or less. The lightweight tower is made of small diameter (8-inch) galvanized steel tubing that can be assembled on the ground and tilted into place using a ginpole and winch. The tower will rest on a steel base approximately 9-square feet in size and will be supported by guy wires anchored to the ground with screw-in anchors or hammer driven pins (to minimize ground disturbance). Construction of the tower will take no more than two days.

Because the tower is designed for temporary use, no concrete foundation is necessary and no heavy equipment (cement trucks, drill rigs, graders, excavators, cranes, etc.) is required for its construction. The met tower may be accessed via overland travel using rubber tired vehicles. No road grading or other land disturbing activities are required.

The tower complies with the County's zoning and development regulations. A temporary met tower is an allowed use in A-1 (Light Agricultural) zoned districts. L.A. County Code §22.24.090. The tower meets the development standards set forth in chapter 22.52 for lot size; setbacks from property lines, road right-of-ways, drainages, utilities and easements; design; signs; maintenance; and removal. The height of the proposed tower triggered the Department to require a public hearing and approval of the CUP by a hearing officer.

No Federal Aviation Administration permit is required and no lighting is required because the met tower will be constructed below the FAA notice of construction or alteration threshold for structures.

III. The Hearing Officer's Approval

On March 15, 2011, Hearing Officer Hachiya held a public hearing and approved the issuance of a CUP for the construction of this project. At that hearing, Ms. Hachiya heard from Planning staff, the applicant, and from members of the community. The *only* issue raised in opposition to the project concerned public notice of the hearing. Appellant did not raise a single substantive concern regarding the met tower. The Hearing Officer determined that the required findings required under Los Angeles County Code section 22.56.090 for approval of a conditional use permit were met by the application and evidence presented, and accordingly approved the issuance of a CUP for the met tower.

IV. The Appeal

A. Appellant Waived His Opportunity to Appeal the Project on His Stated Grounds

Appellant had the opportunity to raise any substantive concerns he had with the met tower at the public hearing on March 15, 2011. The only issue he raised concerned the public notice for that hearing. According to the County Code, when hearing an appeal from a Hearing Officer, the Planning Commission "shall consider only the same application, plans and materials that were the subject of the original decision." LA County Code §22.60.240(C). As appellant did not present *any* materials during the original hearing, he has waived his right to appeal the project on his stated grounds. See *Morgan v. Community Redevelopment Agency* (1991) 231 Cal.App.3d 243, 259 ("Failure to raise an issue in protest at the public hearing constitutes a waiver of the right to have that issue determined by the council or the court.").

We will nevertheless address each baseless claim below.

On appeal, the Planning Commission must determine whether to affirm, modify, or reverse the original decision, or refer the matter back to the Hearing Officer for further review. L.A. County Code §22.60.240. This decision is based on whether the standards set forth in the Code for approval of the requested permit are met. Here, the Code requires that "where the information submitted by the applicant and/or presented at public hearing substantiates the [required] findings," a permit "shall" issue.[2] Hearing Officer Hachiya determined that the findings were substantiated in this case, and the appellant has presented no facts that would support reversing that determination.

A. The Met Tower Will Not Have a Significant Effect on Flora and Fauna.

Appellant challenges the "[p]roject effects upon flora and fauna." No additional detail is provided and no facts are referenced in support of this baseless claim.

---

[2] Los Angeles County Code section 22.56.090(A) states:

A. The hearing officer shall approve an application for a conditional use permit where the information submitted by the applicant and/or presented at public hearing substantiates the following findings:

1. That the proposed use will be consistent with the adopted general plan for the area. Where no general plan has been adopted, this subsection shall not apply;

2. That the requested use at the location proposed will not:

a. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or

b. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or

c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and

3. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and

4. That the proposed site is adequately served:

a. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and

b. By other public or private service facilities as are required.

The project involves installing one temporary eight-inch diameter tower within a forty-acre parcel of private land zoned for agricultural use. No grading or heavy equipment is required to install the tower. The tower does not require any utility connections as it is powered by small solar panels. It will be removed within three years of installation and the property will be restored to its natural state. Biologists from SWCA Environmental Consultants[3] surveyed the parcel, including the location where the met tower is proposed, and concluded that "[t]he vegetation community and wildlife present on the project site is consistent with disturbed grassland habitat commonly found on the valley floor of the western Mojave Desert, and does not represent a unique habitat in this region." (*See* Exhibit A.) There is no basis to conclude that the project may significantly impact flora or fauna.

B. There Is No Flashing Beacon.

Appellants challenge that a flashing beacon would cause a nuisance or disturbance. This claim is baseless as no beacon is proposed.

C. The Use, Enjoyment and Valuation of Neighboring Properties and Parklands Will Not Be Disturbed.

Appellants assert that the met tower will cause "[n]egative effects upon the use, enjoyment and valuation of neighboring properties and three nearby state and county parklands." There is no evidence in the record to support this claim.

Attached to this letter are three simulations of the proposed met tower from nearby public roads and the California Poppy Reserve Vista Point. (*See* Exhibit B.) These simulations demonstrate that the met tower will not affect the use, enjoyment or valuation of the neighboring properties or nearby state and county parklands in any material respect.

V. Conclusion

We request that you deny the appeal and affirm the issuance of Conditional Use Permit 201000136 for Project R2010-01402. In the event Appellant submits *any* evidence in support of his baseless claims, we reserve the right to submit additional responsive materials.

We look forward to discussing this issue on June 8th and we welcome any questions or comments you or your staff may have.

Sincerely,

Elizabeth L. Bridges

cc: Ms. Rosie Ruiz, Regional Planning Commission Secretary
Mr. Richard Bruckner, Director, Department of Regional Planning
Mr. Adam Thurtell, Department of Regional Planning

[3] SWCA biologists are approved by the County's SEATAC advisory board.

Exhibit A

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Biological Conditions at the Proposed Warnack MET Tower Project Location

At the request of NextEra Energy Resource, SWCA conducted a preliminary assessment of the biological conditions on the proposed Warnack MET Tower Project site. The project site is located within the western Antelope Valley at the base of the San Gabriel Mountains. The site consists entirely of non-native grassland/wildflower fields with scattered native perennial shrubs. The following presents a brief summary of the most common species likely to occur on the project site and any special status species that may occur on the project site. The vegetation community and wildlife present on the project site is consistent with disturbed grassland habitat commonly found on the valley floor of the western Mojave Desert, and does not represent a unique habitat in this region.

This assessment is based on a review of existing background information and is supplemented with information gathered during site visits conducted in May 2011. Background information was gathered from a number of sources and included a review of the California Natural Diversity Data Base (CNDDB) (2011), for the area comprised by the nine U.S. Geological Survey (USGS) 7.5-minute quadrangles that surround the proposed Project Area (Lake Hughes, Sleepy Valley, Del Sur, Little Buttes, Fairmont Butte, Neenach School, Burnt Peak, Warm Springs Mountain, and Green Valley) and a review of the California Native Plant Society (CNPS) (2011) online inventory of rare and endangered plants of California, for the area comprised by these same nine USGS 7.5-minute quadrangles.

The non-native grassland/wildflower field community on the project site is found on Ramona coarse sandy loam (9%-15% slopes) soil and it is dominated by dense cheatgrass (*Bromus tectorum*), red-stemmed filaree (*Erodium cicutaria*), tall fescue (*Festuca arundinacea*), and slender wild oats (*Avena barbata*). Though these non-native grasses appear to dominate the biomass, their low-statured distribution in this community allows for the persistence of a diversity of native annual and perennial grasses and forbs. Native perennial components of the community include California aster (*Lessingia filaginifolia*), nodding needlegrass (*Nassella cernua*), and foothill needlegrass (*Nassella lepida*). Annual forbs that were observed during the surveys of the project site included California poppy, California goldfields (*Lasthenia californica*), and annual lupine (*Lupinus bicolor*). Shrub components in the project site were sparse and limited to scattered rubber rabbitbrush (*Ericameria nauseosus* var. *hololeuca* and *E. nauseosus* var. *mohavensis*) and no trees are found onsite.

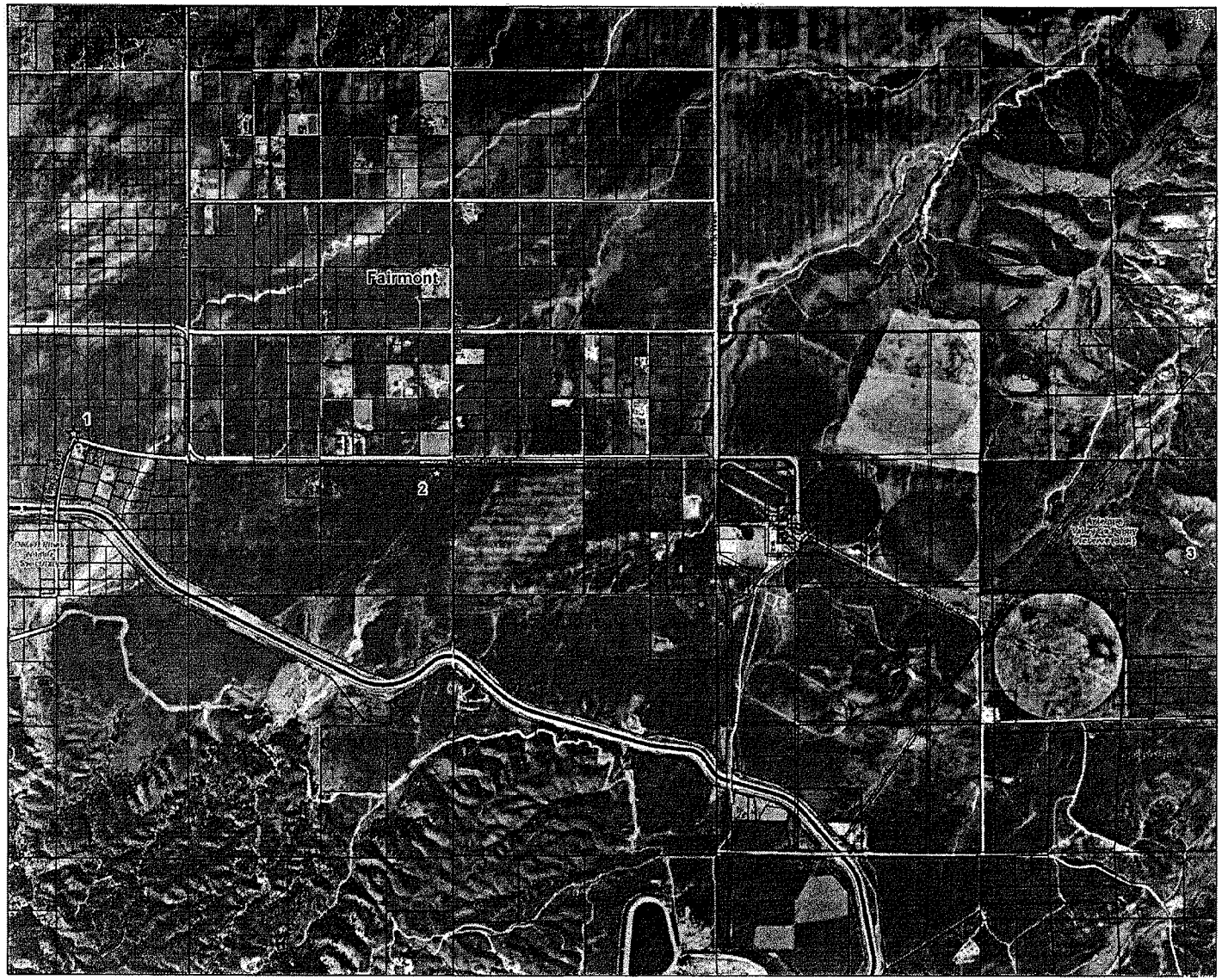
Wildlife observed or expected to occur on the project site includes reptiles, birds and mammals. No fish or amphibians were observed or are expected to be found on the project site due to the lack of hydrological features onsite or in the immediate vicinity. The only lizard observed on the project site was the Western side-blotched lizard (*Uta stansburiana elegans*). Other reptile species that are likely to occur on the site include the Great Basin fence lizard (*Sceloporus occidentalis longipes*), Great Basin gopher snake (*Pituophis catenifer deserticola*), southern Pacific rattlesnake (*Crotalus oreganus helleri*), Mojave rattlesnake (Crotalus scutulatus),

California kingsnake (*Lampropeltis getula californiae*), red coachwhip (*Masticophis flagellum piceus*), and California striped racer (*Masticophis lateralis lateralis*).

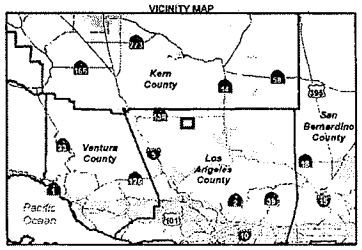
The most common bird species observed within the vicinity of the project site were lark sparrow (*Chondestes grammacus*), California quail (*Callipepla californica*), western meadowlark (*Sturnella neglecta*), and common raven (*Corvus corax*). Suitable nesting habitat for lark sparrow and western meadowlark is found onsite. California horned lark (*Eremophila alpestris actia*) was the only sensitive species observed in the project site and immediate vicinity, and occurs in low abundance. Raptors that could utilize the project site for foraging include northern harrier (*Circus cyaneus*), red-tailed hawk (*Buteo jamaicensis*), Swainson's hawk (*Buteo swainsoni*), and American kestrel (*Falco sparverius*). Sensitive bird species that may occur on the project site as foragers include ferruginous hawk (*Buteo regalis*), Swainson's hawk, northern harrier, prairie falcon (*Falco mexicanus*) loggerhead shrike (*Lanius ludovicianus*), and tricolored blackbirds (*Agelaius tricolor*). Burrowing owl (*Athene cunicularia*) may occur on the site as a nesting resident or forager.

Mammals directly observed in the vicinity of the project site were limited to California ground squirrel (*Spermophilus beecheyi*) and Botta's pocket gopher (*Thomomys bottae*). Species that could also use the project site include, long-tailed weasel (*Mustela frenata*), bobcat (*Lynx rufus*), coyote (*Canis latrans*), and mule deer (*Odocoileus hemionus*). Bat species that may forage over the project site year-round include California myotis (*Myotis californicus*) and pallid bat (*Antrozous pallidus*). Migratory bat species, such as the Mexican free-tailed bat (*Tadarida brasiliensis*), may also be present for a portion of the year.

Exhibit B



VICINITY MAP



LEGEND

- Met Tower
- KOPs
- Met Tower Property
- Assessor's Parcel
- Parks

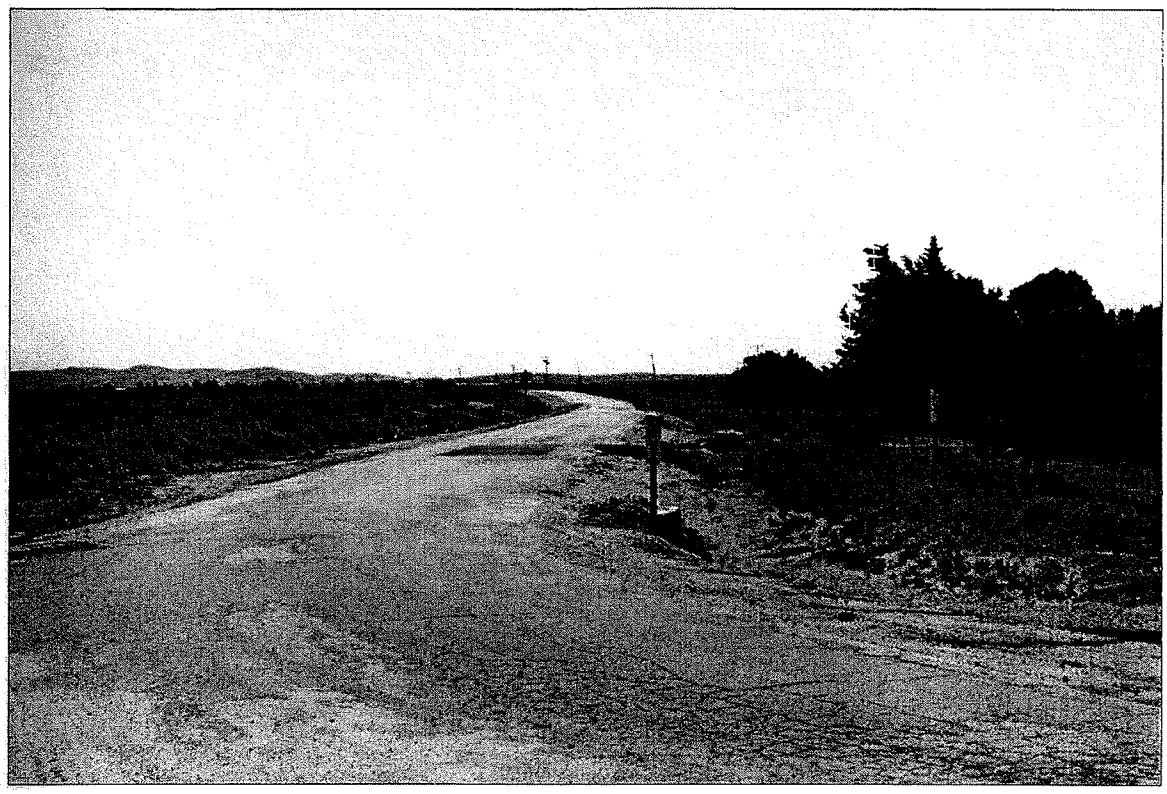
N

0 2,000
Feet

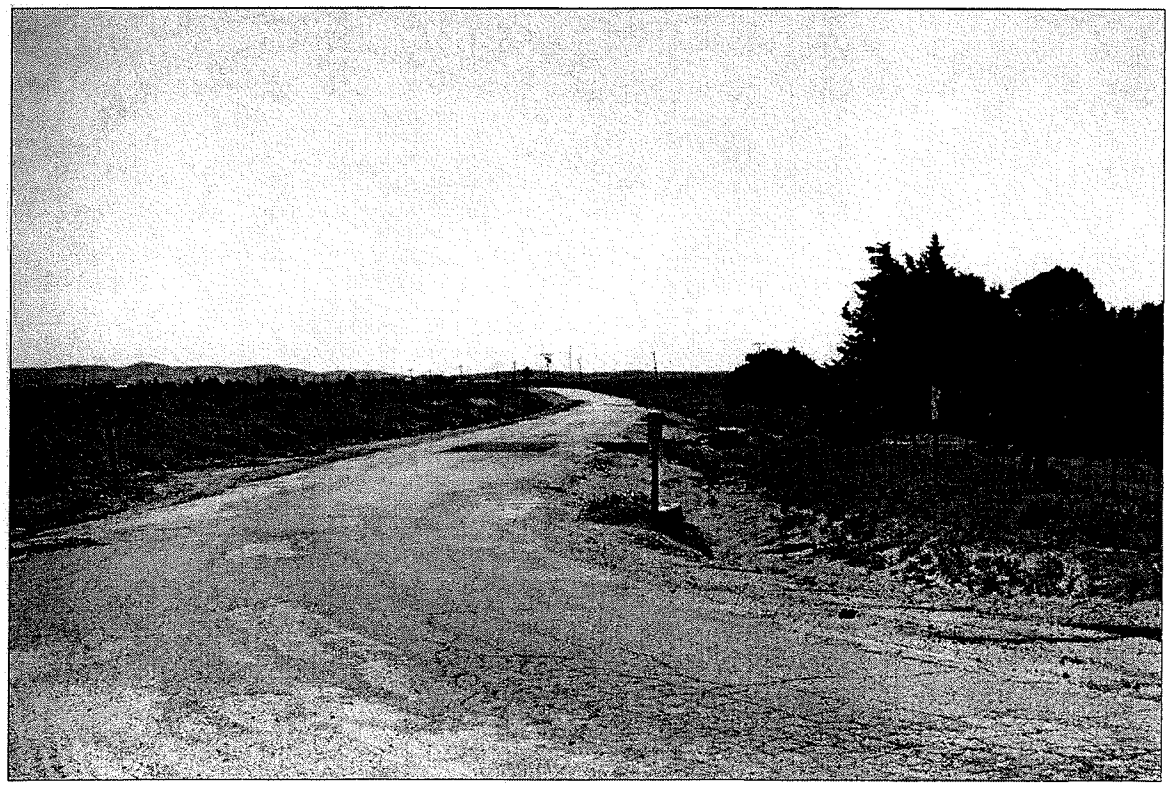
FIGURE 1
KOP Locations in Relation to Met Tower
Next Era Blue Sky
Lancaster, California

SCD: \\GAL1\PROJ\NEXTERAENERGY\411279_BLUESKY\MAPFILES\BLUESKY_METTOWERS_CALVERT_VISUAL.MXD RANHORN 5/25/2011 4:24:38 PM

CH2MHILL



A. KOP-1: Existing view toward the project site from the intersection of 195th Street W and W Avenue F-8.



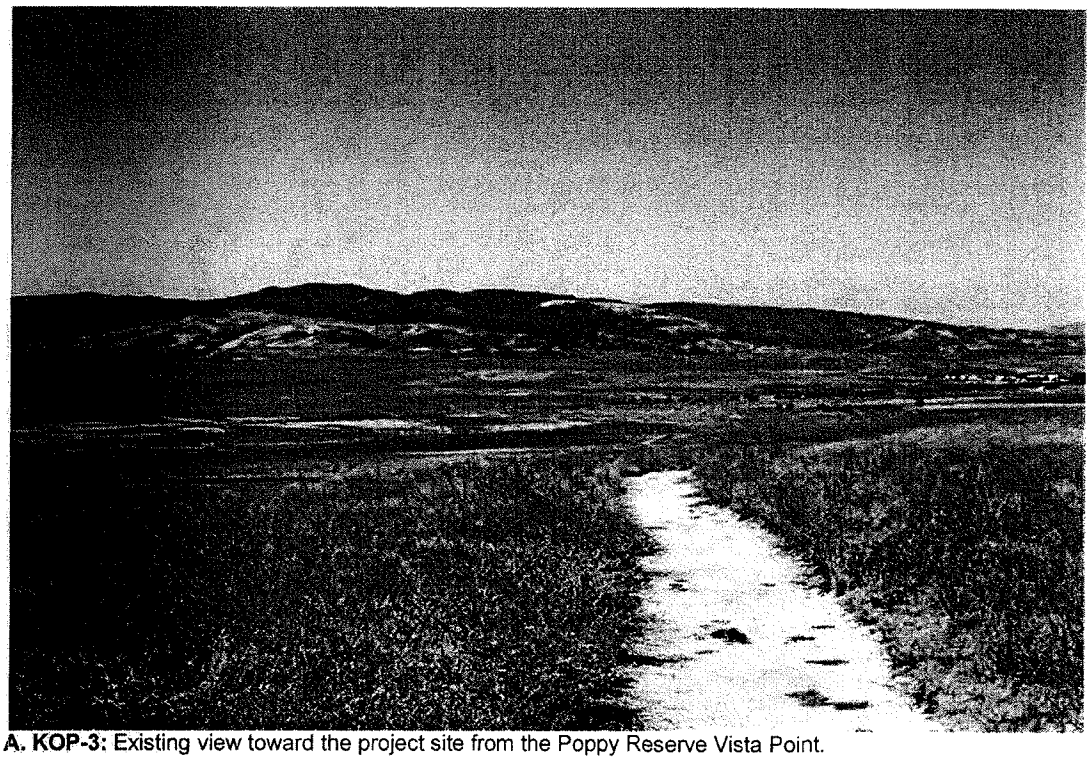
B. KOP-1: Simulated view toward the project site from the intersection of 195th Street W and W Avenue F-8.

FIGURE 2
KOP-1: View from Fairmont 1
Next Era Blue Sky
Lancaster, California

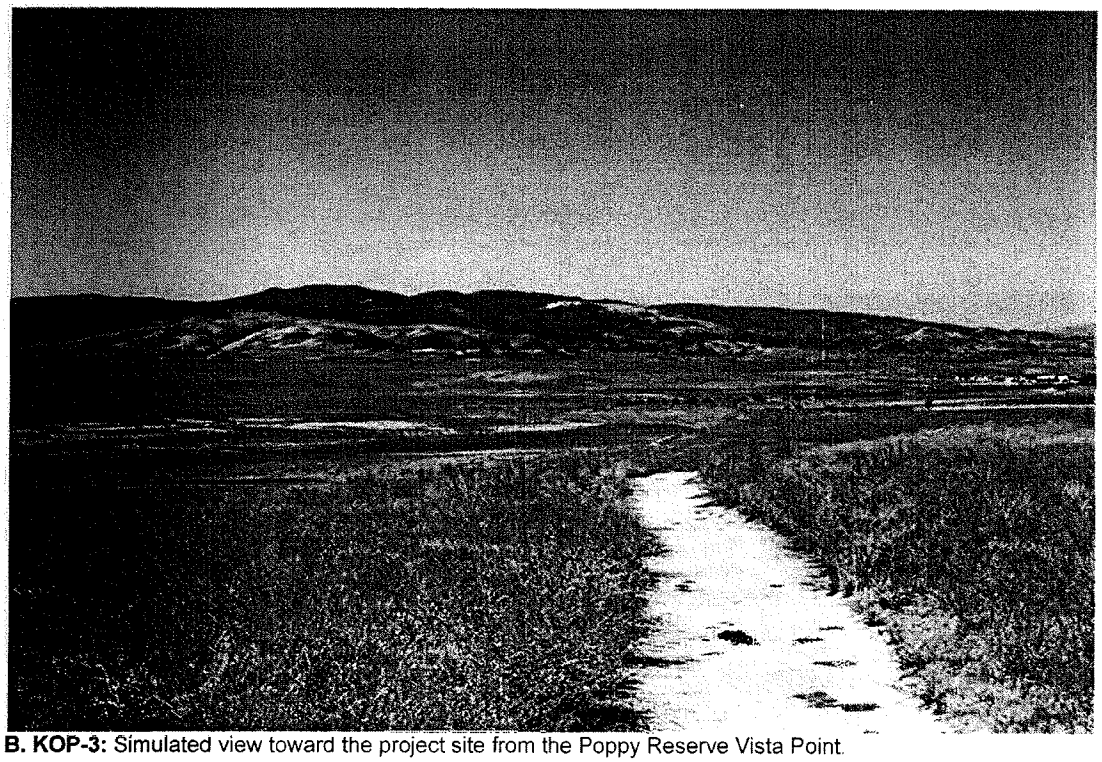
A. KOP-2: Existing view toward the project site from the intersection of 180th Street W and W Avenue F-8.

B. KOP-2: Simulated view toward the project site from the intersection of 180th Street W and W Avenue F-8.

FIGURE 3
KOP-2: View from Fairmont 2
Next Era Blue Sky
Lancaster, California



A. KOP-3: Existing view toward the project site from the Poppy Reserve Vista Point.



B. KOP-3: Simulated view toward the project site from the Poppy Reserve Vista Point.

FIGURE 4
KOP-3: View from Poppy Reserve Vista Point
Next Era Blue Sky
Lancaster, California

COALITION FOR CLEAN AIR

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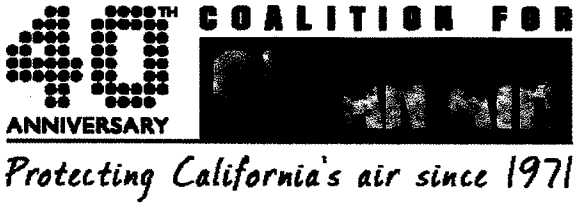


May 25, 2011

Adam Thurtell
Los Angeles County Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Re: CUP R2010-01402-5

Dear Mr. Thurtell:

I understand that the approval of the conditional use permit (CUP) for a proposed meteorological (met) tower by NextEra Energy is being appealed. I am writing you on behalf of Coalition for Clean Air (CCA) to voice our support for the CUP and its initial approval by the hearing officer.

While CCA has not taken a position on the Blue Sky wind generation project, CCA is supportive of expanding the production of clean alternative energy in the Los Angeles region. In order to give due consideration to the Blue Sky proposal, we believe environmental and biological data about the site must be gathered. As such, we support the collection of biological and environmental data in and around the proposed Blue Sky site, as enabled by the met tower.

CCA expects the County and NextEra Energy to work closely with residents near the site toward a final decision about the project. This collaboration should take into account all relevant and reliable science and data. Therefore, we urge County Planning staff, the Planning Commission and the Board of Supervisor to allow the applicant the opportunity to collect the necessary data, which will better inform stakeholder discussions and future decisions.

Sincerely,

Martin Schlageter
Campaign Director

cc: Members, Los Angeles County Regional Planning Commission
Norman Hickling, Supervisor Mike Antonovich
Teresa Villegas, Supervisor Gloria Molina
Karly Katona, Supervisor Mark Ridley-Thomas
Ben Saltsman, Supervisor Zev Yaroslavsky
Aaron Nevarez, Supervisor Don Knabe

811 W. 7th Street, Suite 1100
Los Angeles, CA 90017
(213) 630-1192
fax (213) 630-1158

1140 N. Van Ness Ave, Suite 104
Fresno, CA 93728
(559) 486-3279
fax (559) 486-3669

1107 9th Street, Suite 830
Sacramento, CA 95814
(916) 498-1560
fax (916) 498-1547

www.coalitionforcleanair.org

The following sheet is one example of 124 form letters that were submitted by the applicant. All letters received by this Department have been placed in the file and are available for review.

Mr. Norm Hickling
Supervisor Mike Antonovich
1113 W. Avenue M-4, Suite A
Palmdale, CA 93551

Dear Mr. Hickling:

As you well know, these have been tough times for the people of the Antelope Valley. The recession has hit us hard, with declining home prices and unemployment being big problems for our community.

I wish to register my support for the Blue Sky wind farm project. NextEra Energy, the largest developer and generator of alternative energy in North America, is proposing this project for west Antelope Valley, which will bring about 300 new construction jobs to our area. In addition, once the project is built, there will be direct economic benefits to the community of $11 million per year, for the duration of the 25 year life of the project.

I believe in benefits of wind energy, and fully support Blue Sky because it will provide clean, inexpensive, renewable power. The regional economic benefits are a significant added bonus.

We cannot afford to lose this golden opportunity to improve our local economy while also supporting green technology. The project will benefit our community and the entire LA County area.

Please take this into consideration as you contemplate your position on Blue Sky. **I urge the Supervisor's support and leadership on this project.**

Sincerely,

GABRIEL MAREZ
Name

_____
Address

_____
City, State, Zip

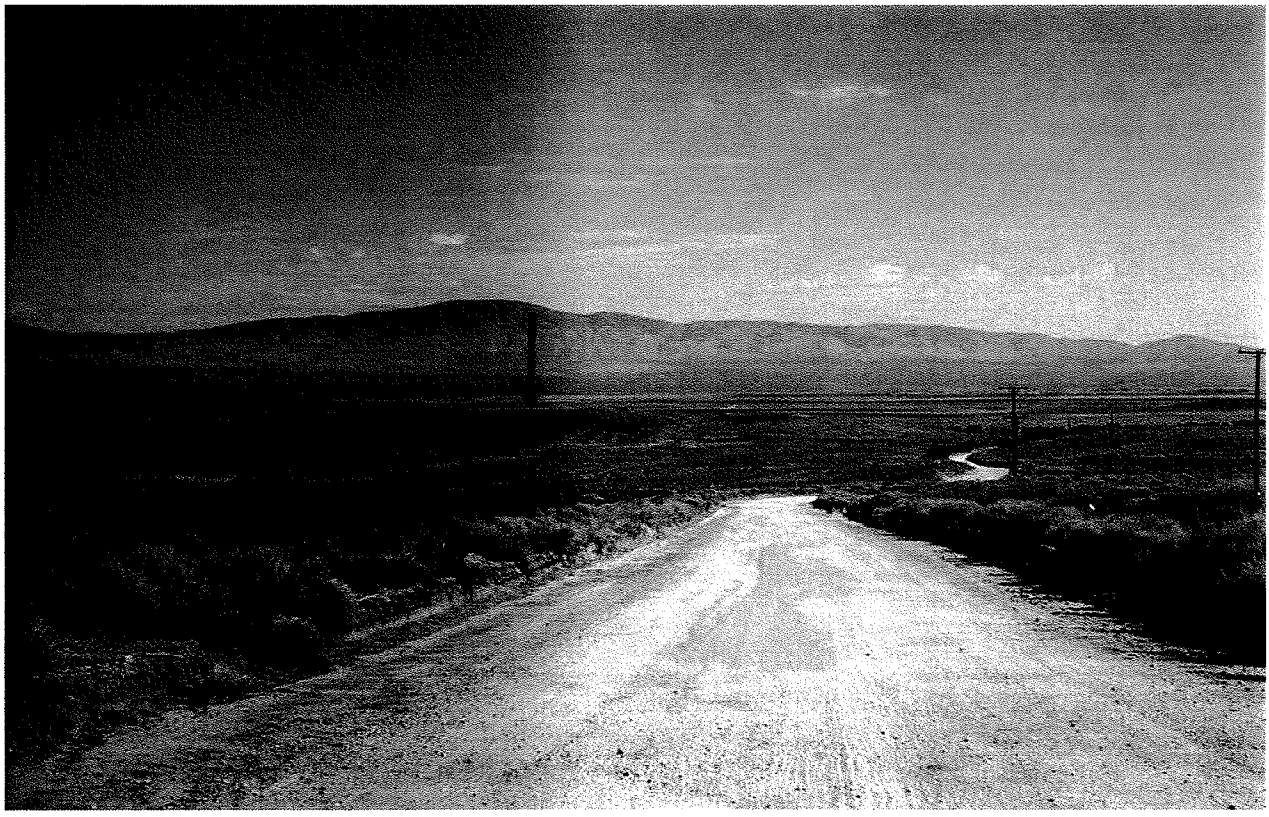
GMAREZ001@Hotmail
Phone/email

cc:

Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Richard Bruckner, Director, Los Angeles County Regional Planning

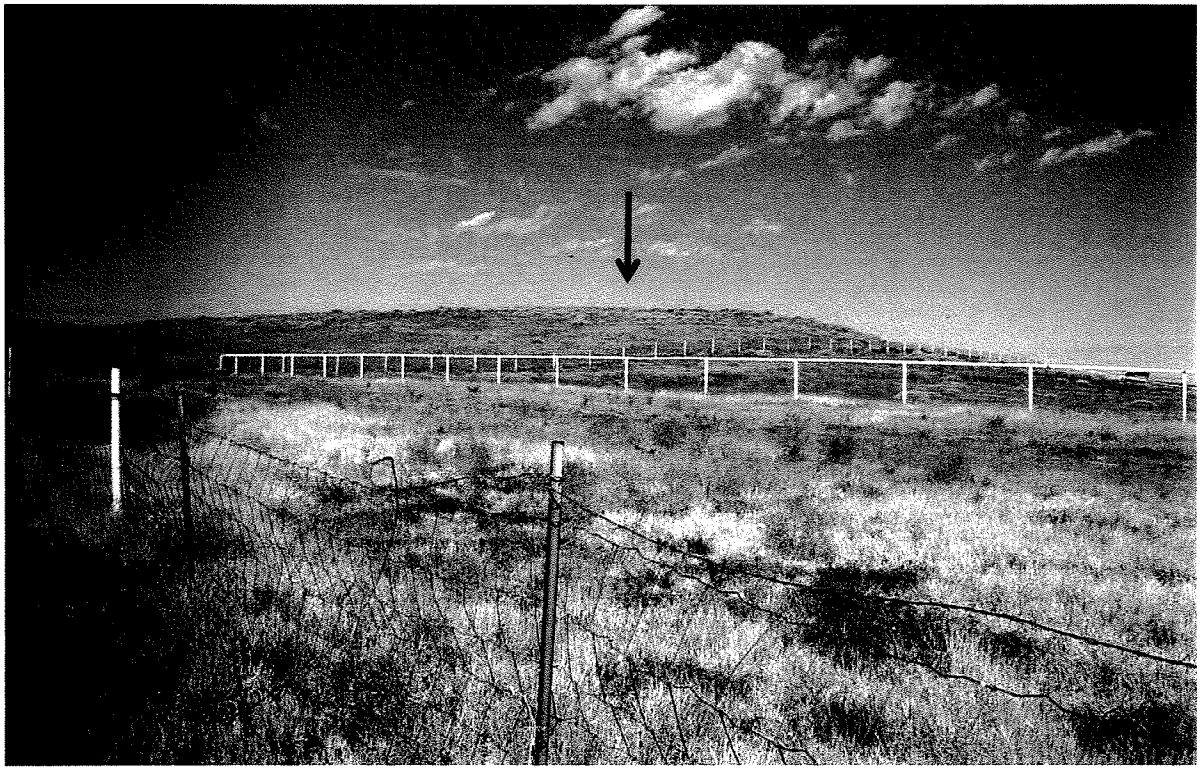
Directional Photos of Site

#1 VIEW OF SITE FROM NORTH



#2 VIEW OF SITE FROM SOUTH

Directional Photos of Site

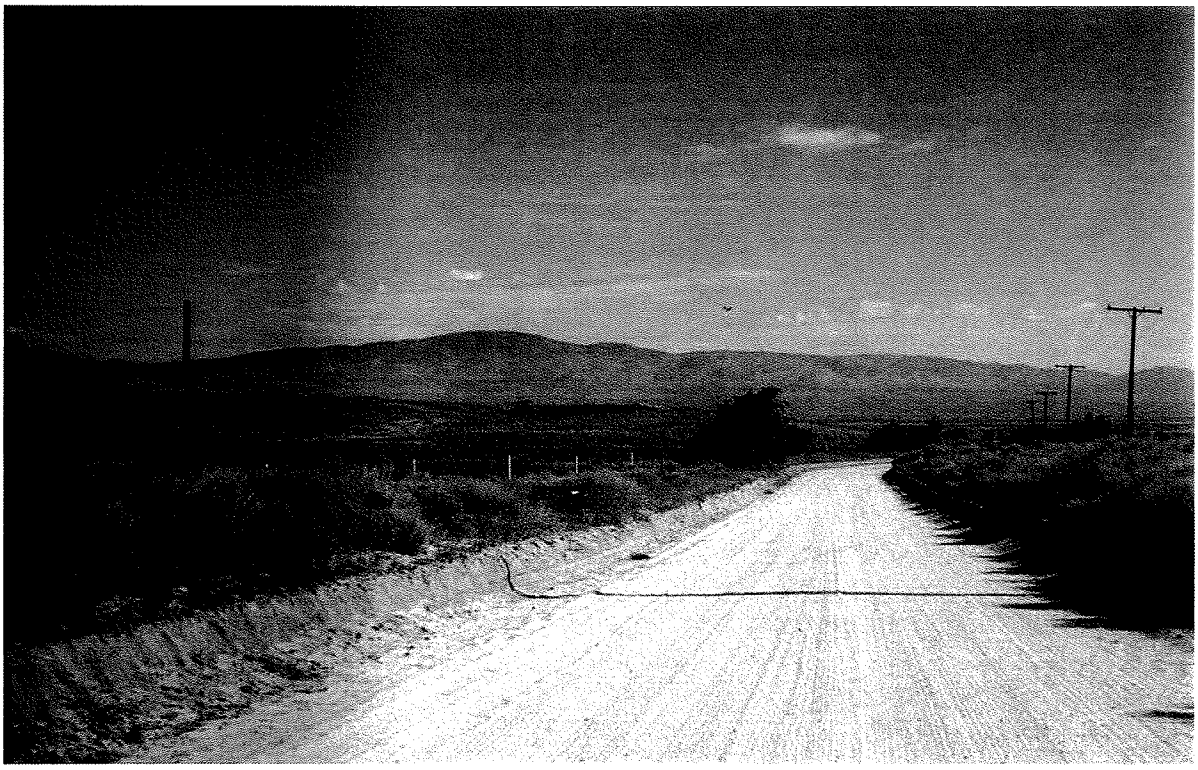


#3 VIEW OF SITE FROM EAST

#4 VIEW OF SITE FROM WEST

Directional Photos of Site

View from NorthEast



#6 Second View from South

Directional Photos of Site

#7 VIEW FROM SITE LOOKING NORTH

#8 VIEW FROM SITE LOOKING SOUTH

Directional Photos of Site

#9 VIEW FROM SITE LOOKING EAST

#10 VIEW FROM SITE LOOKING WEST

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

June 2, 2011

TO: Pat Modugno, Chair
Esther L. Valadez, Vice Chair
David W. Louie, Commissioner
Harold V. Helsley, Commissioner
Curt Pedersen, Commissioner

FROM: Susan Tae
Section Head, North County Section

SUBJECT: Additional Materials for Hearing
Project No. R2010-01402-(5)
Conditional Use Permit No. 201000136
RPC Meeting: June 8, 2011
Agenda Item: 5

Please find attached one letter of support and two emails of opposition, for the above referenced project, that were received subsequent to hearing package submittal to the Regional Planning Commission.

SMT:AT

SACRAMENTO OFFICE
STATE CAPITOL
SACRAMENTO, CA 95814
TEL (916) 651-4017
FAX (916) 445-4662

ANTELOPE VALLEY OFFICE
848 W. LANCASTER BLVD., SUITE 101
LANCASTER, CA 93534
TEL (661) 729-6232
FAX (661) 729-1683

VICTOR VALLEY OFFICE
14343 CIVIC DRIVE, FIRST FLOOR
VICTORVILLE, CA 92392
TEL (760) 843-8414
FAX (760) 843-8348

SANTA CLARITA OFFICE
23920 VALENCIA BLVD., SUITE 250
SANTA CLARITA, CA 91355
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California State Senate

SENATOR SHARON RUNNER
SEVENTEENTH SENATE DISTRICT

COMMITTEES
EDUCATION
VICE CHAIR
APPROPRIATIONS
LABOR & INDUSTRIAL RELATIONS
VETERAN AFFAIRS

May 27, 2011

Mr. Richard Bruckner, Director
Los Angeles County Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Bruckner:

I am writing regarding the 200MW wind generation project that NextEra Energy proposed for the Kings Canyon area of the Antelope Valley.

As you may know, I recently supported Senate Bill x1 2 (Simitian), which increased the Renewables Portfolio Standard to 33% renewables by 2020. I supported this legislation because I believe it will bring many benefits to the Antelope Valley, potentially creating new jobs for a region that has experienced a 17% unemployment rate in this depressed economy. As an added bonus, it will help the region increase its energy independence.

While I understand concerns have been raised by residents in the area regarding the placement of the temporary Meteorological (Met) Towers, it is important to keep in mind that the towers would merely provide data regarding wind conditions and biological surveys and would then be removed over the next 1-3 years. This is quantitative data that could be used to complete the Environmental Impact Report, a necessary step in assessing the project's viability.

When the Commission meets on June 8, I hope the members will continue to support the process of data collection. With more than 300 days of sunshine a year and an abundance of wind and open spaces, the Antelope Valley is the ideal place to pursue California's energy goal of decreasing our reliance on traditional sources of energy.

I am curious to know what the data will show about the viability of the proposed site for a wind generation project. If you would like to discuss this further, please do not hesitate to contact me.

Sincerely,

Sharon Runner

Sharon Runner
Senator, 17th District

Cc: Supervisor Mike Antonovich
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Honorable Members, Los Angeles County Planning Commission

Thurtell, Adam

From: Dave and/or Sandy [trubereans@gmail.com]
Sent: Monday, May 30, 2011 9:58 AM
To: ANTONOVICH, Michael, Iac; Thurtell, Adam; Colvin, Wesley; Curzi, Anthony; HICKLING, Norm, Iac; Imsand, Shirley; Curzi, Anthony
Subject: June 8, 2011 Hearing - AGAINST #R2010-01402-(5); Rcup #201000136 Met Tower Permit Approval

Importance: High

May 30, 2011 **URGENT, PLEASE READ ASAP!**

Supervisor Michael D. Antonovich
Los Angeles County Board of Supervisors
1113 W. Avenue M-4, Suite A
Palmdale, CA 93551

RE: June 8, 2011 Hearing; #R2010-01402-(5); Rcup #201000136
NextEra Met Tower Permit Approval Appeal

Dear Supervisor Antonovich and other Representatives,

We're writing to express our concern regarding the Permit Approval of NextEra's Met Tower proposed near SEA 58 (Portal Ridge) which we strongly oppose.

We understand this Met Tower is for temporary testing purposes and is not an environmental threat. We do, however, view it as a serious mistake if Los Angeles County continues with the Permit approval. This Met Tower is a strategic step toward the goal of developing miles of Wind Turbine Farms by out-of-state developers caring more about monetary gain than our environment. This development will set a precedence for future projects, which we believe will begin the blight for our entire area and likely spread over our County and State over time. We don't believe property owners will live with these 40+ story towers hovering over their homes, or watch them destroy our entire area, but will leave this Valley depressed in various ways. These projects are **not** the answer to energy efficiency because:

- Studies prove only 25% energy production efficiency with high percentages of Turbines broken.

- This results in government/taxpayer waste in a time of heavy deficits and a strained economy.

- There are few permanent jobs produced (NextEra said they would have only two jobs, once constructed).

- Edison's "above-ground" mega towers would transport power to cities far from the Antelope Valley, while increasing our rates. We've heard both NextEra and Element claim they will "try" to use "underground" lines in their Town Council presentations. We all know that is not feasible geographically nor economically. Check out the May 24, 2011 Chino Hills *CBS News* story of Edison's towers ruining neighborhoods transporting power from Tehachapi Wind Turbine Farms to their users (***and read citizens' comments)***:
http://losangeles.cbslocal.com/2011/05/24/chino-hills-residents-fuming-over-200-foot-electrical-towers/

- We observed from our home a dust storm for several hours on May 23 as we ate dinner (photos mailed under separate cover) located near the vicinity of 220th St. W. and Ave. C where land is cleared for farms or approved Solar Farms. Anyone east of this area will be covered with dust in every crevice of their home, unable to breath

clean air or step outside, similarly to brush fire smoke. If our Representatives allow the Wind Turbine Farms to be developed, this Valley will easily become a dust bowl due to clearing around each Turbine, roads, outdoor storage, Edison towers, etc.

- Let's not forget the fire dangers, cost to taxpayers for additional fire stations, San Andreas Earthquake Fault, erosion, environmental damage to plants and wildlife, property devaluation, health hazards of Wind Turbine Syndrome (flashing lights, shadow flicker, noise, vibration, headaches, stress)...and on and on.

Supervisor Antonovich and Representatives, please listen to the people of the land here and save this beautiful Valley of ours from devastation beyond repair. This Met Tower Permit should not continue to be Approved! Thank you for listening to our plea.

Sincerely,

David & Sandra McCrae (Kings Canyon)
47211 - 212th St. W.
Lancaster, CA 93536
trubereans@gmail.com

Thurtell, Adam

From: Hickling, Norm [NHickling@lacbos.org]
Sent: Wednesday, June 01, 2011 2:21 PM
To: Thurtell, Adam; Alexanian, Sorin; Vizcarra, Edel
Cc: Bruckner, Richard
Subject: FW: Request by NextEra Energy to the Fairmont Town Council

Please see note below from another concerned constituent. Please respond to them

Thanks and all the best

Norm Hickling, Deputy to Supervisor Antonovich
Antelope Valley Field Office
1113 Ave M-4, Suite A
Palmdale, Ca 93551
661-726-3600

From: Jeachuksk@aol.com [mailto:Jeachuksk@aol.com]
Sent: Tuesday, May 31, 2011 11:19 PM
To: Hickling, Norm
Subject: Request by NextEra Energy to the Fairmont Town Council

Dear Mr. Hickling: We received the subject e-mail on 5/27/11 3:26:35 PM from Dave Kerr of the Fairmont Town Council - as did you. He was forwarding an e-mail from eric@ericshabsis.com (actually forwarded 2). These e-mails were very revealing - regarding the Met Towers - **and request by NextEra to Fairmont Town Council.**

We have written to you and our supervisor Antonovich before regarding the Wind Towers proposed in the west of Antelope Valley - expressing our opposition for very valid reasons.

Now to think that NextEra is approaching the Fairmont Town Council - **asking for their support and asking them to send a letter in support for this Met Tower is open for criticism**. When, according to the information that we have been given, the FTC boundaries do not even include this area. The FTC south boundary is Lancaster Road - and the proposed Met Tower is south of that at 180th street west.

We (the Skelton's) have lived in this area for well over 50 years and were visiting the area before that. We have over the years tried to care for the area in which we live - small improvements such as developing springs for wildlife and one time provided an archeological dig for A. V. College - right by our barn. Yes the indians were in this area - and we have even taken people on tours to show the sights of the wonderful bed-rock motars in several canyons around the ranch. Besides the indian sites on our property I remember seeing sites on the Warnack property years ago. The Warnack property is where the proposed Met Tower would be located.

The residents in our area are being referred to as "the Kings Canyon folks" and we have formed a committee to discuss the Wind Turbines and other important issues - "Concerned Citizens of the West Antelope Valley - or CCWAV. Our area was not included within the Fairmont Town Council boundaries as their south boundary is Lancaster Road at this time.

Thank you for taking the time to look into this very important issue - we do appreciate your efforts on our behalf

Charles (Chuck) and Jean Skelton