



# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

September 29, 2010

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. R2009-02239-(5)  
VESTING TENTATIVE TRACT MAP NO. 071035  
CONDITIONAL USE PERMIT NO. 200900026  
ENVIRONMENTAL ASSESSMENT NO. 200900027  
APPLICANT: AV SOLAR RANCH I, LLC  
353 SACRAMENTO STREET, SUITE 2100  
SAN FRANCISCO, CA 94111  
ANTELOPE VALLEY WEST ZONED DISTRICT  
FIFTH SUPERVISORIAL DISTRICT (3-VOTE)**

## **PROJECT**

On September 15, 2010, the Regional Planning Commission of Los Angeles County ("Planning Commission") approved Project No. R2009-02239-(5) including Vesting Tentative Tract Map No. 071035 and Conditional Use Permit No. 200900026, and certified the associated Environmental Impact Report ("EIR"). The project consists of a request for a vesting Tentative Tract Map for a reversion to acreage from 147 lots to one lot on 790 acres and a Conditional Use Permit for the construction, operation and maintenance of a 230 megawatt solar photovoltaic electricity power generation facility on 2,093 acres and 2.25 miles of 230 Kilovolt electricity transmission lines within unincorporated Los Angeles County.

The project was subsequently appealed to your Board of Supervisors by Northrop Grumman Systems Corporation.

**IT IS RECOMMENDED THAT YOUR BOARD AFTER THE PUBLIC HEARING:**

1. Adopt the EIR, Mitigated Monitoring Reporting Program (MMRP), and CEQA Findings of Fact for Project No. R2009-02239-(5) including Vesting Tentative Tract Map No. 071035 and Conditional Use Permit No. 200900026.
2. Instruct County Counsel to prepare the necessary findings and conditions to affirm the Planning Commission's approval of Project No. R2009-02239-(5) including Vesting Tentative Tract Map No. 071035 and Conditional Use Permit No. 200900026.

**PROJECT BACKGROUND**

The Planning Commission conducted a public hearing for Project No. R2009-02239-(5), Vesting Tentative Tract Map No. 071035, and Conditional Use Permit No. 200900026 on June 30, 2010 and September 15, 2010. The Planning Commission certified the EIR and approved the project, 4-0 with one Commissioner absent on September 15, 2010. The applicant and six persons testified in favor of the project and four persons testified with concerns regarding the request. On June 30, 2010, the Planning Commission conducted a public hearing on this project at the conclusion of which the Commission directed staff and the applicant to further address project details including decommissioning provisions, additional cost/benefit analysis of undergrounding compared to above ground transmission lines, and mitigation lands. These were addressed by staff and applicant at the September 15, 2010 public hearing.

Following the Planning Commission's action, an appeal was filed with your Board of Supervisors.

**FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

A public hearing is required pursuant to Sections 22.16.200 and 22.60.240 of the Los Angeles County Code ("County Code") and Sections 65856 and 66452.5 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 and 65856 relating to notice of public hearing.



**Necessary Findings:**

The proposed project must meet the following findings for a Vesting Tentative Tract Map reversion to acreage and Conditional Use Permit:

1. That the proposed Vesting Tentative Tract Map and the design and improvements of the Conditional Use Permit are consistent with the general plan for the area;
2. That the site is physically suitable for the type of proposed density and intensity of the development;
3. That the design of the subdivision or the proposed improvements will not cause substantial environmental damage or serious public health problems, or conflict with public easements;
4. The subdivided real property is reverted to acreage since dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes and the subdivider has consented to reversion as documented in the project application and associated materials filed pursuant to Chapter 6 Article 1 Section 66499.16 of the Subdivision Map Act;
5. The requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, and 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 pursuant to Title 22, Section 22.56.090.A.2 of the County Code;
6. 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 Title 22 of the County Code or as is otherwise required in order to integrate said use with the uses in the surrounding area pursuant to Title 22, Section 22.56.090.A.3 of the County Code; and
7. 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 pursuant to Title 22, Section 22.56.090.A.4 of the County Code.

### **ANALYSIS OF COMMISSION'S APPROVAL**

The Planning Commission has found the project, to develop a photovoltaic solar electricity generation facility, is consistent with the applicable Los Angeles Countywide General Plan and Antelope Valley Area Plan and policies, and meets the necessary findings for the proposed Vesting Tentative Tract Map and Conditional Use Permit pursuant to the Subdivision Map Act and applicable County Code provisions.

### **ENVIRONMENTAL DOCUMENTATION**

An Initial Study was prepared for this project in compliance with the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et seq.), the State CEQA Guidelines, and the environmental document reporting procedures and guidelines of the County of Los Angeles. In accordance with State and County Environmental Quality guidelines, a Draft and Final EIR was prepared for the project. Potential significant impacts that were analyzed in the EIR include geotechnical hazards, flood hazards, fire hazards, water quality, air quality, biological resources, cultural and paleontological resources, visual qualities, traffic and access, fire protection services, Sheriff services, utility services, environmental safety, land use, and global climate change.

Agricultural resources and noise were also analyzed even though the Initial Study did not identify them as potential impacts. Change of character and growth inducing impacts were analyzed as other considerations for analysis in the EIR. The EIR concludes that all of these potential impacts were determined to be either less than significant without further mitigation (fire protection services, Sheriff services, utility services, and global climate change), or, can be mitigated to a level of less than significant with further mitigation (geotechnical hazards, flood hazards, fire hazards, water quality, air quality, biological resources, cultural resources, agricultural resources, visual qualities, traffic and access, environmental safety, land use, noise, and change of character).

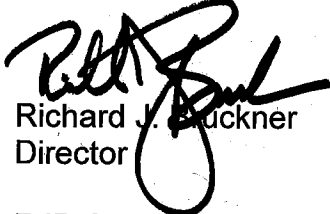
The EIR adopted by the Planning Commission on September 15, 2010, which is attached hereto, provides adequate environmental analysis for the project as approved by the Planning Commission.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

Action on the proposed Vesting Tentative Tract Map and Conditional Use Permit is not anticipated to have a negative impact on current services.

The Honorable Board of Supervisors  
Project No. R2009-02239  
September 29, 2010  
Page 5

Respectfully submitted,



Richard J. Buckner  
Director

RJB:SZD:KKS

Attachments: Environmental Impact Report  
Planning Commission Public Hearing Transmittal Materials

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

NON-APPLICANT

Date September 24, 2010

Mr. Don Ashton  
Deputy Executive Officer  
Los Angeles County Board of Supervisors  
Room 383, Kenneth Hahn  
Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Mr. Ashton:

PROJECT NO./

CUP NO.: Project No. R-2009-02239

APPLICANT: AV Solar Ranch One, LLC

LOCATION: The project is located in the Antelope Valley, in unincorporated Los Angeles County, approximately 15 miles northwest of downtown Lancaster. The project site consists of approximately 2,100 acres of land, and is located within Sections 11, 13, 14, and 24 in Township 8 North, Range 15 West, and within Section 18 in Township 8 North, Range 14 West (San Bernardino Base and Meridian). The project is located in an area both north and south of SR-138, and is approximately bounded on the north by West Avenue B-8, on the south by West Avenue E, on the east by 155th Street West and on the west by 180th Street West.

Zoned  
District A-2

Related zoning matters:

CUP(s) or VARIANCE No. Conditional Use Permit No. 200900026

Change of Zone Case No.

Other Vesting Tentative Tract Map No. 071035 and Environmental Assessment No. 200900027

This is an appeal on the decision of the Regional Planning Commission in the subject case. This form is to be presented with a check (or money order) and personal identification prior to the appeal deadline at 5:00 p.m. at the above address. Contact the Zoning section of the Board of Supervisors for more information: (213) 974-1426

This is to appeal: (Check one)

☐ The Denial of this request \$789.00\*  
☒ The Approval of this request \$789.00\*

\*For Subdivisions \$130.00 of this amount is to cover the cost of the hearing of the Board of Supervisors

FILED

2010 SEP 24 PM 3:06

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

Briefly, explain the reason for this appeal is as follows (attach additional information if necessary):

Please see the attached rider for an explanation of the reasons for this appeal.

**NORTHROP GRUMMAN SYSTEMS CORPORATION**

x

(Signed)

Appellant

Its Authorized Signatory

Kyndra Joy Casper, Esq.

Print Name

Sheppard Mullin Richter & Hampton LLP

333 South Hope Street, 43<sup>rd</sup> Floor

Los Angeles, California 90071

(213) 617-4157

kcasper@sheppardmullin.com

## RIDER

This Rider supports, and is part of, the non-applicant appeal by Northrop Grumman Systems Corporation ("NGSC") of the Regional Planning Commission's (the "Planning Commission") certification of the Final Environmental Impact Report (the "FEIR") and approval of Conditional Use Permit No. 200900026 (the "CUP") and Vesting Tentative Tract Map No. TR071035 (the "VTTM") for the AV Solar Ranch One Project (the "Project") proposed by AV Solar Ranch One, LLC ("AV Solar") on a 2,100-acre site (the "Site") located in Los Angeles County (the "County").

The reasons for this appeal are as follows:

I. The Planning Commission's certification of the FEIR for the Project was unlawful for the following reasons:

A. Pursuant to the State CEQA Guidelines (the "Guidelines"), only environmental effects that are dismissed in an initial study as "clearly insignificant and unlikely to occur" can be omitted from an environmental impact report ("EIR"), unless the agency later receives information that is inconsistent with the findings of the initial study. Guidelines § 15143. The Draft Environmental Impact Report (the "DEIR") violated Section 15143 because it failed to analyze the Project's impacts with respect to several environmental subjects, but in each instance failed to make the finding required by Section 15143 to lawfully eliminate those subjects from full environmental review in the DEIR.

B. The County failed to comply with notice requirements with respect to preparation and distribution of the DEIR and the FEIR.

C. The DEIR project description is inadequate. An accurate and stable project description is the *sine qua non* of an informative and legally sufficient EIR.

D. Both the DEIR and the FEIR unlawfully failed to analyze the Project's impact on the operation of NGSC's Tejon Test Facility, in particular its impact on NGSC's operation of radar testing that occurs on Range 1 at the Tejon Test Facility.

E. An EIR must be "prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences." Guidelines § 15151. An EIR must also contain facts and analysis, not just the bare conclusions of a public agency. The certification of an EIR constitutes a prejudicial abuse of discretion if the failure to include relevant information precludes informed decision-making and informed participation, thereby thwarting the statutory goals of the EIR process. The DEIR for the Project was not prepared with a sufficient degree of analysis to permit a decision that

intelligently took account of the environmental consequences of the Project, which precluded informed decisionmaking and public participation, as follows:

1. The DEIR's analysis of the Project's air quality impacts is inadequate.
2. The DEIR's analysis of the Project's biology impacts is inadequate.
3. The DEIR's analysis of the Project's cultural and paleontological impacts is inadequate.
4. The DEIR's analysis of the Project's impact on agricultural resources is inadequate.
5. The DEIR's analysis of the Project's impacts on utilities is inadequate.
6. The DEIR's analysis of the Project's impacts on visual qualities is inadequate.
7. The DEIR's analysis of the Project's land use impacts is inadequate.
8. The DEIR's analysis of the Project's noise impacts is inadequate.
9. The DEIR's analysis of fire hazard impacts is inadequate.
10. The DEIR's analysis of fire protection is inadequate.
11. The DEIR's analysis of environmental safety is inadequate.
12. The DEIR's analysis of alternatives is inadequate.
13. The DEIR's analysis of growth-inducing impacts is inadequate.
14. The DEIR's analysis of the Project's cumulative impacts is inadequate.

F. The DEIR identifies numerous significant impacts caused by the Project and concludes that most or all of the significant impacts would be mitigated to a level of insignificance with the implementation of mitigation measures. However, there is no credible evidence that many of these mitigation measures, including, but not limited to, mitigation measures relating to biology impacts, cultural and paleontological impacts and noise impacts, would mitigate the Project's impacts to a level of insignificance.

G. The FEIR includes "significant new information" within the meaning of Section 21092 of the California Public Resources Code and Section 15088.5 of the



Guidelines, and the County was therefore required to revise and recirculate the DEIR, but it unlawfully failed to do so.

H. The responses to comments in the FEIR are not based on good-faith, reasoned analysis.

I. The Findings of Fact regarding the FEIR are not supported by substantial evidence. In addition, the Planning Commission failed to provide an adequate explanation regarding the logical step between the ultimate Findings of Fact regarding the FEIR and facts in the record.

II. The Planning Commission's Approval of the CUP and VTTM was unlawful and not in accord with the purposes of Titles 21 and 22 of the Los Angeles County Municipal Code (the "Code").

A. The Planning Commission's approval of the CUP was unlawful and not in accord with the purposes of Title 22 of the Code for the following reasons:

1. The Project is not a permitted or conditionally permitted use within the A-2 zone. The Code only permits solar uses (with a conditional use permit) in the Open Space Zone (the "O-S Zone"), not in the A-2 zone where the Site is located. Specifically, Section 22.40.430 of the Code allows for "energy generating or storage devices, including but not limited to solar, wind or geothermal devices" with a conditional use permit in the O-S Zone. The Project, however, is not located in the O-S Zone.

2. There is not substantial evidence in the record to support the County's conclusion that the Project is equivalent to "electric distribution substations, electric transmission substations and generating plants, including microwave facilities used in conjunction with any one thereof," which are conditionally permitted uses in the A-2 Zone. Code § 22.24.150.

3. Pursuant to Section 22.56.090 of the Code, the Planning Commission made numerous findings in order to approve the CUP. There is not substantial evidence in the record to substantiate the Planning Commission's findings, including, but not limited to, its findings regarding consistency (or lack thereof) of the Project with the County's general plan, its adverse affects on the health, comfort and welfare of persons residing or working in the area, its ability to jeopardize public health and general welfare, and the adequacy (or lack thereof) of public and private service facilities for the Project.

B. The Planning Commission's approval of the VTTM was unlawful for the following reasons:

1. The Planning Commission's approval for the VTTM was not in accord with the purposes of Title 21 of the Code.
2. The Planning Commission's approval of the VTTM violated provisions of the Subdivision Map Act, including but not limited to, Government Code Section 66474.
3. The Planning Commission's findings regarding the VTTM approval were not supported by substantial evidence.

**NORTHROP GRUMMAN**

Northrop Grumman Corporation  
Aerospace Systems

Strike and Surveillance  
Systems Division  
One Hornet Way  
El Segundo, California 90245-2804

September 22, 2010

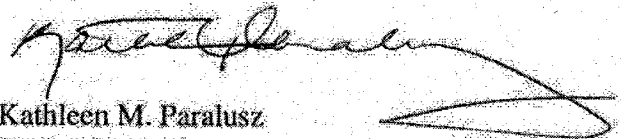
Mr. Don Ashton  
Deputy Executive Officer  
Los Angeles County Board of Supervisors  
Room 383, Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Re: Letter of Authorization

Dear Mr. Ashton:

Northrop Grumman Corporation ("NGC") is appealing the approval of the AV Solar Ranch One project that was approved by the Los Angeles County Regional Planning Commission on September 15, 2010. In connection with the appeal, NGC hereby authorizes Kyndra Joy Casper, Esq. and James E. Pugh, Esq., or any other duly designated attorney at Sheppard Mullin Richter & Hampton, LLP, to act as its agent and representative for any matter associated with this matter.

Very truly yours,



Kathleen M. Paralusz  
Senior Counsel  
Northrop Grumman Corporation



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

**CERTIFIED-RECEIPT  
REQUESTED**

September 20, 2010

AV Solar Ranch 1, LLC  
Attention: Roy Skinner  
353 Sacramento Street, Suite 2100  
San Francisco, CA 94111

Dear Mr. Skinner:

**SUBJECT: PROJECT NO. R2009-02239-(5)  
VESTING TENTATIVE TRACT MAP NO. 071035  
CONDITIONAL USE PERMIT NO. 200900026  
ENVIRONMENTAL ASSESSMENT NO. 200900027  
MAP DATE: MARCH 01, 2010**

A public hearing on Vesting Tentative Tract Map No. 071035 and Conditional Use Permit Case No. 200900026 was held before the Los Angeles County Regional Planning Commission ("Commission") on June 30, 2010 and September 15, 2010.

After considering the evidence presented, the Commission in its action on **September 15, 2010 approved** the vesting tentative tract map ("VTTM") and conditional use permit ("CUP") in accordance with the Subdivision Map Act, Title 21 (Subdivision Ordinance) and Title 22 (Zoning Ordinance) of the Los Angeles County Code ("County Code"), and the recommendations and conditions of the Los Angeles County Subdivision Committee. A copy of the approved findings and conditions is attached.

The action on the VTTM and CUP authorizes:

1. The reversion to acreage from 147 lots to one lot on 790 acres of the 2,093-acre project site.
2. Construction, operation, and maintenance of a 230 megawatt photovoltaic solar electric power generation facility on 2,093 gross acres (including the 790-acre property included in the VTTM); on-site grading in excess of 100,000 cubic yards; and installation of 0.75 miles of onsite and 1.5 miles of offsite high voltage 230 kilovolt electricity transmission lines.

Your attention is called to Condition No. 2 of the CUP which provides that the permit shall not become effective for any purpose until the applicant and the owner of the property involved, or their duly authorized representative, have filed at the office of the Los Angeles County Department of Regional Planning ("Regional Planning") the affidavit stating that they are aware of and accept all of the conditions of the permit.

The decision of the Commission regarding the VTTM and CUP shall become final and effective on the date of the decision, provided no appeal of the action taken has been filed with the Los Angeles County Board of Supervisors ("Board") within the following time period:

- In accordance with the requirements of the State Map Act and the County Code, the vesting tentative tract map may be appealed within 10 days following the decision of the Commission. **The appeal period for this project will end at 5:00 p.m. on September 27, 2010.**
- In accordance with the requirements of the County Code, the CUP may be appealed within 10 days following the decision of the Commission. **The appeal period for this project will end at 5:00 p.m. on September 27, 2010.**

The applicant or any other interested person may appeal the decision of the Commission regarding the vesting tentative tract map and conditional use permit to the Board. **If you wish to appeal the decision of the Commission to the Board, you must do so in writing and pay the appropriate fee.** To initiate the appeal, submit your appeal form and a check made payable to the "County of Los Angeles" to 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. Only one fee is required to appeal any portion of the project. If only one of these is appealed, the entire project is considered appealed and will be heard concurrently at the appeal public hearing. The appellant should also contact the case planner for the appeal verification form which is required for the Executive Office for the appeal. Please be advised that your appeal will be rejected if the check is not submitted with the letter.

Upon completion of the appeal period, please notarize the attached acceptance form and **hand deliver** this form and any other required fees or materials to the Special Projects Section in Room 1362, Hall of Records Building, 320 West Temple Street, Los Angeles, CA 90012. Once this form has been received and all applicable fees have been paid in person after the completion of the appeal period, the approved vesting tentative tract map may be obtained from the Special Projects Section.

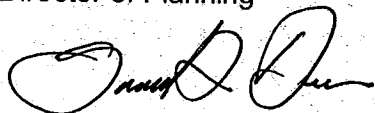
The vesting tentative tract map approval shall expire on **September 15, 2012**. If the subject vesting tentative tract map does not record prior to the expiration date, a request in writing for an extension of the approval, accompanied by the appropriate fee, **must be delivered in person within one month prior to the expiration date.** Extension of the vesting tentative map will also extend the expiration date of the associated CUP.

If you have any questions regarding this matter, please contact Mr. Kim Szalay of the Special Projects Section of the Department of Regional Planning at (213) 974-4876 between the hours of 7:30 a.m. and 5:30 p.m., Monday through Thursday. Our offices are closed Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING

Richard J. Bruckner  
Director of Planning



Samuel Z. Dea, Supervising Regional Planner  
Special Projects Section

SZD:KKS

Enclosures: CUP and VTTM Findings and Conditions  
Mitigation Monitoring and Reporting Program  
Affidavit (Permittee's Completion)

c: BOS; DPW (Building and Safety); Zoning Enforcement; Subdivision Committee;  
Testifiers; Adams Broadwell Joseph & Cardozo

# INSTRUCTIONS

**Please read carefully.** Failure to follow these instructions as stated may result in delaying the issuance of the approved site plan and any necessary building permits.

After the termination of the appeal period (10 days after the hearing date), if no appeal was received, proceed with the following instructions.

1. Sign **both** attached Affidavit of Acceptance forms in the presence of a notary and have the notary attach an acknowledgement. Both the applicant and owner lines must be signed on the form, even if they are the same person.
2. Record the conditions of approval. Submit **in person (do not mail)** one original "Affidavit of Acceptance" form (with wet signature) and a copy of the Conditions of the grant to:

The Los Angeles County Recorder  
12400 Imperial Highway  
Norwalk, CA 90650

The "Affidavit of Acceptance" serves as proof to the Registrar Recorder of your acceptance of conditional use permit conditions associated with this grant. Both the County Recorder Office and the Department of Regional Planning need an original Affidavit of Acceptance form with wet signature.

The County Recorder's Office will provide you a certified copy of the recorded conditions to be submitted to the Department of Regional Planning.

3. Make an appointment with the assigned case planner to submit the following items:
  - Second original Affidavit of Acceptance" form (with wet signature).
  - Certified copy of the recorded documents from the County Recorder.
  - Three copies of the site plan. **Plans must be folded** to fit into an 8 ½" X 14" folder.
  - One check for the inspection fees (see conditions for fee amount). Make the check payable to: County of Los Angeles.
  - A second check for the Fish and Game fees may be required (if marked below). Make the check payable to: County of Los Angeles. LA County Registrar-Recorder/County Clerk in the amount of:
    - ☐ Not Required
    - ☐ \$2,085.25 (includes \$75.00 processing fee) for the issued Negative Declaration or Mitigated Negative Declaration
    - ☒ \$2,867.25 (includes \$75.00 processing fee) for the required Environmental Impact Report

The County Clerk will not accept a Notice of Determination or Exemption for your project until the fees are paid.

Section 21089 (b) of the Public Resources Code provides that no project approval is operative, vested, or final until these fees are paid.

Please write project number on the check(s).

4. Submit the aforementioned items **in person (do not mail)** at:

Hall of Records  
Department of Regional Planning, Room  
320 West Temple Street  
Los Angeles, CA 90012

You will receive a copy of the approved site plan and a copy of the approved site plan and conditions will be sent to the Department of Public Works' Division of Building and Safety.

If you have any questions regarding these instructions, please contact Mr. Kim Szalay at (213) 974-4876, from 7:30 a.m. to 5:30 p.m., Monday through Thursday or via email at [kszalay@planning.lacounty.gov](mailto:kszalay@planning.lacounty.gov). Our offices are closed on Fridays.



Please complete this form and return to:

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

## AFFIDAVIT OF ACCEPTANCE

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

}SS

REGARDING: PROJECT NO. R2009-02239-(5)  
CONDITIONAL USE PERMIT NO. 200900026  
SR 138 (AVE. D) AND 170<sup>TH</sup> STREET WEST, ANTELOPE VALLEY WEST

I/We the undersigned state:

I am/We are the owner of the real property described in the above-numbered case and the permittee in said case: I am/We are aware of, and accept, all the stated conditions in said grant.

I/We have enclosed a check in the amount of \$3,000 payable to the County of Los Angeles as required by the conditions of approval to ensure regular inspections for compliance. I/We also acknowledge that I/We and my/our successors in interest may be required to reimburse the Department of Regional Planning for any additional enforcement efforts necessary to bring the subject property into compliance.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

I/We declare under the penalty of perjury that the foregoing is true and correct.

*(Where the owner and permittee are not the same, both must sign.)*

Type or Print  
Applicant

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State \_\_\_\_\_

Signature \_\_\_\_\_

Owner:

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State \_\_\_\_\_

Signature \_\_\_\_\_

*This signature must be  
Acknowledged  
By a notary public. Attach  
Appropriate  
Acknowledgements.*



Please complete this form and return to:

The Los Angeles County Recorder  
12400 Imperial Highway  
Norwalk, CA 90650

## AFFIDAVIT OF ACCEPTANCE

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

}SS

REGARDING: PROJECT NO. R2009-02239-(5)  
CONDITIONAL USE PERMIT NO. 200900026  
SR 138 (AVE. D) AND 170<sup>TH</sup> STREET WEST, ANTELOPE VALLEY WEST

I/We the undersigned state:

I am/We are the owner of the real property described in the above-numbered case and the permittee in said case: I am/We are aware of, and accept, all the stated conditions in said grant.

I/We have enclosed a check in the amount of \$3,000 payable to the County of Los Angeles as required by the conditions of approval to ensure regular inspections for compliance: I/We also acknowledge that I/We and my/our successors in interest may be required to reimburse the Department of Regional Planning for any additional enforcement efforts necessary to bring the subject property into compliance.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

I/We declare under the penalty of perjury that the foregoing is true and correct.

*(Where the owner and permittee are not the same, both must sign.)*

Type or Print  
Applicant

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State \_\_\_\_\_

Signature \_\_\_\_\_

*This signature must be  
Acknowledged  
By a notary public. Attach  
Appropriate  
Acknowledgements.*

Owner:

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State \_\_\_\_\_

Signature \_\_\_\_\_



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

**PROJECT NO. R2009-02239-(5)**

**CONDITIONAL USE PERMIT NO. 200900026**

**ENVIRONMENTAL ASSESSMENT NO. 200900027**

**HEARING DATES: JUNE 30, 2010 AND SEPTEMBER 15, 2010**

### **SYNOPSIS**

The applicant, AV Solar Ranch 1, LLC, requests Vesting Tentative Tract ("VTTM") No. 071035 to authorize a reversion to acreage from 147 lots to 1 lot on 790 acres in the A-2-5 (Heavy Agricultural-Five Acres Minimum Required Area) zone and Conditional Use Permit ("CUP") No. 200900026 to authorize construction, operation, and maintenance of a 230 megawatt photovoltaic solar electric power generation facility on 2,093 gross acres (including the 790-acre VTTM site) and on-site grading in excess of 100,000 cubic yards in the A-2-5 (Heavy Agricultural – Five Acres Minimum Required Area) zone; and installation of 0.75 miles of onsite and 1.50 miles of offsite high voltage 230 kilovolt electricity transmission lines in the A-2-5 and A-1-2 (Light Agricultural-Two Acres Minimum Required Area) zones. The subject property to which the CUP applies includes 33 contiguous parcels including one reversion to acreage parcel proposed to be created by the VTTM.

### **PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION**

#### **June 30, 2010 Public Hearing**

A duly noticed public hearing was held on June 30, 2010, before the Regional Planning Commission ("Commission"). Commissioners Bellamy, Rew, Helsley, and Modugno were present. Commissioner Valadez was absent. The applicant and two persons testified in favor of the project and two persons testified with concerns regarding the request. Approximately 25 members of the public were present at the public hearing plus the applicant's team of six persons. The Commission directed staff and the applicant to further address the following issues:

- Clarify and provide the possibility of capturing rainwater and washwater runoff
- Provide decommissioning financial assurances
- Provide a cost/benefit comparison of undergrounding versus above ground transmission line installations
- Investigate fencing options so as to be of a suitable color to blend with the surrounding terrain
- Clarify and provide numbers of tracking solar panels and fixed tilt solar panels proposed
- Verify and provide the current market rate per kilowatt hour for purchase of electrical power
- Provide potential high-value mitigation sites for the required 450 acres of off-site mitigation land
- Clarify night lighting requirements and proposal

- Verify and provide the Federal funding critical timeline requirements
- Clarify the status of the comment letter submitted by the Antelope Acres Town Council

There being no further testimony or discussion, the Commission voted 4-0 to continue the public hearing to September 15, 2010, to provide time for staff and the applicant to provide the additional items requested and for staff to prepare the Final Environmental Impact Report and Findings and Conditions for action on the requested CUP and VTTM.

#### **September 15, 2010 Public Hearing**

The June 30, 2010 public hearing before the Commission was continued on September 15, 2010. Commissioners Bellamy, Rew, Helsley, and Modugno were present. Commissioner Valadez was absent. The Commission directed staff to amend Condition No. 20 pertaining to decommissioning of the site and received staff amendments. The applicant and four members of the public testified in favor of the project. No testifiers spoke against the project. Approximately eight members of the public were present at the public hearing in addition to the applicant's team of approximately six persons. The president of the Antelope Acres Town Council testified that the Council's unanimous support of the project as reflected in the March 23, 2009 letter previously submitted to the Commission continued to apply at the present time. A representative of the Desert and Mountains Conservancy ("Conservancy") testified that the governing board of the Conservancy approved an agreement with the applicant to receive 450 acres of mitigation land as it becomes available according to all of the requirements of the subject mitigation measures in the Mitigation Monitoring and Reporting Program ("MMRP") associated with the project. Representatives of the Greater Antelope Valley Economic Alliance and the Los Angeles Economic Development Corporation testified on the economic development benefits of the project.

There being no further testimony, the Commission adopted the Environmental Impact Report ("EIR"), associated MMRP and California Environmental Quality Act Findings of Fact, and approved the Conditional Use Permit, Vesting Tentative Tract Map, and associated conditional use permit and vesting tentative tract map Findings and Conditions.

#### **FINDINGS**

1. The applicant is requesting a conditional use permit for construction, operation, and maintenance of a 230 megawatt photovoltaic solar electric power generation facility on 2,093 gross acres (including the 790-acre property included in the VTTM) and on-site grading in excess of 100,000 cubic yards in the A-2-5 (Heavy Agricultural – Five Acres Minimum Required Area) zone; and installation of 0.75 miles of onsite and 1.50 miles of offsite high voltage 230 kilovolt electricity transmission lines in the A-2-5 and A-1-2 (Light Agricultural-Two Acres Minimum Required Area) zones.

2. All portions of the project are located within the following boundary extremes: north and south of SR 138 between 155<sup>th</sup> Street West to the east and 180<sup>th</sup> Street West to the west, and between West Avenue B-8 to the north and West Avenue E to the south. Not all properties located within these boundary extremes are within the Project area. Primary access is proposed to be located on 170<sup>th</sup> Street West approximately 0.6 miles north of SR 138 (Avenue D).
3. The subject property consists of 33 contiguous parcels on 2,093 acres, including one proposed 790-acre reversion to acreage parcel. The property is flat and gently sloping downward to the northeast. All parcels are vacant with the exception of an existing abandoned ranch house and appurtenant facilities located on a parcel adjacent to and south of SR 138 (Avenue D). All such facilities are proposed to be demolished.
4. The proposed 230-megawatt solar photovoltaic electric power generation facility includes approximately 80,000 photovoltaic panel arrays including optional use of sun-tracking or fixed, tilt or horizontal array units; associated electrical and distribution equipment including approximately 185 electrical equipment structures with the option to be unenclosed or enclosed; onsite unenclosed electricity substation; operations and maintenance building; a 230-kilovolt transmission line approximately 4.25 miles in length (approximately 2.25 miles within unincorporated Los Angeles County and 2 miles within Kern County) within the 170<sup>th</sup> Street West public right of way in unincorporated Los Angeles County, and on private property and/or 170<sup>th</sup> Street West public right of way in Kern County, connecting to Southern California Edison proposed Whirlwind substation facilities in Kern County; undergrounding of all high-voltage transmission lines located within unincorporated Los Angeles County with the exception of two required above-ground crossings of the public right of way; onsite 34.5 kilovolt transmission line proposed within 170<sup>th</sup> Street West public right of way and private property; undergrounding all of the low-voltage transmission lines except as required to include one above ground crossing of the public right of way and approximately four required above ground crossings over jurisdictional drainages within the project site; a maximum of 180,000 cubic yards of balanced grading for flood control management; employee parking area; perimeter fencing; associated access roads; native landscaping screening north and south of SR 138 (Avenue D); new potable water well and use of existing wells for non-potable uses; two above ground water tanks (approximately 10,000 and 100,000 gallons); construction of onsite septic and leach-field system; and demolition of all existing structures on-site including two residences, a mobile home, and accessory structures. The proposed project will require approximately 150 acre feet of water per year during construction of the project for a period not to exceed 38 months. On-going operation of the project will require approximately 12 acre feet per year of water supply, of which three acre feet per year are required to be potable.

5. The subject property is located within the N1 (Non Urban 1) land use designation in the Antelope Valley Areawide General Plan ("AVAGP"), a component of the Los Angeles Countywide General Plan.
6. The subject property is zoned A-2-5 (Heavy Agricultural – Five Acre Minimum Required Area).
7. Six Certificates of Compliance have been issued on various lots on the subject property to certify compliance with the Subdivision Map Act. The subject property is comprised of a total of 179 lots. After proposed reversion to acreage of the 147 lots to one lot, the property would be comprised of 33 lots.
8. Surrounding land uses within a 500-foot radius of the property include vacant parcels and Joshua Tree Woodland Habitat Significant Ecological Area ("SEA") No. 60 adjacent to the north and east, and vacant parcels to the south and west. Joshua Tree Woodland Habitat SEA No. 57 is located nearby to the southeast of the project site. The project provides undeveloped land buffers to the SEA's and does not disturb or intrude into the SEA's. Nearby property owners within a 1,000-foot radius of the project boundaries were notified by mail regarding the project.
9. The surrounding areas within a 500-foot radius of the property are zoned A-1-2 and A-2-5 to the north and west, A-1-2, A-2-2 (Heavy Agricultural – Two Acre Minimum Required Area), and A-2-5 to the south and east.
10. The proposed project is consistent with the applicable goals and policies of the County of Los Angeles Countywide General Plan ("General Plan") as follows:
  - a. Policy No. 2 of the Conservation and Open Space Element is as follows: "Support the conservation of energy and encourage the development and utilization of new energy sources including geothermal, thermal waste, solar, wind and ocean-related sources" (General Plan, Pg. II-26). The project is consistent with this policy by proposing development of solar energy production facilities.
  - b. Policy No. 3 of the Conservation and Open Space Element specifically promotes solar energy: "Promote the use of solar energy to the maximum extent possible" (General Plan, Pg. II-26). The project is a utility-scale solar project proposing 230-megawatts of solar electricity generation and is consistent with this policy.
  - c. Policy No. II-15 of the Conservation and Open Space Element Recommended Action Plan provides the following guidance: "Support stronger tax and cost-saving incentives to encourage greater use of alternative energy sources such as solar energy and wind power" (General Plan, Pg. VIII-39). The project proposes to use potential Federal stimulus funding, Federal loan guarantees,

and State Public Utilities Commission authorized cost recovery mechanisms in the event the project qualifies for subject funding opportunities.

11. The proposed project is consistent with the applicable goals and policies of the AVAGP and the N1 (Non-Urban 1) land use designation in the AVAGP. The project meets the definition of a "utility installation" referenced in the listing of non-urban non-residential land uses allowed in remote areas designated Non-Urban 1 (AVAGP, Pg. VI-5). The project is consistent with policies of the Plan as follows:
  - a. Policy No. 18: "Direct future growth away from areas exhibiting high environmental sensitivity to land use development unless appropriate mitigating measures can be implemented" (AVAGP, pg. V-3). The project uses previously disturbed and previously farmed land and avoids SEA's in the vicinity. Additional project design features and mitigation measures have been incorporated and required to further protect and preserve surrounding habitat in the Antelope Valley. An existing on-site juvenile Joshua Tree recruitment area is avoided by the project.
  - b. Policy No. 19: "Minimize disruption and degradation of the environment as land use development occurs, integrating land uses so that they are compatible with natural environmental systems" (AVAGP, pg. V-3). The project retains natural drainage, limits grading to maintain the topography of the existing site, and provides permeable fencing for retaining animal movement throughout the property. Proposed vegetated swales and limited vegetation retained under and around panels provides partial integration of the site with existing habitat.
  - c. Policy No. 40: "Encourage efficient utilization of resources in the allocation of land to various uses, and incorporate energy conservation measures into the design and implementation of public and private projects" (AVAGP, pg. V-6). The project uses materials with an estimated lifespan of 25-30 years, makes little impact on public infrastructure, limits land disturbance, and provides public benefits through generation of renewable energy. The proposed operations building will be constructed in compliance with green building requirements of the County Green Building Ordinance.
  - d. Policy No. 65: "Encourage the locating of new power distribution networks, communication lines, and other service network facilities underground in urban areas. Transmission lines should be located underground where feasible" (AVAGP, pg. V-9). Though not located in an urban area, the project site is subject to long-range planning for the Antelope Valley that envisions minimal visual intrusion by avoiding proliferation of above ground transmission lines and their related support poles. Therefore, to be consistent with this policy, the on-site low voltage and the on-site and off-site high voltage transmission lines will be undergrounded, with the exception of three required above-ground

crossings in the unincorporated County area within the public right of way including one point of connection at the Kern County border, and approximately four required above ground crossings over jurisdictional drainages within the project site in order to minimize visual intrusion and to avoid proliferation of above-ground transmission lines.

- e. Policy No. 66: "Maintain a long-range program for the underground relocation of overhead power distribution facilities, telephone lines, and other utility services in urban areas" (AVAGP, pg. V-9). Many potential applications for renewable energy projects require long-term planning for solar and wind project transmission line installations in the Antelope Valley. Although not located within an urban area, the project site is subject to long-range planning efforts for future development in the area. Therefore, to be consistent with this policy, the on-site low voltage and the on-site and off-site high voltage transmission lines will be undergrounded, with the exception of three required above-ground crossings in the unincorporated County area within the public right of way including one point of connection at the Kern County border, and required above ground crossings over onsite jurisdictional drainages in order to minimize visual intrusion and to avoid proliferation of above-ground transmission lines.
- f. Policy No. 69: "Protect significant vegetation such as the Joshua Tree" (AVAGP, pg. V-9). The project proposes to avoid development in the nearby Joshua Tree Woodlands SEA No. 60, and the project avoids removal of, or, encroachment upon, mature and younger Joshua Trees located on the site.
- g. Policy No. 70: "Encourage planting of street trees in urban portions of the Antelope Valley" (AVAGP, pg. V-9). Naturally-placed native vegetation, including Joshua Trees, is proposed for screening along the north and south sides of SR 138. The project also proposes to provide for additional planting and maintenance of street trees and landscaping in nearby areas of the Antelope Valley that may include urbanizing areas.
- h. Policy No. 71: "Encourage and support local efforts to attract new industry to the Antelope Valley. While the aero-space and other government related industries should continue to remain as major employment generators, emphasis should also be given to attracting other types of employers" (AVAGP, pg. V-10). The project is a large-scale renewable energy project that would provide additional employment opportunities and introduce new industry opportunities in the growing renewable energy sector within the Antelope Valley.
- i. Policy No. 101: "Develop and use groundwater sources to their safe yield limits" (AVAGP, pg. V-13). During the 38-month construction period proposed, a maximum of 150 acre feet of water per year may be used for project

construction activities. The project proposes to limit use of groundwater to a maximum of 12 acre feet per year during project operations. Long-term operation of the project requires occasional cleaning of the solar panel surfaces in order to maximize electricity production. Existing wells with projected adequate yield are proposed to be used for non-potable washwater and other non-potable uses. A new well is proposed to provide for necessary potable water to supply the operations and maintenance facility and construction workers. The project provides adequate water supply.

- j. Policy No. 114: "As an interim policy, pending construction of regional drainage facilities, require installation of appropriate systems and facilities to retain the increase in storm runoff due to development on the project site or equivalent mitigating measures" (AVAGP, pg. V-14). The project proposes retaining natural permeable ground surfaces and providing drainage swales in addition to retaining natural flow and volumes through the primary drainages on the site.
- k. Policy No. 135: "Encourage development to utilize and enhance natural topographic features, thus establishing harmony between the natural and man-made environment" (AVAGP, pg. V-17). Natural drainages are being maintained by the project to retain natural flows of storm waters, and additional buffering of the main drainage course is proposed to provide for animal movement and ongoing habitat. Permeable fencing is also proposed to enable additional movement for small and moderate sized wildlife. The project proposes to preserve 100 acres onsite as natural open space.
- l. Policy No. 140: "Promote air quality that is compatible with health, well-being, and enjoyment of life. The public nuisance, property and vegetative damage, and deterioration of aesthetic qualities that result from air pollution contaminants should be prevented to the greatest degree possible" (AVAGP, pg. V-17). The project proposes to stage limited construction grading and construction over a 38-month period, and to use other standard dust control measures in order to limit the extent of air pollution from fugitive dust during construction of the project. Operation of the project proposes retaining native vegetation and re-vegetating to the greatest extent feasible while in compliance with fire control clearance requirements. By providing a utility scale solar project, the project is facilitating the use of clean, renewable energy, which in turn helps to reduce emissions from other types of energy sources, thereby promoting improved air quality.
- m. Policy No. 141: "Prohibit the harvesting of Joshua or Juniper trees for fuel purposes or for transplantation out of their normal habitat area" (AVAGP, pg. V-18). The project avoids the nearby Joshua Tree Woodlands SEA and proposes to avoid development in and removal of young Joshua Trees from an existing Joshua Tree recruitment area located onsite.

- n. Policy No. 217: "Promote use of alternative energy sources (including solar and wind) for heating and cooling" (AVAGP, pg. V-26). The project aims to produce 230-megawatts of photovoltaic solar electric power for use in California to assist meeting renewable energy needs and mandates.
12. The project is consistent with the AVAGP Guidelines for Non-Residential Uses in Non-Urban Areas (Pages VI-24, 25) as follows:
- a. Location. The project is consistent with location guidelines of the Plan. The proposed project is located on previously disturbed land surrounded by vacant properties and agricultural uses in the general vicinity. Proposed operations are relatively passive similar to existing surrounding uses. Existing primary roadways will be retained for maintaining existing circulation patterns in the area. Existing utilities, other public services, and infrastructure are available to the project. The project provides native landscaping and open space buffering along SR 138 as visual mitigation for public passersby. The relatively flat topography, distance from known active faults, and previously farmed and disturbed property, make the location suitable for the proposed photovoltaic solar electricity generation development.
  - b. Access. The project primary access is consistent with access guidelines of the Plan. The project proposes primary access approximately one half mile north of SR 138 on 170<sup>th</sup> Street West. This location prevents the hazards associated with higher speeds on SR 138 if access were to be taken from the highway. Transport of materials during construction of the project largely avoids existing residential communities.
  - c. Design. The proposed design of the project is consistent with design guidelines of the Plan. The first 1,000 feet of solar panels installed adjacent to SR 138 are proposed to be of the low-profile horizontal or low-profile fixed tilt variety to maximize views to the Tehachapi Mountains to the north and other vistas to the south from the highway. Additionally, native drought-tolerant shrubs, Joshua Trees, and grasses are proposed to screen the frontages of solar panel development along SR 138 on both the north and south sides of the right-of-way. As natural a placement of plantings as possible and temporary drip systems to establish the plantings are proposed. Perimeter fencing that is colored to minimize visual intrusion will be provided for security and safety purposes. No outdoor advertising and minimal security lighting shielded downward to avoid light spillover is proposed, which will minimize visual impacts to neighboring properties and wildlife.
13. The subject property is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22 of the County Code as required in order to integrate



the project with the uses in the surrounding area given that the project complies with all applicable development standards of the A-2-5 (Heavy Agricultural-Five Acres Minimum Required Area) zone. Section 22.24.150 of the County Code, Uses Subject to Permits, lists the following use as permitted provided a conditional use permit is approved, "Electric distribution substations, electric transmission substations and generating plants, including microwave facilities used in conjunction with any one thereof." The proposed project is a photovoltaic solar electric power generation plant with distribution substation and transmission lines and complies with the following regulations of Title 22 of the County Zoning Ordinance as follows:

- a. Section 22.24.170.A Front, Side and Rear Yard Requirements. A minimum set back of 20 feet for front yard, five feet for side yard and corner side yard, 10 feet for reversed corner side yard, and 15 feet for rear yard is required. The project exceeds requirements by providing a minimum set back of 50 feet from the property line throughout property. Specific designated areas provide additional set back, buffering, or other dedicated spaces as indicated on the site plans. The project complies with yard setback requirements.
- b. Section 22.48.160 Fences and Walls. Depending on the location within the property, three and one half to six feet in height is the maximum fence height permitted per County Code. The project proposes perimeter fencing eight feet in height for project security and safety purposes. The applicant is seeking a yard modification to allow the fence to be a uniform eight feet in height around the entire perimeter of the project site. The Commission supports this request and believes it to be appropriate for the use and the location. The project complies with fencing requirements, as proposed to be modified pursuant to the yard modification process.
- c. Chapter 22.52 Part 7 Outside Storage. Part 7 requires that all outside storage open to view from the exterior boundary of a lot or parcel of land upon which it is conducted shall be enclosed by a solid wall or fence. This requirement would not apply to temporary material staging areas and temporary outdoor worker shelters used during construction. For the purposes of this project, temporary staging areas, temporary outdoor worker shelters, and a temporary cement batching plant are defined as areas used for construction and the use of which are not to exceed project build out or 38 months from the start of construction, whichever occurs first. The project does not propose permanent outside storage for on-going operations. The project complies with operational outside storage requirements.
- d. Chapter 22.52 Part 11, Section 22.52.1220. Uses not specified – Number of spaces required. Where parking requirements for any use are not specified, parking shall be provided in an amount which the director finds adequate to

prevent traffic congestion and excessive on-street parking. Whenever practical, such determination shall be based upon the requirements for the most comparable use specified in this Part 11. Because parking requirements for the project are not specifically listed, the determination has been made that the most appropriate parking standards are those applicable to industrial uses. Therefore, for purposes of determining the required number of parking spaces for the project, either one space per two employees or one space per 500 square feet and one handicapped space per 40 standard spaces is required to meet the parking requirements set forth in Section 22.52.1140. The project proposes a 20,000 square-foot operations and maintenance building requiring 40 standard parking spaces including at least one of which is a handicapped parking space. The project complies with parking requirements.

- e. Chapter 22.52 Part 20 Green Building Requirements. County Green Building Standards for energy conservation, indoor and outdoor water conservation, demolition recycling, and LEED Silver or equivalent building construction apply to the project for self-contained non-warehouse portions of the proposed 20,000 square-foot operations and maintenance building, demolition of existing buildings, landscape watering, and wash water operations. Tree planting requirements require modification. The project proposed meets or exceeds Green Building standards including modification of tree planting requirements as allowed by the County Code for certain circumstances. The proposed 20,000 square-foot operations and maintenance building is located on a single 790-acre lot. Compliance with the Green Building Ordinance would require the planting of 10,324 trees. The applicant requests a waiver or modification by the Director of Public Works for the number of trees required. In lieu of the tree planting requirement, the applicant proposes to plant native drought-tolerant shrubs, a limited number of Joshua trees, and numerous native grasses in as natural a pattern as possible within 10-feet of property frontage along SR 138 on both the north and south sides of the highway for the length of the subject property. A drip system would initially be used to establish the native plantings. These plantings would also serve as screening of the project components located closest to the highway. Additionally, in lieu of the total number of required onsite tree plantings, the applicant proposes to offer payment to the County for additional tree plantings and provision for landscaping maintenance along public rights of way in the Antelope Valley vicinity. The Commission supports the proposed alternative measures. The Director of Public Works has granted the modification to the Green Building ordinance requested and accepted the alternative measures. The project complies with Green Building standards as modified.
- f. Chapter 22.52 Part 21 Drought-Tolerant Landscaping. Requirements for drought-tolerant landscaping include use of County-authorized drought-tolerant plant lists, minimum required percentages of drought-tolerant plantings,

limitations on the amount of turf, and efficient watering management. The project proposed complies with Drought-Tolerant Landscaping requirements.

- g. Chapter 22.52 Part 22 Low-Impact Development (LID). This part of the County Zoning Ordinance references Title 12 Chapter 12.84 for Low Impact Development Standards. These standards are designed to limit hydro-modification impacts to natural drainage systems and to manage excess volume from each lot upon which development is occurring so as to be infiltrated at the lot level or alternatively to sub-regional facilities. The project proposes to sustain the primary natural drainage course running through the site from southwest to northeast and to provide numerous vegetated swales throughout the development area to infiltrate runoff to the satisfaction of the Department of Public Works. The project complies with LID requirements.
14. The project on the subject property will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, and 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 because the project is compatible with the surrounding neighborhood and land uses. Aerial photography of the 2,093-acre project site provides imagery indicating grading/plowing over the majority of the site many years previously. This is evidenced by a previously farmed orchard and other disturbed land underlying the re-established plants including desert shrubs, seasonal wildflowers, other native and non-native grasses, a number of juvenile Joshua Trees at a northerly portion of the site, and bare soil. Recycled use of previously disturbed land is preferred for development compared to use of pristine undisturbed native lands. The passive operation of a photovoltaic solar field provides a compatible "neighbor" to two SEA's, one to the north/northeast and one to the south, on which no additional development is likely to occur. Fencing permeable to small and moderate sized animals, a minimum 100-foot wide drainage and wildlife movement area, native plants and Joshua trees screening low-profile solar panels located along SR 138, and recommended undergrounding of transmission lines, together enable the project to be compatible with the surrounding area. Additionally, the majority of other adjacent properties within a 500-foot radius of the site are vacant and not currently developed. The project is compatible with existing land uses.
15. 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. During construction, truck traffic will increase in the area, though not a significant impact. During operations, traffic generated by the relatively passive solar project operations is minimal. Project conditions and mitigation measures require street pavement conditions to be documented by the applicant prior to and after

construction and to make fair-share payment for any repair and/or reconstruction required to 170<sup>th</sup> Street West to the satisfaction of the Department of Public Works.

16. Although the applicant originally proposed above ground transmission lines, the Environmental Impact Report for the project analyzed both the above ground and the underground placement of the 34.5 kilovolt and 230 kilovolt transmission lines and concluded that neither the above ground nor the underground transmission lines would result in significant environmental impacts. In order to minimize visual intrusion and minimize the proliferation of above ground transmission lines as well as to ensure compliance with the applicable provisions of the Countywide General Plan and the AVAGP, the Commission determined that the undergrounding of both the on-site and off-site transmission lines within the unincorporated County area is required, with the exception of three required above ground public right of way crossings including one above ground point of connection at the Kern County border and approximately four required above ground crossings over jurisdictional drainages within the project site.
17. An Initial Study was prepared for this Project in compliance with the California Environmental Quality Act (Public Resources Code Section 21000 et. seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study identified potentially significant effects on the environment. Based on the Initial Study, a Draft Environmental Impact Report ("DEIR") was prepared for this project. The public comment period for the DEIR began on June 16, 2010 and ended on July 30, 2010 (45 days). After the public comment period ended, a Final Environmental Impact Report ("FEIR") was prepared with response to comments received during the public comment period. Mitigation measures are necessary in order to ensure the proposed project will not have a significant effect on the environment, and such measures have been included in the MMRP.
18. Potential significant impacts that were analyzed in the EIR include geotechnical hazards, flood hazards, fire hazards, water quality, air quality, biological resources, cultural and paleontological resources, visual qualities, traffic and access, fire protection services, sheriff services, utility services, environmental safety, land use, and global climate change. Agricultural resources and noise were also analyzed even though the Initial Study did not identify them as potential impacts. Change of character and growth inducing impacts were analyzed as other considerations for analysis in the EIR. The EIR concludes that all of these potential impacts were determined to be either less than significant without further mitigation (fire protection services, sheriff services, utility services, and global climate change), or, can be mitigated to a level of less than significant with further mitigation (geotechnical hazards, flood hazards, fire hazards, water quality, air quality, biological resources, cultural resources, agricultural resources, visual qualities,

traffic and access, environmental safety, land use, noise, and change of character).

19. The technical and engineering aspects of the project have been resolved to the satisfaction of the Los Angeles County Departments of Public Works, Fire, Parks and Recreation, Public Health, and Regional Planning.
20. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting. Additionally, the project was noticed and case materials were available on the County Department of Regional Planning website and at libraries located in the Antelope Valley vicinity. A total of 471 hearing notices were mailed to property owners within a 1,000-foot radius of the project boundaries and to other interested parties on May 24, 2010, and the DEIR Notice of Completion was mailed to the same owners and other parties on June 14, 2010. Newspaper notices were posted in the Antelope Valley Press and La Opinion and on the site on May 27, 2010. The Notice of Completion was posted in the same papers and on the site on June 16, 2010.
21. Approximately six (6) items of written correspondence in support of the Project were received including support for developing additional renewable energy generation facilities and creating jobs including "green" jobs. Proponents in favor included, but are not limited to, the Governor of California, Arnold Schwarzenegger, State Assemblyman, Thirty-Sixth District, Steve Knight, the City Manager of Lancaster, CA, the Antelope Acres Town Council, the Lancaster and Rosamond Chambers of Commerce president and C.E.O., the president of the Antelope Valley Board of Trade.
22. Four (4) items of written correspondence expressing concerns about the Project were received, including concerns about loss of agricultural and open space lands, concerns about project proximity to other existing private properties and possible negative effect on property values, potential night lighting spillover, potential impacts to Joshua trees, amount of earth moving proposed, fencing type, and drainage and stormwater management. Proponents with concerns about the project included certain attendees of a meeting with the Association of Rural Town Councils and other private citizens.
23. Two (2) items of written correspondence inquiring about the location of their property in relationship to the subject property were received by Planning staff.
24. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the term of the grant to thirty (30) years.

25. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13<sup>th</sup> 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 Special Projects Section, Los Angeles County Department of Regional Planning.

**BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:**

- A. The use is consistent with the adopted general plan for the area; and
- B. The requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, and not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. 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 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
- D. 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, THEREFORE, the information submitted by the applicant and presented at the hearing substantiates the required findings for a conditional use permit as set forth in Section 22.56.90 of the Los Angeles County Code (Zoning Ordinance).

**REGIONAL PLANNING COMMISSION ACTION**

- 1. After consideration of the attached EIR and MMRP together with any comments received during the public review process, the Commission finds on the basis of the whole record before the Commission that there will be no significant impacts to the environment. After review and consideration of the EIR, the Regional Planning Commission certifies that the EIR has been completed in compliance with the California Environmental Quality Act and the State and County guidelines related thereto, and that the document reflects the independent judgment and analysis of the Commission, and determines that the significant adverse effects of the project, as described in the EIR, have been reduced to an acceptable level.

2. The MMRP for the proposed project incorporated in the EIR, is approved and adopted, and, pursuant to Section 21081.6 of the Public Resources Code, the Commission finds that the MMRP is adequately designed to ensure compliance with the mitigation measures during project implementation.
3. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. R200900026 is **APPROVED** subject to the attached conditions.

VOTE: 4-0

Concurring: Bellamy, Rew, Helsley, Modugno

Dissenting: None

Abstaining: None

Absent: Valadez

Action Date: September 15, 2010

c: Each Commissioner, Commission Services, BOS 5<sup>th</sup> District, Zoning Enforcement, Building and Safety

SZD:KKS  
9/15/10

This grant authorizes the construction, operation, and maintenance of a 230 megawatt photovoltaic electricity power generation facility on 2,093 gross acres; onsite grading in excess of 100,000 cubic yards; and installation of 0.75 miles of on-site and 1.50 miles of off-site high voltage 230 kilovolt electricity transmission lines in the A-2-5 (Heavy Agricultural-Five Acres Minimum Required Area) zone. The subject property is located near the intersection of State Route 138 (Avenue D) and 170<sup>th</sup> Street West in the Antelope Valley West Zoned District. This approval is subject to the following conditions:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition 7, and until all required monies have been paid pursuant to Condition numbers 9, 10 and 12. Notwithstanding the foregoing, this Condition (No. 2), and Condition numbers 3, 4, and 5 shall be effective immediately upon final approval of this grant by the County.
3. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning ("Regional Planning") an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs 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 the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.



- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.
  - c. The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.
5. This grant shall expire unless used within two (2) years after the recordation of the final parcel map for Vesting Tentative Tract Map ("VTTM") No. 071035. In the event that VTTM No. 071035 should expire without recordation of a final map, this grant shall terminate upon the expiration of the VTTM. In the event of expiration of VTTM No. 071035 and expiration of this grant, the permittee is on notice that entitlement to the use of the property if the map expires without recordation shall be subject to the regulations then in effect.
  6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse
  7. Prior to the use of this grant, the property owner or permittee shall **record the terms and conditions of the grant in the office of the County Recorder**. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
  8. **This grant authorizes a 30-year term, and therefore, shall terminate on September 15, 2040.** Upon termination of this grant, 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, a new Conditional Use Permit ("CUP") application shall be filed with Regional Planning at least six months prior to the termination date of this grant, whether or not any modification of the use is requested at that time.
  9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles within 60 days of permit approval the sum of **\$3,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for **fifteen (15) biennial (one every other year)** inspections.

Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on

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

10. Within three (3) days of the approval date of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination ("NOD") for Project No. R2009-02239-(5), which includes VTTM No. 071035 and CUP No. 200900026 in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code, the following applicable fee is required, \$2,867.25 (\$2,792.25 for an Environmental Impact Report plus \$75.00 processing fee). No land use project subject to this requirement is final, vested or operative until the fee is paid.
11. The applicant shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program ("MMRP"), which is incorporated herein in its entirety by this reference.
12. The permittee shall deposit the sum of \$6,000.00 with Regional Planning within 60 days of permit approval in order to defray the cost of reviewing and verifying the information contained in the reports required by the MMRP.
13. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after giving proper notice and conducting a public hearing, revoke or modify this grant, if the Regional Planning Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
14. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as required by said department.
15. All requirements of the Zoning Ordinance 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.
16. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works ("Public Works").

17. 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.
18. 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
19. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit four (4) copies of the proposed plans to the Director of Regional Planning for review and approval. All revised plans must be accompanied by the written authorization of the property owner. If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of approval of the Conditional Use Permit.
20. Prior to issuance of any building permit, the permittee shall provide the County with a Decommissioning Plan, which shall include, at a minimum, a detailed plan for decommissioning and deconstruction of the facility and for restoration of the site (collectively referred to as "decommissioning"). The Decommissioning Plan shall be developed to the satisfaction of the Director of Regional Planning and the Director of Public Works and shall be subject to the review and approval of the Director of Planning and Director of Public Works. Upon discontinuance of operations as set forth in Condition No. 22 below, abandonment of the project or part of the project, or upon termination of this grant as provided in Condition No. 8 above, and in the event a new permit application is not timely filed for similar continued use or reuse of the site, the permittee shall perform decommissioning according to the Decommissioning Plan or shall compensate the County for use of a County-contracted consultant to perform such decommissioning. In the alternative and at the County's sole election, the County shall be entitled to use any performance and financial assurance guarantees, as required by and provided for in Condition No. 21 below, to perform itself or to contract for performance of such decommissioning. The Decommissioning Plan shall include, but shall not be limited to, provisions to address and implement the following requirements:
  - a. Removal of solar panel structures and all appurtenant above ground equipment.
  - b. Removal of overhead poles and above ground electricity lines on-site within the Project area.

- c. Removal of permanent above ground transmission lines and poles located in the public right-of-way would be required if determined not to be usable by the Department of Public Works and/or any other applicable public or private utility, otherwise such permanent above ground transmission lines and poles shall be allowed to remain.
  - d. Removal of on-site substation, if project-owned. If a public or private utility assumes ownership of the substation, the substation may remain on-site to be used as part of the utility service to supply other applications.
  - e. Restoration of disturbed soil and revegetation of the site to its pre-construction condition with native vegetation similar to plants in the surrounding vicinity.
  - f. Restoration or reclamation of project roads to their pre-construction condition unless the land owner elects to retain the improved roads for access throughout that land owner's property.
  - g. Removal of permanent operations and maintenance building unless such building is in such a condition as to be reusable by the land owner at the time of decommissioning as determined by the Director of Regional Planning and that land owner elects to retain such building.
  - h. Documentation of the pre-construction condition of the project site, which shall include, but not be limited to, photographic record.
21. Prior to the issuance of any building permits, the permittee shall provide performance and financial assurance guarantees in an amount sufficient to ensure the performance of the approved Decommissioning Plan. The performance and financial assurance guarantees shall be provided to the satisfaction of the Director of Regional Planning and the Director of Public Works. The permittee shall be solely responsible for the costs and expenses associated with decommissioning, and in the event that the performance and financial assurance guarantees are not sufficient to fully compensate the County for the cost and expense of such decommissioning, the permittee shall compensate the County for any shortfall. In determining the sufficiency of the performance and financial assurance guarantees, the residual value of the solar panels, support structures, and other salvageable equipment (collectively "salvageable property") shall be included. The performance and financial assurance guarantees shall be subject to the following additional conditions:
- a. The performance and financial assurance guarantees shall be detailed to the satisfaction of the Director of Regional Planning and the Director of Public Works in the approved Decommissioning Plan, and that plan shall explain the amounts and schedule for the provision of the performance and financial assurance guarantees.

- b. The permittee shall provide a report to the Director of Regional Planning every five years after the date of final approval of this grant by the County to confirm that the performance and financial assurance guarantees are sufficient to ensure performance of the Decommissioning Plan. The report shall be subject to review and approval by the Director of Regional Planning and the Director of Public Works as to whether the performance and financial assurance guarantees are adequate to meet existing conditions at the time of the report. A decommissioning pro forma summarizing the residual value of the salvageable property shall be included in the report. The pro forma shall include, at a minimum, the expected revenue from all salvageable property (as defined in Condition No. 21, above), as well as the then-current cost of decommissioning as required by the approved Decommissioning Plan, and the then-current value of any performance and financial assurance guarantees that have been provided as of the date of such report. In the event that the performance and financial assurance guarantees are insufficient to perform decommissioning as required by the approved Decommissioning Plan, the permittee shall be required to provide additional performance and financial assurance guarantees to the satisfaction of the Director of Regional Planning and the Director of Public Works.
  - c. Any funds not utilized in connection with decommissioning by the County will be returned to the permittee.
  - d. The performance and financial assurance guarantees may be comprised of but not limited to one or more of the following to the satisfaction of the Director of Regional Planning and the Director of Public Works:
    - 1) An irrevocable letter of credit;
    - 2) A surety bond;
    - 3) A suitable insurance policy;
    - 4) A trust fund or escrow account established and maintained in accordance with the approved financial assurances and practices to guarantee that decommissioning will be completed in accordance with the approved Decommissioning Plan; or
    - 5) A corporate guarantee.
22. In the event that any portion of the solar field is not in operational condition for a consecutive period of 12 months, operations for that portion of the site shall be deemed to have been discontinued and that portion of the facility shall be removed within 90 days from the date a written notice from the County is sent to the permittee. Within the 90-day period, the permittee may provide to the Director of Regional Planning a written request and justification to the satisfaction of the

Director of Regional Planning for an extension of up to 12 months in order to resume operations on that portion of the site. The permittee may request a second 12-month extension in writing, which the Director of Regional Planning may grant if adequately justified to the satisfaction of the Director of Regional Planning. In no case shall the operations on a solar field or portion of a solar field be discontinued for more than 36 months from the date that such operations were first deemed to be discontinued. In no event shall any such extension of the period in which to resume operations be deemed to extend the term of this grant nor shall it extend beyond the expiration date of the term of this grant.

23. The Project is subject to the additional following conditions:

- a. Permittee shall comply with all Public Works requirements and comply with all conditions set forth in its letter dated June 30, 2010, attached hereto and incorporated herein by this reference, to the satisfaction of said department.
- b. Permittee shall comply with all County of Los Angeles Fire Department requirements specified in its letter dated September 2, 2010, attached hereto and incorporated herein by this reference to the satisfaction of said department.
- c. Permittee shall comply with all County of Los Angeles Department of Public Health requirements specified in its letter dated February 16, 2010, attached hereto and incorporated herein by this reference, to the satisfaction of said department. Adequate potable water and sewage facilities shall be provided to the satisfaction of said department.
- d. Permittee shall make a one-time payment of \$15,000 to the County of Los Angeles, for use by Public Works or the Department of Parks and Recreation for tree planting and tree maintenance within the Antelope Valley.
- e. Permittee shall dedicate land in fee simple to Caltrans 100 feet from centerline of the existing SR 138 on both sides of the right-of-way from 160<sup>th</sup> St. West to 170<sup>th</sup> St. West, and on the north side of SR 138 from 170<sup>th</sup> St. West to 175<sup>th</sup> St. West, or, to the satisfaction of Caltrans for a total width not to exceed 200 feet.
- f. Permittee shall make an irrevocable offer to dedicate to the County of Los Angeles a slope easement of 10 feet in width on both sides of the 200-foot wide Caltrans right-of-way from 160<sup>th</sup> St. West to 170<sup>th</sup> St. West, and on the north side of the 200-foot wide Caltrans right-of-way from 170<sup>th</sup> St. West to 175<sup>th</sup> St. West. The exact location of the slope easement shall be determined once Caltrans identifies the location of the 200-foot right of way.
- g. Permittee shall construct all transmission lines underground to the satisfaction of the Department of Public Works except where above ground right-of-way

crossings are required including two high voltage and one low voltage crossing as depicted on Exhibit "A", and approximately four above ground low voltage crossings over jurisdictional drainages within the project site.

- h. Permittee shall use solar panels no greater than 10 feet in maximum height from finished grade for the first 1,000 feet of solar panel arrays on each of the north and south sides of the required SR 138 (Avenue D) right-of-way.
- i. Temporary structures, outside storage, staging areas, and concrete batching plant allowed for construction purposes shall be removed from the project site within 120 days of project completion, but in no event shall any such temporary structures remain onsite for longer than 42 months from the date of issuance of building permits absent approval to extend the allowable time period for the temporary structures. In the event additional time beyond 42 months is needed to complete removal of temporary structures and related materials, the permittee shall submit a written request for a time extension for up to one (1) year maximum to the Director of Planning for review and approval. Any other outside storage needed shall comply with the requirements of Section 22.52 Part 7 of the County Code.
- j. Permittee shall maintain all landscaping in a neat, clean, and healthy condition, including proper pruning, weeding, removal of litter, fertilizing, and replacement of plants when necessary. Watering facilities shall consist of a temporary water-efficient irrigation system, such as drip irrigation, which shall be used only to establish the plantings in all landscaped areas.
- k. Permittee shall submit three copies of a landscape plan, comprised of at least 10 feet of the proposed landscaped area along the north and south sides of SR 138 adjacent to the subject property, and north and south of the respective 200-foot Caltrans right-of-way and the 10-foot County of Los Angeles slope easements as depicted on Exhibit "A", or, as otherwise determined by Caltrans and the County Department of Public Works. The landscape plan shall be submitted to and approved by the Director of Planning prior to issuance of a building permit. The landscape plan shall depict the site, type and location of all plants, trees, and watering facilities.
- l. All exterior fencing shall be visually non-intrusive to the satisfaction of the Director of Planning.
- m. Night lighting, limited to that required by applicable lighting regulations for safety and security, shall be shielded and directed downward to avoid lighting spillover and shall be comprised of the following: motion sensor or manual switch lighting for the entry lighting for on-site equipment structures and electricity substation lighting, and light sensor or motion sensor lighting for the main plant access gate and Operations and Maintenance building doorways and parking area.

- n. The permittee shall, to the satisfaction of the Director of Planning, utilize the subject property only for the project as proposed and approved herein, and therefore, the permittee agrees to and shall retire any development rights, including any rights to undertake irrigated farming on the subject property, that require the use of groundwater in excess of the groundwater use approved by this grant for the life of this conditional use permit.
- o. The proposed project shall be limited to use of a maximum of 150 acre-feet per year (AFY) of groundwater for the duration of the 38-month construction period.
- p. The proposed project shall be limited to use of a maximum of 12 AFY of groundwater for operation of the project for the duration of the conditional use permit with the exception of the following condition.
- q. In the event the required screening landscaping along SR 138 (Avenue D) is not established after the 38-month construction period, a maximum of an additional 3 AFY of groundwater supply beyond the 12 AFY of operational groundwater supply proposed, may be drawn for re-establishing landscaping. The additional 3 AFY of water shall be allowed for only the length of time minimally necessary to re-establish the landscaping.
- r. In the event piped recycled water suitable for use in the operation of the project becomes available from the public right-of-way at fair market value adjacent to the project site, the permittee shall obtain necessary permits for connecting to the recycled water, construct access, connect to, and purchase the piped recycled water. Notwithstanding any other provision of this grant, at such time of connection to recycled water, the 12 AFY of operational groundwater supply allowed by this grant shall be reduced to a maximum of 3 AFY of groundwater for operation of the project.
- s. In the event that piped potable water becomes available from the public right-of-way at fair market value adjacent to the project site, the permittee shall obtain necessary permits for connecting to the potable water, construct access, connect to, and purchase the piped potable water. Notwithstanding any other provision of this grant, at such time of connection to the piped potable water, the 12 AFY of operational groundwater supply allowed by this grant shall be reduced to 1 AFY.
- t. In the event that potable or non-potable water supply becomes restricted, trucked wash water may be used for non-potable purposes.
- u. In the event potable groundwater is restricted in the future, the permittee shall purchase water from County authorized water purveyors, including recycled water purveyors for non-potable uses, or conform to the Court and/or



Watermaster rules, regulations, and restrictions, including paying all assessments, if any.

Attachments:

County DPW, Fire, and Public Health Conditions Letters  
MMRP

SZD:KKS

9/15/10



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

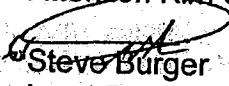
ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

June 30, 2010

IN REPLY PLEASE  
REFER TO FILE: LD-1

TO: Mark Child, AICP  
Zoning Permits I Section  
Department of Regional Planning

Attention Kim Szalay

FROM:   
Steve Burger  
Land Development Division  
Department of Public Works

CONDITIONAL USE PERMIT (CUP) NO. RCUP 200900026  
ANTELOPE VALLEY SOLAR RANCH ONE  
PROJECT NO. R2009-02239  
UNINCORPORATED COUNTY AREA OF ANTELOPE VALLEY

- ☒ Public Works recommends approval of this CUP.
- ☐ Public Works does **NOT** recommend approval of this CUP.

This supersedes our June 15, 2010. We reviewed the revised site plan for the Solar Ranch One project. The project proposes a 230-megawatt, solar-electric, power-generation facility. The project components consist of photovoltaic panel arrays with electrical distribution equipment, an on-site substation, a 20,000-square-foot operation building, and approximately 3.5 miles of off-site transmission lines.

Upon approval of the site plan, we recommend the following conditions:

1. Water

- 1.1 The proposed project is not within the service area of a water utility. The applicant must provide an adequate sustainable supply of potable water from an approved source to the satisfaction of the County of Los Angeles Department of Public Health. Please contact the Public Health at (626) 430-5380 for water availability approval.

- 1.2 A water system maintained by the property owner, with appurtenant facilities to serve all buildings in the project, must be provided. If required, the system must include fire hydrants of the type and location (both on-site and off-site) as determined by the Fire Department. The water mains shall be sized to accommodate the total domestic and fire flows.

For questions regarding the water requirements, please contact Tony Khalkhali at (626) 458-4921 or by e-mail at [tkhalkh@dpw.lacounty.gov](mailto:tkhalkh@dpw.lacounty.gov).

## 2 Grading

- 2.1 Obtain all applicable jurisdictional permits. These agencies may include, but may not be limited to, the State of California Regional Water Quality Control Board; State of California Department of Fish and Game; State of California Department of Conservation, Division of Oil, Gas, and Geothermal Resources; and U.S. Army Corps of Engineers.
- 2.2 Submit a grading plan to Public Works' Land Development Division for review and approval.
- 2.3 Acknowledgement and/or approval from all easement holders may be required.
- 2.4 Provide Public Works' Geotechnical and Materials Engineering Division's approval of the grading plan.
- 2.5 Covenants for off-site grading may be required to the satisfaction of Public Works.

For questions regarding the grading requirements, please contact Sam Richards at (626) 458-4921 or by e-mail at [srich@dpw.lacounty.gov](mailto:srich@dpw.lacounty.gov).

## 3. Road Improvements

- 3.1 Construction within road right of way and private and future streets shall not occur unless a permit is obtained from Public Works for the proposed work or until Tentative Tract No. 71035 has recorded and eliminated the right of way easements.

- 3.2 Dedicate or offer right of way (minimum of 100 feet from centerline) and slope/drainage easements on Avenue D (State Route 138) to the satisfaction of Caltrans and Public Works. Additional right of way may be required for future grade separation at the intersection of Avenue D and 170th Street West to the satisfaction of Caltrans and Public Works.
- 3.3 Make an offer of private and future right of way, 32 feet from centerline, on Avenue C, Avenue C-8, 155th Street West, and 160th Street West between Avenue C-8, Avenue D, 170th Street West, 175th Street West, and 180th Street West along the project frontage.
- 3.4 Dedicate or offer right of way for a standard knuckle at the intersection of 160th Street West and Avenue C-8 and at 175th Street West and Avenue C to the satisfaction of Public Works.
- 3.5 Dedicate or offer slope, drainage, and maintenance easements along the property frontage on 155th Street West, 160th Street West, 170th Street West, 175th Street West, 180th Street West, Avenue B-8, Avenue C, Avenue C-8, and Avenue D to the satisfaction of Public Works.
- 3.6 Provide a property line return radii of 13 feet at all local street intersections and 27 feet at the intersection of local streets with planned highways (those streets identify on the County Highway Plan), where all planned highways intersect, or where one of the roads serves a commercial or industrial development. Provide additional right of way for corner cut-off to meet current Americans with Disabilities Act guidelines to the satisfaction of Public Works.
- 3.7 Secure any related permits for any work within Caltrans' right of way.
- 3.8 Construct rural secondary highway improvements along the property frontage on 170th Street West, including any required transition paving, to the satisfaction of Public Works.
- 3.9 Provide a full scale (40:1) signing and striping plan for 170th Street West in the vicinity of the project to the satisfaction of Public Works.
- 3.10 Obtain an encroachment permit, or establish a franchise agreement, for any work within the road right of way from Public Works' Construction Division, Subdivision and Permit Section.

- 3.11 Acquire street plan approval or direct check status before obtaining grading or drainage permit.
- 3.12 Execute an Agreement to Improve for the street improvements prior to the issuance of a building or grading permit.

For questions regarding the road requirements, please contact Sam Richards at (626) 458-4921 or by e-mail at [srich@dpw.lacounty.gov](mailto:srich@dpw.lacounty.gov).

#### 4. Building and Safety

- 4.1 Submit plans and specifications to meet current, applicable, codes and standards for structures, mechanical, plumbing, and electrical.
- 4.2 All electrical installations shall comply with the following criteria:
  - The portion of the project associated with power generation and transmission shall be designed in accordance with the National Electric Safety Code or in accordance with other standards or regulations acceptable to the building official.
  - The nonpower generation and transmission portion of the project shall be designed in accordance with the National Electric Code or in accordance with other standards or regulations acceptable to the building official.
- 4.3 Comply with fire, life safety, structural, and Americans with Disabilities Act guidelines per the current building codes as needed.
- 4.4 The proposed building must have a restroom for employees.
- 4.5 All foundations must be engineered to comply with existing soil conditions.
- 4.6 Comply with the "Agency Referral List," which will include Health, Fire, and other applicable agencies.

For questions regarding the building and safety requirements, please contact Francis Dominguez at (661) 723-4440 or by e-mail at [fdomingu@dpw.lacounty.gov](mailto:fdomingu@dpw.lacounty.gov).

5. Drainage

- 5.1 Comply with the requirements of the drainage concept/hydrology study/ Standard Urban Stormwater Mitigation Plan/Low-Impact Development Plan, which was conceptually approved on January 27, 2010, to the satisfaction of Public Works.
- 5.2 If the solar panel foundation designs differ significantly from the design in the approved drainage concept, a revised drainage concept may be required to show that there are no additional impacts from the new foundation design (to the satisfaction of Public Works).

For questions regarding the drainage requirements, please contact Christopher Sheppard at (626) 458-4921 or by e-mail at [csheppard@dpw.lacounty.gov](mailto:csheppard@dpw.lacounty.gov).

6. Green Building (Tree Planting)

- 6.1 Due to the unique nature of this project and practical difficulties implementing the tree planting required by Section 22.52.2130.C.5 (Green Building Ordinance), the Director of Public Works grants a modification to those requirements per Section 22.52.2150 of the County Code. As one of the requirements of the modification, prior to construction, the developer shall deposit a sum of \$15,000 to the County of Los Angeles for maintenance and enhancement of existing trees in the Antelope Valley. The money shall be deposited into appropriate accounts to Public Works' satisfaction. At Public Works' discretion, the moneys may be allocated to Public Works for street tree maintenance, to the Department of Parks and Recreation for maintenance and enhancement of trees on County parkland, or to both agencies.

For questions regarding the green building requirements, please contact Steve Burger at (626) 458-4943 or by e-mail at [sburger@dpw.lacounty.gov](mailto:sburger@dpw.lacounty.gov).

If you have any other questions or require additional information, please contact Ruben Cruz at (626) 458-4910 or by e-mail at [rcruz@dpw.lacounty.gov](mailto:rcruz@dpw.lacounty.gov).

RC:ca



**COUNTY OF LOS ANGELES**  
**FIRE DEPARTMENT**

5823 Rickenbacker Road  
Commerce, California 90040-3027

DATE: September 2, 2010

TO: Department of Regional Planning  
Permits and Variances

PROJECT #: R2009-02239 (CUP T200900026)

LOCATION: AV Solar Ranch One - North and South of SR 138 between 155<sup>th</sup> St. W. and 180<sup>th</sup> St. W., Antelope Valley

☒ Comments: THIS PROJECT IS CLEARED BY THE FIRE DEPARTMENT FOR PUBLIC HEARING.

☒ Water: THE FOLLOWING ITEMS SHALL BE PROVIDED DURING THE BUILDING PLAN CHECK PHASE AND APPROVED BY THE FIRE PREVENTION ENGINEERING SECTION:

1. Water storage requirements for the Operations & Maintenance Building shall be determined in accordance with NFPA 13 and NFPA 1142. The higher yield of water shall be provided in a water storage tank with a draft fire hydrant near the entrance to the facility (10,000 gallon minimum).
2. An additional water storage tank (10,000 gallon minimum) shall be provided to serve the south quadrant of the project and shall be located near the entrance from 170<sup>th</sup> Street West. Said tank shall include a draft fire hydrant.

☒ Access: THE FOLLOWING ITEMS SHALL BE PROVIDED DURING THE BUILDING PLAN CHECK PHASE AND APPROVED BY THE FIRE PREVENTION ENGINEERING SECTION:

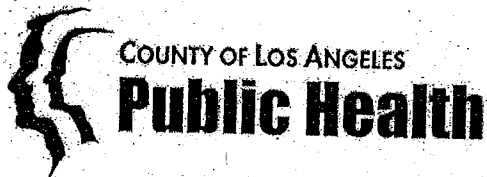
1. Paved fire apparatus access as depicted on the plan labeled "Operations & Maintenance Facility Area" is adequate. Said plan is dated 05-05-2010, and is on file in the LDU office.
2. All weather fire apparatus access to the solar array field and equipment as depicted on the plan labeled "Solar Field Detail" is adequate. Said plan is dated 05-05-2010, and is on file in the LDU office.

☒ Special Requirements: 1. The plan labeled "Vegetation Management and Fire Control" is adequate. Said plan is dated 05-05-2010, and is on file in the LDU office.  
2. Provide perimeter fencing around entire project to prevent debris collection underneath solar panels.  
3. Provide electrical disconnects in accordance with any State of California photovoltaic guidelines and requirements prior to issuance of a building permit.  
4. This project shall comply with LACoFD "Regulation 27 - Requirements for Building Construction and Land Use Within or Adjacent to High Voltage Transmission Lines".  
5. All fire access gates shall comply with LACoFD "Regulation 5 - Limited Access Devices and Systems".

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243

Inspector: **SCOTT JAEGLI**

Land Development Unit – Fire Prevention Division – Office (323) 890-4243 Fax (323) 890-9783



**JONATHAN E. FIELDING, M.D., M.P.H.**  
Director and Health Officer

**JONATHAN E. FREEDMAN**  
Chief Deputy Director

**ANGELO J. BELLOMO, REHS**  
Director of Environmental Health

**ALFONSO MEDINA, REHS**  
Director of Environmental Protection Bureau

**KEN HABARADAS, MS, REHS**  
Acting Environmental Health Staff Specialist  
5050 Commerce Drive  
Baldwin Park, California 91706  
TEL (626) 430-5280 • FAX (626) 960-2740



**BOARD OF SUPERVISORS**

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Fifth District

February 16, 2010

Kim K. Szalay, AICP  
Principal Regional Planning Assistant  
Special Projects Section  
County of Los Angeles  
Department of Regional Planning  
320 West Temple St.  
Los Angeles, CA 90012

**SUBJECT: AV SOLAR RANCH ONE PROJECT**  
**COUNTY PROJECT NO. R2009-02239, CUP NO. 200900126**  
**16500 WEST AVENUE D, LANCASTER, CA93536**

- ☒ Environmental Health recommends approval of this CUP.
- ☐ Environmental Health does NOT recommend approval of this CUP.

This is in response to your request for comments regarding a Conditional Use Permit (CUP) for the project identified above. The Department has reviewed the information provided and has no objection to the approval of this CUP provided that the applicant meets the following conditions:

Potable Water Supply

1. Documentation of an approved water source is required prior to construction / installation of any onsite wastewater treatment system (OWTS). Domestic water supply is proposed to be supplied by the construction of a new well adjacent to the existing irrigation well or in the vicinity of the O&M building. Prior to issuance of any building permits, the applicant shall construct a new well meeting the requirements of Title 11 of the Los Angeles County Code and the California Well Standards. A well drilling permit must be obtained from this Department prior to drilling/construction of the new well. The water supply must meet the requirements of the California Health and Safety Code, Title 22 of the California Code of Regulations, and Title 11 of the Los Angeles County Code.



2. The Department has no records indicating that the existing wells on the Project Site were constructed under permit from this Department and are in conformance with the requirements of the California Well Standards. Therefore, the Department will not approve the use of the existing wells for domestic purposes unless the wells have been brought into compliance with the California Well Standards and the standards of Environmental Health. This includes laboratory analysis of the well water for conformance with chemical and bacteriological requirements of the State Drinking Water Standards, as provided in Title 22 of the California Code of Regulations.

For questions regarding potable water requirements, please contact Richard Lavin, Chief, Drinking Water Program, at (626) 430-5370.

#### Wastewater Disposal

1. Prior to construction / installation of any onsite wastewater treatment system (OWTS), a complete feasibility report shall be submitted to this Department for review and approval. The feasibility report shall be prepared in conformance with the requirements outlined in the Department's guidelines, "Onsite Wastewater Treatment System (OWTS) Guidelines," which was revised in September 2009.
2. If a public sewer connection is available within 200 feet of any part of the proposed O&M building or exterior drainage, all future sewage drainage and piping shall be connected to such public sewer.
3. In the event that the requirements of the Plumbing Code cannot be met on the project Site, due to future grading or for any other reason, the Department will not recommend issuance of any building permits on this site.
4. The applicant is required to contact the Regional Water Quality Control Board to obtain any necessary authorization to proceed with this project.

For questions regarding OWTS requirements, please contact Patrick Nejadian, Chief, Land Use Program, at (626) 430-5380.

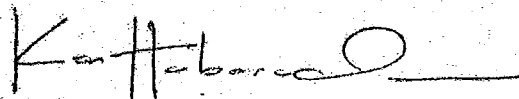
#### Noise

1. Comply with all applicable requirements of the Los Angeles County Noise Control Ordinance as found in Title 12, Chapter 12.08 of the Los Angeles County Code.
2. Comply with mitigation measures listed in the Final Environmental Impact Report with regard to minimizing construction related noise.

For questions regarding noise control requirements, please contact Cole Landowski, Head, Environmental Hygiene, at (626) 430-5440.

If you have any other questions or require additional information, please contact me at (626) 430-5262.

Sincerely,



Ken Habaradas, MS, REHS  
Bureau of Environmental Protection

**FINDINGS OF THE  
REGIONAL PLANNING COMMISSION  
OF THE COUNTY OF LOS ANGELES  
PROJECT NO. R2009-02239-(5)  
VESTING TENTATIVE TRACT MAP NO. 071035**

1. The Los Angeles County Regional Planning Commission ("Commission") conducted a duly noticed public hearing on the matter of Vesting Tentative Tract Map No. 071035 ("VTTM") on June 30, 2010 and September 15, 2010. VTTM No. 071035 was heard concurrently with Conditional Use Permit ("CUP") No. 200900026.
2. VTTM No. 071035 is a proposal for a reversion to acreage from 147 lots to 1 lot on 790 acres in the A-2-5 (Heavy Agricultural-Five Acres Minimum Required Area) zone.
3. CUP No. 200900026 is a related request to authorize construction, operation, and maintenance of a 230 megawatt photovoltaic solar electric power generation facility on 2,093 gross acres (including the 790-acre property included in the VTTM) and on-site grading in excess of 100,000 cubic yards in the A-2-5 (Heavy Agricultural – Five Acres Minimum Required Area) zone; and installation of 0.75 miles of onsite and 1.50 miles of offsite high voltage 230 kilovolt electricity transmission lines in the A-2-5 and A-1-2 (Light Agricultural-Two Acres Minimum Required Area) zones.
4. All portions of the Project site ("Project") covered by the CUP are located within the following boundary extremes: north and south of State Route 138 (Avenue D) between 155<sup>th</sup> Street West to the east and 180<sup>th</sup> Street West to the west, and between West Avenue B-8 to the north and West Avenue E to the south as depicted on the CUP Exhibit "A". Not all properties within these boundary extremes are within the Project. The portion of the Project comprising the VTTM property is bordered by Avenue C to the north, 155<sup>th</sup> Street West to the east, State Route 138 (Avenue D) to the south, and 170<sup>th</sup> Street West to the west as depicted on the VTTM. The Project is located within the Antelope Valley West Zoned District.
5. The subject property is 790 acres in size and currently vacant. It has an "L" shape on primarily flat terrain.
6. Primary access is proposed to be located on 170<sup>th</sup> Street West approximately 0.6 miles north of State Route 138 (Avenue D).
7. The applicant's VTTM, dated March 01, 2010, depicts the underlying 147 unimproved lots, generally five acres in lot area each and rectangular or square in shape on 790 acres. The subdivided lots were created by Tract No. 34457 approved by the Los Angeles County Board of Supervisors on November 24, 1987. The applicant proposes to revert the 147 lots back to one lot for use by the proposed photovoltaic solar power generation facility within the 2,093-acre Project site as proposed in the associated conditional use permit request.
8. The applicant's site plan, labeled Exhibit "A" in CUP No. 200900026 includes the 790-acre reversion to acreage site within the entire 2,093-acre Project site. The Exhibit "A" depicts a 230-megawatt solar photovoltaic electric power generation facility includes

approximately 80,000 photovoltaic panel arrays including optional use of sun-tracking or fixed, tilt or horizontal array units; associated electrical and distribution equipment including approximately 185 electrical equipment structures with the option to be unenclosed or enclosed; onsite unenclosed electricity substation; operations and maintenance building; a 230-kilovolt transmission line approximately 4.25 miles in length (approximately 2.25 miles within unincorporated Los Angeles County and 2 miles within Kern County) within the 170<sup>th</sup> Street West public right of way in unincorporated Los Angeles County, and on private property and/or 170<sup>th</sup> Street West public right of way in Kern County, connecting to Southern California Edison proposed Whirlwind substation facilities in Kern County; undergrounding of all high-voltage transmission lines located within unincorporated Los Angeles County with the exception of two required above-ground crossings of the public right of way; onsite 34.5 kilovolt transmission line proposed within 170<sup>th</sup> Street West public right of way and private property; undergrounding all of the low-voltage transmission lines except as required to include one above ground crossing of the public right of way and approximately four required above ground crossings over jurisdictional drainages within the project site; a maximum of 180,000 cubic yards of balanced grading for flood control management; employee parking area; perimeter fencing; associated access roads; native landscaping screening north and south of SR 138 (Avenue D); new potable water well and use of existing wells for non-potable uses; two above ground water tanks (approximately 10,000 and 100,000 gallons); construction of onsite septic and leach-field system; and demolition of all existing structures on-site including two residences, a mobile home, and accessory structures. The proposed project will require approximately 150 acre feet of water per year during construction of the project for a period not to exceed 38 months. On-going operation of the project will require approximately 12 acre feet per year of water supply, of which three acre feet per year are required to be potable.

9. The subject 790-acre VTTM property is depicted within the N1 (Non-Urban 1) land use category of the Antelope Valley Areawide General Plan ("Area Plan") Land Use Policy Map. The Area Plan is a component of the Los Angeles Countywide General Plan ("General Plan").
10. The property included in the VTTM is currently zoned A-2-5. The existing A-2-5 zoning was created by Ordinance No. 7086 establishing the Antelope Valley West Zoned District on January 15, 1957.
11. Six Certificates of Compliance have been issued on various lots on the subject property to certify compliance with the Subdivision Map Act. The subject property is comprised of a total of 179 lots. After proposed reversion to acreage of the 147 lots to one lot, the property would be comprised of 33 lots.

12. Surrounding land uses within a 500-foot radius of the property included in the VTTM include vacant parcels and Joshua Tree Woodland Habitat Significant Ecological Area ("SEA") No. 60 to the north and east, and vacant parcels within the proposed Project area to the south and west.
13. The surrounding areas within a 500-foot radius of the property included in the VTTM are zoned A-1-2 (Light Agricultural – Two Acre Minimum Required Area) to the north, A-2-5 and A-2-2 (Heavy Agricultural – Two Acre Minimum Required Area) to the east and A-2-5 to the south and west.
14. Approximately six (6) items of written correspondence in support of the Project were received including support for developing additional renewable energy generation facilities and creating jobs including "green" jobs. Proponents in favor included, but are not limited to, the Governor of California, Arnold Schwarzenegger, State Assemblyman, Thirty-Sixth District, Steve Knight, the City Manager of Lancaster, CA, the Antelope Acres Town Council, the Lancaster and Rosamond Chambers of Commerce president and C.E.O., and the president of the Antelope Valley Board of Trade.
15. Four (4) items of written correspondence from the public expressing concerns about the Project were received, including concerns about loss of agricultural and open space lands, concerns about project proximity to other existing private properties and possible negative effect on property values, potential night lighting spillover, potential impacts to Joshua trees, amount of earth moving proposed, fencing type, and drainage and stormwater management. Proponents with concerns about the project included certain attendees of a meeting with the Association of Rural Town Councils (ARTC) and other private citizens as summarized in an e-mail correspondence from the President of the ARTC.
16. Two (2) items of written correspondence inquiring about the location of their property in relationship to the subject property were received by Planning staff.
17. A duly noticed public hearing was held on June 30, 2010 before the Regional Planning Commission. Commissioners Bellamy, Rew, Helsley, and Modugno were present. Commissioner Valadez was absent. The Commission heard a presentation of the Project by staff and testimony from the applicant. The applicant and two persons testified in favor of the project and two persons testified with concerns regarding the Project. Approximately 25 members of the public were present at the public hearing plus the applicant and the applicant's consultant team. The Regional Planning Commission directed staff and the applicant to further address the following issues:
  - Clarify and provide the possibility of capturing rainwater and washwater runoff
  - Provide decommissioning financial assurances

- Provide a cost/benefit comparison of undergrounding versus above ground transmission line installations
- Investigate fencing options so as to be of a suitable color to blend with the surrounding terrain
- Clarify and provide numbers of tracking solar panels and fixed tilt solar panels proposed
- Verify and provide the current market rate per kilowatt hour for purchase of electrical power
- Provide potential high-value mitigation sites for the required 450 acres of offsite mitigation land
- Clarify night lighting requirements and proposal
- Verify and provide the Federal funding critical timeline requirements

There being no further testimony or discussion, the Commission voted 4-0 to continue the public hearing to September 15, 2010, to provide time for staff and the applicant to provide the additional items requested and for staff to prepare the Final Environmental Impact Report and Findings and Conditions for action on the requested CUP and VTTM.

18. The June 30, 2010 public hearing before the Commission was continued on September 15, 2010. Commissioners Bellamy, Rew, Helsley, and Modugno were present. Commissioner Valadez was absent. The Commission directed staff to amend Condition No. 20 pertaining to decommissioning of the site and received staff amendments. The applicant and four members of the public testified in favor of the project. No testifiers spoke against the project. Approximately eight members of the public were present at the public hearing in addition to the applicant's team of approximately six persons. The president of the Antelope Acres Town Council testified that the Council's unanimous support of the project as reflected in the March 23, 2009 letter previously submitted to the Commission continued to apply at the present time. A representative of the Desert and Mountains Conservancy ("Conservancy") testified that the governing board of the Conservancy approved an agreement with the applicant to receive 450 acres of mitigation land as it becomes available according to all of the requirements of the subject mitigation measures in the Mitigation Monitoring and Reporting Program ("MMRP") associated with the project. Representatives of the Greater Antelope Valley Economic Alliance and the Los Angeles Economic Development Corporation testified on the economic development benefits of the project. There being no further testimony, the Commission adopted the Environmental Impact Report ("EIR"), associated MMRP and California Environmental Quality Act Findings of Fact, and approved the Conditional Use Permit, Vesting Tentative Tract Map, and associated conditional use permit and vesting tentative tract map Findings and Conditions.

19. The reversion to acreage land division is consistent with the goals and policies of the General Plan and the N-1 (Non-Urban 1) land use designation and goals and policies of the Area Plan. The project meets the definition of a "utility installation" referenced in the listing of non-urban non-residential land uses allowed in remote areas designated Non-Urban 1 (Antelope Valley Areawide General Plan, Pg. VI-5). The subject VTTM portion of the project is a reversion to acreage from 147 lots to one 790-acre lot for use as part of the solar utility installation proposed.
20. The Project is consistent with the proposed A-2-5 zone, as the proposed development meets the design standards of the zone and the proposed uses are allowed within the zone subject to a conditional use permit. Section 22.24.140 of the Los Angeles County Zoning Ordinance permits "Electric distribution substations, electric transmission substations and generating plants, including microwave facilities used in conjunction with any one thereof" and "Grading projects, on-site" when a conditional use permit has been obtained. The VTTM would allow the consolidation of smaller lots in order to develop a large scale solar electricity generating facility.
21. The proposed Project is required to comply with the development standards of the A-2 zone pursuant to Section 22.24.170 of the County Code, except as otherwise modified by the CUP.
22. The technical and engineering aspects of the project have been resolved to the satisfaction of the Los Angeles County Departments of Public Works, Fire, Parks and Recreation, Public Health, and Regional Planning.
23. Compatibility with surrounding land uses will be ensured through the related conditions of the CUP.
24. The proposed reversion to acreage and the provisions for its design and improvement are consistent with the goals and policies of the General Plan and Area Plan.
25. The housing and employment needs of the region were considered and balanced against the public service needs of local residents and available fiscal and environmental resources when the project was determined to be consistent with the General Plan and Area Plan.
26. The reversion to acreage site is physically suitable for the density and type of development proposed, since it has access to a County-maintained street and will be served by an on-site septic system and water well with sufficient capacity to meet domestic and fire protection needs. No residential units are proposed.

27. The design of the reversion to acreage will not cause serious public health problems, since sewage disposal, storm drainage, fire protection, and geological and soils factors are addressed in the Project CUP conditions of approval and MMRP.
28. As the reversion to acreage parcel is proposed to be at least five acres in size, no improvements are required.
29. The design of the reversion to acreage will not directly cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat. The Project impacts have been analyzed within the context of the overall Project and its design in the associated Environmental Impact Report and Mitigation and Monitoring Program.
30. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities therein. The majority of the Project development is comprised of open air solar panels and associated electrical equipment. Underground transmission lines are designed to use thermal concrete providing necessary dispersion of heat.
31. The reversion to acreage and development of the property in the manner set forth on this map will not unreasonably interfere with the free and complete exercise of public entity and/or public utility rights-of-way and/or easements within this map, since the design and development as set forth in the conditions of approval and shown on the vesting tentative tract map provide adequate protection for any such easements.
32. Pursuant to Article 3.5 of the Subdivision Map Act, the proposed reversion to acreage does not contain or front upon any public waterway, river, stream, coastline, shoreline, lake or reservoir.
33. Pursuant to Chapter 6 Article 1 Section 66499.16 of the Subdivision Map Act, the subdivided real property is reverted to acreage since dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes and the subdivider has consented to reversion as documented in the Project application and associated materials filed.
34. This tract map has been submitted as a "vesting" tentative tract map. As such, it is subject to the provisions of Sections 21.38.010 through 21.38.080 of the County Code.
35. An Initial Study was prepared for this Project in compliance with the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et. seq.), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study identified potentially significant effects on the environment. Based on the Initial Study, a Draft

Environmental Impact Report ("DEIR") was prepared for this project. The public comment period for the DEIR began on June 16, 2010 and ended on July 30, 2010 (45 days). After the public comment period ended, a Final Environmental Impact Report ("FEIR") was prepared with response to comments received during the public comment period. Mitigation measures are necessary in order to ensure the proposed project will not have a significant effect on the environment, and such measures have been included in the Mitigation Monitoring and Reporting Program ("MMRP").

36. After consideration of the attached Environmental Impact Report ("EIR") and MMRP together with any comments received during the public review process, the Commission finds on the basis of the whole record before the Commission that there will be no significant impacts to the environment. Potential significant impacts that were analyzed in the EIR include geotechnical hazards, flood hazards, fire hazards, water quality, air quality, biological resources, cultural and paleontological resources, visual qualities, traffic and access, fire protection services, sheriff services, utility services, environmental safety, land use, and global climate change. Agricultural resources and noise were also analyzed even though the Initial Study did not identify them as potential impacts. Change of character and growth inducing impacts were analyzed as other considerations for analysis in the EIR. The EIR concludes that all of these potential impacts were determined to be either less than significant without further mitigation (fire protection services, sheriff services, utility services, and global climate change), or, can be mitigated to a level of less than significant with further mitigation (geotechnical hazards, flood hazards, fire hazards, water quality, air quality, biological resources, cultural resources, agricultural resources, visual qualities, traffic and access, environmental safety, land use, noise, and change of character).
37. This project has not been determined by the California Department of Fish and Game ("CDFG") to have "no effect" on fish and wildlife resources. Therefore, the project is not exempt from CDFG fees pursuant to Section 711.4 of the California Fish and Game Fee.
38. Approval of the VTTM is conditioned on the permittee's compliance with the attached Conditions of Approval.
39. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13<sup>th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Special Projects Section, Regional Planning.



**THEREFORE, THE REGIONAL PLANNING COMMISSION:**

1. After consideration of the attached EIR and MMRP together with any comments received during the public review process, the Commission finds on the basis of the whole record before the Commission that there will be no significant impacts to the environment. After review and consideration of the EIR, the Regional Planning Commission certifies that the EIR has been completed in compliance with the California Environmental Quality Act and the State and County guidelines related thereto, and that the document reflects the independent judgment and analysis of the Commission, and determines that the significant adverse effects of the project, as described in the EIR, have been reduced to an acceptable level.
2. The MMRP for the proposed project incorporated in the EIR, is approved and adopted, and, pursuant to Section 21081.6 of the Public Resources Code, the Commission finds that the MMRP is adequately designed to ensure compliance with the mitigation measures during project implementation.
3. In view of the findings of fact and conclusions presented above, Vesting Tentative Tract Map No. 071035 is **APPROVED** subject to the attached conditions, and recommendations of the Subdivision Committee.

SZD:KKS  
9/15/10

**DEPARTMENT OF REGIONAL PLANNING  
PROJECT NO. R2009-02239-(5)  
VESTING TENTATIVE TRACT MAP NO. 071035**

**MAP DATE: 3/01/10  
EXHIBIT "A" DATE: 5/18/10**

**CONDITIONS:**

1. This grant authorizes use of the 790-acre subject property for a reversion to acreage from 147 lots to one lot as depicted on the approved Vesting Tentative Tract Map ("VTTM") dated March 01, 2010.
2. Except as modified herein, this approval is subject to the requirements of the Los Angeles County Code (Title 21, Subdivision Ordinance and Title 22, Zoning Ordinance); the A-2-5 zone; to all those conditions set forth in Conditional Use Permit ("CUP") No. 200900026; to all those conditions set forth in the attached reports recommended by the Los Angeles County Subdivision Committee that consists of the Department of Public Works, Fire Department, Department of Parks and Recreation, and Department of Public Health, which are incorporated herein by this reference; and the attached Mitigation Monitoring and Reporting Program ("MMRP"), which is included in the adopted Environmental Impact Report for the Project and incorporated herein by this reference.
3. Prior to use of this grant, the subdivider or any successor in interest of the subdivider (herein after collectively "subdivider") shall submit evidence that the MMRP and the Conditions of the associated CUP No. 200900026 have been recorded in the office of the County Recorder.
4. Within 30 days of tentative map approval, the subdivider shall record a covenant with attached map with the County agreeing to comply with the required environmental mitigation measures. Prior to recordation of the covenant, the subdivider shall submit a draft copy of said covenant to the Director of Regional Planning ("Director") for review and approval.
5. The mitigation measures set forth in the "Mitigation Monitoring and Reporting Program" section of the Final Environmental Impact Report ("Final EIR") for the Project are incorporated by this reference and attached and made conditions of the VTTM. The subdivider shall comply with all such mitigation measures in accordance with the attached MMRP. As a means of ensuring the effectiveness of the mitigation measures, the subdivider shall submit mitigation monitoring reports to Regional Planning as frequently as may be required by Regional Planning. The reports shall describe the status of the subdivider's compliance with the required mitigation measures.
6. The subdivider shall show State Route 138 (Avenue D), 170<sup>th</sup> Street West, Avenue C, Avenue C-8 between 155<sup>th</sup> Street West and 160<sup>th</sup> Street West, 155<sup>th</sup> Street West, and 160<sup>th</sup> Street West between Avenue C-8 and State Route 138 (Avenue D) as dedicated streets on the final map.

7. The subdivider shall dedicate vehicular access rights on the final map from all abutting lots directly to SR 138 (Avenue D) to the satisfaction of the Department of Regional Planning.
8. The subdivider shall dedicate the right to restrict vehicular access on the final map from abutting lots to 170<sup>th</sup> Street West to the satisfaction of the Department of Regional Planning.
9. The subdivider shall depict and label the required slope/drainage easements for future roadway improvements along all future streets on the final map.
10. A final parcel map is required for this land division. A waiver is not allowed.
11. The subdivider shall construct or bond with and to the satisfaction of the Los Angeles County Department of Public Works for "Private Driveway and Fire Lane" driveway paving in widths as shown on the approved Exhibit "A", dated May 18, 2010, to the satisfaction of the Los Angeles County Department of Regional Planning and Los Angeles County Fire Department.
12. Within 3 days of the approval date of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination (NOD) for Project No. R2009-02239-(5), which includes VTTM No. 071035 and CUP No. 200900026 in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code, the following applicable fee is required, \$2,867.25 (\$2,792.25 for an Environmental Impact Report plus \$75.00 processing fee). No land use project subject to this requirement is final, vested or operative until the fee is paid.
13. Within sixty (60) days of VTTM approval, the permittee shall deposit the sum of \$6,000.00 with the Department of Regional Planning in order to defray the cost of reviewing and verifying the information contained in the reports required by the MMRP.
14. The regulations of the Green Building, Drought-Tolerant Landscaping and Low Impact Development ordinances (Section 22.52 Parts 20, 21, and 22 of the Los Angeles County Code) apply to the subject Project. All future development on the subject property shall comply with said regulations.
15. The subdivider shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County, its agents, officers, and employees to attack, set aside, void, or annul this tract map approval, or the related discretionary approvals, whether legislative or quasi-judicial, which action is brought within the applicable limitation period of Government Code Section 66499.37 or any other applicable limitation period. The County shall

promptly notify the subdivider of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to cooperate fully in the defense, the subdivider shall not, thereafter, be responsible to defend, indemnify, or hold harmless the County.

16. In the event that any claim, action, or proceeding as described above is filed against the County, the subdivider shall within 10 days of the filing, pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expense involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to subdivider or subdivider's counsel. The subdivider shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred by the department reach 80 percent of the amount on deposit, the subdivider shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
  - b. At the sole discretion of the subdivider, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.
  - c. The cost for collection and duplication of records and other related documents will be paid by subdivider in accordance with Section 2.170.010 of the Los Angeles County Code.

Attachments:

Subdivision Committee Reports  
Mitigation Monitoring and Reporting Program

SZD:KKS  
9/15/10

The following reports consisting of 11 pages are the recommendations of Public Works.

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Details and notes shown on the tentative map are not necessarily approved. Any details or notes which may be inconsistent with requirements of ordinances, general conditions of approval, or Department policies must be specifically approved in other conditions, or ordinance requirements are modified to those shown on the tentative map upon approval by the Advisory agency.
2. Easements are tentatively required, subject to review by the Director of Public Works to determine the final locations and requirements.
3. Easements shall not be granted or recorded within areas proposed to be granted, dedicated, or offered for dedication for public streets, highways, access rights, building restriction rights, or other easements until after the final map is filed with the Registrar-Recorder/County Clerk's Office. If easements are granted after the date of tentative approval, a subordination must be executed by the easement holder prior to the filing of the final map.
4. In lieu of establishing the final specific locations of structures on each lot/parcel at this time, the owner, at the time of issuance of a grading or building permit, agrees to develop the property in conformance with the County Code and other appropriate ordinances such as the Building Code, Plumbing Code, Grading Ordinance, Highway Permit Ordinance, Mechanical Code, Zoning Ordinance, Underground of Utilities Ordinance, Water Ordinance, Sanitary Sewer and Industrial Waste Ordinance, Electrical Code, and Fire Code. Improvements and other requirements may be imposed pursuant to such codes and ordinances.
5. Adjust, relocate, and/or eliminate lot lines, lots, streets, easements, grading, geotechnical protective devices, and/or physical improvements to comply with ordinances, policies, and standards in effect at the date the County determined the application to be complete all to the satisfaction of Public Works.

COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
LAND DEVELOPMENT DIVISION – SUBDIVISION

TRACT NO. 71035 (Rev.)

TENTATIVE MAP DATED 03-01-2010

6. All easements existing at the time of final map approval must be accounted for on the approved tentative map. This includes the location, owner, purpose, and recording reference for all existing easements. If an easement is blanket or indeterminate in nature, a statement to that effect must be shown on the tentative map in lieu of its location. If all easements have not been accounted for, submit a corrected tentative map to the Department of Regional Planning for approval.
7. Quitclaim or relocate easements running through proposed structures.
8. The following note shall be placed on all tract and parcel maps with lot sizes of five acres or more: "Further division of this property to lot/parcel sizes below five acres will require standard improvements be completed as a condition of approval. The improvements will include but not limited to providing access, installation of water mains, appurtenances and fire hydrants, and conformance to Los Angeles County development standards."
9. Extend lot lines to the center of private and future streets.
10. Grant ingress/egress and utility easements to the public over the private and future or future streets.
11. The final map shall be recorded as parcel map rather than a tract map.
12. A final parcel map must be processed through the Director of Public Works prior to being filed with the Registrar-Recorder/County Clerk's Office.
13. Prior to submitting the tract map to the Director of Public Works for examination pursuant to Section 66442 of the Government Code, obtain clearances from all affected Departments and Divisions, including a clearance from the Subdivision Mapping Section of the Land Development Division of Public Works for the following mapping items; mathematical accuracy; survey analysis; and correctness of certificates, signatures, etc.
14. A final guarantee will be required at the time of filing of the final map with the Registrar-Recorder/County Clerk's Office.

COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
LAND DEVELOPMENT DIVISION – SUBDIVISION  
TRACT NO. 71035(Rev.)

Page 3/3

TENTATIVE MAP DATED 03-01-2010

15. Within 30 days of the approval date of this land use entitlement or at the time of first plan check submittal, the applicant shall deposit the sum of \$2,000 (Minor Land Divisions) or \$5,000 (Major Land Divisions) with Public Works to defray the cost of verifying conditions of approval for the purpose of issuing final map clearances. This deposit will cover the actual cost of reviewing conditions of approval for Conditional Use Permits, Tentative Tract and Parcel Maps, Vesting Tentative Tract and Parcel Maps, Oak Tree Permits, Specific Plans, General Plan Amendments, Zone Changes, CEQA Mitigation Monitoring Programs and Regulatory Permits from State and Federal Agencies (Fish and Game, USF&W, Army Corps, RWQCB, etc.) as they relate to the various plan check activities and improvement plan designs. In addition, this deposit will be used to conduct site field reviews and attend meetings requested by the applicant and/or his agents for the purpose of resolving technical issues on condition compliance as they relate to improvement plan design, engineering studies, highway alignment studies and tract/parcel map boundary, title and easement issues. When 80% of the deposit is expended, the applicant will be required to provide additional funds to restore the initial deposit. Remaining balances in the deposit account will be refunded upon final map recordation.

*HW*  
Prepared by *Jkc* John Chin  
tr71035L-rev1.doc

Phone (626) 458-4918

Date 03-24-2010



**COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS**

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
WWW.DPW.LACOUNTY.GOV

TRACT NO.: 71035

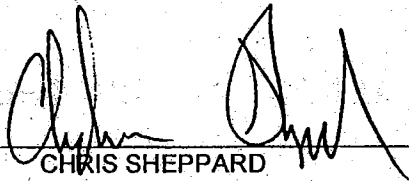
TENTATIVE MAP DATE: 3/1/10

STORM DRAIN AND HYDROLOGY SECTION CONDITIONS OF APPROVAL, PHONE: (626) 458-4921

**Prior to Final Map Approval:**

1. Provide a note of flood hazard on the final map and delineate the areas subject to flood hazard. Show and label all natural drainage courses. Dedicate to the County the right to restrict erection of buildings in the flood hazard area. This is required to the satisfaction of the Department of Public Works prior to the filing of the final map. NOTE: "Portions of Parcel 1 in and adjacent to the natural drainage courses are subject to flood hazard"
2. Dedicate easements to Los Angeles County for "Flood Control Purposes" per Antelope Valley Master Drainage Plan and as shown on Exhibit A of CUP R2009-02239(5). Easements must be delineated on the Final Map to the satisfaction of the Department of Public Works.

PZ  
Name

  
CHRIS SHEPPARD

Date 3/22/10 Phone (626) 458-4921



**County of Los Angeles Department of Public Works  
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION  
GEOLOGIC REVIEW SHEET  
900 So. Fremont Ave., Alhambra, CA 91803  
TEL. (626) 458-4925**

**DISTRIBUTION**  
 \_\_\_\_\_ Geologist  
 \_\_\_\_\_ Soils Engineer  
1 GMED File  
1 Subdivision

**TENTATIVE TRACT / PARCEL MAP** 71035  
**SUBDIVIDER** AV Solar Ranch 1, LLC  
**ENGINEER** Westwood Professional Services, Inc.  
**GEOLOGIST** \_\_\_\_\_  
**SOILS ENGINEER** \_\_\_\_\_

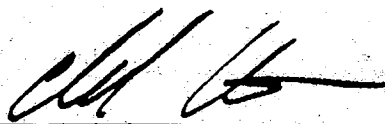
**TENTATIVE MAP DATED** 3/1/10 (Rev.)  
**LOCATION** Lancaster  
**GRADING BY SUBDIVIDER [N] (Y or N)**  
**REPORT DATE** \_\_\_\_\_  
**REPORT DATE** \_\_\_\_\_

**TENTATIVE MAP FEASIBILITY IS RECOMMENDED FOR APPROVAL FROM A GEOLOGIC STANDPOINT**

**THE FOLLOWING INFORMATION IS APPLICABLE TO THIS DIVISION OF LAND:**

- The Final Map does *not* need to be reviewed by GMED.
- Geology and/or soils engineering reports may be required prior to approval of building or grading plans.
- The Soils Engineering review dated 3/23/10 is attached.

Prepared by

  
 Charles Nestle

Reviewed by

Date

3/23/10

Please complete a Customer Service Survey at <http://dpw.lacounty.gov/go/gmedsurvey>

**COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION**

**SOILS ENGINEERING REVIEW SHEET**

Address: 900 S. Fremont Ave., Alhambra, CA 91803  
Telephone: (626) 458-4925  
Fax: (626) 458-4913

District Office 5.0  
Job Number LX001129  
Sheet 1 of 1

Tentative Parcel Map 71035  
Location Antelope Valley  
Developer/Owner AV Solar Ranch 1, LLC  
Engineer/Architect Westwood  
Soils Engineer \_\_\_\_\_  
Geologist \_\_\_\_\_

**DISTRIBUTION:**

\_\_\_\_ Drainage  
\_\_\_\_ Grading  
\_\_\_\_ Geo/Soils Central File  
\_\_\_\_ District Engineer  
\_\_\_\_ Geologist  
\_\_\_\_ Soils Engineer  
\_\_\_\_ Engineer/Architect

Review of:

Tentative Parcel Map Dated by the Processing Center 3/1/10

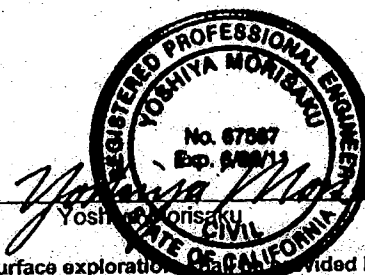
**ACTION:**

Tentative Map feasibility is recommended for approval, subject to conditions below:

**REMARKS:**

1. Soils engineering report may be required prior to approval of grading or building plans.
2. At the grading plan stage, submit two sets of grading plans to the Soils Section for verification of compliance with County codes and policies.

Reviewed by \_\_\_\_\_



Date 3/23/10

**NOTICE:** Public safety, relative to geotechnical subsurface exploration, is provided in accordance with current codes for excavations, inclusive of the Los Angeles County Code, Chapter 11.48, and the State of California, Title 8, Construction Safety Orders.  
P:\Yosh\71035, TentPM-A\_1

COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
LAND DEVELOPMENT DIVISION - GRADING  
TRACT MAP NO. 71035

Page 1/1

TENTATIVE MAP DATED 03-01-2010  
EXHIBIT MAP DATED 03-01-2010

1. Approval of this map pertaining to grading is recommended.

**COMMENTS/ADDITIONAL REQUIREMENTS:**

1. No Grading is proposed

*MDE* Name David Esfandi Date 03/22/10 Phone (626) 458-4921

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The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. A minimum centerline curve length of 100 feet shall be maintained on all local streets. A minimum centerline curve radius of 100 feet shall be maintained on all cul-de-sac streets. Reversing curves of local streets need not exceed a radius of 1,500 feet, and any curve need not exceed a radius of 3,000 feet.
2. The minimum centerline radius is 350 feet on all local streets with 64 feet of right of way and on all the streets where grades exceed 10 percent.
3. The centerline of all local streets shall be aligned without creating jogs of less than 150 feet. A one-foot jog may be used where a street changes width from 60 feet to 58 feet of right of way.
4. The central angles of the right of way radius returns shall not differ by more than 10 degrees on local streets.
5. Dedicate the right to restrict vehicular access on 170<sup>th</sup> Street West.
6. Dedicate or offer right of way minimum of 100 feet from centerline and slope/drainage easements on Avenue D (State Route 138) to the satisfaction of Caltrans and Public Works. Additional right of way may be required for future grade separation at the intersection of Avenue D and 170<sup>th</sup> Street West to the satisfaction of Caltrans and Public Works.
7. Make an offer of private and future right of way 32 feet from centerline on Avenue C, Avenue C-8, 155<sup>th</sup> Street West, and 160<sup>th</sup> Street West between Avenue C-8 and Avenue D.
8. Dedicate or offer right of way for a standard knuckle at the intersection of 160<sup>th</sup> Street West and Avenue C-8 to the satisfaction of Public Works.
9. Dedicate or offer slope/drainage easements along all future or private and future streets to the satisfaction of Public Works.
10. Provide property line return radii of 13 feet at all local street intersections, and 27 feet at the intersection of local streets with planned highways (those on the County Highway Plan) and where all planned highways intersect or where one of

COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
LAND DEVELOPMENT DIVISION - ROAD  
TRACT NO. 71035(Rev)

Page 2/2

TENTATIVE MAP DATED 03-01-2010

the roads serves a commercial or industrial development plus additional right of way for corner cut off to meet current guidelines of the Americans with Disabilities Act (ADA) to the satisfaction of Public Works.

11. Permission is granted to vacate excess right of way providing the adjoining property owners have the underlying ownership of the portion of street to be vacated. Easements shall be provided for all utility companies that have facilities remaining within the vacated area.

 Prepared by Sam Richards

Phone (626) 458-4921

Date 03-22-2010

tr71035r-rev.


COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
LAND DEVELOPMENT DIVISION - SEWER  
TRACT NO. 71035 (Rev.)

Page 1/1

TENTATIVE MAP DATED 03-01-2010

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Approved without conditions. There are no existing public sewer facilities within proximity of the project and the applicant proposes to use private sewer systems.
2. The use and installation of a private sewage system must be approved by the Department of Health Services. Please call (626) 430-5380 for additional information and requirements.

  
Prepared by Julian Garcia  
tr71035s-rev1.doc

Phone (626) 458-4921

Date 03-23-2010


COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
LAND DEVELOPMENT DIVISION - WATER  
TRACT NO. 71035 (Rev.)

Page 1/1

TENTATIVE MAP DATED 03-01-2010

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following item:

Approved without conditions. This is a 20+ acre subdivision.

  
Prepared by Julian Garcia  
tr71035w-rev1.doc

Phone (626) 458-4921

Date 03-23-2010



COUNTY OF LOS ANGELES  
FIRE DEPARTMENT

5823 Rickenbacker Road  
Commerce, California 90040

RP - Kim Szalay

CONDITIONS OF APPROVAL FOR SUBDIVISION - UNINCORPORATED

Project No: R2009-02239 (TR 71035) Map Date: March 01, 2010

C.U.P. T200900026 Vicinity: 09A5

- ☐ FIRE DEPARTMENT HOLD on the tentative map shall remain until verification from the Los Angeles County Fire Dept. Planning Section is received, stating adequacy of service. Contact (323) 881-2404.
- ☒ Access shall comply with Title 21 (County of Los Angeles Subdivision Code) and Section 503 of the Fire Code, which requires all weather access. All weather access may require paving.
- ☒ Fire Department access shall be extended to within 150 feet distance of any exterior portion of all structures.
- ☒ Where driveways extend further than 150 feet and are of single access design, turnarounds suitable for fire protection equipment use shall be provided and shown on the final map. Turnarounds shall be designed, constructed and maintained to insure their integrity for Fire Department use. Where topography dictates, turnarounds shall be provided for driveways that extend over 150 feet in length.
- ☐ The private driveways shall be indicated on the final map as "Private Driveway and Firelane" with the widths clearly depicted. Driveways shall be maintained in accordance with the Fire Code.
- ☐ Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested and accepted prior to construction.
- ☐ This property is located within the area described by the Fire Department as "Very High Fire Hazard Severity Zone" (formerly Fire Zone 4). A "Fuel Modification Plan" shall be submitted and approved prior to the Public Hearing. (Contact: Fuel Modification Unit, Fire Station #32, 605 North Angeleno Avenue, Azusa, CA 91702-2904, Phone (626) 969-5205 for details).
- ☒ Provide Fire Department or City approved street signs and building access numbers prior to occupancy.
- ☐ Additional fire protection systems shall be installed in lieu of suitable access and/or fire protection water.
- ☐ The final concept map, which has been submitted to this department for review, has fulfilled the conditions of approval recommended by this department for access only.
- ☐ These conditions must be secured by a C.U.P. and/or Covenant and Agreement approved by the County of Los Angeles Fire Department prior to final map clearance.
- ☒ The Fire Department has no additional requirements for this division of land.

Comments: Fire Department access requirements will be determined with the CUP review (Permit Number T200900026).

By Inspector: Juan C. Padilla Date March 23, 2010

Land Development Unit - Fire Prevention Division - (323) 890-4243, Fax (323) 890-9783





# COUNTY OF LOS ANGELES FIRE DEPARTMENT

5823 Rickenbacker Road  
Commerce, California 90040

## WATER SYSTEM REQUIREMENTS - UNINCORPORATED

Project No: R2009-02239 (TR 71035) Map Date: March 01, 2010  
C.U.P. T200900026

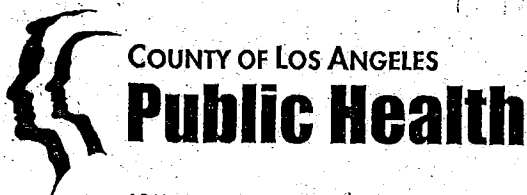
- ☒ The County Forester and Fire Warden is prohibited from setting requirements for water mains, fire hydrants and fire flows as a condition of approval for this division of land as presently zoned and/or submitted. However, water requirements may be necessary at the time of building permit issuance.
- ☐ The required fire flow for public fire hydrants at this location is \_\_\_\_ gallons per minute at 20 psi for a duration of \_\_\_\_ hours, over and above maximum daily domestic demand. \_\_\_\_ Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.
- ☐ The required fire flow for private on-site hydrants is \_\_\_\_ gallons per minute at 20 psi. Each private on-site hydrant must be capable of flowing \_\_\_\_ gallons per minute at 20 psi with two hydrants flowing simultaneously, one of which must be the furthest from the public water source.
- ☐ Fire hydrant requirements are as follows:
- Install \_\_\_\_ public fire hydrant(s). Verify / Upgrade existing \_\_\_\_ public fire hydrant(s).
- Install \_\_\_\_ private on-site fire hydrant(s).
- ☐ All hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal. All on-site hydrants shall be installed a minimum of 25' feet from a structure or protected by a two (2) hour rated firewall.
- ☐ Location: As per map on file with the office.
- ☐ Other location: \_\_\_\_
- ☐ All required fire hydrants shall be installed, tested and accepted or bonded for prior to Final Map approval. Vehicular access shall be provided and maintained serviceable throughout construction.
- ☐ The County of Los Angeles Fire Department is not setting requirements for water mains, fire hydrants and fire flows as a condition of approval for this division of land as presently zoned and/or submitted.
- ☒ Additional water system requirements will be required when this land is further subdivided and/or during the building permit process.
- ☐ Hydrants and fire flows are adequate to meet current Fire Department requirements.
- ☐ Fire hydrant upgrade is not necessary, if existing hydrant(s) meet(s) fire flow requirements. Submit original water availability form to our office.

Comments: Fire Department water requirements will be determined with the CUP review (Permit Number T200900026).

All hydrants shall be installed in conformance with Title 20, County of Los Angeles Government Code and County of Los Angeles Fire Code, or appropriate city regulations. This shall include minimum six-inch diameter mains. Arrangements to meet these requirements must be made with the water purveyor serving the area.

By Inspector Juan C. Padilla Date March 23, 2010

Land Development Unit -- Fire Prevention Division -- (323) 890-4243, Fax (323) 890-9783



JONATHAN E. FIELDING, M.D., M.P.H.  
Director and Health Officer

JONATHAN E. FREEDMAN  
Chief Deputy Director

ANGELO J. BELLOMO, REHS  
Director of Environmental Health

ALFONSO MEDINA, REHS  
Director of Environmental Protection Bureau

KEN HABARADAS, MS, REHS  
Acting Environmental Health Staff Specialist  
5050 Commerce Drive  
Baldwin Park, California 91706  
TEL (626) 430-5280 • FAX (626) 960-2740



BOARD OF SUPERVISORS

Gloria Molina  
First District

Mark Ridley-Thomas  
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Michael D. Antonovich  
Fifth District

March 18, 2010

Tract Map: 071035

RFS No. 10-0006710

Vicinity: Lancaster

Vesting Tentative Tract Map Date: March 1, 2010 (1<sup>st</sup> Revision)

- ☒ Environmental Health recommends approval of this map.
- ☐ Environmental Health does **NOT** recommend approval of this map.

The project involves the reversion to acreage of Parcel 1, which was previously subdivided as shown on Tract Map 34427. Parcel 1 is a part of a 2,060 acre site proposed for a photovoltaic power project. The Los Angeles County Department of Public Health – Environmental Health Division (Department) has no objection to the reversion to acreage and **Vesting Tentative Tract Map 071035** is cleared for public hearing. The following conditions still apply and are in force:

Potable Water Supply

1. The Department has reviewed the Groundwater Characteristic Report (URS 2009) submitted by the applicant. The data contained in the report indicates that there is sufficient groundwater available on the parcel to serve the proposed project. According to the Screencheck Environmental Impact Report prepared for the proposed project, potable water will be supplied by the construction of a new well adjacent to an existing irrigation well or in the vicinity of the proposed Operation & Maintenance (O&M) building. **Prior to issuance of any building permits**, the applicant shall construct a new well meeting the requirements of the California Safe Drinking Water Act, the California Well Standards and Title 11 of the Los Angeles County Code. A well drilling permit must be obtained from this Department prior to drilling/construction of any water well. The well must also meet the requirements of the Department with respect to quantity.
2. If the applicant proposes to use the existing wells on the parcel for domestic purposes, the wells must be brought into compliance with the California Well Standards and the standards of the Department prior to issuance of any building permits.

3. Any wells to be abandoned shall be decommissioned in accordance with requirements of the Department.
4. The application indicates that operational employee numbers are estimated to be 16 full-time positions, working up to four (4) shifts, with a maximum of eight employees per shift. If 25 or more persons are employed for more than 60 days per year, the California Safe Drinking Water Act requires that a public water system be established meeting all applicable requirements of the California Health and Safety Code and Title 22 of the California Code of Regulations.

For questions regarding the above requirements, please contact Richard Lavin, Chief, Drinking Water Program, at (626) 430-5262.

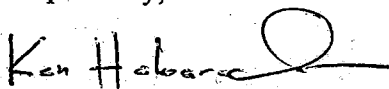
Wastewater Disposal

1. **Prior to construction / installation of any OWTS**, a complete feasibility report shall be submitted to the Department for review and approval. The feasibility report shall be prepared in conformance with the requirements outlined in the Department's guidelines, "Onsite Wastewater Treatment System (OWTS) Guideline."
2. If a public sewer connection is available within 200 feet of any part of the proposed O&M building or exterior drainage, all future sewage drainage and piping shall be connected to such public sewer.
3. In the event that the requirements of the Plumbing Code cannot be met on the parcel, due to future grading or for any other reason, the Department will not recommend issuance of any building permits on this site.
4. **Prior to construction / installation of any OWTS**, the applicant shall obtain any necessary authorization from the Regional Water Quality Control Board for the commercial discharge of wastewater.

For questions regarding the above requirements, please contact Patrick Nejadian, Chief, Land Use Program, at (626) 430-5390.

If you have any other questions or require additional information, please contact me at (626) 430-5262.

Respectfully,



Ken Habaradas, MS, REHS  
Bureau of Environmental Protection



LOS ANGELES COUNTY  
DEPARTMENT OF PARKS AND RECREATION



PARK OBLIGATION REPORT

Tentative Map # 71035      DRP Map Date: 03/01/2010      SCM Date: 03/25/2010      Report Date: 03/22/2010  
Park Planning Area # 47B      EDWARDS      Map Type: REV. (REV RECD)

Total Units  = Proposed Units  + Exempt Units

Sections 21.24.340, 21.24.350, 21.28.120, 21.28.130, and 21.28.140, the County of Los Angeles Code, Title 21, Subdivision Ordinance provide that the County will determine whether the development's park obligation is to be met by:

- 1) the dedication of land for public or private park purpose or,
- 2) the payment of in-lieu fees or,
- 3) the provision of amenities or any combination of the above.

The specific determination of how the park obligation will be satisfied will be based on the conditions of approval by the advisory agency as recommended by the Department of Parks and Recreation.

Park land obligation in acres or in-lieu fees:

ACRES:	0.00
IN-LIEU FEES:	\$0

Conditions of the map approval:

The park obligation for this development will be met by:

The payment of \$0 in-lieu fees.

This project is exempt from park obligation requirements because:

Non-residential subdivision.

Trails:

No trails.

Comments:

No residential units are proposed. The project is a reversion to acreage for solar development.

Please contact Clement Lau at (213) 351-5120 or Sheela Mathai at (213) 351-5121, Department of Parks and Recreation, 510 South Vermont Avenue, Los Angeles, CA 90020 for further information or to schedule an appointment to make an in-lieu fee payment.

For information on Hiking and Equestrian Trail requirements, please contact the Trails Coordinator at (213) 351-5134.

By: James Barber  
James Barber, Land Acquisition & Development Section

Supv D 5th  
March 22, 2010 13:03:10  
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**LOS ANGELES COUNTY  
DEPARTMENT OF PARKS AND RECREATION**



**PARK OBLIGATION WORKSHEET**

Tentative Map #	71035	DRP Map Date: 03/01/2010	SMC Date: 03/25/2010	Report Date: 03/22/2010
Park Planning Area #	47B	EDWARDS		Map Type: REV. (REV RECD)

The formula for calculating the acreage obligation and or In-lieu fee is as follows:

**(P)eople x (0.003) Ratio x (U)nits = (X) acres obligation**

**(X) acres obligation x RLV/Acre = In-Lieu Base Fee**

Where: P =

Estimate of number of People per dwelling unit according to the type of dwelling unit as determined by the 2000 U.S. Census\*. Assume \* people for detached single-family residences; Assume \* people for attached single-family (townhouse) residences, two-family residences, and apartment houses containing fewer than five dwelling units; Assume \* people for apartment houses containing five or more dwelling units; Assume \* people for mobile homes.

Ratio =

The subdivision ordinance provides a ratio of 3.0 acres of park land for each 1,000 people generated by the development. This ratio is calculated as "0.0030" in the formula.

U =

Total approved number of Dwelling Units.

X =

Local park space obligation expressed in terms of acres.

RLV/Acre =

Representative Land Value per Acre by Park Planning Area.

Total Units  = Proposed Units  + Exempt Units

	People*	Ratio 3.0 Acres / 1000 People	Number of Units	Acre Obligation
Detached S.F. Units	3.00	0.0030	0	0.00
M.F. < 5 Units	3.17	0.0030	0	0.00
M.F. >= 5 Units	4.34	0.0030	0	0.00
Mobile Units	1.79	0.0030	0	0.00
Exempt Units			0	
Total Acre Obligation =				0.00

Park Planning Area = 47B EDWARDS

Ratio	Acre Obligation	RLV / Acre	In-Lieu Base Fee
@(0.0030)	0.00	\$49,352	\$0

Lot #	Provided Space	Provided Acres	Credit (%)	Acre Credit	Land
None					
Total Provided Acre Credit:				0.00	

Acre Obligation	Public Land Crdt.	Priv. Land Crdt.	Net Obligation	RLV / Acre	In-Lieu Fee Due
0.00	0.00	0.00	0.00	\$49,352	\$0

MITIGATION MONITORING AND REPORTING PROGRAM<sup>1,2</sup>  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<b>GEOTECHNICAL HAZARDS</b>				
MM 5.2-1: Implementation of Geotechnical Engineering Report Recommendations. The design and construction of the Project shall comply with applicable building codes and standards (e.g., CBC) as well as the recommendations in the geotechnical engineering report (Terracon 2009) to the satisfaction of the Los Angeles County Department of Public Works.	Regular plan check and Site Inspection	Prior to issuance of grading permit(s) and During construction	Applicant/Construction Manager	LACDPW
<b>FLOOD HAZARDS</b>				
MM 5.3-1: Erosion Control and Stormwater Management Measures. In order to ensure that Project-related erosion and debris deposition as well as stormwater-related impacts would be minimized, the design measures specified in the Drainage Concept Report (Psomas 2009) and the following measures shall be implemented subject to review and approval by the Los Angeles County Department of Public Works (LACDPW):	Submittal and approval of final drainage plan and File Notice of Intent and	Prior to issuance of grading permit and During construction and operation	Applicant/Construction Manager	LACDPW LRWQCB
<ul style="list-style-type: none"> <li>Avoidance of all drainage areas: Construction and operational phase activities shall avoid all on-site drainages and FEMA Zone A floodplain areas. Solar field development shall be set back from the two major drainages (Drainages A and C) by a minimum of approximately 100 feet from the tops of banks for both Drainages A and C. Additionally, all Project development shall be set back a minimum of 100 feet from the FEMA Zone A floodplain for Drainage C.</li> <li>Applicant shall comply with NPDES requirements of the Lahontan Regional Water Quality Control Board (LRWQCB) and the LACDPW.</li> </ul>	Maintain log demonstrating compliance with NPDES requirements and Site Inspection			

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<b>FIRE HAZARDS</b>				
<p><b>MM-5.4-1: Fire Protection and Prevention Plan.</b> The proposed Project shall develop and submit a Fire Protection and Prevention Plan to the LACFD for review and approval prior to issuance of a Grading Permit. The Plan shall address construction and operation activities for the Project, and establish standards and practices that will minimize the risk of fire danger, and in the case of fire, provide for immediate suppression and notification.</p> <p>The Fire Protection and Prevention Plan shall address spark arresters, smoking and fire rules, storage and parking areas, use of gasoline-powered tools, road closures, use of a fire guard, and fire suppression equipment and training requirements. In addition, all vehicle parking areas, storage areas, stationary engine sites and welding areas shall be cleared of all vegetation, and flammable materials. All areas used for dispensing or storage of gasoline, diesel fuel or other oil products shall be cleared of vegetation and other flammable materials. These areas shall be posted with signs identifying they are "No Smoking" areas. An interim fire protection system shall be in place during construction until the permanent system is completed. The Plan shall also address vegetation clearance and maintenance requirements applicable to the transmission pole structures during operation.</p> <p>Special attention shall be paid to operations involving open flames, such as welding, and use of flammable materials. Personnel involved in such operations shall have appropriate training. A fire watch utilizing appropriately classed extinguishers or other equipment shall be maintained during hot work operations. Site personnel shall not be expected to fight fires past the incident stage. The local responding fire officials shall be given information on the site hazards and the</p>	<p>Submittal and approval of Fire Protection and Prevention Plan and</p> <p>Provide training to personnel dealing in operations involving open flames and flammable materials and</p> <p>Site inspection and</p> <p>Maintain log demonstrating compliance</p>	<p>Prior to issuance of grading permit and</p> <p>During construction and operation</p>	<p>Applicant/Construction Manager</p> <p>LACFD</p>	

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
location of these hazards, and the information shall be included in the emergency response planning.				
Materials brought on-site shall conform to contract requirements, insofar as flame resistance or fireproof characteristics are concerned. Specific materials in this category include fuels, paints, solvents, plastic materials, lumber, paper, boxes, and crating materials. Specific attention shall be given to storage of compressed gas, fuels, solvents, and paint. Electrical wiring and equipment located in inside storage rooms used for Class I liquids shall be stored in accordance with applicable regulations. Outside storage areas shall be graded to divert possible spills away from buildings and shall be kept clear of vegetation and other combustible materials.				
On-site fire prevention during construction shall consist of portable and fixed firefighting equipment. Portable firefighting equipment shall consist of fire extinguishers and small hose lines in conformance with Cal-OSHA and the National Fire Protection Association (NFPA) for the potential types of fire from construction activities. Periodic fire prevention inspections shall be conducted by the Manager's safety representative.				
Fire extinguishers shall be inspected routinely and replaced immediately if defective or in need of recharge. All firefighting equipment shall be conspicuously located and marked with unobstructed access. A water supply of sufficient volume, duration, or pressure to operate the required firefighting equipment shall be provided on-site. Authorized storage areas and containers for flammable materials shall be used with adequate fire control services. The Operations Fire Protection and Prevention Program shall address the following:				



MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<ul style="list-style-type: none"> <li>Names and/or job titles responsible for maintaining equipment and accumulation of flammable or combustible material control</li> <li>Procedures in the event of fire</li> <li>Fire alarm and protection equipment</li> <li>System and equipment maintenance</li> <li>Monthly inspections</li> <li>Annual inspections</li> <li>Firefighting demonstrations</li> <li>Housekeeping practices</li> <li>Training</li> </ul>				

WATER QUALITY

Mitigation Measure 5.5-1: On-site Wastewater Treatment System Feasibility Report. Prior to construction/installation of the on-site septic/leach field system, a complete OWTs feasibility report shall be submitted to the LACDPH for review and approval. The feasibility report shall be prepared in conformance with the requirements outlined in the current version of LACDPH guidelines, "On-site Wastewater Treatment System Guidelines."	Submit and approval of OWTs feasibility report	Prior to construction/installation of on-site septic/leach field system	Applicant/Construction Manager	LACDPH
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AIR QUALITY

MM 5.6-1: Ensure AVAQMD Construction Emission Thresholds would be Met. Prior to issuance of the grading permit, the Applicant shall select an engineering, procurement, and construction (EPC) contractor to build the Project. The Applicant/EPC contractor shall be required to demonstrate that the final construction plans will not result in exceedances of applicable AVAQMD air emission significance	Submit and approval of Construction Emissions Report	Prior to issuance of grading permit	Applicant/Construction Manager	AVAQMD LACDRP
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MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>thresholds during construction of the Project to the satisfaction of AVAQMD and LACDRP.</p> <p>Prior to issuance of a grading permit, the Applicant shall prepare a report describing the Applicant's final engineering design-based plan for constructing the Project, including: 1) scheduling of construction activities; 2) equipment usage and details; 3) construction workforce loading; 4) truck deliveries schedule; and 5) ground disturbing/dust generating activities, etc. The report shall include emission calculations to demonstrate that the final construction plan will not result in exceedances of all applicable AVAQMD criteria pollutant emissions thresholds to the satisfaction of AVAQMD. The emission calculations shall include consideration of the emission reductions provided by implementation of Mitigation Measures 5.6-2 through 5.6-10, below.</p> <p><b>MM 5.6-2: Develop and Implement Fugitive Dust Emission Control Plan.</b> The Applicant shall develop a Fugitive Dust Emission Control Plan (FDECP) for construction work. The FDECP shall be submitted to AVAQMD for review and approval prior to issuance of a grading permit.</p> <p>Measures to be incorporated into the FDECP shall include, but are not limited to the following:</p> <ul style="list-style-type: none"> <li>The proposed PM measures (#24 to #44) in AVAQMD's List and Implementation Schedule for District Measures to Reduce PM Pursuant to Health &amp; Safety Code §39614(d) shall be incorporated into the fugitive dust control plan, as applicable.</li> <li>Non-toxic soil binders shall be applied per manufacturer recommendations to active unpaved roadways, unpaved staging</li> </ul>	<p>Submittal and approval of Fugitive Dust Emission Control Plan</p> <p>and</p> <p>Maintain log demonstrating compliance and</p> <p>Site inspection</p>	<p>Prior to issuance of grading permit and</p> <p>During construction</p>	<p>Applicant/Construction Manager</p>	<p>LACDRP</p> <p>AVAQMD</p>

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<ul style="list-style-type: none"><li>• areas, and unpaved parking area(s) throughout construction to reduce fugitive dust emissions.</li><li>• Travel on unpaved roads shall be reduced to the extent possible, by limiting the travel of heavy equipment in and out of the unpaved areas.</li><li>• Water the disturbed areas of the active construction sites at least three times per day, (when soil moisture conditions result in dust generation) and more often if visible fugitive dust leaving the site is noted.</li><li>• Enclose, cover, water twice daily, and/or apply non-toxic soil binders according to manufacturer's specifications to exposed piles of soils with a five percent or greater silt content.</li><li>• Maintain unpaved road vehicle travel to the lowest practical speeds, and no greater than 15 miles per hour (mph), to reduce fugitive dust emissions.</li><li>• All vehicle tires shall be inspected, be free of dirt, and washed as necessary prior to entering paved roadways from the Project site.</li><li>• Install wheel washers or wash the wheels of trucks and other heavy equipment where vehicles exit the site.</li><li>• Cover all trucks hauling soil and other loose material, or require at least 2 feet of freeboard.</li><li>• Establish a vegetative ground cover (in compliance with biological resources impact mitigation measures) or otherwise create stabilized surfaces on all unpaved areas through application of dust palliatives at each of the construction sites within 21 days after active construction operations have ceased.</li><li>• Prepare contingency for high wind periods (greater than 25 mph)</li></ul>				

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures		Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<ul style="list-style-type: none"> <li>Travel routes to each construction site area shall be developed to minimize unpaved road travel. Travel management shall include staging of deliveries to minimize idling or congestion, use of dust palliatives or soil tackifiers on road surfaces, and minimizing travel distance.</li> </ul>					
<p><b>MM 5.6-3: Dust Plume Response Requirement.</b> An air quality construction mitigation manager (AQCM) or delegate shall monitor all construction activities for visible dust plumes. Observations of visible dust plumes that have the potential to be transported: 1) off the Project site, 2) 200 feet beyond the centerline of the construction of linear facilities, or 3) within 100 feet upwind of any regularly occupied structures not owned by the Project owner indicate that existing mitigation measures are not resulting in effective mitigation. The AQCM or Delegate shall promptly implement additional dust plume reduction measures in the event that such visible dust plumes are observed. Additional measures to be implemented, as necessary, shall include increased watering, application of dust palliatives, and/or scaled back construction activities up to and including temporary work cessation.</p>		Dust plume monitoring and Maintain log demonstrating compliance	During construction	Applicant/Construction Manager	LACDRP AVACMD
<p><b>MM 5.6-4: Off-road Diesel-fueled Equipment Standards.</b> All portable construction diesel engines not registered under CARB's Statewide Portable Equipment Registration Program, which have a rating of 50 hp or more, and all off-road construction diesel engines not registered under CARB's In-use Off-road Diesel Vehicle Regulation, which have a rating of 25 hp or more, shall meet, the</p>		Conduct fleet average calculation annually and Submit and approval of	Prior to issuance of grading permit and During construction	Applicant/Construction Manager	LACDRP AVACMD

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures		Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>projected 2011 fleet average of NOx and PM emissions as that predicted by the OFFROAD2007 model in Appendix D. The EPC shall use the CARB Portable Diesel Engine Airborne Toxic Control Measure (ATCM) Fleet Calculators and the Off-road Diesel Fleet Average Calculators (for large/medium fleets) in accordance with the respective regulation under Title 13 of the California Code of Regulations (CCR) to conduct this comparison. No Tier 0 diesel equipment shall be used at the site after the initial calculation/registration without recalculation using the CARB fleet calculators. The fleet average calculation of the on site equipment shall be conducted annually to ensure compliance. The EPC Manager shall ensure labeling of all portable and off road diesel equipment in accordance with Title 13 of the CCR.</p>		Construction Emissions Report and			
<p>MM 5.6-5: Limit Vehicle Traffic and Equipment Use. Vehicle trips and equipment use shall be limited by efficiently scheduling staff and daily construction activities to minimize the use of unnecessary/duplicate equipment.</p>		Submittal and approval of Construction Emissions Report and	Prior to issuance of grading permit and During construction	Applicant/Construction Manager	LACDRP AVAQMD
<p>MM 5.6-6: Heavy Duty Diesel Water Haul Vehicle Equipment Standards. For the pile foundation case (which results in higher air emissions than the ballast foundation case and requires additional mitigation), the EPC shall use 2006 model or newer engines in order to meet the EMFAC predicted emissions levels in grams of pollutant per mile travelled (g/mile) of on-road heavy duty diesel trucks used for water hauling at the site. The EPC contractor shall ensure labeling of</p>		Submittal and approval of Construction Emissions Report and	Prior to issuance of grading permit and During construction	Applicant/Construction Manager	LACDRP AVAQMD
<p>Maintain log demonstrating compliance</p>					
<p>Maintain log</p>					

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<b>MM 5.6-7: On-road Vehicles Standards.</b> All on-road construction vehicles shall meet all applicable California on-road emission standards and shall be licensed in the State of California. This does not apply to construction worker personal vehicles.	demonstrating compliance	During construction	Applicant/Construction Manager	LACDRP AVAQMD
<b>MM 5.6-8: Properly Maintain Mechanical Equipment.</b> The construction contractor shall ensure that all mechanical equipment associated with Project construction is properly tuned and maintained in accordance with the manufacturer's specifications.	Maintain log demonstrating compliance	During construction	Applicant/Construction Manager	LACDRP AVAQMD
<b>MM 5.6-9: Restrict Engine Idling to 5 Minutes.</b> Diesel engine idle time shall be restricted to no more than 5 minutes as required by the CARB engine idling regulation. Exceptions in the regulation include vehicles that need to idle as part of their operation, such as concrete mixer trucks.	Maintain log demonstrating compliance	During construction	Applicant/Construction Manager	LACDRP AVAQMD
<b>MM 5.6-10: Off-road Gasoline-fueled Equipment Standards.</b> Any off-road stationary and portable gasoline powered equipment brought on site for construction activities shall have USEPA Phase 1/Phase 2 compliant engines, where the specific engine requirement shall be based on the new engine standard in effect two years prior to the commencement of Project construction. In the event that USEPA Phase 1/Phase 2 compliant engines are determined not to be available, the Applicant shall provide documentation to the AVAQMD with an explanation.	Submittal and approval of Construction Emissions Report and Maintain log demonstrating compliance	Prior to issuance of grading permit and During construction	Applicant/Construction Manager	LACDRP AVAQMD
<b>MM 5.6-11: Off-road Equipment Operator Worker Protection.</b> Appropriate training for respiratory protection shall be provided to construction workers. Dust masks (NIOSH approved) shall be	Administer training to construction workers and provide NIOSH	Prior to and during construction	Applicant/Construction Manager	LACDRP AVAQMD

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
provided with proper training to construction workers to mitigate the protection against dust exposure and possibly Valley Fever during high wind events and/or dust-generating activities.	approved dust masks and			
	Maintain log demonstrating compliance			

BIOLOGICAL RESOURCES

MM 5.7.1: Habitat Enhancement and Vegetation Management Plan. Prior to issuance of a grading permit, the Project Applicant shall develop a Habitat Enhancement and Vegetation Management Plan (HEVMP) to compensate for impacts to existing vegetation communities by preserving and enhancing the remaining vegetation within the Project site. The HEVMP shall also provide measures to ensure minimal impacts to habitat along the off-site transmission line. In areas suitable for on-site mitigation, the HEVMP shall identify appropriate mitigation objectives, standards, and monitoring/reporting requirements to enhance habitat such that the resulting habitat values would be greater than those lost as a result of project implementation. These habitat values would include nesting and foraging habitat for songbirds, foraging habitat for raptors and owls, and high diversity and abundance of native forbs/wildflowers. In areas rendered unsuitable for mitigation due to proposed development, the HEVMP shall identify appropriate restrictions, such as limiting noxious weeds, but shall not impose mitigation standards. The HEVMP shall be prepared by a qualified restoration biologist experienced with desert habitat restoration, and shall specify appropriate revegetation and management practices for the following portions of the Project site to the satisfaction of LACDRP.	Submittal and approval of Habitat Enhancement and Vegetation Management Plan and	Prior to issuance of grading permit and during construction and operation	Applicant/ Qualified Biologist/Construction Manager	LACDRP
	Maintain log demonstrating compliance and			
	Site inspection			

MITIGATION MONITORING AND REPORTING PROGRAM  
 PROJECT NO. R2009-02239

Mitigation Measures		Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<ul style="list-style-type: none"> <li>Mitigation and Avoidance Areas (refer to Figure 5.7-11 of this DEIR):               <ol style="list-style-type: none"> <li>Drainage A, a 100-foot setback, and the associated wildlife travel route (47.1 acres)</li> <li>Drainage B and a 20-foot buffer (approximately 6 acres)</li> <li>The southernmost portion of the Project site along Drainage C, where no development is proposed (45 acres)</li> <li>The Joshua tree recruitment area (8.6 acres, including buffer)</li> </ol> </li> <li>Areas of Modified/Impacted Habitat (Unsuitable for Mitigation):               <ol style="list-style-type: none"> <li>All portions of the site within the fire breaks (217 acres)</li> <li>All interior portions of the site within the proposed solar arrays, excluding locations of proposed infiltration basins and fire breaks (1,336 acres)</li> <li>All portions of the site to be occupied by proposed infiltration basins (253 acres)</li> </ol> </li> </ul> <p>In general, for each of the locations enumerated above, the HEVMP shall specify, at a minimum, the following (specific details vary depending on location, and are described in the paragraphs that follow):</p> <ul style="list-style-type: none"> <li>The location and extent of any on-site enhancement/revegetation areas, to be depicted graphically on an aerial photograph or schematic of appropriate scale</li> <li>The quantity and species of plants to be seeded (if necessary), including the locations where each type of vegetation would be created</li> </ul>					



MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<ul style="list-style-type: none"><li>• A schedule and action plan to maintain and monitor the enhancement/revegetation areas</li><li>• A list of success criteria (e.g., growth, plant cover, plant/wildlife diversity) by which to measure success of the enhancement/revegetation effort</li><li>• Contingency and/or adaptive management measures in the event that enhancement/revegetation efforts are not successful</li></ul> <p>In addition, the standards and practices set forth in the HEVMP for each area shall conform to the requirements stated below:</p> <ul style="list-style-type: none"><li>• Within the setback zones surrounding Drainage A, Drainage B, and Drainage C the HEVMP shall provide for 101 acres of on-site mitigation, as well as 6 acres of additional avoidance area (due to its small and isolated nature, the 6-acre area surrounding Drainage B is not included as suitable mitigation land, but would nonetheless be avoided), and shall ensure the following:</li></ul> <ol style="list-style-type: none"><li>1. Drainages A, B, and C, including adjacent buffer areas shown on Figures 5.7-7 and 5.7-11, as well as the local wildlife travel route associated with Drainage A, shall be set aside, preserved, and enhanced, and no Project-related disturbance shall be permitted in these areas.</li><li>2. Any anthropogenic discontinuities in the existing vegetation (unofficial roads, dump sites, etc.) within the ephemeral drainage setbacks shall be remedied, and such areas shall be seeded with native plant species characteristic of the surrounding vegetation.</li><li>3. Vegetative cover in herbaceous communities (grasslands, wildflower fields) shall exceed 95 percent of this, invasive</li></ol>				

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
forbs (as identified by the Cal-IPC) shall not exceed five percent cover. Bare ground shall not exceed five percent excluding bare ground located within the channel bottom of an ephemeral drainage or bare ground where there is clear evidence that the bare ground was the result of mammal activity (burrows, wildlife trails, etc.).				
4. Vegetative cover in shrub-dominated communities (desert saltbush scrub, rabbitbrush scrub) shall exceed 90 percent, and shrub cover shall exceed 30 percent. Invasive forbs and shrubs combined shall not exceed five percent cover, and bare ground shall not exceed five percent excluding bare ground located within the channel bottom of an ephemeral drainage or bare ground where there is clear evidence that the bare ground was caused by mammal activity (burrows, wildlife trails, etc.).				
5. In Drainages A and C and the adjacent setback/buffer areas as shown on Figure 5.7-7, vegetation in the area shall remain suitable for foraging by burrowing owls and other grassland bird species. Habitat enhancement/vegetation shall be implemented if necessary to ensure continued suitability.				
6. Joshua trees and junipers shall be planted, to improve habitat suitability for sensitive bird species and increase the likelihood that these areas will be occupied by such special-status species as loggerhead shrikes and long-eared owls.				
• Within the Joshua tree recruitment area, the HEVMP shall provide 8.6 acres of mitigation land, and shall ensure the following:				

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures

Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<b>1. The Joshua tree recruitment area and a 50-foot buffer from the Joshua tree seedlings shall be set aside and preserved, and no Project-related disturbance shall be permitted in this area.</b>			
<b>2. Any anthropogenic discontinuities in the existing vegetation (other than the County roadbed of West Avenue C, which passes through this area) shall be remedied, and such areas shall be seeded with native plant species characteristic of the surrounding vegetation.</b>			
<b>3. Measures shall be implemented to encourage the continued recruitment of Joshua trees into this area. Such measures may include standards for herbaceous and shrub cover, removal of non-native plants and wildlife, and others.</b>			
<b>4. To provide nesting and perching habitat and increase structural diversity within restoration areas, native shrub species associated with Joshua tree woodland (including Mojave yucca, sage, box-thorn, and buckwheat, as noted in the County General Plan) shall be included in the planting palette.</b>			
<ul style="list-style-type: none"><li>• Within the proposed fire breaks, no suitable on-site mitigation opportunities exist. However, the HEVMP shall ensure the following:<ol style="list-style-type: none"><li>1. To prevent the potential spread of fire onto the Project site, the proposed fire breaks shall be maintained clear of vegetative cover through mechanical clearing and selective herbicide use.</li><li>2. If herbicides are used as approved by LACDRP to control</li></ol></li></ul>			

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
vegetation, they shall be applied by a qualified individual and in a manner consistent with the product labeling. Under no circumstances shall herbicides be allowed to pass into any ephemeral drainage.				
3. Under no circumstances shall forb species identified by the California Invasive Plant Council (Cal-IPC) as invasive weeds be allowed to thrive in the fire breaks, or as required by LACFD. Cover of these species, collectively, shall be maintained at or below five percent.				
• Within all interior portions of the site within and adjacent to the proposed solar arrays, excluding locations of proposed infiltration basins, no suitable on-site mitigation opportunities would exist. However, the HEVMP shall ensure the following:				
1. To control fugitive dust, vegetative cover of grasses and forbs within the proposed solar arrays shall be maximized.				
2. Vegetation seeded in these areas shall be comprised of low-growing communities such as native grasslands and wildflower fields, to minimize the effects of vegetation management practices on the revegetated areas. Shrub species shall not be used, as these species would be unable to survive continued vegetation trimming.				
3. Under no circumstances shall species identified by the Cal-IPC as invasive weeds be used in the revegetation efforts.				
4. To promote the growth of local, native plant species, the top 2-6 inches of topsoil removed during Project-related grading and/or excavation shall be stockpiled and spread across disturbance zones after completion of construction in the				

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<ul style="list-style-type: none"><li>5. To ensure that a seed supply is maintained to perpetuate on-site vegetation (e.g., annual grasses and wildflowers), vegetation shall be allowed to grow to a maximum height of 18 inches between February 1 and approximately mid-April prior to moving to a height of 6 inches (or less) by May 1 (through the following January) as required by the LACFD.</li><li>6. Herbicides shall be approved for use by the County, and herbicide application shall be performed by trained personnel who can identify the species to be treated. If herbicide is applied, it shall be applied during dry and low wind conditions in order to prevent herbicide drift into non-target areas.</li></ul> <ul style="list-style-type: none"><li>• Within the proposed infiltration basins, no suitable on-site mitigation opportunities exist. However, the HEVMP shall ensure the following:<ol style="list-style-type: none"><li>1. If herbicides are used as approved by LACDRP to control vegetation (i.e., non-native vegetation), they shall be applied by a qualified individual and in a manner consistent with the product labeling. Under no circumstances shall herbicides be allowed to pass into any ephemeral drainage.</li><li>2. Under no circumstances shall forb species identified by Cal-IPC as invasive weeds be allowed to thrive in the infiltration basins, or as required by LACFD. Cover of these species, collectively, shall be maintained at or below five percent.</li></ol></li><li>• Within all portions of the transmission line route to be impacted during installation of transmission line poles and temporary</li></ul>				

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures

stringing sites, the HEVMP shall ensure the following:

1. Under no circumstances shall ground disturbance occur within 25 feet of an existing Joshua tree. In applicable areas, Joshua tree avoidance zones shall be delineated with high-visibility construction fencing.
2. All areas of temporary ground disturbance shall be revegetated with appropriate plant communities native to the Project region, such as native grasslands, wildflower fields, desert scrub, rabbitbrush scrub, desert saltbush scrub, and Joshua tree woodland.
3. Where impacts would occur in existing agricultural lands outside the Applicant's ownership, it is presumed that agricultural practices would resume after completion of construction. Therefore, revegetation shall not be required in these areas.
4. If earthwork is proposed in areas where native vegetation exists, the top 2-6 inches of topsoil removed during Project-related ground clearing shall be stockpiled and spread across disturbance zones after completion of construction in the area.
5. Under no circumstances shall species identified by the Cal-IPC as invasive weeds be used in the revegetation efforts.
6. The HEVMP shall include provisions to minimize the effects of transmission line maintenance on biological resources, including a requirement that no Joshua trees shall be removed during such maintenance.

In addition to the location-specific requirements set forth above, the

Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
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MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
HEVMP shall also ensure that the following standards are met or exceeded within the Project site as a whole:				
1. The HEVMP shall identify appropriate locations for creation of rabbitbrush scrub, California annual grassland, and wildflower fields, the three most abundant existing natural communities on-site, within avoided portions of the Project site. In total, 101 acres of on-site mitigation shall be provided.				
2. Performance monitoring of the on-site enhancement and revegetation areas shall be monitored approximately quarterly, in January, April, June, and November, and a report detailing the monitoring results shall be submitted to the LACDRP annually. Monitoring and reporting shall be required for a period of five years and until such time as performance standards are achieved. The HEVMP shall contain contingency measures identifying corrective actions required in the event that the performance standards are not met.				
3. All percent cover standards shall be evaluated during the spring biomass peak.				
4. Anti-coagulant rodenticides shall not be used within the Project site or along the proposed transmission line route.				
The HEVMP shall be submitted to the LACDRP for review and approval prior to issuance of a grading permit.				
MM 5.7.2: Off-site Mitigation for Loss of Habitat. Within one year of Project approval or prior to the installation of 50 MW of photovoltaic solar panels, the Applicant shall provide a minimum of 450 acres of off-site mitigation land to be restored, enhanced, and maintained according to the requirements of this mitigation measure, and shall be	Acquisition of a minimum of 450 acres of off-site mitigation land	Mitigation lands to be acquired within one year of Project approval or prior to the installation of 50 MW of	Applicant/Qualified Biologist	LACDRP

MITIGATION MONITORING AND REPORTING PROGRAM  
 PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>preserved as open space in perpetuity. Within 45 days of acquiring the mitigation land(s), the Applicant shall record a permanent deed restriction on the mitigation land(s) to be preserved as open space. The deed restriction language shall be submitted to LACDRP for review and approval prior to recordation. Alternatively, should a conservation easement on the mitigation land(s) be offered, the permanent conservation easement(s) shall be recorded to the satisfaction of LACDRP.</p> <p>The off-site mitigation land shall not exceed 10 separate fragments and shall be acquired adjacent to existing public lands, or within or adjacent to SEAs within the Antelope Valley or surrounding foothills. At least 225 acres of the mitigation land shall be acquired in the vicinity of the Antelope Valley California Poppy Reserve, including lands in or adjacent to SEA #57, or lands connecting the Poppy Reserve to the Angeles National Forest. An additional 75 acres shall be acquired within this same area, or in or adjacent to SEA #60, or adjacent to the Arthur B. Ripley Woodland State Park.</p> <p>The Applicant shall establish a fund sufficient for the restoration, enhancement, and maintenance of the mitigation land(s) until such time when the mitigation land(s) become self-sustained and meet the requirements of this mitigation measure. The fund shall be established within 90 days of mitigation land(s) acquisition in an amount acceptable to the LACDRP.</p> <p>The selected off-site mitigation lands shall contain vegetation communities similar to those found within the Project site, including rabbitbrush scrub, annual grassland, and wildflower fields. Although the proposed Project would not significantly impact Joshua tree woodland habitat, lands containing this vegetation community shall</p>	<p>Record permanent deed restriction(s), or conservation easement(s) on the mitigation land(s) to the satisfaction of LACDRP and</p> <p>Submittal and approval of Restoration, Enhancement, and Maintenance Plan and</p> <p>Establish sufficient fund for the restoration, enhancement, and maintenance of the mitigation land(s)</p>	<p>photovoltaic solar panels and</p> <p>Deed restriction(s) or conservation easement(s) to be recorded within 45 days of acquiring mitigation lands and</p> <p>Restoration, Enhancement, and Maintenance Plan shall be submitted within 60 days of recordation of permanent deed restriction(s) or conservation easement(s) and</p> <p>Establish fund within 90 days of mitigation land(s) acquisition</p>		



MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
also be considered desirable due to the County's concern over the continuing loss and degradation of Joshua tree woodlands. The selected lands shall comply with the following mitigation requirements:				
1. The subject property shall be located within the greater Project vicinity, generally defined to include the Antelope Valley and surrounding foothills.				
2. The subject property(s) shall contain a minimum of 450 acres of land, which shall be either comprised of vegetation communities characteristic of the Antelope Valley (rabbitbrush scrub, annual grassland, wildflower fields, and/or Joshua tree woodlands) or be reasonably capable of being enhanced and converted to such habitat through the use of maintenance and management practices such that the resulting habitat values would be greater than those lost as a result of Project implementation.				
3. The subject property(s) shall either contain a minimum of 224.5 acres of wildflower field, or shall be reasonably capable of being enhanced and converted to this vegetation through maintenance and management practices.				
4. The subject property(s) shall provide at least 39 acres of contiguous suitable foraging habitat for the burrowing owl, including presence of suitable burrows. If suitable natural burrows are not present within the subject property, artificial burrows shall be constructed in accordance with California Burrowing Owl Consortium (1993) guidelines.				
5. The subject property(s) shall contain a minimum of 450 acres of suitable foraging habitat for grassland/scrubland bird species occurring in the Antelope Valley.				

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
6. The subject property(s) shall contain habitat suitable for the Blainville's horned lizard. Within the mitigation site, suitable locations shall be identified for relocation of horned lizards captured and removed from the Project site pursuant to Mitigation Measure 5.7-7. Generally, it is presumed that the wildflower field areas required by item (3) above will be suitable for this species.				
7. Under no circumstances shall species identified by the Cal-IPC as invasive weeds be used in revegetation efforts.				
8. The subject property(s) shall be maintained such that invasive forbs (as identified by the Cal-IPC) shall not exceed 5 percent of the vegetative cover.				
<p>Within 60 days of recordation of the permanent deed restriction(s) or conservation easement(s), a Restoration, Enhancement, and Maintenance Plan for the off-site mitigation land(s) shall be submitted to LACDRP for review and approval. The plan shall include the restoration, enhancement, and maintenance requirements for each mitigation area, based on the characteristics of the mitigation land and the mitigation requirements described above, and shall also include contingency measures in the event that habitat creation/restoration/enhancement efforts are not successful. The Restoration, Enhancement, and Maintenance Plan shall also describe the performance standards for determining when the mitigation requirements for the lands have been met.</p> <p>In addition to meeting the requirements detailed above, the following desirable factors shall also be considered when selecting off-site mitigation property(s):</p> <ol style="list-style-type: none"><li>1. Lands located between blocks of protected habitat are desirable locations for off-site mitigation, as protecting these areas can</li></ol>				

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>ensure that essential habitat connections remain in perpetuity.</p> <p>2. Lands containing Joshua tree woodland habitat are desirable locations for off-site mitigation, due to the continuing loss and degradation of this resource.</p> <p>3. Lands containing junipers are also desirable locations for off-site mitigation, due to the nesting habitat they may provide for some special-status bird species.</p> <p>4. Lands containing important landscape features, sensitive habitats, or listed species are desirable locations for off-site mitigation, due to the sensitivity of these resources and the general understanding that such elements are indicative of high biological value.</p>				
<p><b>MM 5.7.3: Biological Restrictions on Dust Suppression.</b> Where construction activities are proposed within 100 feet of mapped Joshua tree woodland vegetation or the Joshua tree recruitment area, a screening fence (i.e., a 6-foot-high chain-link fence with green fabric up to a height of 5 feet) shall be installed to protect locations where these sensitive resources may be present to the satisfaction of LACDRP. In addition, dust abatement within 100 feet of these areas shall be achieved by water or by chemical dust suppression if authorized by the County and CDFG.</p>	<p>Install screening fence and</p> <p>Maintain log demonstrating compliance and</p>	<p>During construction</p>	<p>Applicant/Construction Manager</p>	<p>LACDRP</p>
<p><b>MM 5.7.4: Nesting Bird Surveys Prior to Mowing.</b> Should mowing for vegetation management purposes occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February through August in the Project region, or as determined by a qualified biologist), the Applicant shall have weekly</p>	<p>Conduct weekly nesting bird surveys during nesting/breeding season</p>	<p>Prior to mowing activities during nesting/breeding season</p>	<p>Applicant/Qualified Biologist</p>	<p>LACDRP CDFG</p>
Site Inspection				

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

**Mitigation Measures**

nesting bird surveys conducted. These surveys shall be conducted by a qualified biologist, shall commence within 30 days prior to any mowing, and shall be conducted to determine whether any active nests of special-status bird species, or of any bird species protected by the Migratory Bird Treaty Act or the California Fish and Game Code, are present in the disturbance zone or within 300 feet (500 feet for raptors) of the area to be disturbed. The surveys shall occur on a weekly basis, with the last survey being conducted no more than seven days prior to initiation of mowing activities. If mowing is delayed, then additional surveys shall be conducted such that no more than seven days would have elapsed between the survey and mowing. The Applicant or Manager shall provide the biologist with plans detailing the extent of proposed mowing prior to the survey effort.

If active nests are found, mowing within 300 feet (500 feet for raptors) of the nest shall be postponed or halted, at the discretion of the biologist, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. Limits of mowing to avoid an active nest shall be established in the field with highly visible construction fencing, and solar plant personnel shall be instructed on the sensitivity of nest areas. The results of the surveys, including graphics showing the locations of any nests detected, and any avoidance measures implemented, shall be submitted to the LACDRP and CDFG within 14 days of completion of the surveys to document compliance with applicable state and federal laws pertaining to the protection of native birds. Nesting bird surveys shall be conducted in each of the first five years after Project development. At the end of this period, the results

Action Required and	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
Submittal and approval of survey reports			

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
of the first five years of surveys shall be submitted to the LACDRP and CDFG. After submittal of the first five-year survey results, the County of Los Angeles, under consultation with CDFG, shall determine whether or not the nesting bird surveys shall continue.				
<b>MM 5.7-5: Biological Monitor.</b> Prior to grading, a qualified biologist shall be retained by the Applicant as the biological monitor subject to the approval of the County of Los Angeles. The biological monitor shall ensure that impacts to biological resources are avoided or minimized to the fullest extent possible. During earth moving activities, the biological monitor shall be present to relocate any vertebrate species that may come into harm's way to undisturbed areas of suitable habitat using appropriate methods that would not injure the wildlife. The biological monitor shall have the authority to stop specific grading or construction activities if violations of mitigation measures or any local, state, or federal laws are suspected.	Biological monitoring and Maintain log demonstrating compliance	During construction	Applicant/Qualified Biologist	LACDRP
<b>MM 5.7-6: Worker Environmental Education Program.</b> A Worker Environmental Education Program shall be developed for construction crews by a qualified biologist(s) provided by the Applicant. Training materials and briefings shall include but not be limited to: discussion of the value and identification of special-status species, including the burrowing owl and desert tortoise, review of sensitive species likely to occur within the construction area, the Migratory Bird Treaty Act and the consequences of non-compliance with this act, a contact person in the event of the discovery of dead or injured wildlife, and a review of mitigation requirements. The training sessions shall be conducted by a qualified biologist or other individual approved by the biologist. Maps showing the location of special-status wildlife or other construction limitations shall be provided to the environmental monitors and	Administer Worker Environmental Education Program and Maintain log demonstrating compliance	Prior to and ongoing during construction activities (as needed for new construction workers)	Applicant/Qualified Biologist/Construction Manager	LACDRP

MITIGATION MONITORING AND REPORTING PROGRAM  
 PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
construction crews prior to construction activities. As part of the environmental training, Managers and heavy equipment operators shall be provided with photographs or illustrations of expected special-status wildlife species so they will be able to identify them, and avoid harming them during construction.				
<p><b>MM 5.7.7: Blainville's Horned Lizard Capture and Relocation.</b> Prior to the initiation of ground clearing activities, capture and relocation efforts shall be conducted for the Blainville's horned lizard to the satisfaction of LACDRP. Trapping shall be conducted by a County-approved biologist possessing proper scientific collection and handling permits, and shall include the following steps:</p> <ul style="list-style-type: none"> <li>• Prior to initiating the capture and relocation effort, a suitable receptor location shall be identified to receive relocated horned lizards. The receptor locations shall contain suitable habitat for this species, including open, shrub-dominated vegetation. The 45-acre avoidance area near the southern edge of the Project site likely constitutes a suitable on-site receptor location.</li> <li>• The capture and relocation effort shall take place during the active season (April through October) preceding commencement of ground disturbance activities, when lizards are most likely to be active. Surveys shall be conducted when air temperatures immediately above the ground surface is between 70°F (21°C) and 102°F (39°C). All areas proposed for temporary or permanent ground disturbance shall be surveyed for the Blainville's horned lizard.</li> <li>• Surveys shall be conducted by placing coverboards on the ground 4 to 6 weeks in advance of the survey effort, and</li> </ul>	Perform capture and relocation efforts and	Prior to ground clearing activities	Applicant/County-Approved Biologist	LACDRP
	Maintain log demonstrating compliance			

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures

checking the area under the coverboards for horned lizards on a weekly basis. Coverboards can consist of untreated lumber, sheet metal, corrugated steel, or other flat material. Captured lizards shall be placed immediately into containers containing sand or moist paper towels and released in designated receptor locations no more than three hours after capture.

- If the biologist believes there is high potential for previously relocated lizards to return to the impact sites following relocation, silt fence shall be installed to prevent relocated individuals from reoccupying areas proposed for disturbance.

MM 5.7-8: Pre-construction Nesting Bird Surveys. Within 30 days prior to vegetation clearing or ground disturbance associated with construction or grading that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February through August in the project region, or as determined by a qualified biologist), the Applicant shall have weekly surveys conducted by a qualified biologist to determine if active nests of special-status bird species, or of any bird species protected by the Migratory Bird Treaty Act or the California Fish and Game Code, are present in the disturbance zone or within 300 feet (500 feet for raptors) of the disturbance zone. The surveys shall occur on a weekly basis, with the last survey being conducted no more than seven days prior to initiation of disturbance work. If ground disturbance activities are delayed, then additional pre-disturbance surveys shall be conducted such that no more than seven days will have elapsed between the survey and ground disturbance activities. The Applicant or Manager shall provide the biologist with plans detailing the extent of proposed ground disturbance prior to the survey effort.				
Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party	
Conduct weekly nesting bird surveys during nesting/breeding season and Submittal and approval of pre-construction nesting bird survey reports	Nesting bird surveys prior to vegetation clearing or ground disturbance during nesting/breeding season	Applicant/Qualified Biologist	LACDRP CDFG	

MITIGATION MONITORING AND REPORTING PROGRAM  
 PROJECT NO. R2009-02239

Mitigation Measures		Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors) shall be postponed or halted, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. Limits of construction to avoid an active nest shall be established in the field with highly visible construction fencing, and construction personnel shall be instructed on the sensitivity of nest areas. Occupied nests adjacent to the construction site shall also be avoided to ensure nesting success. A qualified biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests occur. The results of the surveys, including graphics showing the locations of any nests detected, and documentation of any avoidance measures taken, shall be submitted to the LACDRP and CDFG within 14 days of completion of the pre-construction surveys or construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.</p>					
<p><b>MM 5.7.9: Pre-Construction Wintering Burrowing Owl Surveys.</b> If construction or site preparation activities are scheduled during the non-nesting season of the burrowing owl (typically September through January), the Applicant shall retain a qualified biologist to conduct wintering burrowing owl surveys within the area to be disturbed. The survey shall be conducted no more than 21 days prior to commencement of construction activities in the area. During the construction period, the results of the surveys, including graphics showing the locations of any active burrows detected and any avoidance measures required, shall be submitted to the LACDRP and</p>		<p>Submit and approval of pre-construction wintering burrowing owl survey report(s) during non-nesting season and Submittal and</p>	<p>Prior to and during construction</p>	<p>Applicant/Qualified Biologist</p>	<p>LACDRP CDFG</p>



MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
CDFG on a monthly basis. If active burrows are detected, the required avoidance measures shall conform to the following:	approval of pre-construction survey			
<ul style="list-style-type: none"> <li>If burrowing owls are observed using burrows during the non-breeding season, occupied burrows shall be left undisturbed, and no construction activity shall take place within 300 feet of the burrow where feasible (see below);</li> <li>If disturbance of owls and owl burrows is unavoidable, owls shall be excluded from all active burrows through the use of exclusion devices placed in occupied burrows in accordance with CDFG protocols (CDFG 1995). Specifically, exclusion devices, utilizing one-way doors, shall be installed in the entrance of all active burrows. The devices shall be left in the burrows for at least 48 hours to ensure that all owls have been excluded from the burrows. Each of the burrows shall then be excavated by hand and refilled to prevent reoccupation. Exclusion shall continue until the owls have been successfully excluded from the disturbance area, as determined by a qualified biologist.</li> <li>If construction activities must be initiated in any area of the site during the burrowing owl breeding season (typically February through August), pre-construction surveys for burrowing owls shall be conducted. Any active burrowing owl burrows found at this season shall not be disturbed. Construction activities shall not be conducted within 300 feet of an active burrow at this season.</li> </ul>	<ul style="list-style-type: none"> <li>report(s) during burrowing owl breeding season</li> <li>and</li> <li>Implement avoidance measures, as applicable</li> </ul>			
MM 5.7-10: Burrowing Owl Management Plan. Prior to issuance of a grading permit, a habitat management plan for the burrowing owl shall be developed for portions of the site supporting suitable habitat for	Submittal and approval of Burrowing Owl	Prior to issuance of grading permit	Applicant/Qualified Biologist	LACDRP CDFG

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
burrowing owl and away from Project facilities and the solar panel arrays. Specifically, this plan shall be developed for implementation in the undeveloped areas surrounding Drainage A and in the southernmost portion of the Project site, near West Avenue E. At a minimum, the plan shall include the following elements:				
<ul style="list-style-type: none"><li>• If occupied burrows are to be removed, the plan shall contain schematic diagrams of artificial burrow designs and a map of potential artificial burrow locations within Drainage A and Drainage C that would compensate for the burrows removed.</li><li>• A methodology for the eviction and passive relocation of any owls from the impact area to proactively established artificial burrows.</li><li>• Provisions for vegetation management, specifying the maximum allowable vegetative cover adjacent to established artificial burrows and the methodology to be used in maintaining the appropriate cover.</li><li>• Measures prohibiting the use of rodenticides.</li><li>• The plan shall specify a minimum of 6.5 acres of suitable foraging habitat to be preserved or created through revegetation and restoration practices for every active burrowing owl burrow within the Project site. These mitigation areas shall not be located in areas shaded by the proposed solar arrays, and shall not be subject to vegetation mowing or other fuel management practices. Foraging areas shall be located adjacent to suitable natural or artificial burrow locations.</li></ul>				
The Burrowing Owl Habitat Management Plan may be prepared and presented either as a stand-alone document or as a component of the HEVMP required by Mitigation Measure 5.7.1, and shall be submitted				

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
to the LACDRP and CDFG for review and approval prior to issuance of a grading permit for the Project.				
<p><b>MM 5.7-11 Facility Lighting.</b> Project facility lighting shall be designed to provide the minimum illumination needed to achieve safety and security objectives. All lighting shall be directed downward and shielded to focus illumination on the desired areas only and avoid light trespass into adjacent areas. Lenses and bulbs shall not extend below the shields. The lighting plan shall be submitted to LACDPW for review and approval.</p>	<p>Submittal and approval of Facility Lighting Plan and Site inspection</p>	<p>Prior to issuance of building permit</p>	<p>Applicant</p>	<p>LACDPW LACDRP</p>
<p><b>MM 5.7-12: Desert Kit Fox.</b> To avoid injury or mortality of the desert kit fox, preconstruction surveys shall be conducted for this species concurrent with the pre-construction nesting bird surveys required by Mitigation Measure 5.7-4. A qualified biologist shall perform pre-construction surveys for kit fox dens in the Project site and along the proposed transmission line route, and shall survey all areas where Project facilities, transmission line poles, grading, mowing, equipment access, or other disturbances are proposed. If dens are detected, each den shall be classified as inactive, potentially active, or definitely active. Inactive dens in areas that would be impacted by construction activities shall be excavated by hand and backfilled to prevent reuse by desert kit fox. Active and potentially active dens in areas that would be impacted by construction activities shall be monitored by the biological monitor for three consecutive nights using a tracking medium (such as diatomaceous earth or fire clay) and/or infrared camera stations at the entrance. If no tracks are observed in the tracking medium or no photos of the target species are captured after three nights, the den shall be excavated and backfilled by hand to prevent reuse. If tracks are observed, the den shall be progressively</p>	<p>Submittal and approval of Pre-Construction Survey Report(s)</p>	<p>Within 30 days of completion of surveys, and prior to construction (ongoing as construction progresses to new areas)</p>	<p>Applicant/Qualified Biologist</p>	<p>LACDRP CDFG</p>

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
blocked with natural materials (rocks, dirt, sticks, and vegetation piled in front of the entrance) for the next three to five nights to discourage the kit fox from continuing to use the den. After verification that the den is unoccupied, it shall then be excavated and backfilled by hand to prevent reuse, while ensuring that no kit fox are trapped in the den. The Applicant shall submit a report to the LACDRP and CDFG within 30 days of completion of the kit fox surveys describing the survey methods, results, and details of any dens backfilled or foxes observed.				
MM 5.7-13: Pre-construction Desert Tortoise Surveys. Within 30 days prior to construction-related initial ground clearing and/or grading, the Applicant shall retain a qualified biologist to conduct surveys for signs of occupancy by the desert tortoise. Surveys shall be conducted on foot, and intended to detect any live tortoises or their carcasses, burrows, palates, tracks, or scat. Should any desert tortoise sign indicating the presence of desert tortoise be detected, the Applicant shall not proceed with ground clearing and/or grading activities in the area of the find and shall contact the USFWS and CDFG to develop an avoidance strategy.	Conduct desert tortoise surveys and Submittal and approval of pre-construction desert tortoise survey results	Within 30 days prior to construction-related ground clearing and/or grading and Within 14 days of completion of pre-construction surveys or construction monitoring	Applicant/Qualified Biologist	LACDRP USFWS CDFG
The results of the pre-construction surveys, including graphics showing the locations of any tortoise sign detected, and documentation of any avoidance measures taken, shall be submitted to the USFWS, CDFG, and LACDRP within 14 days of completion of the pre-construction surveys or construction monitoring to document compliance with applicable federal and state laws pertaining to the protection of desert tortoise.				

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<b>CULTURAL AND PALEONTOLOGICAL RESOURCES</b>				
MM 5.8-1: Avoid Archaeological Sites. Archaeological sites within the proposed Project area shall be avoided and protected from future disturbance or evaluated for significance and mitigated, as appropriate, to the satisfaction of the Los Angeles County Department of Regional Planning (LACDRP).	Maintain log to demonstrate compliance	During construction and operation	Applicant/Construction Manager/Cultural Resources Monitor	LACDRP
MM 5.8-2: Phase II Testing/Phase III Data Recovery. Prior to construction, Phase II testing and evaluation shall be conducted at all unavoidable prehistoric archaeological sites in the proposed Project area to determine their significance under Section 15064.5 of CEQA. Sites determined eligible for the California Register of Historic Resources (CRHR) shall either be avoided and protected from future disturbance, or a Phase III data recovery plan shall be prepared and implemented prior to construction to the satisfaction of LACDRP. All archaeological collections, technical reports and related documentation shall be curated at a curation facility approved by the County of Los Angeles.	Submittal and approval of Phase II Report/Phase III Data Recovery Plan, and related documentation, as applicable	Prior to construction	Applicant/Qualified Archaeologist	LACDRP
MM 5.8-3: Archaeological Monitoring. Prior to construction, an archaeological monitoring plan shall be prepared and implemented to the satisfaction of LACDRP. A qualified archaeological monitor shall be present during all ground disturbing activities, including vegetation clearing, grubbing, grading, filling, drilling, and trenching. In the event that any prehistoric or historic cultural resources (chipped or ground stone lithics, animal bone, ashly midden soil, structural remains, historic glass or ceramics, etc.) are discovered during the course of construction, all work in the vicinity shall halt, and the archaeologist shall record the resources on the appropriate California Department of	Submittal and approval of Archaeological Monitoring Plan and Submittal and approval of additional Phase II and Phase III technical reports,	Prior to issuance of grading permit and During construction and Following completion of ground-disturbance construction activities	Applicant/Qualified Archaeologist/Cultural Resources Monitor	LACDRP

MITIGATION MONITORING AND REPORTING PROGRAM  
 PROJECT NO. R2009-02239

Mitigation Measures				
Parks and Recreation (DPR) 523 Series Forms, evaluate the significance of the find, and if significant, determine and implement the appropriate mitigation, including but not limited to Phase III data recovery and associated documentation to the satisfaction of LACDRP. Such activities may result in the preparation of additional Phase II and Phase III technical reports. After ground-disturbing construction activities have been completed, an archaeological construction monitoring report shall be completed and submitted to the LACDRP.		Action Required as applicable	Mitigation Timing	Responsible Agency or Party
<b>MM 5.8-4: Native American Monitor.</b> A Native American monitor (Tataviam/Fernadeno Band of Mission Indians) shall be notified prior to construction and allowed the opportunity to be present during all ground disturbing activities, including vegetation clearing, grubbing, grading, filling, drilling, and trenching. In the event that any sacred site or resource is identified, a Native American monitor shall be retained to divert construction activities to another area of the Project site while a proper plan for avoidance or removal is determined to the satisfaction of the LACDRP.		Archaeological monitoring		
		and		
		Submittal of Archaeological Construction Monitoring Report		
		Notify Native American monitor of construction activities	Prior to and during construction	Applicant/Construction Manager/Cultural Resources Monitor
<b>MM 5.8-5: Human Remains.</b> In the event human remains are encountered, construction in the area of the finding shall cease, and the remains shall stay in situ pending definition of an appropriate plan. The Los Angeles County Coroner (Coroner) shall be contacted to determine the origin of the remains. In the event the remains are Native American in origin, the NAHC shall be contacted to determine		Maintain log to demonstrate compliance		
		and		
		Site inspection	During construction	Applicant/Construction Manager/Cultural Resources Monitor
				LACDRP

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
necessary procedures for protection and preservation of the remains, including reburial, as provided in the State of California Environmental Quality Act (CEQA) Guidelines, Section 15064.5(e), "CEQA and Archaeological Resources," CEQA Technical Advisory Series.	Site inspection			
MM 5.8-6: Paleontological Resources Protection. In the event paleontological discoveries are encountered by the cultural monitors, all excavation shall cease in the area of the find and a paleontologist shall be retained, who shall devise a plan for recovery in accordance with standards established by the Society of Vertebrate Paleontology. At least one of the on-site cultural monitors during construction shall have familiarity and expertise in paleontological resources and have the ability to recognize significant vertebrate paleontological resources. Any paleontological resources shall be documented and submitted to the Natural History Museum of Los Angeles County, or any other accredited institution (i.e., San Bernardino County Museum, UCLA Dept of Earth and Space Sciences) that will accept paleontological resources for curation.	Paleontological resources monitoring and	During construction	Applicant/Construction Manager/Cultural Resources Monitor	LACDRP
MM 5.8-7: Construction Worker Training. Prior to construction, the qualified archaeological monitor or qualified designee shall conduct a brief educational workshop such that all construction personnel understand monitoring requirements, roles and responsibilities of the monitors, and penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources. The construction worker training shall include an overview of potential cultural and paleontological resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to a designated on-site cultural monitor for further evaluation and action, as appropriate.	Implement educational workshop for all construction workers and Maintain log to demonstrate compliance	Prior to and ongoing during construction activities (as needed for new construction workers)	Applicant/Construction Manager/Qualified Archaeological Monitor	LACDRP

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<b>AGRICULTURAL RESOURCES</b>				
MM 5.9-1: Transmission Line Williamson Act Review (Kern County). Prior to the construction of the proposed transmission line route within any Williamson Act contracted lands in Kern County, the Applicant shall submit a written site description, along with a plot plan of the proposed transmission line route within the contracted land to the Kern County Planning Department for review and approval.	Submittal of documentation demonstrating approval from Kern County Planning Department	Prior to construction of transmission line	Applicant	LACDRP KCPD
<b>VISUAL QUALITIES</b>				
MM 5.10-1: Visual Screening During Construction. Prior to any construction activity within the vicinity of SR-138, temporary screening of construction and staging areas (e.g., via vegetation, or fencing with fabric or slats) shall be installed to minimize visual effects from construction as required by LACDRP.	Install temporary screening, as required and	Prior to construction activities within vicinity of SR-138	Applicant/Construction Manager	LACDRP
	Maintain log to demonstrate compliance and			
	Site inspection			
MM 5.10-2: Construction Housekeeping. During construction, the development site shall be maintained. The Project facility construction site and off-site transmission line route work areas shall be kept clean of debris, trash, or waste.	Maintain development site and	During construction	Applicant/Construction Manager	LACDRP
	Site inspection			
MM 5.10-3: Building and Equipment Paint. All proposed on-site structures and appropriate equipment shall be neutral colors and non-	Submittal and approval of building and equipment paint	Prior to issuance of building permit	Applicant	LACDRP



MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
reflective, as approved by the LACDRP.	palette plans and information			
<b>MM 5.10-4: Screening Vegetation Landscaping Plan and Maintenance.</b> Prior to issuance of a grading permit, the Applicant shall submit a landscaping plan for the 10-foot-wide strip of Project screening vegetation proposed along both sides of SR-138, to the LACDRP for review and approval. The Plan shall be certified by a registered landscape architect, and shall identify use of temporary irrigation, and the areas on both sides of SR-138 at the Project site to be planted with Joshua trees and/or other native yucca species, and native shrub species, in compliance with the County Drought-Tolerant Landscaping Ordinance. The landscaping shall be installed within 14 months of the commencement of construction activities. The vegetation shall be maintained via selective thinning and removal of invasive weeds and monitored thereafter to promote successful, long-term establishment of the native vegetation to the satisfaction of LACDRP. The landscaped area shall also be maintained free of trash and debris for the Project lifetime to the satisfaction of LACDRP.	Submittal and approval of Screening Vegetation Landscaping Plan and	Prior to issuance of grading permit and During construction and operation	Applicant/Registered Landscape Architect/ Construction Manager	LACDRP
<b>MM 5.10-5: Maintenance of SR-138 Caltrans and County Easements.</b> The areas on both sides of the existing Caltrans right-of-way for SR-138 offered for dedication in fee simple by the Applicant to Caltrans and the irrevocable 10-foot-wide slope easement on both sides of the 200-foot-wide Caltrans right-of-way offered to the County as described in Section 4.2 of this EIR shall be maintained free of trash and debris on an as-needed basis to the satisfaction of LACDRP. The dedicated area for Caltrans shall be maintained by Applicant until such time the deed for the applicable area is transferred to Caltrans, and the slope easement area for the County	Maintain log to demonstrate compliance and Site inspection	During construction and operation, prior to deed transfer for Caltrans easement and prior to improvements by County for slope easement area	Applicant/Construction Manager	LACDRP

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
shall be maintained by the Applicant until such time that the County installs improvements.				

TRAFFIC AND ACCESS

<p><b>MM 5.11-1: Provide Adequate Worksite Traffic Control.</b> Prior to any construction activities and/or issuance of required encroachment permits from Caltrans and Los Angeles and Kern counties, the Applicant shall prepare worksite traffic control plans for review and approval from Caltrans, the LACDPW, and the Kern County Resource Management Agency, Roads Department. The plans shall include: 1) the location and usage of appropriate construction work warning signs that shall be placed in accordance with the California Manual on Uniform Traffic Control Devices (Caltrans 2010); 2) proper merging taper and/or shifting lane schematics; and 3) adequate work area and buffer zone designation as well as proper location and conduct of flagmen and the traffic management supervisor at the installation worksite area. The Project worksite traffic control plans shall be coordinated with driver and worker safety in mind. Where the observed speed limit on affected roadways is 55 MPH or more, the plans shall incorporate and implement the following minimum standard requirements per the Work Area Traffic Control Handbook (WATCH):</p> <ul style="list-style-type: none"> <li>• A Type C flashing arrow pane shall be used for each closed lane.</li> <li>• The minimum height for traffic cones shall be 28 inches.</li> <li>• A minimum of three advance warning signs shall be posted.</li> <li>• Consideration of advanced safety enhancement measures shall be taken into account for workers in the work zones.</li> </ul> <p>The above safety and traffic control measures identified in the traffic control plans shall also be implemented at pole installation sites within</p>	<p>Submittal and approval of Worksite Traffic Control Plans and</p> <p>Advance notification of road closures to LACFD and submittal of detour plans</p>	<p>Prior to issuance of grading permit or encroachment permit, where applicable and</p> <p>During construction</p>	<p>Applicant/Construction Manager</p>	<p>LACDRP LACDPW LACFD KCRD</p>
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MITIGATION MONITORING AND REPORTING PROGRAM  
 PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>the public road ROW and/or roadway crossings at a minimum. Additionally, the County, including the LACFD Fire Stations 78, 112, and 140 shall be notified at least three days in advance of any street closures that may affect fire and/or paramedic responses in the area. Applicant shall provide alternate route (detour) plans to the County, including three sets to the LACFD, with a tentative schedule of planned closures, prior to the beginning of construction.</p>				
<p><b>MM 5.11-2: Document Pre and Post-Project Construction Pavement Condition of 170<sup>th</sup> Street West and Pay Fair Share.</b> Prior to issuance of a grading permit, Applicant shall document and submit all required information and/or material pertaining to the pavement conditions of 170<sup>th</sup> Street West including the formula for calculating the Project's fair share of any repair and/or reconstruction of 170<sup>th</sup> Street West to the satisfaction of the LACDPW. Applicant shall reimburse the County of Los Angeles for the cost of any repairs and/or reconstruction of 170<sup>th</sup> Street West attributable to the Project as agreed to by the LACDPW. The timing of any necessary repairs and/or reconstruction of 170<sup>th</sup> Street West and the required payment by Applicant shall be determined by LACDPW.</p>	<p>Submittal and approval of Pre-Construction Pavement Condition documentation and the Project's fair share formula</p>	<p>Prior to issuance of grading permit and following construction</p>	<p>Applicant/Construction Manager</p>	<p>LACDPW</p>
<p>and</p>	<p>Submittal and approval of Post-Construction Pavement Condition documentation</p>			
<p>Payment of fair share</p>	<p>Maintain log to demonstrate compliance</p>	<p>During construction</p>	<p>Applicant/Construction Manager</p>	<p>LACDRP</p>
<p><b>MM 5.11-3: Limit 50 Percent of Truck Deliveries to Off-Peak Hours.</b> During the construction phase of the Project, Applicant/EPC contractor shall require equipment and materials suppliers using trucks to make deliveries to the Project site such that at least 50</p>				

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
ENVIRONMENTAL SAFETY				

MM 5.15-1: Additional assessment, and possibly remediation, of potentially contaminated soils on the Project site. Prior to the issuance of a grading permit, the Applicant shall obtain a site closure letter from the Los Angeles County Fire Department, Health Hazardous Materials Division. The Applicant shall conduct additional site assessment or remediation activities as required by and to the satisfaction of the Voluntary Oversight Program of the CUPA (Los Angeles County Fire Department, Health Hazardous Materials Division).

Perform necessary assessment and remediation, as applicable, and obtain Site Closure Letter from LACFD

Prior to issuance of grading permit

Applicant

LACDRP  
LACFD (CUPA)

Additional assessment and/or remediation may include the following:

- 1) Preparation of applicable Phase II Environmental Site Assessment Work Plans that describe the proposed approach and methods to be used in characterizing shallow soils. The Work Plans shall include the proposed sampling locations, sample collection procedures, analytical methods, quality control measures, and a site-specific health and safety plan. The Phase II ESA(s) shall be submitted to the CUPA for regulatory review and approval.
- 2) Implementation of the Phase II ESA Work Plan(s) with CUPA oversight.

As necessary, Site Remediation Action Plans shall be developed. Upon CUPA concurrence with the recommendations presented the Phase II ESA(s), remedial action plans shall be prepared for submittal to the CUPA. The remedial action plans shall include the following.

- 1) Remediation goals and cleanup criteria.

MITIGATION MONITORING AND REPORTING PROGRAM  
 PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>2) Evaluation of corrective action alternatives that compares the effectiveness, feasibility, and cost benefit of each alternative. The remedial action plans shall take into account existing and proposed uses of the Project area.</p> <p>3) Identification of the preferred alternative with consideration of protection of resources within the Project area.</p> <p>4) A detailed description of the access points and haul-out routes for remedial activities; remediation methods and procedures; mitigation of dust; minimization or avoidance of disturbance to sensitive ecosystems; and verification soil sampling and analysis. Included in the discussion shall be information on disposal sites, transport and disposal methods, as well as recordkeeping methods for documenting remediation, regulatory compliance, and health and safety programs for on-site workers.</p>				
<b>MM 5.15-2: A Soil Management Plan for Transmission Line Construction.</b>				
<p>Prior to issuance of a grading permit, a soil management plan shall be submitted to the CUPA for review and approval. The plan shall include practices that are consistent with the California Title 8, Occupational Safety and Health Administration (Cal-OSHA) regulations, as well as CUPA remediation standards that are protective of the planned use. Appropriately trained construction personnel shall be present during site preparation, grading, and related earthwork activities (e.g., augering) to monitor soil conditions encountered. In order to confirm the absence or presence of hazardous substances associated with former land use, a sampling strategy may be implemented. The sampling strategy shall include procedures regarding logging/sampling and laboratory analyses. The Soil Management Plan shall outline guidelines for the following:</p>	<p>Submittal and approval of Soil Management Plan and</p> <p>Monitor soil conditions encountered</p>	<p>Prior to issuance of grading permit for the transmission line and</p> <p>During construction</p>	<p>Applicant/Construction Manager</p>	<p>LACFD (CUPA)</p>

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<ul style="list-style-type: none"> <li>Identifying impacted soil</li> <li>Assessing impacted soil</li> <li>Soil excavation</li> <li>Impacted soil storage</li> <li>Verification sampling</li> <li>Impacted soil characterization and disposal</li> </ul>				

MM-5.15-3: The historic oil well that requires abandonment or re-abandonment shall be abandoned to current standards. Prior to issuance of a grading permit, an investigation into the location of the historic oil well, reportedly located on the proposed Project site shall be conducted. If the well is determined to be located on the Project site, the well shall be inspected. If the well was not abandoned properly, as determined by the California Division of Oil, Gas, and Geothermal Resources (DOGGR), the well shall be re-abandoned to the satisfaction of DOGGR. The Project development plans shall comply with the required setbacks from oil and gas wells as determined by DOGGR and the County of Los Angeles.

Investigation of historic oil well and  
If well is determined to be present on the Project site, obtain determination from DOGGR that historic well was properly abandoned or re-abandon the well to the satisfaction of DOGGR

MM 5.15-4: Demolition Hazardous Building Materials Assessment and Management Plan. Prior to the commencement of any demolition activity on the Project site, the demolition Manager shall prepare a written Demolition Hazardous Building Materials Assessment and Management Program for review and approval by the CUPA, and/or other appropriate regulatory agency. The Demolition Hazardous Building Materials Management Program shall	Submittal and approval of Demolition Hazardous Building Materials Assessment and Management	Prior to commencement of any demolition activity	Applicant/Demolition Manager	LACFD (CUPA) AVAQMD
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MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>Include an assessment for lead-based paint (LBP) and asbestos-containing material (ACM) as identified in the URS pre-demolition survey report (URS 2010), and the following plans shall be prepared:</p> <ul style="list-style-type: none"> <li>Lead-based Paint Abatement and Management Plan. ALBP Abatement Plan shall be prepared and implemented by a qualified Manager. Elements of the plan shall include the following: <ul style="list-style-type: none"> <li>Containment of all work areas to prohibit off-site migration of paint chip debris.</li> <li>Removal or encapsulation of all peeling and stratified LBP on building surfaces and on non-building surfaces to the degree necessary to properly complete demolition activities per the recommendations of the survey. The demolition Manager shall properly contain and dispose of intact LBP on all equipment to be cut and/or removed during demolition.</li> <li>Providing on-site air monitoring during all abatement activities and perimeter monitoring to ensure no contamination of work of adjacent areas.</li> <li>Cleanup and/or HEPA vacuum paint chips.</li> <li>Collection, segregation, and profiling waste for disposal determination.</li> <li>Post-demolition testing of soil to assure that soil at the site is not contaminated by LBP.</li> <li>Providing for appropriate disposal of all waste.</li> </ul> </li> <li>Asbestos-containing Materials Abatement and Management Plan. Prior to demolition work that shall disturb identified ACMs, an ACM Abatement and Management Plan shall be prepared.</li> </ul>	<p>Program</p> <p>and</p> <p>Notification of demolition activities to AVAQMD</p> <p>and</p> <p>Maintain log to demonstrate compliance</p>			

MITIGATION MONITORING AND REPORTING PROGRAM  
 PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
Asbestos abatement shall be conducted during demolition activities, consistent with OSHA and air quality regulations. The Management plan shall include detailed information regarding ACM classification, ACM hazard assessment (the possibility of fiber release from ACM is based on the materials condition, such as friability), ACM inventory information, training and qualification for workers, demolition handling procedures, waste management and disposal procedures, and emergency response procedures (in case of a release of friable materials) licensed asbestos abatement removal Manager shall remove the ACMs under the oversight of a California Certified Asbestos Consultant. All identified ACMs shall be removed and appropriately disposed of by a state-certified asbestos Manager. The proposed Project shall include notification of demolition activities to the Antelope Valley Air Quality Management District.				

LAND USE

Mitigation Measure 5.16-1: Tree Planting Modification. Prior to issuance of a grading permit, the applicant shall obtain authorization to modify the tree planting requirements of the Green Building Ordinance from the Director of Public Works and shall comply with all considerations and other terms of the Green Building Ordinance requirements to the satisfaction of the Director of Public Works (see Sections 22.52.2130 C.5 and Section 22.52.2150 of the County Code).	Obtain authorization to modify the tree planting requirements of the Green Building Ordinance	Prior to issuance of grading permit	Applicant	LACDPW
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NOISE

MM 5.18-1: Pile Driver Orientation. In order to reduce the noise levels generated by the vibratory pile driver and comply with all	Maintain log demonstrating	During construction	Applicant/Construction Manager	LACDRP
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MITIGATION MONITORING AND REPORTING PROGRAM  
 PROJECT NO. R2009-02239

Mitigation Measures		Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
applicable Los Angeles County noise standards, the pile driver shall be oriented such that the rear of the pile driver faces toward the noise-sensitive receptors when the vibratory pile driver is being utilized within 3,000 feet of the receptors.		compliance and			
MM 5.18-2: Construction Equipment Use of Mufflers. Construction equipment and vehicles shall be fitted with efficient and well-maintained mufflers to reduce noise emission levels. In addition, the Project construction equipment and vehicles shall be maintained according to the manufacturers' instructions and recommendations.		Site inspection			
MM 5.18-2: Construction Equipment Use of Mufflers. Construction equipment and vehicles shall be fitted with efficient and well-maintained mufflers to reduce noise emission levels. In addition, the Project construction equipment and vehicles shall be maintained according to the manufacturers' instructions and recommendations.		Maintain log demonstrating compliance	During construction	Applicant/Construction Manager	LACDRP
MITIGATION COMPLIANCE					
As a means of ensuring compliance of the above mitigation measures, the Applicant and/or subsequent owner(s) are responsible for submitting an annual mitigation compliance report to the LACDRP for review, and for replenishing the mitigation monitoring account if necessary until such time as all mitigation measures have been implemented and completed.					
		Replenishing mitigation monitoring account	Annually until such time as all mitigation measures have been implemented and completed	Project Applicant and Subsequent Owner(s)	LACDRP

1 List of Acronyms:

ACM	Asbestos-containing material	Cal-OSHA	California Occupational Safety and Health Administration	CRHR	California Register of Historic Resources
AQCM	Air quality construction mitigation manager	Caltrans	California Department of Transportation	CUPA	Certified Unified Program Agency
ATCM	Airborne toxic control measure	CARB	California Air Resources Board	DEIR	Draft Environmental Impact Report
AVAQMD	Antelope Valley Air Quality Management District	CBC	California Building Code	DOGGR	California Division of Oil, Gas, and Geothermal Resources
BLM	Bureau of Land Management	CCR	California Code of Regulations	DPR	Department of Parks and Recreation
CalIPC	California Invasive Plant Council	CDFG	California Department of Fish and Game	EIR	Environmental Impact Report
		CEQA	California Environmental Quality Act		

MITIGATION MONITORING AND REPORTING PROGRAM  
 PROJECT NO. R2009-02239

EPC	Engineering, procurement, and construction	LACDPW	Los Angeles County Department of Public Works	NPDES	National Pollutant Discharge Elimination System
ESA	Environmental Site Assessment	LACDRP	Los Angeles County Department of Regional Planning	OSHA	Occupational Safety and Health Administration
F	Fairhaven	LACFD	Los Angeles County Fire Department	OWTS	On-site Wastewater Treatment System
FEMA	Federal Emergency Management Agency	LBP	Lead-based paint	PM	Particulate Matter
FDECP	Fugitive dust emission control plan	LRWQCB	Lahontan Regional Water Quality Control Board	RWQCB	Regional Water Quality Control Board
HEPA	high efficiency particulate air			SEA	Significant ecological area
HEVMP	Habitat enhancement and vegetation management plan			SR	State Route
hp	Horsepower	mph	Miles per hour	UCLA	University of California Los Angeles
KCPD	Kern County Planning Department	MM	Mitigation Measure	USEPA	United States Environmental Protection Agency
KCRD	Kern County Roads Department	MW	Megawatt		United States Fish and Wildlife Service
KV	Kilovolts (unit of electrical potential)	NAHC	Native American Heritage Commission		Work Area Traffic Control Handbook (Caltrans)
LACDPH	Los Angeles County Department of Health Services, Public Health	NIOSH	National Institute for Occupational Safety and Health	USFWS	
		NOx	Oxides of Nitrogen	WATCH	

2 The proposed Project consists of the approximately 2,100-acre solar facility site and the off-site 230-kV transmission line in northern Los Angeles County and southern Kern County.



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

DATE: September 15, 2010

TO: Wayne Rew, Chair  
Pat Modugno, Vice Chair  
Esther L. Valadez, Commissioner  
Leslie G. Bellamy, Commissioner  
Harold Helsley, Commissioner

FROM: Samuel Z. Dea, Supervising Regional Planner *for SZD*  
Special Projects Section

SUBJECT: **PROJECT NO. R2009-02239-(5)**  
**AV SOLAR RANCH ONE, LLC**  
**VESTING TENTATIVE TRACT MAP NO. 071035**  
**CONDITIONAL USE PERMIT NO. 200900026**  
**ENVIRONMENTAL ASSESSMENT NO. 200900027**  
**AGENDA ITEM NO. 7**

In the two weeks since the Commission received the hearing materials package for today's continued hearing, staff and county counsel have made additional factual corrections to the subject conditional use permit and vesting tentative tract map Findings and minor modifications to language in the conditional use permit Conditions. Attached are the full documents showing tracked changes. Staff will address the various corrections and modifications during the staff presentation. Additionally, the CEQA Findings have been factually updated to include a limited amount of additional details from the EIR. Only the CEQA Findings pages with tracked changes are included for the Commission's convenience.

Prepared by Kim K. Szalay, MPL, AICP, Principal Regional Planning Assistant  
Reviewed by Samuel Z. Dea, Supervising Regional Planner

**ATTACHMENTS**

Revised Conditional Use Permit Findings  
Revised Vesting Tentative Tract Map Findings  
Revised Conditional Use Permit Conditions of Approval  
Updated letter from the Department of Public Works dated June 30, 2010  
CEQA Findings (pages with tracked changes only)  
Antelope Acres Town Council: President's e-mail dated September 14, 2010  
Public Comment Letter

SZD:KKS

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

**PROJECT NO. R2009-02239-(5)**

**CONDITIONAL USE PERMIT NO. 200900026**

**ENVIRONMENTAL ASSESSMENT NO. 200900027**

**HEARING DATES: JUNE 30, 2010 AND SEPTEMBER 15, 2010**

### **SYNOPSIS**

The applicant, AV Solar Ranch 1, LLC, requests Vesting Tentative Tract ("VTTM") No. 071035 to authorize a reversion to acreage from 147 lots to 1 lot on 790 acres in the A-2-5 (Heavy Agricultural-Five Acres Minimum Required Area) zone and Conditional Use Permit ("CUP") No. 200900026 to authorize construction, operation, and maintenance of a 230 megawatt 80,000-panel photovoltaic solar electric power generation facility on 2,093 gross acres (including the 790-acre VTTM site) and on-site grading in excess of 100,000 cubic yards in the A-2-5 (Heavy Agricultural – Five Acres Minimum Required Area) zone; and installation of 0.75 miles of onsite and 2.25 miles of offsite high voltage 230 kilovolt electricity transmission lines in the A-2-5 and A-1-2 (Light Agricultural-Two Acres Minimum Required Area) zones. The subject property to which the CUP applies includes 33 contiguous parcels including one reversion to acreage parcel proposed to be created by the VTTM.

### **PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION**

#### **June 30, 2010 Public Hearing**

A duly noticed public hearing was held on June 30, 2010, before the Regional Planning Commission ("Commission"). Commissioners Bellamy, Rew, Helsley, and Modugno were present. Commissioner Valadez was absent. The applicant and two persons testified in favor of the project and two persons testified with concerns regarding the request. Approximately 25 members of the public were present at the public hearing plus the applicant's team of six persons. The Commission directed staff and the applicant to further address the following issues:

- Clarify and provide the possibility of capturing rainwater and washwater runoff
- Provide decommissioning financial assurances
- Provide a cost/benefit comparison of undergrounding versus above ground transmission line installations
- Require-Investigate fencing options so as to be of a suitable color to blend with the surrounding terrain
- Clarify and provide numbers of tracking solar panels and fixed tilt solar panels proposed
- Verify and provide the current market rate per kilowatt hour for purchase of electrical power
- Provide potential high-value mitigation sites for the required 450 acres of off-site mitigation land
- Clarify night lighting requirements and proposal

- Verify and provide the Federal funding critical timeline requirements
- Clarify the status of the comment letter submitted by the Antelope Acres Town Council

There being no further testimony or discussion, the Commission continued the public hearing to September 15, 2010, to provide time for staff and the applicant to provide the additional items requested and to prepare the Final Environmental Impact Report and Findings and Conditions for action on the requested CUP and VTTM.

**September 15, 2010 Public Hearing**

[Reserved for proceedings to be included following close of the public hearing.]

**FINDINGS**

1. The applicant is requesting a conditional use permit for construction, operation, and maintenance of a 230 megawatt ~~80,000-panel~~ photovoltaic solar electric power generation facility on 2,093 gross acres (including the 790-acre property included in the VTTM) and on-site grading in excess of 100,000 cubic yards in the A-2-5 (Heavy Agricultural – Five Acres Minimum Required Area) zone; and installation of 0.75 miles of onsite and 2.25 miles of offsite high voltage 230 kilovolt electricity transmission lines in the A-2-5 and A-1-2 (Light Agricultural-Two Acres Minimum Required Area) zones.
2. All portions of the project are located within the following boundary extremes: north and south of SR 138 between 155<sup>th</sup> Street West to the east and 180<sup>th</sup> Street West to the west, and between West Avenue B-8 to the north and West Avenue E to the south. Not all properties located within these boundary extremes are within the Project area. Primary access is proposed to be located on 170<sup>th</sup> Street West approximately 0.6 miles north of SR 138 (Avenue D).
3. The subject property consists of 33 contiguous parcels on 2,093 acres, including one proposed 790-acre reversion to acreage parcel. The property is flat and gently sloping downward to the northeast. All parcels are vacant with the exception of an existing abandoned ranch house and appurtenant facilities located on a parcel adjacent to and south of SR 138 (Avenue D). All such facilities are proposed to be demolished.
4. The proposed 230-megawatt solar photovoltaic electric power generation facility includes approximately 80,000 photovoltaic panel arrays including optional use of sun-tracking or fixed, tilt or horizontal array units; associated electrical and distribution equipment including approximately 185 electrical equipment structures with the option to be unenclosed or enclosed; onsite unenclosed electricity substation; operations and maintenance building; a 230-kilovolt transmission line approximately 4.25 miles in length (approximately 2.25 miles within unincorporated

Los Angeles County and 2 miles within Kern County) within the 170<sup>th</sup> Street West public right of way in unincorporated Los Angeles County, and on private property and/or 170<sup>th</sup> Street West public right of way in Kern County, connecting to Southern California Edison proposed Whirlwind substation facilities in Kern County; undergrounding of all high-voltage transmission lines located within unincorporated Los Angeles County with the exception of two required above-ground crossings of the public right of way; onsite 34.5 kilovolt transmission line proposed within 170<sup>th</sup> Street West public right of way and private property; undergrounding all of the low-voltage transmission lines except as required to include one above ground crossing of the public right of way and approximately four required above ground crossings over jurisdictional drainages within the project site; a maximum of 180,000 cubic yards of balanced grading for flood control management; employee parking area; perimeter fencing; associated access roads; native landscaping screening north and south of SR 138 (Avenue D); new potable water well and use of existing wells for non-potable uses; two above ground water tanks (approximately 10,000 and 100,000 gallons); construction of onsite septic and leach-field system; and demolition of all existing structures on-site including two residences, a mobile home, and accessory structures. The proposed project will require approximately 150 acre feet of water per year during construction of the project for a period not to exceed 38 months. On-going operation of the project will require approximately 12 acre feet per year of water supply, of which three acre feet per year are required to be potable.

5. The subject property is located within the N1 (Non Urban 1) land use designation in the Antelope Valley Areawide General Plan ("AVAGP"), a component of the Los Angeles Countywide General Plan.
6. The subject property is zoned A-2-5 (Heavy Agricultural – Five Acre Minimum Required Area).
7. Six Certificates of Compliance have been issued on various lots on the subject property to certify compliance with the Subdivision Map Act. The subject property is comprised of a total of 179 lots. After proposed reversion to acreage of the 147 lots to one lot, the property would be comprised of 33 lots.
8. Surrounding land uses within a 500-foot radius of the property include vacant parcels and Joshua Tree Woodland Habitat Significant Ecological Area ("SEA") No. 60 adjacent to the north and east, and vacant parcels to the south and west. Joshua Tree Woodland Habitat SEA No. 57 is located nearby to the southeast of the project site. The project provides undeveloped land buffers to the SEA's and does not disturb or intrude into the SEA's. Nearby property owners within a 1,000-foot radius of the project boundaries were notified by mail regarding the project.

9. The surrounding areas within a 500-foot radius of the property are zoned A-1-2 and A-2-5 to the north and west, A-1-2, A-2-2 (Heavy Agricultural – Two Acre Minimum Required Area), and A-2-5 to the south and east.
10. The proposed project is consistent with the applicable goals and policies of the County of Los Angeles Countywide General Plan ("General Plan") as follows:
  - a. Policy No. 2 of the Conservation and Open Space Element is as follows: "Support the conservation of energy and encourage the development and utilization of new energy sources including geothermal, thermal waste, solar, wind and ocean-related sources" (General Plan, Pg. II-26). The project is consistent with this policy by proposing development of solar energy production facilities.
  - b. Policy No. 3 of the Conservation and Open Space Element specifically promotes solar energy: "Promote the use of solar energy to the maximum extent possible" (General Plan, Pg. II-26). The project is a utility-scale solar project proposing 230-megawatts of solar electricity generation and is consistent with this policy.
  - c. Policy No. II-15 of the Conservation and Open Space Element Recommended Action Plan provides the following guidance: "Support stronger tax and cost-saving incentives to encourage greater use of alternative energy sources such as solar energy and wind power" (General Plan, Pg. VIII-39). The project proposes to use potential Federal stimulus funding, Federal loan guarantees, and State Public Utilities Commission authorized cost recovery mechanisms in the event the project qualifies for subject funding opportunities.
11. The proposed project is consistent with the applicable goals and policies of the AVAGP and the N1 (Non-Urban 1) land use designation in the AVAGP. The project meets the definition of a "utility installation" referenced in the listing of non-urban non-residential land uses allowed in remote areas designated Non-Urban 1 (AVAGP, Pg. VI-5). The project is consistent with policies of the Plan as follows:
  - a. Policy No. 18: "Direct future growth away from areas exhibiting high environmental sensitivity to land use development unless appropriate mitigating measures can be implemented" (AVAGP, pg. V-3). The project uses previously disturbed and previously farmed land and avoids SEA's in the vicinity. Additional project design features and mitigation measures have been incorporated and required to further protect and preserve surrounding habitat in the Antelope Valley. An existing on-site juvenile Joshua Tree recruitment area is avoided by the project.
  - b. Policy No. 19: "Minimize disruption and degradation of the environment as land use development occurs, integrating land uses so that they are compatible with

natural environmental systems" (AVAGP, pg. V-3). The project retains natural drainage, limits grading to maintain the topography of the existing site, and provides permeable fencing for retaining animal movement throughout the property. Proposed vegetated swales and limited vegetation retained under and around panels provides partial integration of the site with existing habitat.

- c. Policy No. 40: "Encourage efficient utilization of resources in the allocation of land to various uses, and incorporate energy conservation measures into the design and implementation of public and private projects" (AVAGP, pg. V-6). The project uses materials with an estimated lifespan of 25-30 years, makes little impact on public infrastructure, limits land disturbance, and provides public benefits through generation of renewable energy. The proposed operations building will be constructed in compliance with green building requirements of the County Green Building Ordinance.
- d. Policy No. 65: "Encourage the locating of new power distribution networks, communication lines, and other service network facilities underground in urban areas. Transmission lines should be located underground where feasible" (AVAGP, pg. V-9). Though not located in an urban area, the project site is subject to long-range planning for the Antelope Valley that envisions minimal visual intrusion by avoiding proliferation of above ground transmission lines and their related support poles. Therefore, to be consistent with this policy, the on-site low voltage and the on-site and off-site high voltage transmission lines will be undergrounded, with the exception of three required above-ground crossings in the unincorporated County area within the public right of way including one point of connection at the Kern County border, and approximately four required above ground crossings over jurisdictional drainages within the project site in order to minimize visual intrusion and to avoid proliferation of above-ground transmission lines.
- e. Policy No. 66: "Maintain a long-range program for the underground relocation of overhead power distribution facilities, telephone lines, and other utility services in urban areas" (AVAGP, pg. V-9). Many potential applications for renewable energy projects require long-term planning for solar and wind project transmission line installations in the Antelope Valley. Although not located within an urban area, the project site is subject to long-range planning efforts for future development in the area. ~~Therefore, to be consistent with this policy, the project will include the undergrounding of both the low and high voltage transmission lines both on and off the project site within the unincorporated County area with the exception of one required above ground crossing of the public right of way and one above-ground point of connection at the Kern County border.~~ Therefore, to be consistent with this policy, the on-site low voltage and the on-site and off-site high voltage transmission lines will be undergrounded, with the exception of three required above-ground crossings in



the unincorporated County area within the public right of way including one point of connection at the Kern County border, and approximately four required above ground crossings over jurisdictional drainages within the project site in order to minimize visual intrusion and to avoid proliferation of above-ground transmission lines.

- f. Policy No. 69: "Protect significant vegetation such as the Joshua Tree" (AVAGP, pg. V-9). The project proposes to avoid development in the nearby Joshua Tree Woodlands SEA No. 60, and the project avoids removal of, or, encroachment upon, mature and younger Joshua Trees located on the site.
- g. Policy No. 70: "Encourage planting of street trees in urban portions of the Antelope Valley" (AVAGP, pg. V-9). Naturally-placed native vegetation, including Joshua Trees, is proposed for screening along the north and south sides of SR 138. The project also proposes to provide for additional planting and maintenance of street trees and landscaping in nearby areas of the Antelope Valley that may include urbanizing areas.
- h. Policy No. 71: "Encourage and support local efforts to attract new industry to the Antelope Valley. While the aero-space and other government related industries should continue to remain as major employment generators, emphasis should also be given to attracting other types of employers" (AVAGP, pg. V-10). The project is a large-scale renewable energy project that would provide additional employment opportunities and introduce new industry opportunities in the growing renewable energy sector within the Antelope Valley.
- i. Policy No. 101: "Develop and use groundwater sources to their safe yield limits" (AVAGP, pg. V-13). During the 38-month construction period proposed, a maximum of 150 acre feet of water per year may be used for project construction activities. The project proposes to limit use of groundwater to a maximum of 12 acre feet per year during project operations. Long-term operation of the project requires occasional cleaning of the solar panel surfaces in order to maximize electricity production. Existing wells with projected adequate yield are proposed to be used for non-potable washwater and other non-potable uses. A new well is proposed to provide for necessary potable water to supply the operations and maintenance facility and construction workers. The project provides adequate water supply.
- j. Policy No. 114: "As an interim policy, pending construction of regional drainage facilities, require installation of appropriate systems and facilities to retain the increase in storm runoff due to development on the project site or equivalent mitigating measures" (AVAGP, pg. V-14). The project proposes retaining

natural permeable ground surfaces and providing drainage swales in addition to retaining natural flow and volumes through the primary drainages on the site.

- k. Policy No. 135: "Encourage development to utilize and enhance natural topographic features, thus establishing harmony between the natural and man-made environment" (AVAGP, pg. V-17). Natural drainages are being maintained by the project to retain natural flows of storm waters, and additional buffering of the main drainage course is proposed to provide for animal movement and ongoing habitat. Permeable fencing is also proposed to enable additional movement for small and moderate sized wildlife. The project proposes to preserve 100 acres onsite as natural open space.
  - l. Policy No. 140: "Promote air quality that is compatible with health, well-being, and enjoyment of life. The public nuisance, property and vegetative damage, and deterioration of aesthetic qualities that result from air pollution contaminants should be prevented to the greatest degree possible" (AVAGP, pg. V-17). The project proposes to stage limited construction grading and construction over a 38-month period, and to use other standard dust control measures in order to limit the extent of air pollution from fugitive dust during construction of the project. Operation of the project proposes retaining native vegetation and re-vegetating to the greatest extent feasible while in compliance with fire control clearance requirements. By providing a utility scale solar project, the project is facilitating the use of clean, renewable energy, which in turn helps to reduce emissions from other types of energy sources, thereby promoting improved air quality.
  - m. Policy No. 141: "Prohibit the harvesting of Joshua or Juniper trees for fuel purposes or for transplantation out of their normal habitat area" (AVAGP, pg. V-18). The project avoids the nearby Joshua Tree Woodlands SEA and proposes to avoid development in and removal of young Joshua Trees from an existing Joshua Tree recruitment area located onsite.
  - n. Policy No. 217: "Promote use of alternative energy sources (including solar and wind) for heating and cooling" (AVAGP, pg. V-26). The project aims to produce 230-megawatts of photovoltaic solar electric power for use in California to assist meeting renewable energy needs and mandates.
12. The project is consistent with the AVAGP Guidelines for Non-Residential Uses in Non-Urban Areas (Pages VI-24, 25) as follows:
- a. Location. The project is consistent with location guidelines of the Plan. The proposed project is located on previously disturbed land surrounded by vacant properties and agricultural uses in the general vicinity. Proposed operations are relatively passive similar to existing surrounding uses. Existing primary

roadways will be retained for maintaining existing circulation patterns in the area. Existing utilities, other public services, and infrastructure are available to the project. The project provides native landscaping and open space buffering along SR 138 as visual mitigation for public passersby. The relatively flat topography, distance from known active faults, and previously farmed and disturbed property, make the location suitable for the proposed photovoltaic solar electricity generation development.

- b. Access. The project primary access is consistent with access guidelines of the Plan. The project proposes primary access approximately one half mile north of SR 138 on 170<sup>th</sup> Street West. This location prevents the hazards associated with higher speeds on SR 138 if access were to be taken from the highway. Transport of materials during construction of the project largely avoids existing residential communities.
  - c. Design. The proposed design of the project is consistent with design guidelines of the Plan. The first 1,000 feet of solar panels installed adjacent to SR 138 are proposed to be of the low-profile horizontal or low-profile fixed tilt variety to maximize views to the Tehachapi Mountains to the north and other vistas to the south from the highway. Additionally, native drought-tolerant shrubs, Joshua Trees, and grasses are proposed to screen the frontages of solar panel development along SR 138 on both the north and south sides of the right-of-way. As natural a placement of plantings as possible and temporary drip systems to establish the plantings are proposed. Perimeter fencing that is colored to minimize visual intrusion will be provided for security and safety purposes. No outdoor advertising and minimal security lighting shielded downward to avoid light spillover is proposed, which will minimize visual impacts to neighboring properties and wildlife.
13. The subject property is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22 of the County Code as required in order to integrate the project with the uses in the surrounding area given that the project complies with all applicable development standards of the A-2-5 (Heavy Agricultural-Five Acres Minimum Required Area) zone. Section 22.24.150 of the County Code, Uses Subject to Permits, lists the following use as permitted provided a conditional use permit is approved, "Electric distribution substations, electric transmission substations and generating plants, including microwave facilities used in conjunction with any one thereof." The proposed project is a photovoltaic solar electric power generation plant with distribution substation and transmission lines and complies with the following regulations of Title 22 of the County Zoning Ordinance as follows:

- a. Section 22.24.170.A Front, Side and Rear Yard Requirements. A minimum set back of 20 feet for front yard, five feet for side yard and corner side yard, 10 feet for reversed corner side yard, and 15 feet for rear yard is required. The project exceeds requirements by providing a minimum set back of 50 feet from the property line throughout property. Specific designated areas provide additional set back, buffering, or other dedicated spaces as indicated on the site plans. The project complies with yard setback requirements.
- b. Section 22.48.160 Fences and Walls. Depending on the location within the property, three and one half to six feet in height is the maximum fence height permitted per County Code. The project proposes perimeter fencing eight feet in height for project security and safety purposes. The applicant is seeking a yard modification to allow the fence to be a uniform eight feet in height around the entire perimeter of the project site. The Commission supports this request and believes it to be appropriate for the use and the location. The project complies with fencing requirements, as proposed to be modified pursuant to the yard modification process.
- c. Chapter 22.52 Part 7 Outside Storage. Part 7 requires that all outside storage open to view from the exterior boundary of a lot or parcel of land upon which it is conducted shall be enclosed by a solid wall or fence. This requirement would not apply to temporary material staging areas and temporary outdoor worker shelters used during construction. For the purposes of this project, temporary staging areas, temporary outdoor worker shelters, and a temporary cement batching plant are defined as areas used for construction and the use of which are not to exceed project build out or 38 months from the start of construction, whichever occurs first. The project does not propose permanent outside storage for on-going operations. The project complies with operational outside storage requirements.
- d. Chapter 22.52 Part 11, Section 22.52.1220. Uses not specified – Number of spaces required. Where parking requirements for any use are not specified, parking shall be provided in an amount which the director finds adequate to prevent traffic congestion and excessive on-street parking. Whenever practical, such determination shall be based upon the requirements for the most comparable use specified in this Part 11. Because parking requirements for the project are not specifically listed, the determination has been made that the most appropriate parking standards are those applicable to industrial uses. Industrial Use and Handicapped Parking.—Therefore, for purposes of determining the required number of parking spaces for the project, Either either one space per two employees or one space per 500 square feet and is required to meet industrial use standard parking requirements. oOne handicapped space per 40 standard spaces is required to meet the parking requirements set forth in Section 22.52.1140. The project proposes a 20,000 square-foot

operations and maintenance building requiring 40 standard parking spaces including at least one of which is a handicapped parking space. The project complies with parking requirements.

- e. Chapter 22.52 Part 20 Green Building Requirements. County Green Building Standards for energy conservation, indoor and outdoor water conservation, demolition recycling, and LEED Silver or equivalent building construction apply to the project for self-contained non-warehouse portions of the proposed 20,000 square-foot operations and maintenance building, demolition of existing buildings, landscape watering, and wash water operations. Tree planting requirements require modification. The project proposed meets or exceeds Green Building standards including modification of tree planting requirements as allowed by the County Code for certain circumstances. The proposed 20,000 square-foot operations and maintenance building is located on a single 790-acre lot. Compliance with the Green Building Ordinance would require the planting of 10,324 trees. The applicant requests a waiver or modification by the Director of Public Works for the number of trees required. In lieu of the tree planting requirement, the applicant proposes to plant native drought-tolerant shrubs, a limited number of Joshua trees, and numerous native grasses in as natural a pattern as possible within 10-feet of property frontage along SR 138 on both the north and south sides of the highway for the length of the subject property. A drip system would initially be used to establish the native plantings. These plantings would also serve as screening of the project components located closest to the highway. Additionally, in lieu of the total number of required onsite tree plantings, the applicant proposes to offer payment to the County for additional tree plantings and provision for landscaping maintenance along public rights of way in the Antelope Valley vicinity. The Commission supports the proposed alternative measures. The Director of Public Works has granted the modification to the Green Building ordinance requested and accepted the alternative measures. The project complies with Green Building standards as modified.
- f. Chapter 22.52 Part 21 Drought-Tolerant Landscaping. Requirements for drought-tolerant landscaping include use of County-authorized drought-tolerant plant lists, minimum required percentages of drought-tolerant plantings, limitations on the amount of turf, and efficient watering management. The project proposed complies with Drought-Tolerant Landscaping requirements.
- g. Chapter 22.52 Part 22 Low-Impact Development (LID). This part of the County Zoning Ordinance references Title 12 Chapter 12.84 for Low Impact Development Standards. These standards are designed to limit hydro-modification impacts to natural drainage systems and to manage excess volume from each lot upon which development is occurring so as to be infiltrated at the lot level or alternatively to sub-regional facilities. The project

proposes to sustain the primary natural drainage course running through the site from southwest to northeast and to provide numerous vegetated swales throughout the development area to infiltrate runoff to the satisfaction of the Department of Public Works. The project complies with LID requirements.

14. The project on the subject property will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, and 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 because the project is compatible with the surrounding neighborhood and land uses. Aerial photography of the 2,093-acre project site provides imagery indicating grading/plowing over the majority of the site many years previously. This is evidenced by a previously farmed orchard and other disturbed land underlying the re-established plants including desert shrubs, seasonal wildflowers, other native and non-native grasses, a number of juvenile Joshua Trees at a northerly portion of the site, and bare soil. Recycled use of previously disturbed land is preferred for development compared to use of pristine undisturbed native lands. The passive operation of a photovoltaic solar field provides a compatible "neighbor" to two SEA's, one to the north/northeast and one to the south, on which no additional development is likely to occur. Fencing permeable to small and moderate sized animals, a minimum 100-foot wide drainage and wildlife movement area, native plants and Joshua trees screening low-profile solar panels located along SR 138, and recommended undergrounding of transmission lines, together enable the project to be compatible with the surrounding area. Additionally, the majority of other adjacent properties within a 500-foot radius of the site are vacant and not currently developed. The project is compatible with existing land uses.
15. 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. During construction, truck traffic will increase in the area, though not a significant impact. During operations, traffic generated by the relatively passive solar project operations is minimal. Project conditions and mitigation measures require street pavement conditions to be documented by the applicant prior to and after construction and to make fair-share payment for any repair and/or reconstruction required to 170<sup>th</sup> Street West to the satisfaction of the Department of Public Works.
16. Although the applicant originally proposed above ground transmission lines, the Environmental Impact Report for the project analyzed both the above ground and the underground placement of the 34.5 kilvolt and 230 kilovolt transmission lines and concluded that neither the above ground nor the underground transmission lines would result in significant environmental impacts. In order to minimize visual intrusion and minimize the proliferation of above ground transmission lines as well

as to ensure compliance with the applicable provisions of the Countywide General Plan and the AVAGP, the Commission determined that the undergrounding of both the on-site and off-site transmission lines within the unincorporated County area is required, with the exception of three required above ground public right of way crossings including one above ground point of connection at the Kern County border and approximately four required above ground crossings over jurisdictional drainages within the project site.

17. An Initial Study was prepared for this Project in compliance with the California Environmental Quality Act (Public Resources Code Section 21000 et. seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study identified potentially significant effects on the environment. Based on the Initial Study, a Draft Environmental Impact Report ("DEIR") was prepared for this project. The public comment period for the DEIR began on June 16, 2010 and ended on July 30, 2010 (45 days). After the public comment period ended, a Final Environmental Impact Report ("FEIR") was prepared with response to comments received during the public comment period. Mitigation measures are necessary in order to ensure the proposed project will not have a significant effect on the environment, and such measures have been included in the Mitigation Monitoring and Reporting Program ("MMRP").
18. Potential significant impacts that were analyzed in the EIR include geotechnical hazards, flood hazards, fire hazards, water quality, air quality, biological resources, cultural and paleontological resources, visual qualities, traffic and access, fire protection services, sheriff services, utility services, environmental safety, land use, and global climate change. Agricultural resources and noise were also analyzed even though the Initial Study did not identify them as potential impacts. Change of character and growth inducing impacts were analyzed as other considerations for analysis in the EIR. The EIR concludes that all of these potential impacts were determined to be either less than significant without further mitigation (fire protection services, sheriff services, utility services, and global climate change), or, can be mitigated to a level of less than significant with further mitigation (geotechnical hazards, flood hazards, fire hazards, water quality, air quality, biological resources, cultural resources, agricultural resources, visual qualities, traffic and access, environmental safety, land use, noise, and change of character).
19. The technical and engineering aspects of the project have been resolved to the satisfaction of the Los Angeles County Departments of Public Works, Fire, Parks and Recreation, Public Health, and Regional Planning.
20. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail,

newspaper and property posting. Additionally, the project was noticed and case materials were available on the County Department of Regional Planning website and at libraries located in the Antelope Valley vicinity. A total of 471 hearing notices were mailed to property owners within a 1,000-foot radius of the project boundaries and to other interested parties on May 24, 2010, and the DEIR Notice of Completion was mailed to the same owners and other parties on June 14, 2010. Newspaper notices were posted in the Antelope Valley Press and La Opinion and on the site on May 27, 2010. The Notice of Completion was posted in the same papers and on the site on June 16, 2010.

21. Approximately six (6) items of written correspondence in support of the Project were received including support for developing additional renewable energy generation facilities and creating jobs including "green" jobs. Proponents in favor included, but are not limited to, the Governor of California, Arnold Schwarzenegger, State Assemblyman, Thirty-Sixth District, Steve Knight, the City Manager of Lancaster, CA, the Antelope Acres Town Council, the Lancaster and Rosamond Chambers of Commerce president and C.E.O., and the president of the Antelope Valley Board of Trade.
22. Four (4) items of written correspondence expressing concerns about the Project were received, including concerns about loss of agricultural and open space lands, concerns about project proximity to other existing private properties and possible negative effect on property values, potential night lighting spillover, potential impacts to Joshua trees, amount of earth moving proposed, fencing type, and drainage and stormwater management. Proponents with concerns about the project included certain attendees of a meeting with the Association of Rural Town Councils and other private citizens.
23. Two (2) items of written correspondence inquiring about the location of their property in relationship to the subject property were received by Planning staff.
24. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the term of the grant to thirty (30) years.
25. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13<sup>th</sup> 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 Special Projects Section, Los Angeles County Department of Regional Planning.



BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. The use is consistent with the adopted general plan for the area; and
- B. The requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, and not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. 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 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
- D. 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, THEREFORE, the information submitted by the applicant and presented at the hearing substantiates the required findings for a conditional use permit as set forth in Section 22.56.90 of the Los Angeles County Code (Zoning Ordinance).

#### REGIONAL PLANNING COMMISSION ACTION

- 1. After consideration of the attached EIR and MMRP together with any comments received during the public review process, the Commission finds on the basis of the whole record before the Commission that there will be no significant impacts to the environment. After review and consideration of the EIR, the Regional Planning Commission certifies that the EIR has been completed in compliance with the California Environmental Quality Act and the State and County guidelines related thereto, and that the document reflects the independent judgment and analysis of the Commission, and determines that the significant adverse effects of the project, as described in the EIR, have been reduced to an acceptable level.
- 2. The MMRP for the proposed project incorporated in the EIR, is approved and adopted, and, pursuant to Section 21081.6 of the Public Resources Code, the Commission finds that the MMRP is adequately designed to ensure compliance with the mitigation measures during project implementation.
- 3. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. R200900026 is **APPROVED** subject to the attached conditions.

**PROJECT NO. R2009-02239-(5)**  
**CONDITIONAL USE PERMIT NO. 200900026**  
**ENVIRONMENTAL ASSESSMENT NO. 200900027**

**FINDINGS**  
**Page 15 of 15**

**VOTE:**

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

c: Each Commissioner, Commission Services, BOS 5<sup>th</sup> District, Zoning Enforcement,  
Building and Safety

SZD:KKS

| 9/01/14/10

**FINDINGS OF THE  
REGIONAL PLANNING COMMISSION  
OF THE COUNTY OF LOS ANGELES  
PROJECT NO. R2009-02239-(5)  
VESTING TENTATIVE TRACT MAP NO. 071035**

1. The Los Angeles County Regional Planning Commission ("Commission") conducted a duly noticed public hearing on the matter of Vesting Tentative Tract Map No. 071035 ("VTTM") on June 30, 2010 and September 15, 2010. VTTM No. 071035 was heard concurrently with Conditional Use Permit ("CUP") No. 200900026.
2. VTTM No. 071035 is a proposal for a reversion to acreage from 147 lots to 1 lot on 790 acres in the A-2-5 (Heavy Agricultural-Five Acres Minimum Required Area) zone.
3. CUP No. 200900026 is a related request to authorize construction, operation, and maintenance of a 230 megawatt ~~80,000-panel~~ photovoltaic solar electric power generation facility on 2,093 gross acres (including the 790-acre property included in the VTTM) and on-site grading in excess of 100,000 cubic yards in the A-2-5 (Heavy Agricultural – Five Acres Minimum Required Area) zone; and installation of 0.75 miles of onsite and 2.25 miles of offsite high voltage 230 kilovolt electricity transmission lines in the A-2-5 and A-1-2 (Light Agricultural-Two Acres Minimum Required Area) zones.
4. All portions of the Project site ("Project") covered by the CUP are located within the following boundary extremes: north and south of State Route 138 (Avenue D) between 155<sup>th</sup> Street West to the east and 180<sup>th</sup> Street West to the west, and between West Avenue B-8 to the north and West Avenue E to the south as depicted on the CUP Exhibit "A". Not all properties within these boundary extremes are within the Project. The portion of the Project comprising the VTTM property is bordered by Avenue C to the north, 155<sup>th</sup> Street West to the east, State Route 138 (Avenue D) to the south, and 170<sup>th</sup> Street West to the west as depicted on the VTTM. The Project is located within the Antelope Valley West Zoned District.
5. The subject property is 790 acres in size and currently vacant. It has an "L" shape on primarily flat terrain.
6. Primary access is proposed to be located on 170<sup>th</sup> Street West approximately 0.6 miles north of State Route 138 (Avenue D).
7. The applicant's VTTM, dated March 01, 2010, depicts the underlying 147 unimproved lots, generally five acres in lot area each and rectangular or square in shape on 790 acres. The subdivided lots were created by Tract No. 34457 approved by the Los Angeles County Board of Supervisors on November 24, 1987. The applicant proposes to revert the 147 lots back to one lot for use by the proposed photovoltaic solar power generation facility within the 2,093-acre Project site as proposed in the associated conditional use permit request.
8. The applicant's site plan, labeled Exhibit "A" in CUP No. 200900026 includes the 790-acre reversion to acreage site within the entire 2,093-acre Project site. The Exhibit "A" depicts a 230-megawatt solar photovoltaic electric power generation facility includes

approximately 80,000 photovoltaic panel arrays including optional use of sun-tracking or fixed, tilt or horizontal array units; associated electrical and distribution equipment including approximately 185 electrical equipment structures with the option to be unenclosed or enclosed; onsite unenclosed electricity substation; operations and maintenance building; a 230-kilovolt transmission line approximately 4.25 miles in length (approximately 2.25 miles within unincorporated Los Angeles County and 2 miles within Kern County) within the 170<sup>th</sup> Street West public right of way in unincorporated Los Angeles County, and on private property and/or 170<sup>th</sup> Street West public right of way in Kern County, connecting to Southern California Edison proposed Whirlwind substation facilities in Kern County; undergrounding of all high-voltage transmission lines located within unincorporated Los Angeles County with the exception of two required above-ground crossings of the public right of way; onsite 34.5 kilovolt transmission line proposed within 170<sup>th</sup> Street West public right of way and private property; undergrounding all of the low-voltage transmission lines except as required to include one above ground crossing of the public right of way and approximately four required above ground crossings over jurisdictional drainages within the project site; a maximum of 180,000 cubic yards of balanced grading for flood control management; employee parking area; perimeter fencing; associated access roads; native landscaping screening north and south of SR 138 (Avenue D); new potable water well and use of existing wells for non-potable uses; two above ground water tanks (approximately 10,000 and 100,000 gallons); construction of onsite septic and leach-field system; and demolition of all existing structures on-site including two residences, a mobile home, and accessory structures. The proposed project will require approximately 150 acre feet of water per year during construction of the project for a period not to exceed 38 months. On-going operation of the project will require approximately 12 acre feet per year of water supply, of which three acre feet per year are required to be potable.

9. The subject 790-acre VTTM property is depicted within the N1 (Non-Urban 1) land use category of the Antelope Valley Areawide General Plan ("Area Plan") Land Use Policy Map. The Area Plan is a component of the Los Angeles Countywide General Plan ("General Plan").
10. The property included in the VTTM is currently zoned A-2-5. The existing A-2-5 zoning was created by Ordinance No. 7086 establishing the Antelope Valley West Zoned District on January 15, 1957.
11. Six Certificates of Compliance have been issued on various lots on the subject property to certify compliance with the Subdivision Map Act. The subject property is comprised of a total of 179 lots. After proposed reversion to acreage of the 147 lots to one lot, the property would be comprised of 33 lots.

12. Surrounding land uses within a 500-foot radius of the property included in the VTTM include vacant parcels and Joshua Tree Woodland Habitat Significant Ecological Area ("SEA") No. 60 to the north and east, and vacant parcels within the proposed Project area to the south and west.
13. The surrounding areas within a 500-foot radius of the property included in the VTTM are zoned A-1-2 (Light Agricultural – Two Acre Minimum Required Area) to the north, A-2-5 and A-2-2 (Heavy Agricultural – Two Acre Minimum Required Area) to the east and A-2-5 to the south and west.
14. Approximately six (6) items of written correspondence in support of the Project were received including support for developing additional renewable energy generation facilities and creating jobs including "green" jobs. Proponents in favor included, but are not limited to, the Governor of California, Arnold Schwarzenegger, State Assemblyman, Thirty-Sixth District, Steve Knight, the City Manager of Lancaster, CA, the Antelope Acres Town Council, the Lancaster and Rosamond Chambers of Commerce president and C.E.O., and the president of the Antelope Valley Board of Trade.
15. Four (4) items of written correspondence from the public expressing concerns about the Project were received, including concerns about loss of agricultural and open space lands, concerns about project proximity to other existing private properties and possible negative effect on property values, potential night lighting spillover, potential impacts to Joshua trees, amount of earth moving proposed, fencing type, and drainage and stormwater management. Proponents with concerns about the project included certain attendees of a meeting with the Association of Rural Town Councils (ARTC) and other private citizens as summarized in an e-mail correspondence from the President of the ARTC.
16. Two (2) items of written correspondence inquiring about the location of their property in relationship to the subject property were received by Planning staff.
17. A duly noticed public hearing was held on June 30, 2010 before the Regional Planning Commission. Commissioners Bellamy, Rew, Helsley, and Modugno were present. Commissioner Valadez was absent. The Commission heard a presentation of the Project by staff and testimony from the applicant. The applicant and two persons testified in favor of the project and two persons testified with concerns regarding the Project. Approximately 25 members of the public were present at the public hearing plus the applicant and the applicant's consultant team. The Regional Planning Commission directed staff and the applicant to further address the following issues:
  - Clarify and provide the possibility of capturing rainwater and washwater runoff
  - Provide decommissioning financial assurances

- Provide a cost/benefit comparison of undergrounding versus above ground transmission line installations
- ~~Require~~ Investigate fencing options so as to be of a suitable color to blend with the surrounding terrain
- Clarify and provide numbers of tracking solar panels and fixed tilt solar panels proposed
- Verify and provide the current market rate per kilowatt hour for purchase of electrical power
- Provide potential high-value mitigation sites for the required 450 acres of offsite mitigation land
- Clarify night lighting requirements and proposal
- Verify and provide the Federal funding critical timeline requirements

There being no further testimony or discussion, the Regional Planning Commission voted 4-0 to continue the public hearing to September 15, 2010 to provide time for staff and the applicant to provide the additional items requested and to prepare Findings and Conditions for final action on the requested CUP and VTTM.

18. [Reserved for summary of proceedings on September 15, 2010 continued public hearing.]
19. The reversion to acreage land division is consistent with the goals and policies of the General Plan and the N-1 (Non-Urban 1) land use designation and goals and policies of the Area Plan. The project meets the definition of a "utility installation" referenced in the listing of non-urban non-residential land uses allowed in remote areas designated Non-Urban 1 (Antelope Valley Areawide General Plan, Pg. VI-5). The subject VTTM portion of the project is a reversion to acreage from 147 lots to one 790-acre lot for use as part of the solar utility installation proposed.
20. The Project is consistent with the proposed A-2-5 zone, as the proposed development meets the design standards of the zone and the proposed uses are allowed within the zone subject to a conditional use permit. Section 22.24.140 of the Los Angeles County Zoning Ordinance permits "Electric distribution substations, electric transmission substations and generating plants, including microwave facilities used in conjunction with any one thereof" and "Grading projects, on-site" when a conditional use permit has been obtained. The VTTM would allow the consolidation of smaller lots in order to develop a large scale solar electricity generating facility.
21. The proposed Project is required to comply with the development standards of the A-2 zone pursuant to Section 22.24.170 of the County Code, except as otherwise modified by the CUP.

22. The technical and engineering aspects of the project have been resolved to the satisfaction of the Los Angeles County Departments of Public Works, Fire, Parks and Recreation, Public Health, and Regional Planning.
23. Compatibility with surrounding land uses will be ensured through the related conditions of the CUP.
24. The proposed reversion to acreage and the provisions for its design and improvement are consistent with the goals and policies of the General Plan and Area Plan.
25. The housing and employment needs of the region were considered and balanced against the public service needs of local residents and available fiscal and environmental resources when the project was determined to be consistent with the General Plan and Area Plan.
26. The reversion to acreage site is physically suitable for the density and type of development proposed, since it has access to a County-maintained street and will be served by an on-site septic system and water well with sufficient capacity to meet domestic and fire protection needs. No residential units are proposed.
27. The design of the reversion to acreage will not cause serious public health problems, since sewage disposal, storm drainage, fire protection, and geological and soils factors are addressed in the Project CUP conditions of approval and MMRP.
28. As the reversion to acreage parcel is proposed to be at least five acres in size, no improvements are required.
29. The design of the reversion to acreage will not directly cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat. The Project impacts have been analyzed within the context of the overall Project and its design in the associated Environmental Impact Report and Mitigation and Monitoring Program.
30. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities therein. The majority of the Project development is comprised of open air solar panels and associated electrical equipment. Underground transmission lines are designed to use thermal concrete providing necessary dispersion of heat.
31. The reversion to acreage and development of the property in the manner set forth on this map will not unreasonably interfere with the free and complete exercise of public entity and/or public utility rights-of-way and/or easements within this map, since the

design and development as set forth in the conditions of approval and shown on the vesting tentative tract map provide adequate protection for any such easements.

32. Pursuant to Article 3.5 of the Subdivision Map Act, the proposed reversion to acreage does not contain or front upon any public waterway, river, stream, coastline, shoreline, lake or reservoir.
33. Pursuant to Chapter 6 Article 1 Section 66499.16 of the Subdivision Map Act, the subdivided real property is reverted to acreage since dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes and the subdivider has consented to reversion as documented in the Project application and associated materials filed.
34. This tract map has been submitted as a "vesting" tentative tract map. As such, it is subject to the provisions of Sections 21.38.010 through 21.38.080 of the County Code.
35. An Initial Study was prepared for this Project in compliance with the California Environmental Quality Act (Public Resources Code Section 21000 et. seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study identified potentially significant effects on the environment. Based on the Initial Study, a Draft Environmental Impact Report ("DEIR") was prepared for this project. The public comment period for the DEIR began on June 16, 2010 and ended on July 30, 2010 (45 days). After the public comment period ended, a Final Environmental Impact Report ("FEIR") was prepared with response to comments received during the public comment period. Mitigation measures are necessary in order to ensure the proposed project will not have a significant effect on the environment, and such measures have been included in the Mitigation Monitoring and Reporting Program ("MMRP").
36. After consideration of the attached Environmental Impact Report ("EIR") and MMRP together with any comments received during the public review process, the Commission finds on the basis of the whole record before the Commission that there will be no significant impacts to the environment. Potential significant impacts that were analyzed in the EIR include geotechnical hazards, flood hazards, fire hazards, water quality, air quality, biological resources, cultural and paleontological resources, visual qualities, traffic and access, fire protection services, sheriff services, utility services, environmental safety, land use, and global climate change. Agricultural resources and noise were also analyzed even though the Initial Study did not identify them as potential impacts. Change of character and growth inducing impacts were analyzed as other considerations for analysis in the EIR. The EIR concludes that all of these potential impacts were determined to be either less than significant without further mitigation (fire protection services, sheriff services, utility services, and global climate change), or, can be mitigated to a level of less than significant with further



mitigation (geotechnical hazards, flood hazards, fire hazards, water quality, air quality, biological resources, cultural resources, agricultural resources, visual qualities, traffic and access, environmental safety, land use, noise, and change of character).

37. This project has not been determined by the California Department of Fish and Game ("CDFG") to have "no effect" on fish and wildlife resources. Therefore, the project is not exempt from CDFG fees pursuant to Section 711.4 of the California Fish and Game Fee.
38. Approval of the VTTM is conditioned on the permittee's compliance with the attached Conditions of Approval.
39. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13<sup>th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Special Projects Section, Regional Planning.

**THEREFORE, THE REGIONAL PLANNING COMMISSION:**

1. After consideration of the attached EIR and MMRP together with any comments received during the public review process, the Commission finds on the basis of the whole record before the Commission that there will be no significant impacts to the environment. After review and consideration of the EIR, the Regional Planning Commission certifies that the EIR has been completed in compliance with the California Environmental Quality Act and the State and County guidelines related thereto, and that the document reflects the independent judgment and analysis of the Commission, and determines that the significant adverse effects of the project, as described in the EIR, have been reduced to an acceptable level.
2. The MMRP for the proposed project incorporated in the EIR, is approved and adopted, and, pursuant to Section 21081.6 of the Public Resources Code, the Commission finds that the MMRP is adequately designed to ensure compliance with the mitigation measures during project implementation.
3. In view of the findings of fact and conclusions presented above, Vesting Tentative Tract Map No. 071035 is **APPROVED** subject to the attached conditions, and recommendations of the Subdivision Committee.

This grant authorizes the construction, operation, and maintenance of a 230 megawatt 80,000-panel photovoltaic electricity power generation facility on 2,093 gross acres; onsite grading in excess of 100,000 cubic yards; and installation of 0.75 miles of on-site and 2.25 miles of off-site high voltage 230 kilovolt electricity transmission lines in the A-2-5 (Heavy Agricultural-Five Acres Minimum Required Area) zone. The subject property is located near the intersection of State Route 138 (Avenue D) and 170<sup>th</sup> Street West in the Antelope Valley West Zoned District. This approval is subject to the following conditions:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition 7, and until all required monies have been paid pursuant to Condition numbers 9, 10 and 12. Notwithstanding the foregoing, this Condition (No. 2), and Condition numbers 3, 4, and 5 shall be effective immediately upon final approval of this grant by the County.
3. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning ("Regional Planning") an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs 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 the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.
  - c. The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.
5. This grant shall expire unless used within two (2) years after the recordation of the final parcel map for Vesting Tentative Tract Map ("VTTM") No. 071035. In the event that VTTM No. 071035 should expire without recordation of a final map, this grant shall terminate upon the expiration of the VTTM. In the event of expiration of VTTM No. 071035 and expiration of this grant, the permittee is on notice that entitlement to the use of the property if the map expires without recordation shall be subject to the regulations then in effect.
  6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
  7. Prior to the use of this grant, the property owner or permittee shall **record the terms and conditions of the grant in the office of the County Recorder**. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
  8. **This grant authorizes a 30-year term, and therefore, shall terminate on September 15, 2040.** Upon termination of this grant, 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, a new Conditional Use Permit ("CUP") application shall be filed with Regional Planning at least six months prior to the termination date of this grant, whether or not any modification of the use is requested at that time.
  9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles within 60 days of permit approval the sum of **\$3,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for **fifteen (15) biennial (one every other year)** inspections.

Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on

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

10. Within three (3) days of the approval date of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination ("NOD") for Project No. R2009-02239-(5), which includes VTTM No. 071035 and CUP No. 200900026 in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code, the following applicable fee is required, **\$2,867.25** (\$2,792.25 for an Environmental Impact Report plus \$75.00 processing fee). No land use project subject to this requirement is final, vested or operative until the fee is paid.
11. The applicant shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program ("MMRP"), which is incorporated herein in its entirety by this reference.
12. The permittee shall deposit the sum of **\$6,000.00** with Regional Planning within 60 days of permit approval in order to defray the cost of reviewing and verifying the information contained in the reports required by the MMRP.
13. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after giving proper notice and conducting a public hearing, revoke or modify this grant, if the Regional Planning Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
14. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as required by said department.
15. All requirements of the Zoning Ordinance 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.
16. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works ("Public Works").

17. 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.
18. 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
19. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit four (4) copies of the proposed plans to the Director of Regional Planning for review and approval. All revised plans must be accompanied by the written authorization of the property owner. If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of approval of the Conditional Use Permit.
20. Prior to issuance of any building permit, the permittee shall provide the County with a Decommissioning Plan, which shall include, at a minimum, a detailed plan for decommissioning and deconstruction of the facility and for restoration of the site (collectively referred to as "decommissioning"). The Decommissioning Plan shall be developed to the satisfaction of the Director of Regional Planning and the Director of Public Works and shall be subject to the review and approval of the Director of Planning and Director of Public Works. Upon discontinuance of operations as set forth in Condition No. 22 below, abandonment of the project or part of the project, or upon termination of this grant as provided in Condition No. 8 above, and in the event a new permit application is not timely filed for similar continued use or reuse of the site, the permittee shall perform decommissioning according to the Decommissioning Plan or shall compensate the County for use of a County-contracted consultant to perform such decommissioning. In the alternative and at the County's sole election, the County shall be entitled to use any performance and financial assurance guarantees, as required by and provided for in Condition No. 21 below, to perform itself or to contract for performance of such decommissioning. The Decommissioning Plan shall include, but shall not be limited to, provisions to address and implement the following requirements:
  - a. Removal of solar panel structures and all appurtenant above ground equipment.
  - b. Removal of overhead poles and above ground electricity lines on-site within the Project area.

- c. Removal of permanent above ground transmission lines and poles located in the public right-of-way would be required if determined not to be usable by the Department of Public Works and/or any other applicable public or private utility, otherwise such permanent above ground transmission lines and poles shall be allowed to be remain.
  - d. Removal of on-site substation, if project-owned. If a public or private utility assumes ownership of the substation, the substation may remain on-site to be used as part of the utility service to supply other applications.
  - e. Restoration of disturbed soil and revegetation of the site to its pre-construction condition with native vegetation similar to plants in the surrounding vicinity.
  - f. Restoration or reclamation of project roads to their original pre-construction condition unless the land owner elects to retain the improved roads for access throughout that land owner's property.
  - g. Removal of permanent operations and maintenance building unless such building is in such a condition as to be reusable by the land owner at the time of decommissioning and that land owner elects to retain such building.
- h. add photo down per Trish
21. Prior to the issuance of any building permits, the permittee shall provide performance and financial assurance guarantees in an amount sufficient to ensure the performance of the approved Decommissioning Plan. The performance and financial assurance guarantees shall be provided to the satisfaction of the Director of Regional Planning and the Director of Public Works. The permittee shall be solely responsible for the costs and expenses associated with decommissioning, and in the event that the performance and financial assurance guarantees are not sufficient to fully compensate the County for the cost and expense of such decommissioning, the permittee shall compensate the County for any shortfall. In determining the sufficiency of the performance and financial assurance guarantees, the residual value of the solar panels, support structures, and other salvageable equipment (collectively "salvageable property") shall be included. The performance and financial assurance guarantees shall be subject to the following additional conditions:
- a. The performance and financial assurance guarantees shall be detailed to the satisfaction of the Director of Regional Planning and the Director of Public Works in the approved Decommissioning Plan, and that plan shall explain the amounts and schedule for the provision of the performance and financial assurance guarantees.
  - b. The permittee shall provide a report to the Director of Regional Planning every five years after the date of final approval of this grant by the County to confirm that the performance and financial assurance guarantees are sufficient to ensure performance of the Decommissioning Plan. The report shall be subject
- as det- by diff. of Plan

to review and approval by the Director of Regional Planning and the Director of Public Works as to whether the performance and financial assurance guarantees are adequate to meet existing conditions at the time of the report. A decommissioning pro forma summarizing the residual value of the salvageable property shall be included in the report. The pro forma shall include, at a minimum, the expected revenue from all salvageable property (as defined in Condition No. 210, above), as well as the then-current cost of decommissioning as required by the approved Decommissioning Plan, and the then-current value of any performance and financial assurance guarantees that have been provided as of the date of such report. In the event that the performance and financial assurance guarantees are insufficient to perform decommissioning as required by the approved Decommissioning Plan, the permittee shall be required to provide additional performance and financial assurance guarantees to the satisfaction of the Director of Regional Planning and the Director of Public Works.

- c. Any funds not utilized in connection with decommissioning by the County will be returned to the permittee.
  - d. The performance and financial assurance guarantees may be comprised of but not limited to one or more of any of the following to the satisfaction of the Director of Regional Planning and the Director of Public Works:
    - 1) An irrevocable letter of credit;
    - 2) A surety bond;
    - 3) A suitable insurance policy; ~~or~~
    - 4) A trust fund or escrow account established and maintained in accordance with the approved financial assurances and practices to guarantee that decommissioning will be completed in accordance with the approved Decommissioning Plan; or
    - 5) A corporate guarantee.
22. In the event that any portion of the solar field is not in operational condition for a consecutive period of 12 months, operations for that portion of the site shall be deemed to have been discontinued and that portion of the facility shall be removed within 90 days from the date a written notice from the County is sent to the permittee. Within the 90-day period, the permittee may provide to the Director of Regional Planning a written request and justification to the satisfaction of the Director of Regional Planning for an extension of up to 12 months in order to resume operations on that portion of the site. The permittee may request a second 12-month extension in writing, which the Director of Regional Planning may grant if adequately justified to the satisfaction of the Director of Regional Planning. In no

case shall the operations on a solar field or portion of a solar field be discontinued for more than 36 months from the date that such operations were first deemed to be discontinued. In no event shall any such extension of the period in which to resume operations be deemed to extend the term of this grant nor shall it extend beyond the expiration date of the term of this grant.

23. The Project is subject to the additional following conditions:

- a. Permittee shall comply with all Public Works requirements and comply with all conditions set forth in its letter dated June 30, 2010, attached hereto and incorporated herein by this reference, to the satisfaction of said department.
- b. Permittee shall comply with all County of Los Angeles Fire Department requirements specified in its letter dated ~~May 19~~ September 2, 2010, attached hereto and incorporated herein by this reference to the satisfaction of said department.
- c. Permittee shall comply with all County of Los Angeles Department of Public Health requirements specified in its letter dated February 16, 2010, attached hereto and incorporated herein by this reference, to the satisfaction of said department. Adequate potable water and sewage facilities shall be provided to the satisfaction of said department.
- d. Permittee shall make a one-time payment of \$15,000 to the County of Los Angeles, for use by Public Works or the Department of Parks and Recreation for tree planting and tree maintenance within the Antelope Valley.
- e. Permittee shall dedicate land in fee simple to Caltrans 100 feet from centerline of the existing SR 138 on both sides of the right-of-way from 160<sup>th</sup> St. West to 170<sup>th</sup> St. West, and on the north side of SR 138 from 170<sup>th</sup> St. West to 175<sup>th</sup> St. West, or, to the satisfaction of Caltrans for a total width not to exceed 200 feet.
- f. Permittee shall make an irrevocable offer to dedicate to the County of Los Angeles a slope easement of 10 feet in width on both sides of the 200-foot wide Caltrans right-of-way from 160<sup>th</sup> St. West to 170<sup>th</sup> St. West, and on the north side of the 200-foot wide Caltrans right-of-way from 170<sup>th</sup> St. West to 175<sup>th</sup> St. West. The exact location of the slope easement shall be determined once Caltrans identifies the location of the 200-foot right of way.
- g. Permittee shall construct all transmission lines underground to the satisfaction of the Department of Public Works except where above ground right-of-way crossings are required including two high voltage and one low voltage crossing as depicted on Exhibit "A", and approximately four above ground low voltage crossings over jurisdictional drainages within the project site. as depicted on Exhibit "A".



- h. Permittee shall use solar panels no greater than 10 feet in maximum height from finished grade for the first 1,000 feet of solar panel arrays on each of the north and south sides of the required SR 138 (Avenue D) right-of-way.
- i. Temporary structures, outside storage, staging areas, and concrete batching plant allowed for construction purposes shall be removed from the project site within 120 days of project completion, but in no event shall any such temporary structures remain onsite for longer than 42 months from the date of issuance of building permits absent approval to extend the allowable time period for the temporary structures. In the event additional time beyond 42 months is needed to complete removal of temporary structures and related materials, the permittee shall submit a written request for a time extension for up to one (1) year maximum to the Director of Planning for review and approval. Any other outside storage needed shall comply with the requirements of Section 22.52 Part 7 of the County Code.
- j. Permittee shall maintain all landscaping in a neat, clean, and healthy condition, including proper pruning, weeding, removal of litter, fertilizing, and replacement of plants when necessary. Watering facilities shall consist of a temporary water-efficient irrigation system, such as drip irrigation, which shall be used only to establish the plantings in all landscaped areas.
- k. Permittee shall submit three copies of a landscape plan, comprised of at least 10 feet of the proposed landscaped area along the north and south sides of SR 138 adjacent to the subject property, and north and south of the respective 200-foot Caltrans right-of-way and the 10-foot County of Los Angeles slope easements as depicted on Exhibit "A", or, as otherwise determined by Caltrans and the County Department of Public Works. The landscape plan shall be submitted to and approved by the Director of Planning prior to issuance of a building permit. The landscape plan shall depict the site, type and location of all plants, trees, and watering facilities.
- l. All exterior fencing shall be of a neutral color blending visually non-intrusive with the natural surroundings to the satisfaction of the Director of Planning.
- m. Night lighting, limited to that required by applicable lighting regulations for safety and security, shall be shielded and directed downward to avoid lighting spillover and shall be comprised of the following: motion sensor or manual switch lighting for the entry lighting for on-site equipment structures and electricity substation lighting, and light sensor or motion sensor lighting for the main plant access gate and Operations and Maintenance building doorways and parking area.
- n. The permittee shall, to the satisfaction of the Director of Planning, utilize the subject property only for the project as proposed and approved herein, and therefore, the permittee agrees to and shall retire any development rights,

including any rights to undertake irrigated farming on the subject property, that require the use of groundwater in excess of the groundwater use approved by this grant for the life of this conditional use permit.

- o. The proposed project shall be limited to use of a maximum of 150 acre-feet per year (AFY) of groundwater for the duration of the 38-month construction period.
- p. The proposed project shall be limited to use of a maximum of 12 AFY of groundwater for operation of the project for the duration of the conditional use permit with the exception of the following condition.
- q. In the event the required screening landscaping along SR 138 (Avenue D) fails is not established after the 38-month construction period, a maximum of an additional 3 AFY of groundwater supply beyond the 12 AFY of operational groundwater supply proposed, may be drawn for re-establishing landscaping. The additional 3 AFY of water shall be allowed for only the length of time minimally necessary to re-establish the landscaping.
- r. In the event piped recycled water suitable for use in the operation of the project becomes available from the public right-of-way at fair market value within two miles of adjacent to the project site, the permittee shall obtain necessary permits for connecting to the recycled water, construct access, connect to, and purchase the piped recycled water. Notwithstanding any other provision of this grant, at such time of connection to recycled water, the 12 AFY of operational groundwater supply allowed by this grant shall be reduced to a maximum of 3 AFY of groundwater for operation of the project.
- s. In the event that piped potable water becomes available from the public right-of-way at fair market value within two miles of adjacent to the project site, the permittee shall obtain necessary permits for connecting to the potable water, construct access, connect to, and purchase the piped potable water. Notwithstanding any other provision of this grant, at such time of connection to the piped potable water, the 12 AFY of operational groundwater supply allowed by this grant shall be reduced to 1 AFY.
- t. In the event that potable or non-potable water supply becomes restricted, trucked wash water may be used for non-potable purposes.
- u. In the event potable groundwater is restricted in the future, the permittee shall purchase water from County authorized water purveyors, including recycled water purveyors for non-potable uses, or conform to the Court and/or Watermaster rules, regulations, and restrictions, including paying all assessments, if any.

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PROJECT NO. R2009-02239-(5)  
CONDITIONAL USE PERMIT NO. 200900026

CONDITIONS  
PAGE 10 OF 10

Attachments:

County DPW, Fire, and Public Health Conditions Letters  
MMRP

SZD:KKS

| 8/31/09/14/10

**REVISIONS TO FINDINGS OF FACT  
AV SOLAR RANCH ONE  
SCH#2009041145**

Minor revisions have been made to the Findings of Fact regarding the Final Environmental Impact Report to add additional information from the EIR and to make minor editorial corrections. Changes have been made to pages 4, 11, 13-15, 34, 36, 45-48, 53, and 66. Please refer to the attached pages for the track changes.

Biological Resources, Cultural and Paleontological Resources, Agricultural Resources, Visual Qualities, Traffic and Access, Fire and Sheriff Services, Utility Services, Environmental Safety, Land Use, Global Climate Change, Noise, Change In Character, and Growth Inducing impacts. The Draft EIR analyzed both project and cumulative effects of the Project on these topics and identified a variety of mitigation measures to minimize, reduce, avoid, or compensate for the potential adverse effects of the proposed Project. The Draft EIR also analyzed a number of potential alternatives to the proposed Project, including: 1) No Project Alternative; 2) Alternative Facility Layout; and 3) Underground Transmission Lines. Potential environmental impacts of each of these alternatives were discussed at the CEQA-prescribed level of detail and comparisons were made to the proposed Project.

After conducting its own internal departmental review and analysis of the proposed Project through the screencheck process, the Draft EIR was submitted to the State Clearinghouse, Governor's Office of Planning and Research, and circulated for the public review period beginning June 16, 2010. The 45-day public review period required by State CEQA Guidelines § 15087 ended on July 30, 2010. A Notice of Availability for the Draft EIR was published in the *Antelope Valley Press* and *La Opinión* newspapers, and a public hearing notice was sent to property owners within a 1000-foot radius of the proposed Project site and to known interested individuals and organizations. **The public hearing notice was also posted at the Project site.**

The Commission conducted a public hearing on the Project on June 30, 2010 and heard a presentation by Staff and the Applicant. At this hearing, Staff recommended and the Applicant agreed to underground nearly all portions of the Project-related 34.5-kV and 230-kV transmission lines in the County of Los Angeles, as analyzed in Project Alternative 3 in the Draft EIR. After public testimony, the Commission continued the Project hearing to September 15, 2010.

During the public hearing proceedings, the Commission determined that the undergrounding of both the on-site and off-site 34.5-kV and 230-kV transmission lines within the unincorporated County area is required, with the exception of three required above ground public right of way crossings including one above ground point of connection at the Kern County border **and above ground crossings over jurisdictional drainages** in order to minimize visual intrusion and minimize the proliferation of above ground transmission lines as well as to ensure compliance with the applicable provisions of the Countywide General Plan and the Antelope Valley Areawide General Plan.

The Commission finds that the Project does not require recirculation under CEQA (Public Resources Code Section 21092.1, CEQA Guidelines Section 15088.5). CEQA Guidelines Section 15088.5 requires recirculation of an EIR prior to certification of the Final EIR when "significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review." "New information is not

Draft EIR); use of appropriately rated electrical equipment (i.e., Underwriters Laboratories tested, designated with fire resistance rating, National Electrical Manufacturers Association (NEMA)-rated, Conformance European (CE) certifications, etc.). Implementation of the Operations Fire Protection and Prevention Plan and Project fire protection measures would reduce potential fire risks during operation to a less than significant level.

The on-site and off-site transmission lines may pose a fire hazard, when a conducting object comes in close proximity of a line, or in the event that a live-phase conductor falls to the ground. Transmission line clearances for vegetation will be implemented in accordance with Los Angeles County Title 32 Fire Code, Section 317 (Clearance of Brush and Vegetative Growth), Public Resources Code Section 4292 (Power Line Hazard Reduction), PRC Section 4293 (Power Line Clearance Required), and Public Utilities Commission General Order 95 (Rules for Overhead Electric Line Construction). Additionally, during transmission line maintenance activities (i.e., transmission line inspection, vegetation clearance, etc.) operating vehicles and equipment may potentially spark, and result in fire danger. Implementation of Mitigation Measure 5.4-1 (Fire Protection and Prevention Plan), as described below would reduce the potential impacts associated with fire hazards to less than significant.

With implementation of the **following above** safety and mitigation measure, it is expected that potential impacts associated with fire hazards would be reduced to a less than significant level.

**MM-5.4-1: Fire Protection and Prevention Plan.** The proposed Project shall develop and submit a Fire Protection and Prevention Plan to the LACFD for review and approval prior to issuance of a Grading Permit. The Plan shall address construction and operation activities for the Project, and establish standards and practices that will minimize the risk of fire danger, and in the case of fire, provide for immediate suppression and notification.

The Fire Protection and Prevention Plan shall address spark arresters, smoking and fire rules, storage and parking areas, use of gasoline-powered tools, road closures, use of a fire guard, and fire suppression equipment and training requirements. In addition, all vehicle parking areas, storage areas, stationary engine sites and welding areas shall be cleared of all vegetation, and flammable materials. All areas used for dispensing or storage of gasoline, diesel fuel or other oil products shall be cleared of vegetation and other flammable materials. These areas shall be posted with signs identifying they are "No Smoking" areas. An interim fire protection system shall be in place during construction until the permanent system is completed. The Plan shall also address vegetation clearance and maintenance requirements applicable to the transmission pole structures during operation.

Special attention shall be paid to operations involving open flames, such as welding, and use of flammable materials. Personnel involved in such operations shall have appropriate

## **2.4 WATER QUALITY**

### **Potential Effect:**

The Project would have a significant impact to water quality if it resulted in substantial water quality impacts due to use of water wells in an area of known water quality problems, or a septic system, and construction or post-construction activities.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

The Project area is not located in an area of known water quality problems. The Project proposes use of an onsite wastewater treatment system, which includes a septic tank and leachfield. The Project site is not located within an area having high groundwater or geotechnical limits, and the proposed septic system would not be located in close proximity to a drainage course. The proposed septic system shall be designed and installed in accordance with Los Angeles County Department of Public Health (LACDPH) standards, as identified in Mitigation Measure 5.5-1, On-site Wastewater Treatment System Feasibility Report, as described below. As a result, the Project would result in less than significant impacts to groundwater quality. The Project construction activities would not reach the depth of groundwater, which is estimated to be approximately 130 to 200 feet below ground surface (bgs).

The Project and transmission line construction and operation activities have the potential to impact the quality of local stormwater runoff due to earth disturbance activities, which cause erosion and excess sedimentation, and use of chemicals (e.g., paints, solvents, petroleum oils, dielectric oils, etc.), leading to pollutant transport. The Project proposes use of an onsite wastewater treatment system. Project area depth to groundwater is not shallow, and is expected to range from 130 feet to over 200 feet bgs. Project construction would involve earth disturbance, selective vegetation clearing, and use of petroleum-based liquids and other chemicals (e.g., paints, solvents, oils, dust palliatives, equipment fluids, etc.), which have the potential to release stormwater pollutants. The Project would be constructed with design measures to reduce the potential for sedimentation: structures will be designed to withstand scouring or undermining of foundations in areas that may be subject to periodic inundation, and site development would only occur in the lower flood risk areas, and facility structures would avoid all drainages and Zone A areas. Project operation would involve vegetation management, clearing infiltration basin areas, and use of petroleum-based liquids and other chemicals. The potentially significant construction and operation impacts to water quality are mitigated to less than significant levels with implementation of Mitigation Measure 5.3-1, Erosion Control and Stormwater

Management Measures. These measures include compliance with applicable National Pollutant Discharge Elimination System (NPDES) requirements of the Lahontan Regional Water Quality Control Board and the LACDPW. Pertinent water quality protection measures include good housekeeping practices, inspections, monitoring, and maintenance of site facilities, spill prevention and control procedures, and ensuring stormwater runoff to be directed away from operating, processing, fueling, cleaning, and storage areas.

The following mitigation measure requires implementation of appropriate design standards for the proposed onsite wastewater treatment system, and is expected to reduce potential water quality impacts to a less than significant level:

**Mitigation Measure 5.5-1: On-site Wastewater Treatment System Feasibility Report.** Prior to construction/installation of the on-site septic/leach field system, a complete OWTs feasibility report shall be submitted to the LACDPH for review and approval. The feasibility report shall be prepared in conformance with the requirements outlined in the current version of LACDPH guidelines, "On-site Wastewater Treatment System Guidelines."

## **2.5 AIR QUALITY**

### **Potential Effect:**

The Project would have significant impacts to air quality if it exceeded the State's criteria for regional significance, exceed or conflict with air quality thresholds, standards, or plans, and generate or be in close proximity to sources that create dust and/or hazardous emissions.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

The Project is classified as one of regional significance based on site acreage. However, the Project's operational emissions for the solar PV facility would be below the applicable significance thresholds and the facility would employ far fewer than 1,000 employees, so impacts to air quality would not be regionally significant. Construction of the proposed Project would result in emissions of criteria pollutants from construction equipment and mobile sources. In addition, construction activities would generate dust associated with ground-disturbing activities and vehicular/equipment movement on unpaved surfaces. Based on analysis of the construction emissions for the Project site and transmission line, the total construction emissions, with implementation of Mitigation Measure 5.6-1 through 5.6-10, below, are



less than the corresponding Antelope Valley Air Quality Management District (AVAQMD) emissions thresholds for criteria pollutants, including fugitive dust.

The Project would not conflict with or obstruct implementation of any of the proposed measures of the ozone attainment plan for AVAQMD. The construction-phase emissions would be short-term, and would not conflict with the long-term progress toward attainment because construction phase emissions comprise a small fraction of total AQMD inventory and are short-term and transitory in nature. The Project's use of a compliant fleet of non-road engines by the construction contractor (Mitigation Measure 5.6-4) would be consistent with the state and local plan requirements. Operation of the proposed Project, including the off-site transmission line, would not conflict with or obstruct implementation of any of the measures of the AVAQMD or the Kern County Air Pollution Control District (KCAPCD), including the AVAQMD ozone attainment plan. Operation of the Project involves passive electrical generation using the PV panels, panel washing, vegetation cutting and clearing, firewater pump engine testing, and water and maintenance truck activities. During operations, the quantified criteria pollutant emissions would be below the AVAQMD significance thresholds by a large margin.

The Project would generate diesel fumes (state regulated Toxic Air Contaminant [TAC]) during construction; however, due to the Project's temporary generation and buffer of land to the nearest residence, effects would be less than significant. Dust in the Project region is presumed to contain the *C. immitis* fungi, which can cause Valley Fever. The local populace is already exposed to dust likely containing the fungi, and exposure over time increases immunity to Valley Fever. However, construction workers not native or living in the area may be more susceptible to contracting Valley Fever. As a result, the Project would implement Mitigation Measures 5.6-2, 5.6-3, and 5.6-11 (below) to reduce potential impacts to less than significant levels. Project operations would not be expected to produce obnoxious odors or hazardous emissions. As a result, impacts would be less than significant.

Implementation of the following feasible mitigation measures as identified in the Draft EIR, would reduce potential Project impacts to air quality to less than significant levels:

**MM 5.6-1: Ensure AVAQMD Construction Emission Thresholds would be Met.**

Prior to issuance of the grading permit, the Applicant shall select an engineering, procurement, and construction (EPC) contractor to build the Project. The Applicant/EPC contractor shall be required to demonstrate that the final construction plans will not result in exceedances of applicable AVAQMD air emission significance thresholds during construction of the Project to the satisfaction of AVAQMD and LACDRP.

Prior to issuance of a grading permit, the Applicant shall prepare a report describing the Applicant's final engineering design-based plan for constructing the Project, including: 1) scheduling of construction activities; 2) equipment usage and details; 3) construction

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

**Facts Supporting the Finding:**

A Phase I cultural resource survey and literature search was conducted on the Project site and transmission line route, and identified 25 known archaeological sites, 43 isolates, and one **potentially** historic property on the Project site, and one archaeological site in the area of potential effect along the proposed transmission line route. Additionally, ground-disturbing construction and operation activities have the potential to disturb, damage, or destroy known and unknown (i.e., buried) archaeological sites. If significant archaeological sites are avoided and preserved during construction activities, the resources could still be indirectly yet significantly impacted by operational activities. Ground disturbing construction activities have the potential to disturb, damage, or destroy significant (as defined by CEQA Guidelines, Section 15064.5) undiscovered archaeological sites. As a result, Mitigation Measures 5.8-1 through 5.8-5, and 5.8-7 are proposed to avoid, perform Phase II testing and potential Phase III data recovery, and provide construction monitoring, training, and contingency plans (regarding human remains, if encountered), such that impacts to known and unknown archaeological resources would be less than significant.

The Project area contains surficial exposures consist of Quaternary Alluvium derived as fan deposits from the mountains to the southwest. These deposits are usually coarse and derived from igneous rocks, and typically do not contain significant vertebrate fossils (i.e., paleontological resources). No paleontologically sensitive rock formations have been identified in the proposed Project area. In the unlikely event that paleontological resources are identified during earth disturbance activities, Mitigation Measure 5.8-6 Paleontological Resource Protection (below) would be provided to protect any such resources should they be encountered.

No significant standing historic structures or built environment is present on the Project area; therefore, no impacts are anticipated. One historic period property (Larsen Ranch) was identified on the Project site, but was deemed not eligible for listing as a historic resource.

The Phase I cultural resource surveys and literature searches conducted for the Project area did not identify any known human remains. However, the potential exists for buried, undiscovered human remains to become disturbed, damaged, or destroyed during ground disturbance activities; therefore, the Project would implement Mitigation Measures 5.8-5 (Human Remains), which would result in less than significant impacts.

Implementation of the following feasible mitigation measures as identified in the Final EIR, would reduce potential Project impacts to cultural resources to less than significant levels:

and preservation of the remains, including reburial, as provided in the State of California Environmental Quality Act (CEQA) Guidelines, Section 15064.5(e), "CEQA and Archaeological Resources," CEQA Technical Advisory Series.

**MM 5.8-6: Paleontological Resources Protection.** In the event paleontological discoveries are encountered by the cultural monitors, all excavation shall cease in the area of the find and a paleontologist shall be retained, who shall devise a plan for recovery in accordance with standards established by the Society of Vertebrate Paleontology. At least one of the on-site cultural monitors during construction shall have familiarity and expertise in paleontological resources and have the ability to recognize significant vertebrate paleontological resources. Any paleontological resources shall be documented and submitted to the Natural History Museum of Los Angeles County, or any other accredited institution (i.e., San Bernardino County Museum, UCLA Dept of Earth and Space Sciences) that will accept paleontological resources for curation.

**MM 5.8-7: Construction Worker Training.** Prior to construction, the qualified archaeological monitor or qualified designee shall conduct a brief educational workshop such that all construction personnel understand monitoring requirements, roles and responsibilities of the monitors, and penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources. The construction worker training shall include an overview of potential cultural and paleontological resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to a designated on-site cultural monitor for further evaluation and action, as appropriate.

## **2.8 AGRICULTURAL RESOURCES**

### **Potential Effect:**

The Project would significantly impact agricultural resources if it converted substantial areas of Farmland (Prime Unique, or Farmland of Statewide Importance), or conflicted with zoning, agricultural use, or Williamson Act contracted lands.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

As currently mapped under 2008 data from the California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program (FMMP), the Project site is characterized to contain 10.8 acres of Prime Farmland; however, this area does not meet the CDOC definition, which states that Prime Farmland "must have been used for

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment. .

**Facts Supporting the Finding:**

The proposed Project and transmission line does not involve residential uses, would not be considered to cause growth-inducing effects that would significantly increase population. The Project would provide security design and personnel during construction and operation. As a result, the Project would not result in a significant increase in demands for law enforcement. In the event that partial street closures are required for construction or maintenance, a Worksite Traffic Control Plan (Mitigation Measures 5.11-1, Provide Adequate Worksite Traffic Control) would be implemented, which would entail provision for safe access and use of flagmen and detours where needed, such that the Project would result in less than significant effects to law enforcement response times.

The Project is not located within an area of special law enforcement problems. The Project would be designed and operated with security measures, which include security fencing, controlled access gates, and 24-hour staffing, including full-time security employees who would conduct regular site security patrolling. As a result, the Project is anticipated to result in less than significant effects associated with special law enforcement problems.

**2.13 UTILITY SERVICES**

**Potential Effect:**

The Project would have potentially significant impacts to utility services if the Project construction and operation would result in a significant inadequate water supply, landfill capacity, electrical services, and natural gas services.

**Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

**Facts Supporting the Finding:**

The proposed Project site and surrounding area is not currently served by a public domestic water supply system. The Project proposes to utilize groundwater from on-site wells to supply the Project's short-term construction water needs and long-term operational water needs. The Project overlies the Antelope Valley Groundwater Basin ("Basin"); ~~which is in adjudication. Several property owners and public water suppliers initiated legal proceeding asking the Superior Court of California to~~

~~determine the relative rights of users and potential users of the Basin.~~ There are no current legal restrictions on the groundwater pumping in the Basin. An owner of property overlying a groundwater basin has an "overlying" right to reasonable and beneficial use of water from the basin. The Project overlies the Basin; as such, the owner has an overlying right to use water from the Basin for the proposed Project, which would be reasonable and beneficial, as the Project will provide a new source of renewable energy in California. There is an adequate groundwater supply in the Project area within the western portion of the Basin to meet the Project's water use based on historic groundwater contour data, well records in the Project area, and a well investigation/pump test performed on an on-site groundwater well. In addition, according to the Antelope Valley Integrated Regional Water Management Plan, groundwater is considered a reliable water source in the Antelope Valley Groundwater Basin.

The Antelope Valley Groundwater Basin is in adjudication, which is expected to determine all groundwater pumping rights in the Basin. Since groundwater extractions have exceeded the estimated natural recharge of the Antelope Valley Groundwater Basin, the Basin may be in overdraft. However, based on available data analyzed in the Draft EIR, water levels within the Project area have generally risen since the 1960s and appear to have stabilized. The high historical water usage for the Project site is approximately 776 acre feet per year (AFY) during a period that may be contemplated by the Adjudication. The proposed Project's construction water usage of 150 AFY (over a period of approximately 38 months) equates to less than 20 percent of the high historical groundwater usage at the Project site. The Project's long-term operational need of 12 AFY equates to less than 2 percent of the upper level of historical groundwater usage at the Project site. Based on the historic groundwater usage at the Project site, it is anticipated that while an allocation of groundwater in the Adjudication may be significantly less than the upper level of historical groundwater usage of 776 AFY for the Project site, it is reasonably likely that the Project site's allocation would meet the Project's operational water requirements of 12 AFY. As an overlying owner with historic usage, the Applicant may assert defenses to claims of prescription and may secure a correlative right to groundwater as an overlyer in an amount sufficient to supply the Project. In addition, Tthe Project's temporary water use during construction (150 acre feet per year ("AFY") for approximately 38 months) would represent approximately 0.18 percent of the Basin's total sustainable yield. The Project's water use during operation of the Project (12 AFY) would represent approximately 0.01 percent of the Basin's total sustainable yield. Therefore, because the Project's water usage would be a significant reduction from the amount of groundwater reasonably estimated to be allocated to the Project site, and would not likely exceed the Project's correlative share of the native safe yield, the Project would not result in a significant impact related to water supply.

~~It is anticipated that the final judgment in the Adjudication will allocate groundwater to the Project site in an amount sufficient to meet the Project's water demand within the safe yield for the Basin, such that no significant impact would occur. In the unlikely event that it becomes necessary for the Project to supplement its overlying right to pump groundwater or its adjudicated allocation for the Project within the Basin,~~ Given the uncertainty inherent in the Adjudication, several reasonably foreseeable alternative water sources have been identified. These include the acquisition of transferable groundwater rights from a landowner and/or public water supplier with transferable groundwater rights; payment for an assessment to the Watermaster to pump groundwater from the Basin, which would be used to pay for imported water to be injected into the Basin; or from purchasing and trucking fresh and/or reclaimed water from wholesalers, retailers, or recycled water suppliers in the general Palmdale/Lancaster area. Based on the air and traffic analyses conducted for possible trucking of water, less than significant impacts to air quality and traffic impacts would result. As a result, the Project would result in less than significant impacts related to water supply.

The Project is not planned to require utility services for gas or propane. The Project would follow requirements under California Government Code Section 4216 to prevent incidents relating to damage of underground utilities, and would coordinate electrical service with Southern California Edison. As a result, the Project would result in less than significant effects to gas and electrical utility services.

During construction, the Project would recycle at least 65 percent of the generated solid waste, for an estimated maximum disposal of 31,028 tons per year ("TPY") of scrap materials, and a one-time generation of 28,553 tons of vegetation debris. During operation, the Project is estimated to generate 31 TPY of office and packaging materials, which would represent 0.0000007 percent of the remaining disposal capacity at the nearest landfill, Lancaster Landfill and Recycling Center. The Project's recycling practices during construction would reduce the amount of solid waste entering landfills, and the Project's overall contribution to solid waste disposal would be expected to be less than significant.

## **2.14 ENVIRONMENTAL SAFETY**

### **Potential Effect:**

The Project would have potentially significant impacts to environmental safety if it created a significant hazard through the routine transport, use, disposal, or accidental release of hazardous materials, if the Project site contained residual soil toxicity, or resulted in electric and magnetic field hazards.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

**Facts Supporting the Finding:**

The Project site may contain hazardous materials associated with past agricultural uses and oil development activities. Contaminants of potential concerns include petroleum-based chemicals, pesticides, and metals, including arsenic, lead, mercury, and hexavalent chromium. An abandoned oil well is reportedly located on the facility site, and may not have been properly abandoned as a result of previous less stringent standards during the time of abandonment. The Project also involves removal of the existing farm residences and related structures that may contain building materials contaminated with hazardous materials, including asbestos and lead. Construction of the Project site and transmission line would require hazardous materials that would be typical of construction projects of this type, including, gasoline, diesel fuel, oils, lubricants, solvents, batteries, detergents, degreasers, paints, ethylene glycol, and welding materials and supplies, including pressurized gases. Project operation would require limited quantities of fuel oil, lubricants, solvents, batteries, janitorial supplies, paint, degreasers, herbicides, pesticides, FM200 fire suppressant, and approximately 84,000 gallons of transformer insulating oil that would be contained within electrical transformers and switches at the facility.

Operation of the Project transmission line involves transmission of high-voltage current, which would generate electric and magnetic field (EMF). The Applicant has committed to managing the electric and magnetic field strengths associated with the proposed transmission line(s) by constructing the transmission facilities in accordance with: California Public Utilities Commission (CPUC) Government Order (GO) 95, which addresses shock hazards to the public by providing minimum clearance and maintenance requirements; GO 52 (Rules for Construction and Operation of Power and Communication Lines for the Prevention or Mitigation of Inductive Interference, which manages electric and magnetic field (~~EMF~~) strengths; and GO 131-D (Rules for Planning and Construction of Facilities for the Generation of Electricity and Certain Electric Transmission Facilities), as applicable. Compliance with these requirements would limit potential EMF levels from Project facilities to levels that are consistent with CPUC policies which consider protection of public health, and Project-related electric shock hazards to acceptable levels.

The following mitigation measures would reduce potential impacts due to hazardous materials contamination during construction and operation to less than significant levels:

**MM 5.15-1: Additional assessment, and possibly remediation, of potentially contaminated soils on the Project site.** Prior to the issuance of a grading permit, the Applicant shall obtain a site closure letter from the Los Angeles County Fire Department, Health Hazardous Materials Division. The Applicant shall conduct additional site

The Project would significantly impact global climate change if it would result in a significant increase in emission of greenhouse gases.

**Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

**Facts Supporting the Finding:**

The Project proposes to generate approximately 230 MW of clean, renewable electrical power using solar PV technology. Assessment of Project-generated GHG emissions through the Project lifetime (construction and operation phase) indicate that the Project is reasonably expected to reduce carbon dioxide equivalence (CO<sub>2e</sub>) emissions by over 196,000 metric tons (MT) CO<sub>2e</sub> per year during operation compared to emissions from an equivalent electrical output **California** using eGrid information (i.e., current electrical supplies to the grid in California). The Project is fully consistent with the CARB Scoping Plan to implement AB 32 and its projected implementation measures, and is expected to result in a net decrease of greenhouse gas emissions within California due to its reduction in carbon intensity of energy generation. As a result, the Project is anticipated to result in less than significant construction and operation impacts to GHG emissions.

## **2.17 NOISE**

**Potential Effect:**

The Project would have potentially significant noise impacts if it substantially increased ambient noise levels, including temporary or periodic increases.

**Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

**Facts Supporting the Finding:**

During construction, construction equipment will be equipped with appropriate mufflers and maintained in order to reduce noise emission levels. Noise levels from construction activities (substation and O&M construction, Drainage A cutoff walls, and solar fields) were evaluated, and all activities complied with ordinances, with the exception of the pile driving scenario for the PV structures. Implementation of Mitigation Measure 5.18-1 (Pile Driver Orientation) would reduce pile driving noise levels to meet Los Angeles County Noise Ordinance Standards. Noise levels for construction of the transmission line were evaluated, and were found to be within acceptable noise levels at the nearest residences (sensitive receptors).



### **Facts Supporting the Finding:**

The Project would implement security control, and would not involve uses that would result in significant demands to sheriff staffing or response times. As a result, the Project would be expected to result in less than significant incremental contributions to cumulative law enforcement impacts.

### **3.13 UTILITY SERVICES**

#### **Potential Effect:**

Cumulative Project impacts to utility services may occur if the Project in combination with the related projects would result in a significantly cumulative increased demand for water, landfill capacity, electrical services, and natural gas.

#### **Finding:**

Changes or alteration have been required in, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

The Project's water usage would be a significant reduction from the amount of groundwater reasonably estimated to be allocated to the Project site and would not likely exceed the Project's correlative share of the native safe yield. The Project's water demand comprises only 0.18 percent of the Antelope Valley Groundwater Basin's safe yield during construction, and 0.01 percent during operation. In the Antelope Valley Groundwater Basin, the unit water requirements for both agricultural and municipal land uses are within an overall range of about three to seven acre feet per acre per year (AF/A/YR). On a unitized basis, the Project's water demand would equate to about 0.07 AF/A/YR during construction and less than 0.01 AF/A/YR during operations (0.006 AF/A/YR). The water requirements on the Project site are exceptionally small. The proposed Project together with other existing and proposed groundwater users such as the Fairmont Butte Motorsports Park (proposed groundwater use of 49 AFY) could contribute to a cumulative impact on the groundwater resource. However, Tthe Project's proposed minimal water extraction of 12 AFY during Project operations would constitute an insignificant contribution to any cumulative impacts to the Basin. Any long-term Project-related impacts on the Basin would be expected to be less than significant since the proposed withdrawals are minimal and would not exceed the allocations to be set as part of the Basin Adjudication in order to protect the Basin resource. The impacts of the proposed Project's minimal groundwater use of 150 AFY and 12 AFY during the construction and operations phases (i.e., about 0.18 and 0.01 percent, respectively, of the estimated total

**Szalay, Kim**

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**From:** Alexanian, Sorin  
**Sent:** Tuesday, September 14, 2010 5:00 PM  
**To:** Dea, Samuel; Szalay, Kim  
**Subject:** Fwd: AV Solar Project

Please forward to rpc.  
Sent from my iPhone

Begin forwarded message:

**From:** "Hickling, Norm" <[NHickling@lacbos.org](mailto:NHickling@lacbos.org)>  
**Date:** September 14, 2010 4:42:27 PM PDT  
**To:** "Alexanian, Sorin" <[salexanian@planning.lacounty.gov](mailto:salexanian@planning.lacounty.gov)>, "Novak, Paul" <[PNovak@lacbos.org](mailto:PNovak@lacbos.org)>  
**Subject:** FW: AV Solar Project

From the Antelope Acres Town Council. For the Planning Commission Record

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

---

**From:** Vickie Nelson [<mailto:bvnelson1@verizon.net>]  
**Sent:** Tuesday, September 14, 2010 3:40 PM  
**To:** Hickling, Norm  
**Subject:** AV Solar Project

Planning Staff or To Whom It May Concern:

I am Vickie Nelson, President of Antelope Acres Town Council. The Antelope Acres Town Council voted to support the AV Solar Ranch One project in March of 2009. This original support position of our Town Council has not changed. We look forward to continuing to work with First Solar as the project moves ahead.

Please call me if you have additional questions (661) 942-2198.

Vickie Nelson

# ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

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OF COUNSEL  
THOMAS R. ADAMS  
ANN BROADWELL  
GLORIA D. SMITH

September 14, 2010

### By Email and U.S. Mail

c/o Rosie Ruiz  
Chair Wayne Rew and Commissioners  
Regional Planning Commission  
Los Angeles County  
Department of Regional Planning  
Impact Analysis Section, Room 1348  
320 West Temple Street  
Los Angeles, CA 90012  
rruiz@planning.lacounty.gov

Re: Comments on the Final Environmental Impact Report for the AV Solar Ranch One Project (County Project R2009-02239, Conditional Use Permit No. 200900026)

Dear Chairman Rew and Commissioners:

We write on behalf of California Unions for Reliable Energy ("CURE") to comment on the Final Environmental Impact Report ("FEIR") prepared by the Los Angeles County Department of Regional Planning ("DRP") for the 230 MW AV Solar Ranch One Project ("Project") proposed by AV Solar Ranch 1, LLC. Although we will not attend tomorrow's hearing on the Project, we urge the Planning Commission to not approve the FEIR and to direct DRP to revise and recirculate a draft EIR to the public.

CURE submitted extensive comments on the draft EIR on July 30, 2010. After carefully reviewing the FEIR, we conclude that DRP failed to adequately respond to CURE's comments and that significant new information has been added to the EIR. For these reasons, DRP's contention that recirculation of the EIR is *not* required under the California Environmental Quality Act ("CEQA") lacks merit.

When significant new information is added to a draft environmental review document after the close of public comment and before Project certification, a

revised draft environmental review document must be noticed and recirculated for public comment.<sup>1</sup> New information is significant for the purpose of CEQA when the environmental review document is "changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect."<sup>2</sup> Here, DRP has revised its analysis in response to CURE's July 30, 2010 comments to include a *new* mitigation measure for *previously unidentified impacts* to the federally listed Desert tortoise and *new*, unsupported, *analyses* regarding baseline biological and air quality conditions at the Project site.<sup>3</sup> Additionally, DRP now claims that this *industrial* Project is *not* subject to the requirements of Water Code sections 10910 and 10912. This new information qualifies as "significant new information" under CEQA.

As detailed in CURE's July 30, 2010 comments, the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. The FEIR still does not adequately analyze potentially significant Project impacts in several critical resource areas, including air quality, biological resources, visual resources, and water quality, and fails to propose adequate mitigation for the significant impacts that it does identify. The FEIR continues to fail to present a stable and finite Project description and to include an adequate Water Supply Assessment as required by Sections 10910 and 19012 of the California Water Code. These defects, as well as numerous additional analytical deficiencies described fully in our July 30, 2010 comments, render the DEIR, and the FEIR, invalid as an environmental review document under CEQA.

The EIR must be recirculated for public review and comment in accordance with CEQA.<sup>4</sup> Failure to circulate the EIR deprives the public of a meaningful opportunity to comment upon the substantial adverse effects of the Project.

Sincerely,

/s/

Elizabeth Klebaner

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<sup>1</sup> Pub. Resources Code, § 21092.1.

<sup>2</sup> Cal. Code Regs. tit 14, § 15088.5.

<sup>3</sup> See Department of Regional Planning, Los Angeles County, AV Solar Ranch One Project Final Environmental Impact Report, August 2010, pp. RORG-3-3, 3-13, 3-36-37, 3-45-46.

<sup>4</sup> See *Cadiz Land Co., Inc. v. Rail Cycle, L.P.* (2000) 83 Cal.App.4th 74, 91.

September 14, 2010

Page 3

EK:

cc: [ctran@planning.lacounty.gov](mailto:ctran@planning.lacounty.gov) (email only)

[kszalay@planning.lacounty.gov](mailto:kszalay@planning.lacounty.gov) (email only)

**Tran, Christina**

---

**From:** Melody Mokres [melody@dslextre.me.com]  
**Sent:** Tuesday, September 14, 2010 10:01 PM  
**To:** Tran, Christina  
**Cc:** fifthdistrict@jacbos.org  
**Subject:** County Project R2009-02239 Solar Ranch One

To: Regional Planning Commission

Comments on the Antelope Valley Solar Ranch One Project

I am requesting that the hearing for the Antelope Valley Solar Ranch One project be postponed for the following reasons.

1. There has not been a public hearing regarding the identification by the county of areas suitable for solar and wind farms as indicated in the blue shaded section of the General Plan Map of the Antelope Valley. This issue has never been discussed at any public meeting.
2. Due to the amount of land that will be removed from the original intent for land use, i.e. orchards, vineyards and other agricultural opportunity areas, significantly changing the look and use of the Northwest Los Angeles County, a public hearing should have been done by planning on this solar project and the cumulative effects stemming from this project and the next generation of anticipated projects.

In addition, hearings should have been conducted in the Antelope Valley as opposed to requiring residents to drive to Planning Commission Hearings in Los Angeles. Considering the size of the Antelope Valley and potential uses of this area, a satellite planning office should be set up here in the northwest county.

3. I understand that there is some type of mitigation being worked on between Antelope Valley Solar Ranch One and the Antelope Acres Town Council. I have been informed by a Town Council member that mitigation is only in the beginning stages and that it is realized if nothing is stated in writing that any mitigation is only on good faith. Therefore, I would like to see the hearing postponed until any and all mitigations are in writing.

Thank you for your consideration.

Melody Mokres  
8202 W. Ave. "E"  
Antelope Acres, CA  
661-942-1998



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

DATE: September 9, 2010

TO: Wayne Rew, Chair  
Pat Modugno, Vice Chair  
Esther L. Valadez, Commissioner  
Leslie G. Bellamy, Commissioner  
Harold Helsley, Commissioner

FROM: Samuel Z. Dea, Supervising Regional Planner *K/S for SZD*  
Special Projects Section

**SUBJECT: PROJECT NO. R2009-02239-(5)  
AV SOLAR RANCH ONE, LLC  
VESTING TENTATIVE TRACT MAP NO. 071035  
CONDITIONAL USE PERMIT NO. 200900026  
ENVIRONMENTAL ASSESSMENT NO. 200900027  
AGENDA ITEM NO. 7**

Attached are additional comment letters from the public received since sending of the Planning Commission's hearing package on September 2, 2010.

Prepared by Kim K. Szalay, MPL, AICP, Principal Regional Planning Assistant  
Reviewed by Samuel Z. Dea, Supervising Regional Planner

**ATTACHMENTS**

Additional Letters from the Public

SZD:KKS  
9/09/10



Labor, lifestyle, and Los Angeles all within your reach!

August 31, 2010

LA County Planning Commission

Kim Szalay, [kszalay@planning.lacounty.gov](mailto:kszalay@planning.lacounty.gov)

Re: AV Solar Ranch One

To LA County Planning Commission,

The Greater Antelope Valley Economic Alliance's (GAVEA) mission to attract, retain, and grow businesses in the Antelope Valley. The mission is more important today than at any time in recent memory because of the regions high unemployment and the continuing recession. With over 61,000 employees travelling more than 60 minutes one way out of the Valley for employment in the LA Basin, the need for local employment remains a major concern for the citizens we serve. With parents being gone from home for extended time, this causes problems not only for parents, but schools, law enforcement and social services.

The Solar One project is one of the solutions to this problem and GAVEA has worked with First Solar from its inception to educate the citizens of the Antelope about the benefits of not just employment but the prudent use of the Antelope Valley renewable energy resources. Those resources also accrue not only for the Antelope Valley but for the citizens of the Los Angeles Basin.

Using the latest and most advanced technology, the project make use of land abandon as being too costly for production of agricultural products, but is located in the prime location of being close to a SCE \$1.8B transmission system with available capacity serving the Los Angeles Basin. Therefore, the highest and best use of the property benefits the majority of the citizens you serve and has no significant impact on the environment after mitigation.

The long-term use of the land for power production, employment, and environmental mitigation is a natural for the Antelope Valley and serves the greater good of all citizens in Southern California. For this and the above stated reason, we strongly recommend your support of the Solar One Project.

Regards,

Mel Layne, President

1028 West Ave. L-12 #101 Lancaster, CA 93534

661/945-2741 FAX 661/945-7711

[www.aveconomy.org](http://www.aveconomy.org)

[www.windsolarcalifornia.com](http://www.windsolarcalifornia.com)



**Szalay, Kim**

---

**From:** Brian M Schimelpfening [brian.m.schimelpfening@chase.com]  
**Sent:** Friday, September 03, 2010 12:47 PM  
**To:** Szalay, Kim  
**Subject:** AV Solar Ranch One

Ms. Szalay,

As a board member and past chair for the Greater Antelope Valley Economic Alliance (GAVEA), I would like to extend my support for this innovative and much needed project here in the Antelope Valley.

As you may know, the Antelope Valley has an abundance of sun, wind, and land available for development. Projects such as this will be a catalyst for development of similar projects. As more alternative energy projects become a reality, this will assist in our ongoing efforts to attract the manufacturers that produce the various equipment (solar panels, wind turbines, etc.) needed for these companies.

Best Regards,

Brian M. Schimelpfening, MBA | Relationship Manager |  
**JP Morgan Chase Business Banking**  
Office: 661.259.6473 | Cell: 805.907.6926 | E-Fax: 877.749.2922  
E-mail: [brian.m.schimelpfening@chase.com](mailto:brian.m.schimelpfening@chase.com)

**Assistant:**  
Veronica Ramos | Client Service Professional | 818-461-6924 | [veronica.l.amos@chase.com](mailto:veronica.l.amos@chase.com)

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# PALMDALE

*a place to call home*

July 15, 2010

JAMES C. LEDFORD, JR.  
Mayor

TOM LACKEY  
Mayor Pro Tem

LAURA BETTENCOURT  
Councilmember

MIKE DISPENZA  
Councilmember

STEVEN D. HOFBAUER  
Councilmember

38300 Sierra Highway

Palmdale, CA 93550-4798

Tel: 661/267-5100

Fax: 661/267-5122

TDD: 661/267-5167

Ms. Christina Tran  
Los Angeles County  
Department of Regional Planning  
Impact Analysis Section, Room 1348  
320 West Temple Street  
Los Angeles, CA 90012

**RE: Notice of Completion for AV Solar Ranch One Array Project: A  
230 MW Solar Photovoltaic Facility on 2,100 Acres Located  
Generally North and South of SR-138 Between 155<sup>th</sup> Street West  
and 180<sup>th</sup> Street West (SCH No. 2009041145)**

Dear Ms. Tran:

Thank you for the opportunity to review the above referenced Draft Environmental Impact Report. Staff has reviewed the document and at this time, the City of Palmdale has no comment on the proposed project.

If you have any questions regarding this matter, please contact Susan Koleda or me at (661) 276-5200.

Sincerely,

Richard Kite  
Assistant Director of Planning

RK:sk

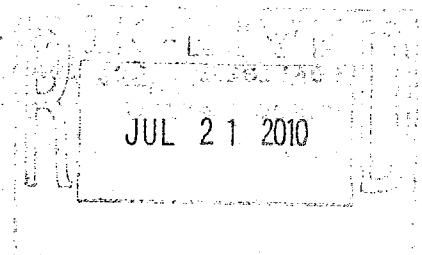
Auxiliary aids provided for

communication accessibility

pon 72 hours' notice and request.



[www.cityofpalmdale.org](http://www.cityofpalmdale.org)





Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

DATE: September 2, 2010

TO: Wayne Rew, Chair  
Pat Modugno, Vice Chair  
Esther L. Valadez, Commissioner  
Leslie G. Bellamy, Commissioner  
Harold Helsley, Commissioner

FROM: <sup>pk for Sam Dea</sup> Samuel Z. Dea, Supervising Regional Planner  
Special Projects Section

SUBJECT: **PROJECT NO. R2009-02239-(5)**  
**AV SOLAR RANCH ONE, LLC**  
**VESTING TENTATIVE TRACT MAP NO. 071035**  
**CONDITIONAL USE PERMIT NO. 200900026**  
**ENVIRONMENTAL ASSESSMENT NO. 200900027**  
**AGENDA ITEM NO. 7**

Attached are supplemental materials received pertaining to the above referenced item. Included are additional comment letters from the public received since the June 30, 2010 public hearing date and responses to Planning Commission's directives received at the June 30 public hearing.

Below is a brief summary of the June 30 public hearing and direction the Commission provided to staff and the applicant for continuation of the hearing on September 15, 2010.

**JUNE 30, 2010 PUBLIC HEARING**

At the June 30, 2010 public hearing, the applicant and two persons testified in favor of the project and two persons testified with concerns regarding the request. Approximately 25 members of the public were present at the public hearing (plus representatives of the applicant). The Regional Planning Commission directed staff and the applicant to further address the following issues:

- Clarify and provide the possibility of capturing rainwater and washwater runoff
- Provide decommissioning financial assurances
- Provide a cost/benefit comparison of undergrounding versus above ground transmission line installations
- Require fencing to be of a suitable color to blend with the surrounding terrain
- Clarify and provide numbers of tracking solar panels and fixed tilt solar panels proposed
- Verify and provide the current market rate per kilowatt hour for purchase of electrical power
- Provide potential high-value mitigation sites for the required 450 acres of off-site mitigation land
- Clarify night lighting requirements and proposal
- Verify and provide the Federal funding critical timeline requirements
- Clarify the status of the comment letter submitted by the Antelope Acres Town Council

There being no further testimony or discussion, the Regional Planning Commission voted 4-0 to continue the public hearing to September 15, 2010, to provide time for staff and the applicant to provide the additional items requested and to prepare the Final EIR and Findings and Conditions for final action on the requested Conditional Use Permit ("CUP") and Vesting Tentative Tract Map ("VTTM"). Commissioners Bellamy, Rew, Helsley, and Modugno were present. Commissioner Valadez was absent.

## **STAFF RESPONSES TO THE COMMISSION'S DIRECTIVES**

### Clarify and Provide the Possibility Of Capturing Rainwater and Washwater Runoff

The applicant indicated that the spacing of solar panel arrays is proposed to be designed in such a way as to maximize rainwater and washwater infiltration into the ground. Water storage tanks are required to be inspected every five years and would only be flushed on an as-needed basis. In the event they are required to be flushed, the flushed water would be put to beneficial use such as for washwater or on-site infiltration into the ground.

### Provide Decommissioning Financial Assurances

The conditions of approval require financial assurances for decommissioning of the project as part of a comprehensive Decommissioning Plan required prior to issuance of any building permits (See CUP Condition Nos. 20, 21, and 22).

### Provide a Cost/Benefit Comparison Of Undergrounding Versus Above Ground Transmission Line Installations

Attached is a cost comparison of underground and above ground transmission lines provided by the applicant. The analysis includes a comparison of both low voltage (34 kV) and high voltage (230 kV) underground and above ground transmission line installations. The applicant's analysis is followed by copies of e-mail correspondence with the Department of Public Works ("DPW") regarding DPW staff review and validation of the applicant's cost comparisons. The applicant's analysis refers to the full length of the high voltage transmission line proposed, including a two-mile portion located in Kern County. The Kern County portion of the high voltage transmission line is proposed to be above ground, consequently, the cost of undergrounding would be based only on the portion of the high voltage line, 2.25 miles in length, located in the Los Angeles County. All low voltage transmission lines, 3.0 miles in length, would be located within Los Angeles County.

### Require Fencing to be of a Suitable Color to Blend with the Surrounding Terrain

The conditions of approval require that all project fencing shall be of a neutral color blending with the surrounding terrain. Additionally, project fencing along both the north and south sides of SR 138 (Avenue D) is proposed to be screened by native drought-tolerant plantings (See CUP Condition No. 23.I).

### Clarify and Provide the Numbers of Tracking Solar Panels and Fixed Tilt Solar Panels Proposed

The applicant has determined that a combination of tilt tracker, horizontal tracker, and/or fixed tilt solar panel arrays will be used and that the precise mix of panel arrays will be determined as the project is constructed and the specific need for each type of panel array is determined. The Environmental Impact Report for this project analyzed the potential for any combination of tilt tracker, horizontal tracker, or fixed tilt solar panel arrays. Mitigation requires that the first 1,000 feet on either side of SR 138 (Avenue D) use panels with a maximum height of 10 feet to limit visual intrusion for motorists using SR 138 (Avenue D).

Verify and Provide the Current Market Rate Per Kilowatt Hour for Purchase of Electrical Power

Attached is a table provided by the applicant showing the California Public Utility Commission's 2008 market price referents. AV Solar Ranch 1 has a purchase and power agreement with Pacific Gas and Electric Company for a 25-year term expected to begin in 2013. The subject power price is fixed for the 25-year term.

Provide Potential High-Value Mitigation Sites for the Required 450 Acres of Offsite Mitigation Land

The applicant indicated that properties located south of the project site are being considered as potential mitigation land sites.

Clarify Night Lighting Requirements and Proposed Night Lighting

The conditions of approval require that any night lighting required by utility regulations would be shielded and aimed downward and not result in lighting spillover. On-site equipment structures and the electrical substation shall use either motion sensor or manual switch lighting, and the main access gate, operations building doorways, and parking areas shall use either light sensor or motion sensor lighting for security purposes (See Draft CUP Condition No. 23.m).

Verify and Provide the Federal Funding Critical Timeline Requirements

The applicant has indicated that the project may be eligible for three funding sources: 1) Federal Treasury Tax Grant requires that projects such as physical improvements like permanent access roads, foundations, and structures must start construction by December 31, 2010; 2) A Federal loan guarantee for projects utilizing innovative technology requires that projects must start construction by September, 2011; and 3) A Federal loan guarantee for projects not required to use innovative technology requires that projects must start construction by September, 2011.

Clarify the Status of the Comment Letter Submitted by the Antelope Acres Town Council

Staff discussed with the President of Antelope Acres Town Council the letter dated March 23, 2009, submitted by the Town Council President to County planning staff and included in the public record for the public hearing held on June 30, 2010. The President informed staff that the unanimous vote in support of the project as indicated in the letter was an accurate representation of the Council at that time. Staff requested that either oral or written testimony be provided at the continued hearing to clarify the Town Council's response at the present time.

**STAFF RECOMMENDATION**

The following recommendation is made prior to close of the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing. If the Commission finds the request satisfies the conditional use permit burden of proof requirements and the requirements for a vesting tentative tract map, then staff recommends **APPROVAL** of Conditional Use Permit No. 200900026 and Vesting Tentative Tract Map No. 071035 subject to the attached mitigation monitoring program and conditions of approval.

**SUGGESTED APPROVAL MOTION:**

**"I MOVE THAT THE PUBLIC HEARING BE CLOSED AND THAT THE REGIONAL PLANNING COMMISSION ADOPT THE ENVIRONMENTAL IMPACT REPORT, MMRP, and CEQA FINDINGS ASSOCIATED WITH CONDITIONAL USE PERMIT NO. 200900026 AND VESTING TENTATIVE TRACT MAP NO. 071035."**

**"I MOVE THAT THE REGIONAL PLANNING COMMISSION APPROVE CONDITIONAL USE PERMIT NO. 200900026 AND VESTING TENTATIVE TRACT MAP NO. 071035 WITH THE ATTACHED FINDINGS, CONDITIONS AND MITIGATION AND MONITORING PROGRAM."**

Prepared by Kim K. Szalay, MPL, AICP, Principal Regional Planning Assistant  
Reviewed by Samuel Z. Dea, Supervising Regional Planner

**ATTACHMENTS**

Final Environmental Impact Report Disk  
Conditional Use Permit Findings  
Vesting Tentative Tract Map Findings  
Conditional Use Permit Conditions  
Vesting Tentative Tract Map Conditions  
CEQA Findings and MMRP  
Applicant's Transmission Line Cost Comparison Analysis  
Department of Public Works Transmission Line Cost Comparison E-mail Comments  
Table of Market Price Referents for Cost per Kilowatt Hour  
Additional Comment Letters Received Following First Public Hearing Date

SZD:KKS  
9/02/10

# **CUP AND VTTM FINDINGS**

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

**PROJECT NO. R2009-02239-(5)**

**CONDITIONAL USE PERMIT NO. 200900026**

**ENVIRONMENTAL ASSESSMENT NO. 200900027**

**HEARING DATES: JUNE 30, 2010 AND SEPTEMBER 15, 2010**

### **SYNOPSIS**

The applicant, AV Solar Ranch 1, LLC, requests Vesting Tentative Tract ("VTTM") No. 071035 to authorize a reversion to acreage from 147 lots to 1 lot on 790 acres in the A-2-5 (Heavy Agricultural-Five Acres Minimum Required Area) zone and Conditional Use Permit ("CUP") No. 200900026 to authorize construction, operation, and maintenance of a 230 megawatt 80,000-panel photovoltaic solar electric power generation facility on 2,093 gross acres (including the 790-acre VTTM site) and on-site grading in excess of 100,000 cubic yards in the A-2-5 (Heavy Agricultural – Five Acres Minimum Required Area) zone; and installation of 0.75 miles of onsite and 2.25 miles of offsite high voltage 230 kilovolt electricity transmission lines in the A-2-5 and A-1-2 (Light Agricultural-Two Acres Minimum Required Area) zones. The subject property to which the CUP applies includes 33 contiguous parcels including one reversion to acreage parcel proposed to be created by the VTTM.

### **PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION**

#### **June 30, 2010 Public Hearing**

A duly noticed public hearing was held on June 30, 2010, before the Regional Planning Commission ("Commission"). Commissioners Bellamy, Rew, Helsley, and Modugno were present. Commissioner Valadez was absent. The applicant and two persons testified in favor of the project and two persons testified with concerns regarding the request. Approximately 25 members of the public were present at the public hearing plus the applicant's team of six persons. The Commission directed staff and the applicant to further address the following issues:

- Clarify and provide the possibility of capturing rainwater and washwater runoff
- Provide decommissioning financial assurances
- Provide a cost/benefit comparison of undergrounding versus above ground transmission line installations
- Require fencing to be of a suitable color to blend with the surrounding terrain
- Clarify and provide numbers of tracking solar panels and fixed tilt solar panels proposed
- Verify and provide the current market rate per kilowatt hour for purchase of electrical power
- Provide potential high-value mitigation sites for the required 450 acres of off-site mitigation land
- Clarify night lighting requirements and proposal
- Verify and provide the Federal funding critical timeline requirements



- Clarify the status of the comment letter submitted by the Antelope Acres Town Council

There being no further testimony or discussion, the Commission continued the public hearing to September 15, 2010, to provide time for staff and the applicant to provide the additional items requested and to prepare the Final Environmental Impact Report and Findings and Conditions for action on the requested CUP and VTTM.

**September 15, 2010 Public Hearing**

[Reserved for proceedings to be included following close of the public hearing.]

**FINDINGS**

1. The applicant is requesting a conditional use permit for construction, operation, and maintenance of a 230 megawatt 80,000-panel photovoltaic solar electric power generation facility on 2,093 gross acres (including the 790-acre property included in the VTTM) and on-site grading in excess of 100,000 cubic yards in the A-2-5 (Heavy Agricultural – Five Acres Minimum Required Area) zone; and installation of 0.75 miles of onsite and 2.25 miles of offsite high voltage 230 kilovolt electricity transmission lines in the A-2-5 and A-1-2 (Light Agricultural-Two Acres Minimum Required Area) zones.
2. All portions of the project are located within the following boundary extremes: north and south of SR 138 between 155<sup>th</sup> Street West to the east and 180<sup>th</sup> Street West to the west, and between West Avenue B-8 to the north and West Avenue E to the south. Not all properties located within these boundary extremes are within the Project area. Primary access is proposed to be located on 170<sup>th</sup> Street West approximately 0.6 miles north of SR 138 (Avenue D).
3. The subject property consists of 33 contiguous parcels on 2,093 acres, including one proposed 790-acre reversion to acreage parcel. The property is flat and gently sloping downward to the northeast. All parcels are vacant with the exception of an existing abandoned ranch house and appurtenant facilities located on a parcel adjacent to and south of SR 138 (Avenue D). All such facilities are proposed to be demolished.
4. The proposed 230-megawatt solar photovoltaic electric power generation facility includes approximately 80,000 photovoltaic panel arrays including optional use of sun-tracking or fixed, tilt or horizontal array units; associated electrical and distribution equipment including approximately 185 electrical equipment structures with the option to be unenclosed or enclosed; onsite unenclosed electricity substation; operations and maintenance building; a 230-kilovolt transmission line approximately 4.25 miles in length (approximately 2.25 miles within unincorporated Los Angeles County and 2 miles within Kern County) within the 170<sup>th</sup> Street West

public right of way in unincorporated Los Angeles County, and on private property and/or 170<sup>th</sup> Street West public right of way in Kern County, connecting to Southern California Edison proposed Whirlwind substation facilities in Kern County; undergrounding of all high-voltage transmission lines located within unincorporated Los Angeles County with the exception of two required above-ground crossings of the public right of way; onsite 34.5 kilovolt transmission line proposed within 170<sup>th</sup> Street West public right of way and private property; undergrounding all of the low-voltage transmission lines except as required to include one above ground crossing of the public right of way; a maximum of 180,000 cubic yards of balanced grading for flood control management; employee parking area; perimeter fencing; associated access roads; native landscaping screening north and south of SR 138 (Avenue D); new potable water well and use of existing well for non-potable uses; two above ground water tanks (approximately 10,000 and 100,000 gallons); construction of onsite septic and leach-field system; and demolition of all existing structures on-site including two residences, a mobile home, and accessory structures. The proposed project will require approximately 150 acre feet of water per year during construction of the project for a period not to exceed 38 months. On-going operation of the project will require approximately 12 acre feet per year of water supply, of which three acre feet per year are required to be potable.

5. The subject property is located within the N1 (Non Urban 1) land use designation in the Antelope Valley Areawide General Plan ("AVAGP"), a component of the Los Angeles Countywide General Plan.
6. The subject property is zoned A-2-5 (Heavy Agricultural – Five Acre Minimum Required Area).
7. Six Certificates of Compliance have been issued on various lots on the subject property to certify compliance with the Subdivision Map Act. The subject property is comprised of a total of 179 lots. After proposed reversion to acreage of the 147 lots to one lot, the property would be comprised of 33 lots.
8. Surrounding land uses within a 500-foot radius of the property include vacant parcels and Joshua Tree Woodland Habitat Significant Ecological Area ("SEA") No. 60 adjacent to the north and east, and vacant parcels to the south and west. Joshua Tree Woodland Habitat SEA No. 57 is located nearby to the southeast of the project site. The project provides undeveloped land buffers to the SEA's and does not disturb or intrude into the SEA's. Nearby property owners within a 1,000-foot radius of the project boundaries were notified by mail regarding the project.
9. The surrounding areas within a 500-foot radius of the property are zoned A-1-2 and A-2-5 to the north and west, A-1-2, A-2-2 (Heavy Agricultural – Two Acre Minimum Required Area), and A-2-5 to the south and east.

10. The proposed project is consistent with the applicable goals and policies of the County of Los Angeles Countywide General Plan ("General Plan") as follows:
  - a. Policy No. 2 of the Conservation and Open Space Element is as follows: "Support the conservation of energy and encourage the development and utilization of new energy sources including geothermal, thermal waste, solar, wind and ocean-related sources" (General Plan, Pg. II-26). The project is consistent with this policy by proposing development of solar energy production facilities.
  - b. Policy No. 3 of the Conservation and Open Space Element specifically promotes solar energy: "Promote the use of solar energy to the maximum extent possible" (General Plan, Pg. II-26). The project is a utility-scale solar project proposing 230-megawatts of solar electricity generation and is consistent with this policy.
  - c. Policy No. II-15 of the Conservation and Open Space Element Recommended Action Plan provides the following guidance: "Support stronger tax and cost-saving incentives to encourage greater use of alternative energy sources such as solar energy and wind power" (General Plan, Pg. VIII-39). The project proposes to use potential Federal stimulus funding, Federal loan guarantees, and State Public Utilities Commission authorized cost recovery mechanisms in the event the project qualifies for subject funding opportunities.
11. The proposed project is consistent with the applicable goals and policies of the AVAGP and the N1 (Non-Urban 1) land use designation in the AVAGP. The project meets the definition of a "utility installation" referenced in the listing of non-urban non-residential land uses allowed in remote areas designated Non-Urban 1 (AVAGP, Pg. VI-5). The project is consistent with policies of the Plan as follows:
  - a. Policy No. 18: "Direct future growth away from areas exhibiting high environmental sensitivity to land use development unless appropriate mitigating measures can be implemented" (AVAGP, pg. V-3). The project uses previously disturbed and previously farmed land and avoids SEA's in the vicinity. Additional project design features and mitigation measures have been incorporated and required to further protect and preserve surrounding habitat in the Antelope Valley. An existing on-site juvenile Joshua Tree recruitment area is avoided by the project.
  - b. Policy No. 19: "Minimize disruption and degradation of the environment as land use development occurs, integrating land uses so that they are compatible with natural environmental systems" (AVAGP, pg. V-3). The project retains natural drainage, limits grading to maintain the topography of the existing site, and provides permeable fencing for retaining animal movement throughout the

property. Proposed vegetated swales and limited vegetation retained under and around panels provides partial integration of the site with existing habitat.

- c. Policy No. 40: "Encourage efficient utilization of resources in the allocation of land to various uses, and incorporate energy conservation measures into the design and implementation of public and private projects" (AVAGP, pg. V-6). The project uses materials with an estimated lifespan of 25-30 years, makes little impact on public infrastructure, limits land disturbance, and provides public benefits through generation of renewable energy. The proposed operations building will be constructed in compliance with green building requirements of the County Green Building Ordinance.
- d. Policy No. 65: "Encourage the locating of new power distribution networks, communication lines, and other service network facilities underground in urban areas. Transmission lines should be located underground where feasible" (AVAGP, pg. V-9). Though not located in an urban area, the project site is subject to long-range planning for the Antelope Valley that envisions minimal visual intrusion by avoiding proliferation of above ground transmission lines and their related support poles. Therefore, to be consistent with this policy, the on-site low voltage and the on-site and off-site high voltage transmission lines will be undergrounded, with the exception of three required above-ground crossings in the unincorporated County area within the public right of way including one point of connection at the Kern County border, in order to minimize visual intrusion and to avoid proliferation of above-ground transmission lines.
- e. Policy No. 66: "Maintain a long-range program for the underground relocation of overhead power distribution facilities, telephone lines, and other utility services in urban areas" (AVAGP, pg. V-9). Many potential applications for renewable energy projects require long-term planning for solar and wind project transmission line installations in the Antelope Valley. Although not located within an urban area, the project site is subject to long-range planning efforts for future development in the area. Therefore, to be consistent with this policy, the project will include the undergrounding of both the low and high voltage transmission lines both on and off the project site within the unincorporated County area with the exception of one required above ground crossing of the public right of way and one above-ground point of connection at the Kern County border.
- f. Policy No. 69: "Protect significant vegetation such as the Joshua Tree" (AVAGP, pg. V-9). The project proposes to avoid development in the nearby Joshua Tree Woodlands SEA No. 60, and the project avoids removal of, or, encroachment upon, mature and younger Joshua Trees located on the site.

- g. Policy No. 70: "Encourage planting of street trees in urban portions of the Antelope Valley" (AVAGP, pg. V-9). Naturally-placed native vegetation, including Joshua Trees, is proposed for screening along the north and south sides of SR 138. The project also proposes to provide for additional planting and maintenance of street trees and landscaping in nearby areas of the Antelope Valley that may include urbanizing areas.
- h. Policy No. 71: "Encourage and support local efforts to attract new industry to the Antelope Valley. While the aero-space and other government related industries should continue to remain as major employment generators, emphasis should also be given to attracting other types of employers" (AVAGP, pg. V-10). The project is a large-scale renewable energy project that would provide additional employment opportunities and introduce new industry opportunities in the growing renewable energy sector within the Antelope Valley.
- i. Policy No. 101: "Develop and use groundwater sources to their safe yield limits" (AVAGP, pg. V-13). During the 38-month construction period proposed, a maximum of 150 acre feet of water per year may be used for project construction activities. The project proposes to limit use of groundwater to a maximum of 12 acre feet per year during project operations. Long-term operation of the project requires occasional cleaning of the solar panel surfaces in order to maximize electricity production. Existing wells with projected adequate yield are proposed to be used for non-potable washwater and other non-potable uses. A new well is proposed to provide for necessary potable water to supply the operations and maintenance facility and construction workers. The project provides adequate water supply.
- j. Policy No. 114: "As an interim policy, pending construction of regional drainage facilities, require installation of appropriate systems and facilities to retain the increase in storm runoff due to development on the project site or equivalent mitigating measures" (AVAGP, pg. V-14). The project proposes retaining natural permeable ground surfaces and providing drainage swales in addition to retaining natural flow and volumes through the primary drainages on the site.
- k. Policy No. 135: "Encourage development to utilize and enhance natural topographic features, thus establishing harmony between the natural and man-made environment" (AVAGP, pg. V-17). Natural drainages are being maintained by the project to retain natural flows of storm waters, and additional buffering of the main drainage course is proposed to provide for animal movement and ongoing habitat. Permeable fencing is also proposed to enable additional movement for small and moderate sized wildlife. The project proposes to preserve 100 acres onsite as natural open space.

- i. Policy No. 140: "Promote air quality that is compatible with health, well-being, and enjoyment of life. The public nuisance, property and vegetative damage, and deterioration of aesthetic qualities that result from air pollution contaminants should be prevented to the greatest degree possible" (AVAGP, pg. V-17). The project proposes to stage limited construction grading and construction over a 38-month period, and to use other standard dust control measures in order to limit the extent of air pollution from fugitive dust during construction of the project. Operation of the project proposes retaining native vegetation and re-vegetating to the greatest extent feasible while in compliance with fire control clearance requirements. By providing a utility scale solar project, the project is facilitating the use of clean, renewable energy, which in turn helps to reduce emissions from other types of energy sources, thereby promoting improved air quality.
  - m. Policy No. 141: "Prohibit the harvesting of Joshua or Juniper trees for fuel purposes or for transplantation out of their normal habitat area" (AVAGP, pg. V-18). The project avoids the nearby Joshua Tree Woodlands SEA and proposes to avoid development in and removal of young Joshua Trees from an existing Joshua Tree recruitment area located onsite.
  - n. Policy No. 217: "Promote use of alternative energy sources (including solar and wind) for heating and cooling" (AVAGP, pg. V-26). The project aims to produce 230-megawatts of photovoltaic solar electric power for use in California to assist meeting renewable energy needs and mandates.
- 12. The project is consistent with the AVAGP Guidelines for Non-Residential Uses in Non-Urban Areas (Pages VI-24, 25) as follows:
  - a. Location. The project is consistent with location guidelines of the Plan. The proposed project is located on previously disturbed land surrounded by vacant properties and agricultural uses in the general vicinity. Proposed operations are relatively passive similar to existing surrounding uses. Existing primary roadways will be retained for maintaining existing circulation patterns in the area. Existing utilities, other public services, and infrastructure are available to the project. The project provides native landscaping and open space buffering along SR 138 as visual mitigation for public passersby. The relatively flat topography, distance from known active faults, and previously farmed and disturbed property, make the location suitable for the proposed photovoltaic solar electricity generation development.
  - b. Access. The project primary access is consistent with access guidelines of the Plan. The project proposes primary access approximately one half mile north of SR 138 on 170<sup>th</sup> Street West. This location prevents the hazards associated with higher speeds on SR 138 if access were to be taken from the highway.

Transport of materials during construction of the project largely avoids existing residential communities.

- c. Design. The proposed design of the project is consistent with design guidelines of the Plan. The first 1,000 feet of solar panels installed adjacent to SR 138 are proposed to be of the low-profile horizontal or low-profile fixed tilt variety to maximize views to the Tehachapi Mountains to the north and other vistas to the south from the highway. Additionally, native drought-tolerant shrubs, Joshua Trees, and grasses are proposed to screen the frontages of solar panel development along SR 138 on both the north and south sides of the right-of-way. As natural a placement of plantings as possible and temporary drip systems to establish the plantings are proposed. Perimeter fencing that is colored to minimize visual intrusion will be provided for security and safety purposes. No outdoor advertising and minimal security lighting shielded downward to avoid light spillover is proposed, which will minimize visual impacts to neighboring properties and wildlife.
13. The subject property is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22 of the County Code as required in order to integrate the project with the uses in the surrounding area given that the project complies with all applicable development standards of the A-2-5 (Heavy Agricultural-Five Acres Minimum Required Area) zone. Section 22.24.150 of the County Code, Uses Subject to Permits, lists the following use as permitted provided a conditional use permit is approved, "Electric distribution substations, electric transmission substations and generating plants, including microwave facilities used in conjunction with any one thereof." The proposed project is a photovoltaic solar electric power generation plant with distribution substation and transmission lines and complies with the following regulations of Title 22 of the County Zoning Ordinance as follows:
- a. Section 22.24.170.A Front, Side and Rear Yard Requirements. A minimum set back of 20 feet for front yard, five feet for side yard and corner side yard, 10 feet for reversed corner side yard, and 15 feet for rear yard is required. The project exceeds requirements by providing a minimum set back of 50 feet from the property line throughout property. Specific designated areas provide additional set back, buffering, or other dedicated spaces as indicated on the site plans. The project complies with yard setback requirements.
  - b. Section 22.48.160 Fences and Walls. Depending on the location within the property, three and one half to six feet in height is the maximum fence height permitted per County Code. The project proposes perimeter fencing eight feet in height for project security and safety purposes. The applicant is seeking a yard modification to allow the fence to be a uniform eight feet in height around

the entire perimeter of the project site. The Commission supports this request and believes it to be appropriate for the use and the location. The project complies with fencing requirements, as proposed to be modified pursuant to the yard modification process.

- c. Chapter 22.52 Part 7 Outside Storage. Part 7 requires that all outside storage open to view from the exterior boundary of a lot or parcel of land upon which it is conducted shall be enclosed by a solid wall or fence. This requirement would not apply to temporary material staging areas and temporary outdoor worker shelters used during construction. For the purposes of this project, temporary staging areas, temporary outdoor worker shelters, and a temporary cement batching plant are defined as areas used for construction and the use of which are not to exceed project build out or 38 months from the start of construction, whichever occurs first. The project does not propose permanent outside storage for on-going operations. The project complies with operational outside storage requirements.
- d. Chapter 22.52 Part 11 Industrial Use and Handicapped Parking. Either one space per two employees or one space per 500 square feet is required to meet industrial use standard parking requirements. One handicapped space per 40 standard spaces is required. The project proposes a 20,000 square-foot operations and maintenance building requiring 40 standard parking spaces including at least one of which is a handicapped parking space. The project complies with parking requirements.
- e. Chapter 22.52 Part 20 Green Building Requirements. County Green Building Standards for energy conservation, indoor and outdoor water conservation, demolition recycling, and LEED Silver or equivalent building construction apply to the project for self-contained non-warehouse portions of the proposed 20,000 square-foot operations and maintenance building, demolition of existing buildings, landscape watering, and wash water operations. Tree planting requirements require modification. The project proposed meets or exceeds Green Building standards including modification of tree planting requirements as allowed by the County Code for certain circumstances. The proposed 20,000 square-foot operations and maintenance building is located on a single 790-acre lot. Compliance with the Green Building Ordinance would require the planting of 10,324 trees. The applicant requests a waiver or modification by the Director of Public Works for the number of trees required. In lieu of the tree planting requirement, the applicant proposes to plant native drought-tolerant shrubs, a limited number of Joshua trees, and numerous native grasses in as natural a pattern as possible within 10-feet of property frontage along SR 138 on both the north and south sides of the highway for the length of the subject property. A drip system would initially be used to establish the native plantings. These plantings would also serve as screening of the project components



located closest to the highway. Additionally, in lieu of the total number of required onsite tree plantings, the applicant proposes to offer payment to the County for additional tree plantings and provision for landscaping maintenance along public rights of way in the Antelope Valley vicinity. The Commission supports the proposed alternative measures. The Director of Public Works has granted the modification to the Green Building ordinance requested and accepted the alternative measures. The project complies with Green Building standards as modified.

- f. Chapter 22.52 Part 21 Drought-Tolerant Landscaping. Requirements for drought-tolerant landscaping include use of County-authorized drought-tolerant plant lists, minimum required percentages of drought-tolerant plantings, limitations on the amount of turf, and efficient watering management. The project proposed complies with Drought-Tolerant Landscaping requirements.
  - g. Chapter 22.52 Part 22 Low-Impact Development (LID). This part of the County Zoning Ordinance references Title 12 Chapter 12.84 for Low Impact Development Standards. These standards are designed to limit hydro-modification impacts to natural drainage systems and to manage excess volume from each lot upon which development is occurring so as to be infiltrated at the lot level or alternatively to sub-regional facilities. The project proposes to sustain the primary natural drainage course running through the site from southwest to northeast and to provide numerous vegetated swales throughout the development area to infiltrate runoff to the satisfaction of the Department of Public Works. The project complies with LID requirements.
14. The project on the subject property will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, and 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 because the project is compatible with the surrounding neighborhood and land uses. Aerial photography of the 2,093-acre project site provides imagery indicating grading/plowing over the majority of the site many years previously. This is evidenced by a previously farmed orchard and other disturbed land underlying the re-established plants including desert shrubs, seasonal wildflowers, other native and non-native grasses, a number of juvenile Joshua Trees at a northerly portion of the site, and bare soil. Recycled use of previously disturbed land is preferred for development compared to use of pristine undisturbed native lands. The passive operation of a photovoltaic solar field provides a compatible "neighbor" to two SEA's, one to the north/northeast and one to the south, on which no additional development is likely to occur. Fencing permeable to small and moderate sized animals, a minimum 100-foot wide drainage and wildlife movement area, native plants and Joshua trees screening low-profile solar panels located along SR 138,

and recommended undergrounding of transmission lines, together enable the project to be compatible with the surrounding area. Additionally, the majority of other adjacent properties within a 500-foot radius of the site are vacant and not currently developed. The project is compatible with existing land uses.

15. 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. During construction, truck traffic will increase in the area, though not a significant impact. During operations, traffic generated by the relatively passive solar project operations is minimal. Project conditions and mitigation measures require street pavement conditions to be documented by the applicant prior to and after construction and to make fair-share payment for any repair and/or reconstruction required to 170<sup>th</sup> Street West to the satisfaction of the Department of Public Works.
16. Although the applicant originally proposed above ground transmission lines, the Environmental Impact Report for the project analyzed both the above ground and the underground placement of the 34.5 kilvolt and 230 kilovolt transmission lines and concluded that neither the above ground nor the underground transmission lines would result in significant environmental impacts. In order to minimize visual intrusion and minimize the proliferation of above ground transmission lines as well as to ensure compliance with the applicable provisions of the Countywide General Plan and the AVAGP, the Commission determined that the undergrounding of both the on-site and off-site transmission lines within the unincorporated County area is required, with the exception of three required above ground public right of way crossings including one above ground point of connection at the Kern County border.
17. An Initial Study was prepared for this Project in compliance with the California Environmental Quality Act (Public Resources Code Section 21000 et. seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study identified potentially significant effects on the environment. Based on the Initial Study, a Draft Environmental Impact Report ("DEIR") was prepared for this project. The public comment period for the DEIR began on June 16, 2010 and ended on July 30, 2010 (45 days). After the public comment period ended, a Final Environmental Impact Report ("FEIR") was prepared with response to comments received during the public comment period. Mitigation measures are necessary in order to ensure the proposed project will not have a significant effect on the environment, and such measures have been included in the Mitigation Monitoring and Reporting Program ("MMRP").
18. Potential significant impacts that were analyzed in the EIR include geotechnical hazards, flood hazards, fire hazards, water quality, air quality, biological resources,

cultural and paleontological resources, visual qualities, traffic and access, fire protection services, sheriff services, utility services, environmental safety, land use, and global climate change. Agricultural resources and noise were also analyzed even though the Initial Study did not identify them as potential impacts. Change of character and growth inducing impacts were analyzed as other considerations for analysis in the EIR. The EIR concludes that all of these potential impacts were determined to be either less than significant without further mitigation (fire protection services, sheriff services, utility services, and global climate change), or, can be mitigated to a level of less than significant with further mitigation (geotechnical hazards, flood hazards, fire hazards, water quality, air quality, biological resources, cultural resources, agricultural resources, visual qualities, traffic and access, environmental safety, land use, noise, and change of character).

19. The technical and engineering aspects of the project have been resolved to the satisfaction of the Los Angeles County Departments of Public Works, Fire, Parks and Recreation, Public Health, and Regional Planning.
20. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting. Additionally, the project was noticed and case materials were available on the County Department of Regional Planning website and at libraries located in the Antelope Valley vicinity. A total of 471 hearing notices were mailed to property owners within a 1,000-foot radius of the project boundaries and to other interested parties on May 24, 2010, and the DEIR Notice of Completion was mailed to the same owners and other parties on June 14, 2010. Newspaper notices were posted in the Antelope Valley Press and La Opinion and on the site on May 27, 2010. The Notice of Completion was posted in the same papers and on the site on June 16, 2010.
21. Approximately six (6) items of written correspondence in support of the Project were received including support for developing additional renewable energy generation facilities and creating jobs including "green" jobs. Proponents in favor included, but are not limited to, the Governor of California, Arnold Schwarzenegger, State Assemblyman, Thirty-Sixth District, Steve Knight, the City Manager of Lancaster, CA, the Antelope Acres Town Council, the Lancaster and Rosamond Chambers of Commerce president and C.E.O., and the president of the Antelope Valley Board of Trade.
22. Four (4) items of written correspondence expressing concerns about the Project were received, including concerns about loss of agricultural and open space lands, concerns about project proximity to other existing private properties and possible negative effect on property values, potential night lighting spillover, potential impacts to Joshua trees, amount of earth moving proposed, fencing type, and

drainage and stormwater management. Proponents with concerns about the project included certain attendees of a meeting with the Association of Rural Town Councils and other private citizens.

23. Two (2) items of written correspondence inquiring about the location of their property in relationship to the subject property were received by Planning staff.
24. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the term of the grant to thirty (30) years.
25. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13<sup>th</sup> 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 Special Projects Section, Los Angeles County Department of Regional Planning.

**BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:**

- A. The use is consistent with the adopted general plan for the area; and
- B. The requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, and not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. 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 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
- D. 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, THEREFORE, the information submitted by the applicant and presented at the hearing substantiates the required findings for a conditional use permit as set forth in Section 22.56.90 of the Los Angeles County Code (Zoning Ordinance).

**REGIONAL PLANNING COMMISSION ACTION**

1. After consideration of the attached EIR and MMRP together with any comments received during the public review process, the Commission finds on the basis of the whole record before the Commission that there will be no significant impacts to the environment. After review and consideration of the EIR, the Regional Planning Commission certifies that the EIR has been completed in compliance with the California Environmental Quality Act and the State and County guidelines related thereto, and that the document reflects the independent judgment and analysis of the Commission, and determines that the significant adverse effects of the project, as described in the EIR, have been reduced to an acceptable level.
2. The MMRP for the proposed project incorporated in the EIR, is approved and adopted, and, pursuant to Section 21081.6 of the Public Resources Code, the Commission finds that the MMRP is adequately designed to ensure compliance with the mitigation measures during project implementation.
3. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. R200900026 is **APPROVED** subject to the attached conditions.

**VOTE:**

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

c: Each Commissioner, Commission Services, BOS 5<sup>th</sup> District, Zoning Enforcement, Building and Safety

SZD:KKS  
9/01/10

**FINDINGS OF THE  
REGIONAL PLANNING COMMISSION  
OF THE COUNTY OF LOS ANGELES  
PROJECT NO. R2009-02239-(5)  
VESTING TENTATIVE TRACT MAP NO. 071035**

1. The Los Angeles County Regional Planning Commission ("Commission") conducted a duly noticed public hearing on the matter of Vesting Tentative Tract Map No. 071035 ("VTTM") on June 30, 2010 and September 15, 2010. VTTM No. 071035 was heard concurrently with Conditional Use Permit ("CUP") No. 200900026.
2. VTTM No. 071035 is a proposal for a reversion to acreage from 147 lots to 1 lot on 790 acres in the A-2-5 (Heavy Agricultural-Five Acres Minimum Required Area) zone.
3. CUP No. 200900026 is a related request to authorize construction, operation, and maintenance of a 230 megawatt 80,000-panel photovoltaic solar electric power generation facility on 2,093 gross acres (including the 790-acre property included in the VTTM) and on-site grading in excess of 100,000 cubic yards in the A-2-5 (Heavy Agricultural – Five Acres Minimum Required Area) zone; and installation of 0.75 miles of onsite and 2.25 miles of offsite high voltage 230 kilovolt electricity transmission lines in the A-2-5 and A-1-2 (Light Agricultural-Two Acres Minimum Required Area) zones.
4. All portions of the Project site ("Project") covered by the CUP are located within the following boundary extremes: north and south of State Route 138 (Avenue D) between 155<sup>th</sup> Street West to the east and 180<sup>th</sup> Street West to the west, and between West Avenue B-8 to the north and West Avenue E to the south as depicted on the CUP Exhibit "A". Not all properties within these boundary extremes are within the Project. The portion of the Project comprising the VTTM property is bordered by Avenue C to the north, 155<sup>th</sup> Street West to the east, State Route 138 (Avenue D) to the south, and 170<sup>th</sup> Street West to the west as depicted on the VTTM. The Project is located within the Antelope Valley West Zoned District.
5. The subject property is 790 acres in size and currently vacant. It has an "L" shape on primarily flat terrain.
6. Primary access is proposed to be located on 170<sup>th</sup> Street West approximately 0.6 miles north of State Route 138 (Avenue D).
7. The applicant's VTTM, dated March 01, 2010, depicts the underlying 147 unimproved lots, generally five acres in lot area each and rectangular or square in shape on 790 acres. The subdivided lots were created by Tract No. 34457 approved by the Los Angeles County Board of Supervisors on November 24, 1987. The applicant proposes to revert the 147 lots back to one lot for use by the proposed photovoltaic solar power generation facility within the 2,093-acre Project site as proposed in the associated conditional use permit request.
8. The applicant's site plan, labeled Exhibit "A" in CUP No. 200900026 includes the 790-acre reversion to acreage site within the entire 2,093-acre Project site. The Exhibit "A" depicts a 230-megawatt solar photovoltaic electric power generation facility includes

approximately 80,000 photovoltaic panel arrays including optional use of sun-tracking or fixed, tilt or horizontal array units; associated electrical and distribution equipment including approximately 185 electrical equipment structures with the option to be unenclosed or enclosed; onsite unenclosed electricity substation; operations and maintenance building; a 230-kilovolt transmission line approximately 4.25 miles in length (approximately 2.25 miles within unincorporated Los Angeles County and 2 miles within Kern County) within the 170<sup>th</sup> Street West public right of way in unincorporated Los Angeles County, and on private property and/or 170<sup>th</sup> Street West public right of way in Kern County, connecting to Southern California Edison proposed Whirlwind substation facilities in Kern County; undergrounding of all high-voltage transmission lines located within unincorporated Los Angeles County with the exception of two required above-ground crossings of the public right of way; onsite 34.5 kilovolt transmission line proposed within 170<sup>th</sup> Street West public right of way and private property; undergrounding all of the low-voltage transmission lines except as required to include one above ground crossing of the public right of way; a maximum of 180,000 cubic yards of balanced grading for flood control management; employee parking area; perimeter fencing; associated access roads; native landscaping screening north and south of SR 138 (Avenue D); new potable water well and use of existing well for non-potable uses; two above ground water tanks (approximately 10,000 and 100,000 gallons); construction of onsite septic and leach-field system; and demolition of all existing structures on-site including two residences, a mobile home, and accessory structures. The proposed project will require approximately 150 acre feet of water per year during construction of the project for a period not to exceed 38 months. On-going operation of the project will require approximately 12 acre feet per year of water supply, of which three acre feet per year are required to be potable.

9. The subject 790-acre VTTM property is depicted within the N1 (Non-Urban 1) land use category of the Antelope Valley Areawide General Plan ("Area Plan") Land Use Policy Map. The Area Plan is a component of the Los Angeles Countywide General Plan ("General Plan").
10. The property included in the VTTM is currently zoned A-2-5. The existing A-2-5 zoning was created by Ordinance No. 7086 establishing the Antelope Valley West Zoned District on January 15, 1957.
11. Six Certificates of Compliance have been issued on various lots on the subject property to certify compliance with the Subdivision Map Act. The subject property is comprised of a total of 179 lots. After proposed reversion to acreage of the 147 lots to one lot, the property would be comprised of 33 lots.
12. Surrounding land uses within a 500-foot radius of the property included in the VTTM include vacant parcels and Joshua Tree Woodland Habitat Significant Ecological Area

("SEA") No. 60 to the north and east, and vacant parcels within the proposed Project area to the south and west.

13. The surrounding areas within a 500-foot radius of the property included in the VTTM are zoned A-1-2 (Light Agricultural – Two Acre Minimum Required Area) to the north, A-2-5 and A-2-2 (Heavy Agricultural – Two Acre Minimum Required Area) to the east and A-2-5 to the south and west.
14. Approximately six (6) items of written correspondence in support of the Project were received including support for developing additional renewable energy generation facilities and creating jobs including "green" jobs. Proponents in favor included, but are not limited to, the Governor of California, Arnold Schwarzenegger, State Assemblyman, Thirty-Sixth District, Steve Knight, the City Manager of Lancaster, CA, the Antelope Acres Town Council, the Lancaster and Rosamond Chambers of Commerce president and C.E.O., and the president of the Antelope Valley Board of Trade.
15. Four (4) items of written correspondence from the public expressing concerns about the Project were received, including concerns about loss of agricultural and open space lands, concerns about project proximity to other existing private properties and possible negative effect on property values, potential night lighting spillover, potential impacts to Joshua trees, amount of earth moving proposed, fencing type, and drainage and stormwater management. Proponents with concerns about the project included certain attendees of a meeting with the Association of Rural Town Councils (ARTC) and other private citizens as summarized in an e-mail correspondence from the President of the ARTC.
16. Two (2) items of written correspondence inquiring about the location of their property in relationship to the subject property were received by Planning staff.
17. A duly noticed public hearing was held on June 30, 2010 before the Regional Planning Commission. Commissioners Bellamy, Rew, Helsley, and Modugno were present. Commissioner Valadez was absent. The Commission heard a presentation of the Project by staff and testimony from the applicant. The applicant and two persons testified in favor of the project and two persons testified with concerns regarding the Project. Approximately 25 members of the public were present at the public hearing plus the applicant and the applicant's consultant team. The Regional Planning Commission directed staff and the applicant to further address the following issues:
  - Clarify and provide the possibility of capturing rainwater and washwater runoff
  - Provide decommissioning financial assurances
  - Provide a cost/benefit comparison of undergrounding versus above ground transmission line installations



- Require fencing to be of a suitable color to blend with the surrounding terrain
- Clarify and provide numbers of tracking solar panels and fixed tilt solar panels proposed
- Verify and provide the current market rate per kilowatt hour for purchase of electrical power
- Provide potential high-value mitigation sites for the required 450 acres of offsite mitigation land
- Clarify night lighting requirements and proposal
- Verify and provide the Federal funding critical timeline requirements

There being no further testimony or discussion, the Regional Planning Commission voted 4-0 to continue the public hearing to September 15, 2010 to provide time for staff and the applicant to provide the additional items requested and to prepare Findings and Conditions for final action on the requested CUP and VTTM.

18. [Reserved for summary of proceedings on September 15, 2010 continued public hearing.]
19. The reversion to acreage land division is consistent with the goals and policies of the General Plan and the N-1 (Non-Urban 1) land use designation and goals and policies of the Area Plan. The project meets the definition of a "utility installation" referenced in the listing of non-urban non-residential land uses allowed in remote areas designated Non-Urban 1 (Antelope Valley Areawide General Plan, Pg. VI-5). The subject VTTM portion of the project is a reversion to acreage from 147 lots to one 790-acre lot for use as part of the solar utility installation proposed.
20. The Project is consistent with the proposed A-2-5 zone, as the proposed development meets the design standards of the zone and the proposed uses are allowed within the zone subject to a conditional use permit. Section 22.24.140 of the Los Angeles County Zoning Ordinance permits "Electric distribution substations, electric transmission substations and generating plants, including microwave facilities used in conjunction with any one thereof" and "Grading projects, on-site" when a conditional use permit has been obtained. The VTTM would allow the consolidation of smaller lots in order to develop a large scale solar electricity generating facility.
21. The proposed Project is required to comply with the development standards of the A-2 zone pursuant to Section 22.24.170 of the County Code, except as otherwise modified by the CUP.
22. The technical and engineering aspects of the project have been resolved to the satisfaction of the Los Angeles County Departments of Public Works, Fire, Parks and Recreation, Public Health, and Regional Planning.

23. Compatibility with surrounding land uses will be ensured through the related conditions of the CUP.
24. The proposed reversion to acreage and the provisions for its design and improvement are consistent with the goals and policies of the General Plan and Area Plan.
25. The housing and employment needs of the region were considered and balanced against the public service needs of local residents and available fiscal and environmental resources when the project was determined to be consistent with the General Plan and Area Plan.
26. The reversion to acreage site is physically suitable for the density and type of development proposed, since it has access to a County-maintained street and will be served by an on-site septic system and water well with sufficient capacity to meet domestic and fire protection needs. No residential units are proposed.
27. The design of the reversion to acreage will not cause serious public health problems, since sewage disposal, storm drainage, fire protection, and geological and soils factors are addressed in the Project CUP conditions of approval and MMRP.
28. As the reversion to acreage parcel is proposed to be at least five acres in size, no improvements are required.
29. The design of the reversion to acreage will not directly cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat. The Project impacts have been analyzed within the context of the overall Project and its design in the associated Environmental Impact Report and Mitigation and Monitoring Program.
30. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities therein. The majority of the Project development is comprised of open air solar panels and associated electrical equipment. Underground transmission lines are designed to use thermal concrete providing necessary dispersion of heat.
31. The reversion to acreage and development of the property in the manner set forth on this map will not unreasonably interfere with the free and complete exercise of public entity and/or public utility rights-of-way and/or easements within this map, since the design and development as set forth in the conditions of approval and shown on the vesting tentative tract map provide adequate protection for any such easements.

32. Pursuant to Article 3.5 of the Subdivision Map Act, the proposed reversion to acreage does not contain or front upon any public waterway, river, stream, coastline, shoreline, lake or reservoir.
33. Pursuant to Chapter 6 Article 1 Section 66499.16 of the Subdivision Map Act, the subdivided real property is reverted to acreage since dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes and the subdivider has consented to reversion as documented in the Project application and associated materials filed.
34. This tract map has been submitted as a "vesting" tentative tract map. As such, it is subject to the provisions of Sections 21.38.010 through 21.38.080 of the County Code.
35. An Initial Study was prepared for this Project in compliance with the California Environmental Quality Act (Public Resources Code Section 21000 et. seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study identified potentially significant effects on the environment. Based on the Initial Study, a Draft Environmental Impact Report ("DEIR") was prepared for this project. The public comment period for the DEIR began on June 16, 2010 and ended on July 30, 2010 (45 days). After the public comment period ended, a Final Environmental Impact Report ("FEIR") was prepared with response to comments received during the public comment period. Mitigation measures are necessary in order to ensure the proposed project will not have a significant effect on the environment, and such measures have been included in the Mitigation Monitoring and Reporting Program ("MMRP").
36. After consideration of the attached Environmental Impact Report ("EIR") and MMRP together with any comments received during the public review process, the Commission finds on the basis of the whole record before the Commission that there will be no significant impacts to the environment. Potential significant impacts that were analyzed in the EIR include geotechnical hazards, flood hazards, fire hazards, water quality, air quality, biological resources, cultural and paleontological resources, visual qualities, traffic and access, fire protection services, sheriff services, utility services, environmental safety, land use, and global climate change. Agricultural resources and noise were also analyzed even though the Initial Study did not identify them as potential impacts. Change of character and growth inducing impacts were analyzed as other considerations for analysis in the EIR. The EIR concludes that all of these potential impacts were determined to be either less than significant without further mitigation (fire protection services, sheriff services, utility services, and global climate change), or, can be mitigated to a level of less than significant with further mitigation (geotechnical hazards, flood hazards, fire hazards, water quality, air quality, biological resources, cultural resources, agricultural resources, visual qualities, traffic and access, environmental safety, land use, noise, and change of character).

37. This project has not been determined by the California Department of Fish and Game ("CDFG") to have "no effect" on fish and wildlife resources. Therefore, the project is not exempt from CDFG fees pursuant to Section 711.4 of the California Fish and Game Fee.
38. Approval of the VTTM is conditioned on the permittee's compliance with the attached Conditions of Approval.
39. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13<sup>th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Special Projects Section, Regional Planning.

**THEREFORE, THE REGIONAL PLANNING COMMISSION:**

1. After consideration of the attached EIR and MMRP together with any comments received during the public review process, the Commission finds on the basis of the whole record before the Commission that there will be no significant impacts to the environment. After review and consideration of the EIR, the Regional Planning Commission certifies that the EIR has been completed in compliance with the California Environmental Quality Act and the State and County guidelines related thereto, and that the document reflects the independent judgment and analysis of the Commission, and determines that the significant adverse effects of the project, as described in the EIR, have been reduced to an acceptable level.
2. The MMRP for the proposed project incorporated in the EIR, is approved and adopted, and, pursuant to Section 21081.6 of the Public Resources Code, the Commission finds that the MMRP is adequately designed to ensure compliance with the mitigation measures during project implementation.
3. In view of the findings of fact and conclusions presented above, Vesting Tentative Tract Map No. 071035 is **APPROVED** subject to the attached conditions, and recommendations of the Subdivision Committee.

SZD:KKS  
9/01/10

# **CUP AND VTMM CONDITIONS**

This grant authorizes the construction, operation, and maintenance of a 230 megawatt 80,000-panel photovoltaic electricity power generation facility on 2,093 gross acres; onsite grading in excess of 100,000 cubic yards; and installation of 0.75 miles of on-site and 2.25 miles of off-site high voltage 230 kilovolt electricity transmission lines in the A-2-5 (Heavy Agricultural-Five Acres Minimum Required Area) zone. The subject property is located near the intersection of State Route 138 (Avenue D) and 170<sup>th</sup> Street West in the Antelope Valley West Zoned District. This approval is subject to the following conditions:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition 7, and until all required monies have been paid pursuant to Condition numbers 9, 10 and 12. Notwithstanding the foregoing, this Condition (No. 2), and Condition numbers 3, 4, and 5 shall be effective immediately upon final approval of this grant by the County.
3. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning ("Regional Planning") an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs 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 the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.
- c. The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.
5. This grant shall expire unless used within two (2) years after the recordation of the final map for Vesting Tentative Tract Map ("VTTM") No. 071035. In the event that VTTM No. 071035 should expire without recordation of a final map, this grant shall terminate upon the expiration of the VTTM. In the event of expiration of VTTM No. 071035 and expiration of this grant, the permittee is on notice that entitlement to the use of the property if the map expires without recordation shall be subject to the regulations then in effect.
6. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the property owner or permittee shall **record the terms and conditions of the grant in the office of the County Recorder**. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant authorizes a 30-year term, and therefore, shall terminate on September 15, 2040.** Upon termination of this grant, 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, a new Conditional Use Permit ("CUP") application shall be filed with Regional Planning at least six months prior to the termination date of this grant, whether or not any modification of the use is requested at that time.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles within 60 days of permit approval the sum of **\$3,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for **fifteen (15) biennial (one every other year)** inspections.

Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. Inspections shall be unannounced. If additional inspections are required to

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

10. Within three (3) days of the approval date of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination ("NOD") for Project No. R2009-02239-(5), which includes VTTM No. 071035 and CUP No. 200900026 in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code, the following applicable fee is required, **\$2,867.25** (\$2,792.25 for an Environmental Impact Report plus \$75.00 processing fee). No land use project subject to this requirement is final, vested or operative until the fee is paid.
11. The applicant shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program ("MMRP"), which is incorporated herein in its entirety by this reference.
12. The permittee shall deposit the sum of **\$6,000.00** with Regional Planning within 60 days of permit approval in order to defray the cost of reviewing and verifying the information contained in the reports required by the MMRP.
13. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after giving proper notice and conducting a public hearing, revoke or modify this grant, if the Regional Planning Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
14. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as required by said department.
15. All requirements of the Zoning Ordinance 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.
16. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works ("Public Works").



17. 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.
18. 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
19. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit four (4) copies of the proposed plans to the Director of Regional Planning for review and approval. All revised plans must be accompanied by the written authorization of the property owner. If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of approval of the Conditional Use Permit.
20. Prior to issuance of any building permit, the permittee shall provide the County with a Decommissioning Plan, which shall include, at a minimum, a detailed plan for decommissioning and deconstruction of the facility and for restoration of the site (collectively referred to as "decommissioning"). The Decommissioning Plan shall be developed to the satisfaction of the Director of Regional Planning and the Director of Public Works and shall be subject to the review and approval of the Director of Planning and Director of Public Works. Upon discontinuance of operations as set forth in Condition No. 22 below, abandonment of the project or part of the project, or upon termination of this grant as provided in Condition No. 8 above, and in the event a new permit application is not timely filed for similar continued use or reuse of the site, the permittee shall perform decommissioning according to the Decommissioning Plan or shall compensate the County for use of a County-contracted consultant to perform such decommissioning. In the alternative and at the County's sole election, the County shall be entitled to use any performance and financial assurance guarantees, as required by and provided for in Condition No. 21 below, to perform itself or to contract for performance of such decommissioning. The Decommissioning Plan shall include, but shall not be limited to, provisions to address and implement the following requirements:
  - a. Removal of solar panel structures and all appurtenant above ground equipment.
  - b. Removal of overhead poles and above ground electricity lines on-site within the Project area.

- c. Removal of permanent above ground transmission lines and poles located in the public right-of-way would be required if determined not to be usable by the Department of Public Works and/or any other applicable public or private utility, otherwise such permanent above ground transmission lines and poles shall be allowed to be remain.
  - d. Removal of on-site substation, if project-owned. If a public or private utility assumes ownership of the substation, the substation may remain on-site to be used as part of the utility service to supply other applications.
  - e. Restoration of disturbed soil and revegetation of the site with native vegetation similar to plants in the surrounding vicinity.
  - f. Restoration or reclamation of project roads to their original condition unless the land owner elects to retain the improved roads for access throughout that land owner's property.
  - g. Removal of permanent operations and maintenance building unless such building is in such a condition as to be reusable by the land owner at the time of decommissioning and that land owner elects to retain such building.
21. Prior to the issuance of any building permits, the permittee shall provide performance and financial assurance guarantees in an amount sufficient to ensure the performance of the approved Decommissioning Plan. The performance and financial assurance guarantees shall be provided to the satisfaction of the Director of Regional Planning and the Director of Public Works. The permittee shall be solely responsible for the costs and expenses associated with decommissioning, and in the event that the performance and financial assurance guarantees are not sufficient to fully compensate the County for the cost and expense of such decommissioning, the permittee shall compensate the County for any shortfall. In determining the sufficiency of the performance and financial assurance guarantees, the residual value of the solar panels, support structures, and other salvageable equipment (collectively "salvageable property") shall be included. The performance and financial assurance guarantees shall be subject to the following additional conditions:
- a. The performance and financial assurance guarantees shall be detailed to the satisfaction of the Director of Regional Planning and the Director of Public Works in the approved Decommissioning Plan, and that plan shall explain the amounts and schedule for the provision of the performance and financial assurance guarantees.
  - b. The permittee shall provide a report to the Director of Regional Planning every five years after the date of final approval of this grant by the County to confirm that the performance and financial assurance guarantees are sufficient to ensure performance of the Decommissioning Plan. The report shall be subject

to review and approval by the Director of Regional Planning and the Director of Public Works as to whether the performance and financial assurance guarantees are adequate to meet existing conditions at the time of the report. A decommissioning pro forma summarizing the residual value of the salvageable property shall be included in the report. The pro forma shall include, at a minimum, the expected revenue from all salvageable property (as defined in Condition No. 20, above), as well as the then-current cost of decommissioning as required by the approved Decommissioning Plan, and the then-current value of any performance and financial assurance guarantees that have been provided as of the date of such report. In the event that the performance and financial assurance guarantees are insufficient to perform decommissioning as required by the approved Decommissioning Plan, the permittee shall be required to provide additional performance and financial assurance guarantees to the satisfaction of the Director of Regional Planning and the Director of Public Works.

- c. Any funds not utilized in connection with decommissioning by the County will be returned to the permittee.
  - d. The performance and financial assurance guarantees may be comprised of any of the following to the satisfaction of the Director of Regional Planning and the Director of Public Works:
    - 1) An irrevocable letter of credit;
    - 2) A surety bond;
    - 3) A suitable insurance policy; or
    - 4) A trust fund or escrow account established and maintained in accordance with the approved financial assurances and practices to guarantee that decommissioning will be completed in accordance with the approved Decommissioning Plan.
22. In the event that any portion of the solar field is not in operational condition for a consecutive period of 12 months, operations for that portion of the site shall be deemed to have been discontinued and that portion of the facility shall be removed within 90 days from the date a written notice from the County is sent to the permittee. Within the 90-day period, the permittee may provide to the Director of Regional Planning a written request and justification to the satisfaction of the Director of Regional Planning for an extension of up to 12 months in order to resume operations on that portion of the site. The permittee may request a second 12-month extension in writing, which the Director of Regional Planning may grant if adequately justified to the satisfaction of the Director of Regional Planning. In no case shall the operations on a solar field or portion of a solar field be discontinued for more than 36 months from the date that such operations were first deemed to

be discontinued. In no event shall any such extension of the period in which to resume operations be deemed to extend the term of this grant nor shall it extend beyond the expiration date of the term of this grant.

23. The Project is subject to the additional following conditions:

- a. Permittee shall comply with all Public Works requirements and comply with all conditions set forth in its letter dated June 30, 2010, attached hereto and incorporated herein by this reference, to the satisfaction of said department.
- b. Permittee shall comply with all County of Los Angeles Fire Department requirements specified in its letter dated May 19, 2010, attached hereto and incorporated herein by this reference to the satisfaction of said department.
- c. Permittee shall comply with all County of Los Angeles Department of Public Health requirements specified in its letter dated February 16, 2010, attached hereto and incorporated herein by this reference, to the satisfaction of said department. Adequate potable water and sewage facilities shall be provided to the satisfaction of said department.
- d. Permittee shall make a one-time payment of \$15,000 to the County of Los Angeles, for use by Public Works or the Department of Parks and Recreation for tree planting and tree maintenance within the Antelope Valley.
- e. Permittee shall dedicate land in fee simple to Caltrans 100 feet from centerline of the existing SR 138 on both sides of the right-of-way from 160<sup>th</sup> St. West to 170<sup>th</sup> St. West, and on the north side of SR 138 from 170<sup>th</sup> St. West to 175<sup>th</sup> St. West, or, to the satisfaction of Caltrans for a total width not to exceed 200 feet.
- f. Permittee shall make an irrevocable offer to dedicate to the County of Los Angeles a slope easement of 10 feet in width on both sides of the 200-foot wide Caltrans right-of-way from 160<sup>th</sup> St. West to 170<sup>th</sup> St. West, and on the north side of the 200-foot wide Caltrans right-of-way from 170<sup>th</sup> St. West to 175<sup>th</sup> St. West. The exact location of the slope easement shall be determined once Caltrans identifies the location of the 200-foot right of way.
- g. Permittee shall construct all transmission lines underground to the satisfaction of Public Works except where above ground right-of-way crossings are required as depicted on Exhibit "A".
- h. Permittee shall use solar panels no greater than 10 feet in maximum height from finished grade for the first 1,000 feet of solar panel arrays on each of the north and south sides of the required SR 138 (Avenue D) right-of-way.

- i. Temporary structures, outside storage, staging areas, and concrete batching plant allowed for construction purposes shall be removed from the project site within 120 days of project completion, but in no event shall any such temporary structures remain onsite for longer than 42 months from the date of issuance of building permits absent approval to extend the allowable time period for the temporary structures. In the event additional time beyond 42 months is needed to complete removal of temporary structures and related materials, the permittee shall submit a written request for a time extension for up to one (1) year maximum to the Director of Planning for review and approval. Any other outside storage needed shall comply with the requirements of Section 22.52 Part 7 of the County Code.
- j. Permittee shall maintain all landscaping in a neat, clean, and healthy condition, including proper pruning, weeding, removal of litter, fertilizing, and replacement of plants when necessary. Watering facilities shall consist of a temporary water-efficient irrigation system, such as drip irrigation, which shall be used only to establish the plantings in all landscaped areas.
- k. Permittee shall submit three copies of a landscape plan, comprised of at least 10 feet of the proposed landscaped area along the north and south sides of SR 138 adjacent to the subject property, and north and south of the respective 200-foot Caltrans right-of-way and the 10-foot County of Los Angeles slope easements as depicted on Exhibit "A", or, as otherwise determined by Caltrans and the County Department of Public Works. The landscape plan shall be submitted to and approved by the Director of Planning prior to issuance of a building permit. The landscape plan shall depict the site, type and location of all plants, trees, and watering facilities.
- l. All exterior fencing shall be of a neutral color blending with the natural surroundings to the satisfaction of the Director of Planning.
- m. Night lighting, limited to that required by applicable lighting regulations for safety and security, shall be shielded and directed downward to avoid lighting spillover and shall be comprised of the following: motion sensor or manual switch lighting for the entry lighting for on-site equipment structures and electricity substation lighting, and light sensor or motion sensor lighting for the main plant access gate and Operations and Maintenance building doorways and parking area.
- n. The permittee shall, to the satisfaction of the Director of Planning, utilize the subject property only for the project as proposed and approved herein, and therefore, the permittee agrees to and shall retire any development rights, including any rights to undertake irrigated farming on the subject property, that require the use of groundwater in excess of the groundwater use approved by this grant for the life of this conditional use permit.

- o. The proposed project shall be limited to use of a maximum of 150 acre-feet per year (AFY) of groundwater for the duration of the 38-month construction period.
- p. The proposed project shall be limited to use of a maximum of 12 AFY of groundwater for operation of the project for the duration of the conditional use permit with the exception of the following condition.
- q. In the event the required screening landscaping along SR 138 (Avenue D) fails after the 38-month construction period, a maximum of an additional 3 AFY of groundwater supply beyond the 12 AFY of operational groundwater supply proposed, may be drawn for re-establishing landscaping. The additional 3 AFY of water shall be allowed for only the length of time minimally necessary to re-establish the landscaping.
- r. In the event piped recycled water becomes available from the public right-of-way at fair market value within two miles of the project site, the permittee shall obtain necessary permits for connecting to the recycled water, construct access, connect to, and purchase the piped recycled water. Notwithstanding any other provision of this grant, at such time of connection to recycled water, the 12 AFY of operational groundwater supply allowed by this grant shall be reduced to a maximum of 3 AFY of groundwater for operation of the project.
- s. In the event that piped potable water becomes available from the public right-of-way at fair market value within two miles of the project site, the permittee shall obtain necessary permits for connecting to the potable water, construct access, connect to, and purchase the piped potable water. Notwithstanding any other provision of this grant, at such time of connection to the piped potable water, the 12 AFY of operational groundwater supply allowed by this grant shall be reduced to 1 AFY.
- t. In the event that potable or non-potable water supply becomes restricted, trucked wash water may be used for non-potable purposes.
- u. In the event potable groundwater is restricted in the future, the permittee shall purchase water from County authorized water purveyors, including recycled water purveyors for non-potable uses, or conform to the Court and/or Watermaster rules, regulations, and restrictions, including paying all assessments, if any.

Attachments:

County DPW, Fire, and Public Health Conditions Letters  
MMRP

SZD:KKS  
8/31/10



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

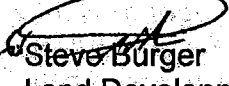
ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

June 30, 2010

IN REPLY PLEASE  
REFER TO FILE: LD-1

TO: Mark Child, AICP  
Zoning Permits I Section  
Department of Regional Planning

Attention Kim Szalay

FROM:  Steve Burger  
Land Development Division  
Department of Public Works

**CONDITIONAL USE PERMIT (CUP) NO. RCUP 200900026  
ANTELOPE VALLEY SOLAR RANCH ONE  
PROJECT NO. R2009-02239  
UNINCORPORATED COUNTY AREA OF ANTELOPE VALLEY**

- ☒ Public Works recommends approval of this CUP.
- ☐ Public Works does **NOT** recommend approval of this CUP.

This supersedes our June 15, 2010. We reviewed the revised site plan for the Solar Ranch One project. The project proposes a 230-megawatt, solar-electric, power-generation facility. The project components consist of photovoltaic panel arrays with electrical distribution equipment, an on-site substation, a 20,000-square-foot operation building, and approximately 3.5 miles of off-site transmission lines.

**Upon approval of the site plan, we recommend the following conditions:**

1. Water

- 1.1 The proposed project is not within the service area of a water utility. The applicant must provide an adequate sustainable supply of potable water from an approved source to the satisfaction of the County of Los Angeles Department of Public Health. Please contact the Public Health at (626) 430-5380 for water availability approval.

- 1.2 A water system maintained by the property owner, with appurtenant facilities to serve all buildings in the project, must be provided. If required, the system must include fire hydrants of the type and location (both on-site and off-site) as determined by the Fire Department. The water mains shall be sized to accommodate the total domestic and fire flows.

For questions regarding the water requirements, please contact Tony Khalkhali at (626) 458-4921 or by e-mail at [tkhalkh@dpw.lacounty.gov](mailto:tkhalkh@dpw.lacounty.gov).

## 2 Grading

- 2.1 Obtain all applicable jurisdictional permits. These agencies may include, but may not be limited to, the State of California Regional Water Quality Control Board; State of California Department of Fish and Game; State of California Department of Conservation, Division of Oil, Gas, and Geothermal Resources; and U.S. Army Corps of Engineers.
- 2.2 Submit a grading plan to Public Works' Land Development Division for review and approval.
- 2.3 Acknowledgement and/or approval from all easement holders may be required.
- 2.4 Provide Public Works' Geotechnical and Materials Engineering Division's approval of the grading plan.
- 2.5 Covenants for off-site grading may be required to the satisfaction of Public Works.

For questions regarding the grading requirements, please contact Sam Richards at (626) 458-4921 or by e-mail at [srich@dpw.lacounty.gov](mailto:srich@dpw.lacounty.gov).

## 3. Road Improvements

- 3.1 Construction within road right of way and private and future streets shall not occur unless a permit is obtained from Public Works for the proposed work or until Tentative Tract No. 71035 has recorded and eliminated the right of way easements.



- 3.2 Dedicate or offer right of way (minimum of 100 feet from centerline) and slope/drainage easements on Avenue D (State Route 138) to the satisfaction of Caltrans and Public Works. Additional right of way may be required for future grade separation at the intersection of Avenue D and 170th Street West to the satisfaction of Caltrans and Public Works.
- 3.3 Make an offer of private and future right of way, 32 feet from centerline, on Avenue C, Avenue C-8, 155th Street West, and 160th Street West between Avenue C-8, Avenue D, 170th Street West, 175th Street West, and 180th Street West along the project frontage.
- 3.4 Dedicate or offer right of way for a standard knuckle at the intersection of 160th Street West and Avenue C-8 and at 175th Street West and Avenue C to the satisfaction of Public Works.
- 3.5 Dedicate or offer slope, drainage, and maintenance easements along the property frontage on 155th Street West, 160th Street West, 170th Street West, 175th Street West, 180th Street West, Avenue B-8, Avenue C, Avenue C-8, and Avenue D to the satisfaction of Public Works.
- 3.6 Provide a property line return radii of 13 feet at all local street intersections and 27 feet at the intersection of local streets with planned highways (those streets identify on the County Highway Plan), where all planned highways intersect, or where one of the roads serves a commercial or industrial development. Provide additional right of way for corner cut-off to meet current Americans with Disabilities Act guidelines to the satisfaction of Public Works.
- 3.7 Secure any related permits for any work within Caltrans' right of way.
- 3.8 Construct rural secondary highway improvements along the property frontage on 170th Street West, including any required transition paving, to the satisfaction of Public Works.
- 3.9 Provide a full scale (40:1) signing and striping plan for 170th Street West in the vicinity of the project to the satisfaction of Public Works.
- 3.10 Obtain an encroachment permit, or establish a franchise agreement, for any work within the road right of way from Public Works' Construction Division, Subdivision and Permit Section.

- 3.11 Acquire street plan approval or direct check status before obtaining grading or drainage permit.
- 3.12 Execute an Agreement to Improve for the street improvements prior to the issuance of a building or grading permit.

For questions regarding the road requirements, please contact Sam Richards at (626) 458-4921 or by e-mail at [srich@dpw.lacounty.gov](mailto:srich@dpw.lacounty.gov).

#### 4. Building and Safety

- 4.1 Submit plans and specifications to meet current, applicable, codes and standards for structures, mechanical, plumbing, and electrical.
- 4.2 All electrical installations shall comply with the following criteria:
  - The portion of the project associated with power generation and transmission shall be designed in accordance with the National Electric Safety Code or in accordance with other standards or regulations acceptable to the building official.
  - The nonpower generation and transmission portion of the project shall be designed in accordance with the National Electric Code or in accordance with other standards or regulations acceptable to the building official.
- 4.3 Comply with fire, life safety, structural, and Americans with Disabilities Act guidelines per the current building codes as needed.
- 4.4 The proposed building must have a restroom for employees.
- 4.5 All foundations must be engineered to comply with existing soil conditions.
- 4.6 Comply with the "Agency Referral List," which will include Health, Fire, and other applicable agencies.

For questions regarding the building and safety requirements, please contact Francis Dominguez at (661) 723-4440 or by e-mail at [fdomingu@dpw.lacounty.gov](mailto:fdomingu@dpw.lacounty.gov).

5. Drainage

- 5.1 Comply with the requirements of the drainage concept/hydrology study/ Standard Urban Stormwater Mitigation Plan/Low-Impact Development Plan, which was conceptually approved on January 27, 2010, to the satisfaction of Public Works.
- 5.2 If the solar panel foundation designs differ significantly from the design in the approved drainage concept, a revised drainage concept may be required to show that there are no additional impacts from the new foundation design (to the satisfaction of Public Works).

For questions regarding the drainage requirements, please contact Christopher Sheppard at (626) 458-4921 or by e-mail at [csheppard@dpw.lacounty.gov](mailto:csheppard@dpw.lacounty.gov).

6. Green Building (Tree Planting)

- 6.1 Due to the unique nature of this project and practical difficulties implementing the tree planting required by Section 22.52.2130.C.5 (Green Building Ordinance), the Director of Public Works grants a modification to those requirements per Section 22.52.2150 of the County Code. As one of the requirements of the modification, prior to construction, the developer shall deposit a sum of \$15,000 to the County of Los Angeles for maintenance and enhancement of existing trees in the Antelope Valley. The money shall be deposited into appropriate accounts to Public Works' satisfaction. At Public Works' discretion, the moneys may be allocated to Public Works for street tree maintenance, to the Department of Parks and Recreation for maintenance and enhancement of trees on County parkland, or to both agencies.

For questions regarding the green building requirements, please contact Steve Burger at (626) 458-4943 or by e-mail at [sburger@dpw.lacounty.gov](mailto:sburger@dpw.lacounty.gov).

If you have any other questions or require additional information, please contact Ruben Cruz at (626) 458-4910 or by e-mail at [rcruz@dpw.lacounty.gov](mailto:rcruz@dpw.lacounty.gov).

RC:ca

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GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE  
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ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: LD-1

June 15, 2010

TO: Mark Child, AICP  
Zoning Permits I Section  
Department of Regional Planning

Attention Kim Szalay

FROM: Steve Burger  
Land Development Division  
Department of Public Works

*Supervised  
by 6/30/2010  
Atty  
see  
(Pg. 4, #4)*

**CONDITIONAL USE PERMIT (CUP) NO. RCUP 200900026  
ANTELOPE VALLEY SOLAR RANCH ONE  
PROJECT NO. R2009-02239  
UNINCORPORATED COUNTY AREA OF ANTELOPE VALLEY**

- ☒ Public Works recommends approval of this CUP.
- ☐ Public Works does **NOT** recommend approval of this CUP.

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**Upon approval of the site plan, we recommend the following conditions:**

1. Water

- 1.1 The proposed project is not within the service area of a water utility. The applicant must provide an adequate sustainable supply of potable water from an approved source to the satisfaction of the County of Los Angeles Department of Public Health. Please contact the Public Health at (626) 430-5380 for water availability approval.

- 1.2 A water system maintained by the property owner, with appurtenant facilities to serve all buildings in the project, must be provided. If required, the system must include fire hydrants of the type and location (both on-site and off-site) as determined by the Fire Department. The water mains shall be sized to accommodate the total domestic and fire flows.

For questions regarding the water requirements, please contact Tony Khalkhali at (626) 458-4921 or by e-mail at [tkhalkh@dpw.lacounty.gov](mailto:tkhalkh@dpw.lacounty.gov).

## 2 Grading

- 2.1 Obtain all applicable jurisdictional permits. These agencies may include, but may not be limited to, the State of California Regional Water Quality Control Board; State of California Department of Fish and Game; State of California Department of Conservation, Division of Oil, Gas, and Geothermal Resources; and U.S. Army Corps of Engineers.
- 2.2 Submit a grading plan to Public Works' Land Development Division for review and approval.
- 2.3 Acknowledgement and/or approval from all easement holders may be required.
- 2.4 Provide Public Works' Geotechnical and Materials Engineering Division's approval of the grading plan.
- 2.5 Covenants for off-site grading may be required to the satisfaction of Public Works.

For questions regarding the grading requirements, please contact Sam Richards at (626) 458-4921 or by e-mail at [srich@dpw.lacounty.gov](mailto:srich@dpw.lacounty.gov).

## 3. Road Improvements

- 3.1 Construction within road right of way and private and future streets shall not occur unless a permit is obtained from Public Works for the proposed work or until Tentative Tract No. 71035 has recorded and eliminated the right of way easements.

- 3.2 Dedicate or offer right of way (minimum of 100 feet from centerline) and slope/drainage easements on Avenue D (State Route 138) to the satisfaction of Caltrans and Public Works. Additional right of way may be required for future grade separation at the intersection of Avenue D and 170th Street West to the satisfaction of Caltrans and Public Works.
- 3.3 Make an offer of private and future right of way, 32 feet from centerline, on Avenue C, Avenue C-8, 155th Street West, and 160th Street West between Avenue C-8, Avenue D, 170th Street West, 175th Street West, and 180th Street West along the project frontage.
- 3.4 Dedicate or offer right of way for a standard knuckle at the intersection of 160th Street West and Avenue C-8 and at 175th Street West and Avenue C to the satisfaction of Public Works.
- 3.5 Dedicate or offer slope, drainage, and maintenance easements along the property frontage on 155th Street West, 160th Street West, 170th Street West, 175th Street West, 180th Street West, Avenue B-8, Avenue C, Avenue C-8, and Avenue D to the satisfaction of Public Works.
- 3.6 Provide a property line return radii of 13 feet at all local street intersections and 27 feet at the intersection of local streets with planned highways (those streets identify on the County Highway Plan), where all planned highways intersect, or where one of the roads serves a commercial or industrial development. Provide additional right of way for corner cut-off to meet current Americans with Disabilities Act guidelines to the satisfaction of Public Works.
- 3.7 Secure any related permits for any work within Caltrans' right of way.
- 3.8 Construct rural secondary highway improvements along the property frontage on 170th Street West, including any required transition paving, to the satisfaction of Public Works.
- 3.9 Provide a full scale (40:1) signing and striping plan for 170th Street West in the vicinity of the project to the satisfaction of Public Works.
- 3.10 Obtain an encroachment permit, or establish a franchise agreement, for any work within the road right of way from Public Works' Construction Division, Subdivision and Permit Section.

- 3.11 Acquire street plan approval or direct check status before obtaining grading or drainage permit.
- 3.12 Execute an Agreement to Improve for the street improvements prior to the issuance of a building or grading permit.

For questions regarding the road requirements, please contact Sam Richards at (626) 458-4921 or by e-mail at [srich@dpw.lacounty.gov](mailto:srich@dpw.lacounty.gov).

#### 4. Building and Safety

- 4.1 Submit plans and specifications to meet current, applicable, codes and standards for structures, mechanical, plumbing, and electrical.
- 4.2 All electrical installations shall comply with the National Electrical Code including the underground lines.
- 4.3 Comply with fire, life safety, structural, and Americans with Disabilities Act guidelines per the current building codes as needed.
- 4.4 The proposed building must have a restroom for employees.
- 4.5 All foundations must be engineered to comply with existing soil conditions.
- 4.6 Comply with the "Agency Referral List," which will include Health, Fire, and other applicable agencies.

For questions regarding the building and safety requirements, please contact Francis Dominguez at (661) 723-4440 or by e-mail at [fdomingu@dpw.lacounty.gov](mailto:fdomingu@dpw.lacounty.gov).

#### 5. Drainage

- 5.1 Comply with the requirements of the drainage concept/hydrology study/ Standard Urban Stormwater Mitigation Plan/Low-Impact Development Plan, which was conceptually approved on January 27, 2010, to the satisfaction of Public Works.

- 5.2 If the solar panel foundation designs differ significantly from the design in the approved drainage concept, a revised drainage concept may be required to show that there are no additional impacts from the new foundation design (to the satisfaction of Public Works).

For questions regarding the drainage requirements, please contact Christopher Sheppard at (626) 458-4921 or by e-mail at [csheppard@dpw.lacounty.gov](mailto:csheppard@dpw.lacounty.gov).

6. Green Building (Tree Planting)

- 6.1 Due to the unique nature of this project and practical difficulties implementing the tree planting required by Section 22.52.2130.C.5 (Green Building Ordinance), the Director of Public Works grants a modification to those requirements per Section 22.52.2150 of the County Code. As one of the requirements of the modification, prior to construction, the developer shall deposit a sum of \$15,000 to the County of Los Angeles for maintenance and enhancement of existing trees in the Antelope Valley. The money shall be deposited into appropriate accounts to Public Works' satisfaction. At Public Works' discretion, the moneys may be allocated to Public Works for street tree maintenance, to the Department of Parks and Recreation for maintenance and enhancement of trees on County parkland, or to both agencies.

For questions regarding the green building requirements, please contact Steve Burger at (626) 458-4943 or by e-mail at [sburger@dpw.lacounty.gov](mailto:sburger@dpw.lacounty.gov).

If you have any other questions or require additional information, please contact Ruben Cruz at (626) 458-4910 or by e-mail at [rcruz@dpw.lacounty.gov](mailto:rcruz@dpw.lacounty.gov).

RC:ca

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**COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS  
LAND DEVELOPMENT DIVISION  
SUBDIVISION PLAN CHECKING SECTION  
DRAINAGE UNIT**

TO: PSOMAS

DATE 01/27/10

Attention Erik Winata

**REVIEW OF HYDROLOGY STUDY / DRAINAGE CONCEPT / SUSMP / LID**

TR NO. 71035  
SUBMITTAL DATE 12/21/09

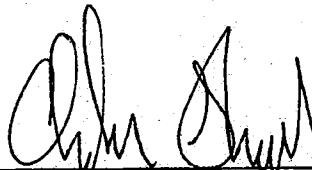
We have reviewed your Hydrology Study / Drainage Concept / SUSMP / LID.

☒ The hydrology study has been approved for Area and Q only.

**COMMENTS:**

Please provided a CD with a scanned copy of the signed report and maps.

*AS* APPROVED BY

  
Chris Sheppard, P.E.  
(626) 458-4921



**DEPARTMENT OF REGIONAL PLANNING  
PROJECT NO. R2009-02239-(5)  
VESTING TENTATIVE TRACT MAP NO. 071035**

**MAP DATE: 3/01/10  
EXHIBIT "A" DATE: 5/18/10**

**CONDITIONS:**

1. This grant authorizes use of the 790-acre subject property for a reversion to acreage from 147 lots to one lot as depicted on the approved Vesting Tentative Tract Map ("VTTM") dated March 01, 2010.
2. Except as modified herein, this approval is subject to the requirements of the Los Angeles County Code (Title 21, Subdivision Ordinance and Title 22, Zoning Ordinance); the A-2-5 zone; to all those conditions set forth in Conditional Use Permit ("CUP") No. 200900026; to all those conditions set forth in the attached reports recommended by the Los Angeles County Subdivision Committee that consists of the Department of Public Works, Fire Department, Department of Parks and Recreation, and Department of Public Health, which are incorporated herein by this reference; and the attached Mitigation Monitoring and Reporting Program ("MMRP"), which is included in the adopted Environmental Impact Report for the project and incorporated herein by this reference.
3. Prior to use of this grant, the subdivider or any successor in interest of the subdivider (herein after collectively "subdivider") shall submit evidence that the MMRP and the conditions of the associated CUP No. 200900026 have been recorded in the office of the County Recorder.
4. Within 30 days of tentative map approval, the subdivider shall record a covenant with attached map with the County agreeing to comply with the required environmental mitigation measures. Prior to recordation of the covenant, the subdivider shall submit a draft copy of said covenant to the Director of Regional Planning ("Director") for review and approval.
5. The mitigation measures set forth in the "Project Mitigation Measures Due to Environmental Evaluation" section of the Final Environmental Impact Report ("Final EIR") for the project, are incorporated by this reference and attached and made conditions of the Vesting Map. The subdivider shall comply with all such mitigation measures in accordance with the attached MMRP. As a means of ensuring the effectiveness of the mitigation measures, the subdivider shall submit mitigation monitoring reports to Regional Planning as frequently as may be required by Regional Planning. The reports shall describe the status of the subdivider's compliance with the required mitigation measures.
6. The subdivider shall show State Route 138 (Avenue D), 170<sup>th</sup> Street West, Avenue C, Avenue C-8 between 155<sup>th</sup> Street West and 160<sup>th</sup> Street West, 155<sup>th</sup> Street West, and 160<sup>th</sup> Street West between Avenue C-8 and State Route 138 (Avenue D) as dedicated streets on the final map.

7. The subdivider shall dedicate vehicular access rights on the final map from all abutting lots directly to SR 138 (Avenue D) to the satisfaction of the Department of Regional Planning.
8. The subdivider shall dedicate the right to restrict vehicular access on the final map from abutting lots to 170<sup>th</sup> Street West to the satisfaction of the Department of Regional Planning.
9. The subdivider shall depict and label the required slope/drainage easements for future roadway improvements along all future streets on the final map.
10. A final parcel map is required for this land division. A waiver is not allowed.
11. The subdivider shall construct or bond with and to the satisfaction of the Los Angeles County Department of Public Works for "Private Driveway and Fire Lane" driveway paving in widths as shown on the approved Exhibit "A", dated May 18, 2010, to the satisfaction of the Los Angeles County Department of Regional Planning and Los Angeles County Fire Department.
12. Within 3 days of the approval date of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination (NOD) for Project No. R2009-02239-(5), which includes VTTM No. 071035 and CUP No. 200900026 in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code, the following applicable fee is required, **\$2,867.25** (\$2,792.25 for an Environmental Impact Report plus \$75.00 processing fee). No land use project subject to this requirement is final, vested or operative until the fee is paid.
13. Within sixty (60) days of VTTM approval, the permittee shall deposit the sum of **\$6,000.00** with the Department of Regional Planning in order to defray the cost of reviewing and verifying the information contained in the reports required by the MMRP.
14. The regulations of the Green Building, Drought-Tolerant Landscaping and Low Impact Development ordinances (Section 22.52 Parts 20, 21, and 22 of the Los Angeles County Code) apply to the subject Project. All future development on the subject property shall comply with said regulations.
15. The subdivider shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County, its agents, officers, and employees to attack, set aside, void, or annul this tract map approval, or the related discretionary approvals, whether legislative or quasi-judicial, which action is brought within the applicable limitation period of Government Code Section 66499.37 or any other applicable limitation period. The County shall

promptly notify the subdivider of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to cooperate fully in the defense, the subdivider shall not, thereafter, be responsible to defend, indemnify, or hold harmless the County.

16. In the event that any claim, action, or proceeding as described above is filed against the County, the subdivider shall within 10 days of the filing, pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expense involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to subdivider or subdivider's counsel. The subdivider shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

- a. If during the litigation process, actual costs incurred by the department reach 80 percent of the amount on deposit, the subdivider shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
- b. At the sole discretion of the subdivider, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.
- c. The cost for collection and duplication of records and other related documents will be paid by subdivider in accordance with Section 2.170.010 of the Los Angeles County Code.

Attachments:

Subdivision Committee Reports  
Mitigation Monitoring and Reporting Program

SZD:KKS  
8/31/10

**CEQA FINDINGS  
AND  
MITIGATION MONITORING AND  
REPORTING PROGRAM**

**FINDINGS OF FACT  
REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT**

**FOR THE AV SOLAR RANCH ONE PROJECT  
COUNTY PROJECT NO. R2009-02239  
VESTING TENTATIVE TRACT MAP NO. TR071035  
CONDITIONAL USE PERMIT NO. RCUPT200900026  
ENVIRONMENTAL REVIEW NO. RENV200900027  
STATE CLEARINGHOUSE NO. 2009041145**

**PROJECT FINDINGS ORGANIZATION**

- |                   |   |
|-------------------|---|
| <u>Section 1</u>  | Introduction  |
| <u>Section 2</u>  | Findings Regarding Potential Environmental Effects Which are Not Significant or Which Have Been Mitigated to a Less than Significant Level  |
| <u>Section 3</u>  | Findings Regarding Cumulative Environmental Effects Which are Not Significant or Which Have Been Mitigated to a Less Than Significant Level |
| <u>Section 4</u>  | Findings Regarding Project Alternatives   |
| <u>Section 5</u>  | Findings Regarding the Mitigation Monitoring and Reporting Program  |
| <u>Section 6</u>  | CEQA Guidelines § 15091 and 15092 Findings  |
| <u>Section 7</u>  | CEQA Guidelines § 15084(D)(3)   |
| <u>Section 8</u>  | Public Resources Code § 21082.1(C) Findings   |
| <u>Section 9</u>  | Nature of Findings  |
| <u>Section 10</u> | Reliance on Record  |
| <u>Section 11</u> | Relationship of Findings to EIR   |
| <u>Section 12</u> | Custodian of Records  |
| <u>Exhibit A</u>  | Mitigation Monitoring and Reporting Program   |

## **SECTION 1.0 INTRODUCTION**

The County of Los Angeles ("County") Regional Planning Commission ("Commission") hereby certifies and finds that the AV Solar Ranch One Project ("Project") Final Environmental Impact Report ("Final EIR"), State Clearinghouse Number 2009041145, has been completed in compliance with the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA") and the State CEQA Guidelines (Title 14, Cal. Code Regs. §§ 15000 et seq., "CEQA Guidelines"). The Project Final EIR consists of the following documents: (1) June 2010 Draft Environmental Impact Report ("Draft EIR"); (2) June 2010 Technical Appendices to the Draft EIR; and (3) August 2010 Final EIR.

The Commission hereby further certifies that it received, reviewed and considered the information contained in the following: (i) the Final EIR; (ii) the applications for Vesting Tentative Tract Map No. TR071035 and Conditional Use Permit No. RCUPT200900026; and (iii) all hearings, and submissions of testimony from County officials and departments, the Applicant (as defined below) the public, other public agencies, community groups, and organizations. Concurrently with the adoption of these findings, the Commission adopts a Mitigation Monitoring and Reporting Program ("MMRP"), attached hereto as Exhibit A.

Having received, reviewed and considered the foregoing information, as well as any and all information in the administrative record and the record of proceedings, the Commission hereby makes the following findings pursuant to and in accordance with Public Resources Code § 21081 and State CEQA Guidelines § 15090:

## **SECTION 1.1 PROJECT BACKGROUND**

AV Solar Ranch 1, LLC, ("Applicant") proposes to construct a 230-megawatts (MW) solar photovoltaic (PV) electric generating facility on an approximately 2,100 acres of formerly agricultural, and primarily vacant land located in the unincorporated Antelope Valley, in unincorporated Los Angeles County. The Project occupies an area both north and south of State Route (SR)-138, and is approximately bounded on the north by West Avenue B-8, on the south by West Avenue E, on the east by 155<sup>th</sup> Street West, and on the west by 180<sup>th</sup> Street West. Major project components include PV panel arrays, an electrical substation, a 20,000 square-foot Operations and Maintenance building with associated parking, and on-site drainage improvements consisting primarily of infiltration basins throughout the site. The proposed Project components also include perimeter fencing (wildlife-permeable), fire breaks, perimeter and internal access roads, a water well, two water tanks (containing approximately 100,000 and 10,000 gallons), and a septic system. The Project also includes a 230-kilovolt (kV) transmission line for interconnecting the electrical output of the Project to the regional transmission system. The proposed transmission line is approximately 4.25 miles long, including a 3.5-mile-

long off-site portion that will interconnect to Southern California Edison's (SCE) planned Whirlwind Substation north of the Project site in southern Kern County.

The Project site is adjacent to the Joshua Tree Woodland Habitat Significant Ecological Area (SEA) #60 on the north and east, roughly 850 feet northwest of the Fairmont-Antelope Buttes SEA #57, approximately 1.5 miles northwest of the Antelope Valley Poppy Reserve, 2.5 miles northeast of the Arthur B Ripley Desert Woodland State Park, and 3 miles northeast of the Desert Pines Wildlife Sanctuary.

The proposed Project site originally overlapped a small portion (a 20-acre portion) of the existing SEA #60. The Applicant's initial development proposal, as reflected in its initial development application to the Los Angeles County Department of Regional Planning ("LACDRP"), also included modifications to the on-site Drainage A and Drainage B. Drainage A was previously proposed to be engineered from the intersection of SR-138 and 170<sup>th</sup> Street West to the northeast corner of the Project site as a trapezoidal channel with a bottom width of approximately 180 feet, and a top width of approximately 250 feet. Drainage B was proposed to be developed by the construction of the solar array. The modifications to the on-site drainages resulted in a maximum total on-site grading of 700,000 cubic yards (cy). Subsequent to the release of the Notice of Preparation (NOP), the Applicant revised the Project to remove the 20-acre portion of SEA #60 area from the Project and avoid all drainages. These revisions are represented the proposed Project evaluated in the Draft EIR.

To implement the Project, the applicant has applied for: (1) a Vesting Tentative Tract Map No. TR071035 for a reversion to acreage from 147 parcels to 1 parcel; and (2) a Conditional Use Permit (CUP) No. RCUP200900026 for the construction and operation of a 230-MW solar PV facility in an agricultural zone and for grading in excess of 100,000 cubic yards of soil.

## **SECTION 1.2 ENVIRONMENTAL IMPACT REPORT PROCESS**

In accordance with State CEQA Guidelines Section 15063, the County completed an Initial Study (April 13, 2009) for the proposed Project, and determined that an Environmental Impact Report ("EIR") was required. A NOP, including the Initial Study was circulated to responsible and interested agencies, and key interest groups on April 29, 2009 to solicit comments on the proposed content of the Draft EIR. The NOP was circulated for a 30-day comment period which ended June 1, 2009. The Draft EIR includes the Initial Study and the comment letters received during the public review period in response to the NOP (see Draft EIR Appendix A). All NOP comments relating to the EIR were reviewed and the issues raised in those comments were addressed, to the extent feasible, in the Draft EIR.

Potentially significant environmental impacts addressed in the Draft EIR include Geotechnical Hazards, Flood Hazards, Fire Hazards, Water Quality, Air Quality,



Biological Resources, Cultural and Paleontological Resources, Agricultural Resources, Visual Qualities, Traffic and Access, Fire and Sheriff Services, Utility Services, Environmental Safety, Land Use, Global Climate Change, Noise, Change In Character, and Growth Inducing impacts. The Draft EIR analyzed both project and cumulative effects of the Project on these topics and identified a variety of mitigation measures to minimize, reduce, avoid, or compensate for the potential adverse effects of the proposed Project. The Draft EIR also analyzed a number of potential alternatives to the proposed Project, including: 1) No Project Alternative; 2) Alternative Facility Layout; and 3) Underground Transmission Lines. Potential environmental impacts of each of these alternatives were discussed at the CEQA-prescribed level of detail and comparisons were made to the proposed Project.

After conducting its own internal departmental review and analysis of the proposed Project through the screencheck process, the Draft EIR was submitted to the State Clearinghouse, Governor's Office of Planning and Research, and circulated for the public review period beginning June 16, 2010. The 45-day public review period required by State CEQA Guidelines § 15087 ended on July 30, 2010. A Notice of Availability for the Draft EIR was published in the *Antelope Valley Press* and *La Opinión* newspapers, and a public hearing notice was sent to property owners within a 1000-foot radius of the proposed Project site and to known interested individuals and organizations.

The Commission conducted a public hearing on the Project on June 30, 2010 and heard a presentation by Staff and the Applicant. At this hearing, Staff recommended and the Applicant agreed to underground nearly all portions of the Project-related 34.5-kV and 230-kV transmission lines in the County of Los Angeles, as analyzed in Project Alternative 3 in the Draft EIR. After public testimony, the Commission continued the Project hearing to September 15, 2010.

During the public hearing proceedings, the Commission determined that the undergrounding of both the on-site and off-site 34.5-kV and 230-kV transmission lines within the unincorporated County area is required, with the exception of three required above ground public right of way crossings including one above ground point of connection at the Kern County border in order to minimize visual intrusion and minimize the proliferation of above ground transmission lines as well as to ensure compliance with the applicable provisions of the Countywide General Plan and the Antelope Valley Areawide General Plan.

The Commission finds that the Project does not require recirculation under CEQA (Public Resources Code Section 21092.1, CEQA Guidelines Section 15088.5). CEQA Guidelines Section 15088.5 requires recirculation of an EIR prior to certification of the Final EIR when "significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review." "New information is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful

opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the Project's proponents have declined to implement. 'Significant new information' requiring recirculation includes, for example, a disclosure showing that:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it;
4. The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded."

In addition, CEQA Guidelines Section 15088.5(b) provides that "recirculation is not required where the new information added to the EIR merely clarifies and amplifies or makes insignificant modifications in an adequate EIR." The Commission makes the following findings:

1. None of the public comments submitted to the County regarding the Draft EIR, including public statements and comments made at the Commission hearings, or responses to comments presented any significant new information that would require the EIR to be re-circulated for public comments.
2. No new significant environmental impacts would result from new or modified mitigation measures proposed to be implemented.
3. The Draft EIR analyzed both the aboveground and the underground placement of the 34.5-kV and 230-kV transmission lines and concluded that neither the aboveground nor the underground transmission lines would result in significant environmental impacts.
4. The Draft EIR was not fundamentally and basically inadequate and conclusory in nature and did not preclude meaningful public review and comment.
5. The new information in the Final EIR has been provided merely to clarify or amplify information in the Draft EIR. The new information does not

reveal that the Project would cause significant new impacts not previously identified in the Draft EIR.

### **SECTION 1.3 PROJECT FINDINGS INTRODUCTION**

The Findings made by the County, pursuant to Section 21081 of CEQA, and Section 15091 of the State CEQA Guidelines, on the consideration of the AV Solar Ranch One Project in unincorporated Los Angeles County, California are presented below. All significant impacts of the Project identified in the Final EIR are included herein and are organized according to the resources affected.

The Findings in this document are for the AV Solar Ranch One Project and are supported by information and analysis from the Final EIR and other evidence in the administrative record.

For each significant impact, a Finding has been made as to one or more of the following, in accordance with Public Resources Code §21081 and State CEQA Guidelines §15091:

- A. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.
- B. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- C. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

A narrative of supporting facts follows the appropriate Finding. For all of the impacts, one or more of the findings above have been made. The proposed Project did not result in a scenario for Finding "C" (as defined above).

## **SECTION 2.0 FINDINGS REGARDING POTENTIAL ENVIRONMENTAL EFFECTS WHICH ARE NOT SIGNIFICANT OR WHICH HAVE BEEN MITIGATED TO A LESS THAN SIGNIFICANT LEVEL**

All Final EIR mitigation measures, as set forth in the Mitigation Monitoring and Reporting Program (attached as Exhibit A to these findings) have been incorporated by reference into the conditions of approval for the Project. These mitigation measures and conditions of approval will result in a substantial mitigation of the effects of the Project such that the effects are not significant or have been mitigated to a level of less than significant. The Commission has determined, based on the Final EIR, that Project design features, mitigation measures, and conditions of approval will reduce Project impacts concerning Geotechnical Hazards, Flood Hazards, Fire Hazards, Water Quality, Air Quality, Biological Resources, Cultural and Paleontological Resources, Agricultural Resources, Visual Qualities, Traffic and Access, Fire and Sheriff Services, Utility Services, Environmental Safety, Land Use, Global Climate Change, Noise, Change In Character, and Growth Inducing Impacts.

### **2.1 GEOTECHNICAL HAZARDS**

#### **Potential Effect:**

The Project would significantly impact geotechnical resources if it would result in substantial adverse impacts from active or potentially active fault zones, landslides, subsidence, high groundwater, liquefaction, hydrocompaction, expansive soil, and grading.

#### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

#### **Facts Supporting the Finding:**

The Project site and transmission line route are not located within or in the near vicinity of active or potentially active fault zones, landslide areas, or areas of high subsidence, high groundwater, liquefaction, hydrocompaction, or high soils expansion potential.

The potential exists for the Project to be subject to moderate to strong ground motion since the site is located in a seismically active region; however, implementation of geotechnical design recommendations per the Geotechnical Engineering Report, and conformance with appropriate California and Los Angeles County Building Code criteria and applicable industry standards would reduce potential geotechnical-related hazards to a less than significant level.

Construction of the Project would require grading over the site area; however, grading would be balanced cut and fill, performed in accordance with a Grading Plan approved by the Los Angeles County Department of Public Works (LACDPW), and would be performed in conjunction with Best Management Practices (BMPs) to minimize potential wind and water erosion effects.

The following mitigation measure requires implementation of adequate geotechnical design considerations and applicable building codes and standards to reduce potential geotechnical hazards to a less than significant level:

**Mitigation Measure 5.2-1: Implementation of Geotechnical Engineering Report Recommendations.** The design and construction of the Project shall comply with applicable building codes and standards (e.g., CBC) as well as the recommendations in the geotechnical engineering report (Terracon 2009) to the satisfaction of the Los Angeles County Department of Public Works.

## **2.2 FLOOD HAZARDS**

### **Potential Effect:**

Potential significant impacts to flood hazards include whether the Project would alter existing drainage patterns of the site or area, or whether the Project would expose people or structures to a significant risk of loss, injury, or death from flooding or inundation.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

The Project would be designed to maintain the drainage pattern of the site in accordance with the Project Drainage Concept Report (Appendix C of the Draft EIR), as approved by LACDPW. As designed in the Project Drainage Concept Report, the Project would result in less than significant effects to alter the existing drainage pattern.

The majority of the Project site is mapped as Federal Emergency Management Agency (FEMA) Zone X, Unshaded and Shaded, and the portion of Drainage C on the site is mapped as Zone A. The proposed Project is designed to withstand scouring or undermining of foundations in areas that may be subject to periodic inundation, and would avoid all drainages (including Drainage C and the associated Zone A area) and incorporate appropriate setbacks. These design considerations are expected to result in less than significant effects. Approximately 22 transmission structures would be located on the edge of the 100-year floodplain (Zone A), while the remainder are located in Zone

X, Unshaded. The transmission line poles are designed to withstand potential flooding and erosion hazards, and would be installed in accordance with applicable floodplain development guidelines. Based on these design measures as well as the small total footprint located within a flood plain, impacts are expected to be less than significant.

Project construction would involve earth disturbance, selective vegetation clearing, and increase of impervious surfaces, which have the potential to increase runoff and erosion. This potentially significant impact is mitigated to a less than significant level with implementation of stormwater management measures, as incorporated in the following feasible mitigation measure:

**Mitigation Measure 5.3-1: Erosion Control and Stormwater Management Measures.**

In order to ensure that Project-related erosion and debris deposition as well as stormwater related impacts would be minimized, the design measures specified in the Drainage Concept Report (Psomas 2009) and the following measures shall be implemented subject to review and approval by the Los Angeles County Department of Public Works (LACDPW):

- Avoidance of all drainage areas: Construction and operational phase activities shall avoid all on-site drainages and FEMA Zone A floodplain areas. Solar field development shall be set back from the two major drainages (Drainages A and C) by a minimum of approximately 100 feet from the tops of banks for both Drainages A and C. Additionally, all Project development shall be set back a minimum of 100 feet from the FEMA Zone A floodplain for Drainage C.
- Applicant shall comply with NPDES requirements of the Lahontan Regional Water Quality Control Board (LRWQCB) and the LACDPW.

## **2.3 FIRE HAZARDS**

### **Potential Effect:**

The Project would have a significant impact if it is subjected to very high fire hazards associated with a Very High Fire Hazard Severity Zone, served by inadequate access or fire water requirements, or constituted a potentially dangerous fire hazard.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment..

### **Facts Supporting the Finding:**

The Project site and transmission line route are not located within a recommended Local Agency Very High or High Fire Hazard Severity Zone. Construction of utilities across

and/or along SR-138 and 170<sup>th</sup> Street West may potentially encroach into the traveled roadway; however, implementation of MM 5.11-1 (Provide Adequate Worksite Traffic Control), which requires worksite Traffic Control Plans, permits, and County coordination, such that emergency access would not be significantly affected.

The Project would maintain an estimated 100,000 gallon water tank near the Operations and Maintenance (O&M) Building to provide fire protection water (90,000 gallons, as required by the Los Angeles County Fire Department [LACFD]) and service water (10,000 gallons) needs. Additionally, a second 10,000-gallon firewater tank would be installed and maintained near the southern site entrance. Adequate firewater pressure would be delivered using an electric pump (a diesel-fueled backup pump may be installed by the Applicant so that firewater is available during power outages). The Project is not designed to require a substantial water supply and the Project wells and on-site firewater storage tanks would be expected to be sufficient to meet fire protection water needs. There is sufficient water to supply the Project needs, including 100,000 gallons of firewater for the on-site firewater storage tanks. In the event that groundwater becomes unavailable, a backup water supply (e.g., via trucking) would be utilized to provide a reliable firewater supply. As a result, the Project would not be anticipated to cause significant impacts resulting from inadequate firewater supply or pressure.

The Project site is expected to provide adequate firewater yields for Project construction and operation, based on on-site well testing data. In accordance with LACFD requirements, the Project would maintain adequate quantities of firewater in the Project water storage tanks, and adequate pressure would be delivered by an electric pump.

Project fire risks during construction pertain to smoking, refueling, welding activities, handling and storage of flammable materials, and vehicle operation and equipment use off roadways. Implementation of Mitigation Measure 5.4-1 Fire Protection and Prevention Plan (below) requires fire prevention management of potential fire hazards during construction, which would reduce the potential fire risks during construction to a less than significant level. The Plan shall address smoking rules, flammable materials handling and storage, equipment and vehicle maintenance and proper use, smoking, fuel management, and training during operation.

Project fire hazards during operation result from use of fuel and oils, and use of maintenance equipment and vehicles. The Project would implement an Operations Fire Protection and Prevention Plan, which shall address fire alarm and procedures, system and equipment maintenance, inspections, housekeeping practices, and training. Fire protection measures during operations include: fire suppression systems at the Operations and Maintenance building, plant control room, and electrical equipment enclosures; vegetation management programs in accordance with the Vegetation Management and Fire Control Measures Plan (Draft EIR, Appendix K); permanent fire breaks (Figure 4.4-1D and Vegetation Management and Fire Control Measures Plan [Appendix K] of the

Draft EIR); use of appropriately rated electrical equipment (i.e., Underwriters Laboratories tested, designated with fire resistance rating, National Electrical Manufacturers Association (NEMA)-rated, Conformance European (CE) certifications, etc.). Implementation of the Operations Fire Protection and Prevention Plan and Project fire protection measures would reduce potential fire risks during operation to a less than significant level.

The on-site and off-site transmission lines may pose a fire hazard, when a conducting object comes in close proximity of a line, or in the event that a live-phase conductor falls to the ground. Transmission line clearances for vegetation will be implemented in accordance with Los Angeles County Title 32 Fire Code, Section 317 (Clearance of Brush and Vegetative Growth), Public Resources Code Section 4292 (Power Line Hazard Reduction), PRC Section 4293 (Power Line Clearance Required), and Public Utilities Commission General Order 95 (Rules for Overhead Electric Line Construction). Additionally, during transmission line maintenance activities (i.e., transmission line inspection, vegetation clearance, etc.) operating vehicles and equipment may potentially spark, and result in fire danger. Implementation of Mitigation Measure 5.4-1 (Fire Protection and Prevention Plan), as described below would reduce the potential impacts associated with fire hazards to less than significant.

With implementation of the above safety and mitigation measure, it is expected that potential impacts associated with fire hazards would be reduced to a less than significant level.

**MM-5.4-1: Fire Protection and Prevention Plan.** The proposed Project shall develop and submit a Fire Protection and Prevention Plan to the LACFD for review and approval prior to issuance of a Grading Permit. The Plan shall address construction and operation activities for the Project, and establish standards and practices that will minimize the risk of fire danger, and in the case of fire, provide for immediate suppression and notification.

The Fire Protection and Prevention Plan shall address spark arresters, smoking and fire rules, storage and parking areas, use of gasoline-powered tools, road closures, use of a fire guard, and fire suppression equipment and training requirements. In addition, all vehicle parking areas, storage areas, stationary engine sites and welding areas shall be cleared of all vegetation, and flammable materials. All areas used for dispensing or storage of gasoline, diesel fuel or other oil products shall be cleared of vegetation and other flammable materials. These areas shall be posted with signs identifying they are "No Smoking" areas. An interim fire protection system shall be in place during construction until the permanent system is completed. The Plan shall also address vegetation clearance and maintenance requirements applicable to the transmission pole structures during operation.

Special attention shall be paid to operations involving open flames, such as welding, and use of flammable materials. Personnel involved in such operations shall have appropriate



training. A fire watch utilizing appropriately classed extinguishers or other equipment shall be maintained during hot work operations. Site personnel shall not be expected to fight fires past the incident stage. The local responding fire officials shall be given information on the site hazards and the location of these hazards, and the information shall be included in the emergency response planning.

Materials brought on-site shall conform to contract requirements, insofar as flame resistance or fireproof characteristics are concerned. Specific materials in this category include fuels, paints, solvents, plastic materials, lumber, paper, boxes, and crating materials. Specific attention shall be given to storage of compressed gas, fuels, solvents, and paint. Electrical wiring and equipment located in inside storage rooms used for Class I liquids shall be stored in accordance with applicable regulations. Outside storage areas shall be graded to divert possible spills away from buildings and shall be kept clear of vegetation and other combustible materials.

On-site fire prevention during construction shall consist of portable and fixed firefighting equipment. Portable firefighting equipment shall consist of fire extinguishers and small hose lines in conformance with the California Division of Occupational Safety and Health (Cal-OSHA) and the National Fire Protection Association (NFPA) for the potential types of fire from construction activities. Periodic fire prevention inspections shall be conducted by the contractor's safety representative.

Fire extinguishers shall be inspected routinely and replaced immediately if defective or in need of recharge. All firefighting equipment shall be conspicuously located and marked with unobstructed access. A water supply of sufficient volume, duration, or pressure to operate the required firefighting equipment shall be provided on-site. Authorized storage areas and containers for flammable materials shall be used with adequate fire control services.

The Operations Fire Protection and Prevention Program shall address the following:

- Names and/or job titles responsible for maintaining equipment and accumulation of flammable or combustible material control
- Procedures in the event of fire
- Fire alarm and protection equipment
- System and equipment maintenance
- Monthly inspections
- Annual inspections
- Firefighting demonstrations
- Housekeeping practices
- Training

## **2.4 WATER QUALITY**

### **Potential Effect:**

The Project would have a significant impact to water quality if it resulted in substantial water quality impacts due to use of water wells in an area of known water quality problems, or a septic system, and construction or post-construction activities.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

The Project area is not located in an area of known water quality problems. The Project proposes use of an onsite wastewater treatment system, which includes a septic tank and leachfield. The Project site is not located within an area having high groundwater or geotechnical limits, and the proposed septic system would not be located in close proximity to a drainage course. The proposed septic system shall be designed and installed in accordance with Los Angeles County Department of Public Health (LACDPH) standards, as identified in Mitigation Measure 5.5-1, On-site Wastewater Treatment System Feasibility Report, as described below. As a result, the Project would result in less than significant impacts to groundwater quality. The Project construction activities would not reach the depth of groundwater, which is estimated to be approximately 130 to 200 feet below ground surface (bgs).

The Project and transmission line construction and operation activities have the potential to impact the quality of local stormwater runoff due to earth disturbance activities, which cause erosion and excess sedimentation, and use of chemicals (e.g., paints, solvents, petroleum oils, dielectric oils, etc.), leading to pollutant transport. The Project proposes use of an onsite wastewater treatment system. Project area depth to groundwater is not shallow, and is expected to range from 130 feet to over 200 feet bgs. Project construction would involve earth disturbance, selective vegetation clearing, and use of petroleum-based liquids and other chemicals (e.g., paints, solvents, oils, dust palliatives, equipment fluids, etc.), which have the potential to release stormwater pollutants. The Project would be constructed with design measures to reduce the potential for sedimentation: structures will be designed to withstand scouring or undermining of foundations in areas that may be subject to periodic inundation, and site development would only occur in the lower flood risk areas, and facility structures would avoid all drainages and Zone A areas. Project operation would involve vegetation management, clearing infiltration basin areas, and use of petroleum-based liquids and other chemicals. The potentially significant construction and operation impacts to water quality are mitigated to less than significant

levels with implementation of Mitigation Measure 5.3-1, Erosion Control and Stormwater Management Measures.

The following mitigation measure requires implementation of appropriate design standards for the proposed onsite wastewater treatment system, and is expected to reduce potential water quality impacts to a less than significant level:

**Mitigation Measure 5.5-1: On-site Wastewater Treatment System Feasibility Report.** Prior to construction/installation of the on-site septic/leach field system, a complete OWTS feasibility report shall be submitted to the LACDPH for review and approval. The feasibility report shall be prepared in conformance with the requirements outlined in the current version of LACDPH guidelines, "On-site Wastewater Treatment System Guidelines."

## **2.5 AIR QUALITY**

### **Potential Effect:**

The Project would have significant impacts to air quality if it exceeded the State's criteria for regional significance, exceed or conflict with air quality thresholds, standards, or plans, and generate or be in close proximity to sources that create dust and/or hazardous emissions.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

The Project is classified as one of regional significance based on site acreage. However, the Project's operational emissions for the solar PV facility would be below the applicable significance thresholds and the facility would employ far fewer than 1,000 employees, so impacts to air quality would not be regionally significant. Based on analysis of the construction emissions for the Project site and transmission line, the total construction emissions, with implementation of Mitigation Measure 5.6-1 through 5.6-10, below, are less than the corresponding Antelope Valley Air Quality Management District (AVAQMD) emissions thresholds for criteria pollutants.

The Project would not conflict with or obstruct implementation of any of the proposed measures of the ozone attainment plan for AVAQMD. The construction-phase emissions would be short-term, and would not conflict with the long-term progress toward attainment because construction phase emissions comprise a small fraction of total AQMD inventory and are short-term and transitory in nature. The Project's use of a compliant fleet of non-road engines by the construction contractor (Mitigation Measure

5.6-4) would be consistent with the state and local plan requirements. Operation of the proposed Project, including the off-site transmission line, would not conflict with or obstruct implementation of any of the measures of the AVAQMD or the Kern County Air Pollution Control District (KCAPCD), including the AVAQMD ozone attainment plan. Operation of the Project involves passive electrical generation using the PV panels, panel washing, vegetation cutting and clearing, firewater pump engine testing, and water and maintenance truck activities. During operations, the quantified criteria pollutant emissions would be below the AVAQMD significance thresholds by a large margin.

The Project would generate diesel fumes (state regulated Toxic Air Contaminant [TAC]) during construction; however, due to the Project's temporary generation and buffer of land to the nearest residence, effects would be less than significant. Dust in the Project region is presumed to contain the *C. immitis* fungi, which can cause Valley Fever. The local populace is already exposed to dust likely containing the fungi, and exposure over time increases immunity to Valley Fever. However, construction workers not native or living in the area may be more susceptible to contracting Valley Fever. As a result, the Project would implement Mitigation Measures 5.6-2, 5.6-3, and 5.6-11 (below) to reduce potential impacts to less than significant levels. Project operations would not be expected to produce obnoxious odors or hazardous emissions. As a result, impacts would be less than significant.

Implementation of the following feasible mitigation measures as identified in the Draft EIR, would reduce potential Project impacts to air quality to less than significant levels:

**MM 5.6-1: Ensure AVAQMD Construction Emission Thresholds would be Met.**

Prior to issuance of the grading permit, the Applicant shall select an engineering, procurement, and construction (EPC) contractor to build the Project. The Applicant/EPC contractor shall be required to demonstrate that the final construction plans will not result in exceedances of applicable AVAQMD air emission significance thresholds during construction of the Project to the satisfaction of AVAQMD and LACDRP.

Prior to issuance of a grading permit, the Applicant shall prepare a report describing the Applicant's final engineering design-based plan for constructing the Project, including: 1) scheduling of construction activities; 2) equipment usage and details; 3) construction workforce loading; 4) truck deliveries schedule; and 5) ground disturbing/dust generating activities, etc. The report shall include emission calculations to demonstrate that the final construction plan will not result in exceedances of all applicable AVAQMD criteria pollutant emissions thresholds to the satisfaction of AVAQMD. The emission calculations shall include consideration of the emission reductions provided by implementation of Mitigation Measures 5.6-2 through 5.6-10, below.

**MM 5.6-2: Develop and Implement Fugitive Dust Emission Control Plan.** The Applicant shall develop a Fugitive Dust Emission Control Plan (FDECP) for construction

work. The FDECP shall be submitted to AVAQMD for review and approval prior to issuance of a grading permit.

Measures to be incorporated into the FDECP shall include, but are not limited to the following:

- The proposed PM measures (#24 to #44) in AVAQMD's List and Implementation Schedule for District Measures to Reduce PM Pursuant to Health & Safety Code §39614(d) shall be incorporated into the fugitive dust control plan, as applicable.
- Non-toxic soil binders shall be applied per manufacturer recommendations to active unpaved roadways, unpaved staging areas, and unpaved parking area(s) throughout construction to reduce fugitive dust emissions.
- Travel on unpaved roads shall be reduced to the extent possible, by limiting the travel of heavy equipment in and out of the unpaved areas.
- Water the disturbed areas of the active construction sites at least three times per day, (when soil moisture conditions result in dust generation) and more often if visible fugitive dust leaving the site is noted.
- Enclose, cover, water twice daily, and/or apply non-toxic soil binders according to manufacturer's specifications to exposed piles of soils with a five percent or greater silt content.
- Maintain unpaved road vehicle travel to the lowest practical speeds, and no greater than 15 miles per hour (mph), to reduce fugitive dust emissions.
- All vehicle tires shall be inspected, be free of dirt, and washed as necessary prior to entering paved roadways from the Project site.
- Install wheel washers or wash the wheels of trucks and other heavy equipment where vehicles exit the site.
- Cover all trucks hauling soil and other loose material, or require at least 2 feet of freeboard.
- Establish a vegetative ground cover (in compliance with biological resources impact mitigation measures) or otherwise create stabilized surfaces on all unpaved areas through application of dust palliatives at each of the construction sites within 21 days after active construction operations have ceased.
- Prepare contingency for high wind periods (greater than 25 mph) to shutdown or mitigate activity as necessary to control fugitive dust.
- Travel routes to each construction site area shall be developed to minimize unpaved road travel. Travel management shall include staging of deliveries to minimize idling or congestion, use of dust palliatives or soil tackifiers on road surfaces, and minimizing travel distance.

**MM 5.6-3: Dust Plume Response Requirement.** An air quality construction mitigation manager (AQCM) or delegate shall monitor all construction activities for visible dust

plumes. Observations of visible dust plumes that have the potential to be transported: 1) off the Project site; 2) 200 feet beyond the centerline of the construction of linear facilities; or 3) within 100 feet upwind of any regularly occupied structures not owned by the Project owner indicate that existing mitigation measures are not resulting in effective mitigation. The AQCMM or Delegate shall promptly implement additional dust plume reduction measures in the event that such visible dust plumes are observed. Additional measures to be implemented, as necessary, shall include increased watering, application of dust palliatives, and/or scaled back construction activities up to and including temporary work cessation.

**MM 5.6-4: Off-road Diesel-fueled Equipment Standards.** All portable construction diesel engines not registered under CARB's Statewide Portable Equipment Registration Program, which have a rating of 50 hp or more, and all off-road construction diesel engines not registered under CARB's In-use Off-road Diesel Vehicle Regulation, which have a rating of 25 hp or more, shall meet, the projected 2011 fleet average of NOX and PM emissions as that predicted by the OFFROAD2007 model in Appendix D. The EPC shall use the CARB Portable Diesel Engine Airborne Toxic Control Measure (ATCM) Fleet Calculators and the Off-road Diesel Fleet Average Calculators (for large/medium fleets) in accordance with the respective regulation under Title 13 of the California Code of Regulations (CCR) to conduct this comparison. No Tier 0 diesel equipment shall be used at the site after the initial calculation/registration without recalculation using the CARB fleet calculators. The fleet average calculation of the on site equipment shall be conducted annually to ensure compliance. The EPC contractor shall ensure labeling of all portable and off road diesel equipment in accordance with Title 13 of the CCR.

**MM 5.6-5: Limit Vehicle Traffic and Equipment Use.** Vehicle trips and equipment use shall be limited by efficiently scheduling staff and daily construction activities to minimize the use of unnecessary/duplicate equipment.

**MM 5.6-6: Heavy Duty Diesel Water Haul Vehicle Equipment Standards.** For the pile foundation case (which results in higher air emissions than the ballast foundation case and requires additional mitigation), the EPC shall use 2006 model or newer engines in order to meet the EMFAC predicted emissions levels in grams of pollutant per mile travelled (g/mile) of on-road heavy duty diesel trucks used for water hauling at the site. The EPC contractor shall ensure labeling of such trucks to indicate model year.

**MM 5.6-7: On-road Vehicles Standards.** All on-road construction vehicles shall meet all applicable California on-road emission standards and shall be licensed in the State of California. This does not apply to construction worker personal vehicles.

**MM 5.6-8: Properly Maintain Mechanical Equipment.** The construction contractor shall ensure that all mechanical equipment associated with Project construction is properly tuned and maintained in accordance with the manufacturer's specifications.

**MM 5.6-9: Restrict Engine Idling to 5 Minutes.** Diesel engine idle time shall be restricted to no more than 5 minutes as required by the CARB engine idling regulation. Exceptions in the regulation include vehicles that need to idle as part of their operation, such as concrete mixer trucks.

**MM 5.6-10: Off-road Gasoline-fueled Equipment Standards.** Any off-road stationary and portable gasoline powered equipment brought on site for construction activities shall have USEPA Phase 1/Phase 2 compliant engines, where the specific engine requirement shall be based on the new engine standard in affect two years prior to the commencement of Project construction. In the event that USEPA Phase 1/Phase 2 compliant engines are determined not to be available, the Applicant shall provide documentation to the AVAQMD with an explanation.

**MM 5.6-11: Off-road Equipment Operator Worker Protection.** Appropriate training for respiratory protection shall be provided to construction workers. Dust masks (NIOSH approved) shall be provided with proper training to construction workers to mitigate the protection against dust exposure and possibly Valley Fever during high wind events and/or dust-generating activities.

## **2.6 BIOLOGICAL RESOURCES**

### **Potential Effect:**

The Project would result in potentially significant impacts to biological resources if it: removed substantial natural habitat areas; significantly impacted sensitive natural communities; significantly impacted unique native trees; diverted, obstructed, or substantially altered a drainage course; substantially adversely impacted candidate, sensitive, or special-status species; interfered substantially with any wildlife corridor; or adversely affected Significant Ecological Area (SEA) resources.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

The Project construction and operation would result in temporary and permanent removal of habitat, as well as habitat modification resulting from Project-related shading and fuel modification (vegetation management). As a result, the construction and operation of the Project would result in impacts to habitat and wildlife species using the habitat. Mitigation for this impact is provided in Mitigation Measure 5.7-1 and 5.7-2 (below). Four ephemeral drainage courses (as depicted on USGS quad sheets) are located on the site, which the Project would avoid and protect with implementation of buffer areas.

The Project site contains two sensitive natural vegetation communities, consisting of a wildflower field and Joshua tree recruitment area. Construction and operation of the Project would cause temporary and permanent impacts to a substantial portion of wildflower fields within the Project site, which will be mitigated through implementation of Mitigation Measure 5.6-2 (Develop and Implement Fugitive Dust Emission Control Plan) and Mitigation Measures 5.7-1 through 5.7-3 (below). The Project would avoid the Joshua tree recruitment area and protect with a buffer area. The area may be impacted by fugitive dust generated during construction activities, which is mitigated through Mitigation Measure 5.7-3 (below). A mature Joshua tree and two seedlings are located within the site property along 170<sup>th</sup> Street West, and will be avoided by the Project. Potential edge effects from fugitive dust generated during construction will be minimized through Mitigation Measure 5.6-2 (Develop and Implement Fugitive Dust Emission Control Plan). The Project would remove no Joshua trees during construction of the proposed transmission line, and would disturb very small acreages (less than 0.2 acre) of Joshua tree woodlands. As a result, impacts to this vegetation type along the proposed transmission line route would be less than significant.

The Project would avoid and protect, through incorporation of construction and development setback areas, four ephemeral drainage courses located on the site.

No federally or state endangered or threatened species are expected to occur in the Project site and proposed transmission line route. One individual special status reptile, the Blainville's Horned Lizard, was observed in the sandy channel of Drainage C, in the southeastern corner of the Project site. However, current range maps for this species suggest that the lizard is not expected to be common on the site, particularly north of SR-138. In the event of occurrence on the Project site, Blainville's horned lizards may be potentially injured or killed during construction ground-disturbance activities. Operational impacts include risk of mortality by vehicles and disturbance on access roads from workers. Additionally, the PV panels, similar to the existing onsite shrubs, may provide perching opportunities for ravens, which are known to prey on juvenile and adult Blainville's horned lizards. Therefore, the Project would implement Mitigation Measures 5.7-1, 5.7-2, and 5.7-5 through 5.7-7 (below), which would reduce impacts to Blainville's horned lizard resulting from injury, mortality, and habitat loss to less than significant levels.

The special-status California burrowing owl was observed to be a resident on the Project site. Construction disturbances could potentially interfere or result in owl mortality in the event that activities occur during nesting periods. Development of the site would permanently and substantially alter the habitat such that developed areas would likely be unsuitable for continued use by this species. As a result, the Project would implement Mitigation Measures 5.7-2 through 5.7-4, 5.7-6 through 5.7-10 (below), which would reduce impacts to the California burrowing owl caused from injury, mortality, and habitat loss to less than significant levels.



Several special-status bird species (not counting the burrowing owl) use on-site habitat to fulfill a portion of their ecological requirements. A portion of these species were judged to use the site minimally, and the remaining use the site either as nesting habitat or for foraging or wintering during nesting or special-status season. The proposed removal and modification of on-site habitats would render the majority of the site unsuitable or marginally suitable for use by the special-status species. The Project would therefore implement Mitigation Measures 5.7-1, 5.7-4 through 5.7-7, and 5.7-9, in order to reduce and compensate for this impact to less than significant levels.

The desert tortoise is unlikely to occur within the Project site and proposed transmission line route due to known distribution and lack of suitable habitat. However, as an added precaution, Mitigation Measure 5.7-13, Pre-construction Desert Tortoise Surveys, is included, as recommended by the U.S. Fish and Wildlife Service (USFWS) to ensure that this species is avoided, and would further lessen the probability of the Project result in impacts to the desert tortoise.

While not observed in the Project area, the desert kit fox has the potential to occur based on the presence of suitable habitat for the fox. The desert kit fox maintains no formal sensitivity designation, but take of this species is prohibited by California Department of Fish and Game (CDFG) regulations. If desert kit fox were present on-site during construction, injury or mortality of this species could occur due to construction activities; therefore, Mitigation Measure 5.7-12 (below) would be implemented to reduce potential effects to less than significant levels. Long-term, operational effects of the Project would not be considered likely due to the decreased habitat, decreased abundance, and/or altered composition of prey base on-site, and Project maintenance activities.

The Project site is not located within an area identified as a large-scale habitat linkage, and movement through the site by terrestrial wildlife is somewhat constrained by the presence of 2 paved roadways, SR-138 and 170<sup>th</sup> Street West. However, small and medium-sized wildlife are known to move through the site; therefore, the proposed Project design includes wildlife permeable fencing interspersed with chain-link fencing in order to allow for wildlife movement within and around the site.

The Joshua Tree Woodland Habitat SEA (SEA 60) is adjacent to the Project site along portions of the northern and eastern property boundaries. The Project facility is designed to incorporate 100-foot setbacks from property boundaries along these areas (i.e., fenceline would be constructed 100 feet from the property boundary). However, the Project may potentially result in indirect impacts to the adjacent SEA areas resulting from fugitive dust and noise generated during construction activities, and potential facility light spillover during operations. As a result, the Project would implement Mitigation Measure 5.6-2 (Develop and Implement Fugitive Dust Emission Control Plan) and Mitigation Measure 5.18-1 (Pile Driver Orientation), which would reduce the potential indirect light and noise impacts to less than significant levels.

Adoption of the following feasible mitigation measures as identified in the Final EIR, would reduce potential Project impacts to biological resources to less than significant levels:

**MM 5.7-1: Habitat Enhancement and Vegetation Management Plan.** Prior to issuance of a grading permit, the Project Applicant shall develop a Habitat Enhancement and Vegetation Management Plan (HEVMP) to compensate for impacts to existing vegetation communities by preserving and enhancing the remaining vegetation within the Project site. The HEVMP shall also provide measures to ensure minimal impacts to habitat along the off-site transmission line. In areas suitable for on-site mitigation, the HEVMP shall identify appropriate mitigation objectives, standards, and monitoring/reporting requirements to enhance habitat such that the resulting habitat values would be greater than those lost as a result of project implementation. These habitat values would include nesting and foraging habitat for songbirds, foraging habitat for raptors and owls, and high diversity and abundance of native forbs/wildflowers. In areas rendered unsuitable for mitigation due to proposed development, the HEVMP shall identify appropriate restrictions, such as limiting noxious weeds, but shall not impose mitigation standards. The HEVMP shall be prepared by a qualified restoration biologist experienced with desert habitat restoration, and shall specify appropriate revegetation and management practices for the following portions of the Project site to the satisfaction of LACDRP:

- Mitigation and Avoidance Areas (refer to Figure 5.7-11 of this DEIR):
  1. Drainage A, a 100-foot setback, and the associated wildlife travel route (47.1 acres)
  2. Drainage B and a 20-foot buffer (approximately 6 acres)
  3. The southernmost portion of the Project site along Drainage C, where no development is proposed (45 acres)
  4. The Joshua tree recruitment area (8.6 acres, including buffer)
- Areas of Modified/Impacted Habitat (Unsuitable for Mitigation):
  1. All portions of the site within the fire breaks (217 acres)
  2. All interior portions of the site within the proposed solar arrays, excluding locations of proposed infiltration basins and fire breaks (1,336 acres)
  3. All portions of the site to be occupied by proposed infiltration basins (253 acres)

In general, for each of the locations enumerated above, the HEVMP shall specify, at a minimum, the following (specific details vary depending on location, and are described in the paragraphs that follow):

- The location and extent of any on-site enhancement/revegetation areas, to be depicted graphically on an aerial photograph or schematic of appropriate scale

- The quantity and species of plants to be seeded (if necessary), including the locations where each type of vegetation would be created
- A schedule and action plan to maintain and monitor the enhancement/revegetation areas
- A list of success criteria (e.g., growth, plant cover, plant/wildlife diversity) by which to measure success of the enhancement/revegetation effort
- Contingency and/or adaptive management measures in the event that enhancement/revegetation efforts are not successful

In addition, the standards and practices set forth in the HEVMP for each area shall conform to the requirements stated below:

- Within the setback zones surrounding Drainage A, Drainage B, and Drainage C the HEVMP shall provide for 101 acres of on-site mitigation, as well as 6 acres of additional avoidance area (due to its small and isolated nature, the 6-acre area surrounding Drainage B is not included as suitable mitigation land, but would nonetheless be avoided), and shall ensure the following:
  1. Drainages A, B, and C, including adjacent buffer areas shown on Figures 5.7-7 and 5.7-11, as well as the local wildlife travel route associated with Drainage A, shall be set aside, preserved, and enhanced, and no Project-related disturbance shall be permitted in these areas.
  2. Any anthropogenic discontinuities in the existing vegetation (unofficial roads, dump sites, etc.) within the ephemeral drainage setbacks shall be remedied, and such areas shall be seeded with native plant species characteristic of the surrounding vegetation.
  3. Vegetative cover in herbaceous communities (grasslands, wildflower fields) shall exceed 95 percent; of this, invasive forbs (as identified by the Cal-IPC) shall not exceed five percent cover. Bare ground shall not exceed five percent excluding bare ground located within the channel bottom of an ephemeral drainage or bare ground where there is clear evidence that the bare ground was the result of mammal activity (burrows, wildlife trails, etc.).
  4. Vegetative cover in shrub-dominated communities (desert saltbush scrub, rabbitbrush scrub) shall exceed 90 percent, and shrub cover shall exceed 30 percent. Invasive forbs and shrubs combined shall not exceed five percent cover, and bare ground shall not exceed five percent excluding bare ground located within the channel bottom of an ephemeral drainage or bare ground where there is clear evidence that the bare ground was caused by mammal activity (burrows, wildlife trails, etc.).
  5. In Drainages A and C and the adjacent setback/buffer areas as shown on Figure 5.7-7, vegetation in the area shall remain suitable for foraging by burrowing owls and other grassland bird species. Habitat enhancement/revegetation shall be implemented if necessary to ensure continued suitability.

6. Joshua trees and junipers shall be planted, to improve habitat suitability for sensitive bird species and increase the likelihood that these areas will be occupied by such special-status species as loggerhead shrikes and long-eared owls.
- Within the Joshua tree recruitment area, the HEVMP shall provide 8.6 acres of mitigation land, and shall ensure the following:
    1. The Joshua tree recruitment area and a 50-foot buffer from the Joshua tree seedlings shall be set aside and preserved, and no Project-related disturbance shall be permitted in this area.
    2. Any anthropogenic discontinuities in the existing vegetation (other than the County roadbed of West Avenue C, which passes through this area) shall be remedied, and such areas shall be seeded with native plant species characteristic of the surrounding vegetation.
    3. Measures shall be implemented to encourage the continued recruitment of Joshua trees into this area. Such measures may include standards for herbaceous and shrub cover, removal of non-native plants and wildlife, and others.
    4. To provide nesting and perching habitat and increase structural diversity within restoration areas, native shrub species associated with Joshua tree woodland (including Mojave yucca, sage, box-thorn, and buckwheat, as noted in the County General Plan) shall be included in the planting palette.
  - Within the proposed fire breaks, no suitable on-site mitigation opportunities exist. However, the HEVMP shall ensure the following:
    1. To prevent the potential spread of fire onto the Project site, the proposed fire breaks shall be maintained clear of vegetative cover through mechanical clearing and selective herbicide use.
    2. If herbicides are used as approved by LACDRP to control vegetation, they shall be applied by a qualified individual and in a manner consistent with the product labeling. Under no circumstances shall herbicides be allowed to pass into any ephemeral drainage.
    3. Under no circumstances shall forb species identified by the California Invasive Plant Council (Cal-IPC) as invasive weeds be allowed to thrive in the fire breaks, or as required by LACFD. Cover of these species, collectively, shall be maintained at or below five percent.
  - Within all interior portions of the site within and adjacent to the proposed solar arrays, excluding locations of proposed infiltration basins, no suitable on-site mitigation opportunities would exist. However, the HEVMP shall ensure the following:

1. To control fugitive dust, vegetative cover of grasses and forbs within the proposed solar arrays shall be maximized.
  2. Vegetation seeded in these areas shall be comprised of low-growing communities such as native grasslands and wildflower fields, to minimize the effects of vegetation management practices on the revegetated areas. Shrub species shall not be used, as these species would be unable to survive continued vegetation trimming.
  3. Under no circumstances shall species identified by the Cal-IPC as invasive weeds be used in the revegetation efforts.
  4. To promote the growth of local, native plant species, the top 2-6 inches of topsoil removed during Project-related grading and/or excavation shall be stockpiled and spread across disturbance zones after completion of construction in the area.
  5. To ensure that a seed supply is maintained to perpetuate on-site vegetation (e.g., annual grasses and wildflowers), vegetation shall be allowed to grow to a maximum height of 18 inches between February 1 and approximately mid-April prior to mowing to a height of 6 inches (or less) by May 1 (through the following January) as required by the LACFD.
  6. Herbicides shall be approved for use by the County, and herbicide application shall be performed by trained personnel who can identify the species to be treated. If herbicide is applied, it shall be applied during dry and low wind conditions in order to prevent herbicide drift into non-target areas.
- Within the proposed infiltration basins, no suitable on-site mitigation opportunities exist. However, the HEVMP shall ensure the following:
    1. If herbicides are used as approved by LACDRP to control vegetation (i.e., non-native vegetation), they shall be applied by a qualified individual and in a manner consistent with the product labeling. Under no circumstances shall herbicides be allowed to pass into any ephemeral drainage.
    2. Under no circumstances shall forb species identified by Cal-IPC as invasive weeds be allowed to thrive in the infiltration basins, or as required by LACFD. Cover of these species, collectively, shall be maintained at or below five percent.
  - Within all portions of the transmission line route to be impacted during installation of transmission line poles and temporary stringing sites, the HEVMP shall ensure the following:
    1. Under no circumstances shall ground disturbance occur within 25 feet of an existing Joshua tree. In applicable areas, Joshua tree avoidance zones shall be delineated with high-visibility construction fencing.

2. All areas of temporary ground disturbance shall be revegetated with appropriate plant communities native to the Project region, such as native grasslands, wildflower fields, desert scrub, rabbitbrush scrub, desert saltbush scrub, and Joshua tree woodland.
3. Where impacts would occur in existing agricultural lands outside the Applicant's ownership, it is presumed that agricultural practices would resume after completion of construction. Therefore, revegetation shall not be required in these areas.
4. If earthwork is proposed in areas where native vegetation exists, the top 2-6 inches of topsoil removed during Project-related ground clearing shall be stockpiled and spread across disturbance zones after completion of construction in the area.
5. Under no circumstances shall species identified by the Cal-IPC as invasive weeds be used in the revegetation efforts.
6. The HEVMP shall include provisions to minimize the effects of transmission line maintenance on biological resources, including a requirement that no Joshua trees shall be removed during such maintenance.

In addition to the location-specific requirements set forth above, the HEVMP shall also ensure that the following standards are met or exceeded within the Project site as a whole:

1. The HEVMP shall identify appropriate locations for creation of rabbitbrush scrub, California annual grassland, and wildflower fields, the three most abundant existing natural communities on-site, within avoided portions of the Project site. In total, 101 acres of on-site mitigation shall be provided.
2. Performance monitoring of the on-site enhancement and revegetation areas shall be monitored approximately quarterly, in January, April, June, and November, and a report detailing the monitoring results shall be submitted to the LACDRP annually. Monitoring and reporting shall be required for a period of five years and until such time as performance standards are achieved. The HEVMP shall contain contingency measures identifying corrective actions required in the event that the performance standards are not met.
3. All percent cover standards shall be evaluated during the spring biomass peak.
4. Anti-coagulant rodenticides shall not be used within the Project site or along the proposed transmission line route.

The HEVMP shall be submitted to the LACDRP for review and approval prior to issuance of a grading permit.

**MM 5.7-2: Off-site Mitigation for Loss of Habitat.** Within one year of Project approval or prior to the installation of 50 MW of photovoltaic solar panels, the Applicant shall provide a minimum of 450 acres of off-site mitigation land to be restored, enhanced, and maintained according to the requirements of this mitigation measure, and shall be preserved as open space in perpetuity. Within 45 days of acquiring the mitigation land(s), the Applicant shall record a permanent deed restriction on the mitigation land(s) to be preserved as open space. The deed restriction language shall be submitted to LACDRP for review and approval prior to recordation. Alternatively, should a conservation easement on the mitigation land(s) be offered, the permanent conservation easement(s) shall be recorded to the satisfaction of LACDRP.

The off-site mitigation land shall not exceed 10 separate fragments and shall be acquired adjacent to existing public lands, or within or adjacent to SEAs within the Antelope Valley or surrounding foothills. At least 225 acres of the mitigation land shall be acquired in the vicinity of the Antelope Valley California Poppy Reserve, including lands in or adjacent to SEA #57, or lands connecting the Poppy Reserve to the Angeles National Forest. An additional 75 acres shall be acquired within this same area, or in or adjacent to SEA #60, or adjacent to the Arthur B. Ripley Woodland State Park.

The Applicant shall establish a fund sufficient for the restoration, enhancement, and maintenance of the mitigation land(s) until such time when the mitigation land(s) become self-sustained and meet the requirements of this mitigation measure. The fund shall be established within 90 days of mitigation land(s) acquisition in an amount acceptable to the LACDRP.

The selected off-site mitigation lands shall contain vegetation communities similar to those found within the Project site, including rabbitbrush scrub, annual grassland, and wildflower fields. Although the proposed Project would not significantly impact Joshua tree woodland habitat, lands containing this vegetation community shall also be considered desirable due to the County's concern over the continuing loss and degradation of Joshua tree woodlands. The selected lands shall comply with the following mitigation requirements:

1. The subject property shall be located within the greater Project vicinity, generally defined to include the Antelope Valley and surrounding foothills.
2. The subject property(s) shall contain a minimum of 450 acres of land, which shall be either comprised of vegetation communities characteristic of the Antelope Valley (rabbitbrush scrub, annual grassland, wildflower fields, and/or Joshua tree woodlands) or be reasonably capable of being enhanced and converted to such habitat through the use of maintenance and management practices such that the resulting habitat values would be greater than those lost as a result of Project implementation.

3. The subject property(s) shall either contain a minimum of 224.5 acres of wildflower field, or shall be reasonably capable of being enhanced and converted to this vegetation through maintenance and management practices.
4. The subject property(s) shall provide at least 39 acres of contiguous suitable foraging habitat for the burrowing owl, including presence of suitable burrows. If suitable natural burrows are not present within the subject property, artificial burrows shall be constructed in accordance with California Burrowing Owl Consortium (1993) guidelines.
5. The subject property(s) shall contain a minimum of 450 acres of suitable foraging habitat for grassland/scrubland bird species occurring in the Antelope Valley.
6. The subject property(s) shall contain habitat suitable for the Blainville's horned lizard. Within the mitigation site, suitable locations shall be identified for relocation of horned lizards captured and removed from the Project site pursuant to Mitigation Measure 5.7-7. Generally, it is presumed that the wildflower field areas required by item (3) above will be suitable for this species.
7. Under no circumstances shall species identified by the Cal-IPC as invasive weeds be used in revegetation efforts.
8. The subject property(s) shall be maintained such that invasive forbs (as identified by the Cal-IPC) shall not exceed 5 percent of the vegetative cover.

Within 60 days of recordation of the permanent deed restriction(s) or conservation easement(s), a Restoration, Enhancement, and Maintenance Plan for the off-site mitigation land(s) shall be submitted to LACDRP for review and approval. The plan shall include the restoration, enhancement, and maintenance requirements for each mitigation area, based on the characteristics of the mitigation land and the mitigation requirements described above, and shall also include contingency measures in the event that habitat creation/restoration/enhancement efforts are not successful. The Restoration, Enhancement, and Maintenance Plan shall also describe the performance standards for determining when the mitigation requirements for the lands have been met.

In addition to meeting the requirements detailed above, the following desirable factors shall also be considered when selecting off-site mitigation property(s):

1. Lands located between blocks of protected habitat are desirable locations for off-site mitigation, as protecting these areas can ensure that essential habitat connections remain in perpetuity.
2. Lands containing Joshua tree woodland habitat are desirable locations for off-site mitigation, due to the continuing loss and degradation of this resource.



3. Lands containing junipers are also desirable locations for off-site mitigation, due to the nesting habitat they may provide for some special-status bird species.
4. Lands containing important landscape features, sensitive habitats, or listed species are desirable locations for off-site mitigation, due to the sensitivity of these resources and the general understanding that such elements are indicative of high biological value.

**MM 5.7-3: Biological Restrictions on Dust Suppression.** Where construction activities are proposed within 100 feet of mapped Joshua tree woodland vegetation or the Joshua tree recruitment area, a screening fence (i.e., a 6-foot-high chain link fence with green fabric up to a height of 5 feet) shall be installed to protect locations where these sensitive resources may be present to the satisfaction of LACDRP. In addition, dust abatement within 100 feet of these areas shall be achieved by water or by chemical dust suppression if authorized by the County and CDFG.

**MM 5.7-4: Nesting Bird Surveys Prior to Mowing.** Should mowing for vegetation management purposes occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February through August in the Project region, or as determined by a qualified biologist), the Applicant shall have weekly nesting bird surveys conducted. These surveys shall be conducted by a qualified biologist, shall commence within 30 days prior to any mowing, and shall be conducted to determine whether any active nests of special-status bird species, or of any bird species protected by the Migratory Bird Treaty Act or the California Fish and Game Code, are present in the disturbance zone or within 300 feet (500 feet for raptors) of the area to be disturbed. The surveys shall occur on a weekly basis, with the last survey being conducted no more than seven days prior to initiation of mowing activities. If mowing is delayed, then additional surveys shall be conducted such that no more than seven days would have elapsed between the survey and mowing. The Applicant or contractor shall provide the biologist with plans detailing the extent of proposed mowing prior to the survey effort.

If active nests are found, mowing within 300 feet (500 feet for raptors) of the nest shall be postponed or halted, at the discretion of the biologist, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. Limits of mowing to avoid an active nest shall be established in the field with highly visible construction fencing, and solar plant personnel shall be instructed on the sensitivity of nest areas. The results of the surveys, including graphics showing the locations of any nests detected, and any avoidance measures implemented, shall be submitted to the LACDRP and CDFG within 14 days of completion of the surveys to document compliance with applicable state and federal laws pertaining to the protection of native birds. Nesting bird surveys shall be conducted in each of the first five years after Project development. At the end of this period, the results of the first five years of surveys shall be submitted to the LACDRP and CDFG. After submittal of the

first five-year survey results, the County of Los Angeles, under consultation with CDFG, shall determine whether or not the nesting bird surveys shall continue.

**MM 5.7-5: Biological Monitor.** Prior to grading, a qualified biologist shall be retained by the Applicant as the biological monitor subject to the approval of the County of Los Angeles. The biological monitor shall ensure that impacts to biological resources are avoided or minimized to the fullest extent possible. During earth moving activities, the biological monitor shall be present to relocate any vertebrate species that may come into harm's way to undisturbed areas of suitable habitat using appropriate methods that would not injure the wildlife. The biological monitor shall have the authority to stop specific grading or construction activities if violations of mitigation measures or any local, state, or federal laws are suspected.

**MM 5.7-6: Worker Environmental Education Program.** A Worker Environmental Education Program shall be developed for construction crews by a qualified biologist(s) provided by the Applicant. Training materials and briefings shall include but not be limited to: discussion of the value and identification of special-status species, including the burrowing owl and desert tortoise, review of sensitive species likely to occur within the construction area, the Migratory Bird Treaty Act and the consequences of non-compliance with this act, a contact person in the event of the discovery of dead or injured wildlife, and a review of mitigation requirements. The training sessions shall be conducted by a qualified biologist or other individual approved by the biologist. Maps showing the location of special-status wildlife or other construction limitations shall be provided to the environmental monitors and construction crews prior to construction activities. As part of the environmental training, contractors and heavy equipment operators shall be provided with photographs or illustrations of expected special-status wildlife species so they will be able to identify them, and avoid harming them during construction.

**MM 5.7-7: Blainville's Horned Lizard Capture and Relocation.** Prior to the initiation of ground clearing activities, capture and relocation efforts shall be conducted for the Blainville's horned lizard to the satisfaction of LACDRP. Trapping shall be conducted by a County-approved biologist possessing proper scientific collection and handling permits, and shall include the following steps:

- Prior to initiating the capture and relocation effort, a suitable receptor location shall be identified to receive relocated horned lizards. The receptor locations shall contain suitable habitat for this species, including open, shrub-dominated vegetation. The 45-acre avoidance area near the southern edge of the Project site likely constitutes a suitable on-site receptor location.
- The capture and relocation effort shall take place during the active season (April through October) preceding commencement of ground disturbance activities, when lizards are more likely to be active. Surveys shall be conducted when air temperature

immediately above the ground surface is between 70°F (21°C) and 102°F (39°C). All areas proposed for temporary or permanent ground disturbance shall be surveyed for the Blainville's horned lizard.

- Surveys shall be conducted by placing coverboards on the ground 4 to 6 weeks in advance of the survey effort, and checking the area under the coverboards for horned lizards on a weekly basis. Coverboards can consist of untreated lumber, sheet metal, corrugated steel, or other flat material. Captured lizards shall be placed immediately into containers containing sand or moist paper towels and released in designated receptor locations no more than three hours after capture.

If the biologist believes there is high potential for previously relocated lizards to return to the impact sites following relocation, silt fence shall be installed to prevent relocated individuals from reoccupying areas proposed for disturbance.

**MM 5.7-8: Pre-construction Nesting Bird Surveys.** Within 30 days prior to vegetation clearing or ground disturbance associated with construction or grading that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February through August in the project region, or as determined by a qualified biologist), the Applicant shall have weekly surveys conducted by a qualified biologist to determine if active nests of special-status bird species, or of any bird species protected by the Migratory Bird Treaty Act or the California Fish and Game Code, are present in the disturbance zone or within 300 feet (500 feet for raptors) of the disturbance zone. The surveys shall occur on a weekly basis, with the last survey being conducted no more than seven days prior to initiation of disturbance work. If ground disturbance activities are delayed, then additional pre-disturbance surveys shall be conducted such that no more than seven days will have elapsed between the survey and ground disturbance activities. The Applicant or contractor shall provide the biologist with plans detailing the extent of proposed ground disturbance prior to the survey effort.

If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors) shall be postponed or halted, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. Limits of construction to avoid an active nest shall be established in the field with highly visible construction fencing, and construction personnel shall be instructed on the sensitivity of nest areas. Occupied nests adjacent to the construction site shall also be avoided to ensure nesting success. A qualified biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests occur.

The results of the surveys, including graphics showing the locations of any nests detected, and documentation of any avoidance measures taken, shall be submitted to the LACDRP and CDFG within 14 days of completion of the pre-construction surveys or

construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

**MM 5.7-9: Pre-Construction Wintering Burrowing Owl Surveys.** If construction or site preparation activities are scheduled during the non-nesting season of the burrowing owl (typically September through January), the Applicant shall retain a qualified biologist to conduct wintering burrowing owl surveys within the area to be disturbed. The survey shall be conducted no more than 21 days prior to commencement of construction activities in the area. During the construction period, the results of the surveys, including graphics showing the locations of any active burrows detected and any avoidance measures required, shall be submitted to the LACDRP and CDFG on a monthly basis. If active burrows are detected, the required avoidance measures shall conform to the following:

- If burrowing owls are observed using burrows during the non-breeding season, occupied burrows shall be left undisturbed, and no construction activity shall take place within 300 feet of the burrow where feasible (see below).
- If disturbance of owls and owl burrows is unavoidable, owls shall be excluded from all active burrows through the use of exclusion devices placed in occupied burrows in accordance with CDFG protocols (CDFG 1995). Specifically, exclusion devices, utilizing one-way doors, shall be installed in the entrance of all active burrows. The devices shall be left in the burrows for at least 48 hours to ensure that all owls have been excluded from the burrows. Each of the burrows shall then be excavated by hand and refilled to prevent reoccupation. Exclusion shall continue until the owls have been successfully excluded from the disturbance area, as determined by a qualified biologist.
- If construction activities must be initiated in any area of the site during the burrowing owl breeding season (typically February through August), pre-construction surveys for burrowing owls shall be conducted. Any active burrowing owl burrows found at this season shall not be disturbed. Construction activities shall not be conducted within 300 feet of an active burrow at this season.

**MM 5.7-10: Burrowing Owl Management Plan.** Prior to issuance of a grading permit, a habitat management plan for the burrowing owl shall be developed for portions of the site supporting suitable habitat for burrowing owl and away from Project facilities and the solar panel arrays. Specifically, this plan shall be developed for implementation in the undeveloped areas surrounding Drainage A and in the southernmost portion of the Project site, near West Avenue E. At a minimum, the plan shall include the following elements:

- If occupied burrows are to be removed, the plan shall contain schematic diagrams of artificial burrow designs and a map of potential artificial burrow locations within Drainage A and Drainage C that would compensate for the burrows removed.

- A methodology for the eviction and passive relocation of any owls from the impact area to proactively established artificial burrows.
- Provisions for vegetation management, specifying the maximum allowable vegetative cover adjacent to established artificial burrows and the methodology to be used in maintaining the appropriate cover.
- Measures prohibiting the use of rodenticides.
- The plan shall specify a minimum of 6.5 acres of suitable foraging habitat to be preserved or created through revegetation and restoration practices for every active burrowing owl burrow within the Project site. These mitigation areas shall not be located in areas shaded by the proposed solar arrays, and shall not be subject to vegetation mowing or other fuel management practices. Foraging areas shall be located adjacent to suitable natural or artificial burrow locations.

The Burrowing Owl Habitat Management Plan may be prepared and presented either as a stand-alone document or as a component of the HEVMP required by Mitigation Measure 5.7.1, and shall be submitted to the LACDRP and CDFG for review and approval prior to issuance of a grading permit for the Project.

**MM 5.7-11 Facility Lighting.** Project facility lighting shall be designed to provide the minimum illumination needed to achieve safety and security objectives. All lighting shall be directed downward and shielded to focus illumination on the desired areas only and avoid light trespass into adjacent areas. Lenses and bulbs shall not extend below the shields. The lighting plan shall be submitted to LACDPW for review and approval.

**MM 5.7-12: Desert Kit Fox.** To avoid injury or mortality of the desert kit fox, preconstruction surveys shall be conducted for this species concurrent with the preconstruction nesting bird surveys required by Mitigation Measure 5.7-4. A qualified biologist shall perform pre-construction surveys for kit fox dens in the Project site and along the proposed transmission line route, and shall survey all areas where Project facilities, transmission line poles, grading, mowing, equipment access, or other disturbances are proposed. If dens are detected, each den shall be classified as inactive, potentially active, or definitely active. Inactive dens in areas that would be impacted by construction activities shall be excavated by hand and backfilled to prevent reuse by desert kit fox. Active and potentially active dens in areas that would be impacted by construction activities shall be monitored by the biological monitor for three consecutive nights using a tracking medium (such as diatomaceous earth or fire clay) and/or infrared camera stations at the entrance. If no tracks are observed in the tracking medium or no photos of the target species are captured after three nights, the den shall be excavated and backfilled by hand to prevent reuse. If tracks are observed, the den shall be progressively blocked with natural materials (rocks, dirt, sticks, and vegetation piled in front of the entrance) for the next three to five nights to discourage the kit fox from continuing to use

the den. After verification that the den is unoccupied, it shall then be excavated and backfilled by hand to prevent reuse, while ensuring that no kit fox are trapped in the den. The Applicant shall submit a report to the LACDRP and CDFG within 30 days of completion of the kit fox surveys describing the survey methods, results, and details of any dens backfilled or foxes observed.

**MM 5.7-13: Pre-construction Desert Tortoise Surveys.** Within 30 days prior to construction-related initial ground clearing and/or grading, the Applicant shall retain a qualified biologist to conduct surveys for signs of occupancy by the desert tortoise. Surveys shall be conducted on foot, and intended to detect any live tortoises or their carcasses, burrows, palates, tracks, or scat. Should any desert tortoise sign indicating the presence of desert tortoise be detected, the Applicant shall not proceed with ground clearing and/or grading activities in the area of the find and shall contact the USFWS and CDFG to develop an avoidance strategy.

The results of the pre-construction surveys, including graphics showing the locations of any tortoise sign detected, and documentation of any avoidance measures taken, shall be submitted to the USFWS, CDFG, and LACDRP within 14 days of completion of the pre-construction surveys or construction monitoring to document compliance with applicable federal and state laws pertaining to the protection of desert tortoise.

## **2.7 CULTURAL RESOURCES**

### **Potential Effect:**

The Project would have potentially significant impacts to cultural resources if it impacted archaeological, paleontological, or historic resources, or disturbed any human remains.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

A Phase I cultural resource survey and literature search was conducted on the Project site and transmission line route, and identified 25 known archaeological sites, 43 isolates, and one historic property on the Project site, and one archaeological site in the area of potential effect along the proposed transmission line route. Additionally, ground-disturbing construction and operation activities have the potential to disturb, damage, or destroy known and unknown (i.e., buried) archaeological sites. If significant archaeological sites are avoided and preserved during construction activities, the resources could still be indirectly yet significantly impacted by operational activities. Ground disturbing construction activities have the potential to disturb, damage, or destroy

significant (as defined by CEQA Guidelines, Section 15064.5) undiscovered archaeological sites. As a result, Mitigation Measures 5.8-1 through 5.8-5, and 5.8-7 are proposed to avoid, perform Phase II testing and potential Phase III data recovery, and provide construction monitoring, training, and contingency plans (regarding human remains, if encountered), such that impacts to known and unknown archaeological resources would be less than significant.

The Project area contains surficial exposures consist of Quaternary Alluvium derived as fan deposits from the mountains to the southwest. These deposits are usually coarse and derived from igneous rocks, and typically do not contain significant vertebrate fossils (i.e., paleontological resources). No paleontologically sensitive rock formations have been identified in the proposed Project area. In the unlikely event that paleontological resources are identified during earth disturbance activities, Mitigation Measure 5.8-6 Paleontological Resource Protection (below) would be provided to protect any such resources should they be encountered.

No significant standing historic structures or built environment is present on the Project area; therefore, no impacts are anticipated. One historic period property (Larsen Ranch) was identified on the Project site, but was deemed not eligible for listing as a historic resource.

The Phase I cultural resource surveys and literature searches conducted for the Project area did not identify any known human remains. However, the potential exists for buried, undiscovered human remains to become disturbed, damaged, or destroyed during ground disturbance activities; therefore, the Project would implement Mitigation Measures 5.8-5 (Human Remains), which would result in less than significant impacts.

Implementation of the following feasible mitigation measures as identified in the Final EIR, would reduce potential Project impacts to cultural resources to less than significant levels:

**MM 5.8-1: Avoid Archaeological Sites.** Archaeological sites within the proposed Project area shall be avoided and protected from future disturbance or evaluated for significance and mitigated, as appropriate, to the satisfaction of the Los Angeles County Department of Regional Planning (LACDRP).

**MM 5.8-2: Phase II Testing/Phase III Data Recovery.** Prior to construction, Phase II testing and evaluation shall be conducted at all unavoidable prehistoric archaeological sites in the proposed Project area to determine their significance under Section 15064.5 of CEQA. Sites determined eligible for the California Register of Historic Resources (CRHR) shall either be avoided and protected from future disturbance, or a Phase III data recovery plan shall be prepared and implemented prior to construction to the satisfaction of LACDRP. All archaeological collections, technical reports and related documentation shall be curated at a curation facility approved by the County of Los Angeles.

**MM 5.8-3: Archaeological Monitoring.** Prior to construction, an archaeological monitoring plan shall be prepared and implemented to the satisfaction of LACDRP. A qualified archaeological monitor shall be present during all ground disturbing activities, including vegetation clearing, grubbing, grading, filling, drilling, and trenching. In the event that any prehistoric or historic cultural resources (chipped or ground stone lithics, animal bone, ashy midden soil, structural remains, historic glass or ceramics, etc.) are discovered during the course of construction, all work in the vicinity shall halt, and the archaeologist shall record the resources on the appropriate California Department of Parks and Recreation (DPR) 523 Series Forms, evaluate the significance of the find, and if significant, determine and implement the appropriate mitigation, including but not limited to Phase III data recovery and associated documentation to the satisfaction of LACDRP. Such activities may result in the preparation of additional Phase II and Phase III technical reports. After ground-disturbing construction activities have been completed, an archaeological construction monitoring report shall be completed and submitted to the LACDRP.

**MM 5.8-4: Native American Monitor.** A Native American monitor (Tataviam/Fernadeno Band of Mission Indians) shall be notified prior to construction and allowed the opportunity to be present during all ground disturbing activities, including vegetation clearing, grubbing, grading, filling, drilling, and trenching. In the event that any sacred site or resource is identified, a Native American monitor shall be retained to divert construction activities to another area of the Project site while a proper plan for avoidance or removal is determined to the satisfaction of the LACDRP.

**MM 5.8-5: Human Remains.** In the event human remains are encountered, construction in the area of the finding shall cease, and the remains shall stay in situ pending definition of an appropriate plan. The Los Angeles County Coroner (Coroner) shall be contacted to determine the origin of the remains. In the event the remains are Native American in origin, the NAHC shall be contacted to determine necessary procedures for protection and preservation of the remains, including reburial, as provided in the State of California Environmental Quality Act (CEQA) Guidelines, Section 15064.5(e), "CEQA and Archaeological Resources," CEQA Technical Advisory Series.

**MM 5.8-6: Paleontological Resources Protection.** In the event paleontological discoveries are encountered by the cultural monitors, all excavation shall cease in the area of the find and a paleontologist shall be retained, who shall devise a plan for recovery in accordance with standards established by the Society of Vertebrate Paleontology. At least one of the on-site cultural monitors during construction shall have familiarity and expertise in paleontological resources and have the ability to recognize significant vertebrate paleontological resources. Any paleontological resources shall be documented and submitted to the Natural History Museum of Los Angeles County, or any other accredited institution (i.e., San Bernardino County Museum, UCLA Dept of Earth and Space Sciences) that will accept paleontological resources for curation.



**MM 5.8-7: Construction Worker Training.** Prior to construction, the qualified archaeological monitor or qualified designee shall conduct a brief educational workshop such that all construction personnel understand monitoring requirements, roles and responsibilities of the monitors, and penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources. The construction worker training shall include an overview of potential cultural and paleontological resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to a designated on-site cultural monitor for further evaluation and action, as appropriate.

## **2.8 AGRICULTURAL RESOURCES**

### **Potential Effect:**

The Project would significant impact agricultural resources if it converted substantial areas of Farmland (Prime Unique, or Farmland of Statewide Importance), or conflicted with zoning, agricultural use, or Williamson Act contracted lands.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

As currently mapped under 2008 data from the California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program (FMMP), the Project site is characterized to contain 10.8 acres of Prime Farmland; however, this area does not meet the CDOC definition, which states that Prime Farmland “must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.” The area considered as Prime Farmland according to the CDOC FMMP 2008 data designates the location of the previous pistachio orchard, which was last irrigated in approximately 1978, and had never cropped (i.e., never produced pistachios). Los Angeles County defines “Farmland of Local Importance” to be “producing lands that would meet the standard criteria for Prime or Statewide but are not irrigated” (CDOC 2004). Based on the CDOC criteria and the County’s adopted definition, the 10.8 acre area, which was last irrigated in 1978, was incorrectly designated as Prime Farmland in the CDOC 2006 data. The abandoned pistachio orchard would instead qualify as Farmland of Local Importance. The Project site does not contain Unique Farmland or Farmland of Statewide Importance. As a result, construction and operation of the proposed solar facility on the Project site would not be expected to convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Impacts would be less than significant.

Construction of the transmission line would result in temporary disturbance to approximately 91,235 square feet or 2.1 acres of Prime Farmland, a portion of which would be returned to agricultural use following construction. The transmission line would cause a permanent disturbance resulting from the pole concrete foundations and access paths, to 36,000 square feet (0.83 acre) of designated Prime Farmland. The transmission line's permanent disturbance would represent 0.0001 percent of the total Prime Farmland in Kern County (640,039 acres). This amount of permanent disturbance is considered negligible; therefore, the proposed off-site transmission line would result in a less than significant impact to convert important farmland, including Prime Farmland. No Unique Farmland or Farmland of Statewide Importance would be impacted by the transmission line.

The Project would be considered a use consistent with the Los Angeles County Zoning Code (January 13, 2009) with issuance of a conditional use permit (CUP) (Chapter 22.24.150[A]). The off-site transmission line is determined to be a compatible use with the areas traversed in Kern County, which are agricultural zoned.

In Kern County, approximately 5 transmission line poles are located on a parcel under Williamson Act contract. Kern County is authorized to review certain power generation projects such as the proposed Project for compatibility on Williamson Act contracted lands. The Williamson Act provides that "electrical facilities" are compatible uses on agricultural land under contract (Gov. Code Section 51238(a)(1)). The proposed installation of five (5) transmission poles would be compatible with the principles enumerated in Section 51238.1 of the Williamson Act, as the installation of the transmission poles would not significantly compromise, displace, or impair agricultural uses of the contracted parcel. Additionally, the proposed transmission line would not require cancellation of any Williamson Act contract (per Government Code Section 51238(a)(2)).

The following mitigation measure provides for Kern County review of the transmission line portion within Williamson Act contracted lands.

**Mitigation Measure 5.9-1: Transmission Line Williamson Act Review (Kern County).** Prior to the construction of the proposed transmission line route within any Williamson Act contracted lands in Kern County, the Applicant shall submit a written site description, along with a plot plan of the proposed transmission line route within the contracted land to the Kern County Planning Department for review and approval.

## **2.9 VISUAL QUALITIES**

### **Potential Effect:**

The Project would have significant visual impacts to the Project area if it resulted in substantial adverse impacts to the viewshed, regional riding and hiking trails, and scenic

vistas, create a new source of substantial light and glare, and be considered out-of-character in comparison to adjacent uses.

**Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

**Facts Supporting the Finding:**

Construction of the Project would involve use of heavy equipment, storage of materials at laydown and work areas, temporary construction structures, and active construction work. These activities however, would be transitory, and would generally be limited to active work areas during daylight hours. These construction characteristics are temporary, and would not be expected to significantly obstruct or interfere with views in the viewshed.

During operation, major features at the Project facility that would potentially be visible include rows of solar arrays, which have a maximum height of 15 feet), and internal road network (unpaved), a 20,000 square foot operations and maintenance building (peak height of approximately 28 feet), firewater tanks, a substation, electrical inverters and medium-voltage transformers (up to 8 feet in height), perimeter fencing, and transmission line structures (tubular steel pole). The Project facility would result in moderate changes to the viewshed due to the increased presence of manmade structures with elevational relief.

Additionally, the Project includes several design and enhancement features to address the foreground views of the facility along SR-138. These features consist of the following:

**Use of Horizontal Trackers Along SR-138.** In the event that tracker technology is selected, horizontal trackers, which have lower elevational relief (approximately 6 to 11 feet at the highest point, depending on the manufacturer) compared with tilted trackers (12 to 15 feet above ground surface) will be used approximately 1,000 feet into the solar field from the fence line north and south of SR-138 to reduce the visibility of the facility from SR-138. Fixed-tilt panels would have a lower profile than either horizontal or tilted trackers.

**Landscaping Along SR-138.** A plan for installing a 10-foot wide vegetated area of Joshua trees and/or other native yucca trees, and native shrubs (e.g., Great Basin sage, rabbit brush, and four-wing salt brush) along the outside of the facility fence lines north and south of SR-138 will be prepared prior to construction. The landscaping will be installed within 14 months of the commencement of construction activities. The vegetation will be initially watered as necessary (e.g., for one to two years) to facilitate

establishment, and will be maintained and monitored thereafter to promote successful, long-term establishment of the native vegetation.

**Facility Setbacks.** The proposed site layout includes setbacks from SR-138, which is currently a two-lane highway. The facility fence line is set back approximately 120 feet from the centerline of the SR-138, on the facility areas north and south of SR-138. The proposed arrays would be further set back by approximately 30 feet from the fence line, for an estimated total of 150 feet minimum from the centerline of SR-138.

The Project site does not contain public regional hiking or riding trails, and would not obstruct views from such trails in the Project area. Views of the developed Project from trails in the California Poppy Reserve and Arthur B. Ripley Desert Woodland State Park (middle-ground views) were simulated based on developed Project conditions, and indicated less than significant visual effects.

The Project would not involve substantial activity during operation, and as indicated on the Project simulations, would contribute moderate changes in bulk and height, which would result in less than significant changes to the character of adjacent uses. While the Project's impacts would be considered less than significant, implementation of Mitigation Measures 5.10-3 (Building and Equipment Paint) and 5.10-4 (Screening Vegetation Landscaping Plan) would further ameliorate these effects.

Some night lighting could temporarily occur in the event that construction work at night is needed in order to meet the construction schedule. In the event that nighttime work is needed, the Project work would be performed using the minimum illumination needed to perform the work safely. All lighting would be directed downward and shielded to focus illumination on the desired work areas only, and to ensure that light does not trespass onto adjacent properties.

The solar arrays are photovoltaic, and are therefore designed to absorb and not reflect light, and would not create reflective surfaces or the potential for glint/glare. During operation, lighting would be designed to provide the minimum illumination needed to achieve safety and security objectives, and would be directed downward and shielded to focus illumination on the desired areas only, and would be installed to ensure that light does not trespass onto adjacent properties. Lighting would be provided at the O&M building, parking lot, main plant access road, pump and similar equipment locations, and substation control structure. Lights at the main plant access gate, doorways, and the O&M building parking would remain in the on position, and would be light-activated to automatically come on in the evening and shut off in the morning. Other lights would normally be shut off and turned on only when worker activity requires. The Project would implement Mitigation Measure 5.7-11, Facility Lighting, which would ensure that nighttime lighting would result in insignificant effects.

Due to the low to moderate profile of the construction equipment and temporary nature of the activities proposed, construction of the site would not be expected to substantially diminish the visual quality (i.e., vividness, intactness, and unity) of the Project site from areas of high viewer exposure such as motorists travelling along SR-138 and, to a lesser extent, 170<sup>th</sup> Street West. As a result, construction activities at the Project site would not be expected to result in substantial impacts to visual quality.

The Project would consist of generally low relief structures, such that the Project components would maintain views into the distance, as demonstrated on Project simulations, and would result in less than significant impacts to scenic vistas. Additionally, due to proposed Project design, operation of the Project would result in less than significant effects to foreground views. As a result, the Project facility would not be expected to result in substantial impacts to visual quality. Similarly, the Project's generally passive use, and facility appearance, as described above, from public viewing locations, would not be considered an urban use. The proposed Project and transmission line would maintain views of the rural landscape and the distant mountains. As a result, the Project would result in an adverse, but less than significant change to character.

The Project's less than significant visual impacts are further reduced with the adoption of the following feasible mitigation measures:

**MM 5.10-1: Visual Screening During Construction.** Prior to any construction activity within the vicinity of SR-138, temporary screening of construction and staging areas (e.g., via vegetation, or fencing with fabric or slats) shall be installed to minimize visual effects from construction as required by LACDRP.

**MM 5.10-2: Construction Housekeeping.** During construction, the development site shall be maintained. The Project facility construction site and off-site transmission line route work areas shall be kept clean of debris, trash, or waste.

**MM 5.10-3: Building and Equipment Paint.** All proposed on-site structures and appropriate equipment shall be neutral colors and non-reflective, as approved by the LACDRP.

**MM 5.10-4: Screening Vegetation Landscaping Plan and Maintenance.** Prior to issuance of a grading permit, the Applicant shall submit a landscaping plan for the 10-foot-wide strip of Project screening vegetation proposed along both sides of SR-138, to the LACDRP for review and approval. The Plan shall be certified by a registered landscape architect, and shall identify use of temporary irrigation, and the areas on both sides of SR-138 at the Project site to be planted with Joshua trees and/or other native yucca species, and native shrub species, in compliance with the County Drought-Tolerant Landscaping Ordinance. The landscaping shall be installed within 14 months of the commencement of construction activities. The vegetation shall be maintained via selective thinning and removal of invasive weeds and monitored thereafter to promote

successful, long-term establishment of the native vegetation to the satisfaction of LACDRP. The landscaped area shall also be maintained free of trash and debris for the Project lifetime to the satisfaction of LACDRP.

**MM 5.10-5: Maintenance of SR-138 Caltrans and County Easements.** The areas on both sides of the existing Caltrans right-of-way for SR-138 offered for dedication in fee simple by the Applicant to Caltrans and the irrevocable 10-foot-wide slope easement on both sides of the 200-foot-wide Caltrans right-of-way offered to the County as described in Section 4.2 of [the Draft] EIR shall be maintained free of trash and debris on an as-needed basis to the satisfaction of LACDRP. The dedicated area for Caltrans shall be maintained by Applicant until such time the deed for the applicable area is transferred to Caltrans, and the slope easement area for the County shall be maintained by the Applicant until such time that the County installs improvements.

## **2.10 TRAFFIC AND ACCESS**

### **Potential Effect:**

The Project would have potentially significant traffic impacts if it resulted in hazardous traffic conditions, inadequate emergency access, or had a detrimental effect on existing pavement of 170<sup>th</sup> Street West.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

Based on analysis and modeling of current and projected future conditions, the proposed Project construction and operation traffic (996 daily one-way trips at peak for pile foundation scenario [worst case], and 32 daily one-way trips, respectively) would allow roadway segments and intersections in the Project area to operate at acceptable Level of Service (LOS), LOS C or better. Mitigation Measure 5.11-3, Limit 50 Percent of Truck Deliveries to Off-Peak Hours, would manage construction truck deliveries to the Project site. As a result, the Project would result in less than significant impacts to roadway segment and intersection LOS. The Project construction and operation were determined to result in less than significant impacts to trips added onto a mainline freeway link or Congestion Management Plan (CMP) system.

Construction of utility crossing of SR-138 and 170<sup>th</sup> Street West (i.e., 34.5 kV electric line over SR-138; and 34.5 kV lines across 170<sup>th</sup> Street West from the east side to the proposed on-site substation on the west side) may potentially encroach into the traveled roadway causing short-duration traffic impacts to residents/employee or emergency

vehicles in the area. During installation of transmission poles and lines, emergency access along 170<sup>th</sup> Street West and residences adjacent to temporary transmission line work zones along 170<sup>th</sup> Street West could be temporarily impacted (i.e., 1-2 days maximum at any one location). In the event of roadway closures, traffic control measures would be implemented in accordance with Mitigation Measure 5.11-1 (below) to ensure public and emergency access, and work safety. During operation, in the event the transmission line requires maintenance or repair involving equipment and use of the public road ROW, the affected roadways may require temporary closure, and the Project would implement traffic control measures in accordance with MM 5.11-1 to ensure public and work safety.

Project-related construction equipment traffic could increase wear and/or cause damage to the existing pavement along 170<sup>th</sup> Street West, which consists of 2 inches of asphalt on approximately 3 inches of soil mix. Construction impacts are considered to be potentially significant absent mitigation. Implementation of Mitigation Measure 5.11-2 (below) would reduce impacts to less than significant levels.

The potentially significant impacts identified in the Final EIR are mitigated to a less than significant level with adoption of the following feasible mitigation measure:

**MM 5.11-1: Provide Adequate Worksite Traffic Control.** Prior to any construction activities and/or issuance of required encroachment permits from Caltrans and Los Angeles and Kern counties, the Applicant shall prepare worksite traffic control plans for review and approval from Caltrans, the LACDPW and the Kern County Resource Management Agency, Roads Department. The plans shall include: 1) the location and usage of appropriate construction work warning signs that shall be placed in accordance with the California Manual on Uniform Traffic Control Devices (Caltrans 2010); 2) proper merging taper and/or shifting lane schematics; and 3) adequate work area and buffer zone designation as well as proper location and conduct of flagmen and the traffic management supervisor at the installation worksite area. The Project worksite traffic control plans shall be coordinated with driver and worker safety in mind. Where the observed speed limit on affected roadways is 55 MPH or more, the plans shall incorporate and implement the following minimum standard requirements per the Work Area Traffic Control Handbook (WATCH):

- A Type C flashing arrow pane shall be used for each closed lane.
- The minimum height for traffic cones shall be 28 inches.
- A minimum of three advance warning signs shall be posted.
- Consideration of advanced safety enhancement measures shall be taken into account for workers in the work zones.

The above safety and traffic control measures identified in the traffic control plans shall also be implemented at pole installation sites within the public road ROW and/or roadway crossings at a minimum.

Additionally, the County, including the LACFD Fire Stations 78, 112, and 140 shall be notified at least three days in advance of any street closures that may affect fire and/or paramedic responses in the area. Applicant shall provide alternate route (detour) plans to the County, including three sets to the LACFD, with a tentative schedule of planned closures, prior to the beginning of construction.

**MM 5.11-2: Document Pre-and Post-Project Construction Pavement Condition of 170<sup>th</sup> Street West and Pay Fair Share.** Prior to issuance of a grading permit, Applicant shall document and submit all required information and/or material pertaining to the pavement conditions of 170<sup>th</sup> Street West including the formula for calculating the Project's fair share of any repair and/or reconstruction of 170<sup>th</sup> Street West to the satisfaction of the LACDPW. Applicant shall reimburse the County of Los Angeles for the cost of any repairs and/or reconstruction of 170<sup>th</sup> Street West attributable to the Project as agreed to by the LACDPW. The timing of any necessary repairs and/or reconstruction of 170<sup>th</sup> Street West and the required payment by Applicant shall be determined by LACDPW.

**MM 5.11-3: Limit 50 Percent of Truck Deliveries to Off-Peak Hours.** During the construction phase of the Project, Applicant/EPC contractor shall require equipment and material suppliers using trucks to make deliveries to the Project site such that at least 50 percent of associated truck traffic occurs during off-peak hours.

## **2.11 FIRE PROTECTION SERVICES**

### **Potential Effect:**

The Project would have significant impact fire protection services if it created staffing or response time problems or result in any special fire problems.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

During construction, workers would be temporary, and would not be expected to relocate to the Project area; therefore, the construction of the Project is not anticipated to create significant changes to the local population that would increase the level of demand on fire protection services. During operation, the Project is anticipated to require 16 full-time



personnel to operate, maintain, and provide security enforcement measures at the Project site. The employees are planned to be hired primarily from the available local workforce, and would not be expected to result in significant changes to the local population that would increase the level of demand on the fire department services such that additional staff would be needed.

The Project is not located within a Very High Hazard Severity Zone. The Project facility and transmission line would be designed in conformity with applicable safety, fire flow, system protections, and fire suppression systems defined by the Los Angeles County Fire Department and applicable fire protection standards, and would implement a Fire Protection and Prevention Plan (Mitigation Measure 5.4-1) that would establish standards and practices to minimize the risk of fire danger and fire response during Project construction and operation. In the event that partial street closures are required for construction or maintenance, a Worksite Traffic Control Plan (Mitigation Measure 5.11-1, Provide Adequate Worksite Traffic Control) would be implemented, which would entail advance notification to the Fire Department and department coordination, provision for safe access, and use of flagmen and detours where needed. The Project design, fire protection considerations, and traffic considerations would be expected to result in less than significant impacts to fire service staffing and response times.

## **2.12 SHERIFF SERVICES**

### **Potential Effect:**

A project would have a potentially significant effect on sheriff services in the event that the project increases the demand for additional sheriff staffing or facilities, or significantly increases law enforcement response times, or would be subject to special law enforcement problems.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment. .

### **Facts Supporting the Finding:**

The proposed Project and transmission line does not involve residential uses, would not be considered to cause growth-inducing effects that would significantly increase population. The Project would provide security design and personnel during construction and operation. As a result, the Project would not result in a significant increase in demands for law enforcement. In the event that partial street closures are required for construction or maintenance, a Worksite Traffic Control Plan (Mitigation Measures 5.11-1, Provide Adequate Worksite Traffic Control) would be implemented, which would entail provision for safe access and use of flagmen and detours where needed, such that

the Project would result in less than significant effects to law enforcement response times.

The Project is not located within an area of special law enforcement problems. The Project would be designed and operated with security measures, which include security fencing, controlled access gates, and 24-hour staffing, including full-time security employees who would conduct regular site security patrolling. As a result, the Project is anticipated to result in less than significant effects associated with special law enforcement problems.

## **2.13 UTILITY SERVICES**

### **Potential Effect:**

The Project would have potentially significant impacts to utility services if the Project construction and operation would result in a significant inadequate water supply, landfill capacity, electrical services, and natural gas services.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

The proposed Project site and surrounding area is not currently served by a public domestic water supply system. The Project proposes to utilize groundwater from on-site wells to supply the Project's short-term construction water needs and long-term operational water needs. The Project overlies the Antelope Valley Groundwater Basin ("Basin"), which is in adjudication. Several property owners and public water suppliers initiated legal proceeding asking the Superior Court of California to determine the relative rights of users and potential users of the Basin. There are no current legal restrictions on the groundwater pumping in the Basin. An owner of property overlying a groundwater basin has an "overlying" right to reasonable and beneficial use of water from the basin. The Project overlies the Basin; as such, the owner has an overlying right to use water from the Basin for the proposed Project, which would be reasonable and beneficial, as the Project will provide a new source of renewable energy in California. The Project's temporary water use during construction (150 acre feet per year ("AFY") for approximately 38 months) would represent approximately 0.18 percent of the Basin's total sustainable yield. The Project's water use during operation of the Project (12 AFY) would represent approximately 0.01 percent of the Basin's total sustainable yield. It is anticipated that the final judgment in the Adjudication will allocate groundwater to the Project site in an amount sufficient to meet the Project's water demand within the safe yield for the Basin, such that no significant impact would occur. In the unlikely event that

it becomes necessary for the Project to supplement its overlying right to pump groundwater or its adjudicated allocation for the Project within the Basin, several reasonably foreseeable alternative water sources have been identified. These include the acquisition of transferable groundwater rights from a landowner and/or public water supplier with transferable groundwater rights; payment for an assessment to the Watermaster to pump groundwater from the Basin, which would be used to pay for imported water to be injected into the Basin; or from purchasing and trucking fresh and/or reclaimed water from wholesalers, retailers, or recycled water suppliers in the general Palmdale/Lancaster area. Based on the air and traffic analyses conducted for possible trucking of water, less than significant impacts to air quality and traffic impacts would result. As a result, the Project would result in less than significant impacts related to water supply.

The Project is not planned to require utility services for gas or propane. The Project would follow requirements under California Government Code Section 4216 to prevent incidents relating to damage of underground utilities, and would coordinate electrical service with Southern California Edison. As a result, the Project would result in less than significant effects to gas and electrical utility services.

During construction, the Project would recycle at least 65 percent of the generated solid waste, for an estimated maximum disposal of 31,028 tons per year ("TPY") of scrap materials, and a one-time generation of 28,553 tons of vegetation debris. During operation, the Project is estimated to generate 31 TPY of office and packaging materials, which would represent 0.0000007 percent of the remaining disposal capacity at the nearest landfill, Lancaster Landfill and Recycling Center. The Project's recycling practices during construction would reduce the amount of solid waste entering landfills, and the Project's overall contribution to solid waste disposal would be expected to be less than significant.

## **2.14 ENVIRONMENTAL SAFETY**

### **Potential Effect:**

The Project would have potentially significant impacts to environmental safety if it created a significant hazard through the routine transport, use, disposal, or accidental release of hazardous materials, if the Project site contained residual soil toxicity, or resulted in electric and magnetic field hazards.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

The Project site may contain hazardous materials associated with past agricultural uses and oil development activities. Contaminants of potential concerns include petroleum-based chemicals, pesticides, and metals, including arsenic, lead, mercury, and hexavalent chromium. An abandoned oil well is reportedly located on the facility site, and may not have been properly abandoned as a result of previous less stringent standards during the time of abandonment. The Project also involves removal of the existing farm residences and related structures that may contain building materials contaminated with hazardous materials, including asbestos and lead. Construction of the Project site and transmission line would require hazardous materials that would be typical of construction projects of this type, including, gasoline, diesel fuel, oils, lubricants, solvents, batteries, detergents, degreasers, paints, ethylene glycol, and welding materials and supplies, including pressurized gases. Project operation would require limited quantities of fuel oil, lubricants, solvents, batteries, janitorial supplies, paint, degreasers, herbicides, pesticides, FM200 fire suppressant, and approximately 84,000 gallons of transformer insulating oil that would be contained within electrical transformers and switches at the facility.

Operation of the Project transmission line involves transmission of high-voltage current, which would generate EMF. The Applicant has committed to managing the electric and magnetic field strengths associated with the proposed transmission line(s) by constructing the transmission facilities in accordance with: California Public Utilities Commission (CPUC) Government Order (GO) 95, which addresses shock hazards to the public by providing minimum clearance and maintenance requirements; GO 52 (Rules for Construction and Operation of Power and Communication Lines for the Prevention or Mitigation of Inductive Interference, which manages electric and magnetic field (EMF) strengths; and GO 131-D (Rules for Planning and Construction of Facilities for the Generation of Electricity and Certain Electric Transmission Facilities), as applicable. Compliance with these requirements would limit potential EMF levels from Project facilities to levels that are consistent with CPUC policies which consider protection of public health, and Project-related electric shock hazards to acceptable levels.

The following mitigation measures would reduce potential impacts due to hazardous materials contamination during construction and operation to less than significant levels:

**MM 5.15-1: Additional assessment, and possibly remediation, of potentially contaminated soils on the Project site.** Prior to the issuance of a grading permit, the Applicant shall obtain a site closure letter from the Los Angeles County Fire Department, Health Hazardous Materials Division. The Applicant shall conduct additional site assessment or remediation activities as required by and to the satisfaction of the Voluntary Oversight Program of the CUPA (Los Angeles County Fire Department, Health Hazardous Materials Division).

Additional assessment and/or remediation may include the following:

- 1) Preparation of applicable Phase II Environmental Site Assessment Work Plans that describe the proposed approach and methods to be used in characterizing shallow soils. The Work Plans shall include the proposed sampling locations, sample collection procedures, analytical methods, quality control measures, and a site-specific health and safety plan. The Phase II ESA(s) shall be submitted to the CUPA for regulatory review and approval.
- 2) Implementation of the Phase II ESA Work Plan(s) with CUPA oversight.

As necessary, Site Remediation Action Plans shall be developed. Upon CUPA concurrence with the recommendations presented the Phase II ESA(s), remedial action plans shall be prepared for submittal to the CUPA. The remedial action plans shall include the following.

- 1) Remediation goals and cleanup criteria.
- 2) Evaluation of corrective action alternatives that compares the effectiveness, feasibility, and cost benefit of each alternative. The remedial action plans shall take into account existing and proposed uses of the Project area.
- 3) Identification of the preferred alternative with consideration of protection of resources within the Project area.
- 4) A detailed description of the access points and haul-out routes for remedial activities; remediation methods and procedures; mitigation of dust; minimization or avoidance of disturbance to sensitive ecosystems; and verification soil sampling and analysis. Included in the discussion shall be information on disposal sites, transport and disposal methods, as well as recordkeeping methods for documenting remediation, regulatory compliance, and health and safety programs for on-site workers.

**MM 5.15-2: A Soil Management Plan for Transmission Line Construction.** Prior to issuance of a grading permit, a soil management plan shall be submitted to the CUPA for review and approval. The plan shall include practices that are consistent with the California Title 8, Occupational Safety and Health Administration (Cal-OSHA) regulations, as well as CUPA remediation standards that are protective of the planned use. Appropriately trained construction personnel shall be present during site preparation, grading, and related earthwork activities (e.g., augering) to monitor soil conditions encountered. In order to confirm the absence or presence of hazardous substances associated with former land use, a sampling strategy may be implemented. The sampling strategy shall include procedures regarding logging/sampling and laboratory analyses. The Soil Management Plan shall outline guidelines for the following:

- Identifying impacted soil
- Assessing impacted soil
- Soil excavation

- Impacted soil storage
- Verification sampling
- Impacted soil characterization and disposal

**MM-5.15-3: The historic oil well that requires abandonment or re-abandonment shall be abandoned to current standards.** Prior to issuance of a grading permit, an investigation into the location of the historic oil well, reportedly located on the proposed Project site shall be conducted. If the well is determined to be located on the Project site, the well shall be inspected. If the well was not abandoned properly, as determined by the California Division of Oil, Gas, and Geothermal Resources (DOGGR), the well shall be re-abandoned to the satisfaction of DOGGR. The Project development plans shall comply with the required setbacks from oil and gas wells as determined by DOGGR and the County of Los Angeles.

**MM 5.15-4: Demolition Hazardous Building Materials Assessment and Management Plan.** Prior to the commencement of any demolition activity on the Project site, the demolition contractor shall prepare a written Demolition Hazardous Building Materials Assessment and Management Program for review and approval by the CUPA, and/or other appropriate regulatory agency. The Demolition Hazardous Building Materials Management Program shall include an assessment for lead-based paint (LBP) and asbestos-containing material (ACM) as identified in the URS pre-demolition survey report (URS 2010), and the following plans shall be prepared:

- Lead-based Paint Abatement and Management Plan. A LBP Abatement Plan shall be prepared and implemented by a qualified contractor. Elements of the plan shall include the following:
  - Containment of all work areas to prohibit off-site migration of paint chip debris.
  - Removal or encapsulation of all peeling and stratified LBP on building surfaces and on non-building surfaces to the degree necessary to properly complete demolition activities per the recommendations of the survey. The demolition contractor shall properly contain and dispose of intact LBP on all equipment to be cut and/or removed during demolition.
  - Providing on-site air monitoring during all abatement activities and perimeter monitoring to ensure no contamination of work of adjacent areas.
  - Cleanup and/or HEPA vacuum paint chips.
  - Collection, segregation, and profiling waste for disposal determination.
  - Post-demolition testing of soil to assure that soil at the site is not contaminated by LBP.
  - Providing for appropriate disposal of all waste.

- **Asbestos-containing Materials Abatement and Management Plan.** Prior to demolition work that shall disturb identified ACMs, an ACM Abatement and Management Plan shall be prepared. Asbestos abatement shall be conducted during demolition activities, consistent with OSHA and air quality regulations. The Management plan shall include detailed information regarding ACM classification, ACM hazard assessment (the possibility of fiber release from ACM is based on the materials condition, such as friability), ACM inventory information, training and qualification for workers, demolition handling procedures, waste management and disposal procedures, and emergency response procedures (in case of a release of friable materials) licensed asbestos abatement removal contractor shall remove the ACMs under the oversight of a California Certified Asbestos Consultant. All identified ACMs shall be removed and appropriately disposed of by a state-certified asbestos contractor. The proposed Project shall include notification of demolition activities to the Antelope Valley Air Quality Management District.

## **2.15 LAND USE COMPATIBILITY**

### **Potential Effect:**

Project impacts to land use compatibility pertain to the potential for the proposed Project to conflict with plan or zone designations, SEA conformance criteria, or the County Green Building Ordinance.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

The Project site is considered a utility installation, which is considered a use consistent with the Project site's Non-Urban (N-1) land use designation. The Project is considered an allowable use in the Project site's designated zone with issuance of a conditional use permit, and implementation of the Project as conditioned by the County would be expected to be compatible with the zoning designation. Thus, the Project would not be considered inconsistent with the plan designation, and would result in less than significant impacts to zoning consistency.

The Project is not located within an SEA boundary. The Project would implement Mitigation Measures 5.6-2 (Develop and Implement Fugitive Dust Emissions Control Plan), 5.7-11 (Facility Lighting), and 5.18-1 (Pile Driver Orientation), such that the Project would result in less than significant indirect impacts to adjacent SEA areas, and conform with SEA criteria.

The Project is designed with an objective to conserve resources by producing electricity in a manner that consumes low quantities of fossil fuel and water and, thus, would be considered consistent with the intent of the Green Building Ordinance. The Project drainage concept is designed in accordance with the Title 12 Chapter 12.84, LID standards. All on-site vegetation associated with proposed vegetated areas would be planted in accordance with Title 22 Chapter 22.52, Part 21, Drought Tolerant Landscaping requirements. The Project would recycle a minimum of 65 percent of non-hazardous construction and demolition debris, construct the office area of the O&M building in accordance with applicable green building standards, and would follow with other applicable provisions in accordance with Title 22 Chapter 22.52 Part 20, Green Building requirements. Under the Green Building Ordinance, the Project would potentially be required to plant and maintain up to approximately 10,500 trees, which would result in a substantial increase in the Project's water consumption, and would not be considered practical for achieving the intent of the ordinance. As a result, in accordance with the ordinance provisions (Section 22.52.2130.C.5(d) of the County Code), the Project would obtain authorization to modify the tree planting requirements of the Green Building Ordinance. Therefore, the Project would comply with applicable provisions in the County's Green Building Ordinance.

The following mitigation measure identified in the Final EIR provides consistency with the Green Building Ordinance, and results in less than significant impacts to land use:

**Mitigation Measure 5.16-1: Tree Planting Modification.** Prior to issuance of a grading permit, the applicant shall obtain authorization to modify the tree planting requirements of the Green Building Ordinance from the Director of Public Works and shall comply with all considerations and other terms of the Green Building Ordinance requirements to the satisfaction of the Director of Public Works (see Sections 22.52.2130.C.5 and Section 22.52.2150 of the County Code).

## **2.16 GLOBAL CLIMATE CHANGE**

### **Potential Effect:**

The Project would significantly impact global climate change if it would result in a significant increase in emission of greenhouse gases.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**



The Project proposes to generate approximately 230 MW of clean, renewable electrical power using solar PV technology. Assessment of Project-generated GHG emissions through the Project lifetime (construction and operation phase) indicate that the Project is reasonably expected to reduce carbon dioxide equivalence (CO<sub>2e</sub>) emissions by over 196,000 metric tons (MT) CO<sub>2e</sub> per year during operation compared to emissions from an equivalent electrical output California using eGrid information (i.e., current electrical supplies to the grid in California). The Project is fully consistent with the CARB Scoping Plan to implement AB 32 and its projected implementation measures, and is expected to result in a net decrease of greenhouse gas emissions within California due to its reduction in carbon intensity of energy generation. As a result, the Project is anticipated to result in less than significant construction and operation impacts to GHG emissions.

## **2.17 NOISE**

### **Potential Effect:**

The Project would have potentially significant noise impacts if it substantially increased ambient noise levels, including temporary or periodic increases.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

During construction, construction equipment will be equipped with appropriate mufflers and maintained in order to reduce noise emission levels. Noise levels from construction activities (substation and O&M construction, Drainage A cutoff walls, and solar fields) were evaluated, and all activities complied with ordinances, with the exception of the pile driving scenario for the PV structures. Implementation of Mitigation Measure 5.18-1 (Pile Driver Orientation) would reduce pile driving noise levels to meet Los Angeles County Noise Ordinance Standards. Noise levels for construction of the transmission line were evaluated, and were found to be within acceptable noise levels at the nearest residences (sensitive receptors).

Based on evaluation of operational phase activities, including use of tracking drive motors, inverters and transformers, substation, transmission line EMF, and maintenance activities, operation of the Project facility and transmission line were found to have no substantial noise impact to increase ambient noise levels, and would result in less than significant impacts to noise levels.

The potentially significant noise impact identified in the Final EIR for construction noise are mitigated to a less than significant level with adoption of the following feasible mitigation measures:

**MM 5.18-1: Pile Driver Orientation.** In order to reduce the noise levels generated by the vibratory pile driver and comply with all applicable Los Angeles County noise standards, the pile driver shall be oriented such that the rear of the pile driver faces toward the noise-sensitive receptors when the vibratory pile driver is being utilized within 3,000 feet of the receptors.

**MM 5.18-2: Construction Equipment Use of Mufflers.** Construction equipment and vehicles shall be fitted with efficient and well-maintained mufflers to reduce noise emission levels. In addition, the Project construction equipment and vehicles shall be maintained according to the manufacturers' instructions and recommendations.

## **2.18 CHANGE OF CHARACTER**

### **Potential Effect:**

The Project would significantly impact change of character if it resulted in a significant change to the existing character of the Project area.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

The Project vicinity consists of a rural and agricultural setting within a high desert climate. The Project, unlike conventional power generation processes, would not require combustion or large mechanical processes to produce electricity, and would generate minimal air emissions, hazardous materials, and noise. Additionally, the Project consists of generally low-relief structures and design features including setbacks from County and State roadways, selective vegetative screening, and use of lower-relief equipment at foreground views of the facility along SR-138 public viewing locations, and would not be considered an urban use. The proposed Project and transmission line would maintain views of the rural landscape and the distant mountains. As a result, the Project would result in an adverse, but less than significant change to character.

## **2.19 GROWTH INDUCING IMPACTS**

### **Potential Effect:**

Development of the Project has the potential to induce growth by fostering economic or population growth or construction of additional housing either directly or indirectly.

**Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

**Facts Supporting the Finding:**

The Project is designed to meet the increasing demand for clean renewable electricity that is set forth in the California's statutory and regulatory goals to increase renewable power generation and reduce greenhouse gas generation. The Applicant proposes the AV Solar Ranch One Project in response to the State-mandated increases in clean, renewable electricity generation versus conventional fossil-fuel power generation sources.

Data from the California Employment Development Department (EDD) Labor Market Information (LMI) indicate that the regional workforce in Los Angeles and Kern counties are sufficiently large enough to meet the construction (453 workers peak) and operation (16 workers) needs of the Project. As a result, workers are expected to be hired from the project region, and workers would not be anticipated to require relocation into the Project area. As a result, the proposed Project would not directly result in growth in the Project area. Project impacts related to growth inducement would be less than significant.

The proposed Project involves construction and operation of a solar photovoltaic electric generating facility and a privately-owned, 230-kV high-voltage transmission line. The Project does not involve increase or expansion of public services or removal of major obstacles to growth that would increase growth beyond land use plans and regional projections. Therefore, the Project has no impacts related to indirect growth effects.

### **SECTION 3.0 FINDINGS REGARDING CUMULATIVE ENVIRONMENTAL EFFECTS WHICH ARE NOT SIGNIFICANT OR WHICH HAVE BEEN MITIGATED TO A LESS THAN SIGNIFICANT LEVEL**

Pursuant to Section 15130 of the CEQA Guidelines, the following findings and statements of fact identify potentially significant cumulative impacts and the Project's incremental contribution to the impacts discussed in the Final EIR. For the following environmental resource areas, the Project's incremental effect is not cumulatively considerable.

#### **3.1 GEOTECHNICAL HAZARDS**

##### **Potential Effect:**

Implementation of the Project would result in grading and placement of structures where they may be subject to ground motion could cumulatively expose people and structures to hazardous geotechnical conditions.

##### **Finding:**

Changes or alternations have been required, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

##### **Facts Supporting the Finding:**

The Project would require grading, which would be performed in accordance with a Grading Plan approved by the Los Angeles County Department of Public Works, and would be performed in conjunction with BMPs to minimize potential impacts due to wind and water erosion. The Project Geotechnical Report (Terracon 2009) identifies geologic conditions and potential geologic hazards to support the engineering design of the Project facility and transmission line. Construction of the Project in accordance with these design and construction measures would reduce geotechnical related hazards from seismic-related hazards (i.e., ground shaking) to a less than significant level. When combined with the impacts of other potential cumulative projects, the proposed Project, as constructed with the required applicable building codes and standards and Geotechnical Engineering Report (Terracon 2009) recommendations, as required by Mitigation Measure 5.2-1, Implementation of Geotechnical Engineering Report Recommendations, would not result in an incremental increase to geotechnical hazards. Additionally, other potential projects would be required to comply with seismic standards consistent with applicable local, state, and federal regulations. As a result, the contribution of the Project would not be cumulatively considerable, and thus, would be less than significant.

### **3.2 FLOOD HAZARDS**

#### **Potential Effects:**

Implementation of the Project in combination with the related projects would potentially cumulatively increase the amount of erosion and sedimentation, impervious surface area, and drainage pattern alterations (i.e., flood hazards) in the Project watershed.

#### **Finding:**

Changes or alternations have been required, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

#### **Facts Supporting the Finding:**

The facility would be designed in accordance with Los Angeles County Low Impact Development (LID) standards and LACDPW flood control requirements to conform to the natural local watershed, maintain site drainage patterns, and balance site runoff. Of the identified cumulative projects in the Draft EIR, the Fairmont Butte Motorsports Park and the Southern California Edison (SCE) Tehachapi Renewable Transmission Project (TRTP) Segment 4 500-kV transmission line have the potential to impact the same watersheds as the proposed Project (i.e., Amargosa Creek Watershed and Sacatara Creek-Kings Canyon Watershed). Due to the small footprint and wide spacing of the AV Solar Ranch One and SCE's proposed transmission structures, no potential for cumulative flood hazard related impacts exists with the proposed TRTP project. The EIR for the proposed Fairmont Butte Motorsports Park Project concludes that the motorsports project would not result in any potentially significant flood hazard related impacts (LACDRP 2009). Additionally, the proposed AV Solar Ranch One Project site is generally hydrologically separated from the Fairmont Butte Motorsports Park project site, thus the potential for cumulative flood hazard impacts is limited.

The proposed Project's construction and operation activities have the potential to increase erosion, sediment load and debris material into runoff flows. However, the Project would implement mitigation for erosion control and stormwater management (Mitigation Measure 5.3-1, Erosion control and Stormwater Management Measures), during construction and operation, and as a result, would be expected to reduce potential erosion, sediment loads and debris deposition to less- than-significant levels. Based on the results of the hydrologic analyses performed by Psomas (2009), with Project design measures applied, changes in runoff flows and volumes between pre- and post-development conditions would be insignificant, such that the proposed Project would not be expected to significantly contribute to incremental cumulative effects relative to flood hazards. Potential cumulative effects related to flood hazards would be less than significant.

### **3.3 FIRE HAZARDS**

#### **Potential Effect**

The Project construction and operation activities would increase sources of fuel and fire (i.e., welding, electrical equipment, and energized conductors), such that the Project's incremental increase to fire hazards may result in potential cumulatively considerable effects.

#### **Finding:**

Changes or alternations have been required, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

#### **Facts Supporting the Finding:**

There are several other proposed projects within 5 miles of the Project site that have the potential to result in cumulative impacts related to fire hazards. Through the implementation of Mitigation Measure 5.4-1 (Fire Protection and Prevention Plan) as well as compliance with LACFD requirements, Project-specific impacts affecting risks of fire would be less than significant. It is assumed that other potential projects would be required to implement similar fire hazard reduction measures. Therefore, no significant cumulative effects related to fire hazards would be expected to occur.

### **3.4 WATER QUALITY**

#### **Potential Effect**

The Project development involves activities having potential to release storm water pollutants, including erosion and sedimentation due to grading, vehicle and equipment fluids, household chemicals, trash, herbicides, etc., which in combination with related projects would degrade water quality, resulting in a significant cumulative impact.

#### **Finding:**

Changes or alternations have been required, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

#### **Facts Supporting the Finding:**

Water pollutants that could be released from development associated with the proposed Project and other potential cumulative projects could include runoff laden with sediment, vehicle and equipment fluids, household chemicals, trash, landscaping by-products, and other typical urban stormwater pollutants.

Developments in the proposed Project area, such as the Fairmont Butte Motorsports Park, would likely increase impermeable surfaces and, as a result, increase the volume of stormwater runoff that may be directed to applicable storm drain systems and/or off-site drainages. However, the Project is designed to balance pre- and post-construction runoff volumes and any increases due to the Project would be insignificant. Additionally, through implementation of required BMPs through the LRWQCB and LACDPW, as required in Mitigation Measure 5.3-1, Erosion Control and Stormwater Management Measures) and Project design measures, the proposed Project would not be expected to significantly contribute to deleterious effects on surface water quality. Since the proposed Project would not cumulatively contribute to significantly increased amounts of either stormwater runoff or pollution, the potential for cumulative effects on surface water quality is expected to be less than significant.

### **3.5 AIR QUALITY**

#### **Potential Effect:**

Construction of the proposed Project involves earth-disturbance and equipment and vehicle use on the Project site and transmission line, which in combination with related projects would degrade air quality, resulting in a significant cumulative impact.

#### **Finding:**

Changes or alternations have been required, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

#### **Facts Supporting the Finding:**

The construction schedule for the proposed Project has the potential to overlap with several other potential projects in the Project vicinity, including the Fairmont Butte Motorsports Park project and the SCE Tehachapi Renewable Transmission Project (TRTP). With implementation of Mitigation Measures 5.6-1 through 5.6-10, the total estimated maximum Project-specific criteria pollutant emissions over the 38-month construction phase of PM<sub>10</sub> (27.94 tons) and NO<sub>x</sub> (74.3 tons) equate to approximately 0.04 percent and 0.23 percent, respectively, of the total estimated emissions for 2008 within the AVAQMD (AVAQMD 2009). Depending on the technology selected, construction emissions for the remaining criteria pollutants (PM<sub>2.5</sub>, CO, ROG, and SO<sub>x</sub>) vary, but are similarly well under AVAQMD emission thresholds. Additionally, as earth-disturbance activities would generate dust, which is presumed to contain Valley Fever fungi (*C. immitis*) in the Project region, implementation of Project specific dust mitigation and worker safety measures, as identified in Mitigation Measures 5.6-1, 5.6-2, 5.6-3, 5.6-5, and 5.6-11 would reduce the Project's incremental increase in Valley Fever exposure to a less than significant cumulative contribution. As a result, construction

emissions from the proposed Project would not result in a cumulatively considerable increase in emissions within the AVAQMD.

During operation, the Project would result in less than significant PM<sub>10</sub>, NO<sub>x</sub>, as well as all other criteria pollutant and greenhouse gas emissions. The proposed Project would emit minimal combustion emissions relative to the anticipated generated electrical output when compared to traditional electrical generation sources. Potential cumulative impacts of the proposed Project when considered together with other renewable energy projects proposed in the Project region (e.g., Pacific Wind Energy Project) would be considered to be beneficial and result in a combined substantial reduction in combustion-related emissions compared to traditional fossil fuel generation. The net reduction of emissions from other renewable based power projects cannot be accurately estimated due to the large number of projects in the early development and permitting stages. However, the total rated capacity of the other potential renewable energy projects and associated potential air quality benefits are much larger than the AV Solar Ranch One Project alone.

In summary, cumulative impacts for air quality for the proposed Project, when considered with other potential projects, are expected to be less than significant for emissions of PM<sub>10</sub> and NO<sub>x</sub> (and all other criteria pollutants) during the construction phase. Potential cumulative air quality impacts during the operational phase would be expected to be beneficial.

### **3.6 BIOLOGICAL RESOURCES**

#### **Potential Effect:**

The Project construction and operation would result in loss of habitat, and two special-status species, the Blainville's Horned Lizard and the California burrowing owl, which have been identified on-site. Several special-status bird species (not including the burrowing owl) use on-site habitat to fulfill a portion of their ecological requirements. A portion of these species were judged to use the site minimally, and the remaining use the site either as nesting habitat or for foraging or wintering during nesting or special-status season. Implementation of the Project in conjunction with the related cumulative projects would result in further loss of habitat and impacts to special-status biological species, and has the potential to result in cumulative impacts to biological resources in the Antelope Valley.

#### **Finding:**

Changes or alternations have been required, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.



### **Facts Supporting the Finding:**

The proposed Project would have potentially significant cumulative impacts on biological resources related to the conversion of substantial natural habitat areas to a developed condition. Implementation of the proposed off-site mitigation measures, Project impacts would be reduced to less than significant levels. Development trends in the Antelope Valley, and the corresponding habitat loss that occurs as a result, have not been steady over time (Galloway et al. 1998). Rather, rates of development have risen and fallen in response to economic drivers, including real estate prices and the overall vitality of the region. Rates of proposed development in the Antelope Valley have generally slowed since the late 1980s, but some development projects are nevertheless proposed, as identified in the Final EIR. However, because many of these projects are currently in the early planning stages and have not yet been approved, substantial details regarding the impacts of such projects on the environment are not yet known. Although the exact acreage to be impacted by these projects is not known, it is anticipated that all of the proposed and reasonably foreseeable future projects identified within the Project vicinity would involve some level of development within natural habitats. However, the floor of the Antelope Valley is fairly homogeneous with regard to the types of vegetation present, and the habitats disturbed by proposed and reasonably foreseeable future projects are generally abundant throughout the valley. Thus, although the proposed Project would represent an incremental reduction in the available natural habitat within the Antelope Valley, the cumulative impact of all proposed and reasonably foreseeable future projects on general habitat in the Valley would be less than significant.

The proposed Project would have significant impacts on one sensitive reptile and several special-status bird species, absent mitigation. Impacts associated with injury or mortality of individual birds would be substantially lessened by the mitigation measures (Mitigation Measures 5.7-1 through 5.7-13) recommended in the Final EIR, and would be unlikely to compound or worsen effects of other projects in the region. With implementation of the proposed off-site mitigation measures, impacts on special-status species associated with loss of habitat would be less than significant at the project level. As stated previously, the floor of the Antelope Valley is fairly homogeneous with regard to the types of vegetation present, and the habitats disturbed by proposed and reasonably foreseeable future projects are generally abundant throughout the valley. The common and special-status species occupying sites proposed for development are also expected to occupy similar habitats elsewhere in the Antelope Valley, and suitable foraging habitats, such as rabbitbrush and California annual grasslands, would remain abundant in the region despite the current and future development proposals. Thus, although the proposed Project would represent an incremental reduction (1,937 acres permanently removed or modified) in suitable foraging habitats for special-status species within the Antelope Valley, the cumulative impact of all proposed and reasonably foreseeable future projects on such habitats would be less than significant.

The proposed Project would not significantly impede the movement of medium-sized mammals in the vicinity, with mitigation and inclusion of the major wildlife movement corridor and wildlife-permeable fencing around key portions of the site perimeter.

### **3.7 CULTURAL RESOURCES**

#### **Potential Effect:**

Implementation of the Project in conjunction with the related cumulative projects would result in further disturbance and developed areas, has the potential to result in a cumulative loss of cultural and historic resources in the Antelope Valley.

#### **Finding:**

Changes or alternations have been required, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

#### **Facts Supporting the Finding:**

There are multiple other proposed projects within 5 miles of the proposed AV Solar Ranch One Project that have the potential result in direct or indirect cumulative impacts on cultural resources. However, with implementation of the proposed Mitigation Measures 5.8-1 through 5.8-7 presented in the Final EIR for cultural resources, no Project-specific significant impacts to cultural resources would be expected to occur. Additionally, since the proposed Project impacts would be mitigated to less than significant levels, the proposed Project would not significantly contribute to possible cumulative effects associated with other projects in the Project region. Assuming that other projects that may be approved and implemented would also mitigate all their potentially significant project-specific impacts to cultural resources, as required by law, no significant cumulative impacts would be expected to occur.

### **3.8 AGRICULTURAL RESOURCES**

#### **Potential Effect:**

Cumulative Project impacts to agricultural resources could occur in the event that the Project, in conjunction with related projects results in the cumulatively significant loss of Important Farmlands or Williamson Act contracted lands.

#### **Finding:**

Changes or alteration have been required in, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

**Facts Supporting the Finding:**

The Project is located in a region with significant agricultural uses; however, the Antelope Valley has been historically and is currently also limited by water costs and climatic conditions. The proposed Project would result in the permanent conversion of 0.016 acre of Prime Farmland. This amount is considered negligible. The proposed Project would also result in the conversion of 2,100 acres of former (more than 5 years ago) agricultural land to renewable energy production, thereby precluding possible agricultural production for the planned life of the Project (30 years). The proposed Project would be expected to contribute to the overall trend of conversion of agricultural lands to other uses in the Antelope Valley when considered together with other potential cumulative projects in the area. Since the Project site has not been used for agricultural production for over 5 years, and because the Project would result in a negligible conversion of Farmland, the Project's incremental contribution to cumulative agricultural impacts is considered less than significant.

**3.9 VISUAL QUALITIES****Potential Effect:**

Cumulative Project impacts could occur in the event that the Project, when viewed cumulatively with related projects in the vicinity, is considered to result in significant effects to visual quality.

**Finding:**

Changes or alteration have been required in, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

**Facts Supporting the Finding:**

Multiple projects are identified in the Project region, which have the potential to result in cumulative impacts to aesthetics when considered together with the proposed Project. Several applications for additional renewable energy projects have recently been submitted that will potentially take advantage of the energy transmission infrastructure that is planned in the area. The energy development proposed around the planned SCE Whirlwind Substation and the associated SCE Tehachapi Renewable Transmission Project is likely to combine with the proposed Project to introduce a large amount of scale dominant industrial features to the rural area in southern Kern County. This is likely to permanently change the current, almost exclusively rural character of the general Project area through incremental increases in renewable industrial development. In conjunction with the proposed Fairmont Butte Motorsports Park, which also has scale dominant features, the existing character of the viewshed in the Antelope Valley in

northern Los Angeles County would be altered by harder surfaces, unnatural lines and urban colors. This raises the potential for adverse effects to visual quality.

The Project would not change the rural character of the Project area, and it is anticipated that the majority of the potential energy-related projects would occur north of the proposed AV Solar Ranch One Project in Kern County and would be further removed from the AVCPR and the Desert Woodland State Park. Direct visual impacts associated with implementation of the proposed Project have been determined to be less than significant in the Final EIR relative to the significance criteria utilized in the analysis. The proposed Project's incremental effects on visual quality would not be expected to be cumulatively considerable or significant for any of the significance criteria used in the visual quality assessment.

### **3.10 TRAFFIC AND ACCESS**

#### **Potential Effect:**

Cumulative Project construction and operation impacts to traffic and access could occur if the Project, in conjunction with related projects, resulted in cumulatively considerable incremental effects to traffic and access.

#### **Finding:**

Changes or alternations have been required, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

#### **Facts Supporting the Finding:**

For the AV Solar Ranch One Project traffic analysis, it was conservatively assumed that to account for ambient traffic growth and cumulative project traffic, an ambient traffic growth of four percent per year was used to develop future baseline cumulative conditions from existing intersection traffic count data. This traffic growth assumption was based on the growth forecast for the North County Area from the Los Angeles County CMP. The traffic study for the AV Solar Ranch One Project built these assumptions into the Project-specific analyses, which indicate that the Project would result in less than significant impacts during construction in future project area conditions, with implementation of Mitigation Measures 5.11-1 (Provide Adequate Worksite Traffic Control) and 5.11-3 (Limit 50 Percent of Truck Deliveries to Off-Peak Hours). Following Project construction, the very low trip generation associated with the Project's operations workforce of 16 and occasional service/delivery trips would not result in significant cumulative traffic impacts in the Project study area.

Impacts to road wear and tear and maintenance requirements for 170<sup>th</sup> Street West from the Project construction equipment traffic for the approximately 38-month construction schedule when considered together with other existing and proposed traffic from other

pending projects that may utilize 170<sup>th</sup> Street West (e.g., north of SR-138) could result in cumulative impacts on the roadway pavement. Mitigation Measure 5.11-2 (Document Pre- and Post-Project Construction Pavement Condition of 170<sup>th</sup> Street West and Pay Fair Share) as well as separate County road repair mitigation requirements for other projects, as applicable, would reduce the potential incremental impacts of the Proposed project damage to the roadway to less than significant from a cumulative perspective.

### **3.11 FIRE PROTECTION SERVICES**

#### **Potential Effect:**

Cumulative Project impacts to fire services could occur if the Project, in conjunction with related projects, resulted in a cumulatively considerable incremental increase in fire protection services.

#### **Finding:**

Changes or alteration have been required in, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

#### **Facts Supporting the Finding:**

The Project design, fire protection, and traffic considerations would be expected to result in less than significant impacts to fire service staffing and response times. The Project would also provide taxes and fees to the County that are designed to address cumulative fire service needs associated with new and existing developments, and as a result, the Project would be anticipated to result in less than significant incremental contributions to cumulative fire protection impacts.

### **3.12 SHERIFF SERVICES**

#### **Potential Effect:**

Cumulative Project impacts to sheriff services could occur in the event that development of the Project resulted in a significant incremental increase for sheriff protection services in conjunction with the related projects.

#### **Finding:**

Changes or alteration have been required in, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

**Facts Supporting the Finding:**

The Project would implement security control, and would not involve uses that would result in significant demands to sheriff staffing or response times. As a result, the Project would be expected to result in less than significant incremental contributions to cumulative law enforcement impacts.

**3.13 UTILITY SERVICES****Potential Effect:**

Cumulative Project impacts to utility services may occur if the Project in combination with the related projects would result in a significantly cumulative increased demand for water, landfill capacity, electrical services, and natural gas.

**Finding:**

Changes or alteration have been required in, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

**Facts Supporting the Finding:**

The Project's proposed minimal water extraction of 12 AFY during Project operations would constitute an insignificant contribution to any cumulative impacts to the Basin. Any long-term Project-related impacts on the Basin would be expected to be less than significant since the proposed withdrawals are minimal and would not exceed the allocations to be set as part of the Basin Adjudication in order to protect the Basin resource. The impacts of the proposed Project's minimal groundwater use of 150 AFY and 12 AFY during the construction and operations phases (i.e., about 0.18 and 0.01 percent, respectively, of the estimated total sustainable yield of 82,300 AFY for the Basin) would not be cumulatively considerable and would be less than significant.

The Project is not planned to require utility services for gas or propane. The Project would protect underground utilities in accordance with Public Resources Code Section 4216, and would coordinate electrical needs with SCE. As a result, the Project would result in less than significant effects to utility services. The Project's recycling practices during construction would reduce the amount of solid waste entering landfills, and the Project's overall contribution to solid waste disposal would be expected to be less than significant. During construction, the Project would follow required measures to prevent construction interference to utility services, and would comply with recycling requirements to minimize solid waste disposal to solid waste facilities. During operation, the Project would provide electricity, and would generate minimal amounts of solid waste. As a result, construction and operation of the Project would result in less than significant impacts to governmental and public facilities, which include electricity, gas,

and solid waste services. During construction, the Project would follow required measures to prevent construction interference to utility services, and would comply with recycling requirements to minimize solid waste disposal to solid waste facilities. During operation, the Project would provide electricity, and would generate minimal amounts of solid waste. As a result, the Project's incremental contribution to cumulative impacts related to utility services would be less than significant.

### **3.14 ENVIRONMENTAL SAFETY**

#### **Potential Effect:**

Implementation of the Project would result in potential disturbance of hazardous materials during earthwork and construction activities and use of hazardous materials, which could cumulatively expose people and structures to hazardous environmental safety conditions.

#### **Finding:**

Changes or alternations have been required, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

#### **Facts Supporting the Finding:**

The context for the analysis of cumulative impacts from environmental safety is limited to the immediately surrounding area. Hazardous materials and contamination issues are largely site specific and generally would not combine with impacts from other projects to result in cumulative impacts.

Based on land uses in the surrounding area (primarily agricultural and open space) and the limited amount and type of hazardous materials to be used as part of the proposed Project, no significant incremental cumulative impacts associated with environmental safety would be expected to occur as a result of the Project and implementation of Mitigation Measures 5.15-1 through 5.15-4 identified in the Final EIR. Regulations implemented by the Department of Toxic Substances Control (DTSC), LACFD, KCFD, and the RWQCB would require similar measures being applied to other potential developments with environmental safety issues in the Project region. Therefore, the proposed Project would not be expected to result in significant cumulative impacts related to the transport, use, or disposal of hazardous materials. In summary, the construction and operation of the proposed off-site transmission line would not be expected to result in any significant cumulative impacts relative to environmental safety issues.

### **3.15 LAND USE COMPATIBILITY**

#### **Potential Effect:**

Cumulative land use impacts could occur in the event that other related projects in the vicinity of the Project site would result in land use impacts in conjunction with the Project.

#### **Finding:**

Changes or alteration have been required in, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

#### **Facts Supporting the Finding:**

There are several other projects under consideration in the general area of the proposed AV Solar Ranch One Project that have the potential to result in cumulative effects with the proposed Project. The proposed Project is one of several proposed renewable development projects that would impact existing and proposed land uses within the general Project area. In addition, the Fairmont Butte Motorsports Park project is proposed within approximately 0.5 mile of the proposed Project on the south side of SR-138. Similar potential impacts can result from these projects as from the proposed Project with respect to consistency with General Plan Land Use plan and policies, and impacts to compatibility with surrounding land uses. All cumulative projects that may be approved and implemented would also assess potential impacts related to land use and planning. The proposed Project was found to have less than significant impacts related to zoning on site, consistency with General Plan Land Use Plan intent and Significant Ecological Area conformance criteria, dividing an existing community, and impacts to adjacent counties. Therefore, the proposed Project would not be expected to significantly contribute to potential cumulative land use related effects associated with other projects in the Project region.

### **3.16 GLOBAL CLIMATE CHANGE**

#### **Potential Effect:**

Cumulative Project impacts to global climate change could occur if development of the Project resulted in cumulatively considerable emissions of greenhouse gases.

#### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.



**Facts Supporting the Finding:**

There are multiple other projects in the Antelope Valley region that, if approved and built, would result in additional GHG emissions. Many of the other potential projects in the Antelope Valley and southern Kern County are also renewable energy projects. These projects, if approved and built, would be expected to contribute to a displacement of GHG emissions from fossil fuel power plants. Assessment of Project-generated GHG emissions through the Project lifetime (construction and operation phase) indicate that the Project is reasonably expected to reduce carbon dioxide equivalence (CO<sub>2</sub>e) emissions by over 196,000 metric ton (MT) CO<sub>2</sub>e per year during operation compared to emissions from an equivalent electrical output using eGrid information (i.e., current electrical supplies to the grid in California). Potential cumulative impacts of the proposed Project with other renewable energy projects proposed in the Project region would be considered to be beneficial and result in a combined reduction in GHG emissions. As a result, the Project is anticipated to result in less than significant cumulative impacts to GHG emissions.

**3.17 NOISE****Potential Effect:**

Significant cumulative noise impacts could occur as a result of use of construction equipment, including pile drivers, in the event that pile foundations are selected.

**Finding:**

Changes or alternations have been required, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

**Facts Supporting the Finding:**

Since noise attenuates rapidly with distance, only proposed project that is relatively close to the proposed Project having the potential to result in cumulative noise effects is the proposed Fairmont Butte Motorsports Park (FBMP) located to the east of the proposed Project site.

The proposed Project has the potential to result in adverse noise impacts on residences to the west and north of the Project site due to pile driving of fixed-tilt solar panel foundations (if selected) during the construction phase; however, implementation of Mitigation Measure 5.18-1, Pile Drive Orientation, for the pile driving would render this impact to be less than significant. Additionally, Mitigation Measure 5.18-2, Construction Equipment Use of Mufflers, would further reduce Project construction noise. A review of the Noise section in the Draft EIR for the FBMP (issued by Los Angeles County in July of 2009) indicates that construction of this proposed project would potentially overlap with the construction phase for the proposed AV Solar Ranch One Project. However, construction

of the FBMP was determined to have less-than-significant noise impacts during the construction phase. Similarly, cumulative impacts for noise were also determined to be less than significant (no impact). The operational-phase impacts of the proposed AV Solar Ranch One Project are expected to be minimal and insignificant. The operational phase impacts of the FBMP were determined to be potentially significant on residences within 8,000 feet of the FBMP site, although mitigation measures are listed in the FBMP Draft EIR to reduce impacts. No potentially significant cumulative construction-phase noise impacts on the residences to the west and north of the proposed AV Solar Ranch One Project site are expected for the FBMP. Additionally, no potentially significant operational-phase cumulative noise impacts would occur due to the minimal noise generated by Project operations for the AV Solar Ranch One Project.

## **SECTION 4.0 – FINDINGS REGARDING PROJECT ALTERNATIVES**

These findings and statements of fact regarding project alternatives and certain mitigation measures identified in the Final EIR are set forth to comply with Section 21002 of the Public Resources Code and Sections 15091(a)(3) and 15126.6 of the CEQA Guidelines.

Alternatives to the proposed Project described in the Draft EIR were analyzed and considered. These alternatives constitute a reasonable range of alternatives necessary to permit a reasoned choice.

For the reasons set forth below, the Final EIR concludes that while the Alternative Facility Layout (Alternative 2) is considered to be the environmentally superior alternative by reducing facility development area and hence reducing the associated Project impacts to sensitive biological resources, the alternative would be incapable of meeting the Project goals and objectives. Therefore, Alternative 2, as analyzed in the Final EIR is rejected as infeasible for the specific economic, legal, social, technological, or other considerations set forth below. The Underground Transmission Line Alternative (Alternative 3) which proposes to locate the Project on-site and off-site transmission lines underground (Los Angeles County portion of Project only), would slightly increase biological impacts, but would reduce visual impacts and resultant changes in character, would be consistent with the Antelope Valley Areawide General Plan policy, and would not impact the overall Project objectives. As a result, the Underground Transmission Line Alternative is considered to be both a viable and environmental preferable alternative to the proposed Project.

### **4.1 ALTERNATIVES CONSIDERED BUT NOT EVALUATED**

The EIR considered a number of potential alternatives that were rejected as infeasible, and therefore, did not analyze in detail in the EIR. The rejected potential alternatives included alternative sites, alternative transmission line routes, alternative project size, alternative technologies, and alternative drainage improvements.

### **4.2 ALTERNATIVE 1: NO PROJECT ALTERNATIVE**

#### **Description:**

Under the No Project Alternative, the Project site would remain in its present condition with site conditions (i.e., former agricultural with associated farm residence and structures) as they currently exist.

#### **Finding:**

The No Project Alternative is rejected as infeasible because it fails to meet the Project goals and objectives, and would not contribute to the State's ability to meet its near- and long-term renewable energy generation goals and objectives.

**Facts Supporting the Finding:**

The potential environmental impacts and benefits of the proposed AV Solar Ranch One Project would not occur as a direct consequence of Project implementation under the No Project Alternative. Additionally, if the Project is not developed for solar energy generation, the property would likely be developed for other uses. Possible alternative uses could include residential uses, since a portion of the property had been previously subdivided that allowed development of 160 residential units as part of a potential master planned development. Additionally, based on the current County zoning ordinance, allowable uses by right under the property's existing zoning designation (Heavy Agriculture [A-2]) consist of: agriculture (crops, dairies, animal shelter and kennels, hogs, manure spreading and sales); residential uses (including but not limited to adult residential facilities, child care homes, and single family homes); fairgrounds; certain packing and processing plants; and resource extraction (i.e., oil wells, including the installation and use of such equipment, structures and facilities necessary or convenient for all customary drilling and producing operations, including initial separation of oil, gas, and water, and storage, handling, recycling, and transporting of such oil, gas, and water from the premises). Such other uses would have associated impacts to environmental resources.

In summary, the No Project Alternative does not constitute a reasonable alternative to the proposed Project because it is incapable of meeting the Project goals and objectives, or contributing to the State's ability to meet its near- and long-term renewable energy generation goals and objectives. If the proposed Project is not approved and implemented it is possible that the Project site would be developed for other purposes (e.g., residential) with commensurate environmental impacts.

#### **4.3 ALTERNATIVE 2: ALTERNATIVE FACILITY LAYOUT**

**Description:**

Alternative 2, the Alternative Facility Layout, increases the Project development setback (i.e., distance from the Project property line to the proposed facility fence) to 250 feet from adjacent Significant Ecological Area (SEA) #60 (Joshua Tree Woodland Habitat) areas along the northern and northeastern portions of the Project site, and increases the Project setback from Drainage C along the southern Project site development boundary (fenceline) from a minimum of approximately 150 feet to 1,500 feet. The primary purpose of Alternative 2 would be to lessen potential Project impacts to biological resources.

**Finding:**

Alternative 2 is rejected because it is not considered to be fully capable of meeting the Project goals and objectives. Alternative 2 would reduce the facility's generating capacity by approximately 25 MW, which would render the Project incapable of meeting its full contractual electricity delivery obligation under the Project power purchase agreement (PPA), and would incur financial penalties under contract terms of the PPA.

**Facts Supporting the Findings:**

The proposed Project design provides minimum setback distances of 70 to 100 feet from the Project property boundary to the proposed fenceline to adjacent SEA areas, and provides a setback from Drainage C of a minimum of approximately 150 feet. Alternative 2 would provide a larger buffer distance between the proposed development and the adjacent SEA areas. The 250-foot buffer areas would result in on-site avoidance of approximately 75 acres of primarily rabbitbrush scrub habitat (non-sensitive habitat) in the buffer area, and would reduce the site generating capacity by approximately 4 MW.

Alternative 2 also incorporates a 1,500-foot setback from Drainage C to avoid areas containing both wildflower field (sensitive habitat) and rubber rabbitbrush scrub (non-sensitive habitat). Alternative 2 would increase the wildflower avoidance area, provide a larger buffer from Drainage C, and allow wildlife movement in the setback area. This setback would preclude approximately 180 acres from development, of which approximately 120 acres comprises wildflower field and 60 acres of rabbitbrush scrub. Avoidance of this acreage would further reduce the Project generation output by approximately 21 MW.

In general, other Project facilities such as the O&M building, substation, transmission line, etc. would remain unchanged. Incorporation of the increased buffer areas from the adjacent SEA areas and Drainage C would decrease the developable area on the Project site by approximately 10 percent and impacts would be less than significant for biological resources under Alternative 2. Additionally, Alternative 2 would reduce the facility's generating capacity by approximately 25 MW. As a result, implementation of Alternative 2 would render the Project incapable of meeting its contractual electricity delivery obligation under the Project power purchase agreement, and consequently would incur financial penalties under the contract terms with PG&E. For this reason, Alternative 2 is not considered to be fully capable of meeting the above-described Project objective to fulfill its contractual electrical delivery obligation. Compared with the proposed Project, Alternative 2 would reduce potential Project impacts to sensitive biological resources, and would involve less ground disturbance. However, mitigation measures presented in Final EIR would reduce the impacts to biological resources associated with development of the proposed Project to less than significant levels.

#### **4.4 ALTERNATIVE 3: UNDERGROUND TRANSMISSION LINES**

##### **Description:**

Alternative 3, Underground Transmission Lines, would underground substantial portions of the Project-related 34.5-kV and 230-kV transmission lines in Los Angeles County. The locations of underground transmission lines under this alternative (on-site and off-site) in Los Angeles County would be the same as the corresponding overhead line locations under the proposed Project. Solar field characteristics and other Project features under this alternative would remain unchanged compared to the proposed Project.

##### **Finding:**

Alternative 3 is selected because it is capable of meeting the Project's goals and objectives and would reduce visual impacts and resultant changes in character from the on-site and off-site transmission lines; minimize the proliferation of aboveground transmission lines; and ensure compliance with the County's transmission line undergrounding policy in the Antelope Valley area (Antelope Valley Areawide General Plan Policy 65).

##### **Facts Supporting the Findings:**

Under Alternative 3, the majority of the proposed on-site overhead 34.5-kV transmission lines (approximately 3 miles) would be buried underground rather than using the proposed Project's overhead pole-mounted system. The 34.5-kV transmission lines would remain aboveground at the 170<sup>th</sup> Street West crossing near the on-site substation and at crossings of state jurisdictional drainages. The aboveground construction is required at the 170<sup>th</sup> Street West crossing because the Los Angeles Department of Water and Power (LADWP) aqueduct pipeline, located along the west side of 170<sup>th</sup> Street West, cannot be crossed by an underground transmission line. Aboveground crossings would be used at jurisdictional drainages to avoid disturbance to these features.

The 230-kV transmission line would be installed underground from the Project substation to the Kern County line (approximate total length of 2.25 miles) with the exception two aboveground locations to cross 170<sup>th</sup> Street West (at the northern Project boundary and just prior to the Kern County boundary) while avoiding interference with the LADWP aqueduct. The transmission line would be aboveground in Kern County, based on Kern County's request.

Operationally, both overhead and underground collection systems function similarly, where electricity is transported through conductors. Beyond these operational similarities however, there are physical differences that include: 1) the degree of disturbance to the surrounding area during construction; 2) the degree of permanent disturbance; and 3) the maintenance and repair activities (i.e., undergrounded transmission lines have limited

access in the event that maintenance is required, and would potentially result in reduced reliability and longer power outages and duration of repairs). Implementation of Alternative 3 would require a greater temporary disturbance and excavation during construction (estimated additional 7,871 cubic yards of excavations), would limit future land use options above the underground facilities due to buried conduit protection needs, and would limit access for maintenance, if needed.

Potential impacts to biological and agricultural resources due to implementation of Alternative 3, as a result of the underground 230-kV portion, would be greater than for the proposed Project overhead system. It is important to note that once underground transmission line facilities are constructed, most land uses above the underground line would be precluded, since the underground transmission line duct bank is typically surrounded on all sides by a specially formulated thermal concrete to within 12 inches of the ground surface, which creates a physical barrier to future land use (for instance, no agricultural use could occur above the underground line). However, the underground transmission duct bank is generally compatible with road shoulder/edge of road ROW uses. Key differences between Alternative 3 and the proposed Project include:

- The undergrounded 230-kV portion of Alternative 3 is estimated to temporarily disturb approximately 1.5 acres of Joshua tree woodland habitat, where it is expected that construction of the proposed overhead poles would disturb only about 0.6 acre.
- It is estimated that the undergrounded 230-kV portion could potentially permanently impact approximately 0.6 acre of Joshua tree woodland habitat, whereas it is expected that the proposed overhead poles can be located to avoid Joshua trees and less than 0.01 acre of Joshua tree woodland habitat would be permanently impacted.
- Alternative 3 could preclude or limit future land uses over the approximately 1.5-mile-long off-site buried conduit bank (and vault areas) for the 230-kV transmission line.
- The entire underground system would require greater amounts of excavation (approximately 7,871 cubic yards of additional excavation) to install due to the required trenching of the conduit banks and in the case of the 230-kV line, access vaults (including required importation of thermal concrete backfill).
- Alternative 3 would reduce visual impacts relative to the proposed Project (note: overhead transmission line impact is less than significant).
- Alternative 3 would result in increased truck traffic and air emissions during construction compared to the proposed Project, but impacts would be less than significant.

In summary, Alternative 3 would slightly increase biological impacts to Joshua tree woodland, and would increase short-term construction impacts, but these would remain less than significant with mitigation. This alternative would reduce visual impacts and resultant changes in character from the on-site and off-site transmission lines, and would not impact the overall Project goals and objectives. With the exception of three required overhead crossings of 170<sup>th</sup> Street West (two 230-kV crossings and the 34.5-kV crossing), Alternative 3 would also eliminate corona noise and electric fields associated with overhead transmission lines in the vicinity of overhead transmission lines in Los Angeles County. Finally, undergrounding the majority of the proposed overhead 34.5-kV and 230-kV transmission lines would be consistent with Los Angeles County's transmission line undergrounding policy as stated in the Antelope Valley General Plan. Alternative 3 is therefore considered to be a viable and environmentally preferable alternative that is capable of meeting the Project's goals and objectives.



## **SECTION 5.0 FINDINGS REGARDING THE MITIGATION MONITORING AND REPORTING PROGRAM**

Pursuant to Section 21081.6 of the Public Resources Code, the Commission, in adopting these Findings, also adopts the Mitigation Monitoring and Reporting Program ("Program") for the AV Solar Ranch One Project. This Program is designed to ensure that, during Project implementation, the County and other responsible parties will comply with the mitigation measures adopted in these Findings.

The Commission hereby finds that the Mitigation, Monitoring, and Report Program, which is incorporated herein by reference and attached as Exhibit A to these Findings, meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of Project conditions intended to mitigate potential environmental effects of the Project.

## **SECTION 6.0 CEQA GUIDELINES § 15091 AND 15092 FINDINGS**

Based on the foregoing findings and the information contained in the administrative record, the Commission has made one or more of the following findings with respect to each of the significant effects of the project:

- A. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.
- B. Those changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.
- C. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR.

Based on the foregoing findings and the information contained in the administrative record, and as conditioned by the foregoing:

- A. All significant effects on the environment due to the Project have been eliminated or substantially lessened where feasible.

## **SECTION 7.0      CEQA GUIDELINES § 15084(D)(3)**

The County has relied on Section 15084(d)(3) of the State CEQA guidelines, which allows acceptance of working drafts prepared by the applicant, a consultant retained by the applicant, or any other person. The County has reviewed and edited as necessary the submitted drafts to reflect the County's own independent judgment, including reliance on County technical personnel from other departments.

## **SECTION 8.0      PUBLIC RESOURCES CODE § 21082.1(C) FINDINGS**

Pursuant to Public Resources Code §21082.1(c), the Commission hereby finds that the lead agency has independently reviewed and analyzed the Final EIR, and that the Final EIR reflects the independent judgment of the lead agency.

## **SECTION 9.0      NATURE OF FINDINGS**

Any finding made by this Commission shall be deemed made, regardless of where it appears in this document. All of the language included in this document constitutes findings by this Commission, whether or not any particular sentence or clause includes a statement to that effect. This Commission intends that these findings be considered as an integrated whole and, whether or not any part of these findings fail to cross reference or incorporate by reference any other part of these findings, that any finding required or committed to be made by this Commission with respect to any particular subject matter of the Final EIR, shall be deemed to be made if it appears in any portion of these findings.

## **SECTION 10.0      RELIANCE ON RECORD**

Each and all of the findings and determinations contained herein are based on the competent and substantial evidence, both oral and written, contained in the entire administrative record relating to the AV Solar Ranch One Project. The findings and determinations constitute the independent findings and determinations of this Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

## **SECTION 11.0      RELATIONSHIP OF FINDINGS TO EIR**

These findings are based on the most current information available. Accordingly, to the extent there are any apparent conflicts or inconsistencies between the Draft EIR and the Final EIR, on the one hand, and these findings, on the other, these findings shall control, and the Draft EIR, Final EIR, or both, as the case may be, are hereby amended as set forth in these findings.

## **SECTION 12.0      CUSTODIAN OF RECORDS**

The custodian of the documents or other material which constitute the record of proceedings upon which the Commission's decision is based is the Los Angeles County Department of Regional Planning located at 320 West Temple Street, Los Angeles, California 90012

**EXHIBIT A**

**MITIGATION MONITORING AND REPORTING PROGRAM**

MITIGATION MONITORING AND REPORTING PROGRAM<sup>1,2</sup>  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<b>GEOTECHNICAL HAZARDS</b>				
MM 5.2-1: Implementation of Geotechnical Engineering Report Recommendations. The design and construction of the Project shall comply with applicable building codes and standards (e.g., CBC) as well as the recommendations in the geotechnical engineering report (Terracon 2009) to the satisfaction of the Los Angeles County Department of Public Works.	Regular plan check and Site inspection	Prior to issuance of grading permit(s) and During construction	Applicant/Construction Manager	LACDPW
<b>FLOOD HAZARDS</b>				
MM 5.3-1: Erosion Control and Stormwater Management Measures. In order to ensure that Project-related erosion and debris deposition as well as stormwater-related impacts would be minimized, the design measures specified in the Drainage Concept Report (Psomas 2009) and the following measures shall be implemented subject to review and approval by the Los Angeles County Department of Public Works (LACDPW):	Submittal and approval of final drainage plan and File Notice of Intent and Maintain log demonstrating compliance with NPDES requirements and Site inspection	Prior to issuance of grading permit and During construction and operation	Applicant/Construction Manager	LACDPW LRWQCB
<ul style="list-style-type: none"> <li>Avoidance of all drainage areas: Construction and operational phase activities shall avoid all on-site drainages and FEMA Zone A floodplain areas. Solar field development shall be set back from the two major drainages (Drainages A and C) by a minimum of approximately 100 feet from the tops of banks for both Drainages A and C. Additionally, all Project development shall be set back a minimum of 100 feet from the FEMA Zone A floodplain for Drainage C.</li> <li>Applicant shall comply with NPDES requirements of the Lahontan Regional Water Quality Control Board (LRWQCB) and the LACDPW.</li> </ul>				

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<b>FIRE HAZARDS</b>				
<p>MM-5.4-1: Fire Protection and Prevention Plan. The proposed Project shall develop and submit a Fire Protection and Prevention Plan to the LACFD for review and approval prior to issuance of a Grading Permit. The Plan shall address construction and operation activities for the Project, and establish standards and practices that will minimize the risk of fire danger, and in the case of fire, provide for immediate suppression and notification.</p> <p>The Fire Protection and Prevention Plan shall address spark arresters, smoking and fire rules, storage and parking areas, use of gasoline-powered tools, road closures, use of a fire guard, and fire suppression equipment and training requirements. In addition, all vehicle parking areas, storage areas, stationary engine sites and welding areas shall be cleared of all vegetation, and flammable materials. All areas used for dispensing or storage of gasoline, diesel fuel or other oil products shall be cleared of vegetation and other flammable materials. These areas shall be posted with signs identifying they are "No Smoking" areas. An interim fire protection system shall be in place during construction until the permanent system is completed. The Plan shall also address vegetation clearance and maintenance requirements applicable to the transmission pole structures during operation.</p> <p>Special attention shall be paid to operations involving open flames, such as welding, and use of flammable materials. Personnel involved in such operations shall have appropriate training. A fire watch utilizing appropriately classed extinguishers or other equipment shall be maintained during hot work operations. Site personnel shall not be expected to fight fires past the incident stage. The local responding fire officials shall be given information on the site hazards and the</p>	<p>Submittal and approval of Fire Protection and Prevention Plan and</p> <p>Provide training to personnel dealing in operations involving open flares and flammable materials and</p> <p>Site inspection and</p> <p>Maintain log demonstrating compliance</p>	<p>Prior to issuance of grading permit and</p> <p>During construction and operation</p>	<p>Applicant/Construction Manager</p>	<p>LACFD</p>

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>location of these hazards, and the information shall be included in the emergency response planning.</p> <p>Materials brought on-site shall conform to contract requirements, insofar as flame resistance or fireproof characteristics are concerned. Specific materials in this category include fuels, paints, solvents, plastic materials, lumber, paper, boxes, and crating materials. Specific attention shall be given to storage of compressed gas, fuels, solvents, and paint. Electrical wiring and equipment located in inside storage rooms used for Class I liquids shall be stored in accordance with applicable regulations. Outside storage areas shall be graded to divert possible spills away from buildings and shall be kept clear of vegetation and other combustible materials.</p> <p>On-site fire prevention during construction shall consist of portable and fixed firefighting equipment. Portable firefighting equipment shall consist of fire extinguishers and small hose lines in conformance with Cal-OSHA and the National Fire Protection Association (NFPA) for the potential types of fire from construction activities. Periodic fire prevention inspections shall be conducted by the Manager's safety representative.</p> <p>Fire extinguishers shall be inspected routinely and replaced immediately if defective or in need of recharge. All firefighting equipment shall be conspicuously located and marked with unobstructed access. A water supply of sufficient volume, duration, or pressure to operate the required firefighting equipment shall be provided on-site. Authorized storage areas and containers for flammable materials shall be used with adequate fire control services. The Operations Fire Protection and Prevention Program shall address the following:</p>				

MITIGATION MONITORING AND REPORTING PROGRAM  
 PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<ul style="list-style-type: none"> <li>Names and/or job titles responsible for maintaining equipment and accumulation of flammable or combustible material control</li> <li>Procedures in the event of fire</li> <li>Fire alarm and protection equipment</li> <li>System and equipment maintenance</li> <li>Monthly inspections</li> <li>Annual inspections</li> <li>Firefighting demonstrations</li> <li>Housekeeping practices</li> <li>Training</li> </ul>				
<b>WATER QUALITY</b>				
<p><b>Mitigation Measure 5.5-1: On-site Wastewater Treatment System Feasibility Report.</b> Prior to construction/installation of the on-site septic/leach field system, a complete OWTS feasibility report shall be submitted to the LACDPH for review and approval. The feasibility report shall be prepared in conformance with the requirements outlined in the current version of LACDPH guidelines, "On-site Wastewater Treatment System Guidelines."</p>	<p>Submittal and approval of OWTS feasibility report</p>	<p>Prior to construction/installation of on-site septic/leach field system</p>	<p>Applicant/Construction Manager</p>	<p>LACDPH</p>
<b>AIR QUALITY</b>				
<p><b>MM 5.6-1: Ensure AVAQMD Construction Emission Thresholds would be Met.</b> Prior to issuance of the grading permit, the Applicant shall select an engineering, procurement, and construction (EPC) contractor to build the Project. The Applicant/EPC contractor shall be required to demonstrate that the final construction plans will not result in exceedances of applicable AVAQMD air emission significance</p>	<p>Submittal and approval of Construction Emissions Report</p>	<p>Prior to issuance of grading permit</p>	<p>Applicant/Construction Manager</p>	<p>AVAQMD LACDRP</p>



MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>thresholds during construction of the Project to the satisfaction of AVAQMD and LACDRP.</p> <p>Prior to issuance of a grading permit, the Applicant shall prepare a report describing the Applicant's final engineering design-based plan for constructing the Project, including: 1) scheduling of construction activities; 2) equipment usage and details; 3) construction workforce loading; 4) truck deliveries schedule; and 5) ground disturbing/dust generating activities, etc. The report shall include emission calculations to demonstrate that the final construction plan will not result in exceedances of all applicable AVAQMD criteria pollutant emissions thresholds to the satisfaction of AVAQMD. The emission calculations shall include consideration of the emission reductions provided by implementation of Mitigation Measures 5.6-2 through 5.6-10, below.</p>				
<p><b>MM 5.6-2: Develop and Implement Fugitive Dust Emission Control Plan.</b> The Applicant shall develop a Fugitive Dust Emission Control Plan (FDECP) for construction work. The FDECP shall be submitted to AVAQMD for review and approval prior to issuance of a grading permit.</p> <p>Measures to be incorporated into the FDECP shall include, but are not limited to the following:</p> <ul style="list-style-type: none"> <li>The proposed PM measures (#24 to #44) in AVAQMD's List and Implementation Schedule for District Measures to Reduce PM Pursuant to Health &amp; Safety Code §39614(d) shall be incorporated into the fugitive dust control plan, as applicable.</li> <li>Non-toxic soil binders shall be applied per manufacturer recommendations to active unpaved roadways, unpaved staging</li> </ul>	<p>Submittal and approval of Fugitive Dust Emission Control Plan and</p> <p>Maintain log demonstrating compliance and</p> <p>Site inspection</p>	<p>Prior to issuance of grading permit and</p> <p>During construction</p>	<p>Applicant/Construction Manager</p>	<p>LACDRP AVAQMD</p>

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<ul style="list-style-type: none"> <li>• areas, and unpaved parking area(s) throughout construction to reduce fugitive dust emissions.</li> <li>• Travel on unpaved roads shall be reduced to the extent possible, by limiting the travel of heavy equipment in and out of the unpaved areas.</li> <li>• Water the disturbed areas of the active construction sites at least three times per day, (when soil moisture conditions result in dust generation) and more often if visible fugitive dust leaving the site is noted.</li> <li>• Enclose, cover, water twice daily, and/or apply non-toxic soil binders according to manufacturer's specifications to exposed piles of soils with a five percent or greater silt content.</li> <li>• Maintain unpaved road vehicle travel to the lowest practical speeds, and no greater than 15 miles per hour (mph), to reduce fugitive dust emissions.</li> <li>• All vehicle tires shall be inspected, be free of dirt, and washed as necessary prior to entering paved roadways from the Project site.</li> <li>• Install wheel washers or wash the wheels of trucks and other heavy equipment where vehicles exit the site.</li> <li>• Cover all trucks hauling soil and other loose material, or require at least 2 feet of freeboard.</li> <li>• Establish a vegetative ground cover (in compliance with biological resources impact mitigation measures) or otherwise create stabilized surfaces on all unpaved areas through application of dust palliatives at each of the construction sites within 21 days after active construction operations have ceased.</li> <li>• Prepare contingency for high wind periods (greater than 25 mph)</li> </ul>				

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>to shutdown or mitigate activity as necessary to control fugitive dust.</p> <ul style="list-style-type: none"> <li>Travel routes to each construction site area shall be developed to minimize unpaved road travel. Travel management shall include staging of deliveries to minimize idling or congestion, use of dust palliatives or soil tackifiers on road surfaces, and minimizing travel distance.</li> </ul>				
<p><b>MM 5.6-3: Dust Plume Response Requirement.</b> An air quality construction mitigation manager (AQCM) or delegate shall monitor all construction activities for visible dust plumes. Observations of visible dust plumes that have the potential to be transported: 1) off the Project site; 2) 200 feet beyond the centerline of the construction of linear facilities; or 3) within 100 feet upwind of any regularly occupied structures not owned by the Project owner; indicate that existing mitigation measures are not resulting in effective mitigation. The AQCM or Delegate shall promptly implement additional dust plume reduction measures in the event that such visible dust plumes are observed. Additional measures to be implemented, as necessary, shall include increased watering, application of dust palliatives, and/or scaled back construction activities up to and including temporary work cessation.</p>	<p>Dust plume monitoring and Maintain log demonstrating compliance</p>	During construction	Applicant/Construction Manager	LACDRP AVAQMD
<p><b>MM 5.6-4: Off-road Diesel-fueled Equipment Standards.</b> All portable construction diesel engines not registered under CARB's Statewide Portable Equipment Registration Program, which have a rating of 50 hp or more, and all off-road construction diesel engines not registered under CARB's In-use Off-road Diesel Vehicle Regulation, which have a rating of 25 hp or more, shall meet, the</p>	<p>Conduct fleet average calculation annually and Submittal and approval of</p>	<p>Prior to issuance of grading permit and During construction</p>	Applicant/Construction Manager	LACDRP AVAQMD

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>projected 2011 fleet average of NOx and PM emissions as that predicted by the OFFROAD2007 model in Appendix D. The EPC shall use the CARB Portable Diesel Engine Airborne Toxic Control Measure (ATCM) Fleet Calculators and the Off-road Diesel Fleet Average Calculators (for large/medium fleets) in accordance with the respective regulation under Title 13 of the California Code of Regulations (CCR) to conduct this comparison. No Tier 0 diesel equipment shall be used at the site after the initial calculation/registration without recalculation using the CARB fleet calculators. The fleet average calculation of the on site equipment shall be conducted annually to ensure compliance. The EPC Manager shall ensure labeling of all portable and off road diesel equipment in accordance with Title 13 of the CCR.</p>	<p>Construction Emissions Report and Maintain log demonstrating compliance</p>			
<p>MM 5.6-5: Limit Vehicle Traffic and Equipment Use. Vehicle trips and equipment use shall be limited by efficiently scheduling staff and daily construction activities to minimize the use of unnecessary/duplicate equipment.</p>	<p>Submittal and approval of Construction Emissions Report and Maintain log demonstrating compliance</p>	<p>Prior to issuance of grading permit and During construction</p>	<p>Applicant/Construction Manager</p>	<p>LACDRP AVAQMD</p>
<p>MM 5.6-6: Heavy Duty Diesel Water Haul Vehicle Equipment Standards. For the pile foundation case (which results in higher air emissions than the ballast foundation case and requires additional mitigation), the EPC shall use 2006 model or newer engines in order to meet the EMFAC predicted emissions levels in grams of pollutant per mile travelled (g/mile) of on-road heavy duty diesel trucks used for water hauling at the site. The EPC contractor shall ensure labeling of</p>	<p>Submittal and approval of Construction Emissions Report and Maintain log</p>	<p>Prior to issuance of grading permit and During construction</p>	<p>Applicant/Construction Manager</p>	<p>LACDRP AVAQMD</p>

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
such trucks to indicate model year.	demonstrating compliance			
MM 5.6-7: On-road Vehicles Standards. All on-road construction vehicles shall meet all applicable California on-road emission standards and shall be licensed in the State of California. This does not apply to construction worker personal vehicles.	Maintain log demonstrating compliance	During construction	Applicant/Construction Manager	LACDRP AVAQMD
MM 5.6-8: Properly Maintain Mechanical Equipment. The construction contractor shall ensure that all mechanical equipment associated with Project construction is properly tuned and maintained in accordance with the manufacturer's specifications.	Maintain log demonstrating compliance	During construction	Applicant/Construction Manager	LACDRP AVAQMD
MM 5.6-9: Restrict Engine Idling to 5 Minutes. Diesel engine idle time shall be restricted to no more than 5 minutes as required by the CARB engine idling regulation. Exceptions in the regulation include vehicles that need to idle as part of their operation, such as concrete mixer trucks.	Maintain log demonstrating compliance	During construction	Applicant/Construction Manager	LACDRP AVAQMD
MM 5.6-10: Off-road Gasoline-fueled Equipment Standards. Any off-road stationary and portable gasoline powered equipment brought on site for construction activities shall have USEPA Phase 1/Phase 2 compliant engines, where the specific engine requirement shall be based on the new engine standard in effect two years prior to the commencement of Project construction. In the event that USEPA Phase 1/Phase 2 compliant engines are determined not to be available, the Applicant shall provide documentation to the AVAQMD with an explanation.	Submittal and approval of Construction Emissions Report and Maintain log demonstrating compliance	Prior to issuance of grading permit and During construction	Applicant/Construction Manager	LACDRP AVAQMD
MM 5.6-11: Off-road Equipment Operator Worker Protection. Appropriate training for respiratory protection shall be provided to construction workers. Dust masks (NIOSH approved) shall be	Administer training to construction workers and provide NIOSH	Prior to and during construction	Applicant/Construction Manager	LACDRP AVAQMD

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
provided with proper training to construction workers to mitigate the protection against dust exposure and possibly Valley Fever during high wind events and/or dust-generating activities.	approved dust masks and Maintain log demonstrating compliance			
<b>BIOLOGICAL RESOURCES</b>				
MM 5.7-1: Habitat Enhancement and Vegetation Management Plan. Prior to issuance of a grading permit, the Project Applicant shall develop a Habitat Enhancement and Vegetation Management Plan (HEVMP) to compensate for impacts to existing vegetation communities by preserving and enhancing the remaining vegetation within the Project site. The HEVMP shall also provide measures to ensure minimal impacts to habitat along the off-site transmission line. In areas suitable for on-site mitigation, the HEVMP shall identify appropriate mitigation objectives, standards, and monitoring/reporting requirements to enhance habitat such that the resulting habitat values would be greater than those lost as a result of project implementation. These habitat values would include nesting and foraging habitat for songbirds, foraging habitat for raptors and owls, and high diversity and abundance of native forbs/wildflowers. In areas rendered unsuitable for mitigation due to proposed development, the HEVMP shall identify appropriate restrictions, such as limiting noxious weeds, but shall not impose mitigation standards. The HEVMP shall be prepared by a qualified restoration biologist experienced with desert habitat restoration, and shall specify appropriate revegetation and management practices for the following portions of the Project site to the satisfaction of LACDRP:	Submittal and approval of Habitat Enhancement and Vegetation Management Plan and Maintain log demonstrating compliance and Site inspection	Prior to issuance of grading permit and During construction and operation	Applicant/ Qualified Biologist/Construction Manager	LACDRP

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<ul style="list-style-type: none"> <li>Mitigation and Avoidance Areas (refer to Figure 5.7-11 of this DEIR):                             <ol style="list-style-type: none"> <li>Drainage A, a 100-foot setback, and the associated wildlife travel route (47.1 acres)</li> <li>Drainage B and a 20-foot buffer (approximately 6 acres)</li> <li>The southernmost portion of the Project site along Drainage C, where no development is proposed (45 acres)</li> <li>The Joshua tree recruitment area (8.6 acres, including buffer)</li> </ol> </li> <li>Areas of Modified/Impacted Habitat (Unsuitable for Mitigation):                             <ol style="list-style-type: none"> <li>All portions of the site within the fire breaks (217 acres)</li> <li>All interior portions of the site within the proposed solar arrays, excluding locations of proposed infiltration basins and fire breaks (1,336 acres)</li> <li>All portions of the site to be occupied by proposed infiltration basins (253 acres)</li> </ol> </li> </ul> <p>In general, for each of the locations enumerated above, the HEVMP shall specify, at a minimum, the following (specific details vary depending on location, and are described in the paragraphs that follow):</p> <ul style="list-style-type: none"> <li>The location and extent of any on-site enhancement/revegetation areas, to be depicted graphically on an aerial photograph or schematic of appropriate scale</li> <li>The quantity and species of plants to be seeded (if necessary), including the locations where each type of vegetation would be created</li> </ul>				

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<ul style="list-style-type: none"> <li>A schedule and action plan to maintain and monitor the enhancement/revegetation areas</li> <li>A list of success criteria (e.g., growth, plant cover, plant/wildlife diversity) by which to measure success of the enhancement/revegetation effort</li> <li>Contingency and/or adaptive management measures in the event that enhancement/revegetation efforts are not successful</li> </ul> <p>In addition, the standards and practices set forth in the HEVMP for each area shall conform to the requirements stated below:</p> <ul style="list-style-type: none"> <li>Within the setback zones surrounding Drainage A, Drainage B, and Drainage C the HEVMP shall provide for 101 acres of on-site mitigation, as well as 6 acres of additional avoidance area (due to its small and isolated nature, the 6-acre area surrounding Drainage B is not included as suitable mitigation land, but would nonetheless be avoided), and shall ensure the following: <ol style="list-style-type: none"> <li>Drainages A, B, and C, including adjacent buffer areas shown on Figures 5.7-7 and 5.7-11, as well as the local wildlife travel route associated with Drainage A, shall be set aside, preserved, and enhanced, and no Project-related disturbance shall be permitted in these areas.</li> <li>Any anthropogenic discontinuities in the existing vegetation (unofficial roads, dump sites, etc.) within the ephemeral drainage setbacks shall be remedied, and such areas shall be seeded with native plant species characteristic of the surrounding vegetation.</li> <li>Vegetative cover in herbaceous communities (grasslands, wildflower fields) shall exceed 95 percent; of this, invasive</li> </ol> </li> </ul>				



MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>forbs (as identified by the Cal-IPC) shall not exceed five percent cover. Bare ground shall not exceed five percent excluding bare ground located within the channel bottom of an ephemeral drainage or bare ground where there is clear evidence that the bare ground was the result of mammal activity (burrows, wildlife trails, etc.).</p> <p>4. Vegetative cover in shrub-dominated communities (desert saltbush scrub, rabbitbrush scrub) shall exceed 90 percent, and shrub cover shall exceed 30 percent. Invasive forbs and shrubs combined shall not exceed five percent cover, and bare ground shall not exceed five percent excluding bare ground located within the channel bottom of an ephemeral drainage or bare ground where there is clear evidence that the bare ground was caused by mammal activity (burrows, wildlife trails, etc.).</p> <p>5. In Drainages A and C and the adjacent setback/buffer areas as shown on Figure 5.7-7, vegetation in the area shall remain suitable for foraging by burrowing owls and other grassland bird species. Habitat enhancement/revegetation shall be implemented if necessary to ensure continued suitability.</p> <p>6. Joshua trees and junipers shall be planted, to improve habitat suitability for sensitive bird species and increase the likelihood that these areas will be occupied by such special-status species as loggerhead shrikes and long-eared owls.</p> <ul style="list-style-type: none"> <li>Within the Joshua tree recruitment area, the HEVMP shall provide 8.6 acres of mitigation land, and shall ensure the following:</li> </ul>				

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<ol style="list-style-type: none"> <li>The Joshua tree recruitment area and a 50-foot buffer from the Joshua tree seedlings shall be set aside and preserved, and no Project-related disturbance shall be permitted in this area.</li> <li>Any anthropogenic discontinuities in the existing vegetation (other than the County roadbed of West Avenue C, which passes through this area) shall be remedied, and such areas shall be seeded with native plant species characteristic of the surrounding vegetation.</li> <li>Measures shall be implemented to encourage the continued recruitment of Joshua trees into this area. Such measures may include standards for herbaceous and shrub cover, removal of non-native plants and wildlife, and others.</li> <li>To provide nesting and perching habitat and increase structural diversity within restoration areas, native shrub species associated with Joshua tree woodland (including Mojave yucca, sage, box-thorn, and buckwheat, as noted in the County General Plan) shall be included in the planting palette.</li> </ol> <ul style="list-style-type: none"> <li>Within the proposed fire breaks, no suitable on-site mitigation opportunities exist. However, the HEVMP shall ensure the following: <ol style="list-style-type: none"> <li>To prevent the potential spread of fire onto the Project site, the proposed fire breaks shall be maintained clear of vegetative cover through mechanical clearing and selective herbicide use.</li> <li>If herbicides are used as approved by LACDRP to control</li> </ol> </li> </ul>				

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>vegetation, they shall be applied by a qualified individual and in a manner consistent with the product labeling. Under no circumstances shall herbicides be allowed to pass into any ephemeral drainage.</p> <p>3. Under no circumstances shall forb species identified by the California Invasive Plant Council (Cal-IPC) as invasive weeds be allowed to thrive in the fire breaks, or as required by LACFD. Cover of these species, collectively, shall be maintained at or below five percent.</p> <ul style="list-style-type: none"> <li>Within all interior portions of the site within and adjacent to the proposed solar arrays, excluding locations of proposed infiltration basins, no suitable on-site mitigation opportunities would exist. However, the HEVMP shall ensure the following: <div> <div>1. To control fugitive dust, vegetative cover of grasses and forbs within the proposed solar arrays shall be maximized.</div> <div>2. Vegetation seeded in these areas shall be comprised of low-growing communities such as native grasslands and wildflower fields, to minimize the effects of vegetation management practices on the revegetated areas. Shrub species shall not be used, as these species would be unable to survive continued vegetation trimming.</div> <div>3. Under no circumstances shall species identified by the Cal-IPC as invasive weeds be used in the revegetation efforts.</div> <div>4. To promote the growth of local, native plant species, the top 2-6 inches of topsoil removed during Project-related grading and/or excavation shall be stockpiled and spread across disturbance zones after completion of construction in the</div> </div> </li> </ul>				

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>5. To ensure that a seed supply is maintained to perpetuate on-site vegetation (e.g., annual grasses and wildflowers), vegetation shall be allowed to grow to a maximum height of 18 inches between February 1 and approximately mid-April prior to mowing to a height of 6 inches (or less) by May 1 (through the following January) as required by the LACFD.</p> <p>6. Herbicides shall be approved for use by the County, and herbicide application shall be performed by trained personnel who can identify the species to be treated. If herbicide is applied, it shall be applied during dry and low wind conditions in order to prevent herbicide drift into non-target areas.</p> <ul style="list-style-type: none"> <li>Within the proposed infiltration basins, no suitable on-site mitigation opportunities exist. However, the HEVMP shall ensure the following: <ul style="list-style-type: none"> <li>1. If herbicides are used as approved by LACDRP to control vegetation (i.e., non-native vegetation), they shall be applied by a qualified individual and in a manner consistent with the product labeling. Under no circumstances shall herbicides be allowed to pass into any ephemeral drainage.</li> <li>2. Under no circumstances shall forb species identified by Cal-IPC as invasive weeds be allowed to thrive in the infiltration basins, or as required by LACFD. Cover of these species, collectively, shall be maintained at or below five percent.</li> </ul> </li> <li>Within all portions of the transmission line route to be impacted during installation of transmission line poles and temporary</li> </ul>				

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
stringing sites, the HEVMP shall ensure the following:				
1. Under no circumstances shall ground disturbance occur within 25 feet of an existing Joshua tree. In applicable areas, Joshua tree avoidance zones shall be delineated with high-visibility construction fencing.				
2. All areas of temporary ground disturbance shall be revegetated with appropriate plant communities native to the Project region, such as native grasslands, wildflower fields, desert scrub, rabbitbrush scrub, desert saltbush scrub, and Joshua tree woodland.				
3. Where impacts would occur in existing agricultural lands outside the Applicant's ownership, it is presumed that agricultural practices would resume after completion of construction. Therefore, revegetation shall not be required in these areas.				
4. If earthwork is proposed in areas where native vegetation exists, the top 2-6 inches of topsoil removed during Project-related ground clearing shall be stockpiled and spread across disturbance zones after completion of construction in the area.				
5. Under no circumstances shall species identified by the Cal-IPC as invasive weeds be used in the revegetation efforts.				
6. The HEVMP shall include provisions to minimize the effects of transmission line maintenance on biological resources, including a requirement that no Joshua trees shall be removed during such maintenance.				
In addition to the location-specific requirements set forth above, the				

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
HEVMP shall also ensure that the following standards are met or exceeded within the Project site as a whole:				
1. The HEVMP shall identify appropriate locations for creation of rabbitbrush scrub, California annual grassland, and wildflower fields, the three most abundant existing natural communities on-site, within avoided portions of the Project site. In total, 101 acres of on-site mitigation shall be provided.				
2. Performance monitoring of the on-site enhancement and revegetation areas shall be monitored approximately quarterly, in January, April, June, and November, and a report detailing the monitoring results shall be submitted to the LACDRP annually. Monitoring and reporting shall be required for a period of five years and until such time as performance standards are achieved. The HEVMP shall contain contingency measures identifying corrective actions required in the event that the performance standards are not met.				
3. All percent cover standards shall be evaluated during the spring biomass peak.				
4. Anti-coagulant rodenticides shall not be used within the Project site or along the proposed transmission line route.				
The HEVMP shall be submitted to the LACDRP for review and approval prior to issuance of a grading permit.				
MM 5.7-2: Off-site Mitigation for Loss of Habitat. Within one year of Project approval or prior to the installation of 50 MW of photovoltaic solar panels, the Applicant shall provide a minimum of 450 acres of off-site mitigation land to be restored, enhanced, and maintained according to the requirements of this mitigation measure, and shall be	Acquisition of a minimum of 450 acres of off-site mitigation land	Mitigation lands to be acquired within one year of Project approval or prior to the installation of 50 MW of	Applicant/Qualified Biologist	LACDRP

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>preserved as open space in perpetuity. Within 45 days of acquiring the mitigation land(s), the Applicant shall record a permanent deed restriction on the mitigation land(s) to be preserved as open space. The deed restriction language shall be submitted to LACDRP for review and approval prior to recordation. Alternatively, should a conservation easement on the mitigation land(s) be offered, the permanent conservation easement(s) shall be recorded to the satisfaction of LACDRP.</p> <p>The off-site mitigation land shall not exceed 10 separate fragments and shall be acquired adjacent to existing public lands, or within or adjacent to SEAs within the Antelope Valley or surrounding foothills. At least 225 acres of the mitigation land shall be acquired in the vicinity of the Antelope Valley California Poppy Reserve, including lands in or adjacent to SEA #57, or lands connecting the Poppy Reserve to the Angeles National Forest. An additional 75 acres shall be acquired within this same area, or in or adjacent to SEA #60, or adjacent to the Arthur B. Ripley Woodland State Park.</p> <p>The Applicant shall establish a fund sufficient for the restoration, enhancement, and maintenance of the mitigation land(s) until such time when the mitigation land(s) become self-sustained and meet the requirements of this mitigation measure. The fund shall be established within 90 days of mitigation land(s) acquisition in an amount acceptable to the LACDRP.</p> <p>The selected off-site mitigation lands shall contain vegetation communities similar to those found within the Project site, including rabbitbrush scrub, annual grassland, and wildflower fields. Although the proposed Project would not significantly impact Joshua tree woodland habitat, lands containing this vegetation community shall</p>	<p>Record permanent deed restriction(s), or conservation easement(s) on the mitigation land(s) to the satisfaction of LACDRP</p> <p>and</p> <p>Submittal and approval of Restoration, Enhancement, and Maintenance Plan</p> <p>and</p> <p>Establish sufficient fund for the restoration, enhancement, and maintenance of the mitigation land(s)</p>	<p>photovoltaic solar panels and</p> <p>Deed restriction(s) or conservation easement(s) to be recorded within 45 days of acquiring mitigation lands and</p> <p>Restoration, Enhancement, and Maintenance Plan shall be submitted within 60 days of recordation of permanent deed restriction(s) or conservation easement(s) and</p> <p>Establish fund within 90 days of mitigation land(s) acquisition</p>		

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
also be considered desirable due to the County's concern over the continuing loss and degradation of Joshua tree woodlands. The selected lands shall comply with the following mitigation requirements:				
1. The subject property shall be located within the greater Project vicinity, generally defined to include the Antelope Valley and surrounding foothills.				
2. The subject property(s) shall contain a minimum of 450 acres of land, which shall be either comprised of vegetation communities characteristic of the Antelope Valley (rabbitbrush scrub, annual grassland, wildflower fields, and/or Joshua tree woodlands) or be reasonably capable of being enhanced and converted to such habitat through the use of maintenance and management practices such that the resulting habitat values would be greater than those lost as a result of Project implementation.				
3. The subject property(s) shall either contain a minimum of 224.5 acres of wildflower field, or shall be reasonably capable of being enhanced and converted to this vegetation through maintenance and management practices.				
4. The subject property(s) shall provide at least 39 acres of contiguous suitable foraging habitat for the burrowing owl, including presence of suitable burrows. If suitable natural burrows are not present within the subject property, artificial burrows shall be constructed in accordance with California Burrowing Owl Consortium (1993) guidelines.				
5. The subject property(s) shall contain a minimum of 450 acres of suitable foraging habitat for grassland/scrubland bird species occurring in the Antelope Valley.				



MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>6. The subject property(s) shall contain habitat suitable for the Blainville's horned lizard. Within the mitigation site, suitable locations shall be identified for relocation of horned lizards captured and removed from the Project site pursuant to Mitigation Measure 5.7-7. Generally, it is presumed that the wildflower field areas required by item (3) above will be suitable for this species.</p> <p>7. Under no circumstances shall species identified by the Cal-IPC as invasive weeds be used in revegetation efforts.</p> <p>8. The subject property(s) shall be maintained such that invasive forbs (as identified by the Cal-IPC) shall not exceed 5 percent of the vegetative cover.</p> <p>Within 60 days of recordation of the permanent deed restriction(s) or conservation easement(s), a Restoration, Enhancement, and Maintenance Plan for the off-site mitigation land(s) shall be submitted to LACDRP for review and approval. The plan shall include the restoration, enhancement, and maintenance requirements for each mitigation area, based on the characteristics of the mitigation land and the mitigation requirements described above, and shall also include contingency measures in the event that habitat creation/restoration/enhancement efforts are not successful. The Restoration, Enhancement, and Maintenance Plan shall also describe the performance standards for determining when the mitigation requirements for the lands have been met.</p> <p>In addition to meeting the requirements detailed above, the following desirable factors shall also be considered when selecting off-site mitigation property(s):</p> <p>1. Lands located between blocks of protected habitat are desirable locations for off-site mitigation, as protecting these areas can</p>				

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
ensure that essential habitat connections remain in perpetuity.				
2. Lands containing Joshua tree woodland habitat are desirable locations for off-site mitigation, due to the continuing loss and degradation of this resource.				
3. Lands containing junipers are also desirable locations for off-site mitigation, due to the nesting habitat they may provide for some special-status bird species.				
4. Lands containing important landscape features, sensitive habitats, or listed species are desirable locations for off-site mitigation, due to the sensitivity of these resources and the general understanding that such elements are indicative of high biological value.				
<b>MM 5.7-3: Biological Restrictions on Dust Suppression.</b> Where construction activities are proposed within 100 feet of mapped Joshua tree woodland vegetation or the Joshua tree recruitment area, a screening fence (i.e., a 6-foot-high chain link fence with green fabric up to a height of 5 feet) shall be installed to protect locations where these sensitive resources may be present to the satisfaction of LACDRP. In addition, dust abatement within 100 feet of these areas shall be achieved by water or by chemical dust suppression if authorized by the County and CDFG.	Install screening fence and Maintain log demonstrating compliance and Site inspection	During construction	Applicant/Construction Manager	LACDRP CDFG
<b>MM 5.7-4: Nesting Bird Surveys Prior to Mowing.</b> Should mowing for vegetation management purposes occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February through August in the Project region, or as determined by a qualified biologist), the Applicant shall have weekly	Conduct weekly nesting bird surveys during nesting/breeding season	Prior to mowing activities during nesting/breeding season	Applicant/Qualified Biologist	LACDRP CDFG

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>nesting bird surveys conducted. These surveys shall be conducted by a qualified biologist, shall commence within 30 days prior to any mowing, and shall be conducted to determine whether any active nests of special-status bird species, or of any bird species protected by the Migratory Bird Treaty Act or the California Fish and Game Code, are present in the disturbance zone or within 300 feet (500 feet for raptors) of the area to be disturbed. The surveys shall occur on a weekly basis, with the last survey being conducted no more than seven days prior to initiation of mowing activities. If mowing is delayed, then additional surveys shall be conducted such that no more than seven days would have elapsed between the survey and mowing. The Applicant or Manager shall provide the biologist with plans detailing the extent of proposed mowing prior to the survey effort.</p> <p>If active nests are found, mowing within 300 feet (500 feet for raptors) of the nest shall be postponed or halted, at the discretion of the biologist, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. Limits of mowing to avoid an active nest shall be established in the field with highly visible construction fencing, and solar plant personnel shall be instructed on the sensitivity of nest areas. The results of the surveys, including graphics showing the locations of any nests detected, and any avoidance measures implemented, shall be submitted to the LACDRP and CDFG within 14 days of completion of the surveys to document compliance with applicable state and federal laws pertaining to the protection of native birds. Nesting bird surveys shall be conducted in each of the first five years after Project development. At the end of this period, the results</p>	<p>and</p> <p>Submittal and approval of survey reports</p>			

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
of the first five years of surveys shall be submitted to the LACDRP and CDFG. After submittal of the first five-year survey results, the County of Los Angeles, under consultation with CDFG, shall determine whether or not the nesting bird surveys shall continue.				
MM 5.7-5: Biological Monitor. Prior to grading, a qualified biologist shall be retained by the Applicant as the biological monitor subject to the approval of the County of Los Angeles. The biological monitor shall ensure that impacts to biological resources are avoided or minimized to the fullest extent possible. During earth moving activities, the biological monitor shall be present to relocate any vertebrate species that may come into harm's way to undisturbed areas of suitable habitat using appropriate methods that would not injure the wildlife. The biological monitor shall have the authority to stop specific grading or construction activities if violations of mitigation measures or any local, state, or federal laws are suspected.	Biological monitoring and Maintain log demonstrating compliance	During construction	Applicant/Qualified Biologist	LACDRP
MM 5.7-6: Worker Environmental Education Program. A Worker Environmental Education Program shall be developed for construction crews by a qualified biologist(s) provided by the Applicant. Training materials and briefings shall include but not be limited to: discussion of the value and identification of special-status species, including the burrowing owl and desert tortoise, review of sensitive species likely to occur within the construction area, the Migratory Bird Treaty Act and the consequences of non-compliance with this act, a contact person in the event of the discovery of dead or injured wildlife, and a review of mitigation requirements. The training sessions shall be conducted by a qualified biologist or other individual approved by the biologist. Maps showing the location of special-status wildlife or other construction limitations shall be provided to the environmental monitors and	Administer Worker Environmental Education Program and Maintain log demonstrating compliance	Prior to and ongoing during construction activities (as needed for new construction workers)	Applicant/Qualified Biologist/Construction Manager	LACDRP

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
construction crews prior to construction activities. As part of the environmental training, Managers and heavy equipment operators shall be provided with photographs or illustrations of expected special-status wildlife species so they will be able to identify them, and avoid harming them during construction.				
MM 5.7-7: Blainville's Horned Lizard Capture and Relocation. Prior to the initiation of ground clearing activities, capture and relocation efforts shall be conducted for the Blainville's horned lizard to the satisfaction of LACDRP. Trapping shall be conducted by a County-approved biologist possessing proper scientific collection and handling permits, and shall include the following steps:	Perform capture and relocation efforts and Maintain log demonstrating compliance	Prior to ground clearing activities	Applicant/County-Approved Biologist	LACDRP
<ul style="list-style-type: none"> <li>Prior to initiating the capture and relocation effort, a suitable receptor location shall be identified to receive relocated horned lizards. The receptor locations shall contain suitable habitat for this species, including open, shrub-dominated vegetation. The 45-acre avoidance area near the southern edge of the Project site likely constitutes a suitable on-site receptor location.</li> <li>The capture and relocation effort shall take place during the active season (April through October) preceding commencement of ground disturbance activities, when lizards are most likely to be active. Surveys shall be conducted when air temperatures immediately above the ground surface is between 70°F (21°C) and 102°F (39°C). All areas proposed for temporary or permanent ground disturbance shall be surveyed for the Blainville's horned lizard.</li> <li>Surveys shall be conducted by placing coverboards on the ground 4 to 6 weeks in advance of the survey effort, and</li> </ul>				

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>checking the area under the coverboards for horned lizards on a weekly basis. Coverboards can consist of untreated lumber, sheet metal, corrugated steel, or other flat material. Captured lizards shall be placed immediately into containers containing sand or moist paper towels and released in designated receptor locations no more than three hours after capture.</p> <ul style="list-style-type: none"> <li>If the biologist believes there is high potential for previously relocated lizards to return to the impact sites following relocation, silt fence shall be installed to prevent relocated individuals from reoccupying areas proposed for disturbance.</li> </ul>	<p>Conduct weekly nesting bird surveys during nesting/ breeding season and Submittal and approval of pre-construction nesting bird survey reports</p>	<p>Nesting bird surveys prior to vegetation clearing or ground disturbance during nesting/ breeding season</p>	<p>Applicant/Qualified Biologist</p>	<p>LACDRP CDFG</p>
<p><b>MM 5.7-8: Pre-construction Nesting Bird Surveys.</b> Within 30 days prior to vegetation clearing or ground disturbance associated with construction or grading that would occur during the nesting/ breeding season of native bird species potentially nesting on the site (typically February through August in the project region, or as determined by a qualified biologist), the Applicant shall have weekly surveys conducted by a qualified biologist to determine if active nests of special-status bird species, or of any bird species protected by the Migratory Bird Treaty Act or the California Fish and Game Code, are present in the disturbance zone or within 300 feet (500 feet for raptors) of the disturbance zone. The surveys shall occur on a weekly basis, with the last survey being conducted no more than seven days prior to initiation of disturbance work. If ground disturbance activities are delayed, then additional pre-disturbance surveys shall be conducted such that no more than seven days will have elapsed between the survey and ground disturbance activities. The Applicant or Manager shall provide the biologist with plans detailing the extent of proposed ground disturbance prior to the survey effort.</p>				

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors) shall be postponed or halted, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. Limits of construction to avoid an active nest shall be established in the field with highly visible construction fencing, and construction personnel shall be instructed on the sensitivity of nest areas. Occupied nests adjacent to the construction site shall also be avoided to ensure nesting success. A qualified biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests occur. The results of the surveys, including graphics showing the locations of any nests detected, and documentation of any avoidance measures taken, shall be submitted to the LACDRP and CDFG within 14 days of completion of the pre-construction surveys or construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.</p>				
MM 5.7-9: Pre-Construction Wintering Burrowing Owl Surveys. If construction or site preparation activities are scheduled during the non-nesting season of the burrowing owl (typically September through January), the Applicant shall retain a qualified biologist to conduct wintering burrowing owl surveys within the area to be disturbed. The survey shall be conducted no more than 21 days prior to commencement of construction activities in the area. During the construction period, the results of the surveys, including graphics showing the locations of any active burrows detected and any avoidance measures required, shall be submitted to the LACDRP and	<p>Submittal and approval of pre-construction wintering burrowing owl survey report(s) during non-nesting season and</p> <p>Submittal and</p>	Prior to and during construction	Applicant/Qualified Biologist	LACDRP CDFG

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>CDFG on a monthly basis. If active burrows are detected, the required avoidance measures shall conform to the following:</p> <ul style="list-style-type: none"> <li>If burrowing owls are observed using burrows during the non-breeding season, occupied burrows shall be left undisturbed, and no construction activity shall take place within 300 feet of the burrow where feasible (see below).</li> <li>If disturbance of owls and owl burrows is unavoidable, owls shall be excluded from all active burrows through the use of exclusion devices placed in occupied burrows in accordance with CDFG protocols (CDFG 1995). Specifically, exclusion devices, utilizing one-way doors, shall be installed in the entrance of all active burrows. The devices shall be left in the burrows for at least 48 hours to ensure that all owls have been excluded from the burrows. Each of the burrows shall then be excavated by hand and refilled to prevent reoccupation. Exclusion shall continue until the owls have been successfully excluded from the disturbance area, as determined by a qualified biologist.</li> <li>If construction activities must be initiated in any area of the site during the burrowing owl breeding season (typically February through August), pre-construction surveys for burrowing owls shall be conducted. Any active burrowing owl burrows found at this season shall not be disturbed. Construction activities shall not be conducted within 300 feet of an active burrow at this season.</li> </ul> <p>MM 5.7-10: Burrowing Owl Management Plan. Prior to issuance of a grading permit, a habitat management plan for the burrowing owl shall be developed for portions of the site supporting suitable habitat for</p>	<p>approval of pre-construction survey report(s) during burrowing owl breeding season and</p> <p>Implement avoidance measures, as applicable</p> <p>Submittal and approval of Burrowing Owl</p>	<p>Prior to issuance of grading permit</p>	<p>Applicant/Qualified Biologist</p>	<p>LACDRP CDFG</p>



MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>burrowing owl and away from Project facilities and the solar panel arrays. Specifically, this plan shall be developed for implementation in the undeveloped areas surrounding Drainage A and in the southernmost portion of the Project site, near West Avenue E. At a minimum, the plan shall include the following elements:</p> <ul style="list-style-type: none"> <li>• If occupied burrows are to be removed, the plan shall contain schematic diagrams of artificial burrow designs and a map of potential artificial burrow locations within Drainage A and Drainage C that would compensate for the burrows removed.</li> <li>• A methodology for the eviction and passive relocation of any owls from the impact area to proactively established artificial burrows.</li> <li>• Provisions for vegetation management, specifying the maximum allowable vegetative cover adjacent to established artificial burrows and the methodology to be used in maintaining the appropriate cover.</li> <li>• Measures prohibiting the use of rodenticides.</li> <li>• The plan shall specify a minimum of 6.5 acres of suitable foraging habitat to be preserved or created through revegetation and restoration practices for every active burrowing owl burrow within the Project site. These mitigation areas shall not be located in areas shaded by the proposed solar arrays, and shall not be subject to vegetation mowing or other fuel management practices. Foraging areas shall be located adjacent to suitable natural or artificial burrow locations.</li> </ul> <p>The Burrowing Owl Habitat Management Plan may be prepared and presented either as a stand-alone document or as a component of the HEVMP required by Mitigation Measure 5.7.1, and shall be submitted</p>	Habitat Management Plan			

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
to the LACDRP and CDFG for review and approval prior to issuance of a grading permit for the Project.				
MM 5.7-11 Facility Lighting. Project facility lighting shall be designed to provide the minimum illumination needed to achieve safety and security objectives. All lighting shall be directed downward and shielded to focus illumination on the desired areas only and avoid light trespass into adjacent areas. Lenses and bulbs shall not extend below the shields. The lighting plan shall be submitted to LACDPW for review and approval.	Submittal and approval of Facility Lighting Plan and Site inspection	Prior to issuance of building permit	Applicant	LACDPW LACDRP
MM 5.7-12: Desert Kit Fox. To avoid injury or mortality of the desert kit fox, preconstruction surveys shall be conducted for this species concurrent with the pre-construction nesting bird surveys required by Mitigation Measure 5.7-4. A qualified biologist shall perform pre-construction surveys for kit fox dens in the Project site and along the proposed transmission line route, and shall survey all areas where Project facilities, transmission line poles, grading, mowing, equipment access, or other disturbances are proposed. If dens are detected, each den shall be classified as inactive, potentially active, or definitely active. Inactive dens in areas that would be impacted by construction activities shall be excavated by hand and backfilled to prevent reuse by desert kit fox. Active and potentially active dens in areas that would be impacted by construction activities shall be monitored by the biological monitor for three consecutive nights using a tracking medium (such as diatomaceous earth or fire clay) and/or infrared camera stations at the entrance. If no tracks are observed in the tracking medium or no photos of the target species are captured after three nights, the den shall be excavated and backfilled by hand to prevent reuse. If tracks are observed, the den shall be progressively	Submittal and approval of Pre-Construction Survey Report(s)	Within 30 days of completion of surveys, and prior to construction (ongoing as construction progresses to new areas)	Applicant/Qualified Biologist	LACDRP CDFG

AV SOLAR RANCH ONE  
FINAL EIR

COUNTY OF LOS ANGELES PROJECT NO. R2009-02239

SCH NO. 2009041145

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
blocked with natural materials (rocks, dirt, sticks, and vegetation piled in front of the entrance) for the next three to five nights to discourage the kit fox from continuing to use the den. After verification that the den is unoccupied, it shall then be excavated and backfilled by hand to prevent reuse, while ensuring that no kit fox are trapped in the den. The Applicant shall submit a report to the LACDRP and CDFG within 30 days of completion of the kit fox surveys describing the survey methods, results, and details of any dens backfilled or foxes observed.	Conduct desert tortoise surveys and Submittal and approval of pre-construction desert tortoise survey results	Within 30 days prior to construction-related ground clearing and/or grading and Within 14 days of completion of pre-construction surveys or construction monitoring	Applicant/Qualified Biologist	LACDRP USFWS CDFG
MM 5.7-13: Pre-construction Desert Tortoise Surveys. Within 30 days prior to construction-related initial ground clearing and/or grading, the Applicant shall retain a qualified biologist to conduct surveys for signs of occupancy by the desert tortoise. Surveys shall be conducted on foot, and intended to detect any live tortoises or their carcasses, burrows, palates, tracks, or scat. Should any desert tortoise sign indicating the presence of desert tortoise be detected, the Applicant shall not proceed with ground clearing and/or grading activities in the area of the find and shall contact the USFWS and CDFG to develop an avoidance strategy.				
The results of the pre-construction surveys, including graphics showing the locations of any tortoise sign detected, and documentation of any avoidance measures taken, shall be submitted to the USFWS, CDFG, and LACDRP within 14 days of completion of the pre-construction surveys or construction monitoring to document compliance with applicable federal and state laws pertaining to the protection of desert tortoise.				

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<b>CULTURAL AND PALEONTOLOGICAL RESOURCES</b>				
MM 5.8-1: Avoid Archaeological Sites. Archaeological sites within the proposed Project area shall be avoided and protected from future disturbance or evaluated for significance and mitigated, as appropriate, to the satisfaction of the Los Angeles County Department of Regional Planning (LACDRP).	Maintain log to demonstrate compliance	During construction and operation	Applicant/Construction Manager/Cultural Resources Monitor	LACDRP
MM 5.8-2: Phase II Testing/Phase III Data Recovery. Prior to construction, Phase II testing and evaluation shall be conducted at all unavoidable prehistoric archaeological sites in the proposed Project area to determine their significance under Section 15064.5 of CEQA. Sites determined eligible for the California Register of Historic Resources (CRHR) shall either be avoided and protected from future disturbance, or a Phase III data recovery plan shall be prepared and implemented prior to construction to the satisfaction of LACDRP. All archaeological collections, technical reports and related documentation shall be curated at a curation facility approved by the County of Los Angeles.	Submittal and approval of Phase II Report/Phase III Data Recovery Plan, and related documentation, as applicable	Prior to construction	Applicant/Qualified Archaeologist	LACDRP
MM 5.8-3: Archaeological Monitoring. Prior to construction, an archaeological monitoring plan shall be prepared and implemented to the satisfaction of LACDRP. A qualified archaeological monitor shall be present during all ground disturbing activities, including vegetation clearing, grubbing, grading, filling, drilling, and trenching. In the event that any prehistoric or historic cultural resources (chipped or ground stone lithics, animal bone, ashly midden soil, structural remains, historic glass or ceramics, etc.) are discovered during the course of construction, all work in the vicinity shall halt, and the archaeologist shall record the resources on the appropriate California Department of	Submittal and approval of Archaeological Monitoring Plan and Submittal and approval of additional Phase II and Phase III technical reports,	Prior to issuance of grading permit and During construction and Following completion of ground-disturbance construction activities	Applicant/Qualified Archaeologist/Cultural Resources Monitor	LACDRP

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
Parks and Recreation (DPR) 523 Series Forms, evaluate the significance of the find, and if significant, determine and implement the appropriate mitigation, including but not limited to Phase III data recovery and associated documentation to the satisfaction of LACDRP. Such activities may result in the preparation of additional Phase II and Phase III technical reports. After ground-disturbing construction activities have been completed, an archaeological construction monitoring report shall be completed and submitted to the LACDRP.	as applicable and Archaeological monitoring and Submittal of Archaeological Construction Monitoring Report			
MM 5.8-4: Native American Monitor. A Native American monitor (Tataviam/Fernadeno Band of Mission Indians) shall be notified prior to construction and allowed the opportunity to be present during all ground disturbing activities, including vegetation clearing, grubbing, grading, filling, drilling, and trenching. In the event that any sacred site or resource is identified, a Native American monitor shall be retained to divert construction activities to another area of the Project site while a proper plan for avoidance or removal is determined to the satisfaction of the LACDRP.	Notify Native American monitor of construction activities and Maintain log to demonstrate compliance and Site inspection	Prior to and during construction	Applicant/Construction Manager/Cultural Resources Monitor	LACDRP
MM 5.8-5: Human Remains. In the event human remains are encountered, construction in the area of the finding shall cease, and the remains shall stay in situ pending definition of an appropriate plan. The Los Angeles County Coroner (Coroner) shall be contacted to determine the origin of the remains. In the event the remains are Native American in origin, the NAHC shall be contacted to determine	Maintain log to demonstrate compliance and	During construction	Applicant/Construction Manager/Cultural Resources Monitor	LACDRP

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
necessary procedures for protection and preservation of the remains, including reburial, as provided in the State of California Environmental Quality Act (CEQA) Guidelines, Section 15064.5(e), "CEQA and Archaeological Resources," CEQA Technical Advisory Series.	Site inspection			
<b>MM 5.8-6: Paleontological Resources Protection.</b> In the event paleontological discoveries are encountered by the cultural monitors, all excavation shall cease in the area of the find and a paleontologist shall be retained, who shall devise a plan for recovery in accordance with standards established by the Society of Vertebrate Paleontology. At least one of the on-site cultural monitors during construction shall have familiarity and expertise in paleontological resources and have the ability to recognize significant vertebrate paleontological resources. Any paleontological resources shall be documented and submitted to the Natural History Museum of Los Angeles County, or any other accredited institution (i.e., San Bernardino County Museum, UCLA Dept of Earth and Space Sciences) that will accept paleontological resources for curation.	Paleontological resources monitoring and  Maintain log and documentation, as applicable, to demonstrate compliance	During construction	Applicant/Construction Manager/Cultural Resources Monitor	LACDRP
<b>MM 5.8-7: Construction Worker Training.</b> Prior to construction, the qualified archaeological monitor or qualified designee shall conduct a brief educational workshop such that all construction personnel understand monitoring requirements, roles and responsibilities of the monitors, and penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources. The construction worker training shall include an overview of potential cultural and paleontological resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to a designated on-site cultural monitor for further evaluation and action, as appropriate.	Implement educational workshop for all construction workers and  Maintain log to demonstrate compliance	Prior to and ongoing during construction activities (as needed for new construction workers)	Applicant/Construction Manager/Qualified Archaeological Monitor	LACDRP

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<b>AGRICULTURAL RESOURCES</b>				
MM 5.9-1: Transmission Line Williamson Act Review (Kern County). Prior to the construction of the proposed transmission line route within any Williamson Act contracted lands in Kern County, the Applicant shall submit a written site description, along with a plot plan of the proposed transmission line route within the contracted land to the Kern County Planning Department for review and approval.	Submittal of documentation demonstrating approval from Kern County Planning Department	Prior to construction of transmission line	Applicant	LACDRP KCPD
<b>VISUAL QUALITIES</b>				
MM 5.10-1: Visual Screening During Construction. Prior to any construction activity within the vicinity of SR-138, temporary screening of construction and staging areas (e.g., via vegetation, or fencing with fabric or slats) shall be installed to minimize visual effects from construction as required by LACDRP.	Install temporary screening, as required and Maintain log to demonstrate compliance and Site inspection	Prior to construction activities within vicinity of SR-138	Applicant/Construction Manager	LACDRP
MM 5.10-2: Construction Housekeeping. During construction, the development site shall be maintained. The Project facility construction site and off-site transmission line route work areas shall be kept clean of debris, trash, or waste.	Maintain development site and Site inspection	During construction	Applicant/Construction Manager	LACDRP
MM 5.10-3: Building and Equipment Paint. All proposed on-site structures and appropriate equipment shall be neutral colors and non-	Submittal and approval of building and equipment paint	Prior to issuance of building permit	Applicant	LACDRP

AV SOLAR RANCH ONE  
FINAL EIR

COUNTY OF LOS ANGELES PROJECT NO. R2009-02239

SCH NO. 2009041145

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures reflective, as approved by the LACDRP.	Action Required palette plans and information	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p><b>MM 5.10-4: Screening Vegetation Landscaping Plan and Maintenance.</b> Prior to issuance of a grading permit, the Applicant shall submit a landscaping plan for the 10-foot-wide strip of Project screening vegetation proposed along both sides of SR-138, to the LACDRP for review and approval. The Plan shall be certified by a registered landscape architect, and shall identify use of temporary irrigation, and the areas on both sides of SR-138 at the Project site to be planted with Joshua trees and/or other native yucca species; and native shrub species, in compliance with the County Drought-Tolerant Landscaping Ordinance. The landscaping shall be installed within 14 months of the commencement of construction activities. The vegetation shall be maintained via selective thinning and removal of invasive weeds and monitored thereafter to promote successful, long-term establishment of the native vegetation to the satisfaction of LACDRP. The landscaped area shall also be maintained free of trash and debris for the Project lifetime to the satisfaction of LACDRP.</p>	<p>Submittal and approval of Screening Vegetation Landscaping Plan and Maintain log to demonstrate compliance and Site inspection</p>	<p>Prior to issuance of grading permit and During construction and operation</p>	<p>Applicant/Registered Landscape Architect/ Construction Manager</p>	<p>LACDRP</p>
<p><b>MM 5.10-5: Maintenance of SR-138 Caltrans and County Easements.</b> The areas on both sides of the existing Caltrans right-of-way for SR-138 offered for dedication in fee simple by the Applicant to Caltrans and the irrevocable 10-foot-wide slope easement on both sides of the 200-foot-wide Caltrans right-of-way offered to the County as described in Section 4.2 of this EIR shall be maintained free of trash and debris on an as-needed basis to the satisfaction of LACDRP. The dedicated area for Caltrans shall be maintained by Applicant until such time the deed for the applicable area is transferred to Caltrans, and the slope easement area for the County</p>	<p>Maintain log to demonstrate compliance and Site inspection</p>	<p>During construction and operation, prior to deed transfer for Caltrans easement and prior to improvements by County for slope easement area</p>	<p>Applicant/Construction Manager</p>	<p>LACDRP</p>



MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
shall be maintained by the Applicant until such time that the County installs improvements.				
<b>TRAFFIC AND ACCESS</b>				
MM 5.11-1: Provide Adequate Worksite Traffic Control. Prior to any construction activities and/or issuance of required encroachment permits from Caltrans and Los Angeles and Kern counties, the Applicant shall prepare worksite traffic control plans for review and approval from Caltrans, the LACDPW, and the Kern County Resource Management Agency, Roads Department. The plans shall include: 1) the location and usage of appropriate construction work warning signs that shall be placed in accordance with the California Manual on Uniform Traffic Control Devices (Caltrans 2010); 2) proper merging taper and/or shifting lane schematics; and 3) adequate work area and buffer zone designation as well as proper location and conduct of flagmen and the traffic management supervisor at the installation worksite area. The Project worksite traffic control plans shall be coordinated with driver and worker safety in mind. Where the observed speed limit on affected roadways is 55 MPH or more, the plans shall incorporate and implement the following minimum standard requirements per the Work Area Traffic Control Handbook (WATCH):	Submittal and approval of Worksite Traffic Control Plans and Advance notification of road closures to LACFD and submittal of detour plans	Prior to issuance of grading permit or encroachment permit, where applicable and During construction	Applicant/Construction Manager	LACDRP LACDPW LACFD KCRD
<ul style="list-style-type: none"> <li>A Type C flashing arrow pane shall be used for each closed lane.</li> <li>The minimum height for traffic cones shall be 28 inches.</li> <li>A minimum of three advance warning signs shall be posted.</li> <li>Consideration of advanced safety enhancement measures shall be taken into account for workers in the work zones.</li> </ul> <p>The above safety and traffic control measures identified in the traffic control plans shall also be implemented at pole installation sites within</p>				

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>the public road ROW and/or roadway crossings at a minimum. Additionally, the County, including the LACFD Fire Stations 78, 112, and 140 shall be notified at least three days in advance of any street closures that may affect fire and/or paramedic responses in the area. Applicant shall provide alternate route (detour) plans to the County, including three sets to the LACFD, with a tentative schedule of planned closures, prior to the beginning of construction.</p>				
MM 5.11-2: Document Pre- and Post-Project Construction Pavement Condition of 170 <sup>th</sup> Street West and Pay Fair Share. Prior to issuance of a grading permit, Applicant shall document and submit all required information and/or material pertaining to the pavement conditions of 170 <sup>th</sup> Street West including the formula for calculating the Project's fair share of any repair and/or reconstruction of 170 <sup>th</sup> Street West to the satisfaction of the LACDPW. Applicant shall reimburse the County of Los Angeles for the cost of any repairs and/or reconstruction of 170 <sup>th</sup> Street West attributable to the Project as agreed to by the LACDPW. The timing of any necessary repairs and/or reconstruction of 170 <sup>th</sup> Street West and the required payment by Applicant shall be determined by LACDPW.	<p>Submittal and approval of Pre-Construction Pavement Condition documentation and the Project's fair share formula and</p> <p>Submittal and approval of Post-Construction Pavement Condition documentation and</p> <p>Payment of fair share</p>	<p>Prior to issuance of grading permit and</p> <p>Following construction</p>	Applicant/Construction Manager	LACDPW
MM 5.11-3: Limit 50 Percent of Truck Deliveries to Off-Peak Hours. During the construction phase of the Project, Applicant/EPC contractor shall require equipment and materials suppliers using trucks to make deliveries to the Project site such that at least 50	Maintain log to demonstrate compliance	During construction	Applicant/Construction Manager	LACDRP

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**PROJECT NO. R2009-02239**

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
percent of associated truck traffic occurs during off-peak hours.				
<b>ENVIRONMENTAL SAFETY</b>				
MM 5.15-1: Additional assessment, and possibly remediation, of potentially contaminated soils on the Project site. Prior to the issuance of a grading permit, the Applicant shall obtain a site closure letter from the Los Angeles County Fire Department, Health Hazardous Materials Division. The Applicant shall conduct additional site assessment or remediation activities as required by and to the satisfaction of the Voluntary Oversight Program of the CUPA (Los Angeles County Fire Department, Health Hazardous Materials Division).	Perform necessary assessment and remediation, as applicable, and obtain Site Closure Letter from LACFD	Prior to issuance of grading permit	Applicant	LACDRP LACFD (CUPA)
Additional assessment and/or remediation may include the following:				
1) Preparation of applicable Phase II Environmental Site Assessment Work Plans that describe the proposed approach and methods to be used in characterizing shallow soils. The Work Plans shall include the proposed sampling locations, sample collection procedures, analytical methods, quality control measures, and a site-specific health and safety plan. The Phase II ESA(s) shall be submitted to the CUPA for regulatory review and approval.				
2) Implementation of the Phase II ESA Work Plan(s) with CUPA oversight.				
As necessary, Site Remediation Action Plans shall be developed. Upon CUPA concurrence with the recommendations presented the Phase II ESA(s), remedial action plans shall be prepared for submittal to the CUPA. The remedial action plans shall include the following.				
1) Remediation goals and cleanup criteria.				

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>2) Evaluation of corrective action alternatives that compares the effectiveness, feasibility, and cost benefit of each alternative. The remedial action plans shall take into account existing and proposed uses of the Project area.</p> <p>3) Identification of the preferred alternative with consideration of protection of resources within the Project area.</p> <p>4) A detailed description of the access points and haul-out routes for remedial activities; remediation methods and procedures; mitigation of dust; minimization or avoidance of disturbance to sensitive ecosystems; and verification soil sampling and analysis. Included in the discussion shall be information on disposal sites, transport and disposal methods, as well as recordkeeping methods for documenting remediation, regulatory compliance, and health and safety programs for on-site workers.</p>	<p>Submittal and approval of Soil Management Plan and Monitor soil conditions encountered</p>	<p>Prior to issuance of grading permit for the transmission line and During construction</p>	<p>Applicant/Construction Manager</p>	<p>LACFD (CUPA)</p>
<p>MM 5.15-2: A Soil Management Plan for Transmission Line Construction. Prior to issuance of a grading permit, a soil management plan shall be submitted to the CUPA for review and approval. The plan shall include practices that are consistent with the California Title 8, Occupational Safety and Health Administration (Cal-OSHA) regulations, as well as CUPA remediation standards that are protective of the planned use. Appropriately trained construction personnel shall be present during site preparation, grading, and related earthwork activities (e.g., augering) to monitor soil conditions encountered. In order to confirm the absence or presence of hazardous substances associated with former land use, a sampling strategy may be implemented. The sampling strategy shall include procedures regarding logging/sampling and laboratory analyses. The Soil Management Plan shall outline guidelines for the following:</p>				

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<ul style="list-style-type: none"> <li>Identifying impacted soil</li> <li>Assessing impacted soil</li> <li>Soil excavation</li> <li>Impacted soil storage</li> <li>Verification sampling</li> <li>Impacted soil characterization and disposal</li> </ul>				
<p>MM-5.15-3: The historic oil well that requires abandonment or re-abandonment shall be abandoned to current standards. Prior to issuance of a grading permit, an investigation into the location of the historic oil well, reportedly located on the proposed Project site shall be conducted. If the well is determined to be located on the Project site, the well shall be inspected. If the well was not abandoned properly, as determined by the California Division of Oil, Gas, and Geothermal Resources (DOGGR), the well shall be re-abandoned to the satisfaction of DOGGR. The Project development plans shall comply with the required setbacks from oil and gas wells as determined by DOGGR and the County of Los Angeles.</p>	<p>Investigation of historic oil well and</p> <p>If well is determined to be present on the Project site, obtain determination from DOGGR that historic well was properly abandoned or re-abandon the well to the satisfaction of DOGGR</p>	<p>Prior to issuance of grading permit</p>	<p>Applicant/Construction Manager</p>	<p>DOGGR</p>
<p>MM 5.15-4: Demolition Hazardous Building Materials Assessment and Management Plan. Prior to the commencement of any demolition activity on the Project site, the demolition Manager shall prepare a written Demolition Hazardous Building Materials Assessment and Management Program for review and approval by the CUPA, and/or other appropriate regulatory agency. The Demolition Hazardous Building Materials Management Program shall</p>	<p>Submittal and approval of Demolition Hazardous Building Materials Assessment and Management</p>	<p>Prior to commencement of any demolition activity</p>	<p>Applicant/Demolition Manager</p>	<p>LACFD (CUPA) AVAQMD</p>

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>include an assessment for lead-based paint (LBP) and asbestos-containing material (ACM) as identified in the URS pre-demolition survey report (URS 2010), and the following plans shall be prepared:</p> <ul style="list-style-type: none"> <li>Lead-based Paint Abatement and Management Plan. A LBP Abatement Plan shall be prepared and implemented by a qualified Manager. Elements of the plan shall include the following: <ul style="list-style-type: none"> <li>Containment of all work areas to prohibit off-site migration of paint chip debris.</li> <li>Removal or encapsulation of all peeling and stratified LBP on building surfaces and on non-building surfaces to the degree necessary to properly complete demolition activities per the recommendations of the survey. The demolition Manager shall properly contain and dispose of intact LBP on all equipment to be cut and/or removed during demolition.</li> <li>Providing on-site air monitoring during all abatement activities and perimeter monitoring to ensure no contamination of work of adjacent areas.</li> <li>Cleanup and/or HEPA vacuum paint chips.</li> <li>Collection, segregation, and profiling waste for disposal determination.</li> <li>Post-demolition testing of soil to assure that soil at the site is not contaminated by LBP.</li> <li>Providing for appropriate disposal of all waste.</li> </ul> </li> <li>Asbestos-containing Materials Abatement and Management Plan. Prior to demolition work that shall disturb identified ACMs, an ACM Abatement and Management Plan shall be prepared.</li> </ul>	<p>Program and Notification of demolition activities to AVAQMD and Maintain log to demonstrate compliance</p>			

AV SOLAR RANCH ONE  
FINAL EIR

COUNTY OF LOS ANGELES PROJECT NO. R2009-02239  
SCH NO. 2009041145

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>Asbestos abatement shall be conducted during demolition activities, consistent with OSHA and air quality regulations. The Management plan shall include detailed information regarding ACM classification, ACM hazard assessment (the possibility of fiber release from ACM is based on the materials condition, such as friability), ACM inventory information, training and qualification for workers, demolition handling procedures, waste management and disposal procedures, and emergency response procedures (in case of a release of friable materials) licensed asbestos abatement removal Manager shall remove the ACMs under the oversight of a California Certified Asbestos Consultant. All identified ACMs shall be removed and appropriately disposed of by a state-certified asbestos Manager. The proposed Project shall include notification of demolition activities to the Antelope Valley Air Quality Management District.</p>				
<b>LAND USE</b>				
Mitigation Measure 5.16-1: Tree Planting Modification. Prior to issuance of a grading permit, the applicant shall obtain authorization to modify the tree planting requirements of the Green Building Ordinance from the Director of Public Works and shall comply with all considerations and other terms of the Green Building Ordinance requirements to the satisfaction of the Director of Public Works (see Sections 22.52.2130.C.5 and Section 22.52.2150 of the County Code).	Obtain authorization to modify the tree planting requirements of the Green Building Ordinance	Prior to issuance of grading permit	Applicant	LACDPW
<b>NOISE</b>				
MM 5.18-1: Pile Driver Orientation. In order to reduce the noise levels generated by the vibratory pile driver and comply with all	Maintain log demonstrating	During construction	Applicant/Construction Manager	LACDRP

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
applicable Los Angeles County noise standards, the pile driver shall be oriented such that the rear of the pile driver faces toward the noise-sensitive receptors when the vibratory pile driver is being utilized within 3,000 feet of the receptors.	compliance and Site inspection			
MM 5.18-2: Construction Equipment Use of Mufflers. Construction equipment and vehicles shall be fitted with efficient and well-maintained mufflers to reduce noise emission levels. In addition, the Project construction equipment and vehicles shall be maintained according to the manufacturers' instructions and recommendations.	Maintain log demonstrating compliance	During construction	Applicant/Construction Manager	LACDRP
<b>MITIGATION COMPLIANCE</b>				
As a means of ensuring compliance of the above mitigation measures, the Applicant and/or subsequent owner(s) are responsible for submitting an annual mitigation compliance report to the LACDRP for review, and for replenishing the mitigation monitoring account if necessary until such time as all mitigation measures have been implemented and completed.	Submittal of annual mitigation compliance report and Replenishing mitigation monitoring account	Annually until such time as all mitigation measures have been implemented and completed	Project Applicant and Subsequent Owner(s)	LACDRP

<sup>1</sup> List of Acronyms:

ACM	Asbestos-containing material	Cal-OSHA	California Occupational Safety and Health Administration	CRHR	California Register of Historic Resources
AQCM	Air quality construction mitigation manager	Caltrans	California Department of Transportation	CUPA	Certified Unified Program Agency
ATCM	Airborne toxic control measure	CARB	California Air Resources Board	DEIR	Draft Environmental Impact Report
AVAQMD	Antelope Valley Air Quality Management District	CBC	California Building Code	DOGGR	California Division of Oil, Gas, and Geothermal Resources
BLM	Bureau of Land Management	CCR	California Code of Regulations	DPR	Department of Parks and Recreation
Cal-IPC	California Invasive Plant Council	CDFG	California Department of Fish and Game	EIR	Environmental Impact Report
		CEQA	California Environmental Quality Act		



AV SOLAR RANCH ONE  
FINAL EIR

COUNTY OF LOS ANGELES PROJECT NO. R2009-02239

SCH NO. 2009041145

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

EPC	Engineering, procurement, and construction	LACDPW	Los Angeles County Department of Public Works	NPDES	National Pollutant Discharge Elimination System
ESA	Environmental Site Assessment	LACDRP	Los Angeles County Department of Regional Planning	OSHA	Occupational Safety and Health Administration
FEMA	Federal Emergency Management Agency	LACFD	Los Angeles County Fire Department	OWTS	On-site Wastewater Treatment System
FDECP	Fugitive dust emission control plan	LBP	Lead-based paint	PM	Particulate Matter
HEPA	High efficiency particulate air	LRWQCB	Lahontan Regional Water Quality Control Board	RWQCB	Regional Water Quality Control Board
HEVMP	Habitat enhancement and vegetation management plan	mph	Miles per hour	SEA	Significant ecological area
hp	Horsepower	MM	Mitigation Measure	SR	State Route
KCPD	Kern County Planning Department	MW	Megawatt	UCLA	University of California Los Angeles
KCRD	Kern County Roads Department	NAHC	Native American Heritage Commission	USEPA	United States Environmental Protection Agency
kV	Kilovolts (unit of electrical potential)	NIOSH	National Institute for Occupational Safety and Health	USFWS	United States Fish and Wildlife Service
LACDPH	Los Angeles County Department of Health Services, Public Health	NOx	Oxides of Nitrogen	WATCH	Work Area Traffic Control Handbook (Caltrans)

2 The proposed Project consists of the approximately 2,100-acre solar facility site and the off-site 230-kV transmission line in northern Los Angeles County and southern Kern County.

**APPLICANT'S COST COMPARISON  
WITH DPW REVIEW**

**COMPARISON OF UNDERGROUND  
AND ABOVE GROUND  
TRANSMISSION LINE AND POLE  
INSTALLATIONS**

Rec'd 7/27/09

## COMPARISON OF OVERHEAD vs. UNDERGROUND ELECTRIC TRANSMISSION LINES

The following discussion compares overhead and underground transmission lines for the 230 kilovolt (kV) line and the 34.5 kV collections systems for the AV Solar Ranch One Project.

### 230-kV TRANSMISSION LINES

Operationally, overhead (OH) and underground (UG) transmission lines are very similar. Both construction methods must include over-current and over-voltage protective devices at both ends of each line segment. These protective devices are set to operate automatically based on tolerances set by the design engineers. These devices can also be operated to energize or de-energize the transmission line as needed, either remotely or locally, depending on the situation and the need.

Beyond the operational similarities, there are significant differences between OH and UG transmission lines that need to be considered when determining which construction type is best suited for a particular project. The major differences to consider are:

- the cost of construction,
- the construction impacts,
- the permanent impacts,
- line maintenance and restoration,
- and risk factors.

### Costs

OH transmission lines, such as the line needed for the AV Solar Ranch One project (230-kV, 4.5 miles in length), typically cost on the order of \$750,000 to \$1,000,000 per mile depending on the types of structures to be used (mono-pole, lattice, H-frame, etc.) and the materials used in each structure (wood, steel, or concrete). The towers planned for the AVSR1 project would be fabricated from tubular steel with costs for each tower ranging from approximately \$60,000, for in-line towers, to \$100,000, for deadend or large angle towers.

UG transmission lines of similar capacity have been shown to cost approximately five times as much as OH to construct. A large part of the cost increase is due to the materials used in an UG transmission line. OH transmission lines place each energized conductor high overhead, thereby providing adequate isolation for public safety. As such, no special insulation is applied on the conductor because the conductors are effectively insulated by air. UG conductors, however, are located, at most, four to five feet underground and are installed in very close proximity to one another. The various components of the high-purity polymer insulation required around each conductor are specifically designed, and must perform as designed for the entire assembly to remain safe and operational. This causes each conductor on the transmission line to have a much higher initial fabrication cost and, a much higher installed cost.

## **Construction Impacts**

The installation methods used for OH and UG transmission lines are also much different and have cost impacts as well as site impacts. OH transmission lines will likely have one single-pole structure installed, on average, every 700 feet. UG transmission cables are installed in a bank of conduits with splice vaults located along the duct bank at regular intervals, usually one vault every 2,000 feet. The overall disturbance caused by the construction of the OH transmission line will be much less than the disturbance for the UG transmission line because the construction activity on the OH transmission line is limited to the specific tower locations, whereas UG construction requires a continuous five-foot-wide excavation along the length of the entire transmission line route.

The individual structure locations on an OH transmission line can be specifically selected to minimize, or eliminate, interference with property owners, vegetation, or other structures above or below ground. This option is not available with UG transmission line construction because the duct bank installation requires an open-cut trench and must be contiguous. Directional boring for a duct bank of this size is generally avoided due to the cost premium and the reduction of circuit capacity caused by the increased depth and the inability to control the thermal properties of the soil around the duct bank.

## **Permanent Impacts**

When OH construction is completed the permanent impacts are similar to the construction impacts; only the tower locations restrict further use of the property. Easements acquired for an OH transmission line typically prohibit only the construction of buildings, tall signs, etc., that might impact safety clearances to the line conductors. OH construction rarely prohibits the construction of roadways, walkways, or agricultural uses under the line. This advantage is not available with an UG transmission line because the duct bank is typically surrounded on all sides by specially formulated thermal concrete to within twelve inches of the ground surface creating a significant physical barrier to future land use and requiring a more restrictive easement for protection of the facility.

## **Maintenance and Restoration**

Transmission lines require regular inspection and maintenance to ensure proper and uninterrupted operation. General maintenance and outage restoration are much more difficult with an UG transmission line than with an OH transmission line. OH transmission lines are inspected visually, usually from the ground while the line is energized and transmitting power as intended. Accessing an UG transmission line for inspection is possible only at the splice vault locations and usually requires the line to be de-energized for safety reasons, thereby stopping production for the generation facility. Assessing the condition of the cable insulation also requires specialized equipment and a de-energized line.

Accessibility to the UG transmission line is an even larger issue in the unlikely event of a component failure. Furthermore, a single material failure on an UG transmission line can damage

multiple components expanding a simple failure/replacement into a much more significant event with higher restoration costs and longer outage durations. This scenario is compared to the replacement of individual components on an OH transmission line where all of the components are readily accessible and do not have the same probability of damage if an adjacent component fails.

### Risk Factors

One final point of discussion is the amount of risk imposed upon the surrounding area by either the OH or UG transmission line. Properly designed transmission lines have been shown to impose very little risk to a given area whether installed above ground or below ground. Beyond the obvious visual impact of an OH transmission line, vertical and horizontal design clearances as defined by the NESC and California General Order 95 are such that confidence in the safety for the general public is maximized. UG transmission lines, being less visually apparent, are theoretically more likely to be interfered with because the general public may not be as aware of the location. Trenching or drilling equipment could inadvertently encounter the buried conduits, or the surrounding concrete.

An often stated risk is the possibility the line could pose a fire danger to the surrounding area. In the case of either type of line, the risk of fire danger is extremely low. Many medium-voltage power lines use over-current protective devices, such as fused cutouts, that can expel burning embers when the fuse blows. OH and UG transmission lines typically use circuit breakers, located at a substation or switchyard, to de-energize a segment of line. Circuit breakers are completely self-contained and are constructed to extinguish an arc inside the tank of the breaker. Fire danger is further reduced by installing OH transmission lines on steel poles, as is the case for the AVSR1 project. This prevents the possibility of a pole fire due to an insulator failure.

The attached table, Table 1, lists each of the items discussed here in a format suited for direct comparison between OH transmission lines and UG transmission lines. As discussed, both types of lines are similarly operated once constructed. The major differences can be found in the construction methods, the impact to the surrounding area during construction, the degree of permanent impact imposed by each, and the periodic maintenance activities that must be performed on any transmission line.

**TABLE 1. COMPARISON OF OVERHEAD vs. UNDERGROUND 230-kV ELECTRIC TRANSMISSION LINES**

Comparison Issue	Overhead 230-kV	Underground 230-kV
Operation	Operation is not demonstrably different whether OH or UG	
Cost of Construction	Order of Magnitude Cost is Approximately \$0.75M per Mile	Order of Magnitude Cost is Approximately \$4.1M per mile
Construction Impact	1) Construction activity limited to individual tower locations. 2) Excavations are approximately 8ft in diameter and 30ft deep.	1) Construction activity is significant along the centerline with a minimum of 200ft of trench exposed at all times. 2) Excavations at vault locations

Comparison Issue	Overhead 230-kV	Underground 230-kV
	3) Tower locations selected to avoid existing conflicts (eg driveways, roadways, etc.)	are approximately 50ft in length by 30ft in width by 20ft in depth. 3) Existing driveways and roadways must be excavated and repaired with impacts to residents and local traffic.
Maintenance	1) Required periodic inspections are carried out while the line is energized. 2) No disruption to local residents or traffic by ground or aerial inspections of the line.	1) Required periodic inspections dictate the line be de-energized. 2) Access to the vaults must follow all confined space protocols. 3) Potential disruption to residents and local traffic caused by surface crew activities during the inspection.
Outage Restoration	1) Causes are easily and quickly determined by ground or aerial inspection. 2) Repairs generally require minimal time or cost (ie insulator replacement, etc.)	1) Causes can be difficult and time-consuming to locate. 2) Repairs can be very costly with the potential for re-excavation along the right-of-way possibly required.
Mitigation of Fire Danger	Fire risk is low for the following reasons: 1) Use of steel poles versus wood poles prevents the possibility of pole fires due to insulator failure. 2) No switching devices (fused cutouts, switches, reclosers) on the line to disperse debris or burning embers. 3) Designed for minimum 30ft ground clearance with conductors overhanging roadway to avoid natural or transplanted vegetation. 4) Self-supporting steel structures which eliminates down-guys and subsequent related opportunities for line failures. 5) Overcurrent protection devices designed to de-energize the line in approximately 8/100 of one second in the event of a fault.	Fire risk is low for the following reasons: 1) Buried a minimum of 4ft below grade and encapsulated in PVC conduit. 2) No switching devices (fused cutouts, switches, reclosers) on the line to disperse debris or burning embers. 3) Overcurrent protection devices designed to de-energize the line in approximately 8/100 of one second in the event of a fault.
Incident Electric and Magnetic Fields	The calculated EMF levels are well under commonly established limits. Electric Field: 2.7kV/Meter Magnetic Field: 78mG	The calculated EMF levels are well under commonly established limits. Electric Field: Shielded Magnetic Field: 75mG
Permanent Impacts	1) Visual impacts only. Overhead lines do not significantly restrict surface or subsurface use of the road right-of-way. 2) Minimum California height	1) The concrete backfill used is a minimum of 3ft wide and extends from a minimum of 4ft deep to 1.5ft below grade presenting a permanent barrier to future underground road crossings and

Comparison Issue	Overhead 230-kV	Underground 230-kV
	requirements allow future installation of roadway lighting, signalization and traffic signs as needed.	to surface uses that require foundations or embedments.

## MEDIUM-VOLTAGE COLLECTION SYSTEMS

As with the 230-kV lines, operationally, overhead (OH) and underground (UG) medium-voltage collection systems are very similar. Both construction methods include over-current protective devices at the substation and over-voltage surge arresters at various locations on the circuits. These protective devices are set to operate automatically based on tolerances set by the design engineers or by the manufacturer. The over-current devices can also be operated to energize or de-energize each collection circuit as needed, either remotely or locally, depending on the situation and the need.

Beyond the operational similarities, there are significant differences between OH and UG collection systems that need to be considered when determining which construction type is best suited for a particular project. The major differences to consider are:

- the cost of construction,
- the construction impacts,
- the permanent impacts,
- line maintenance and restoration,
- and risk factors.

### Costs

OH collection systems, such as that needed for the AValley Solar Ranch One project (34.5-kV, 3 miles of pole line), typically cost on the order of \$241,000 per mile of pole line. The pole-lines planned for the AVSR1 project would be constructed using wooden poles with up to two circuits on each pole. The conductors would be supported on un-grounded line-post insulators to provide the required avian protection.

UG collection systems of similar capacity have been shown to cost up to ten times as much to construct. A large part of the cost increase is due to the materials used to manufacture UG power cable. OH design practices place each energized conductor high overhead thereby providing adequate isolation for public safety. As such, no special insulation is applied on the conductor because the conductors are effectively insulated by air. UG conductors, however, are located, at most, four to five feet underground and are installed in very close proximity to one another. The various components of the high-purity polymer insulation required around each conductor are specifically designed, and must perform as designed, for the entire assembly to remain safe and operational. This causes each conductor on the collection system to have a much higher initial fabrication cost and, a much higher installed cost.

The number of circuits required to meet the full-load generation plant rating will be higher in an UG collection system as compared to an OH collection system. This is a significant portion of the ten-fold increase in cost over an OH collection system. OH collection circuits are exposed to open air where heat generated by the flow of electricity can be easily and quickly dissipated. UG circuits are confined underground in soils that typically resist the flow of heat away from the collection circuit causing a conductor rating to be reduced by a factor of three in most cases. This can result in three times as many conductors per circuit to achieve a circuit ampacity comparable to that of an OH collection system. In most cases, the conductor size is first increased to some maximum practical limit after which additional circuits are designed to achieve the desired full-load rating for a collection system. This results in two UG circuits, each with a conductor size larger than the conductor on the equivalent OH circuit, to achieve an UG circuit capacity comparable to the OH circuit designed for the same loading.

### **Construction Impacts**

The installation methods used for OH and UG collection systems are also much different and have cost impacts as well as site impacts. OH collection systems will likely have one single-pole structure installed, on average, every 160 feet. Each pole-line can accommodate up to two collection circuits with one circuit on each side of the pole. UG collection circuits are installed in individual trenches. The overall disturbance caused by the construction of the OH collection system will be much less than the disturbance for the UG collection system because the construction activity on the OH collection system is limited to the specific tower locations, whereas UG construction requires a continuous two-foot-wide excavation along the length of each collection circuit.

An OH collection system can sometimes be less advantageous than an UG collection system when considering the total width required where multiple circuits exist in a single section. OH pole lines, with one circuit on each side of the pole, require approximately twenty-five feet of width per pole-line for operational clearances. UG circuits would be installed with approximately ten feet of separation between each circuit. As the number of circuits increases the total width disparity accumulates causing the UG collection system to become more favorable. In the case of the AVSR1 project, the highest number of circuits expected in any one section would be eight. If these eight circuits are installed OH, the total width required would be 100 feet because two circuits can be installed on a single pole-line. If these eight circuits are installed UG, the total width required would be 80 feet because each circuit is installed in a unique trench.

### **Permanent Impacts**

When OH construction is completed the permanent impacts are similar to the construction impacts; most future uses of the underlying property are only restricted by the pole locations and generally not by the OH conductors between poles. Space reservations on the project property for an OH collection system will restrict only the construction of buildings, tall signs, etc., that might impact safety clearances to the line conductors. OH construction rarely prohibits the additional roadways, walkways, or agricultural uses under the line. This advantage is not available with an UG collection system because each UG circuit in the collection system must be



protected from damage caused by excavations of any kind; whether for a new roadway, to install a footing for a new sign, or any other conceivable excavation.

### **Maintenance and Restoration**

Collection systems require regular inspection and maintenance to ensure proper and uninterrupted operation. General maintenance is much more difficult with an UG collection system than with an OH collection system. OH collection systems are inspected visually, usually from the ground while the line is energized and transmitting power as intended. Accessing an UG collection system for inspection is possible only at the termination locations and usually requires the line to be de-energized for safety reasons, thereby stopping production for a portion of the generation facility. Assessing the condition of the cable insulation also requires specialized equipment and a de-energized line and is hampered by the fact that the line is buried and inaccessible.

The inaccessibility of the UG collection system is an even larger issue in the unlikely event of a component failure in that repair and restoration can be very difficult. Furthermore, a single material failure on an UG collection system can damage multiple components expanding a simple failure/replacement into a much more significant event with higher restoration costs and longer outage durations. This scenario is compared to the replacement of individual components on an OH collection system where all of the components are readily accessible and do not have the same probability of damage if an adjacent component fails.

### **Risk Factors**

Properly designed collection systems have been shown to impose very little risk to a given area whether installed above ground or below ground. Beyond the obvious visual impact of an OH collection system, vertical and horizontal design clearances as defined by the NESC and California General Order 95 are such that confidence in the safety of the general public is maximized. UG collection systems, being less visually apparent, are theoretically more likely to be interfered with because the general public may not be as aware of the location. Trenching or drilling equipment could inadvertently encounter the buried cables causing an outage.

An often stated risk is the possibility the line could pose a fire danger to the surrounding area. In the case of either type of line, the risk of fire danger is extremely low. Many medium-voltage power lines use over-current protective devices, such as fused cutouts, that can expel burning embers when the fuse blows. This is not the case in either an OH or UG collection system for AVSR1 which uses either reclosers or circuit breakers, located at the substation, to de-energize the line if a fault is detected. Both types of equipment are completely self-contained and are constructed to extinguish an arc inside the equipment tank.

### **Conclusion**

The attached table, Table 1, lists each of the items discussed here in a format suited for direct comparison between OH collection systems and UG collection systems. As discussed, both types of lines are similarly operated once constructed. The major differences can be found in the

construction methods, the impact to the surrounding area during construction, the degree of permanent impact imposed by each, and the periodic maintenance activities that must be performed on any collection system.

**TABLE 1. COMPARISON OF OVERHEAD vs. UNDERGROUND MEDIUM-VOLTAGE COLLECTION SYSTEMS**

Comparison Issue	Overhead 34.5-kV	Underground 34.5-kV
Operation	Operation is not demonstrably different whether OH or UG	
Cost of Construction	Order of Magnitude Cost is Approximately \$241k per Mile	Order of Magnitude Cost is Approximately \$2,410k per mile (10X higher than OH cost)
Construction Impact	<p>Total disturbance estimated to be less than 200 ft<sup>2</sup> per 1,000 feet.</p> <ol style="list-style-type: none"> <li>1) Construction activity limited to individual pole locations.</li> <li>2) Excavations are approximately 3ft in diameter and 6-8ft deep.</li> <li>3) Poles typically placed 160ft apart.</li> <li>4) Pole-lines spaced approximately 25ft between centers</li> <li>5) Up to 2 circuits per pole-line.</li> <li>6) Worst case is 4 pole-lines (8 total circuits) in any one section.</li> </ol>	<p>Total disturbance estimated to be 12,000 ft<sup>2</sup> per 1000 feet</p> <ol style="list-style-type: none"> <li>1) Construction activity is significant along the centerline with a minimum of 200ft of trench exposed at all times.</li> <li>2) Each trench is a minimum of 1.5 ft wide and 4 ft deep.</li> <li>3) Minimum of 8ft separation between trenches.</li> <li>4) One circuit per trench</li> <li>5) Worst case is 8 trenches in any one section.</li> </ol>
Maintenance	<ol style="list-style-type: none"> <li>1) Required periodic inspections are carried out while the line is energized.</li> <li>2) No disruption to local residents or traffic by ground or aerial inspections of the line.</li> </ol>	<ol style="list-style-type: none"> <li>1) Required periodic inspections dictate the line be de-energized.</li> <li>2) Limited access to the splices, terminations and cables.</li> </ol>
Outage Restoration	<ol style="list-style-type: none"> <li>1) Causes are easily and quickly determined by ground or aerial inspection.</li> <li>2) Repairs generally require minimal time or cost (ie insulator replacement, etc.)</li> </ol>	<ol style="list-style-type: none"> <li>1) Causes can be difficult and time-consuming to locate.</li> <li>2) Repairs can be very costly with re-excavation along the right-of-way possibly required.</li> </ol>
Mitigation of Fire Danger	<p>Fire risk is low for the following reasons:</p> <ol style="list-style-type: none"> <li>1) Designed for minimum 30ft ground clearance with conductors overhanging roadway to avoid natural or transplanted vegetation.</li> <li>2) No switching devices (fused cutouts, switches, reclosers) on the line to disperse debris or burning embers.</li> <li>3) Overcurrent protection devices</li> </ol>	<p>Fire risk is low for the following reasons:</p> <ol style="list-style-type: none"> <li>1) Buried a minimum of 4ft below grade</li> <li>2) No switching devices (fused cutouts, switches, reclosers) on the line to disperse debris or burning embers.</li> <li>3) Overcurrent protection devices designed to de-energize the line in the event of a fault.</li> </ol>

Comparison Issue	Overhead 34.5-kV	Underground 34.5-kV
	designed to de-energize the line in the event of a fault.	
Incident Electric and Magnetic Fields	<p>The calculated EMF levels are well under commonly established limits.</p> <p>Electric Field: 0.2kV/Meter</p> <p>Magnetic Field: 27mG</p>	<p>The calculated EMF levels are well under commonly established limits.</p> <p>Electric Field: Shielded</p> <p>Magnetic Field: 19mG</p>
Permanent Impacts	<p>1) Visual impacts only.</p> <p>2) Overhead lines do not significantly restrict surface or subsurface use of the road right-of-way.</p> <p>2) Permanent impact limited to the specific pole locations within an approximate 100 ft wide corridor (4 pole-lines, 8 circuits)</p>	<p>1) Less visually disruptive.</p> <p>2) Underground lines provide minimal restriction to surface activity but disallow any future sub-surface excavations or installations.</p> <p>3) Permanent impact limited to a corridor width of at least 80ft. (8 circuits)</p>

**Szalay, Kim**

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**From:** Kelly, John [JKELLY@dpw.lacounty.gov]  
**Sent:** Thursday, September 24, 2009 3:14 PM  
**To:** Szalay, Kim  
**Cc:** Williams, Jacob; Cadena, Diego; Hunter, Dennis; Sparks, Jim; Chris Montana; William Dawson  
**Subject:** RE: AVSRO Project: OH vs. UG Transmission Lines Analysis  
**Importance:** High

Kim – I am copying Mr. Hunter of our Land Development Division to make sure our CEQA unit is kept in the loop on this request.

In response, we reviewed the info you sent over regarding the cost to underground the subject transmission lines. Our Department typically deals with the undergrounding of sub-transmission voltage (33kv to 66kv) and distribution line voltage (less than 33kv) through Southern California Edison(SCE). The transmission lines discussed in the report are 230kv. This line voltage (230kv) is the point break between high voltage and extra high voltage, meaning these are the type of lines you see on towers or very tall steel monopoles spaced widely apart. The reason this is important is that costs for overhead or underground installation of high voltage is much more complex and expensive than for sub-transmission or distribution lines.

Undergrounding costs, even in ideal situations, typically can range from \$2.5 million/mile for 33kv and below to \$5 million/mile for 66kv ( ideal conditions meaning no unusual right-of-way, construction, etc issues to overcome). The subject report estimates that the 230kv high voltage transmission lines could cost \$4.1 million/mile and the 34.5kv collection line could cost \$2.4 million/mile. These figures are within or below the range of known costs in our experience, with the high voltage estimate being below. The reason for this lower cost could be due to the remote area and associated lack of interfering infrastructure improvements.

Please let us know if this information will suffice for your purposes.

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**From:** Williams, Jacob  
**Sent:** Wednesday, September 23, 2009 6:50 PM  
**To:** Kelly, John  
**Subject:** FW: AVSRO Project: OH vs. UG Transmission Lines Analysis

John

I am attaching info that may not have been distributed yet, not sure, but Regional Planning is asking for a review of the attached overhead vs underground transmission lines analysis / cost comparison that I believe Nextlight has provided. Read the string below and you'll understand why I want to expedite this review. How soon can we provide the review feedback they need?

Jacob

----- Forwarded Message

**From:** "Szalay, Kim" <>  
**Date:** Tue, 22 Sep 2009 08:23:30 -0700  
**To:** "Williams, Jacob" <JJWILLIA@dpw.lacounty.gov>  
**Cc:** "Dea, Samuel" <sdea@planning.lacounty.gov>  
**Subject:** RE: AVSRO Project: OH vs. UG Transmission Lines Analysis

Good Morning Jacob,

I believe it was attached to Chris Montana's e-mail as indicated in e-trail below? Attached is a copy for your reference as

**Szalay, Kim**

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**From:** Kelly, John [JKELLY@dpw.lacounty.gov]  
**Sent:** Thursday, September 24, 2009 5:51 PM  
**To:** Szalay, Kim  
**Cc:** Williams, Jacob; Cadena, Diego; Hunter, Dennis; Sparks, Jim; Chris Montana; William Dawson  
**Subject:** RE: P.S. .... AVSRO Project: OH vs. UG Transmission Lines Analysis  
**Importance:** High

Kim – no problem. The costs given for overhead are similarly in the ballpark. For the 230kv transmission line, the estimated cost of \$750k per mile is approximately 1/5th the cost of undergrounding. For the 34.5kv collection system, the estimated cost of \$241k is 1/10th the cost of undergrounding. These cost differentials can converge a bit when looking at life cycle costs due to factors specific to the location of the installation (e.g. the costs of overhead are higher over time when considering tree trimming adjacent to the lines; however, in a remote area without street trees, this cost would not be incurred. Similarly, there are some factors associated with undergrounding that can save costs over time, and vice-versa).

Also, the ten-times factor for the collection system seems extreme, but the underground amount is likely accurate (\$2.4 million/mile), and the seemingly low cost for overhead is likely due to the simplicity of running standard wood distribution poles in a rural, unimproved area (cheapest type of location for overhead).

Bottom line is that in a remote area, the five-times factor for high voltage transmission, and the ten-times factor for the 34.5kv collector are reasonable estimates in our opinion. We also checked with SCE to make sure our assumptions and numbers were consistent with their installation costs, and they are.

---

**From:** Szalay, Kim [mailto:kszalay@planning.lacounty.gov]  
**Sent:** Thursday, September 24, 2009 5:18 PM  
**To:** Kelly, John  
**Cc:** Williams, Jacob; Cadena, Diego; Hunter, Dennis; Sparks, Jim; Chris Montana; William Dawson  
**Subject:** P.S. .... AVSRO Project: OH vs. UG Transmission Lines Analysis

John,

On second thought, upon a second reading I noticed that your comments did not mention the comparison to above ground transmission line installation. Do you have a similar per mile cost comparison for above ground installation for both high and low voltage installations?

Thanks,

Kim

---

**From:** Szalay, Kim  
**Sent:** Thursday, September 24, 2009 3:40 PM  
**To:** 'Kelly, John'  
**Cc:** Williams, Jacob; Cadena, Diego; Hunter, Dennis; Sparks, Jim; Chris Montana; William Dawson  
**Subject:** RE: AVSRO Project: OH vs. UG Transmission Lines Analysis

Thank you very much John. This is the kind of information we were requesting. This will suffice.

Sincerely,

Kim Szalay

# **TABLE OF MARKET RATE PRICE REFERENTS FOR ELECTRIC POWER**

The following table provides the CPUC 2008 Market Price Referents. The AVSR1 PPA has a 25 year term that is expected to start in 2013. The power price is fixed for the 25 year term.

<b>Adopted 2008 Market Price Referents<sup>1</sup></b> (Nominal - dollars/kWh)				
<b>Resource Type</b>	<b>10-Year</b>	<b>15-Year</b>	<b>20-Year</b>	<b>25-Year</b>
2009 Baseload MPR	0.10043	0.10537	0.11126	0.11480
2010 Baseload MPR	0.10175	0.10748	0.11390	0.11761
2011 Baseload MPR	0.10400	0.11046	0.11730	0.12110
2012 Baseload MPR	0.10698	0.11405	0.12126	0.12509
2013 Baseload MPR	0.10998	0.11776	0.12527	0.12915
2014 Baseload MPR	0.11278	0.12122	0.12897	0.13290
2015 Baseload MPR	0.11605	0.12503	0.13290	0.13690
2016 Baseload MPR	0.11971	0.12915	0.13706	0.14111
2017 Baseload MPR	0.12367	0.13352	0.14144	0.14549
2018 Baseload MPR	0.12802	0.13814	0.14603	0.15001
2019 Baseload MPR	0.13271	0.14298	0.15080	0.15464
2020 Baseload MPR	0.13776	0.14797	0.15578	0.15937

# **Additional Public Comments**



30 July, 2010

Christia Tran  
Los Angeles County Regional Planning

Re: AV Solar Ranch 1 LLC (AV Solar)  
Project No. R2009-002239

As long time residents of the community of Antelope Acres, we support the idea of solar panels to generate electricity at individual sites like homes and businesses. We cannot approve, however, of huge solar projects that take up thousands of acres of open space land envisioned by our community for other uses.

This is an agricultural opportunity area containing a California State Park Reserve and numerous species of wildlife that have become increasing rare in Los Angeles County due to development. The construction of power lines, solar panels, generating buildings, switching stations, etc. will create land use conflicts with adjacent agricultural lands and the existing community (Town and Country Policy COS 10.5). Landowners are already complaining and upset about the potential loss of value of their property and loss of open space.

Since the solar/wind electrical generating plants are being directed to an area that would be completely changed by their presence, we feel that AV Solar should be directed to provide something to make up for the transformation of land intended for agricultural lifestyle.

The Antelope Acres Town Council supported AV Solar, not realizing there will be nothing in return. As far as we know, AV Solar has not sat down with the Town Council to negotiate any concrete investment for the duration of their stay that would benefit all the citizens of Antelope Acres. Before the project begins, the county could direct AV Solar to approve an agreement. Some considerations to be agreed on are:

- Acquisition of land to be added to the Poppy Reserve
- Acquisition of Little Buttes land for a future preserve

- Building and maintenance of 170<sup>th</sup> Street West Area-wide trail
- Donate to the Antelope Acres Community Center projects such as providing scholarships
- Give grants for solar systems to community facilities
- Other items to be discussed

An agreement in writing between Los Angeles County Planning and AV Solar could be worked out to make up for the loss of quality of life we once expected to find here.

Thank you very much for supporting our community.

Sincerely,

Virginia Stout

Robert Kerekes

Robin Seybold

Judith Fuentes (contact person)

661-723-1882

47458 92<sup>nd</sup> Street West

Antelope Acres, CA 93536

Adele Harlan

2520 Wolf Creek Drive

Reno, NV 89523-3206

Ph/Fax (775)747-3608

August 6,2010

**Los Angeles County Planning Dept.**

**Att: Mr. Kim Szalay**

**Re: Project #R2009-02239-3 Proposed A.V. Solar Ranch One Project**

I am Adele Harlan, owner of the land in the same area; with 5 acres 3257 pg 10-04 and 5 acres 3257 pg 10-02.

I would like to point out that approving this project will surpress the property values of the surrounding properties. No developer will buy the land to build homes, nor will any individual want to build a home in view of this project. This will greatly effect the value of the land.

Years ago when the water canal went through the area, our taxes were raised. We received no benefit from the canal and paid higher taxes for years.

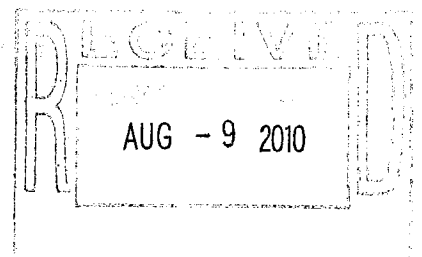
If this project is approved, a decision need to be made as to how the neighboring property owners will be compensated regarding the taxes. This project depreciates the value of our land, for which we will be locked into for years to come and without being able to sell. The visibility of the project solar alone depreciates our properties.

I was a real estate broker for twenty years and specialized in marketing planned unit developments. With this experience, I know there will no builders or developers who will buy the land for development of homes. Aboart this solar development, I believe future taxes and income will be higher if this area is developed as homes.

Sincerely,



**Adele Harlan**





Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

DATE: June 30, 2010

TO: Wayne Rew, Chair  
Pat Modugno, Vice Chair  
Esther L. Valadez, Commissioner  
Leslie G. Bellamy, Commissioner  
Harold Helsley, Commissioner

FROM: Samuel Z. Dea, Supervising Regional Planner  
Special Projects Section

SUBJECT: **PROJECT NO. R2009-02239-(5)**  
**AV SOLAR RANCH ONE, LLC**  
**VESTING TENTATIVE TRACT MAP NO. 071035**  
**CONDITIONAL USE PERMIT NO. 200900026**  
**AGENDA ITEM NO. 6**

Attached is a revised Conditions and Comments letter from the Department of Public Works superseding the June 15, 2010 letter supplied in the RPC package.

SZD:KKS



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

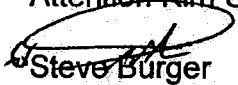
ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: LD-1

June 30, 2010

TO: Mark Child, AICP  
Zoning Permits I Section  
Department of Regional Planning

Attention Kim Szalay

FROM:  Steve Burger  
Land Development Division  
Department of Public Works

**CONDITIONAL USE PERMIT (CUP) NO. RCUP 200900026**  
**ANTELOPE VALLEY SOLAR RANCH ONE**  
**PROJECT NO. R2009-02239**  
**UNINCORPORATED COUNTY AREA OF ANTELOPE VALLEY**

- ☒ Public Works recommends approval of this CUP.
- ☐ Public Works does **NOT** recommend approval of this CUP.

This supersedes our June 15, 2010. We reviewed the revised site plan for the Solar Ranch One project. The project proposes a 230-megawatt, solar-electric, power-generation facility. The project components consist of photovoltaic panel arrays with electrical distribution equipment, an on-site substation, a 20,000-square-foot operation building, and approximately 3.5 miles of off-site transmission lines.

**Upon approval of the site plan, we recommend the following conditions:**

1. Water

- 1.1 The proposed project is not within the service area of a water utility. The applicant must provide an adequate sustainable supply of potable water from an approved source to the satisfaction of the County of Los Angeles Department of Public Health. Please contact the Public Health at (626) 430-5380 for water availability approval.

- 1.2 A water system maintained by the property owner, with appurtenant facilities to serve all buildings in the project, must be provided. If required, the system must include fire hydrants of the type and location (both on-site and off-site) as determined by the Fire Department. The water mains shall be sized to accommodate the total domestic and fire flows.

For questions regarding the water requirements, please contact Tony Khalkhali at (626) 458-4921 or by e-mail at [tkhalkh@dpw.lacounty.gov](mailto:tkhalkh@dpw.lacounty.gov).

## 2 Grading

- 2.1 Obtain all applicable jurisdictional permits. These agencies may include, but may not be limited to, the State of California Regional Water Quality Control Board; State of California Department of Fish and Game; State of California Department of Conservation, Division of Oil, Gas, and Geothermal Resources; and U.S. Army Corps of Engineers.
- 2.2 Submit a grading plan to Public Works' Land Development Division for review and approval.
- 2.3 Acknowledgement and/or approval from all easement holders may be required.
- 2.4 Provide Public Works' Geotechnical and Materials Engineering Division's approval of the grading plan.
- 2.5 Covenants for off-site grading may be required to the satisfaction of Public Works.

For questions regarding the grading requirements, please contact Sam Richards at (626) 458-4921 or by e-mail at [srich@dpw.lacounty.gov](mailto:srich@dpw.lacounty.gov).

## 3. Road Improvements

- 3.1 Construction within road right of way and private and future streets shall not occur unless a permit is obtained from Public Works for the proposed work or until Tentative Tract No. 71035 has recorded and eliminated the right of way easements.

- 3.2 Dedicate or offer right of way (minimum of 100 feet from centerline) and slope/drainage easements on Avenue D (State Route 138) to the satisfaction of Caltrans and Public Works. Additional right of way may be required for future grade separation at the intersection of Avenue D and 170th Street West to the satisfaction of Caltrans and Public Works.
- 3.3 Make an offer of private and future right of way, 32 feet from centerline, on Avenue C, Avenue C-8, 155th Street West, and 160th Street West between Avenue C-8, Avenue D, 170th Street West, 175th Street West, and 180th Street West along the project frontage.
- 3.4 Dedicate or offer right of way for a standard knuckle at the intersection of 160th Street West and Avenue C-8 and at 175th Street West and Avenue C to the satisfaction of Public Works.
- 3.5 Dedicate or offer slope, drainage, and maintenance easements along the property frontage on 155th Street West, 160th Street West, 170th Street West, 175th Street West, 180th Street West, Avenue B-8, Avenue C, Avenue C-8, and Avenue D to the satisfaction of Public Works.
- 3.6 Provide a property line return radii of 13 feet at all local street intersections and 27 feet at the intersection of local streets with planned highways (those streets identify on the County Highway Plan), where all planned highways intersect, or where one of the roads serves a commercial or industrial development. Provide additional right of way for corner cut-off to meet current Americans with Disabilities Act guidelines to the satisfaction of Public Works.
- 3.7 Secure any related permits for any work within Caltrans' right of way.
- 3.8 Construct rural secondary highway improvements along the property frontage on 170th Street West, including any required transition paving, to the satisfaction of Public Works.
- 3.9 Provide a full scale (40:1) signing and striping plan for 170th Street West in the vicinity of the project to the satisfaction of Public Works.
- 3.10 Obtain an encroachment permit, or establish a franchise agreement, for any work within the road right of way from Public Works' Construction Division, Subdivision and Permit Section.

- 3.11 Acquire street plan approval or direct check status before obtaining grading or drainage permit.
- 3.12 Execute an Agreement to Improve for the street improvements prior to the issuance of a building or grading permit.

For questions regarding the road requirements, please contact Sam Richards at (626) 458-4921 or by e-mail at [srich@dpw.lacounty.gov](mailto:srich@dpw.lacounty.gov).

#### 4. Building and Safety

- 4.1 Submit plans and specifications to meet current, applicable, codes and standards for structures, mechanical, plumbing, and electrical.
- 4.2 All electrical installations shall comply with the following criteria:
  - The portion of the project associated with power generation and transmission shall be designed in accordance with the National Electric Safety Code or in accordance with other standards or regulations acceptable to the building official.
  - The nonpower generation and transmission portion of the project shall be designed in accordance with the National Electric Code or in accordance with other standards or regulations acceptable to the building official.
- 4.3 Comply with fire, life safety, structural, and Americans with Disabilities Act guidelines per the current building codes as needed.
- 4.4 The proposed building must have a restroom for employees.
- 4.5 All foundations must be engineered to comply with existing soil conditions.
- 4.6 Comply with the "Agency Referral List," which will include Health, Fire, and other applicable agencies.

For questions regarding the building and safety requirements, please contact Francis Dominguez at (661) 723-4440 or by e-mail at [fdomingu@dpw.lacounty.gov](mailto:fdomingu@dpw.lacounty.gov).



5. Drainage

- 5.1 Comply with the requirements of the drainage concept/hydrology study/ Standard Urban Stormwater Mitigation Plan/Low-Impact Development Plan, which was conceptually approved on January 27, 2010, to the satisfaction of Public Works.
- 5.2 If the solar panel foundation designs differ significantly from the design in the approved drainage concept, a revised drainage concept may be required to show that there are no additional impacts from the new foundation design (to the satisfaction of Public Works).

For questions regarding the drainage requirements, please contact Christopher Sheppard at (626) 458-4921 or by e-mail at [csheppard@dpw.lacounty.gov](mailto:csheppard@dpw.lacounty.gov).

6. Green Building (Tree Planting)

- 6.1 Due to the unique nature of this project and practical difficulties implementing the tree planting required by Section 22.52.2130.C.5 (Green Building Ordinance), the Director of Public Works grants a modification to those requirements per Section 22.52.2150 of the County Code. As one of the requirements of the modification, prior to construction, the developer shall deposit a sum of \$15,000 to the County of Los Angeles for maintenance and enhancement of existing trees in the Antelope Valley. The money shall be deposited into appropriate accounts to Public Works' satisfaction. At Public Works' discretion, the moneys may be allocated to Public Works for street tree maintenance, to the Department of Parks and Recreation for maintenance and enhancement of trees on County parkland, or to both agencies.

For questions regarding the green building requirements, please contact Steve Burger at (626) 458-4943 or by e-mail at [sburger@dpw.lacounty.gov](mailto:sburger@dpw.lacounty.gov).

If you have any other questions or require additional information, please contact Ruben Cruz at (626) 458-4910 or by e-mail at [rcruz@dpw.lacounty.gov](mailto:rcruz@dpw.lacounty.gov).

RC:ca

P:\dpub\SUBMGT\CUP\TR071035\_CUP 200900026\_APN3258012-024T0083\_SolarOneProject\_final approval.3.docx



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

DATE: June 24, 2010

TO: Wayne Rew, Chair  
Pat Modugno, Vice Chair  
Esther L. Valadez, Commissioner  
Leslie G. Bellamy, Commissioner  
Harold Helsley, Commissioner

FROM: Samuel Z. Dea, Supervising Regional Planner  
Special Projects Section

SUBJECT: **PROJECT NO. R2009-02239-(5)**  
**AV SOLAR RANCH ONE, LLC**  
**VESTING TENTATIVE TRACT MAP NO. 071035**  
**CONDITIONAL USE PERMIT NO. 200900026**  
**AGENDA ITEM NO. 6**

Attached are supplemental materials received pertaining to the above referenced item. Included are a letter from the applicant and additional comment letters from the public received since the June 17, 2010 hearing package. The applicant's letter cites benefits of the project, outreach done, and how the project has no significant environmental impacts. Two letters from the public request verification that their properties are not located in the project.

Staff is also providing a factual correction to the staff report. Pages 12 and 13 of the staff report discuss above ground and underground transmission line comparisons. In the Cost discussion on page 12, mileage distances for the respective transmission lines are mentioned. The length of the 34.5 kilovolt transmission line should be corrected from one mile in length to three miles in length, increasing the combined transmission line length to 5.25 miles rather than 3.25 miles as indicated in the report. Additionally, the *Connectivity* discussion on page 13 of the report mentions a single crossing of the Los Angeles Aqueduct and 170<sup>th</sup> Street West right-of-way. This is clarified to indicate a single crossing of the Aqueduct plus two crossings of 170<sup>th</sup> Street West, one of which is at the border crossing from L.A. County into Kern County for a total of three (3) above ground crossings within County of Los Angeles jurisdiction. The three right-of-way crossings are comprised of two high voltage line crossings and one low voltage line crossing.

SZD:KKS

**From:** Pons&Helen Manalo [phelman1@yahoo.com]  
**Sent:** Monday, June 21, 2010 5:29 PM  
**To:** Tran, Christina  
**Subject:** Re: Lot #80 of Tract #29386

Dear Ms. Tran,

My name is Ponciano B. Manalo, owner of Lot #80 of Tract #29386, per map recorded in Book 805, Pages 29 thru 37 in the County Recorder's Office. The lot is located between Avenue A and Avenue B, bordering 170 th St. West.

I want to know if this lot is included in the AV SOLAR RANCH ONE PROJECT per the receipt of tour letter. If it is included, will you be paying me for the value of the land? And if it is outside the proposed project, what will be the effect of this project to the property, since the said property is in the vicinity?

Please clarify this matter to me and my wife. Your prompt response will be highly appreciated.

Thank you.



*Pons Manalo*

RECEIVED  
JUN 23 2010

6-21-2010

Christina

DEPT of Regional Planning  
IMPACT ANALYSIS ROOM 1348  
320 WEST TEMPLE STREET  
LOS ANGELES, CA. 90012

Dear Christina

We need your expert advice and help.  
Is our 2<sup>2</sup>/<sub>5</sub> acres, we purchased in  
1975, included in the proposed site  
location of AV Solar Ranch one?

On the Property TAX bill the assessor's  
ID # 15 3257 021 020 09000. Property  
location & description is VAC/COR 9A AD  
172 STW FAIRMONT TRACT NO 29386 LOT 52.  
Also, the purchase was recorded in  
L.A. County Recorder's office in  
Book 805 page 29 to 37

We ask your help because we are  
unable to ascertain if we are  
or are not, included in the project.

Thank you Sincerely for  
your help in this matter.

Shizuko Hill

FROM: SHIZUKO HILL  
433 SMILAX AVE  
WEST SACRAMENTO, CA. 95605

PHONE # 916-372-1401

# LATHAM & WATKINS LLP

## FIRM / AFFILIATE OFFICES

Abu Dhabi	Moscow
Barcelona	Munich
Beijing	New Jersey
Brussels	New York
Chicago	Orange County
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Dubai	Riyadh
Frankfurt	Rome
Hamburg	San Diego
Hong Kong	San Francisco
Houston	Shanghai
London	Silicon Valley
Los Angeles	Singapore
Madrid	Tokyo
Milan	Washington, D.C.

June 24, 2010

Los Angeles County Regional Planning Commission  
Los Angeles County Department of Regional Planning  
320 West Temple Street  
Los Angeles, CA 90012

Re: Agenda Item 6: County Project No. R2009-02239 / Vesting Tentative Tract Map. No. TR071035 / Conditional Use Permit No. RCUPT200900026 / Environmental Review No. RENVT200900027 (AV Solar Ranch One Project)

Dear Chairman Rew and Honorable Commissioners:

We are writing on behalf of our client, AV Solar Ranch 1 ("AVSR1"), which proposes the AV Solar Ranch One Project ("Project"), a 230 megawatt photovoltaic solar facility located in the Antelope Valley, in unincorporated Los Angeles County ("County"). The 230 megawatt photovoltaic solar facility will generate enough clean, renewable electrical energy to power over 75,000 homes each year. The Project will contribute much needed on-peak power to California's electrical grid and will help California meet its statutory and regulatory goal of increasing renewable power generation. In addition, the proposed Project will create "green" jobs for local residents during construction and operation of the facility, produce sales tax revenue, and increase property tax revenue. The Project also will serve as a catalyst for local business and renewable energy technology innovation. AVSR1 appreciates the hard work of the Regional Planning Staff in analyzing the issues involved in this Project and your Regional Planning Commission's consideration of the Project.

### A. Project Highlights

The proposed Project is located in the Antelope Valley in unincorporated Los Angeles County approximately 15 miles northwest of downtown Lancaster and at the intersection of State Route 138 and 170 Street West. The Project site consists of approximately 2,100 acres that includes a residential ranch area and that was used for agricultural production since at least the 1950s and was most recently farmed in 2004. The Project site is located in an area with suitable solar radiation characteristics, flat terrain, and close proximity to existing electrical transmission facilities.

The Project will involve development of approximately 1,955 acres within the overall Project site and includes a 230-kV transmission line for interconnecting the electrical output of the Project to the regional transmission system. The proposed transmission line is approximately

4.25 miles long, including 0.75 miles on the Project site and 3.5 miles off-site within Los Angeles County and Kern County road right-of-way, and will interconnect to the Southern California Edison ("SCE") planned Whirlwind Substation north of the Project site in southern Kern County. The Project is currently planned to begin construction in the fourth quarter of 2010 and to be completed by the fourth quarter of 2013. Major Project components consist of the solar panels and supports, inverters that will convert the direct current (DC) electricity generated by the solar panels to alternating current (AC), medium voltage (34.5 kV) transformers and circuit breakers, a high voltage on-site substation to step up the 34.5 kV power to the transmission grid voltage (230 kV), and the 230 kV transmission line to carry the Project electrical output from the on-site substation to SCE's Whirlwind Substation.

Prior to the end of 2010, AVSR1 anticipates beginning construction of this photovoltaic solar Project that will generate approximately 230 megawatts of clean, renewable electrical power and integrate the electrical output of the Project into the electrical grid. The electricity produced by the proposed Project will be sold via a Power Purchase Agreement with Pacific Gas and Electric Company ("PG&E") that provides a set and secure rate of financial return for the Project. Project construction must begin in 2010 to qualify the Project for the federal tax grant, as provided in the American Recovery and Reinvestment Act of 2009, which will enhance Project viability. The Project will generate up to approximately 300 jobs at the peak of construction and up to 20 permanent, full time jobs. Sales tax revenues will be generated by the Project and property taxes on the Project site will increase. The Project also will serve as a catalyst for local business and renewable energy technology innovation.

AVSR1 has applied to the County for a Conditional Use Permit (the "CUP") for the Project and a Vesting Tentative Tract Map for reversion to acreage of a 147 lot subdivided portion of the site ("VTTM"), and is requesting a Franchise Agreement with the County to locate the Project's 230 kilovolt transmission line along approximately 1.5 miles of the 170<sup>th</sup> Street West road right-of-way. The Project will also require several ministerial permits. A Draft Environmental Impact Report ("Draft EIR") has been prepared for the Project in accordance with the California Environmental Quality Act ("CEQA") and was released for public review on June 16, 2010. The Draft EIR determined that the Project does not result in significant environmental impacts. The Project is a low profile facility that will preserve the local vistas in the Antelope Valley; requires very little water during operation; will result in very little operational traffic, noise, and night lighting; and is designed to preserve existing drainages and avoid impacts to Joshua trees.

## **B. Outreach**

AVSR1 engaged in an early and ongoing outreach program to engage in a dialogue about the Project with agencies, interest groups, and the public. The outreach has involved presentations to and discussions with a wide variety of stakeholders, including:

- Office of Supervisor Michael Antonovich
- Antelope Acres Town Council
- Antelope Valley Air Quality Management District

- Poppy Reserve Mojave Desert Interpretive Assoc
- Desert & Mountain Conservation Authority
- CA State Parks Office
- CA State Parks Indian Museum
- CA Department of Fish and Game
- Antelope Valley Farm Bureau
- Edwards Air Force Base
- Sierra Club-AV Chapter
- Antelope Valley Resource Conservation District
- Antelope Valley Chambers of Commerce
- Antelope Valley Board of Trade
- Greater Antelope Valley Economic Alliance

AVSR1 continues to coordinate with agencies, interest groups, and the public on the Project.

**C. The Draft EIR for the Project Determined that the Project Does Not Result in Significant Environmental Impacts**

The County has prepared a Draft EIR for the Project, which was released for public review on June 16, 2010. The Draft EIR thoroughly evaluated potential environmental impacts and provided mitigation to lessen any potential impacts to less than significant. The Draft EIR concluded that, with mitigation, the Project will not result in significant environmental impacts. The Draft EIR also evaluated a range of Project alternatives concluding the preferred alternative is a Project design that includes locating Project transmission lines underground.

Impacts to important resource areas – including aesthetics, biology, and water supply – were reduced to less than significant through Project design changes and/or mitigation:

- Aesthetics: To address concern regarding potential impact on vistas seen by travelers along State Route 138, the Project incorporates vegetative screening and lower profile solar panels to screen the solar field from views along State Route 138 while maintaining Antelope Valley vistas.
- Biology: The Draft EIR includes mitigation measures that require the Project to provide 450 acres of off-site mitigation land to compensate for bird foraging habitat loss and address potential impacts to certain state sensitive species such as the burrowing owl. To further reduce potential biological resource impacts, AVSR1 has redesigned the Project to avoid designated Significant Ecological Areas (SEAs) and the few Joshua trees that are located on the Project site.
- Water Supply: The Project's operational water use of only 12 acre-feet per year is less than two percent of the historical, agricultural groundwater use at the Project site and represents only 0.01 percent of the Antelope Valley Groundwater Basin's total sustainable yield.

**D. Conclusion**

Thank you for your consideration of these important issues regarding the Project. We look forward to continued coordination with Regional Planning Staff and other County agencies as the Project proceeds through the public process. Please feel free to contact me at 213-485-1234 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter J. Gutierrez", with a stylized flourish at the end.

Peter J. Gutierrez  
of LATHAM & WATKINS LLP

cc: Paul Novak, Planning Deputy, Fifth Supervisorial District  
Jack Pigott, AVSR1  
Roy Skinner, AVSR1  
Beth P. Gordie, Esq., Latham & Watkins



# Regional Planning Commission Transmittal Checklist

Hearing Date  
June 30, 2010  
Agenda Item No.  
6

**Project Number:** R2009-02239-(5)  
**Case(s):** Tentative Tract Map No. 071035  
Conditional Use Permit Case No. 200900026  
Environmental Assessment Case No. 200900027  
**Planner:** Mr. Kim Szalay, AICP

- ☒ Factual
- ☒ Property Location Maps (2)
- ☒ Staff Report
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☐ Draft Findings – to be provided at future date
- ☒ Agency CUP and VTTM Conditions and Comments (DRP Draft CUP and VTTM Conditions – to be provided at a future date)
- ☒ Burden of Proof Statement(s)
- ☒ Environmental Documentation – DEIR supplied on Disk
- ☒ Correspondence
- ☒ Photographs and Photo Simulations of Visual Effects
- ☒ Aerial Images
- ☒ Land Use Radius Map
- ☒ Tentative Tract / Parcel Map
- ☒ Exhibit "A" - Site Plan / Floor Plans / Elevations/Enlargements
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

Reviewed By: 



Los Angeles County Department of Regional Planning  
320 West Temple Street  
Los Angeles, California 90012  
Telephone (213)

PROJECT NUMBER: R2009-02239-(5)  
VESTING TENTATIVE TRACT MAP NO.: TR 071035  
CONDITIONAL USE PERMIT NO.: RCUP 200900026  
ENVIRONMENTAL ASSESSMENT NO: RENV 200900027

PUBLIC HEARING DATE  
June 30, 2010

AGENDA ITEM  
6

RPC CONSENT DATE

CONTINUE TO

**APPLICANT**

AV Solar Ranch 1, LLC (Frank De Rosa)

**OWNER**

AV Solar Ranch 1, LLC and AV Solar Ranch 2,  
LLC (Frank De Rosa)

**REPRESENTATIVE**

Nextlight Renewable Power, LLC  
Roy Skinner

**PROJECT DESCRIPTION**

Construction, operation, and maintenance of a 230 megawatt, solar photovoltaic electricity power generation facility including approximately 80,000 photovoltaic panel arrays mounted on sun-tracking or fixed, tilt or horizontal array units; associated electrical and distribution equipment including approximately 185 protective electrical equipment enclosures (15 feet in width X 60 feet in length X 12 feet in height); onsite 2.81-acre unenclosed electricity substation 60 feet in maximum height; operations and maintenance building (maximum 20,000 square feet) 27.5 feet in maximum height; a 230 kilovolt transmission line approximately 4.25 miles in length (3.5 miles offsite, 0.75 miles onsite; approximately 2.25 miles within L.A. County jurisdiction and 2 miles within Kern County jurisdiction) is proposed within or near the 170<sup>th</sup> Street West public right of way within and north of the site in L.A. County jurisdiction, and either on private property or 170<sup>th</sup> Street West public right of way in Kern County jurisdiction, connecting to Southern California Edison proposed Whirlwind substation facilities; approximately 43 onsite and offsite high-voltage transmission poles four to six feet in diameter and between 105 to 125 feet in height, or, undergrounding of same lines; onsite 34.5 kilovolt transmission line approximately 1.0 mile in length proposed within or near 170<sup>th</sup> Street West public right of way using approximately 90 standard poles (18-inch diameter; up to 60 feet in height), or, undergrounding of same lines; a maximum of 180,000 cubic yards of balanced grading; employee parking area (38 standard and 2 handicapped spaces); perimeter fencing eight feet in height; associated access roads; 10-foot wide native landscaping screening north and south of SR 138; new potable water well and use of existing well for non-potable uses; two surface water tanks (approximately 10,000 and 100,000 gallons); construction of onsite septic and leach-field system; and demolition of all existing structures including two residences, a mobile home, and accessory structures. The project includes a temporary cement batching plant and construction staging areas throughout the site anticipated to be in use for 38 months from the start of construction or to project build out, whichever comes first.

**REQUIRED ENTITLEMENTS**

**VESTING TENTATIVE TRACT MAP:** To authorize a reversion to acreage from 147 lots to 1 lot on 790 acres in the A-2-5 (Heavy Agricultural-Five Acres Minimum Required Area) zone.

**CONDITIONAL USE PERMIT:** To authorize construction, operation, and maintenance of a 230 megawatt 80,000-panel photovoltaic electricity power generation facility on 2,093 gross acres and onsite grading in excess of 100,000 cubic yards in the A-2-5 zone; and installation of 0.75 miles of onsite and 2.25 miles of offsite high voltage 230 kilovolt electricity transmission lines in the A-2-5 and A-1-2 (Light Agricultural-Two Acres Minimum Required Area) zones.

**ENVIRONMENTAL ASSESSMENT:** To adopt an Environmental Impact Report associated with the project.

**LOCATION/ADDRESS**

The subject property is bisected north and south by State Route 138 and bisected east and west by 170<sup>th</sup> Street West. The property is bounded by 155<sup>th</sup> Street West to the east, 180<sup>th</sup> Street West to the west, West Avenue B-8 to the north, and West Avenue E to the south.

**SITE DESCRIPTION**

The proposed project is located on previously disturbed agricultural land including some re-established native shrubs and seasonal wildflowers. The site is a flat 2,093-acre property located in the west Antelope Valley. Primary drainage is to the northeast. SEA 57 Fairmont-Antelope Butte and the Antelope Valley Poppy Reserve are located approximately 1.5 miles to the southeast. SEA 60 Joshua Tree Woodlands Habitat is located north of the project site. The property is previously disturbed and undeveloped with the exception of the existing residential ranch located on approximately 27 acres south of SR 138 and is proposed to be demolished. The site contains an exploratory oil well which has been plugged and abandoned. The site is surrounded by vacant undeveloped and agricultural land. Three primary ephemeral drainages traverse the project site and a small portion of a fourth ephemeral drainage is located within the northeastern property boundary.

**ACCESS**

170<sup>th</sup> Street West, north of SR 138 (Ave. D)

**ZONED DISTRICT**

Antelope Valley West

**ASSESSORS PARCEL NUMBER**

**Reversion to Acreage Parcels:** 3258-012-024 to 3258-012-083, 3258-025-001 to 3258-025-059, 3258-024-001 to 3258-024-028

**Other Parcels:** 3257-018-006 to 3257-018-013, 3257-010-033 to 3257-010-040, 3236-001-024 to 3236-001-039

**COMMUNITY**

Nearest community is Antelope Acres.

**SIZE**

Project Reversion to Acreage Site: 790 Acres (included in CUP site)

Project Conditional Use Permit Site: 2,093 Gross Acres

**COMMUNITY STANDARDS DISTRICT**

None

**EXISTING LAND USE**

**EXISTING ZONING**

Project Site	Vacant and Residences	A-2-5 (Heavy Agricultural-Five Acres Minimum Required Area); portion of offsite transmission line in the A-1-2 (Light Agricultural-Two Acres Minimum Required Area) zone.
North	Vacant	A-1-2, A-2-5
East	Vacant	A-1-2, A-2-2 (Heavy Agricultural-Two Acres Minimum Required Area), A-2-5
South	Vacant	A-1-2, A-2-2, A-2-5
West	Vacant	A-1-2, A-2-5

**GENERAL PLAN/COMMUNITY PLAN**

Antelope Valley Areawide General Plan

**LAND USE DESIGNATION**

N1 (Non-Urban 1)

**MAXIMUM DENSITY**

0.5 du/ac

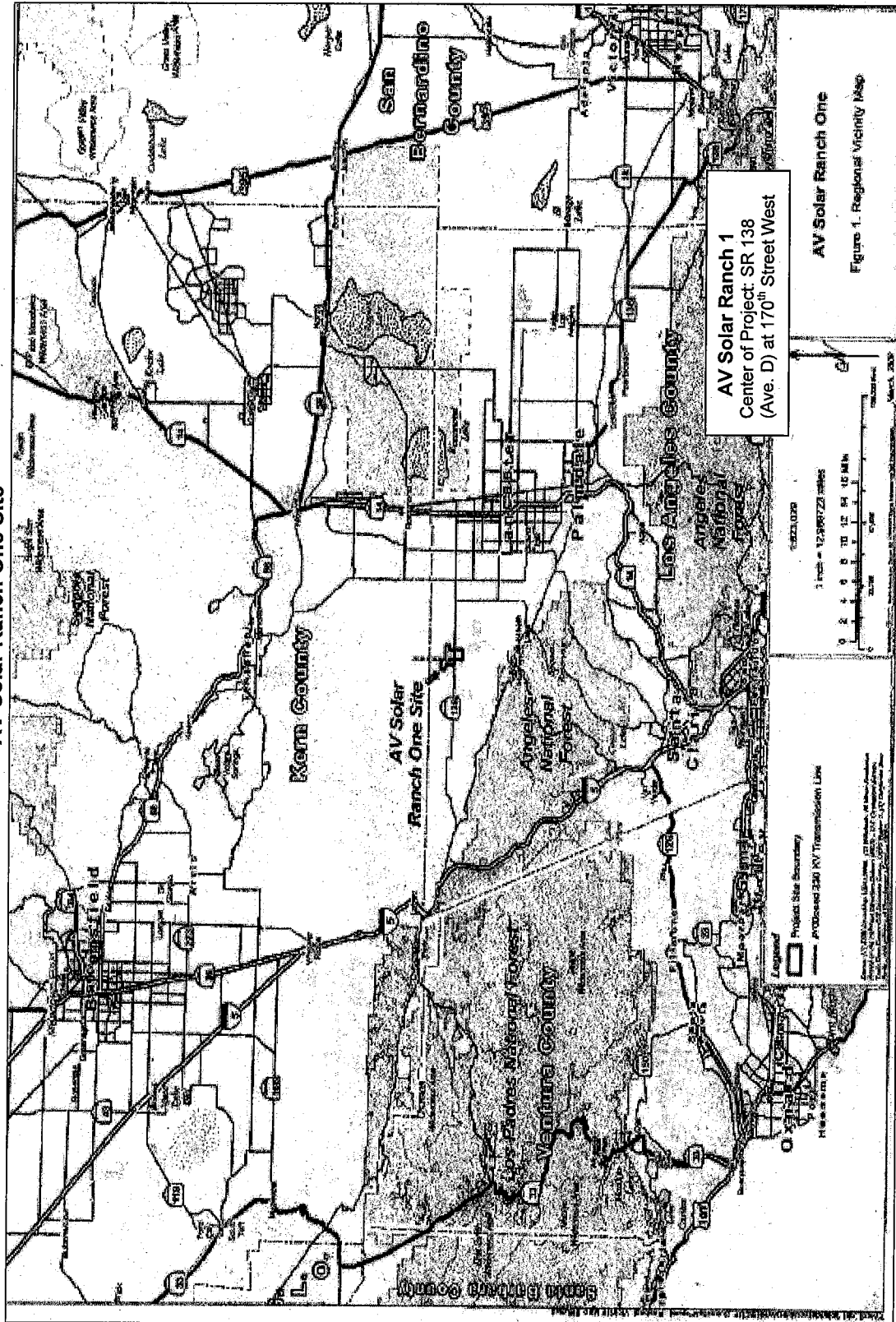
**ENVIRONMENTAL DETERMINATION**

Environmental Impact Report (EIR)

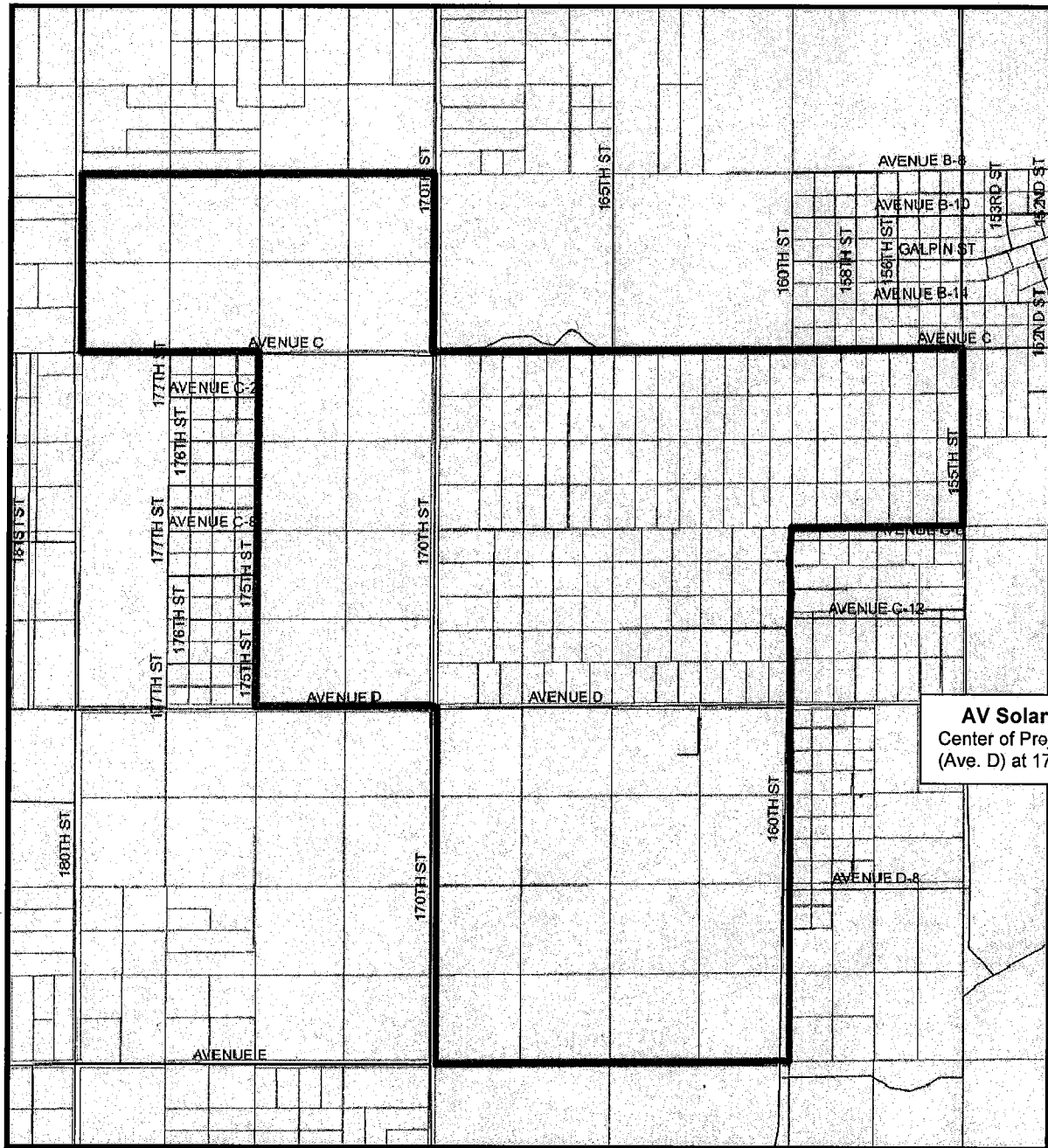
**RPC LAST MEETING ACTION SUMMARY**

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

## AV Solar Ranch One Site



VICINITY MAP BELOW  
AV Solar Ranch One Site



## **STAFF ANALYSIS**

**PROJECT NO. R2009-02239-(5)**  
**VESTING TENTATIVE TRACT NO. 071035**  
**CONDITIONAL USE PERMIT NO. 200900026**  
**ENVIRONMENTAL ASSESSMENT NO. 200900027**

### **PROJECT DESCRIPTION**

The applicant, A.V. Solar Ranch One, is requesting a Vesting Tentative Tract Map for a reversion to acreage from 147 lots to one lot on 790 acres of a 2,093-acre site, and a Conditional Use Permit for the entire site, including the tract map site, to authorize construction, operation, and maintenance of a 230-megawatt solar photovoltaic electricity power generation facility including onsite low voltage and onsite and offsite high voltage electricity transmission lines in the A-2-5 and A-1-2 zones. A two-mile portion of the proposed transmission line is located in Kern County. The transmission line is proposed to be connected to the proposed Southern California Edison Whirlwind Substation located in Kern County to the north of the subject property. The applicant has obtained a purchase and power agreement with Pacific Gas and Electric for distribution of the power in the event the project is approved.

### **REQUIRED ENTITLEMENTS**

- A Vesting Tentative Tract Map to authorize a reversion to acreage from 147 lots to 1 lot on 790 acres in the A-2-5 (Heavy Agricultural-Five Acres Minimum Required Area) zone in accordance with Section 21.40.020 of the County Code.
- A Conditional Use Permit to authorize construction, operation, and maintenance of an electricity power generation facility with onsite and offsite electricity transmission lines and onsite grading in excess of 100,000 cubic yards on 2,093 acres in the A-2-5 (Heavy Agricultural-Five Acres Minimum Required Area) zone, and a portion of the offsite transmission line in the A-1-2 (Light Agricultural-Two Acres Minimum Required Area) zone in accordance with Sections 22.24.150 and 22.24.100 of the County Code.

### **LOCATION AND ACCESS**

All portions of the project are located within the following boundary extremes: north and south of SR 138 between 155<sup>th</sup> Street West to the east and 180<sup>th</sup> Street West to the west, and between West Avenue B-8 to the north and West Avenue E to the south. Primary access is proposed to be located on 170<sup>th</sup> Street West approximately 0.6 miles north of SR 138.

### **SITE PLAN DESCRIPTION**

The proposed 230-megawatt solar photovoltaic electric power generation facility includes approximately 80,000 photovoltaic panel arrays mounted on sun-tracking or fixed, tilt or horizontal array units; associated electrical and distribution equipment including approximately 185 unenclosed or enclosed electrical equipment structures; onsite unenclosed electricity substation; operations and maintenance building; a 230-

kilovolt transmission line approximately 4.25 miles in length (approximately 2.25 miles within L.A. County jurisdiction and 2 miles within Kern County jurisdiction) within the 170<sup>th</sup> Street West public right of way in L.A. County, and either on private property or 170<sup>th</sup> Street West public right of way in Kern County, connecting to Southern California Edison proposed Whirlwind substation facilities in Kern County; approximately 43 onsite and offsite 230-kilovolt high-voltage transmission line poles, or, undergrounding of all or most of the high-voltage transmission lines; onsite 34.5 kilovolt transmission line proposed within 170<sup>th</sup> Street West public right of way or private property using approximately 90 standard poles, or, undergrounding of all or most of the low-voltage transmission lines; a maximum of 180,000 cubic yards of balanced grading for flood control management; employee parking area; perimeter fencing; associated access roads; native landscaping screening north and south of SR 138; new potable water well and use of existing well for non-potable uses; two above ground water tanks (approximately 10,000 and 100,000 gallons); construction of onsite septic and leach-field system; and demolition of all existing structures onsite including two residences, a mobile home, and accessory structures. The proposed project will require 150 acre feet of water per year during construction of the project for a period not to exceed 38 months. Ongoing operation of the project will require 12 acre feet per year of water supply from existing or new wells located on the project site.

#### **ENVIRONMENTAL DETERMINATION**

A Draft Environmental Impact Report (DEIR) has been prepared for the project. Potential significant impacts that were analyzed in the DEIR include geotechnical hazards, flood hazards, fire hazards, water quality, air quality, biological resources, cultural and paleontological resources, visual qualities, traffic and access, fire protection services, sheriff services, utility services, environmental safety, land use, and global climate change. Agricultural resources and noise were also analyzed even though the Initial Study did not identify them as significant potential impacts. Change of character and growth inducing impacts were also analyzed as other considerations for analysis in the DEIR. The DEIR concludes that all of these potential impacts were determined to be either less than significant without further mitigation (fire protection services, sheriff services, utility services, and global climate change), or, can be mitigated to a level of less than significant with project designs and further mitigation (geotechnical hazards, flood hazards, fire hazards, water quality, air quality, biological resources, cultural resources, agricultural resources, visual qualities, traffic and access, environmental safety, land use, noise, and change of character). The public comment period for the DEIR is currently in process having begun on June 16, 2010 and ending on July 30, 2010 (45 days). Particular consideration for mitigation of air quality, biological resources, visual qualities and change of character is discussed below.

Air quality is proposed to be mitigated primarily by phasing construction of the facility and consequential disturbance of the land in small increments over a 38-month period in order to keep air quality levels at a compliant level during construction of the project. Extensive dust control is required.

Biological resources such as habitat for native species is to be mitigated by retaining the existing topography, landscape, and water courses to the greatest extent feasible during construction and long-term operations of the project, and to provide 100 acres of preserved land onsite plus 450-acres of conservation lands to be preserved offsite in perpetuity within the Antelope Valley. Additionally, the project includes partially restored areas between solar panel arrays comprised of bioswales and low-cut native vegetation.

Visual qualities of the site in relationship to the surrounding area are proposed to be mitigated through various means. Use of low-lying horizontal solar panel installations or equally low-lying fixed tilt solar panels for the first 1,000 feet of panels located adjacent to SR 138 (Ave. D) would retain views from the highway toward the mountains on the horizon. Additionally, variable placement of native drought-tolerant vegetation, in as natural an arrangement as possible, is proposed to screen the frontage of the development along both sides of SR 138. Though the proposal includes the construction of above ground transmission lines, the applicant has indicated an intent to underground transmission lines if deemed necessary by the Regional Planning Commission. This would enable 170<sup>th</sup> Street West to remain free of low and high voltage power lines and poles, and would further mitigate any potential visual impacts associated with the project.

Change of character was considered in the DEIR. Fallow farmland and previously disturbed vacant land characterizes use of the existing site. More than one third of the project site was previously approved for a major subdivision which authorized the development of 147 residential lots on 790 acres of the project site, none of which were developed. As part of the existing character of the site, a natural drainage course runs from the southwest to the northeast through a large portion of the site, and young Joshua trees are present along the northerly boundary of the property. The project proposes to retain the existing natural drainage pattern. Animal movement areas are facilitated through the drainage course and with fencing permeable to small animals provided around the perimeter of the property. The area containing young Joshua Trees is to be avoided and buffered by open spaces. Properties in the general vicinity of the project site are either vacant, farmed, developed, or in process of being developed. The project is compatible with these surrounding uses. Undergrounding of transmission lines would help retain the visual character of the area. Staff concludes that placement of passive solar arrays requiring minimal operational activity and being of limited bulk and height do not significantly alter the overall character of the property in relationship to previous uses, previously approved uses, and surrounding uses of the land.

#### **LEGAL NOTIFICATION AND PUBLIC OUTREACH**

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and Department of Regional Planning (DRP) website posting. Newspaper notices were published on May 27, 2010 in the Antelope Valley Press and La Opinion. Mailing of notices to land owners located within a 1,000-foot

radius of the property boundaries and to five local libraries, were sent on May 24, 2010. Notices were verified to be posted on the subject property on May 27, 2010. Subject notice was available on the DRP website on May 27, 2010. A separate Notice of Completion and Availability (NOC) of a Draft Environmental Impact Report (DEIR) was sent by mail to the same land owners as the hearing notice on June 14, 2010. On June 15, 2010 the NOC was posted on the site. On June 16, 2010 the NOC was posted with the County Recorder's office, posted on the DRP website, and published in the Antelope Valley Press and La Opinion newspapers.

**PREVIOUS CASES/ZONING HISTORY**

On November 24, 1987 Tract No. 34427 was approved by the County of Los Angeles Board of Supervisors to authorize a 147-lot subdivision on a 790-acre portion of the subject property. Another 160 acres located south of SR 138 between 160<sup>th</sup> Street West and 170<sup>th</sup> Street West, are owned by the applicant (Assessor's Parcel Numbers 3236001025 through 3236001028), and were farmed by previous occupants. The farm site is currently vacated. Aerial exhibits of the site provide evidence of former plowing or grading some time ago on the majority of the property. Six Certificates of Compliance have been issued on various lots on the subject property to certify compliance with the Subdivision Map Act. The subject property is comprised of a total of 179 lots. After proposed reversion to acreage of the 147 lots to one lot, the property would be comprised of 33 lots.

**STAFF EVALUATION****General Plan Consistency**

The proposed project is consistent with the County of Los Angeles General Plan and the Antelope Valley Areawide General Plan N1 (Non-Urban 1) land use designation. The project meets the definition of a "utility installation" referenced in the listing of non-urban non-residential land uses allowed in remote areas designated Non-Urban 1 (Antelope Valley Areawide General Plan, Pg. VI-5). The project is consistent with policies of the Plans as follows:

**Consistency with General Plan Policies**

1. Policy No. 2 of the Conservation and Open Space Element is as follows: "Support the conservation of energy and encourage the development and utilization of new energy sources including geothermal, thermal waste, solar, wind and ocean-related sources." (General Plan, Pg. II-26)

The project is consistent with this policy by proposing development of solar energy production facilities.

2. Policy No. 3 of the Conservation and Open Space Element specifically promotes solar energy: "Promote the use of solar energy to the maximum extent possible." (General Plan, Pg. II-26)



The project is a utility-scale solar project proposing 230-megawatts of solar electricity generation and is consistent with this policy.

3. Policy No. II-15 of the Conservation and Open Space Element Recommended Action Plan provides the following guidance: "Support stronger tax and cost-saving incentives to encourage greater use of alternative energy sources such as solar energy and wind power." (General Plan, Pg. VIII-39)

The project proposes to use potential Federal stimulus funding, Federal loan guarantees, and State Public Utilities Commission authorized cost recovery mechanisms in the event the project qualifies for subject funding opportunities.

Consistency with Antelope Valley Areawide General Plan Policies

1. Policy No. 18: "Direct future growth away from areas exhibiting high environmental sensitivity to land use development unless appropriate mitigating measures can be implemented." (Antelope Valley Areawide General Plan, pg. V-3)

The project uses previously disturbed and previously farmed land and avoids Significant Ecological Areas (SEAs) in the vicinity. Additional project design features and mitigation measures have been proposed to further protect and preserve surrounding habitat in the Antelope Valley. An existing onsite juvenile Joshua Tree recruitment area is avoided by the project.

2. Policy No. 19: "Minimize disruption and degradation of the environment as land use development occurs, integrating land uses so that they are compatible with natural environmental systems." (Antelope Valley Areawide General Plan, pg. V-3)

The project retains natural drainage, limits grading to maintain the topography of the existing site, and provides permeable fencing for retaining animal movement throughout the property. Proposed vegetated swales and limited vegetation retained under and around panels provides partial integration of the site with existing habitat.

3. Policy No. 40: "Encourage efficient utilization of resources in the allocation of land to various uses, and incorporate energy conservation measures into the design and implementation of public and private projects." (Antelope Valley Areawide General Plan, pg. V-6)

The project uses materials with an estimated lifespan of 25-30 years, makes modest impact on public infrastructure, limits land disturbance, and provides public benefits through generation of renewable energy. The proposed operations building will be constructed in compliance with green building requirements of the County Green Building Ordinance and state mandates.

4. Policy No. 65: "Encourage the locating of new power distribution networks, communication lines, and other service network facilities underground in urban areas. Transmission lines should be located underground where feasible." (Antelope Valley Areawide General Plan, pg. V-9)

Though not located in an urban area, the project site is subject to long-range planning for the Antelope Valley that envisions minimal visual intrusion by avoiding proliferation of above ground transmission lines and their related support poles. The proposed route and length of onsite low voltage and onsite and offsite high voltage transmission lines are of such a nature that undergrounding would likely be feasible with the exception of one required above ground right-of-way crossing within County jurisdiction. The project alternatives provide an underground option for the transmission line along 170<sup>th</sup> Street West and staff recommends undergrounding of transmission lines.

5. Policy No. 66: "Maintain a long-range program for the underground relocation of overhead power distribution facilities, telephone lines, and other utility services in urban areas." (Antelope Valley Areawide General Plan, pg. V-9)

Many potential applications for renewable energy projects require long-term planning for solar and wind project transmission line installations in the Antelope Valley. The current project is analyzed for either above ground or underground placement of transmission lines. Though not currently located in an urban area, the underground option would be consistent with this policy as the nearby area continues to experience increased development.

6. Policy No. 69: "Protect significant vegetation such as the Joshua Tree." (Antelope Valley Areawide General Plan, pg. V-9)

The project proposes to avoid development in the nearby Joshua Tree Woodlands SEA No. 60, and the project avoids removal of, or, encroachment upon, mature and younger Joshua Trees located on the site.

7. Policy No. 70: "Encourage planting of street trees in urban portions of the Antelope Valley." (Antelope Valley Areawide General Plan, pg. V-9)

Naturally-placed native vegetation, including Joshua Trees, is proposed for screening along the north and south sides of SR 138. The project also proposes to provide for additional planting and maintenance of street trees and landscaping in nearby areas of the Antelope Valley.

8. Policy No. 71: "Encourage and support local efforts to attract new industry to the Antelope Valley. While the aero-space and other government related industries should continue to remain as major employment generators, emphasis should also

be given to attracting other types of employers.” (Antelope Valley Areawide General Plan, pg. V-10).

The project is a large-scale renewable energy project which would provide additional employment opportunities in the growing renewable energy sector within the Antelope Valley.

9. Policy No. 101: “Develop and use groundwater sources to their safe yield limits.” (Antelope Valley Areawide General Plan, pg. V-13)

The project proposes to limit use of groundwater to 12 acre feet per year during project operations. During the 38-month construction period proposed, 150 acre feet of water per year will be required. Existing wells with projected adequate yield are proposed to be used for non-potable washwater and other non-potable uses. Long-term operation of the project requires occasional cleaning of the solar panel surfaces in order to maximize electricity production. A new well is proposed to provide for necessary potable water to supply the operations and maintenance facility and construction workers. The project provides adequate water supply.

10. Policy No. 114: “As an interim policy, pending construction of regional drainage facilities, require installation of appropriate systems and facilities to retain the increase in storm runoff due to development on the project site or equivalent mitigating measures.” (Antelope Valley Areawide General Plan, pg. V-14)

The project proposes retaining natural permeable ground surfaces and providing drainage swales in addition to retaining natural flow and volumes through the primary drainages on the site.

11. Policy No. 135: “Encourage development to utilize and enhance natural topographic features, thus establishing harmony between the natural and man-made environment.” (Antelope Valley Areawide General Plan, pg. V-17)

Natural drainages are being maintained by the project to retain natural flows of storm waters, and additional buffering of the main drainage course is proposed to provide for animal movement and ongoing habitat. Permeable fencing is also proposed to enable additional movement for small and moderate sized wildlife.

12. Policy No. 140: “Promote air quality that is compatible with health, well-being, and enjoyment of life. The public nuisance, property and vegetative damage, and deterioration of aesthetic qualities that result from air pollution contaminants should be prevented to the greatest degree possible.” (Antelope Valley Areawide General Plan, pg. V-17)

The project proposes to stage limited construction grading and construction over a 38-month period, and to use other standard dust control measures in order to limit

the extent of air pollution from fugitive dust during construction of the project. Operation of the project proposes retaining native vegetation and re-vegetating to the greatest extent feasible while in compliance with fire control clearance requirements.

13. Policy No. 141: "Prohibit the harvesting of Joshua or Juniper trees for fuel purposes or for transplantation out of their normal habitat area." (Antelope Valley Areawide General Plan, pg. V-18)

The project avoids the nearby Joshua Tree Woodlands SEA and proposes to avoid development in and removal of young Joshua Trees from an existing Joshua Tree recruitment area located onsite.

14. Policy No. 217: "Promote use of alternative energy sources (including solar and wind) for heating and cooling." (Antelope Valley Areawide General Plan, pg. V-26)

The project aims to produce 230-megawatts of photovoltaic solar electricity for use in California to assist meeting renewable energy needs and mandates.

Consistency with Antelope Valley Areawide General Plan Guidelines for Non-Residential Uses in Non-Urban Areas (Pages VI-24, 25)

1. Location. The project is consistent with location guidelines of the Plan. The proposed project is located on previously disturbed land surrounded by vacant properties and agricultural uses in the general vicinity. Proposed operations are relatively passive similar to existing surrounding uses. Existing primary roadways will be retained for maintaining existing circulation patterns in the area. Existing utilities, other public services, and infrastructure are available to the project. The project provides native landscaping and open space buffering along SR 138 as visual mitigation for public passersby. The relatively flat topography, distance from known active faults, and previously farmed and disturbed property, make the location suitable for the proposed photovoltaic solar electricity generation development.
2. Access. The project primary access is consistent with access guidelines of the Plan. The project proposes primary access approximately one half mile north of SR 138 on 170<sup>th</sup> Street West. This location prevents the hazards associated with higher speeds on SR 138 if access were to be taken from the highway. Transport of materials during construction of the project largely avoids existing residential communities.
3. Design. The proposed design of the project is consistent with design guidelines of the Plan. The first 1,000 feet of solar panels installed adjacent to SR 138 are proposed to be of the low-profile horizontal or low-profile fixed tilt variety to maximize views to the Tehachapi Mountains to the north and other vistas to the

south from the highway. Additionally, native drought-tolerant shrubs, Joshua Trees, and grasses are proposed to screen the frontages of solar panel development along SR 138 on both the north and south sides of the right-of-way. As natural a placement of plantings as possible and temporary drip systems to establish the plantings are proposed. Perimeter chain link fencing is proposed for security and safety purposes. No outdoor advertising, and minimal security lighting shielded downward, is proposed which will minimize visual impacts to neighboring properties and wildlife.

### **Zoning Ordinance and Development Standards Compliance**

The project complies with development standards of the A-2-5 (Heavy Agricultural-Five Acres Minimum Required Area) zone. Section 22.24.150 of the County Code, Uses Subject to Permits, lists the following use as permitted provided a Conditional Use Permit is approved, "Electric distribution substations, electric transmission substations and generating plants, including microwave facilities used in conjunction with any one thereof." The proposed project is a photovoltaic solar power electricity generation plant with distribution substation and transmission lines and complies with the following regulations of Title 22 of the County Zoning Ordinance as follows:

1. Section 22.24.170.A Front, Side and Rear Yard Requirements. A minimum set back of 20 feet for front yard, five feet for side yard and corner side yard, 10 feet for reversed corner side yard, and 15 feet for rear yard is required.

The project exceeds requirements by providing a minimum set back of 50 feet from the property line throughout property. Specific designated areas provide additional set back, buffering, or other dedicated spaces as indicated on the site plans. The project complies with yard setback requirements.

2. Section 22.48.160 Fences and Walls. Depending on the location within the property, three and one half to six feet in height is the maximum fence height permitted per County Code.

The project proposes perimeter fencing eight feet in height for project security and safety purposes. The applicant is seeking a yard modification to allow the fence to be a uniform eight feet in height around the entire perimeter of the project site. Planning staff supports this request and believes it to be appropriate for the use and the location. The project complies with fencing requirements, as proposed to be modified pursuant to the yard modification process.

3. Chapter 22.52 Part 7 Outside Storage. This Part 7 requires that all outside storage open to view from the exterior boundary of a lot or parcel of land upon which it is conducted shall be enclosed by a solid wall or fence. This requirement would not apply to temporary material staging areas and temporary outdoor worker shelters used during construction.

For the purposes of this project, temporary staging areas, temporary outdoor worker shelters, and a temporary cement batching plant are defined as areas used for construction and the use of which are not to exceed project build out or 38 months from the start of construction, whichever occurs first. The project does not propose permanent outside storage for ongoing operations. The project complies with operational outside storage requirements.

4. Chapter 22.52 Part 11 Industrial Use and Handicapped Parking. Either one space per two employees or one space per 500 square feet is required to meet industrial use standard parking requirements. One handicapped space per 40 standard spaces is required.

The project proposes a 20,000 square-foot operations and maintenance building requiring 40 standard parking spaces including at least one of which is a handicapped parking space. The project complies with parking requirements.

5. Chapter 22.52 Part 20 Green Building Requirements. County Green Building Standards for energy conservation, indoor and outdoor water conservation, demolition recycling, and LEED Silver or equivalent building construction apply to the project for self-contained non-warehouse portions of the 20,000 square-foot operations and maintenance building, demolition of existing buildings, landscape watering, and wash water operations. Tree planting requirements require modification.

The project proposed meets or exceeds Green Building standards including modification of tree planting requirements as allowed by the County Code for certain circumstances. The proposed 20,000 square-foot operations and maintenance building is located on a single 790-acre lot. Compliance with the Green Building Ordinance would require the planting of 10,324 trees. The applicant requests a waiver or modification by the Director of Public Works for the number of trees required. In lieu of the tree planting requirement, the applicant proposes to plant native drought-tolerant shrubs, a limited number of Joshua trees, and numerous native grasses in as natural a pattern as possible within 10-feet of property frontage along SR 138 on both the north and south sides of the highway for the length of the subject property. A drip system would initially be used to establish the native plantings. These plantings would also serve as screening of the project components located closest to the highway. Additionally, in lieu of the total number of required onsite tree plantings, the applicant proposes to offer payment to the County for additional tree plantings and provision for landscaping maintenance along public rights of way in the Antelope Valley vicinity. Planning staff supports the proposed alternatives. The project would comply with Green Building standards, as proposed to be modified.

6. Chapter 22.52 Part 21 Drought-Tolerant Landscaping. Requirements for drought-tolerant landscaping include use of County-authorized drought-tolerant plant lists,

minimum required percentages of drought-tolerant plantings, limitations on the amount of turf, and efficient watering management.

The project proposed complies with Drought-Tolerant Landscaping requirements.

7. Chapter 22.52 Part 22 Low-Impact Development (LID). This part of the County Zoning Ordinance references Title 12 Chapter 12.84 for Low Impact Development Standards. These standards are designed to limit hydro-modification impacts to natural drainage systems and to manage excess volume from each lot upon which development is occurring so as to be infiltrated at the lot level or alternatively to sub-regional facilities.

The project proposes to sustain the primary natural drainage course running through the site from southwest to northeast and to provide numerous vegetated swales throughout the development area to infiltrate runoff to the satisfaction of the Department of Public Works. The project complies with LID requirements.

#### **Neighborhood Impact/Land Use Compatibility**

Aerial photography of the 2,093-acre project site provides imagery indicating grading/plowing over the majority of the site many years previously. This is evidenced by a previously farmed orchard and other disturbed land underlying the re-established plants including desert shrubs, seasonal wildflowers, other native and non-native grasses, a number of juvenile Joshua Trees at a northerly portion of the site, and bare soil (see aerial exhibits packet provided).

Recycled use of previously disturbed land is preferred for development compared to use of pristine undisturbed native lands. The passive operation of a photovoltaic solar field provides a compatible "neighbor" to two SEA's, one to the north/northeast and one to the south, on which no additional development is likely to occur. Fencing permeable to small and moderate sized animals, a minimum 100-foot wide drainage and wildlife movement area, native plants and Joshua trees screening low-profile solar panels located along SR 138, and recommended undergrounding of transmission lines, together enable the project to be compatible with the surrounding area. Additionally, the majority of other adjacent properties within a 500-foot radius of the site are vacant and not currently developed. One occupied residence is located within a 500-foot radius of the site adjacent to 180<sup>th</sup> Street West across from the northwesterly corner of the project site. An additional occupied residence is located slightly northeast of Avenue A-8 at 170<sup>th</sup> Street West across from a northerly portion of the proposed transmission line. The project is compatible with existing land uses.

## Project Issues

### Above Ground Transmission Lines Compared to Underground Transmission Lines

1. Above Ground Transmission lines. The project applicant proposes above ground transmission lines, or, alternatively underground transmission lines if required by the Regional Planning Commission. Proponents of above ground installations have cited significantly lower construction costs, shorter maintenance times; less land disturbance, ease of connectivity with the electricity grid and future infrastructure upgrades, and greater compatibility with other above ground installations such as the proposed above ground transmission line corridor and substation to be located in Kern County.
2. Underground Transmission lines. The DEIR analyzes the underground transmission line option as an Alternative Project. Proponents of undergrounding cite increased safety considerations compared to above ground lines, significantly reduced visual impacts to the area, establishing the preferred location of transmission lines for the emerging industry of renewable energy generation installations in Los Angeles County, and responding to the overall growth and development in the area including the prevention of a "spider web" of above ground utility lines within the greater Antelope Valley area.

A brief analysis of leading considerations for determining whether a transmission line project should be constructed above ground or underground is as follows:

#### *Cost*

Staff recognizes that installation and operation of underground transmission lines may cost significantly more than above ground transmission line installation and operation depending on location, potential obstacles, length of lines, and other factors as reflected by common practice in the industry. The applicant and the County staff recognize that cost differentials between above ground and underground installations are commonly understood. It is also important to consider that Federal stimulus funding for renewable energy projects, potential Federal loan guarantees, and potential State cost recovery programs may become available for additional funding of the proposed project. The proposed high voltage 230-kilovolt transmission line located onsite and offsite in the public right-of-way in County jurisdiction is approximately 2.25 miles in length. The onsite low voltage 34.5 kilovolt transmission line potentially located in the public right-of-way is approximately one additional mile in length. The total length of potential underground installations in the County of Los Angeles public right-of-way is approximately 3.25 miles in length, a relatively short distance for transmission lines. This limited length of underground transmission line construction may be feasible from the standpoint of cost.



*Maintenance and Land Disturbance*

The likelihood of more frequent above-ground line failures compared to longer maintenance times per repair for underground applications are a trade-off. Undergrounding requires a greater amount of initial trenching and total land disturbance. Once constructed, the use of access points at regular intervals enables primary access to connecting points and underground equipment. Natural disasters may impose a larger scale impact to above ground outages compared to impacts to underground lines.

*Safety and Visual Considerations*

Above ground installations are generally thought to have greater safety concerns than underground installations in the event of high winds, earthquakes, lightening strikes, and wildfires. Underground applications may also trigger safety concerns in the event of earthquakes and flooding. From a visual standpoint, above ground transmission lines and associated 60 to 105-foot tall power poles provide greater visual disturbance than underground applications.

*Connectivity*

Both above ground and underground transmission lines are capable of connecting to existing and future above ground installations in a standard manner. Kern County Planning Staff indicated a current intent to facilitate above ground transmission lines as part of a proposed strategy to establish a transmission line corridor in Kern County. This corridor would be for co-location of other renewable energy project transmission lines in the vicinity of the 170<sup>th</sup> Street West right-of-way and connection to the proposed Southern California Edison Whirlwind substation. The project alternative to underground transmission lines would require above ground connectivity at the Kern County border. Additionally, a single crossing of the Los Angeles Aqueduct and the 170<sup>th</sup> Street West right-of-way within Los Angeles County jurisdiction would require an above ground crossing. Connectivity is considered feasible for undergrounding of lines.

*Compatible Land Use Patterns*

The Antelope Valley continues to experience growth of development, and the Valley is positioned to become one of the centers for a rapidly expanding renewable energy industry, particularly solar energy generation. The importance of long-term planning for a growing industry and consideration of long-term aesthetics in the Antelope Valley increases the importance of establishing compatible land use patterns regarding the above ground or underground placement of transmission lines. The potential proliferation of above ground transmission lines is a very real concern as this type of development in the Valley continues to expand. Completion and operation of other major high-voltage transmission line projects located within the state, using similar design to place high voltage transmission lines underground, have proven that these projects are feasible.

An example of an operating underground high voltage transmission line is the Northern California Jefferson-Martin transmission line project located in the Bay Area. The

project constructed 24 miles of a 27-mile 230-kilovolt transmission line underground. The project included both rural and urbanized locations. The line is in operation today.

*Staff Conclusion*

Staff concludes that if underground construction of transmission lines proposed to be located in the public right-of-way for the subject project is of such distances as proposed, is in a minimally constrained physical location such as the subject undeveloped desert, and has potential access to various means of partial cost recovery, then underground transmission lines would likely be feasible. Staff concludes that undergrounding of transmission lines would be preferable to above ground installation and recommends that the Regional Planning Commission require undergrounding and accept the applicant's alternative to underground subject transmission lines.

**Conditional Use Permit Burden of Proof**

According to Section 22.56.040 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Commission, the following facts:

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

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

The project is surrounded predominantly by vacant land and proposes an operationally passive project that generates minor impacts which can be mitigated with no remaining significant environmental impacts on the surrounding area.

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

Based on the DEIR conclusion that project mitigation measures would reduce any environmental impacts to a less than significant level, staff has determined that the construction and operation of the project would not limit, hinder or denigrate the use of properties in the vicinity of the project site.

3. "Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare."

Areas of concern regarding the project are mitigated to a level of no significant impact on the environment. Additionally, the project proposes various measures such as perimeter fencing, buffer areas, and limited night security lighting to minimize the potential of hazardous situations arising from the project.

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 site is a 2,093-acre site providing sufficient space for the project proposed including proposals to maximize buffering and safety in relationship to surrounding properties.

**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

The project requires minimal long-term use of roads for ongoing operations, therefore the current access and road conditions require minimal improvements to carry on the proposed use. Any damage to existing or improved local roadways caused by project construction and/or operations is required to be repaired at the applicant's expense as required by mitigation measures and conditions of approval.

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

All required and needed public and private service facilities are proposed to be met for the project.

Staff concludes and is of the opinion that the burden of proof for a conditional use permit has been met by the applicant, subject to compliance with the draft conditions of approval to be provided at a future date. The applicant's responses are also attached.

**COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

**County of Los Angeles Subdivision Committee**

The County of Los Angeles Subdivision Committee consisting of the Departments of Regional Planning, Public Works, Fire, Public Health, and Parks and Recreation, reviewed the Vesting Tentative Tract Map dated February 24, 2010 for a request to revert 147 lots to one lot. Draft Conditions for the Vesting Tentative Tract Map will be provided at a future date.

The reversion to acreage tentative map comprises 790 acres of the 2,093-acre project site depicted on Exhibit "A". The following County agencies had additional comments on the project Exhibit "A" which includes the Vesting Tentative Tract Map reversion to acreage lot and 32 additional lots which in total comprise the subject property in the conditional use permit request.

**County of Los Angeles Department of Public Works**

It its letter dated June 17, 2010, the Department of Public Works indicated requirements for water supply, grading, road improvements, building and safety considerations, drainage and Green Building Code tree planting.

**County of Los Angeles Fire Department**

In its letter dated May 19, 2010 the Fire Department indicated requirements for water storage, access, and special requirements for vegetation management and fire control, perimeter fencing, and other specialized fire protection measures.

**County of Los Angeles Department of Public Health**

In its letter dated February 16, 2010 the Department of Public Health stated requirements for potable water supply, wastewater disposal, and noise.

**PUBLIC COMMENTS**

**Public Officials, Town Councils, and Other Civic Organizations**

Governor of California

The Governor of California, Arnold Schwarznegger provided a comment letter dated February 17, 2010 indicating his request to local jurisdictions to provide "thorough yet expeditious" review of renewable energy projects seeking to assist the state in meeting renewable energy goals of 33 percent of our energy production coming from renewable sources by 2020.

State Assemblyman, Thirty-Sixth District

In his letter dated October 27, 2009 Assemblyman Steve Knight indicated his support for the subject AV Solar Ranch One project in order to create more jobs in the District and meet state renewable energy goals.

City of Lancaster

The City Manager of Lancaster, CA indicated his support for the subject project in his letter dated November 17, 2009 citing the benefit of temporary and permanent jobs proposed by the project.

Antelope Acres Town Council

In its letter dated March 23, 2009 the Antelope Acres Town Council confirmed its support of the AV Solar Ranch One project as reflected by the Council's vote on February 18, 2009.

The Association of Rural Town Councils (ARTC)

The president of the ARTC provided an e-mail dated July 4, 2009 indicating concerns expressed by neighbors and other members of the public at an ARTC meeting on June 25, 2009 with the applicant about the project. The amount of earth moving proposed,

type of fencing, drainage and storm water management were a few concerns the president highlighted in his letter.

The applicant provided a summary report of the June 25, 2009 ARTC meeting indicating public concerns about water use, special status species in the area, visual impacts of transmission lines, and night lighting considerations.

Antelope Valley Chamber of Commerce

The Lancaster and Rosamond Chambers of Commerce president and C.E.O. provided a letter dated October 27, 2009 indicating support for the project as a healthy contribution to the region's business climate.

Antelope Valley Board of Trade

In its letter dated April 21, 2009 the president of the Antelope Valley Board of Trade expressed organizational support for the project citing economic benefits proposed.

**Other Members of the Public**

Thirteen (13) members of the public made phone, e-mail, and other written comments regarding the project, received at the time of this report. Comments included requests for additional location and property proximity details, mapping and website understanding, and various comments in favor and opposed to the project.

*Comments in Favor*

Comments in favor included support for developing additional renewable energy generation facilities and creating jobs including "green" jobs.

*Comments Opposed*

Comments opposed included concerns about loss of agricultural and open space lands, concerns about project proximity to other existing private properties, potential night lighting spillover, and potential impacts to Joshua trees.

**FEES/DEPOSITS**

Fees will be identified at the time Conditions for the project are provided. Since the DEIR comment period does not close until July 30, draft Conditions will be provided following that date.

**REMAINING PROCEDURES**

The following remaining procedures are recommended. Once the DEIR comment period closes on July 30, 2010, the Department will review public comments received and will draft responses to those comments and draft the Final EIR. Staff will draft Conditions pertaining to the project and will submit the draft Conditions in a supplemental mailing to the Commission prior to continuation of the hearing to a date certain.

**SUGGESTED MOTION**

**"I MOVE THAT THE REGIONAL PLANNING COMMISSION CONTINUE THE PUBLIC HEARING FOR PROJECT NO. R2009-02239-(5) TO A DATE CERTAIN FOLLOWING CLOSE OF THE DEIR COMMENT PERIOD ON JULY 30, 2010 AND ON OR AFTER SEPTEMBER 15, 2010 IN ORDER TO ALLOW THE NECESSARY MATERIALS TO BE PREPARED FOR THE COMMISSION'S CONSIDERATION."**

Prepared by: Mr. Kim K. Szalay, MPL, AICP, Principal Regional Planning Assistant  
Reviewed by: Samuel Z. Dea, Supervising Regional Planner

**Attachments:**

Agency CUP and VTTM Conditions and Comments  
Applicant's Burden of Proof Statement  
Environmental Document  
Correspondence  
Reversion to Acreage Tentative Tract Map  
Site Plans (CUP Exhibit "A")  
Site Aerials and Photographs  
Land Use Map

# **County Agency CUP Comments and Conditions**



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE REFER TO FILE: **LD-1**

June 15, 2010

TO: Mark Child, AICP  
Zoning Permits I Section  
Department of Regional Planning

Attention Kim Szalay

FROM:  Steve Burger  
Land Development Division  
Department of Public Works

**CONDITIONAL USE PERMIT (CUP) NO. RCUP 200900026**  
**ANTELOPE VALLEY SOLAR RANCH ONE**  
**PROJECT NO. R2009-02239**  
**UNINCORPORATED COUNTY AREA OF ANTELOPE VALLEY**

- ☒ Public Works recommends approval of this CUP.
- ☐ Public Works does **NOT** recommend approval of this CUP.

We reviewed the revised site plan for the Solar Ranch One project. The project proposes a 230-megawatt, solar-electric, power-generation facility. The project components consist of photovoltaic panel arrays with electrical distribution equipment, an on-site substation, a 20,000-square-foot operation building, and approximately 3.5 miles of off-site transmission lines.

**Upon approval of the site plan, we recommend the following conditions:**

1. Water

- 1.1 The proposed project is not within the service area of a water utility. The applicant must provide an adequate sustainable supply of potable water from an approved source to the satisfaction of the County of Los Angeles Department of Public Health. Please contact the Public Health at (626) 430-5380 for water availability approval.



- 1.2 A water system maintained by the property owner, with appurtenant facilities to serve all buildings in the project, must be provided. If required, the system must include fire hydrants of the type and location (both on-site and off-site) as determined by the Fire Department. The water mains shall be sized to accommodate the total domestic and fire flows.

For questions regarding the water requirements, please contact Tony Khalkhali at (626) 458-4921 or by e-mail at [tkhalkh@dpw.lacounty.gov](mailto:tkhalkh@dpw.lacounty.gov).

## 2 Grading

- 2.1 Obtain all applicable jurisdictional permits. These agencies may include, but may not be limited to, the State of California Regional Water Quality Control Board; State of California Department of Fish and Game; State of California Department of Conservation, Division of Oil, Gas, and Geothermal Resources; and U.S. Army Corps of Engineers.
- 2.2 Submit a grading plan to Public Works' Land Development Division for review and approval.
- 2.3 Acknowledgement and/or approval from all easement holders may be required.
- 2.4 Provide Public Works' Geotechnical and Materials Engineering Division's approval of the grading plan.
- 2.5 Covenants for off-site grading may be required to the satisfaction of Public Works.

For questions regarding the grading requirements, please contact Sam Richards at (626) 458-4921 or by e-mail at [srich@dpw.lacounty.gov](mailto:srich@dpw.lacounty.gov).

## 3. Road Improvements

- 3.1 Construction within road right of way and private and future streets shall not occur unless a permit is obtained from Public Works for the proposed work or until Tentative Tract No. 71035 has recorded and eliminated the right of way easements.

- 3.2 Dedicate or offer right of way (minimum of 100 feet from centerline) and slope/drainage easements on Avenue D (State Route 138) to the satisfaction of Caltrans and Public Works. Additional right of way may be required for future grade separation at the intersection of Avenue D and 170th Street West to the satisfaction of Caltrans and Public Works.
- 3.3 Make an offer of private and future right of way, 32 feet from centerline, on Avenue C, Avenue C-8, 155th Street West, and 160th Street West between Avenue C-8, Avenue D, 170th Street West, 175th Street West, and 180th Street West along the project frontage.
- 3.4 Dedicate or offer right of way for a standard knuckle at the intersection of 160th Street West and Avenue C-8 and at 175th Street West and Avenue C to the satisfaction of Public Works.
- 3.5 Dedicate or offer slope, drainage, and maintenance easements along the property frontage on 155th Street West, 160th Street West, 170th Street West, 175th Street West, 180th Street West, Avenue B-8, Avenue C, Avenue C-8, and Avenue D to the satisfaction of Public Works.
- 3.6 Provide a property line return radii of 13 feet at all local street intersections and 27 feet at the intersection of local streets with planned highways (those streets identify on the County Highway Plan), where all planned highways intersect, or where one of the roads serves a commercial or industrial development. Provide additional right of way for corner cut-off to meet current Americans with Disabilities Act guidelines to the satisfaction of Public Works.
- 3.7 Secure any related permits for any work within Caltrans' right of way.
- 3.8 Construct rural secondary highway improvements along the property frontage on 170th Street West, including any required transition paving, to the satisfaction of Public Works.
- 3.9 Provide a full scale (40:1) signing and striping plan for 170th Street West in the vicinity of the project to the satisfaction of Public Works.
- 3.10 Obtain an encroachment permit, or establish a franchise agreement, for any work within the road right of way from Public Works' Construction Division, Subdivision and Permit Section.

- 3.11 Acquire street plan approval or direct check status before obtaining grading or drainage permit.
- 3.12 Execute an Agreement to Improve for the street improvements prior to the issuance of a building or grading permit.

For questions regarding the road requirements, please contact Sam Richards at (626) 458-4921 or by e-mail at [srich@dpw.lacounty.gov](mailto:srich@dpw.lacounty.gov).

4. Building and Safety

- 4.1 Submit plans and specifications to meet current, applicable, codes and standards for structures, mechanical, plumbing, and electrical.
- 4.2 All electrical installations shall comply with the National Electrical Code including the underground lines.
- 4.3 Comply with fire, life safety, structural, and Americans with Disabilities Act guidelines per the current building codes as needed.
- 4.4 The proposed building must have a restroom for employees.
- 4.5 All foundations must be engineered to comply with existing soil conditions.
- 4.6 Comply with the "Agency Referral List," which will include Health, Fire, and other applicable agencies.

For questions regarding the building and safety requirements, please contact Francis Dominguez at (661) 723-4440 or by e-mail at [fdomingu@dpw.lacounty.gov](mailto:fdomingu@dpw.lacounty.gov).

5. Drainage

- 5.1 Comply with the requirements of the drainage concept/hydrology study/ Standard Urban Stormwater Mitigation Plan/Low-Impact Development Plan, which was conceptually approved on January 27, 2010, to the satisfaction of Public Works.

- 5.2 If the solar panel foundation designs differ significantly from the design in the approved drainage concept, a revised drainage concept may be required to show that there are no additional impacts from the new foundation design (to the satisfaction of Public Works).

For questions regarding the drainage requirements, please contact Christopher Sheppard at (626) 458-4921 or by e-mail at [csheppard@dpw.lacounty.gov](mailto:csheppard@dpw.lacounty.gov).

6. Green Building (Tree Planting)

- 6.1 Due to the unique nature of this project and practical difficulties implementing the tree planting required by Section 22.52.2130.C.5 (Green Building Ordinance), the Director of Public Works grants a modification to those requirements per Section 22.52.2150 of the County Code. As one of the requirements of the modification, prior to construction, the developer shall deposit a sum of \$15,000 to the County of Los Angeles for maintenance and enhancement of existing trees in the Antelope Valley. The money shall be deposited into appropriate accounts to Public Works' satisfaction. At Public Works' discretion, the moneys may be allocated to Public Works for street tree maintenance, to the Department of Parks and Recreation for maintenance and enhancement of trees on County parkland, or to both agencies.

For questions regarding the green building requirements, please contact Steve Burger at (626) 458-4943 or by e-mail at [sburger@dpw.lacounty.gov](mailto:sburger@dpw.lacounty.gov).

If you have any other questions or require additional information, please contact Ruben Cruz at (626) 458-4910 or by e-mail at [rcruz@dpw.lacounty.gov](mailto:rcruz@dpw.lacounty.gov).

RC:ca

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COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS  
LAND DEVELOPMENT DIVISION  
SUBDIVISION PLAN CHECKING SECTION  
DRAINAGE UNIT

TO: PSOMAS

DATE 01/27/10

Attention Erik Winata

REVIEW OF HYDROLOGY STUDY / DRAINAGE CONCEPT / SUSMP / LID

TR NO. 71035  
SUBMITTAL DATE 12/21/09

We have reviewed your Hydrology Study / Drainage Concept / SUSMP / LID.

☒ [X] The hydrology study has been approved for Area and Q only.

**COMMENTS:**

Please provided a CD with a scanned copy of the signed report and maps.

APPROVED BY

Chris Sheppard, P.E.  
(626) 458-4921





**COUNTY OF LOS ANGELES**  
**FIRE DEPARTMENT**

5823 Rickenbacker Road  
Commerce, California 90040-3027

**DATE:** May 19, 2010

**TO:** Department of Regional Planning  
Permits and Variances

**PROJECT #:** R2009-02239 (CUP T200900026)

**LOCATION:** AV Solar Ranch One - North and South of SR 138 between 155<sup>th</sup> St. W. and 180<sup>th</sup> St. W., Antelope Valley

☒ **Comments:** THIS PROJECT IS CLEARED BY THE FIRE DEPARTMENT FOR PUBLIC HEARING.

☒ **Water:** THE FOLLOWING ITEMS SHALL BE PROVIDED DURING THE BUILDING PLAN CHECK PHASE AND APPROVED BY THE FIRE PREVENTION ENGINEERING SECTION:

1. Water storage requirements for the Operations & Maintenance Building shall be determined in accordance with NFPA 13 and NFPA 1142. The higher yield of water shall be provided (10,000 gallon minimum) in a water storage tank with a draft fire hydrant near the entrance to the facility.
2. An additional water storage tank (10,000 gallon minimum) shall be provided to serve the south quadrant of the project and shall be located near the entrance from 170<sup>th</sup> Street West. Said tank shall include a draft fire hydrant.

☒ **Access:** THE FOLLOWING ITEMS SHALL BE PROVIDED DURING THE BUILDING PLAN CHECK PHASE AND APPROVED BY THE FIRE PREVENTION ENGINEERING SECTION:

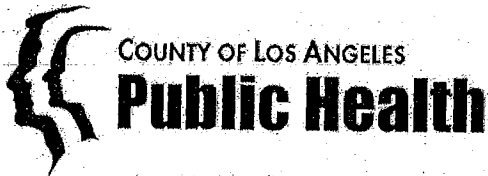
1. Paved fire apparatus access as depicted on the plan labeled "Operations & Maintenance Facility Area" is adequate. Said plan is dated 05-05-2010, and is on file in the LDU office.
2. All weather fire apparatus access to the solar array field and equipment as depicted on the plan labeled "Solar Field Detail" is adequate. Said plan is dated 05-05-2010, and is on file in the LDU office.

☒ **Special Requirements:**

1. The plan labeled "Vegetation Management and Fire Control" is adequate. Said plan is dated 05-05-2010, and is on file in the LDU office.
2. Provide perimeter fencing around entire project to prevent debris collection underneath solar panels.
3. Provide automatic fire extinguishing systems in all unmanned electrical transformer type buildings.
4. Provide electrical disconnects in accordance with the State of California photovoltaic guidelines and requirements.
5. This project shall comply with LACoFD "Regulation 27 - Requirements for Building Construction and Land Use Within or Adjacent to High Voltage Transmission Lines".
6. All fire access gates shall comply with LACoFD "Regulation 5 - Limited Access Devices and Systems".

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243

Inspector: **SCOTT JAEGER**



**JONATHAN E. FIELDING, M.D., M.P.H.**  
Director and Health Officer

**JONATHAN E. FREEDMAN**  
Chief Deputy Director

**ANGELO J. BELLOMO, REHS**  
Director of Environmental Health

**ALFONSO MEDINA, REHS**  
Director of Environmental Protection Bureau

**KEN HABARADAS, MS, REHS**  
Acting Environmental Health Staff Specialist  
5050 Commerce Drive  
Baldwin Park, California 91706  
TEL (626) 438-5280 • FAX (626) 960-2740



**BOARD OF SUPERVISORS**

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Fifth District

February 16, 2010

Kim K. Szalay, AICP  
Principal Regional Planning Assistant  
Special Projects Section  
County of Los Angeles  
Department of Regional Planning  
320 West Temple St.  
Los Angeles, CA 90012

**SUBJECT: AV SOLAR RANCH ONE PROJECT**  
**COUNTY PROJECT NO. R2009-02239, CUP NO. 200900126**  
**16500 WEST AVENUE D, LANCASTER, CA93536**

- ☒ Environmental Health recommends approval of this CUP.
- ☐ Environmental Health does NOT recommend approval of this CUP.

This is in response to your request for comments regarding a Conditional Use Permit (CUP) for the project identified above. The Department has reviewed the information provided and has no objection to the approval of this CUP provided that the applicant meets the following conditions:

**Potable Water Supply**

1. Documentation of an approved water source is required prior to construction / installation of any onsite wastewater treatment system (OWTS). Domestic water supply is proposed to be supplied by the construction of a new well adjacent to the existing irrigation well or in the vicinity of the O&M building. Prior to issuance of any building permits, the applicant shall construct a new well meeting the requirements of Title 11 of the Los Angeles County Code and the California Well Standards. A well drilling permit must be obtained from this Department prior to drilling/construction of the new well. The water supply must meet the requirements of the California Health and Safety Code, Title 22 of the California Code of Regulations, and Title 11 of the Los Angeles County Code.

2. The Department has no records indicating that the existing wells on the Project Site were constructed under permit from this Department and are in conformance with the requirements of the California Well Standards. Therefore, the Department will not approve the use of the existing wells for domestic purposes unless the wells have been brought into compliance with the California Well Standards and the standards of Environmental Health. This includes laboratory analysis of the well water for conformance with chemical and bacteriological requirements of the State Drinking Water Standards, as provided in Title 22 of the California Code of Regulations.

For questions regarding potable water requirements, please contact Richard Lavin, Chief, Drinking Water Program, at (626) 430-5370.

#### Wastewater Disposal

1. Prior to construction / installation of any onsite wastewater treatment system (OWTS), a complete feasibility report shall be submitted to this Department for review and approval. The feasibility report shall be prepared in conformance with the requirements outlined in the Department's guidelines, "Onsite Wastewater Treatment System (OWTS) Guidelines," which was revised in September 2009.
2. If a public sewer connection is available within 200 feet of any part of the proposed O&M building or exterior drainage, all future sewage drainage and piping shall be connected to such public sewer.
3. In the event that the requirements of the Plumbing Code cannot be met on the project Site, due to future grading or for any other reason, the Department will not recommend issuance of any building permits on this site.
4. The applicant is required to contact the Regional Water Quality Control Board to obtain any necessary authorization to proceed with this project.

For questions regarding OWTS requirements, please contact Patrick Nejadian, Chief, Land Use Program, at (626) 430-5380.

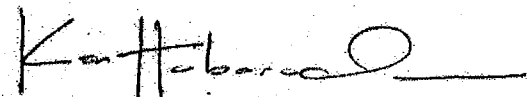
#### Noise

1. Comply with all applicable requirements of the Los Angeles County Noise Control Ordinance as found in Title 12, Chapter 12.08 of the Los Angeles County Code.
2. Comply with mitigation measures listed in the Final Environmental Impact Report with regard to minimizing construction related noise.

For questions regarding noise control requirements, please contact Cole Landowski, Head, Environmental Hygiene, at (626) 430-5440.

If you have any other questions or require additional information, please contact me at (626) 430-5262.

Sincerely,



Ken Habaradas, MS, REHS  
Bureau of Environmental Protection



# **County Agency VTTM Comments and Conditions**

The following reports consisting of 11 pages are the recommendations of Public Works.

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Details and notes shown on the tentative map are not necessarily approved. Any details or notes which may be inconsistent with requirements of ordinances, general conditions of approval, or Department policies must be specifically approved in other conditions, or ordinance requirements are modified to those shown on the tentative map upon approval by the Advisory agency.
2. Easements are tentatively required, subject to review by the Director of Public Works to determine the final locations and requirements.
3. Easements shall not be granted or recorded within areas proposed to be granted, dedicated, or offered for dedication for public streets, highways, access rights, building restriction rights, or other easements until after the final map is filed with the Registrar-Recorder/County Clerk's Office. If easements are granted after the date of tentative approval, a subordination must be executed by the easement holder prior to the filing of the final map.
4. In lieu of establishing the final specific locations of structures on each lot/parcel at this time, the owner, at the time of issuance of a grading or building permit, agrees to develop the property in conformance with the County Code and other appropriate ordinances such as the Building Code, Plumbing Code, Grading Ordinance, Highway Permit Ordinance, Mechanical Code, Zoning Ordinance, Underground of Utilities Ordinance, Water Ordinance, Sanitary Sewer and Industrial Waste Ordinance, Electrical Code, and Fire Code. Improvements and other requirements may be imposed pursuant to such codes and ordinances.
5. Adjust, relocate, and/or eliminate lot lines, lots, streets, easements, grading, geotechnical protective devices, and/or physical improvements to comply with ordinances, policies, and standards in effect at the date the County determined the application to be complete all to the satisfaction of Public Works.

COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
LAND DEVELOPMENT DIVISION – SUBDIVISION

TRACT NO. 71035 (Rev.)

TENTATIVE MAP DATED 03-01-2010

6. All easements existing at the time of final map approval must be accounted for on the approved tentative map. This includes the location, owner, purpose, and recording reference for all existing easements. If an easement is blanket or indeterminate in nature, a statement to that effect must be shown on the tentative map in lieu of its location. If all easements have not been accounted for, submit a corrected tentative map to the Department of Regional Planning for approval.
7. Quitclaim or relocate easements running through proposed structures.
8. The following note shall be placed on all tract and parcel maps with lot sizes of five acres or more: "Further division of this property to lot/parcel sizes below five acres will require standard improvements be completed as a condition of approval. The improvements will include but not limited to providing access, installation of water mains, appurtenances and fire hydrants, and conformance to Los Angeles County development standards."
9. Extend lot lines to the center of private and future streets.
10. Grant ingress/egress and utility easements to the public over the private and future or future streets.
11. The final map shall be recorded as parcel map rather than a tract map.
12. A final parcel map must be processed through the Director of Public Works prior to being filed with the Registrar-Recorder/County Clerk's Office.
13. Prior to submitting the tract map to the Director of Public Works for examination pursuant to Section 66442 of the Government Code, obtain clearances from all affected Departments and Divisions, including a clearance from the Subdivision Mapping Section of the Land Development Division of Public Works for the following mapping items; mathematical accuracy; survey analysis; and correctness of certificates, signatures, etc.
14. A final guarantee will be required at the time of filing of the final map with the Registrar-Recorder/County Clerk's Office.

COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
LAND DEVELOPMENT DIVISION – SUBDIVISION  
TRACT NO. 71035(Rev.)

Page 3/3

TENTATIVE MAP DATED 03-01-2010

15. Within 30 days of the approval date of this land use entitlement or at the time of first plan check submittal, the applicant shall deposit the sum of \$2,000 (Minor Land Divisions) or \$5,000 (Major Land Divisions) with Public Works to defray the cost of verifying conditions of approval for the purpose of issuing final map clearances. This deposit will cover the actual cost of reviewing conditions of approval for Conditional Use Permits, Tentative Tract and Parcel Maps, Vesting Tentative Tract and Parcel Maps, Oak Tree Permits, Specific Plans, General Plan Amendments, Zone Changes, CEQA Mitigation Monitoring Programs and Regulatory Permits from State and Federal Agencies (Fish and Game, USF&W, Army Corps, RWQCB, etc.) as they relate to the various plan check activities and improvement plan designs. In addition, this deposit will be used to conduct site field reviews and attend meetings requested by the applicant and/or his agents for the purpose of resolving technical issues on condition compliance as they relate to improvement plan design, engineering studies, highway alignment studies and tract/parcel map boundary, title and easement issues. When 80% of the deposit is expended, the applicant will be required to provide additional funds to restore the initial deposit. Remaining balances in the deposit account will be refunded upon final map recordation.

-116

*Jkc*  
Prepared by John Chin  
tr71035L-rev1.doc

Phone (626) 458-4918

Date 03-24-2010



**COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS**

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
WWW.DPW.LACOUNTY.GOV

TRACT NO.: 71035

TENTATIVE MAP DATE: 3/1/10

**STORM DRAIN AND HYDROLOGY SECTION CONDITIONS OF APPROVAL, PHONE: (626) 458-4921**

**Prior to Final Map Approval:**

1. Provide a note of flood hazard on the final map and delineate the areas subject to flood hazard. Show and label all natural drainage courses. Dedicate to the County the right to restrict erection of buildings in the flood hazard area. This is required to the satisfaction of the Department of Public Works prior to the filing of the final map. NOTE: "Portions of Parcel 1 in and adjacent to the natural drainage courses are subject to flood hazard"
2. Dedicate easements to Los Angeles County for "Flood Control Purposes" per Antelope Valley Master Drainage Plan and as shown on Exhibit A of CUP R2009-02239(5). Easements must be delineated on the Final Map to the satisfaction of the Department of Public Works.

AZ

Name

  
CHRIS SHEPPARD

Date 3/22/10 Phone (626) 458-4921

**County of Los Angeles Department of Public Works  
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION  
GEOLOGIC REVIEW SHEET  
900 So. Fremont Ave., Alhambra, CA 91803  
TEL. (626) 458-4925**

**DISTRIBUTION**  
 \_\_\_\_\_ Geologist  
 \_\_\_\_\_ Soils Engineer  
1 GMED File  
1 Subdivision

TENTATIVE TRACT / PARCEL MAP 71035  
 SUBDIVIDER AV Solar Ranch 1, LLC  
 ENGINEER Westwood Professional Services, Inc.  
 GEOLOGIST \_\_\_\_\_  
 SOILS ENGINEER \_\_\_\_\_

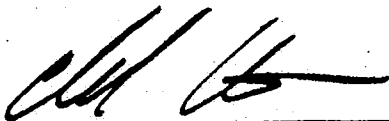
TENTATIVE MAP DATED 3/1/10 (Rev.)  
 LOCATION Lancaster  
 GRADING BY SUBDIVIDER [N] (Y or N)  
 REPORT DATE \_\_\_\_\_  
 REPORT DATE \_\_\_\_\_

**TENTATIVE MAP FEASIBILITY IS RECOMMENDED FOR APPROVAL FROM A GEOLOGIC STANDPOINT**

**THE FOLLOWING INFORMATION IS APPLICABLE TO THIS DIVISION OF LAND:**

- The Final Map does *not* need to be reviewed by GMED.
- Geology and/or soils engineering reports may be required prior to approval of building or grading plans.
- The Soils Engineering review dated 3/23/10 is attached.

Prepared by



Charles Nestle

Reviewed by

Date 3/23/10

Please complete a Customer Service Survey at <http://dpw.lacounty.gov/go/gmedsurvey>

COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION

SOILS ENGINEERING REVIEW SHEET

Address: 900 S. Fremont Ave., Alhambra, CA 91803  
Telephone: (626) 458-4925  
Fax: (626) 458-4913

District Office 5.0  
Job Number LX001129  
Sheet 1 of 1

Tentative Parcel Map 71035  
Location Antelope Valley  
Developer/Owner AV Solar Ranch 1, LLC  
Engineer/Architect Westwood  
Soils Engineer  
Geologist

DISTRIBUTION:

\_\_\_ Drainage  
\_\_\_ Grading  
\_\_\_ Geo/Soils Central File  
\_\_\_ District Engineer  
\_\_\_ Geologist  
\_\_\_ Soils Engineer  
\_\_\_ Engineer/Architect

Review of:

Tentative Parcel Map Dated by the Processing Center 3/1/10

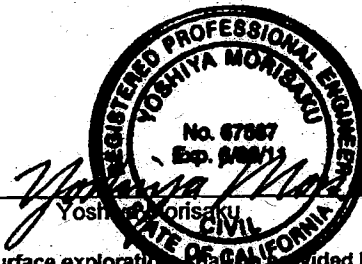
ACTION:

Tentative Map feasibility is recommended for approval, subject to conditions below:

REMARKS:

1. Soils engineering report may be required prior to approval of grading or building plans.
2. At the grading plan stage, submit two sets of grading plans to the Soils Section for verification of compliance with County codes and policies.

Reviewed by \_\_\_\_\_



Date 3/23/10

**NOTICE:** Public safety, relative to geotechnical subsurface exploration, is provided in accordance with current codes for excavations, inclusive of the Los Angeles County Code, Chapter 11.48, and the State of California, Title 8, Construction Safety Orders.  
P:\Yosh\71035, TentPM-A\_1

COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
LAND DEVELOPMENT DIVISION – GRADING  
TRACT MAP NO. 71035

Page 1/1

TENTATIVE MAP DATED 03-01-2010  
EXHIBIT MAP DATED 03-01-2010

1. Approval of this map pertaining to grading is recommended.

**COMMENTS/ADDITIONAL REQUIREMENTS:**

1. No Grading is proposed

*MDE*  
Name David Esfandi Date 03/22/10 Phone (626) 458-4921

C:\Documents and Settings\MESFANDI\My Documents\Tent TR 71035.doc



TENTATIVE MAP DATED 3-01-2010

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. A minimum centerline curve length of 100 feet shall be maintained on all local streets. A minimum centerline curve radius of 100 feet shall be maintained on all cul-de-sac streets. Reversing curves of local streets need not exceed a radius of 1,500 feet, and any curve need not exceed a radius of 3,000 feet.
2. The minimum centerline radius is 350 feet on all local streets with 64 feet of right of way and on all the streets where grades exceed 10 percent.
3. The centerline of all local streets shall be aligned without creating jogs of less than 150 feet. A one-foot jog may be used where a street changes width from 60 feet to 58 feet of right of way.
4. The central angles of the right of way radius returns shall not differ by more than 10 degrees on local streets.
5. Dedicate the right to restrict vehicular access on 170<sup>th</sup> Street West.
6. Dedicate or offer right of way minimum of 100 feet from centerline and slope/drainage easements on Avenue D (State Route 138) to the satisfaction of Caltrans and Public Works. Additional right of way may be required for future grade separation at the intersection of Avenue D and 170<sup>th</sup> Street West to the satisfaction of Caltrans and Public Works.
7. Make an offer of private and future right of way 32 feet from centerline on Avenue C, Avenue C-8, 155<sup>th</sup> Street West, and 160<sup>th</sup> Street West between Avenue C-8 and Avenue D.
8. Dedicate or offer right of way for a standard knuckle at the intersection of 160<sup>th</sup> Street West and Avenue C-8 to the satisfaction of Public Works.
9. Dedicate or offer slope/drainage easements along all future or private and future streets to the satisfaction of Public Works.
10. Provide property line return radii of 13 feet at all local street intersections, and 27 feet at the intersection of local streets with planned highways (those on the County Highway Plan) and where all planned highways intersect or where one of

COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
LAND DEVELOPMENT DIVISION - ROAD  
TRACT NO. 71035(Rev)

Page 2/2

TENTATIVE MAP DATED 03-01-2010

the roads serves a commercial or industrial development plus additional right of way for corner cut off to meet current guidelines of the Americans with Disabilities Act (ADA) to the satisfaction of Public Works.

11. Permission is granted to vacate excess right of way providing the adjoining property owners have the underlying ownership of the portion of street to be vacated. Easements shall be provided for all utility companies that have facilities remaining within the vacated area.

 Prepared by Sam Richards

tr71035r-rev.

Phone (626) 458-4921

Date 03-22-2010


COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
LAND DEVELOPMENT DIVISION - SEWER  
TRACT NO. 71035 (Rev.)

Page 1/1

TENTATIVE MAP DATED 03-01-2010

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Approved without conditions. There are no existing public sewer facilities within proximity of the project and the applicant proposes to use private sewer systems.
2. The use and installation of a private sewage system must be approved by the Department of Health Services. Please call (626) 430-5380 for additional information and requirements.

  
Prepared by Julian Garcia  
tr71035s-rev1.doc

Phone (626) 458-4921

Date 03-23-2010


COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
LAND DEVELOPMENT DIVISION - WATER  
TRACT NO. 71035 (Rev.)

Page 1/1

TENTATIVE MAP DATED 03-01-2010

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following item:

Approved without conditions. This is a 20+ acre subdivision.

  
Prepared by Julian Garcia  
tr71035w-rev1.doc

Phone (626) 458-4921

Date 03-23-2010



COUNTY OF LOS ANGELES  
FIRE DEPARTMENT

5823 Rickenbacker Road  
Commerce, California 90040

RP - Kim Szalay

CONDITIONS OF APPROVAL FOR SUBDIVISION - UNINCORPORATED

Project No: R2009-02239 (TR 71035)

Map Date: March 01, 2010

C.U.P. T200900026

Vicinity: 09A5

- ☐ FIRE DEPARTMENT HOLD on the tentative map shall remain until verification from the Los Angeles County Fire Dept. Planning Section is received, stating adequacy of service. Contact (323) 881-2404.
- ☒ Access shall comply with Title 21 (County of Los Angeles Subdivision Code) and Section 503 of the Fire Code, which requires all weather access. All weather access may require paving.
- ☒ Fire Department access shall be extended to within 150 feet distance of any exterior portion of all structures.
- ☒ Where driveways extend further than 150 feet and are of single access design, turnarounds suitable for fire protection equipment use shall be provided and shown on the final map. Turnarounds shall be designed, constructed and maintained to insure their integrity for Fire Department use. Where topography dictates, turnarounds shall be provided for driveways that extend over 150 feet in length.
- ☐ The private driveways shall be indicated on the final map as "Private Driveway and Firelane" with the widths clearly depicted. Driveways shall be maintained in accordance with the Fire Code.
- ☐ Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested and accepted prior to construction.
- ☐ This property is located within the area described by the Fire Department as "Very High Fire Hazard Severity Zone" (formerly Fire Zone 4). A "Fuel Modification Plan" shall be submitted and approved prior to the Public Hearing. (Contact: Fuel Modification Unit, Fire Station #32, 605 North Angeleno Avenue, Azusa, CA 91702-2904, Phone (626) 969-5205 for details).
- ☒ Provide Fire Department or City approved street signs and building access numbers prior to occupancy.
- ☐ Additional fire protection systems shall be installed in lieu of suitable access and/or fire protection water.
- ☐ The final concept map, which has been submitted to this department for review, has fulfilled the conditions of approval recommended by this department for access only.
- ☐ These conditions must be secured by a C.U.P. and/or Covenant and Agreement approved by the County of Los Angeles Fire Department prior to final map clearance.
- ☒ The Fire Department has no additional requirements for this division of land.

Comments: Fire Department access requirements will be determined with the CUP review (Permit Number T200900026).

By Inspector: Juan C. Padilla Date March 23, 2010

Land Development Unit - Fire Prevention Division - (323) 890-4243, Fax (323) 890-9783



COUNTY OF LOS ANGELES  
FIRE DEPARTMENT

5823 Rickenbacker Road  
Commerce, California 90040

WATER SYSTEM REQUIREMENTS - UNINCORPORATED

Project No: R2009-02239 (TR 71035) Map Date: March 01, 2010

C.U.P. T200900026

- ☒ The County Forester and Fire Warden is prohibited from setting requirements for water mains, fire hydrants and fire flows as a condition of approval for this division of land as presently zoned and/or submitted. However, water requirements may be necessary at the time of building permit issuance.
- ☐ The required fire flow for public fire hydrants at this location is \_\_\_\_\_ gallons per minute at 20 psi for a duration of \_\_\_\_\_ hours, over and above maximum daily domestic demand. \_\_\_\_\_ Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.
- ☐ The required fire flow for private on-site hydrants is \_\_\_\_\_ gallons per minute at 20 psi. Each private on-site hydrant must be capable of flowing \_\_\_\_\_ gallons per minute at 20 psi with two hydrants flowing simultaneously, one of which must be the furthest from the public water source.
- ☐ Fire hydrant requirements are as follows:
- Install \_\_\_\_\_ public fire hydrant(s). Verify / Upgrade existing \_\_\_\_\_ public fire hydrant(s).
- Install \_\_\_\_\_ private on-site fire hydrant(s).
- ☐ All hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal. All on-site hydrants shall be installed a minimum of 25' feet from a structure or protected by a two (2) hour rated firewall.
- ☐ Location: As per map on file with the office.
- ☐ Other location: \_\_\_\_\_
- ☐ All required fire hydrants shall be installed, tested and accepted or bonded for prior to Final Map approval. Vehicular access shall be provided and maintained serviceable throughout construction.
- ☐ The County of Los Angeles Fire Department is not setting requirements for water mains, fire hydrants and fire flows as a condition of approval for this division of land as presently zoned and/or submitted.
- ☒ Additional water system requirements will be required when this land is further subdivided and/or during the building permit process.
- ☐ Hydrants and fire flows are adequate to meet current Fire Department requirements.
- ☐ Fire hydrant upgrade is not necessary, if existing hydrant(s) meet(s) fire flow requirements. Submit original water availability form to our office.

Comments: Fire Department water requirements will be determined with the CUP review (Permit Number T200900026).

All hydrants shall be installed in conformance with Title 20, County of Los Angeles Government Code and County of Los Angeles Fire Code, or appropriate city regulations. This shall include minimum six-inch diameter mains. Arrangements to meet these requirements must be made with the water purveyor serving the area.

By Inspector Juan C. Padilla Date March 23, 2010

Land Development Unit – Fire Prevention Division – (323) 890-4243, Fax (323) 890-9783



COUNTY OF LOS ANGELES  
**Public Health**

**JONATHAN E. FIELDING, M.D., M.P.H.**  
Director and Health Officer

**JONATHAN E. FREEDMAN**  
Chief Deputy Director

**ANGELO J. BELLOMO, REHS**  
Director of Environmental Health

**ALFONSO MEDINA, REHS**  
Director of Environmental Protection Bureau

**KEN HABARADAS, MS, REHS**  
Acting Environmental Health Staff Specialist  
5050 Commerce Drive  
Baldwin Park, California 91706  
TEL (626) 430-5280 • FAX (626) 960-2740



BOARD OF SUPERVISORS

**Gloria Molina**  
First District

**Mark Ridley-Thomas**  
Second District

**Zev Yaroslavsky**  
Third District

**Don Knabe**  
Fourth District

**Michael D. Antonovich**  
Fifth District

March 18, 2010

Tract Map: 071035

RFS No. 10-0006710

Vicinity: Lancaster

Vesting Tentative Tract Map Date: March 1, 2010 (1<sup>st</sup> Revision)

- ☒ Environmental Health recommends approval of this map.
- ☐ Environmental Health does **NOT** recommend approval of this map.

The project involves the reversion to acreage of Parcel 1, which was previously subdivided as shown on Tract Map 34427. Parcel 1 is a part of a 2,060 acre site proposed for a photovoltaic power project. The Los Angeles County Department of Public Health – Environmental Health Division (Department) has no objection to the reversion to acreage and **Vesting Tentative Tract Map 071035** is cleared for public hearing. The following conditions still apply and are in force:

Potable Water Supply

1. The Department has reviewed the Groundwater Characteristic Report (URS 2009) submitted by the applicant. The data contained in the report indicates that there is sufficient groundwater available on the parcel to serve the proposed project. According to the Screencheck Environmental Impact Report prepared for the proposed project, potable water will be supplied by the construction of a new well adjacent to an existing irrigation well or in the vicinity of the proposed Operation & Maintenance (O&M) building. **Prior to issuance of any building permits**, the applicant shall construct a new well meeting the requirements of the California Safe Drinking Water Act, the California Well Standards and Title 11 of the Los Angeles County Code. A well drilling permit must be obtained from this Department prior to drilling/construction of any water well. The well must also meet the requirements of the Department with respect to quantity.
2. If the applicant proposes to use the existing wells on the parcel for domestic purposes, the wells must be brought into compliance with the California Well Standards and the standards of the Department prior to issuance of any building permits.

3. Any wells to be abandoned shall be decommissioned in accordance with requirements of the Department.
4. The application indicates that operational employee numbers are estimated to be 16 full-time positions, working up to four (4) shifts, with a maximum of eight employees per shift. If 25 or more persons are employed for more than 60 days per year, the California Safe Drinking Water Act requires that a public water system be established meeting all applicable requirements of the California Health and Safety Code and Title 22 of the California Code of Regulations.

For questions regarding the above requirements, please contact Richard Lavin, Chief, Drinking Water Program, at (626) 430-5262.

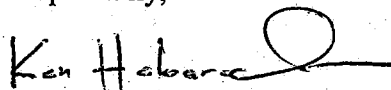
Wastewater Disposal

1. **Prior to construction / installation of any OWTS**, a complete feasibility report shall be submitted to the Department for review and approval. The feasibility report shall be prepared in conformance with the requirements outlined in the Department's guidelines, "Onsite Wastewater Treatment System (OWTS) Guideline."
2. If a public sewer connection is available within 200 feet of any part of the proposed O&M building or exterior drainage, all future sewage drainage and piping shall be connected to such public sewer.
3. In the event that the requirements of the Plumbing Code cannot be met on the parcel, due to future grading or for any other reason, the Department will not recommend issuance of any building permits on this site.
4. **Prior to construction / installation of any OWTS**, the applicant shall obtain any necessary authorization from the Regional Water Quality Control Board for the commercial discharge of wastewater.

For questions regarding the above requirements, please contact Patrick Nejadian, Chief, Land Use Program, at (626) 430-5390.

If you have any other questions or require additional information, please contact me at (626) 430-5262.

Respectfully,



Ken Habaradas, MS, REHS  
Bureau of Environmental Protection





LOS ANGELES COUNTY  
DEPARTMENT OF PARKS AND RECREATION



PARK OBLIGATION REPORT

Tentative Map # 71035      DRP Map Date: 03/01/2010      SCM Date: 03/25/2010      Report Date: 03/22/2010  
Park Planning Area # 47B      EDWARDS      Map Type: REV. (REV RECD)

Total Units  = Proposed Units  + Exempt Units

Sections 21.24.340, 21.24.350, 21.28.120, 21.28.130, and 21.28.140, the County of Los Angeles Code, Title 21, Subdivision Ordinance provide that the County will determine whether the development's park obligation is to be met by:

- 1) the dedication of land for public or private park purpose or,
- 2) the payment of in-lieu fees or,
- 3) the provision of amenities or any combination of the above.

The specific determination of how the park obligation will be satisfied will be based on the conditions of approval by the advisory agency as recommended by the Department of Parks and Recreation.

Park land obligation in acres or in-lieu fees:

ACRES:	0.00
IN-LIEU FEES:	\$0

Conditions of the map approval:

The park obligation for this development will be met by:

The payment of \$0 in-lieu fees.

This project is exempt from park obligation requirements because:

Non-residential subdivision.

Trails:

No trails.

Comments:

No residential units are proposed. The project is a reversion to acreage for solar development.

Please contact Clement Lau at (213) 351-5120 or Sheela Mathai at (213) 351-5121, Department of Parks and Recreation, 510 South Vermont Avenue, Los Angeles, CA 90020 for further information or to schedule an appointment to make an in-lieu fee payment.

For information on Hiking and Equestrian Trail requirements, please contact the Trails Coordinator at (213) 351-5134.

By: James Barber  
James Barber, Land Acquisition & Development Section

Supv D 5th  
March 22, 2010 13:03:10  
QMB02F.FRX



**LOS ANGELES COUNTY  
DEPARTMENT OF PARKS AND RECREATION**



**PARK OBLIGATION WORKSHEET**

Tentative Map # <b>71035</b>	DRP Map Date: <b>03/01/2010</b>	SMC Date: <b>03/25/2010</b>	Report Date: <b>03/22/2010</b>
Park Planning Area # <b>47B</b>	<b>EDWARDS</b>	Map Type: <b>REV. (REV RECD)</b>	

The formula for calculating the acreage obligation and or In-lieu fee is as follows:

**(P)people x (0.003) Ratio x (U)nits = (X) acres obligation**

**(X) acres obligation x RLV/Acre = In-Lieu Base Fee**

Where: P = Estimate of number of People per dwelling unit according to the type of dwelling unit as determined by the 2000 U.S. Census\*. Assume \* people for detached single-family residences; Assume \* people for attached single-family (townhouse) residences, two-family residences, and apartment houses containing fewer than five dwelling units; Assume \* people for apartment houses containing five or more dwelling units; Assume \* people for mobile homes.

Ratio = The subdivision ordinance provides a ratio of 3.0 acres of park land for each 1,000 people generated by the development. This ratio is calculated as "0.0030" in the formula.

U = Total approved number of Dwelling Units.

X = Local park space obligation expressed in terms of acres.

RLV/Acre = Representative Land Value per Acre by Park Planning Area.

Total Units 0 = Proposed Units 0 + Exempt Units 0

	People*	Ratio 3.0 Acres / 1000 People	Number of Units	Acre Obligation
Detached S.F. Units	3.00	0.0030	0	0.00
M.F. < 5 Units	3.17	0.0030	0	0.00
M.F. >= 5 Units	4.34	0.0030	0	0.00
Mobile Units	1.79	0.0030	0	0.00
Exempt Units			0	
Total Acre Obligation =				0.00

Park Planning Area = **47B EDWARDS**

Ratio	Acre Obligation	RLV / Acre	In-Lieu Base Fee
@(0.0030)	0.00	\$49,352	\$0

Lot #	Provided Space	Provided Acres	Credit (%)	Acre Credit	Land
None					
Total Provided Acre Credit:				0.00	

Acre Obligation	Public Land Crdt.	Priv. Land Crdt.	Net Obligation	RLV / Acre	In-Lieu Fee Due
0.00	0.00	0.00	0.00	\$49,352	\$0



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.

See Attached

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.

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.

## **CONDITIONAL USE PERMIT BURDEN OF PROOF**

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

***A. 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.***

The proposed AV Solar Ranch One Project (Project) consists of a 230 megawatt (MW) solar photovoltaic (PV) facility on 2,100 acres of fallow agricultural land in northern Los Angeles County along State Route 138 (Figure 1). The Project includes a 230 kilovolt (kV) transmission line to interconnect the Project to the transmission system. Two potential locations have been identified to interconnect the Project to the Southern California Edison Company (SCE) transmission system – either 3.5 miles north of the Project site or 1.0 mile east of the Project site. The interconnection point will be determined through a system study conducted by the California Independent System Operator (Cal ISO).

The Project will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the area, for the following reasons:

***Low Impact Technology***

- During operation, the Project will generate minimal air and noise emissions. With an estimated 16 full time workers, human activity and associated traffic to and from the site will be minimal, with most of the activity occurring in and around the relatively small area of the on-site operations and maintenance building. Maintenance activities within the solar field will be infrequent. The solar equipment is only about 12 to 15 feet high and is non-reflective. Minimal night lighting will be required because the solar equipment does not operate during non-daylight hours. Night lighting will primarily be in the vicinity of the operations and maintenance building, to the extent necessary for worker safety. The lights will be directed downward and shielded.

***Compatible Land Use***

- The Project is located in an area of the Antelope Valley that is sparsely populated agricultural and undeveloped land. The nearest resident is approximately 0.4 miles from the Project site.
- The Project site has a land use designation of Non-Urban (N-1), and is zoned Heavy Agriculture (A-2) as defined by the Los Angeles County General Plan. The Los Angeles County Department of Regional Planning has determined that a solar energy

generation facility is equivalent to an electric generating plant. Under the Los Angeles County Zoning Code (January 13, 2009), electric generating plants and transmission substations are allowed in zone A-2 with the issuance of a CUP (Chapter 22.24.150[A]).

### ***Carbon-Free Renewable Energy***

- The United States has a greater solar energy resource potential than any other industrialized nation. The multiple benefits associated with developing this resource have been recognized repeatedly by both federal and state policy-makers. Development of solar resources reduces reliance on foreign sources of fuel, promotes national security, diversifies energy portfolios, contributes to the reduction of greenhouse gas emissions, and generates “green” jobs. The Project will contribute much needed on-peak power to the electrical grid in California. The Project will benefit health, peace, comfort and welfare of persons living and residing in the area by providing a carbon-free and emission-free source of renewable energy.
- The Project will help California meet its statutory and regulatory goal of increasing renewable power generation. California has enacted legislation mandating that certain load serving entities procure enough renewable power to ensure that 20 percent of their retail sales are served by renewable resources by 2010, and is currently considering legislation that would increase the goal to 33 percent renewables by 2020. The California Air Resources Board has already adopted this requirement as part of its implementation of AB 32, and the Governor has also directed State agencies to implement policies requiring the State to achieve 33 percent renewables by 2020, through Executive Order S-14-08 (November 17, 2008). The Project is an eligible renewable resource within the meaning of the California Public Resources Code, and will contribute to these goals.

### ***Environmental Compatibility***

#### ***Air Quality***

- The Project will produce minimal air emissions during operation. Generating electricity using PV technology produces negligible air emissions. During operations, the Project will produce an insignificant volume of emissions from maintenance vehicles and from operation of a diesel-fired emergency firewater pump during a power outage, if necessary. Emissions from the diesel firewater pump will be regulated through a Permit to Operate, issued by the Antelope Valley Air Quality Management District. Air emissions from the Project will be substantially lower than those associated with a fossil-fired generating facility of the same installed capacity.
- Construction-related air emissions, resulting from fugitive dust and operation of construction equipment, will be temporary. Fugitive dust emissions will be

mitigated through implementation of a Fugitive Dust Mitigation Plan as required by the County, and construction equipment will comply with air pollution control requirements.

#### *Water Quality and Use*

- The proposed Project will not have a significant effect on ground or surface water quality. Potential soil erosion and drainage sedimentation will be minimized. The Project will prepare and implement a Storm Water Pollution Prevention Plan in compliance with California's General Permits for storm water management during construction and operation. Sanitary needs for the Project will be served with portable toilets during construction, and by an on-site sanitary waste septic system during operations.
- The primary use of water during construction will be for dust control, soil compaction, and mixing of concrete. Water use during operation, is primarily associated with solar panel washing, expected to be required twice per year. Water is not required by PV technology to generate electricity. It is currently expected that the Project's water needs will be supplied by two existing on-site wells and/or one or more newly constructed wells. Water use during Project operation will be substantially less than previous agricultural operations on the site. While water use is not expected to be significant, Best Management Practices (BMPs) for water conservation will be implemented to further minimize water consumption. Such BMPs will include:
  - Use of low-flush toilets
  - Use of drought-tolerant and native vegetation for landscaping and revegetation
  - Minimizing the frequency of solar panel washing to the extent feasible (approximately twice per year)

#### *Waste*

- The Project will not generate significant amounts of hazardous waste. All Project-related hazardous materials and waste will be transported, handled, stored, and disposed of in accordance with applicable Certified Unified Program Agency, County, State, and Federal requirements.
- Construction of the proposed Project will require limited use of hazardous materials, consisting of: paints, solvents, compressed gas (for welding), batteries, diesel or gasoline (used for equipment fuel) and oil. Construction activities will also generate hazardous wastes consisting of: flushing and cleaning fluids, spent batteries, used oil, welding materials and dried paint.
- During operation, limited quantities of hazardous materials will be needed to perform general maintenance activities. These materials may include petroleum-

based fluids (such as fuel oil, equipment oil, lubricants, and solvents), cleaning supplies, paint and air conditioning fluids (hydrochlorofluorocarbons). Generally, these types of materials will be stored in small quantities in an on-site operations and maintenance building. Hazardous wastes generated during operation are expected to include: used equipment oils and lubricants, oily rags, dried paints and used air conditioning fluids.

#### *Noise*

- Construction of the Project is not anticipated to significantly increase ambient noise levels. Construction will involve temporary and short-term use of equipment during: site preparation; limited grading activities; building construction; installation of solar arrays, and associated electrical equipment; and construction of the transmission line. Construction activities will occur primarily during daylight hours. Any increase in noise levels during construction will attenuate rapidly with distance from the site boundary and transmission line route area. Construction activities will conform to applicable County noise ordinances.

Noise emissions associated with Project operations are not expected to be significant. Potential sources of noise during operations include maintenance activities, vehicle traffic, and occasional use of the emergency firewater pump, if necessary. Noise from these sources would generally not be audible off-site.

#### *Traffic*

- The Project will not have a significant effect on local traffic. Construction-related traffic will be associated with the Project workforce commuting to the site and delivery of equipment and supplies. Project-related traffic during operation will be associated with a relatively small workforce of approximately 16 employees. A Traffic Impact Analysis conducted by URS Corporation found that the traffic volume added to the surrounding roadway circulation system during both construction and operation will have no significant effect at any of the intersections or road segments in the Project area.

#### *Aesthetics*

- The relatively low profile of the Project's solar panels, combined with the generally flat terrain of the Project site and surrounding area, will make the Project visually compatible with the surrounding environment. Almost all of the Project site will be occupied by solar trackers that are 12 to 15 feet in height. The operations and maintenance building will be less than 30 feet in height, and the maximum equipment height associated with the Project substation will be 60 feet. Visibility of the Project site from surrounding public areas will be limited. Views from the Antelope Valley California Poppy Reserve, approximately 1.5 miles south of the Project site, are largely screened by intervening topography. The project will be visible from a portion of the Santa Monica Mountains

Conservancy on Fairmont Butte, but this area receives limited use by the public. Because of the flat terrain and intervening vegetation, the Project site is essentially not visible from Arthur B. Ripley Desert Woodland State Park, located approximately 2.5 miles to the southwest. Visual simulations from both of these parks are provided as Attachment 1.

#### *Public Services*

- The Project will have little effect on public services such as schools, fire protection and law enforcement. During Project construction, it is expected that most of the workforce will be hired locally, and few if any workers will relocate to communities in the site area. The relatively small Project operations workforce of 16 full-time workers is expected to be hired from the existing local population. Therefore, the Project will not adversely impact schools or other services.
- The Project will not place a significant demand on local fire protection services. The Project facilities are largely non-flammable solar equipment, and the operations and maintenance buildings and electrical equipment will have built-in fire protection systems. Wildfire risk will be minimized by management of vegetation on the Project site. In general, vegetation will be controlled to a height of less than 2 feet to avoid interference with Project equipment.
- The Project is not expected to have a significant effect on local law enforcement services. The Project site will be fenced, and a full-time security staff will be on-site on a 24-hour basis.

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

The Project will not be detrimental to future utilization or enjoyment of the surrounding area. Project operation will generate very little noise (primarily from infrequent maintenance vehicle traffic on the site), and lighting will be limited to that necessary for worker safety at the operations and maintenance building. The anticipated Project staffing of 16 full-time workers will not adversely affect traffic conditions in the area. Additionally, as described above in Item A.1, the Project will be consistent with existing land use and zoning designations, and as a result, is not expected to cause significant adverse effects to surrounding land uses. Public use of the nearby Antelope Valley California Poppy Reserve and Arthur B. Ripley Desert Woodland State Park will not be adversely affected because the Project will be largely screened from views at these State parks by intervening topography and vegetation.

The Project is not expected to materially affect the valuation of adjacent properties. As described in item A.1., the Project area is sparsely populated and the existing land use is primarily agricultural in nature. The Project is compatible with existing uses and does not present significant emissions, noise, pollutants, or visual intrusions that would



adversely affect property values. The Project transmission line will be located in an existing road right-of-way, and is designed to minimize visual impacts by utilizing steel poles, neutral colors, and non-reflective conductors (wires).

***3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.***

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

***Land Use and Environmental Compatibility***

As described above in Item A.1, the Project will be consistent with existing land use and zoning and is not expected to result in significant adverse effects to local or regional air quality, water quality, or environmental safety. In addition, the proposed Project has the following attributes:

- Minimal air emissions, primarily associated with vehicle traffic from the 16 full time workers at the site.
- Insignificant increases to the local population, during either construction or operation, (refer to Item A.1) that would increase the level of demand on schools, fire protection, law enforcement, or emergency services.
- Minimal demand on existing fire and law enforcement due to:
  - Storage of only small quantities of flammable materials on site, incorporation of vegetation management and installation of fire protection systems designed in accordance with Los Angeles County Fire Department regulations.
  - Installation of site fencing, controlled access gates, and full-time security, and regular security patrols at the site.

***Carbon-Free Renewable Energy***

- The United States has a greater solar energy resource potential than any other industrialized nation. The multiple benefits associated with developing this resource have been recognized repeatedly by both federal and state policy-makers. Development of solar resources reduces reliance on foreign sources of fuel, promotes national security, diversifies energy portfolios, contributes to the reduction of greenhouse gas emissions, and generates "green" jobs. The Project will contribute much needed on-peak power to the electrical grid in California. The Project will benefit health, peace, comfort and welfare of persons living and residing in the area by providing a carbon-free and emission-free source of renewable energy.

- The Project will help California meet its statutory and regulatory goal of increasing renewable power generation. California has enacted legislation mandating that certain load serving entities procure enough renewable power to ensure that 20 percent of their retail sales are served by renewable resources by 2010, and is currently considering legislation that would increase the goal to 33 percent renewables by 2020. The California Air Resources Board has already adopted this requirement as part of its implementation of AB 32, and the Governor has also directed State agencies to implement policies requiring the State to achieve 33 percent renewables by 2020, through Executive Order S-14-08 (November 17, 2008). The Project is an eligible renewable resource within the meaning of the California Public Resources Code, and will contribute to these goals.

***B. 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 site encompasses approximately 2,100 acres. As shown on the site layout in Figure 2, there is adequate area within the site boundaries to accommodate development features, including Project fencing, parking and loading facilities, landscaping, internal maintenance roads, as well as design features and setbacks required by Los Angeles County.

As described in Item A.1, above, the Project will be consistent with existing land use and zoning and will integrate well with the land uses of the surrounding area (primarily active and fallow agricultural land and undeveloped land).

The proposed and alternate transmission line routes will be located within the existing County road rights-of-way and would not require use of or trespass on additional private land.

***C. 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***

The existing local roadway system is adequate to serve the Project without improvements. Increased traffic volumes will occur during the construction period from workers commuting to the site and equipment and supplies deliveries. During operations, the Project-related traffic will be limited to occasional deliveries and use by approximately 16 on-site workers. A Traffic Impact Analysis conducted by URS Corporation found that the traffic volume added to the surrounding roadway circulation system, during both construction and operation, will have no significant effect at any of the intersections or road segments in the Project area.

The Project will include a system of on-site roads to allow access to all areas of the Project site and to minimize the need to use public roadways. The on-site roads will be designed and constructed to accommodate the traffic needs of the Project and necessary access by fire fighting and other emergency equipment.

***2. By other public or private service facilities as are required.***

The Project will require minimal public or private service facilities and, as summarized below, will be largely self-sufficient:

- Water will be supplied by two existing on-site wells and/or one or more additional wells, as necessary.
- Sanitary needs during construction will be served by portable toilets, and operational needs will be met by an on-site sanitary waste septic system. The full time operational staff will include approximately 16 workers, so septic demand will be small.
- Electrical power for Project auxiliaries will be supplied during non-daylight hours by back feed from the existing electrical grid, or from the local electrical utility's transmission system. An emergency diesel powered firewater pump may be required to provide power for fire protection in the event that power from the electrical grid is unavailable.
- The Project will not require any natural gas or other fossil fuels for operations. Fuel requirements for on-site equipment or other incidental uses, if any, will be delivered from local sources, as needed, but are expected to be minimal.



\* \* \* \* INITIAL STUDY \* \* \* \*

COUNTY OF LOS ANGELES  
DEPARTMENT OF REGIONAL PLANNING

GENERAL INFORMATION

I.A. Map Date: March 18, 2009 Staff Member: Christina Tran / Anthony Curzi

Thomas Guide: Page F (no map page) (2008) USGS Quad: Fairmont Butte

Location: Project site is located on parcels north and south of SR-138 between 155<sup>th</sup> Street West to the east and 180<sup>th</sup> Street West to the west, between West Avenue B-8 to the north, and by West Avenue E to the south

Description of Project: Application for Tentative Tract Map TR071035 for a reversion to acreage from 147 parcels to 1 parcel. Application also includes a CUP request for the construction and operation of a 230 megawatt (MW) photovoltaic (PV) solar facility in an agricultural zone; for onsite grading of a maximum of 700,000 cubic yards of soil; and for development within an SEA. The facility consists of a PV panel array system mounted on tracker units or fixed tilt support structures; associated electrical equipment; a 3 acre onsite substation; a 20,000 square foot operations and maintenance building; employee parking area; eight foot high perimeter fencing; and associated access roads. The project also includes a 230 Kilovolt (kV) transmission line that is approximately 3.5 miles long and interconnect to Southern California Edison's (SCE) planned Whirlwind Substation north of the project site in southern Kern County. An alternate 1.5-mile-long transmission line would interconnect the project to SCE's existing 230 kV Antelope-Magunden transmission line east of the site. Approximately 12 acre feet of water will be required annually for domestic use and to process water uses which include washing solar panels approximately twice per year and maintenance uses. Water will be provided by onsite water wells and sewage disposal will be handled by the proposed septic and leach field system.

Gross Acres: 2,100 acres

Environmental Setting: Project site is located in the Antelope Valley and within the Joshua Tree Woodland Habitat (JTWH) Significant Ecological Area (SEA). The majority of the project site had been used for agricultural production since 1940; however, farming activities ceased by 2004. The remainder of the project site is undeveloped with the exception of the residential ranch development on an approximately 27-acre area consisting of two residences, a mobile home, and associated storage and equipment structures that will all be demolished. The site also contains an exploratory oil well that has been plugged and abandoned. The project site is surrounded by undeveloped and agricultural land. Three primary ephemeral drainages traverse the project site and a small portion of a fourth ephemeral drainage is located within the northeastern property boundary.

Zoning: A-2-5 (Heavy Agriculture, minimum five acre lot) and A-1-2 (Light Agriculture, minimum two acre lot)

General Plan: NI (Non-Urban I)

Community/Area wide Plan: Antelope Valley Area Plan

**Major projects in area:**

**PROJECT NUMBER**

CUP 02-176

CPUC No. A.07-06-031

Pending

**DESCRIPTION & STATUS**

Automotive racetrack on 322 acres southeast of project site (pending/EIR in progress)  
SCE Tehachapi Renewable Transmission Project (500 kV transmission line project)  
east and north of project site (environmental review [EIR/EIS] in progress; CPUC  
decision due August 2009)  
Pending eSolar concentrated solar project near Lancaster/Antelope Valley (pre-  
permitting phase)

NOTE: For EIRs, above projects are not sufficient for cumulative analysis.

**REVIEWING AGENCIES**

**Responsible Agencies**

- ☐ None  
☒ Regional Water Quality  
Control Board  
☐ Los Angeles Region  
☒ Lahontan Region  
☐ Coastal Commission  
☒ Army Corps of Engineers  
☒ California Energy Commission  
☒ CA Public Utilities Commission  
☒ Caltrans Aeronautics  
☒ Caltrans  
☐

**Trustee Agencies**

- ☐ None  
  
☒ State Fish and Game  
  
☒ State Parks  
☒ U.S. Fish & Wildlife

**Special Reviewing Agencies**

- ☐ None  
☒ Santa Monica Mountains  
Conservancy  
☐ National Parks  
☒ National Forest  
☒ Edwards Air Force Base  
☐ Resource Conservation District  
of Santa Monica Mtns. Area  
☒ Kern County  
☒ SCV Historical Society  
☒ Southern California Edison  
☒ City of Lancaster and Palmdale  
☒ NAHC; CSUF  
☒ DTSC; DOGGR  
☐ CA DHS – Drinking Water  
Program; CA St. Water Res. Control  
Board; Dept. of Water Resources  
☒ Antelope Valley AQMD; FAA

☒ Antelope Valley Conservancy;  
Antelope Acres Town Council;

- ☒ Nature Conservancy  
☒ SCAG; CHP

**Regional Significance**

- ☐ None  
☐ SCAG Criteria  
☒ Air Quality  
☐ Water Resources  
☐ Santa Monica Mtns. Area  
☐  
☐  
☐  
☐

**County Reviewing Agencies**

- ☒ Subdivision Committee  
☒ Fire Department (and  
Hazardous Material)  
☒ SEATAC; Sheriff  
☒ DPW: GMED; Traffic &  
Lighting; Environmental Programs;  
Land Development (NPDES review,  
Drainage & Grading, and water  
supply); Transportation Planning;  
Waterworks and Sewer  
Maintenance; Flood Maintenance  
☒ Public Health: Land Use  
Programs; Environmental Hygiene;  
Environmental Health

IMPACT ANALYSIS MATRIX		ANALYSIS SUMMARY (See individual pages for details)			
			Less than Significant Impact/No Impact		
			Less than Significant Impact with Project Mitigation		
					Potentially Significant Impact
CATEGORY	FACTOR	Pg			Potential Concern
HAZARDS	1. Geotechnical	5	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 700,000 c.y. of grading
	2. Flood	6	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Existing onsite drainage and floodplain conditions
	3. Fire	7	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Use of flammable materials during project construction and operation, private water wells
	4. Noise	8	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RESOURCES	1. Water Quality	9	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Septic system
	2. Air Quality	10	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Potential construction emissions and fugitive dust
	3. Biota	11	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Drainage modification, biological resources, and SEA areas
	4. Cultural Resources	12	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Potential presence of onsite cultural resources
	5. Mineral Resources	13	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	6. Agriculture Resources	14	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	7. Visual Qualities	15	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> California Poppy Trail, scenic highway
SERVICES	1. Traffic/Access	16	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Construction and maintenance activities
	2. Sewage Disposal	17	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	3. Education	18	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	4. Fire/Sheriff	19	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Extend service to undeveloped area
	5. Utilities	20	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Solid waste, limited utility services
OTHER	1. General	21	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Change of character
	2. Environmental Safety	22	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Historical and potential use of hazardous materials onsite
	3. Land Use	23	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Green building ordinance, SEA criteria
	4. Pop/Hous./Emp./Rec.	24	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Growth inducing effect
	5. Mandatory Findings	25	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Biota, air quality, flood, cultural resources, geotechnical, fire, water quality, traffic/access, environmental safety, utilities

**Environmental Finding:**

**FINAL DETERMINATION:** On the basis of this Initial Study, the Department of Regional Planning finds that this project qualifies for the following environmental document:

- ☐ **NEGATIVE DECLARATION**, inasmuch as the proposed project will not have a significant effect on the environment.

An Initial Study was prepared on this project in compliance with the State CEQA Guidelines and the environmental reporting procedures of the County of Los Angeles. It was determined that this project will not exceed the established threshold criteria for any environmental/service factor and, as a result, will not have a significant effect on the physical environment.

- ☐ **MITIGATED NEGATIVE DECLARATION**, in as much as the changes required for the project will reduce impacts to insignificant levels (see attached discussion and/or conditions).

An Initial Study was prepared on this project in compliance with the State CEQA Guidelines and the environmental reporting procedures of the County of Los Angeles. It was originally determined that the proposed project may exceed established threshold criteria. The applicant has agreed to modification of the project so that it can now be determined that the project will not have a significant effect on the physical environment. The modification to mitigate this impact(s) is identified on the Project Changes/Conditions Form included as part of this Initial Study.

- ☒ **ENVIRONMENTAL IMPACT REPORT\***, inasmuch as there is substantial evidence that the project may have a significant impact due to factors listed above as "significant".

- ☐ At least one factor has been adequately analyzed in an earlier document pursuant to legal standards, and has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets (see attached Form DRP/IA 101). The Addendum EIR is required to analyze only the factors changed or not previously addressed.

Reviewed by: *Christine Bram* Date: 4-13-09

Approved by: *Paul J. McCarthy* Date: 4-13-09

- ☐ This proposed project is exempt from Fish and Game CEQA filing fees. There is no substantial evidence that the proposed project will have potential for an adverse effect on wildlife or the habitat upon which the wildlife depends. (Fish & Game Code 753.5).

- ☐ Determination appealed – see attached sheet.

\*NOTE: Findings for Environmental Impact Reports will be prepared as a separate document following the public hearing on the project.

## HAZARDS - 1. Geotechnical

### SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the project located in an active or potentially active fault zone, Seismic Hazards Zone, or Alquist-Priolo Earthquake Fault Zone?
b.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the project site located in an area containing a major landslide(s)?
c.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the project site located in an area having high slope instability?
d.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the project site subject to high subsidence, high groundwater level, liquefaction, or hydrocompaction?
e.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the proposed project considered a sensitive use (school, hospital, public assembly site) located in close proximity to a significant geotechnical hazard?
f.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Will the project entail substantial grading and/or alteration of topography including slopes of over 25%?
g.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>700,000 c.y. of grading proposed, most of which is associated with drainage channel improvements</i> Would the project be located on expansive soil, as defined in Table 18-1-B of Uniform Building Code (1994), creating substantial risks to life or property?
h.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors?

### STANDARD CODE REQUIREMENTS

<input type="checkbox"/> Building Ordinance No. 2225 – Sections 308B, 309, 310, and 311 and Chapters 29 and 70		
<input type="checkbox"/> MITIGATION MEASURES	<input type="checkbox"/> OTHER CONSIDERATIONS	
<input type="checkbox"/> Lot Size	<input type="checkbox"/> Project Design	<input checked="" type="checkbox"/> Approval of Geotechnical Report by DPW

### CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be impacted by, **geotechnical** factors?

<input checked="" type="checkbox"/> Potentially significant	<input type="checkbox"/> Less than significant with project mitigation	<input type="checkbox"/> Less than significant/No Impact
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## HAZARDS - 2. Flood

### SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the major drainage course, as identified on USGS quad sheets by a dashed line, located on the project site?
				<i>Four ephemeral drainage courses occur on the project site</i>
b.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the project site located within or does it contain a floodway, floodplain, or designated flood hazard zone?
				<i>100-year floodplain is located on the southeast corner of the project site</i>
c.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the project site located in or subject to high mudflow conditions?
				<i>Project site is relatively flat and is not located adjacent to significant slopes</i>
d.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Could the project contribute or be subject to high erosion and debris deposition from run-off?
				<i>Construction activities and removal of vegetation</i>
e.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Would the project substantially alter the existing drainage pattern of the site or area?
				<i>One of the primary drainage courses will be channelized</i>
f.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors (e.g., dam failure)?

### STANDARD CODE REQUIREMENTS

☐ Building Ordinance No. 2225 – Section 308A    ☐ Ordinance No. 12,114 (Floodways)

☒ Approval of Drainage Concept by DPW

☐ **MITIGATION MEASURES**
☐ **OTHER CONSIDERATIONS**

☐ Lot Size    ☐ Project Design

### CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be impacted by **flood (hydrological)** factors?

☒ Potentially significant    ☐ Less than significant with project mitigation    ☐ Less than significant/No impact

### HAZARDS - 3. Fire

#### SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the project site located in a Very High Fire Hazard Severity Zone (Fire Zone 4)?
b.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the project site in a high fire hazard area and served by inadequate access due to lengths, width, surface materials, turnarounds or grade?
c.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does the project site have more than 75 dwelling units on a single access in a high fire hazard area?
d.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the project site located in an area having inadequate water and pressure to meet fire flow standards? <i>Project will utilize private water wells</i>
e.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the project located in close proximity to potential dangerous fire hazard conditions/uses (such as refineries, flammables, explosives manufacturing)?
f.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the proposed use constitute a potentially dangerous fire hazard? <i>Potential ignition sources such as vehicles, generators and motors during construction and operation</i>
g.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors?

#### STANDARD CODE REQUIREMENTS

☒ Water Ordinance No. 7834 ☒ Fire Ordinance No. 2947 ☒ Fire Regulation No. 8  
☐ Fuel Modification / Landscape Plan

☐ MITIGATION MEASURES

☐ OTHER CONSIDERATIONS

☐ Project Design ☐ Compatible Use

#### CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be impacted by **fire hazard** factors?

☒ Potentially significant ☐ Less than significant with project mitigation ☐ Less than significant/No impact

## HAZARDS - 4. Noise

### SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the project site located near a high noise source (airports, railroads, freeways, industry)?
<hr/>				
b.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>SR-138 bisects the site</i> Is the proposed use considered sensitive (school, hospital, senior citizen facility) or are there other sensitive uses in close proximity?
<hr/>				
c.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Could the project substantially increase ambient noise levels including those associated with special equipment (such as amplified sound systems) or parking areas associated with the project?
<hr/>				
d.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels without the project?
<hr/>				
e.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors?
<hr/>				
<hr/>				

### STANDARD CODE REQUIREMENTS

☒ Noise Control (Title 12 – Chapter 8)      ☐ Uniform Building Code (Title 26 - Chapter 35)

☐ MITIGATION MEASURES

☒ OTHER CONSIDERATIONS

☐ Lot Size    ☒ Project Design    ☒ Compatible Use

*The project shall comply with all applicable building code requirements and County noise ordinance*

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### CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be adversely impacted by **noise**?

☒ Potentially significant      ☐ Less than significant with project mitigation    ☒ Less than significant/No impact

## RESOURCES - 1. Water Quality

### SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the project site located in an area having known water quality problems and proposing the use of individual water wells? <u>Project is proposing water wells</u>
b.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Will the proposed project require the use of a private sewage disposal system? <u>Septic system proposed</u>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If the answer is yes, is the project site located in an area having known septic tank limitations due to high groundwater or other geotechnical limitations or is the project proposing on-site systems located in close proximity to a drainage course? <u>Septic system and leach field proposed. Four drainage courses occur onsite</u>
c.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Could the project's associated construction activities significantly impact the quality of groundwater and/or storm water runoff to the storm water conveyance system and/or receiving water bodies? <u>Earth disturbance and use of equipment and vehicles would potentially increase sediment and construction-related pollutants in runoff flows</u>
d.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Could the project's post-development activities potentially degrade the quality of storm water runoff and/or could post-development non-storm water discharges contribute potential pollutants to the storm water conveyance system and/or receiving bodies? <u>Storage and usage of hazardous materials onsite</u>
e.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors?

### STANDARD CODE REQUIREMENTS

- |  |   |
|--|---|
| <input type="checkbox"/> Industrial Waste Permit           | <input type="checkbox"/> Health Code – Ordinance No.7583, Chapter 5 |
| <input type="checkbox"/> Plumbing Code – Ordinance No.2269 | <input checked="" type="checkbox"/> NPDES Permit Compliance (DPW)   |

### ☐ MITIGATION MEASURES

- ☐ Lot Size    ☐ Project Design    ☐ Compatible Use

### ☐ OTHER CONSIDERATIONS

### CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be adversely impacted by, **water quality** problems?

☒ Potentially significant

☐ Less than significant with project mitigation    ☐ Less than significant/No impact

## RESOURCES - 2. Air Quality

### SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Will the proposed project exceed the State's criteria for regional significance (generally (a) 500 dwelling units for residential users or (b) 40 gross acres, 650,000 square feet of floor area or 1,000 employees for non-residential uses)?
b.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Project site is 2,100 acres</i> Is the proposal considered a sensitive use (schools, hospitals, parks) and located near a freeway or heavy industrial use?
c.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will the project increase local emissions to a significant extent due to increased traffic congestion or use of a parking structure or exceed AQMD thresholds of potential significance? <i>Construction activities and traffic; project operation including maintenance vehicle and equipment emissions</i>
d.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Will the project generate or is the site in close proximity to sources that create obnoxious odors, dust, and/or hazardous emissions? <i>700,000 c.y. of grading proposed</i>
e.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project conflict with or obstruct implementation of the applicable air quality plan?
f.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation? <i>Project region is designated as non-attainment for ozone</i>
g.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standard (including releasing emission which exceed quantitative thresholds for ozone precursors)? <i>Project region is designated as non-attainment for ozone</i>
h.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors?

### STANDARD CODE REQUIREMENTS

☐ Health and Safety Code – Section 40506

### ☐ MITIGATION MEASURES

☐ Project Design    ☐ Air Quality Report

### ☐ OTHER CONSIDERATIONS

### CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be adversely impacted by, **air quality**?

☒ Potentially significant

☐ Less than significant with project mitigation

☐ Less than significant/No impact

## RESOURCES - 3. Biota

### SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the project site located within Significant Ecological Area (SEA), SEA Buffer, or coastal Sensitive Environmental Resource (ESHA, etc.), or is the site relatively undisturbed and natural?
				<u>Project site is located within SEA #60</u>
b.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will grading, fire clearance, or flood related improvements remove substantial natural habitat areas?
				<u>Majority of project site is natural</u>
c.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is a drainage course located on the project site that is depicted on USGS quad sheets by a dashed blue line or that may contain a bed, channel, or bank of any perennial, intermittent or ephemeral river, stream, or lake?
				<u>Four ephemeral drainages occur onsite</u>
d.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does the project site contain a major riparian or other sensitive habitat (e.g. coastal sage scrub, oak woodland, sycamore riparian, woodland, wetland, etc.)?
e.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the project site contain oak or other unique native trees (specify kinds of trees)?
				<u>Joshua trees</u>
f.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the project site habitat for any known sensitive species (federal or state listed endangered, etc.)?
				<u>Burrowing owls, loggerhead shrike, merlin, mountain bluebird, northern harrier, prairie falcon, coast horned lizard, and western meadowlark</u>
g.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other factors (e.g., wildlife corridor, adjacent open space linkage)?
				<u>California Poppy Reserve, Arthur B. Ripley Desert Woodland State Park, wildflower field at southeastern property boundary</u>

### ☐ MITIGATION MEASURES

☐ Lot Size      ☐ Project Design

### ☐ OTHER CONSIDERATIONS

☐ ERB/SEATAC Review      ☐ Oak Tree Permit

### CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, **biotic** resources?

☒ Potentially significant

☐ Less than significant with project mitigation      ☐ Less than significant/No impact

## RESOURCES - 4. Archaeological/Historical/Paleontological

### SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the project site in or near an area containing known archaeological resources or containing features (drainage course, spring, knoll, rock outcroppings, or oak trees) that indicate potential archaeological sensitivity?
<hr/>				
b.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Drainage courses onsite</i> Does the project site contain rock formations indicating potential paleontological resources?
<hr/>				
c.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does the project site contain known historic structures or sites?
<hr/>				
d.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Would the project cause a substantial adverse change in the significance of a historical or archaeological resource as defined in 15064.5?
<hr/>				
e.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Cultural resources identified onsite</i> Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
<hr/>				
f.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors?
<hr/>				

### ☐ MITIGATION MEASURES

### ☐ OTHER CONSIDERATIONS

☐ Lot Size
 ☐ Project Design
 ☐ Phase 1 Archaeology Report

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### CONCLUSION

Considering the above information, could the project leave a significant impact (individually or cumulatively) on **archaeological, historical, or paleontological** resources?

☒ Potentially significant

☐ Less than significant with project mitigation ☐ Less than significant/No impact

## RESOURCES - 5. Mineral Resources

### SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
b.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project result in the loss of availability of a locally important mineral resource discovery site delineated on a local general plan, specific plan or other land use plan?
c.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors?

☐ MITIGATION MEASURES

☐ OTHER CONSIDERATIONS

☐ Lot Size

☐ Project Design

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### CONCLUSION

Considering the above information, could the project leave a significant impact (individually or cumulatively) on **mineral** resources?

☒ Potentially significant

☐ Less than significant with project mitigation ☒ Less than significant/No impact



## RESOURCES - 6. Agriculture Resources

### SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?
b.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?
c.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project involve other changes in the existing environment that due to their location or nature, could result in conversion of Farmland, to non-agricultural use?
d.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors?

☐ MITIGATION MEASURES

☐ OTHER CONSIDERATIONS

☐ Lot Size

☐ Project Design

### CONCLUSION

Considering the above information, could the project leave a significant impact (individually or cumulatively) on **agriculture** resources?

☒ Potentially significant

☐ Less than significant with project mitigation ☒ Less than significant/No impact

## RESOURCES - 7. Visual Qualities

### SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the project site substantially visible from or will it obstruct views along a scenic highway (as shown on the Scenic Highway Element), or is it located within a scenic corridor or will it otherwise impact the viewshed?  <i>SR-138 is secondary scenic highway</i>
b.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the project substantially visible from or will it obstruct views from a regional riding or hiking trail?  <i>California Poppy Trail southeast of site</i>
c.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the project site located in an undeveloped or undisturbed area that contains unique aesthetic features?
d.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the proposed use out-of-character in comparison to adjacent uses because of height, bulk, or other features?  <i>Surrounding areas and the majority of project site is undisturbed</i>
e.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the project likely to create substantial sun shadow, light or glare problems?  <i>Outdoor and security lighting</i>
f.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors (e.g., grading or landform alteration)?

☐ MITIGATION MEASURES

☐ OTHER CONSIDERATIONS

☐ Lot Size

☐ Project Design

☐ Visual Report

☐ Compatible Use

### CONCLUSION

Considering the above information, could the project leave a significant impact (individually or cumulatively) on scenic qualities?

☒ Potentially significant

☐ Less than significant with project mitigation

☐ Less than significant/No impact

## SERVICES - 1. Traffic/Access

### SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does the project contain 25 dwelling units or more and is it located in an area with known congestion problems (roadway or intersections)?
b.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will the project result in any hazardous traffic conditions?
c.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will the project result in parking problems with a subsequent impact on traffic conditions?
d.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will inadequate access during an emergency (other than fire hazards) result in problems for emergency vehicles or residents/employees in the area?
e.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Will the congestion management program (CMP) Transportation Impact Analysis thresholds of 50 peak hour vehicles added by project traffic to a CMP highway system intersection or 150 peak hour trips added by project traffic to a mainline freeway link be exceeded?
f.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Project site bisected by SR-138 (Avenue D)</i> Would the project conflict with adopted policies, plans, or program supporting alternative transportation (e.g., bus, turnouts, bicycle racks)?
g.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors?

☐ MITIGATION MEASURES

☐ OTHER CONSIDERATIONS

☐ Project Design    ☒ Traffic Report

☒ Consultation with Traffic & Lighting Division

### CONCLUSION

Considering the above information, could the project leave a significant impact (individually or cumulatively) on traffic/access factors?

☒ Potentially significant

☐ Less than significant with project mitigation    ☐ Less than significant/No impact

## SERVICES - 2. Sewage Disposal

### SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If served by a community sewage system, could the project create capacity problems at the treatment plant?
b.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Could the project create capacity problems in the sewer lines serving the project site?
c.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors?

### STANDARD CODE REQUIREMENTS

☐ Sanitary Sewers and Industrial Waste – Ordinance No. 6130

☐ Plumbing Code – Ordinance No. 2269

☐ MITIGATION MEASURES

☒ OTHER CONSIDERATIONS

*Project is proposing private septic system*

### CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to **sewage disposal** facilities?

☒ Potentially significant

☐ Less than significant with project mitigation ☒ Less than significant/No impact

### SERVICES - 3. Education

#### SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Could the project create capacity problems at the district level?
b.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Could the project create capacity problems at individual schools that will serve the project site?
c.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Could the project create student transportation problems?
d.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Could the project create substantial library impacts due to increased population and demand?
e.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors?

☐ MITIGATION MEASURES

☐ OTHER CONSIDERATIONS

☐ Site Dedication    ☐ Government Code Section 65995    ☐ Library Facilities Mitigation Fee

#### CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) relative to **educational** facilities/services?

☒ Potentially significant

☐ Less than significant with project mitigation    ☒ Less than significant/No impact

#### SERVICES - 4. Fire/Sheriff Services

##### SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Could the project create staffing or response time problems at the fire station or sheriff's substation serving the project site? <i>Nearest fire station is the Lancaster Fire Station which is approximately 17 miles from the site; nearest sheriff station is in Lancaster located at 501 West Lancaster Blvd. which is approximately 20 miles from the site</i>
b.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Are there any special fire or law enforcement problems associated with the project or the general area?
c.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors?

☒ MITIGATION MEASURES

☐ OTHER CONSIDERATIONS

☒ Fire Mitigation Fee

##### CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) relative to **fire/sheriff** services?

☒ Potentially significant

☐ Less than significant with project mitigation ☐ Less than significant/No impact

## SERVICES - 5. Utilities/Other Services

### SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the project site in an area known to have an inadequate public water supply to meet domestic needs or to have an inadequate ground water supply and proposes water wells?  <i>Project proposes use of water wells</i>
b.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the project site in an area known to have an inadequate water supply and/or pressure to meet fire fighting needs?  <i>Project will utilize water wells</i>
c.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Could the project create problems with providing utility services, such as electricity, gas, or propane?  <i>Site has limited utility services</i>
d.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Are there any other known service problem areas (e.g., solid waste)?  <i>Limited landfill capacities</i>
e.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services or facilities (e.g., fire protection, police protection, schools, parks, roads)?
f.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors?

### STANDARD CODE REQUIREMENTS

☐ Plumbing Code – Ordinance No. 2269      ☐ Water Code – Ordinance No. 7834

### ☐ MITIGATION MEASURES

☐ Lot Size      ☐ Project Design

### ☐ OTHER CONSIDERATIONS

### CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) relative to **utilities** services?

☒ Potentially significant      ☐ Less than significant with project mitigation      ☐ Less than significant/No impact

## OTHER FACTORS - 1. General

### SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will the project result in an inefficient use of energy resources?
b.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Will the project result in a major change in the patterns, scale, or character of the general area or community?
				<i>Surrounding areas and majority of site is undeveloped</i>
c.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will the project result in a significant reduction in the amount of agricultural land?
d.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors?

### STANDARD CODE REQUIREMENTS

☐ State Administrative Code, Title 24, Part 5, T-20 (Energy Conservation)

☐ MITIGATION MEASURES

☐ OTHER CONSIDERATIONS

☐ Lot Size

☐ Project Design

☐ Compatible Use

### CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to any of the above factors?

☒ Potentially significant

☐ Less than significant with project mitigation ☐ Less than significant/No impact



## OTHER FACTORS - 2. Environmental Safety

### SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are any hazardous materials used, transported, produced, handled, or stored on-site? <i>Paint, solvents, compressed gas, diesel or gasoline, hydrochlorofluorocarbons</i>
b.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are any pressurized tanks to be used or any hazardous wastes stored on-site? <i>Propane tanks, pressurized gas canisters, and other flammable substances</i>
c.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Are any residential units, schools, or hospitals located within 500 feet and potentially adversely affected?
d.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Have there been previous uses that indicate residual soil toxicity of the site or is the site located within two miles downstream of a known groundwater contamination source within the same watershed? <i>Past agricultural uses and farming activities; one plugged and abandoned dry hole</i>
e.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project create a significant hazard to the public or the environment involving the accidental release of hazardous materials into the environment?
f.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project emit hazardous emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
g.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment?
h.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project result in a safety hazard for people in a project area located within an airport land use plan, within two miles of a public or public use airport, or within the vicinity of a private airstrip?
i.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
j.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors?

☐ **MITIGATION MEASURES**

☐ Toxic Clean-up Plan

☐ **OTHER CONSIDERATIONS**

### CONCLUSION

Considering the above information, could the project have a significant impact relative to **public safety**?

☒ Potentially significant

☐ Less than significant with project mitigation ☐ Less than significant/No impact

### OTHER FACTORS - 3. Land Use

#### SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Can the project be found to be inconsistent with the plan designation(s) of the subject property?
b.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Can the project be found to be inconsistent with the zoning designation of the subject property?
c.				Can the project be found to be inconsistent with the following applicable land use criteria:
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Hillside Management Criteria?
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SEA Conformance Criteria?
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other?
d.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project physically divide an established community?
e.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors?
				<i>County green building ordinance</i>

☐ MITIGATION MEASURES

☐ OTHER CONSIDERATIONS

#### CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to **land use** factors?

☒ Potentially significant

☐ Less than significant with project mitigation ☐ Less than significant/No impact

## OTHER FACTORS - 4. Population/Housing/Employment/Recreation

### SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Could the project cumulatively exceed official regional or local population projections?
b.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Could the project induce substantial direct or indirect growth in an area (e.g., through projects in an undeveloped area or extension of major infrastructure)? <i>Commercial development in an undeveloped area; availability of increased renewable energy supply</i>
c.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Could the project displace existing housing, especially affordable housing?
d.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Could the project result in substantial job/housing imbalance or substantial increase in Vehicle Miles Traveled (VMT)?
e.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Could the project require new or expanded recreational facilities for future residents?
f.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?
g.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors?

☐ MITIGATION MEASURES

☐ OTHER CONSIDERATIONS

### CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to **population, housing, employment, or recreational** factors?

☒ Potentially significant

☐ Less than significant with project mitigation ☐ Less than significant/No impact

## MANDATORY FINDINGS OF SIGNIFICANCE

Based on this Initial Study, the following findings are made:

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?</p> <p><i>Biota, cultural resources</i></p>
b.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Does the project have possible environmental effects that are individually limited but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.</p> <p><i>Water quality, air quality, visual qualities, traffic/access, utilities, fire/sheriff services</i></p>
c.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Will the environmental effects of the project cause substantial adverse effects on human beings, either directly or indirectly?</p> <p><i>Geotechnical, flood, fire hazard, environmental safety</i></p>

## CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the environment?

☒ Potentially significant
 ☐ Less than significant with project mitigation
 ☐ Less than significant/No impact

# **Public Officials, Town Councils, and Other Civic Organizations Comments**



February 17, 2010 GOVERNOR ARNOLD SCHWARZENEGGER

Los Angeles County Board of Supervisors  
856 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Los Angeles County Board of Supervisors,

As you know, I am committed to expediting renewable energy projects to help California meet its mutual goals of economic development and environmental protection. The federal government recently made funds available that will help further these goals. Under Section 1603 of the American Recovery and Reinvestment Act of 2009, the U.S. Department of the Treasury agrees to provide a 30 percent cash grant in lieu of investment tax credits for renewable facilities that begin construction in 2010 and are completed by specified dates.

As a result of these stimulus funds and state and local policies encouraging renewable energy development, there are about 240 projects, accounting for almost 70,000 megawatts, seeking a permit to build renewable generation in California. Of these, seven seek permits from Los Angeles County, and an additional two seek permits from the federal Bureau of Land Management or from the California Energy Commission in Los Angeles. If all 637 megawatts in this area were permitted, it would result in almost 500,000 homes being powered by renewable energy every year, hundreds of jobs and millions of dollars in investment.

We cannot afford to miss opportunities to reduce greenhouse gas emissions, and large-scale renewable energy plants are critical tools in reaching our goal of 33 percent of the state's energy coming from renewable sources by the year 2020. I hope you give renewables projects, especially those time-bound because of federal stimulus funds, a thorough yet expeditious review. We look forward to working with you to ensure that no otherwise viable project misses out on stimulus funds due to delays at the state or local level. We also look forward to working with you to plan for the long-term conservation and development of the Colorado and Mojave deserts as we move forward with the Desert Renewable Energy Conservation Plan (DRECP) process.

Enclosed is a policy paper outlining the role of large-scale renewable energy facilities in meeting California's climate goals. Should you have any questions regarding facility siting or the DRECP process, please call my advisors for renewable energy facilities, Michael Picker or Manal Yamout, at (916) 445-7665 as they would be glad to address the Board at an upcoming meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Schwarzenegger".

Arnold Schwarzenegger  
STATE CAPITOL • SACRAMENTO, CALIFORNIA 95814 • (916) 445-2841





## STATE POLICIES AND FINDINGS ON THE NEED FOR LARGE-SCALE RENEWABLE ENERGY

February 17, 2010

The State of California, through legislation and regulatory rulemaking, has adopted a number of policies that call for large-scale renewable generation capacity as part of the state's energy and environmental policies. These state policies support local land use decisions to site renewable generation projects (defined in AB 32 and ensuing rulemaking as solar photovoltaic, concentrating solar power, wind, small scale hydro, geothermal, and biomass technologies).

Development of renewable energy resources is a key strategy for achieving greenhouse gas emissions reductions. In addition, increasing the amount of renewable energy in California's mix will reduce the risks and cost associated with volatile natural gas prices, reduce dependence on fossil fuels, promote economic development, and create new employment opportunities.

Developing a renewable resource mix of large-scale central station projects and distributed generation is critical to putting us on a path to meet the 33 percent target and will lay the foundation for achieving the Governor's greenhouse gas emissions reduction goal of 80 percent from 1990 emissions levels by 2050.<sup>1</sup> Although there is clearly potential for adding large amounts of distributed renewable generation on systems throughout the state, doing so presents significant challenges. Currently, the state's electric distribution systems are not designed to easily accommodate large quantities of randomly installed distributed generation resources at customer sites. We anticipate the amount of small-scale distributed renewable generation (primarily photovoltaic installations) to increase and be an important part of the state's portfolio to meet its renewable energy goals. However, renewable energy from distributed generation is expected to account for no more than 30 percent of California's renewable energy needs by 2020. Therefore, large-scale renewable energy projects will need to account for the majority of new renewable energy.

### **Energy production is a leading source of emissions of greenhouse gases that cause environmental harm.**

The Air Resources Board (ARB) estimates that average emissions each year between 2002 to 2004 attributed to electrical demand in California were about 109 million metric tons (MMT) of carbon dioxide. Without any changes in behavior ("business as usual" case), the ARB expects that amount to grow to 139 MMT of greenhouse gas emissions from electrical power production.

According to an October 2009 study by the National Academy of Sciences, burning fossil fuels costs the U.S. about \$120 billion a year in health costs, mostly because of thousands of premature deaths from air pollution.

The damages are caused almost equally by coal and oil, according to the study, which was ordered by Congress. The study set out to measure the costs not incorporated into the price of a kilowatt-hour or a gallon of gasoline or diesel fuel. The estimates *do not* include damages from global warming, which has been linked to gases produced by burning fossil fuels.

<sup>1</sup> Executive Order S-3-05 may be found at: <http://gov.ca.gov/executive-order/1861/>.

California is the 10<sup>th</sup> largest consumer of energy in the world, ranking slightly ahead of Italy and slightly behind France. According to the California Energy Commission, the transportation sector consumes 46 percent of California energy, the industrial sector consumes 31 percent, residential 13 percent, and commercial 10 percent.

According to the California Energy Commission, there are currently more than 8,180 MW of generating capacity under contract, offering in excess of 28,800 GWh of electrical power to consumers in California from renewable energy sources.

In order to reach the 33 percent goal by 2020, California needs to build the infrastructure to deliver another 15,000 to 25,000 MW in generating capacity to homes and businesses in the state.

**State policy aims to reduce greenhouse gas emissions by increasing power generation from renewable sources.**

In 2006, Governor Schwarzenegger signed Assembly Bill 32, the Global Warming Solutions Act of 2006.<sup>2</sup> This landmark bill established a comprehensive program of regulatory and market mechanisms to achieve real, quantifiable, and cost-effective reductions of greenhouse gases. The law requires that carbon emissions be reduced in California to 1990 levels by the year 2020. On a per capita basis, that means reducing our annual emissions of 14 tons of carbon dioxide equivalent for every man, woman or child in California down to about 10 tons per person.

In December 2008, the ARB adopted California's Scoping Plan which outlined the path to achieve the necessary reductions required under AB 32.<sup>3</sup> The Scoping Plan was developed in collaboration with the Climate Action Team and numerous stakeholders. One of the key measures in the Scoping Plan is a target of 33 percent renewable energy by 2020. The ARB estimates that new renewable power sources will reduce California's greenhouse gas emissions by more than 21 MMT of carbon dioxide, or about 15 percent of the total reductions expected by 2020 under the Scoping Plan.<sup>4</sup>

Executive Order S-14-08, issued in November 2008, established a target of 33 percent renewable energy by 2020 and focused on prioritizing regional renewable energy projects, conserving natural resources, streamlining the application and permitting processes for new energy projects and transmission lines, and set the stage for tracking renewable energy projects through the formation of the Renewable Energy Action Team.<sup>5</sup>

Executive Order S-21-09, issued in September 2009, directed the ARB to develop regulations by July 31, 2010, advancing California's goal from the previous legislative floor of 20 percent to a 33 percent Renewable Energy Standard by 2020.<sup>6</sup> The ARB will use its general authority under AB 32 to set these regulations, and is working closely with the California Public Utilities Commission, the California Energy Commission and the California Independent System Operator to draft them.

<sup>2</sup> More information on AB 32, including the text of the bill, may be found at: <http://www.arb.ca.gov/cc/ab32/ab32.htm>.

<sup>3</sup> More information on California's Scoping Plan may be found at: <http://www.arb.ca.gov/cc/scopingplan/document/scopingplandocument.htm>.

<sup>4</sup> Page 17 and 46, *Executive Summary, Climate Change Scoping Plan*.

<sup>5</sup> Executive Order S-14-08 may be found at: <http://gov.ca.gov/executive-order/11072/>.

<sup>6</sup> Executive Order S-21-09 may be found at: <http://gov.ca.gov/executive-order/13269/>.



**COMMITTEES**  
LOCAL GOVERNMENT-VICE CHAIR  
ACCOUNTABILITY AND  
ADMINISTRATIVE REVIEW  
JUDICIARY  
NATURAL RESOURCES

# Assembly California Legislature



**STEVE KNIGHT**  
ASSEMBLYMAN, THIRTY-SIXTH DISTRICT

**STATE CAPITOL**  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0036  
(916) 319-2036  
FAX (916) 319-2136

**DISTRICT OFFICE**  
41319 12TH STREET W., SUITE 105  
PALMDALE, CA 93551  
(661) 267-7636  
FAX (661) 267-7736

**VICTORVILLE CITY HALL**  
14343 CIVIC DRIVE  
VICTORVILLE, CA 92392  
(760) 843-8045  
FAX (760) 843-8396

October 27, 2009

Supervisor Michael D. Antonovich  
500 West Temple Street, Room 869  
Los Angeles, CA 90012

Dear Supervisor Antonovich:

I am writing to convey my support for NextLight Renewable Power's AV Solar Ranch One project in the western Los Angeles County portion of the 36<sup>th</sup> Assembly District. As an advocate of solar energy and the author of legislation to attract solar equipment manufacturers to California, I support NextLight's plans to develop and operate a low-profile energy facility to generate jobs for our local workforce while helping California to meet its renewable energy requirements.

As you know, the Antelope Valley is identified as one of the nation's most productive regions for solar energy plants such as the one NextLight has proposed in its responsible and community-minded application.

The NextLight site will make good use of abandoned farmland, will use minimal water and will employ people from the underemployed local workforce. The company has met with many constituent groups and received support from the Antelope Acres Town Council representing the local community.

AV Solar Ranch One is an excellent example of how our community can partner with business to make Antelope Valley the preferred location for the emerging green jobs. I encourage you and the Los Angeles County Board of Supervisors to support NextLight and the AV Solar Ranch One project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Knight", written over a blue ink stamp.

STEVE KNIGHT, Assemblyman  
36<sup>th</sup> District

Cc: Kim Szalay, Los Angeles County Planning Department  
Jack Pigott, NextLight Renewable Power

OCT 29 2009



## Antelope Acres Town Council

Post Office Box 8176 \* Lancaster, CA 93539

Phone: (661) 942-2198 \* Fax: (661) 728-9352

E-Mail: [bvnelson1@verizon.net](mailto:bvnelson1@verizon.net)

March 23, 2009

Mr. Jack Pigott  
Director of Development  
NextLight Renewable Power  
101 California Street, Suite 2450  
San Francisco, CA 94111

Dear Mr. Pigott:

This letter will serve to confirm in writing the unanimous vote of the Antelope Acres Town Council ("Council") on February 18, 2009 to endorse the AV Solar Ranch One project ("AVSR1"). As presented by NextLight Renewable Power ("NextLight") to the Council and the residents of Antelope Acres, AVSR1 is a 230 MW photovoltaic solar generating facility that will be built on the former Larsen Ranch property located near the intersection of Highway 138 and Avenue 170<sup>th</sup> West. We appreciate NextLight's ongoing communications with the Council regarding AVSR1 and its recent presentation at Antelope Acres' meeting on February 18.

Moving forward, please keep us informed of the permitting and construction schedule for AVSR1. As indicated at the public meeting on February 18, the Council may request NextLight attend future public meetings to inform the Council and residents of Antelope Acres of developments concerning AVSR1.

Sincerely,

Vickie Nelson  
Antelope Acres Town Council

cc: Supervisor Michael Antonovich, Los Angeles Office  
Los Angeles County Planning Department

**Szalay, Kim**

---

**From:** wayneargo@hughes.net  
**Sent:** Saturday, July 04, 2009 2:14 PM  
**To:** Szalay, Kim  
**Subject:** Re: AV Solar Ranch One and ARTC

Hi Kim,

We had a good meeting, but there were several questions about the plan. The amount of earth projected to be moved, the type of fencing, the drainage and re dispersing of storm water are just a few.

I am sending your contact information to the town councils so they can directly send their questions to you.

Thank you very much for contacting the ARTC.

Sincerely,

Wayne Argo, Director  
Association of Rural Town Councils  
661-944-6175 (H)  
661-609-3233 (C)

On Jun 22, 2009, [kszalay@planning.lacounty.gov](mailto:kszalay@planning.lacounty.gov) wrote:

Good Afternoon Wayne,

It is my understanding that the AV ARTC will be meeting with AV Solar Ranch One (Nextlight) team this Thursday. I am the lead Planner processing the case at County Regional Planning. I will not be able to attend this meeting; however, I look forward to receiving your written ARTC comments following the meeting. If official Minutes are taken, it would be helpful for me to receive a copy of those as well. E-mail attachments are fine if that will work for you.

Please let me know if you need any further information from DRP.

Sincerely,

Kim Szalay

**Szalay, Kim**

---

**From:** Jack Pigott [jpigott@nextlight.com]  
**Sent:** Tuesday, July 07, 2009 5:08 PM  
**To:** Szalay, Kim  
**Cc:** Roy Skinner; Bonnie Hays  
**Subject:** NextLight presentation to the Antelope Valley Town Council Association

Kim,

As you have requested, here are notes from our presentation to the Antelope Valley Town Council Association that took place on Thursday, June 25 at 7:00 p.m. There were approximately twenty-five people in attendance. I gave a presentation on AVSR1 and then followed up with a question and answer session.

Topics raised during the Q&A included: comments about the amount of earthwork and possible impacts as a result of the project and/or channel improvements; cost of producing electricity from the SCE roof-mounted PV program compared to utility-scale solar projects such as AVSR1; clarification about the scoping period and the community's ability to continue to submit comments as part of scoping; clarification of the project's water use contrasted to water used by the Larson Ranch agricultural operations; possible impact on special status species; visual impact of power line corridors; the interconnection location and the customer for the electricity; project lighting and the night sky ordinance; and possible mitigations. A few members of the group asked the majority of the questions. In addition, I talked with several people before and after the meeting who provided comments that were supportive of our efforts.

We concluded the session at 8 p.m. The NextLight handout consisted of the project power point presentation, which provides the project overview and our contact information including phone numbers and the project website. Please let me know if you have any additional questions.

Sincerely,

Jack Pigott  
Director of Development  
NextLight Renewable Power, LLC  
353 Sacramento Street, Suite 2100  
San Francisco, CA 94111  
415-935-2512 (office)  
510-207-9872 (cell)  
[jpigott@nextlight.com](mailto:jpigott@nextlight.com)

**COPY**



R. Rex Parris Mayor  
Ronald D. Smith Vice Mayor  
Ken Mann Council Member  
Sherry Marquez Council Member  
Ed Sileo Council Member  
Mark V. Bozigian City Manager

November 17, 2009

Mr. Jack Pigott  
Director of Development  
NextLight Renewable Power  
101 California Street, Suite 2450  
San Francisco, California 94111

Dear Mr. Pigott:

As City Manager for the City of Lancaster, I am pleased to offer support for NextLight Renewable Power's AV Solar Ranch One (AVSR1) project. As presented to the City, AVSR1 is a 230 MW solar photovoltaic project proposed for the former Larsen Ranch property located northwest of Lancaster.

The AVSR1 energy project will generate needed employment opportunities for our local workforce and result in the purchase of goods and services within Antelope Valley. We understand the project will employ 300 workers during construction and up to 20 permanent employees once complete.

I am pleased to provide this letter of support and we look forward to working with NextLight Renewable Power to promote jobs for our local workforce.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Bozigian", is written over a horizontal line.

Mark V. Bozigian  
City Manager

MVB:JC:ad

cc: Los Angeles County Supervisor Michael D. Antonovich, 5th District  
Los Angeles County Department of Planning



October 27, 2009

Kim Szalay  
Principal Planning Assistant  
Los Angeles County of Regional Planning  
320 West Temple, Room 1360  
Los Angeles, CA 90012

Dear Mr. Szalay,

The Lancaster Chamber of Commerce and the Rosamond Chamber of Commerce are pleased to provide this letter of support for NextLight Renewable Power's AV Solar Ranch One (AVSR1) project. As presented, AVSR1 is a 230 MW solar photovoltaic project proposed for the former Larsen Ranch property located twenty miles west of Lancaster near Avenue D and 170<sup>th</sup> Street West.

The AVSR1 energy project will generate needed employment opportunities for our local workforce and result in the purchase of goods and services within Antelope Valley. We understand the solar plant will employ 300 workers during construction and up to 20 permanent employees once complete. Equally, important, AVSR1 will showcase Antelope Valley as a leader in the green technology sector, and will help reduce greenhouse gas emissions that cause global warming.

The Lancaster Chamber and the Rosamond Chamber are pleased to provide this letter of support and we look forward to working with NextLight Renewal Power to expand job opportunities and promote a state-of-art solar energy project that will contribute to the region's healthy business climate.

Respectfully,

Ramon Ortega  
President & C.E.O.

NOV - 4 2009



**ACCREDITED**  
U.S. CHAMBER OF COMMERCE



# ANTELOPE VALLEY



## BOARD OF TRADE

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GEORGE "DICK" REAMS - MOUNT VISTA BUILDING SITES  
\*CHUCK SPEER - ANTELOPE VALLEY FURNITURE  
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ART WALKER

\* DIRECTOR EMERITUS

April 21, 2009

Mr. Jack Pigott, Director of Development  
NextLight Renewable Power  
101 California Street, Suite 2450  
San Francisco, CA 94111

Re: Support for AV Solar Ranch One

Dear Mr. Pigott,

After review by our organization, the Board of Directors of the Antelope Valley Board of Trade has voted to support NextLight Renewable Power's proposed AV Solar Ranch One project (AVSR1).

As an economic development organization, the Antelope Valley Board of Trade understands the need to expand the region's industrial base, while striving to meet California's ambitious environmental goals. We believe that the 230 megawatt AVSR1 project represents a positive step forward for both NextLight Renewable Power and the Antelope Valley in delivering clean, renewable energy to the grid and creating sustainable economic growth. In addition, the three hundred construction jobs and up to twenty permanent positions, will continue to develop "green" industry employment opportunities for the regional workforce.

For over fifty years the Antelope Valley Board of Trade's mission has been "to promote diverse business and industry, quality infrastructures, and a strong legislative voice for the benefit of our members and the greater Antelope Valley." It is with this mission in mind that we are pleased to support the Antelope Valley Solar Ranch One project. We look forward to working with NextLight Renewable Power to expand "green" job opportunities and promote a sustainable solar energy project that will contribute to a healthy economic climate for businesses and families throughout Antelope Valley.

Respectfully,

Dr. Jackie Fisher  
President

cc: Los Angeles County Supervisor Michael D. Antonovich, 5th District  
Los Angeles County Department of Planning

# **Other Members of the Public Comments**



## AV Solar Ranch One Public Telephone Comments Log Following Hearing Notice

[illegible]

## Szalay, Kim

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**From:** Gerry [gold19g@socal.rr.com]  
**Sent:** Monday, June 07, 2010 9:13 AM  
**To:** Szalay, Kim  
**Cc:** VeraGoldman@gmail.com  
**Subject:** RE: AVSR1 Project R2009-02239-(5)

Thank you Kim. The links provided the information we needed. We will be sending you a written correspondence with our objection to the proposed action requested by AV Solar Ranch Project 1, in order to preserve our right to bring legal action in the future. The basis will be that our subject properties, which directly border the proposed Solar Ranch at Ave D and 160<sup>th</sup> street will become useless (i.e. value-less) for the purpose of construction for residential use.

We appreciate your response.

Gerald Goldman

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**From:** Szalay, Kim [mailto:kszalay@planning.lacounty.gov]  
**Sent:** Monday, June 07, 2010 8:32 AM  
**To:** Gerry  
**Subject:** AVSR1 Project R2009-02239-(5)

Good Morning Gerry,

There is no rezoning proposed. The project proposed is a 2,100-acre solar panel project for generating renewable energy. The subject property is already owned by AV Solar Ranch 1. The 2<sup>nd</sup> link below, the map link, provides greater detail as to the location of the project. The first link provides additional project details for your information.

Please give me a call if you have any other questions.

Sincerely,

Kim Szalay

AV Solar Project case information link:

[http://planning.lacounty.gov/case/view/project\\_no.\\_r2009-02239\\_tract\\_map\\_no.\\_tr071035\\_av\\_solar\\_ranch\\_one\\_project/](http://planning.lacounty.gov/case/view/project_no._r2009-02239_tract_map_no._tr071035_av_solar_ranch_one_project/)

AV Solar Project vicinity map link:

[http://planning.lacounty.gov/assets/upl/case/project\\_r2009-02239\\_vicinity-map.pdf](http://planning.lacounty.gov/assets/upl/case/project_r2009-02239_vicinity-map.pdf)

Mr. Kim K. Szalay, MPL, AICP  
Principal Regional Planning Assistant  
Los Angeles County Department of Regional Planning  
320 W. Temple St., L.A., CA 90012  
Ph: (213) 974-4876 (Direct)  
Fax: (213) 626-0434  
[kszalay@planning.lacounty.gov](mailto:kszalay@planning.lacounty.gov)

---

**From:** Gerry [mailto:gold19g@socal.rr.com]  
**Sent:** Thursday, May 27, 2010 4:40 PM  
**To:** Szalay, Kim  
**Cc:** VeraGoldman@gmail.com  
**Subject:** Project R2009-02239-(5) Rezoning

Mr. Szalay,

We just received the notice of public hearing on the above referenced project. If I understand it correctly, someone (?) is petitioning to rezone an area near some property we own (ours are APNs: 3236-025-004 & 3236-025-005) for the purpose of building a photo-electric plant plus transmission lines.

Can you please tell us where the subject property would be in relation to our 2 parcels of land ?

Thank you,  
Gerry Goldman

Gerald & Vera Goldman  
18318 Charlton Lane  
Northridge CA 91326-3606  
[gold19g@socal.rr.com](mailto:gold19g@socal.rr.com)  
(818) 363-8504

**Szalay, Kim**

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**From:** Szalay, Kim  
**Sent:** Monday, June 07, 2010 8:13 AM  
**To:** elizannf@aol.com  
**Subject:** AVSR1 Questions About Property

Good Morning Elizabeth,

In response to your questions:

- 1) The project proposed affects only the land already owned by AV Solar Ranch 1. No land is being confiscated from any other land owners.
- 2) Your property will not be affected by the project.
- 3) 790 acres of the project site were previously subdivided into 147 lots which were never developed. The "reversion to acreage" means the 147 lots are put back as one lot for use by the proposed project. The 790 acres is part of the total 2,100-acre project site already owned by AV Solar Ranch 1.
- 4) Call me directly at 213 974-4876 if you have further questions.

Our apologies about the Antelope Valley phone system problems you had.

Sincerely,

Kim Szalay

Mr. Kim K. Szalay, MPL, AICP  
Principal Regional Planning Assistant  
Los Angeles County Department of Regional Planning  
320 W. Temple St., L.A., CA 90012  
Ph: (213) 974-4876 (Direct)  
Fax: (213) 626-0434  
[kszalay@planning.lacounty.gov](mailto:kszalay@planning.lacounty.gov)

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**From:** elizannf@aol.com [mailto:elizannf@aol.com]  
**Sent:** Wednesday, June 02, 2010 9:14 PM  
**To:** Szalay, Kim  
**Subject:** Questions About Property

Hello Mr. Szalay,

I have some questions I hope you can answer for me. I appreciate your time and assistance.

I received a letter regarding the AV Solar Ranch One Project (No. R2009-02239). I own property within the boundaries of the project site. What does this mean for my property? Does the county intend to confiscate my land?

What does this phrase mean? "...a reversion to acreage from 147 lots to 1 lot on 790 acres ..."

I called the Antelope Valley Phone number (661-272-0964) and the Santa Clarita phone number (661-253-0111) with the same result. A recording told me the conversation would be recorded, some music played, and then the call disconnected. I called each number twice, so it hung up on me four times. Could you please provide me with an Antelope Valley phone number that actually works?

Thank you very much for your help. I appreciate it tremendously.

**Vera & Gerald Goldman**  
**18318 Charlton Lane**  
**Northridge, CA 91326-3606**  
**gerlad2@gmail.com**



L.A. County Department of Regional Planning  
Attn: Mr. Kim Szalay  
320 W. Temple Street, Room 1362  
Los Angeles, CA 90012-3274

June 7, 2010

Re: Project No. R2009-02239-(5)  
Vesting Tentative Tract Map No. 071035  
Conditional Use Permit No. 200900026

Dear Mr. Szalay,

We received the "Notice of Public Hearing" from your office regarding the above referenced action by the L A County Department of Regional Planning. We understand that AV Solar Ranch 1, LLC is requesting a change in lot configuration acreage as well as a conditional use permit to construct and operate a solar farm.

This proposed solar farm is directly across the street from 2 unimproved lots that we own (APNs: 3236-025-004 and 3236-025-005) which are on the southeast corner of Avenue D and 160<sup>th</sup> street.

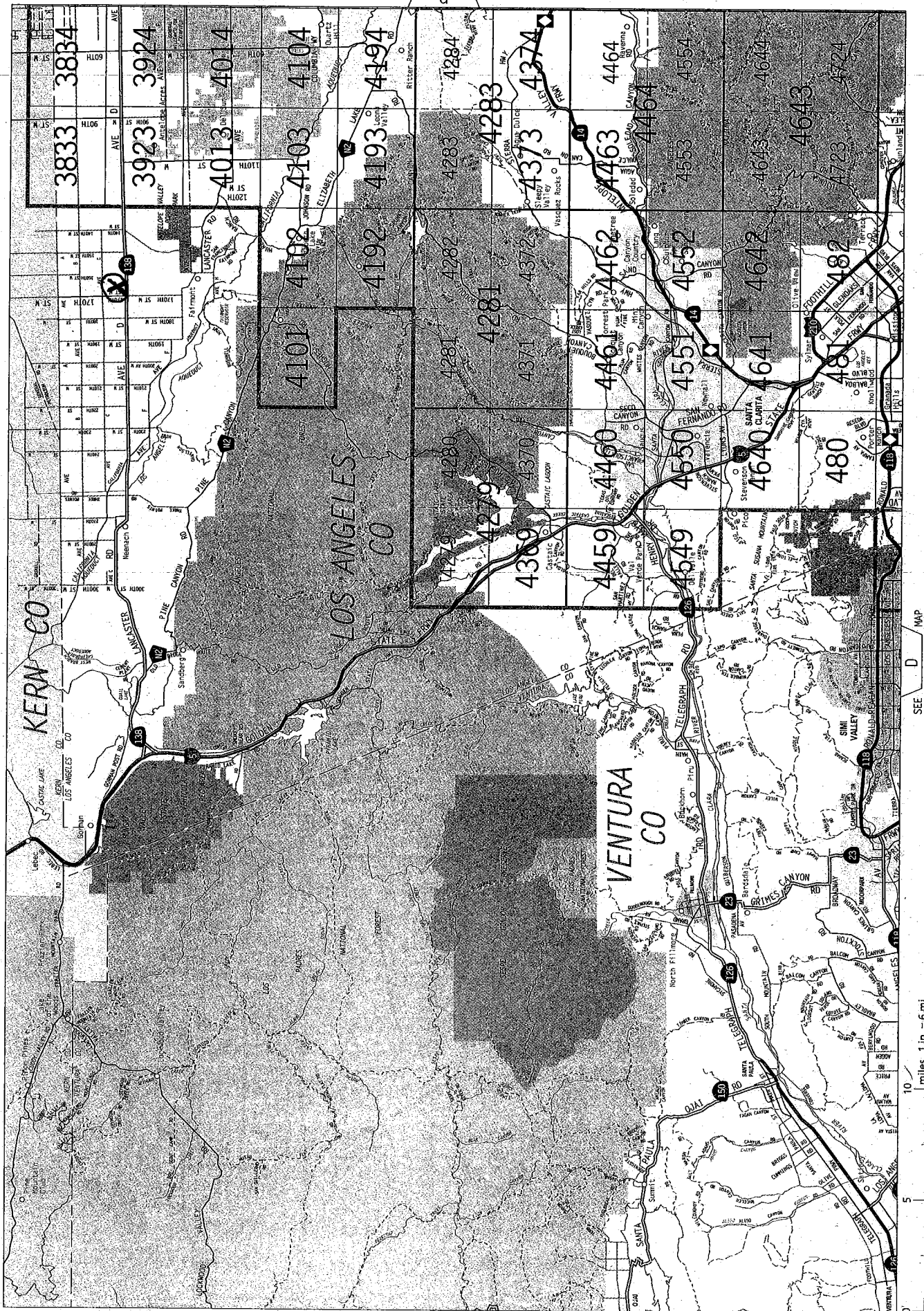
By this correspondence, we are notifying you that we oppose approval of the above referenced actions by your department and the County of Los Angeles on the basis that it will effectively render our properties useless for the purpose of construction and occupation of individual residences (residential use). We take exception to their statement in the Conditional Use Permit Burden of Proof – Item A-2 "The Project is not expected to materially affect the valuation of adjacent properties ... or visual intrusions that would adversely affect property values". It is our position that these unsubstantiated claims made by AV Solar Ranch 1, LLC are incorrect.

This notice will serve to preserve our right to challenge a County action in court.

Yours truly,

Gerald M. Goldman

cc: AV Solar Ranch 1, LLC  
353 Sacramento Street, Suite 2100  
San Francisco, CA 94111-3676





# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

## NOTICE OF PUBLIC HEARING

**PROJECT NO. R2009-02239-(5)  
VESTING TENTATIVE TRACT MAP NO. 071035  
CONDITIONAL USE PERMIT NO. 200900026**

Notice is hereby given that the Regional Planning Commission of Los Angeles County ("Commission") will conduct a public hearing concerning this proposed land development on **June 30, 2010** at 9:00 a.m., in Room 150, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Room 150 will be open to the public at 8:50 a.m. Interested persons will be given an opportunity to testify.

### PROPOSED PROJECT:

**VESTING TENTATIVE TRACT MAP REQUEST:** To authorize a reversion to acreage from 147 lots to 1 lot on 790 acres in the A-2-5 (Heavy Agricultural-Five Acres Minimum Required Area) zone.

**CONDITIONAL USE PERMIT REQUEST:** To authorize construction, operation, and maintenance of a 230 megawatt 80,000-panel photovoltaic electricity power generation facility on 2,093 gross acres and on-site grading in excess of 100,000 cubic yards in the A-2-5 zone; and installation of 0.75 miles of on-site and 2.25 miles of off-site high voltage 230 kilovolt electricity transmission lines in the A-2-5 and A-1-2 (Light Agricultural-Two Acres Minimum Required Area) zones.

**ENVIRONMENTAL REVIEW:** A draft environmental impact report ("Draft EIR") is being prepared for this project pursuant to the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000, et seq.).

**PROJECT LOCATION:** The subject property is bisected north and south by State Route 138 and bisected east and west by 170<sup>th</sup> Street West. The property is bounded by 155<sup>th</sup> Street West to the east, 180<sup>th</sup> Street West to the west, West Avenue B-8 to the north, and West Avenue E to the south. The project site is located near the unincorporated community of Antelope Acres in the Antelope Valley West Zoned District.

Project materials are available for review Monday through Thursday, 7:30 a.m. to 5:30 p.m. (closed on Fridays) at: County of Los Angeles Department of Regional Planning, Hall of Records, Room 1362, 320 West Temple Street, Los Angeles, California 90012. Selected materials are also available for review **beginning on May 28, 2010** at the County libraries listed below and on the Department of Regional Planning website <http://planning.lacounty.gov/case/all>. The Draft EIR will be available for public review and comment upon its completion at the Department of Regional Planning and at the libraries listed below. **Separate notice of the completion and availability of the Draft EIR will be provided.**

Quartz Hill County Library  
42018 N. 50th St. W

Quartz Hill, CA 93536 (661) 943-2454

Lancaster County Library  
601 W. Lancaster Blvd.

Lancaster, CA 93534 (661) 948-5029

Canyon Country Jo Anne Darcy Library  
18601 Soledad Canyon Road

Santa Clarita, CA 91351 (661) 251-2720

Lake Los Angeles Library  
16921 East Avenue O, #A

Palmdale, CA 93591, CA (661) 264-0593

Antelope Valley Bookmobile

601 W. Lancaster Blvd.

Lancaster, CA 93534 (661) 948-5029

These cases do not affect the zoning of surrounding properties. If you are unable to attend the public hearing but wish to send written comments, please write to Attention: Mr. Kim Szalay, Department of Regional Planning, Room 1362, 320 West Temple Street, Los Angeles, California 90012, or, by email to [kszalay@planning.lacounty.gov](mailto:kszalay@planning.lacounty.gov). You may also obtain additional information concerning this case by telephoning Mr. Kim Szalay at (213) 974-4876 between 7:30 a.m. and 5:30 p.m., Monday through Thursday (our offices are closed on Fridays). Callers from North County areas may dial (661) 272-0964 (Antelope Valley) or (661) 253-0111 (Santa Clarita) toll free and then ask to be connected to (213) 974-4876.

If you challenge a County action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or by written correspondence delivered to the Commission at, or prior to, the public hearing.



Este es un aviso que la Comision de Planificacion del Condado de Los Angeles conducira una audiencia pública en Junio 30, 2010, a las 9:00 a.m., en el cuarto 150, Hall of Records, 320 West Temple Street, Los Angeles, California 90012, para considerar dos solicitudes del siguiente proyecto:

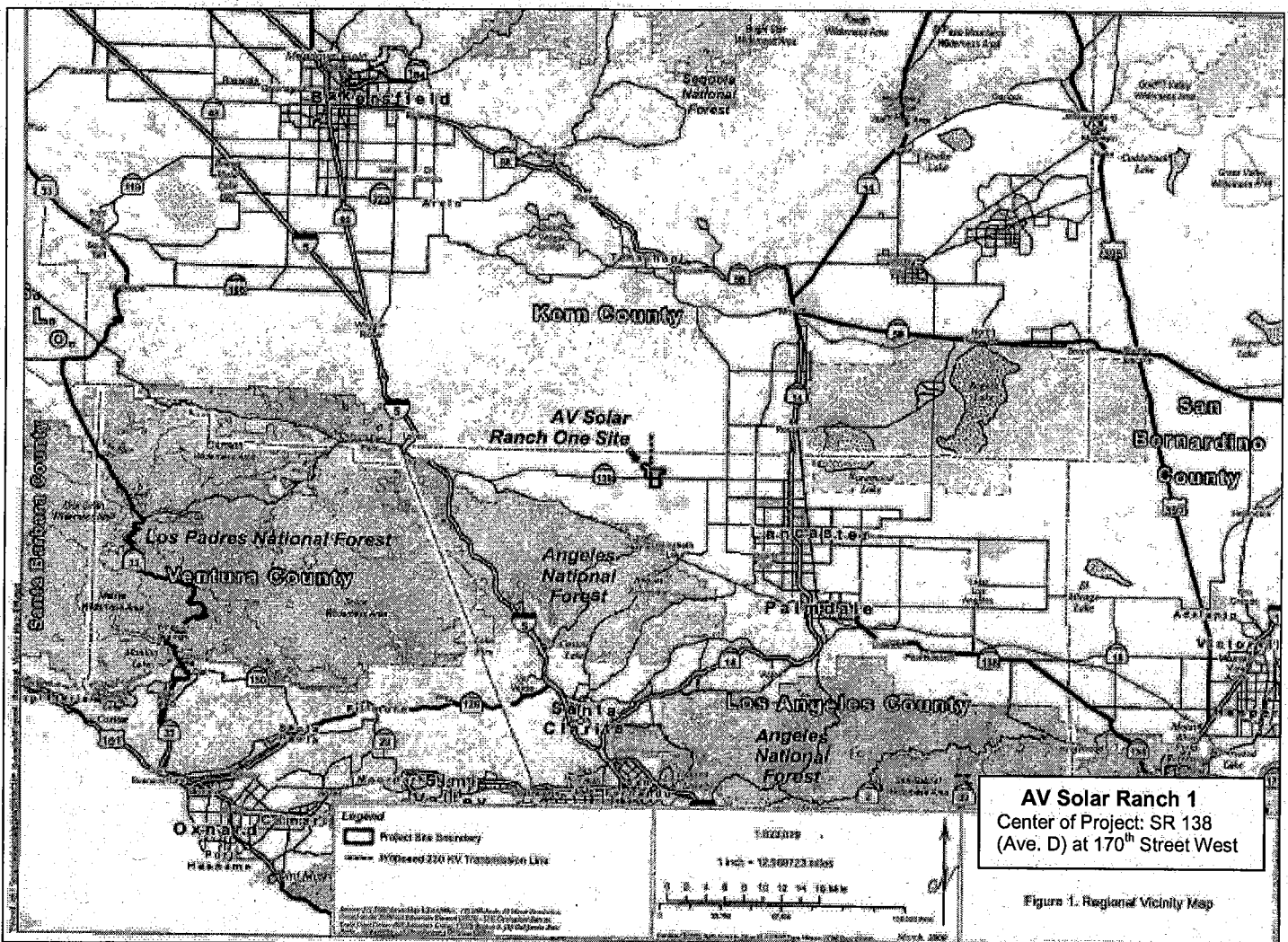
Para autorizar una reversión en acres de 147 parcelas a un (1) parcela de 790 acres en zona A-2-5 (Majormente Agricola-cinco acres mínimos requeridos de área).

Para autorizar la construcción, operación y mantenimiento de una red de 230 megavatios de 80,000 panel fotovoltaico de generacion de energia electrica en 2,080 acres y nivelación de terreno de un exceso de 100,000 metros cúbicos en la zona A-2-5; y la instalación de líneas de transmisión en el sitio y fuera del sitio de la electricidad en la zonas A-2-5 and A-1-2.

A todas las personas interesadas se les dara la oportunidad de testificar. Si necesita mas información, o si quiere este aviso en Español, favor llamar al Departamento de Planificación al (213) 974-6466."

"ADA ACCOMMODATIONS: If you require reasonable accommodations or auxiliary aids and services such as material in alternate format or a sign language interpreter, please contact the ADA (Americans with Disabilities Act) Coordinator at (213) 974-6488 (Voice) or (213) 617-2292 (TDD), with at least three business days notice."

#### VICINITY MAP BELOW







# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

**NOTICE OF COMPLETION AND AVAILABILITY  
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE  
AV SOLAR RANCH ONE PROJECT  
STATE CLEARINGHOUSE NO. 2009041145  
COUNTY PROJECT NO. R2009-02239  
VESTING TENTATIVE TRACT MAP NO. TR071035  
CONDITIONAL USE PERMIT NO. RCUPT200900026  
ENVIRONMENTAL REVIEW NO. RENV200900027**

The County of Los Angeles, acting in the capacity of Lead Agency under the California Environmental Quality Act (CEQA) and the County Environmental Document Reporting Procedures and Guidelines, Chapter III, Section 304, has filed a "Notice of Completion" of a Draft Environmental Impact Report (DEIR) for the **AV Solar Ranch One Project**. This DEIR has been prepared in accordance with, and pursuant to CEQA, Public Resources Code, Section 21000-21178; the "Guidelines for California Environmental Quality Act" (State CEQA Guidelines), and California Code of Regulation, Title 14, Chapter 3, Section 15000-15387.

## PROPOSED PROJECT AND SITE LOCATION

The proposed AV Solar Ranch One Project (Project) site is located in the Antelope Valley, in unincorporated Los Angeles County, approximately 15 miles northwest of downtown Lancaster. The Project site can be accessed from Interstate 5 or State Route 14 via State Route 138 (West Avenue D) from the west and east, respectively. The Project site consists of approximately 2,100 acres, occupies an area both north and south of SR-138, and is approximately bounded on the north by West Avenue B-8, on the south by West Avenue E, on the east by 155th Street West and on the west by 180th Street West. The Project site was used for agricultural production from approximately the 1950s through 2004. The Project site includes a residential ranch area that will be removed as part of the solar field construction.

The proposed Project consists of a 230-MW alternating current (AC) solar photovoltaic ("PV") facility that would involve development of approximately 1,955 acres within the overall Project site. Major Project components include PV panel arrays, an electrical substation, a 20,000 square-foot Operations and Maintenance building with associated parking, and on-site drainage improvements consisting primarily of infiltration basins throughout the site. The proposed Project components also include perimeter fencing (wildlife-permeable), fire breaks, perimeter and internal access roads, a water well, two water tanks (approximately 100,000 and 10,000 gallons), and a septic system. The Project also includes an overhead 230-kV transmission line, approximately 4.25 miles long (0.75 mile on-site and 3.5 miles off-site), that is proposed to run along the public ROW of 170th Street West and adjacent private property to interconnect to Southern California Edison's planned Whirlwind Substation north of the Project site in southern Kern County.

## REVIEWING LOCATIONS

The formal public review period for the DEIR will be from **June 16, 2010 to July 30, 2010 (45 days)**. A public hearing on the DEIR and the proposed Project has been scheduled before the Los Angeles County Regional Planning Commission at 9:00 a.m. on **Wednesday, June 30, 2010**, in the Regional Planning Commission Hearing Room, 320 West Temple Street, Los Angeles, CA 90012. All comments received by the closing of the public review period for the DEIR will be considered in the Final EIR. To ensure public access to the DEIR, copies of the document are available for review online at <http://planning.lacounty.gov/case/all> (listed under County Project No. R2009-02239) and at the libraries listed below:

Quartz Hill County Library  
42018 N. 50th St. W

Quartz Hill, CA 93536 (661) 943-2454

Lancaster County Library  
601 W. Lancaster Blvd.

Lancaster, CA 93534 (661) 948-5029

Canyon Country Jo Anne Darcy Library  
18601 Soledad Canyon Road

Santa Clarita, CA 91351 (661) 251-2720

Lake Los Angeles Library  
16921 East Avenue O, #A

Palmdale, CA 93591, CA (661) 264-0593

Antelope Valley Bookmobile  
601 W. Lancaster Blvd.

Lancaster, CA 93534 (661) 948-5029

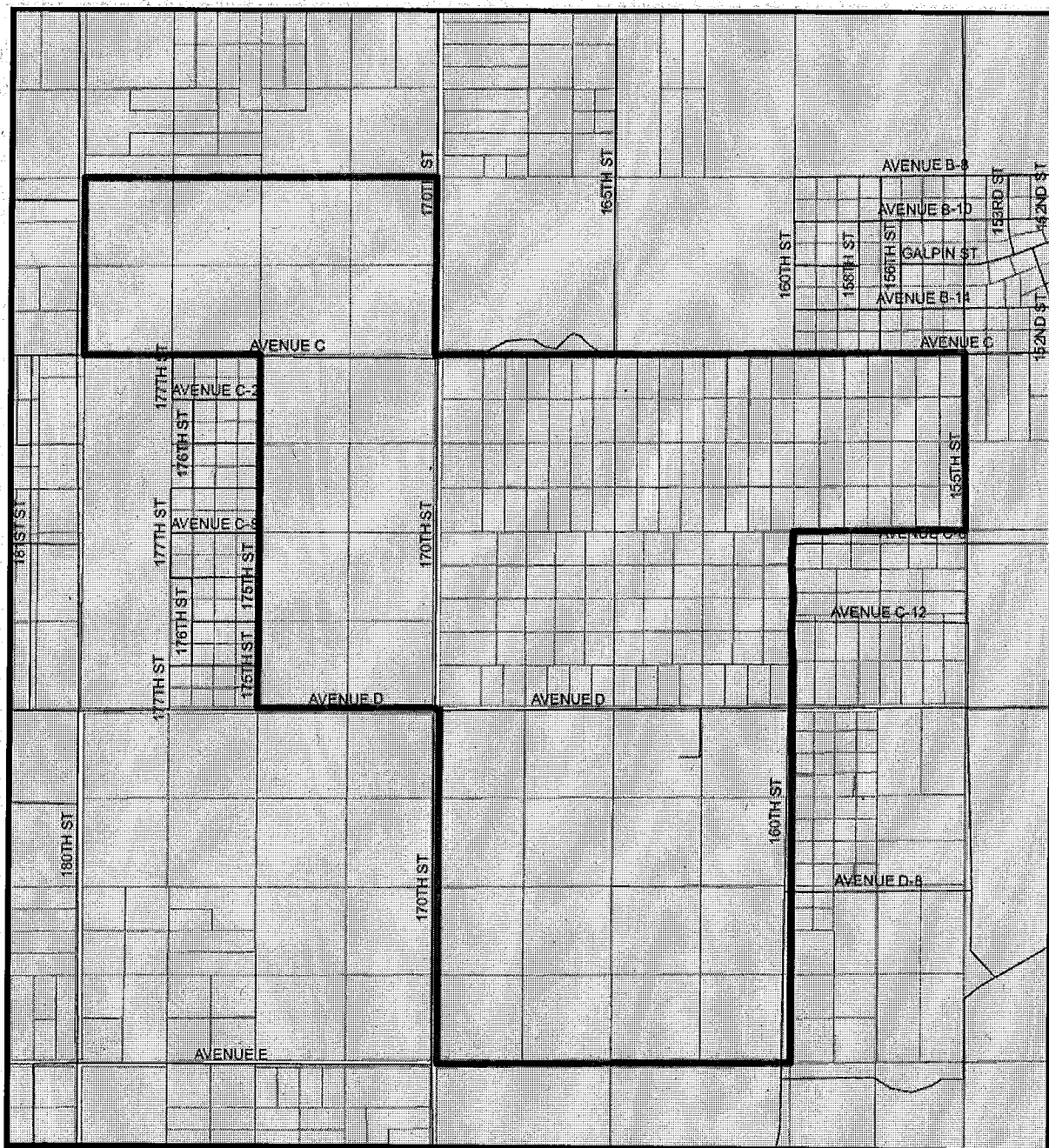
Copies of the DEIR and documents referenced in the DEIR will also be available for public review Monday through Thursday, 7:30 a.m. to 5:30 p.m. at:

Los Angeles County  
Department of Regional Planning  
Impact Analysis Section, Room 1348  
320 West Temple Street  
Los Angeles, CA 90012  
(213) 974-6461

Please submit written comments on the DEIR to **Christina Tran** of the Department of Regional Planning at the address above, or via email at [ctran@planning.lacounty.gov](mailto:ctran@planning.lacounty.gov)

### VICINITY MAP BELOW

### AV Solar Ranch One Site



	Los Angeles County Department of Regional Planning 320 West Temple Street Los Angeles, California 90012 Telephone (213)		<b>PUBLIC HEARING DATE</b> June 30 and September 15, 2010	<b>AGENDA ITEM</b> 7
	<b>PROJECT NUMBER: R2009-02239-(5)</b> <b>VESTING TENTATIVE TRACT MAP NO. : TR 071035</b> <b>CONDITIONAL USE PERMIT NO.: RCUP 200900026</b> <b>ENVIRONMENTAL ASSESSMENT NO: RENV 200900027</b>		<b>RPC CONSENT DATE</b> September 15, 2010	<b>CONTINUE TO</b>
<b>APPLICANT</b> AV Solar Ranch 1, LLC (Frank De Rosa)		<b>OWNER</b> AV Solar Ranch 1, LLC (Frank De Rosa)		<b>REPRESENTATIVE</b> First Solar/Nextlight Renewable Power, LLC Roy Skinner
<b>PROJECT DESCRIPTION</b> Construction, operation, and maintenance of a 230 megawatt, solar photovoltaic electricity power generation facility including approximately 80,000 photovoltaic panel arrays mounted on sun-tracking or fixed, tilt or horizontal array units; associated electrical and distribution equipment including approximately 185 protective electrical equipment enclosures (15 feet in width X 60 feet in length X 12 feet in height); onsite 2.81-acre unenclosed electricity substation 60 feet in maximum height; operations and maintenance building (maximum 20,000 square feet) 27.5 feet in maximum height; a 230 kilovolt transmission line approximately 4.25 miles in length (3.5 miles offsite, 0.75 miles onsite; approximately 2.25 miles within L.A. County jurisdiction and 2 miles within Kern County jurisdiction) is proposed within or near the 170 <sup>th</sup> Street West public right of way within and north of the site in L.A. County jurisdiction; and either on private property or 170 <sup>th</sup> Street West public right of way in Kern County jurisdiction, connecting to Southern California Edison proposed Whirlwind substation facilities; approximately 43 onsite and offsite high-voltage transmission poles four to six feet in diameter and between 105 to 125 feet in height, or, undergrounding of same lines with the exception of two above ground right of way crossings; onsite 34.5 kilovolt transmission line approximately 3.0 miles in length proposed within or near 170 <sup>th</sup> Street West public right of way using approximately 90 standard poles (18-inch diameter; up to 60 feet in height), or, undergrounding of same lines with the exception of one above ground right of way crossing and approximately four above ground crossings of jurisdictional drainages; a maximum of 180,000 cubic yards of balanced grading; employee parking area (38 standard and 2 handicapped spaces); perimeter fencing eight feet in height; associated access roads; 10-foot wide native landscaping screening north and south of SR 138; new potable water well and use of existing wells for non-potable uses; two surface water tanks (approximately 10,000 and 100,000 gallons); construction of onsite septic and leach-field system; and demolition of all existing structures including two residences, a mobile home, and accessory structures. The project includes a temporary cement batching plant and construction staging areas throughout the site anticipated to be in use for 38 months from the start of construction or to project build out, whichever comes first.				
<b>REQUIRED ENTITLEMENTS</b> <b>VESTING TENTATIVE TRACT MAP:</b> To authorize a reversion to acreage from 147 lots to 1 lot on 790 acres in the A-2-5 (Heavy Agricultural-Five Acres Minimum Required Area) zone. <b>CONDITIONAL USE PERMIT:</b> To authorize construction, operation, and maintenance of a 230 megawatt photovoltaic electricity power generation facility on 2,093 gross acres and onsite grading in excess of 100,000 cubic yards in the A-2-5 zone; and installation of 0.75 miles of onsite and 1.5 miles of offsite high voltage 230 kilovolt electricity transmission lines in the A-2-5 and A-1-2 (Light Agricultural-Two Acres Minimum Required Area) zones. <b>ENVIRONMENTAL ASSESSMENT:</b> To adopt an Environmental Impact Report associated with the project.				
<b>LOCATION/ADDRESS</b> The subject property is bisected north and south by State Route 138 and bisected east and west by 170 <sup>th</sup> Street West. The property is bounded by 155 <sup>th</sup> Street West to the east, 180 <sup>th</sup> Street West to the west, West Avenue B-8 to the north, and West Avenue E to the south.				
<b>SITE DESCRIPTION</b> The proposed project is located on previously disturbed agricultural land including some re-established native shrubs and seasonal wildflowers. The site is a flat 2,093-acre property located in the west Antelope Valley. Primary drainage is to the northeast. SEA 57 Fairmont-Antelope Butte and the Antelope Valley Poppy Reserve are located approximately 1.5 miles to the southeast. SEA 60 Joshua Tree Woodlands Habitat is located north and northeast of the project site. The property is previously disturbed and undeveloped with the exception of the existing residential ranch located on approximately 27 acres south of SR 138 and is proposed to be demolished. The site contains an exploratory oil well which has been plugged and abandoned. The site is surrounded by vacant undeveloped and agricultural land. Three primary ephemeral drainages traverse the project site and a small portion of a fourth ephemeral drainage is located within the northeastern property boundary.				
<b>ACCESS</b> 170 <sup>th</sup> Street West, north of SR 138 (Ave. D)		<b>ZONED DISTRICT</b> Antelope Valley West		
<b>ASSESSORS PARCEL NUMBER</b> <b>Reversion to Acreage Parcels:</b> 3258-012-024 to 3258-012-083, 3258-025-001 to 3258-025-059, 3258-024-001 to 3258-024-028 (147 parcels) <b>Other Parcels:</b> 3257-018-006 to 3257-018-013, 3257-010-033 to 3257-010-040, 3236-001-024 to 3236-001-039 (32 parcels)		<b>COMMUNITY</b> Nearest community is Antelope Acres.		
<b>SIZE</b> Project Reversion to Acreage Site: 790 Acres (is included in CUP site) Project Conditional Use Permit Site: 2,093 Gross Acres		<b>COMMUNITY STANDARDS DISTRICT</b> None		
	<b>EXISTING LAND USE</b>		<b>EXISTING ZONING</b>	
Project Site	Vacant and Residences		A-2-5 (Heavy Agricultural-Five Acres Minimum Required Area); portion of offsite transmission line in the A-1-2 (Light Agricultural-Two Acres Minimum Required Area) zone.	
North	Vacant		A-1-2, A-2-5	
East	Vacant		A-1-2, A-2-2 (Heavy Agricultural-Two Acres Minimum Required Area), A-2-5	
South	Vacant		A-1-2, A-2-2, A-2-5	
West	Vacant		A-1-2, A-2-5	
<b>GENERAL PLAN/COMMUNITY PLAN</b> Antelope Valley Area-wide General Plan		<b>LAND USE DESIGNATION</b> N1 (Non-Urban 1)		<b>MAXIMUM DENSITY</b> 0.5 du/ac
<b>ENVIRONMENTAL DETERMINATION</b> Environmental Impact Report (EIR)				

**RPC LAST MEETING ACTION SUMMARY**

LAST RPC MEETING DATE: 9/15/10	RPC ACTION: <b>Approved</b>	NEEDED FOR NEXT MEETING:
MEMBERS VOTING AYE : 4	MEMBERS VOTING NO: 0	MEMBERS ABSTAINING/ABSENT: Absent - 1

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

STAFF CONTACT PERSON: Mr. Kim K. Szalay		
RPC HEARING DATE(S) June 30, 2010 and September 15, 2010	RPC ACTION DATE September 15, 2010	RPC RECOMMENDATION Approval
MEMBERS VOTING AYE 4	MEMBERS VOTING NO 0	MEMBERS ABSTAINING 0
STAFF RECOMMENDATION (PRIOR TO HEARING): Approval		
SPEAKERS* (O) 3 (F) 17	PETITIONS (O) 0 (F) 0	LETTERS (O) 4 (F) 6

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



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

November 15, 2010

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. R2009-02239-(5)  
VESTING TENTATIVE TRACT MAP NO. 071035  
CONDITIONAL USE PERMIT NO. 200900026  
ENVIRONMENTAL ASSESSMENT NO. 200900027  
APPLICANT: AV SOLAR RANCH I, LLC  
353 SACRAMENTO STREET, SUITE 2100  
SAN FRANCISCO, CA 94111  
ANTELOPE VALLEY WEST ZONED DISTRICT  
FIFTH SUPERVISORIAL DISTRICT (3-VOTE)**

**IT IS RECOMMENDED THAT YOUR BOARD AFTER THE PUBLIC HEARING:**

1. Certify the Environmental Impact Report ("EIR") including: Draft EIR; Final EIR with additional Section 6.0, Late Responses to Comments; Mitigated Monitoring Reporting Program ("MMRP"); and CEQA Findings of Fact ("CEQA Findings"), included for Project No. R2009-02239-(5).
2. Indicate the Board's intent to approve Project No. R2009-02239-(5) including Vesting Tentative Tract Map No. 071035 and Conditional Use Permit No. 200900026.
3. Instruct County Counsel to prepare the necessary Findings and Conditions to affirm the Planning Commission's approval of Project No. R2009-02239-(5) including Vesting Tentative Tract Map No. 071035 and Conditional Use Permit No. 200900026.

### **JUSTIFICATION OF RECOMMENDED ACTION**

After conducting a public hearing in June 30, 2010 and September 15, 2010, on September 15, 2010 the Regional Planning Commission of Los Angeles County ("Planning Commission") approved Project No. R2009-02239-(5) including Vesting Tentative Tract Map No. 071035 and Conditional Use Permit No. 200900026, and certified the associated Environmental Impact Report ("EIR"), 4-0 with one Commissioner absent. The Project consists of a request for a Vesting Tentative Tract Map for a reversion to acreage from 147 lots to one lot on 790 acres and a Conditional Use Permit for the construction, operation and maintenance of a 230 megawatt solar photovoltaic electricity power generation facility on 2,093 acres and 2.25 miles of 230 Kilovolt electricity transmission lines within unincorporated Los Angeles County. The EIR also analyzed 2.0 miles of said transmission lines within Kern County.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The Planning Commission has found that the Project, to develop a photovoltaic solar electricity generation facility, is consistent with the applicable Los Angeles Countywide General Plan and Antelope Valley Area Plan and policies. The Project meets the necessary findings for a Vesting Tentative Tract Map reversion to acreage and a Conditional Use Permit pursuant to the Subdivision Map Act and applicable County Zoning Code provisions.

Subsequent to the Commission's approval of the Project, Northrop Grumman Corporation ("Appellant") appealed the Project to the Board citing inadequacy of the EIR, Vesting Tentative Tract Map, and Conditional Use Permit approvals. Additional late comments were received from Appellant and three other parties. Staff has included voluntary responses to late comments received after close of the duly noticed Draft EIR public comment period. The following information is included to address the late comments.

#### **Final EIR Section 6.0, Responses to Late Comments**

In addition to late comments received from Appellant, three additional late comments were received and responses provided by planning staff. Responses are included in the November 2010 Final EIR Section 6.0, Responses to Late Comments. No "significant new information" requiring recirculation of the EIR was received.



Exponent, Inc. Report

One of the comments made by Appellant claims potential negative effects on the operation of a test range at the Tejon Radar Test Facility ("Test Range") operated by Appellant. The Test Range is located approximately 10 miles northwest of the proposed AV Solar Ranch One ("AVSR1") facility. A report written by Exponent, Inc. summarizes a scientific analysis of how the proposed solar facility would likely interface with operation of the Test Range. The report concludes that construction and operation of AVSR1 would not have a significant effect on Appellant's ability to operate the subject Test Range.

CEQA Findings of Fact

Included are updated CEQA Findings of Fact reflecting the additional information received.

Kern County Related Project

On November 9, 2010, the Kern County Board of Supervisors voted 5-0 to certify the Rosamond Solar Project Environmental Impact Report and approve the photovoltaic electricity generation facility. This related project is in close proximity and to the north of the AVSR1 site and of a similar distance from Appellant's Test Range.

**ENVIRONMENTAL DOCUMENTATION**

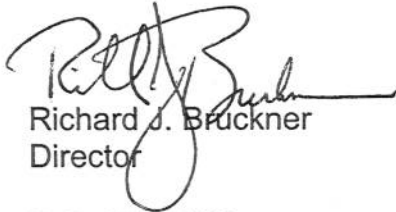
The EIR certified on September 15, 2010 provides adequate environmental analysis for the Project as approved by the Planning Commission. The August 2010 FEIR and the additional responses to late comments addressed in the November 2010 Final EIR Section 6.0, Responses to Late Comments clarify or amplify information in the Draft EIR and issues raised by Appellant. The additional information does not reveal that the Project would cause significant new impacts not previously identified and analyzed in the Draft EIR, therefore, recirculation of the EIR is not required.

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

Action on the proposed Vesting Tentative Tract Map and Conditional Use Permit is not anticipated to have a negative impact on current services.

The Honorable Board of Supervisors  
Project No. R2009-02239  
November 15, 2010  
Page 4

Respectfully Submitted,



Richard J. Bruckner  
Director

RJB:SZD:KKS

Attachments: Responses to Late Comments and Exponent, Inc. Report  
Revised CEQA Findings of Fact and MMRP

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



# **FINAL ENVIRONMENTAL IMPACT REPORT SECTION 6.0 RESPONSES TO LATE COMMENTS AV Solar Ranch One Project**

**COUNTY OF LOS ANGELES  
Department of Regional Planning  
Impact Analysis Section**  
320 West Temple Street  
Los Angeles, California 90012

County Project No. R2009-02239  
Vesting Tentative Tract Map No. TR071035  
Conditional Use Permit No. RCUPT200900026  
Environmental Review No. RENV200900027  
SCH No. 2009041145





**TABLE OF CONTENTS**

<b><u>Section</u></b>	<b><u>Page</u></b>
<b>6.0 RESPONSES TO LATE COMMENTS.....</b>	<b>6.1-1</b>
6.1 INTRODUCTION .....	6.1-1
6.2 WRITTEN RESPONSES TO LATE COMMENTS .....	6.2-1
6.2.1 California Department of Transportation (CT-1) .....	6.2-1
6.2.2 Adams Broadwell Joseph and Cardozo (EK-1) .....	6.2-1
6.2.3 Northrop Grumman Corporation (NG-1).....	6.2-4
6.2.4 Melody Mokres (MM-1).....	6.2-31
6.3 LATE COMMENT LETTERS.....	6.3-1

**List of Tables**

Table 6-1 Summary of Late Comments Received on the Final EIR (August 2010) for the AV Solar Ranch One Project.....	6.1-2
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**List of Attachments**

Attachment A Exponent Report



## SECTION 6.0

### RESPONSES TO LATE COMMENTS

#### 6.1 INTRODUCTION

The Draft Environmental Impact Report (Draft EIR) for the AV Solar Ranch One Project (Project) was circulated on June 16, 2010 for a formal 45-day public comment period ending on July 30, 2010. During that time, the County of Los Angeles Department of Regional Planning received a total of 14 individual comment letters on the Draft EIR as summarized in Table 4-1 of the Final EIR dated August 2010.

The County of Los Angeles Regional Planning Commission (RPC) held a public hearing on the Draft EIR on June 30, 2010. Public comments were received at the RPC hearing. Refer to Section 3.0 of the Final EIR (August 2010) for the June 30, 2010 RPC Hearing minutes and responses to oral comments received at the hearing.

The Final EIR (August 2010) addressed all written and oral comments received on the Draft EIR. A second RPC Hearing was held on September 15, 2010 at which time the Final EIR (August 2010) was certified by the RPC.

Following the close of the noticed Draft EIR public comment period (July 30, 2010) and after the August 2010 Final EIR was issued, four late comment letters were transmitted to the Los Angeles County Department of Regional Planning (LACDRP), as summarized in Table 6-1. These letters included a letter from the California Department of Transportation (Caltrans) dated September 14, 2010; a letter from Adams Broadwell Joseph & Cardozo, on behalf of the California Unions for Reliable Energy (CURE) dated September 14, 2010; and an email from Ms. Melody Mokres dated September 14, 2010. Additionally, on September 24, 2010, Northrop Grumman Corporation (NG) filed an Appeal to the RPC's certification of the Final EIR (August 2010) as well as the RPC's approval of Conditional Use Permit (CUP) No. 200900026 and Vesting Tentative Tract Map (VTTM) No. TR071035 for the Project. For purposes of this Final EIR Section 6.0, Responses to Late Comments, NG's Appeal and Rider is considered as a "late" comment letter along with the aforementioned three other late comment letters.

The Final EIR document (August 2010) consisted of the following five sections: 1.0 – Introduction; 2.0 – Revisions to the Draft EIR; 3.0 – Responses to Regional Planning Commission Hearing Comments; 4.0 – Comments and Responses to Written Comments; and 5.0 – Mitigation Monitoring and Reporting Program. This Final EIR Section 6.0 (November 2010), Responses to Late Comments, provides written responses to the late comment letters. The Project Final EIR consists of the following documents: 1) June 2010 Draft EIR; 2) June

2010 Technical Appendices to the Draft EIR; 3) August 2010 Final EIR; and 4) November 2010 Final EIR Section 6.0, Responses to Late Comments.

The late comment letter designations are presented in Table 6-1 and on each letter. The individual comments for each late comment letter are delineated and numbered in the letter margins for reference purposes. Written responses to each late comment letter are presented in Section 6.2, and the late comment letters are presented in Section 6.3.

**TABLE 6-1**  
**SUMMARY OF LATE COMMENTS RECEIVED ON THE FINAL EIR**  
**(AUGUST 2010) FOR THE AV SOLAR RANCH ONE PROJECT**

Date	Commenter/Affiliation	Late Comment Item ID	Number of Late Comments Identified
<b>State Agencies</b>			
9/14/10	Carl Shiigi/California Department of Transportation	CT-1	1
<b>Organizations</b>			
9/14/10	Elizabeth Klebaner/Adams Broadwell Joseph & Cardozo	EK-1	6
9/24/10	Northrop Grumman Corporation	NG-1	34
<b>Individuals</b>			
9/14/10	Melody Mokres	MM-1	3



**6.2 WRITTEN RESPONSES TO LATE COMMENTS****6.2.1 California Department of Transportation (CT-1)****Response CT-1-1:**

This late comment letter was received by LACDRP on September 16, 2010, one day after the Los Angeles County Regional Planning Commission hearing was held on the Final EIR (August 2010) for the AV Solar Ranch One Project. The County acknowledges Caltrans previous studies and tentative, future plans for widening State Route (SR) 138. Refer to Response SA-2-2 in Section 4.2 (State Agencies) of the Final EIR (August 2010), which addresses the County's requirements for dedication of land by the Applicant on both sides of SR-138 to accommodate Caltrans' potential future widening of SR-138. The proposed Project design and County of Los Angeles required Project setbacks from SR-138 (generally 100 feet on each side of SR-138 centerline for a total width of 200 feet to accommodate potential future road widening) take Caltrans' possible future highway widening plans into consideration. The County and the Applicant understand that Caltrans' possible future widening of SR-138 will involve a total roadway/shoulder width of up to 164 feet (maximum) and could require minor Project modifications to accommodate Caltrans needs once they are defined with more certainty regarding the selected cross section width and location.

**6.2.2 Adams Broadwell Joseph and Cardozo (EK-1)****Response EK-1-1:**

This comment states that Adams Broadwell Joseph & Cardozo's comments are on behalf of CURE and that they urge the RPC to not approve the Final EIR and to direct the LACDRP to revise and recirculate the Draft EIR. This comment does not state a specific concern or question regarding the adequacy of the analysis contained in the Final EIR (August 2010). Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Response EK-1-2:**

The County disagrees with this comment and the contention that the Final EIR (August 2010) does not adequately respond to CURE's comments on the Draft EIR. Refer to the Written Responses to Comment Letter ORG-3 in the Final EIR (August 2010). This comment does not raise any new comments or specific points regarding the adequacy of the Final EIR (August 2010). The County also disagrees that significant new information was added to the Final EIR (August 2010) requiring recirculation of the EIR. Refer to Response EK-1-3 for

more information. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Response EK-1-3:**

This comment states that the Final EIR includes “significant new information” within the meaning of California Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5, and that the County was therefore required to revise and recirculate the Draft EIR. The Final EIR does not present “significant new information,” thus there is no justification or need to recirculate the Draft EIR.

CEQA Guidelines Section 15088.5 requires recirculation of an EIR prior to certification of the Final EIR when “significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review.” “New information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such an effect.” (CEQA Guidelines § 15088.5.) CEQA Guidelines Section 15088.5 (a) contains an illustrative list of examples of “significant new information” requiring recirculation:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

In addition, CEQA Guidelines Section 15088.5(b) provides that “recirculation is not required where the new information added to the EIR merely clarifies and amplifies or makes insignificant modifications in an adequate EIR.”

Mitigation Measure 5.7-13 (Pre-construction Desert Tortoise Surveys) was added to the Draft EIR based on a recommendation from the U.S. Fish and Wildlife Service as a precautionary measure to avoid unlikely Project impacts to Desert tortoise as discussed in Responses ORG-3-62 and ORG-3B-7 in Section 4.4 of the Final EIR (August 2010). The Final EIR did not identify a new significant impact to the Desert Tortoise requiring recirculation. The Final EIR (August 2010) does not present new, unsupported analyses regarding baseline biological and air quality conditions at the Project site as contended in this comment. As discussed in



Response ORG-3-2 (and other Responses referenced therein) in the Final EIR (August 2010), the Draft EIR includes sufficient baseline information and analysis regarding the Project's potentially significant impacts to biological resources, air quality, water supply et al. Moreover, there is no significant new information requiring recirculation (See CEQA Guidelines Section 15088.5).

As discussed in Final EIR (August 2010) Response ORG-3-9, a WSA is not required for the Project and, accordingly, a WSA was neither prepared nor included in the Draft EIR. This is not substantial new information and recirculation is not required.

**Response EK-1-4:**

The County disagrees with this comment and the contention that the Draft EIR was inadequate and conclusory in nature. The County also disagrees with the contentions that the Final EIR (August 2010) does not present a stable and finite Project description or adequately analyze impacts to air quality, biological resources, visual resources, and water quality, or propose adequate mitigation. This comment does not state specific examples to support these general contentions which were all previously addressed in Written Responses to Comment Letter ORG-3 in the Final EIR (August 2010); therefore, specific responses are not required pursuant to CEQA. Refer to the following relevant responses to comments in the Final EIR (August 2010):

- Project Description (see Responses ORG-3-8 and ORG-3-19 through ORG-3-28)
- Air Quality (see Responses ORG-3-8, -14, -16, -19, -25, -27, -31, -32, -33, -55, -58, and -59)
- Biological Resources (see Responses ORG-3-12, -16, -29, -31, -34 through -39, -61, -63, and -76; and ORG-3B-3 through -10, -13, -17, -18, -19, -22 and -25)
- Visual (see Responses ORG-3-50, -51, -52, and -53)
- Water (see Responses ORG-3-9, -13, -15, -18, -40 through -48, -65, -66, -67, -69, -70, -71, and -78; and ORG-3A-6 and -10)

The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Response EK-1-5:**

As discussed in Final EIR (August 2010) Response ORG-3-9, a WSA is not required for the Project and, accordingly, a WSA was neither prepared nor included in the Draft EIR. The Draft EIR presents a detailed analysis of groundwater resources and potential Project effects

in Section 5.14, Appendix J, and Appendix J2. The County disagrees with this comment and the contention that the EIR is deficient or invalid.

**Response EK-1-6:**

As discussed in Response EK-1-3, the County disagrees that the EIR must be recirculated for public review and comment in accordance with CEQA.

In accordance with Section 15121(a) of the CEQA Guidelines, the EIR is an informational document which informs public agency decisionmakers and the public generally of: 1) the significant environmental effect of the Project; 2) identify possible ways to minimize the significant effects; and 3) describe reasonable alternatives to the Project. The EIR was prepared in accordance with Section 15151 of the CEQA Guidelines, which states that:

An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

The EIR includes sufficient information and analysis regarding the Project description and the Project's potentially significant impacts to air quality, biological resources, visual resources, water supply, and other relevant resource topics. In addition, the EIR presents adequate mitigation.

**6.2.3 Northrop Grumman Corporation (NG-1)**

**Response NG-1-1:**

This comment is Northrop Grumman Corporation's (NG) Appeal (dated September 24, 2010) to the Los Angeles County Regional Planning Commission's (RPC) September 15, 2010 decision on the AV Solar Ranch One Project. The Appeal is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. Written responses to the Appeal Rider are presented beginning with Response NG-1-2.

**Response NG-1-2:**

This comment is the introduction to the Appeal “Rider” and states that the Appeal applies to the RPC’s certification of the Final EIR and approval of the Conditional Use Permit and the Vesting Tentative Tract Map for the Project. This comment does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Response NG-1-3:**

The County disagrees with the general contention that the RPC’s certification of the Final EIR was unlawful. Please refer to Responses NG-1-4 through NG-1-27, which address and refute the specific contentions, where applicable, in the NG Appeal.

**Response NG-1-4:**

CEQA Guidelines Section 15143 states that the “EIR shall focus on the significant effects on the environment” and provides that the “[e]ffects dismissed in an Initial Study as clearly insignificant and unlikely to occur need not be discussed further in the EIR.” Instead, agencies may limit discussion to a brief explanation as to why some effects are not potentially significant and are therefore not discussed in detail in the EIR (CEQA § 21002.1 (e)). This requirement is satisfied either by “a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant” or by attaching a copy of the Initial Study (CEQA Guidelines §§ 15128, 15143). Contrary to the general, non-specific, and unsubstantiated contentions in this comment, the Draft EIR did not unlawfully omit environmental effects in the EIR.

In accordance with CEQA Guidelines Section 15063, the County prepared an Initial Study dated April 13, 2009 that identified the issue areas requiring analysis in the EIR (see Draft EIR Appendix A.1). Based on the analysis and conclusions of the Initial Study, the Draft EIR analyzed the following environmental issues:

- Geotechnical Hazards
- Flood Hazards
- Fire Hazards
- Water Quality
- Air Quality
- Biological Resources

- Cultural and Paleontological Resources
- Visual Qualities
- Traffic and Access
- Fire Protection Services
- Sheriff Services
- Utility Services
- Environmental Safety
- Land Use
- Global Climate Change

While the Initial Study did not identify potentially significant impacts to Agricultural Resources and Noise, these two resource disciplines were also included in the Draft EIR for further assessment of potential impacts (see Draft EIR Section 5.9 [Agricultural Resources] and Draft EIR Section 5.18 [Noise]). Additionally, issues relating to change of character and growth-inducing impacts are discussed in Section 7.0 of the Draft EIR. Draft EIR Section 5.1.2 includes a description addressing each of the environmental issues not addressed in the Draft EIR – mineral resources, sewage disposal, education, and recreation – and indicates the reasons why effects were determined to be clearly insignificant and unlikely to occur. Additionally, the Initial Study is included in Appendix A.1 of the Draft EIR.

**Response NG-1-5:**

This comment contends that the County failed to comply with notice requirements with respect to the preparation and distribution of the Draft EIR and Final EIR without providing any specific points to support this contention. Contrary to the general contention in this comment, the County fully complied with CEQA's notice requirements for preparation and distribution of the Draft EIR and Final EIR. CEQA requires that after deciding that an EIR is required for a project, a Notice of Preparation (NOP) of an EIR must be provided to: 1) the Governor's Office of Planning and Research; 2) Responsible and Trustee Agencies; and 3) Federal Agencies involved in approving or funding the Project (CEQA § 21080.4; CEQA Guidelines § 15082(a)). In addition, CEQA requires a Scoping Meeting for projects "of statewide, regional, or areawide significance." (CEQA § 21083.9(a)(2); CEQA Guidelines § 15082(c)(1).) In compliance with CEQA and the CEQA Guidelines, the County oversaw the preparation and distribution of the Project's NOP. The NOP and the Initial Study were circulated on April 29, 2009 to the State Clearinghouse and other public agencies for the required 30-day review and comment period ending on June 1, 2009. A Scoping Meeting was

held on May 14, 2009 near the Project site in Antelope Acres to facilitate public review and comment on the Project.

CEQA requires that public notice must be given by one of the following methods: 1) publication at least once in a newspaper of general circulation; 2) posting of the notice by the public agency on and off the site where the project is located; or 3) direct mailing to owners and occupants of property contiguous to the parcel or parcels on which the project is located (CEQA § 21092; CEQA Guidelines § 15087 (a)). Notice must also be posted in the Office of the County Clerk for a period of at least 30 days (CEQA § 21092.3; CEQA Guidelines § 15087 (d)). As discussed in Final EIR Section 1.2, the Draft EIR was circulated for a 45-day review period from June 16, 2010 to July 30, 2010. The Notice of Completion and Availability of the Draft EIR (“NOC”) was published on June 16, 2010, in *La Opinión* and the *Antelope Valley Press* which are newspapers of general circulation. On June 15, 2010, the NOC was posted at the Project site with a total of eleven notices posted. The NOC was also mailed by first-class mail on June 14, 2010 to all property owners within a 1,000-foot radius of the Project site and other interested parties. The NOC was also posted at the County Clerk’s Office on June 16, 2010. Copies of the Draft EIR were made available to the public at the offices of the Department of Regional Planning, online at the Department of Regional Planning website, and at several public libraries in the Antelope Valley.

The County also satisfied and surpassed CEQA requirements for the Final EIR. CEQA Section 21092.5 provides that “[a]t least 10 days prior to certifying an environmental impact report, the lead agency shall provide a written proposed response to a public agency on comments made by that agency.” In addition, CEQA provides that a lead agency may, but is not required to, provide an opportunity for the public to review a final EIR (CEQA Guidelines § 15089(b)).

On August 31, 2010, the County mailed copies of the Final EIR, including responses to comments, to public agencies and interested parties that commented on the Draft EIR. In addition, the County notified other interested parties of the preparation of the Final EIR. Finally, copies of the Final EIR were made available to the public at the office of the Department of Regional Planning, online at the Department of Regional Planning website, and at the Quartz Hill County Library, the Lancaster County Library, the Littlerock Library, the Lake Los Angeles Library, and the Antelope Valley Bookmobile.

**Response NG-1-6:**

This comment alleges that the project description is inadequate without offering any specific points in support of the claim. CEQA Guidelines Section 15124 provides that a project description must contain information about the project’s location and boundaries, objectives, a general description of its technical, economic, and environmental characteristics, and a brief statement of the intended uses of the EIR. Contrary to the general contention in this



comment, Draft EIR Section 4.0 (Project Description) clearly identifies the Project's location and boundaries (Draft EIR Section 4.3), purpose and objectives (Draft EIR Section 4.1.2), a description of the Project's components and characteristics including the technical, economic, and environmental characteristics (Draft EIR Section 4.4); and, a statement describing the intended use of the EIR (Draft EIR Section 4.5). The Draft EIR Project Description presents the key differences in the design and physical characteristics of each option under consideration and the environmental analyses presented in Draft EIR Section 5.0 (Environmental Impact Analysis) considered the worst-case attributes of the Project options respective to each environmental analysis.

**Response NG-1-7:**

This comment contends that both the Draft EIR and Final EIR unlawfully failed to analyze the Project's impact on the operation of radar testing that occurs on Range 1 at the NG Tejon Test Facility. The commenter does not specify any particular environmental impact from the Project on operations at the Tejon Test Facility nor contend that impacts that may occur at the Tejon Test Facility constitute a significant effect upon the environment.

CEQA is clear – economic and social effects that are not related to physical impacts need not be evaluated in an EIR (CEQA Guidelines §15064(e), 15064(f)(6), 15131(a)). An EIR must identify and describe “[a]ll significant effects on the environment of the proposed project.” (CEQA § 21100(b)(1)). CEQA defines “significant effect upon the environment” as “a substantial or potentially substantive adverse change in the environment.” (CEQA § 21068.) “Environment” is defined as “the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance.” (CEQA § 21060.5.) Further, the impacts analyzed in an EIR must be “related to a physical change.” (CEQA Guidelines § 15358(b).) “Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects.” (CEQA Guidelines § 15126.2(a).) “A direct physical change in the environment is a physical change in the environment which is caused by and immediately related to the project.” (CEQA Guidelines § 15064(d)(1).) Examples include dust, noise, traffic of heavy equipment, and odors. (*Id.*) “An indirect physical change in the environment is a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project.” (CEQA Guidelines § 15064(d)(2).) “An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project.” (CEQA Guidelines § 15064(d)(3).) There is no evidence presented by the commenter that impacts to radar testing are environmental impacts, much less significant environmental impacts within the scope of CEQA. A radar testing facility is not “environmental,” i.e., it is not a physical condition such as land, air, water, minerals, flora, fauna, noise, or objects of historic or aesthetic significances within the scope of CEQA.

Accordingly, CEQA does not require that either the Draft EIR or the Final EIR analyze the Project's impact on the operations at the Tejon Test Facility.

Even if the impacts to radar operations at the Tejon Test Facility were considered environmental impacts (the County strongly asserts they are not), such impacts are not significant. As discussed in the attached November 2, 2010 report prepared by Exponent, Inc. titled, *Impact of the Antelope Valley Solar Ranch on the Tejon Test Facility*, Project operation and construction will not have a significant effect on NG's ability to operate the Tejon Test Facility. The Tejon Test Facility is located more than 10 miles to the northwest of the Project site. The Tejon Test Facility has two ranges—Range 1 and Range 2—for measuring radar cross section of test targets. NG has asserted that the Project would elevate background radar returns, sometimes referred to as “clutter,” to a level that would unacceptably affect NG's ability to operate Range 1 of the Tejon Test Facility. As described in Attachment A to this November 2010 Final EIR, Exponent conducted a conservative analysis of the Project's potential effect on NG's ability to operate Range 1 of the Tejon Test Facility. Exponent concluded that the Project will not contribute to clutter for numerous values of radar pulse-repetition frequency. Moreover, Exponent concluded that the Project possesses a clutter signature that, for all estimated Range 1 radar parameters, is below the sensitivity of the Tejon Test Facility and is indistinguishable from current ambient noise sources. Exponent further concluded that to the extent that the Project construction and operation could produce incremental clutter, there are well recognized and reasonable means of accounting for this effect that would allow NG to continue normal operation. For example, a properly chosen pulse repetition frequency will render the Project essentially invisible to radar pulses transmitted by the Tejon Test Facility. Accordingly, even if impacts to radar operations at the Tejon Test Facility were considered environmental impacts, the impacts are less than significant.

Additionally, even if the impacts to radar operations at the Tejon Test Facility were environmental impacts, CEQA requires agencies and courts to differentiate between adverse impacts upon particular persons and adverse impacts upon the environment of persons in general in determining whether a project will result in a significant impact on the environment (*Association for Protection etc. Values v. City of Ukiah* (1991) 2 Cal. App. 4<sup>th</sup> 720, 734). “[A]ll government activity has some direct or indirect adverse effect on some persons. The issue is not whether demolition of structures will adversely affect particular persons but whether demolition of structures will adversely affect the environment of persons in general.” (*Topanga Beach Renters Assn v. Department of General Services* (1976) 58 Cal.App.3d 188, 195.) “Under CEQA, the question is whether a project will affect the environment of persons in general, not whether a project will affect particular persons.” (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4<sup>th</sup> 477, 492–93.) Courts have consistently held that impacts to a single party are not the types of environmental impacts the Lead Agency is required to evaluate in an EIR (*see, e.g., Ass'n for*

*Protection of Environmental Values in Ukiah v. City of Ukiah* (1991) 2 Cal.App.4<sup>th</sup> 720; *Banker's Hill City of San Diego* 139 Cal.App.4<sup>th</sup> 249; *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4<sup>th</sup> 477; *Bowman v. City of Berkeley* (2004) 122 Cal.App.4<sup>th</sup> 572; *Gabric v. City of Rancho Palos Verdes* (1977) 73 Cal.App.3d 183). Accordingly, since any impacts alleged in this comment are upon the radar facility only and not adverse impacts upon the environment of persons in general, CEQA does not require impacts to the Tejon Test Facility to be evaluated in the EIR.

Moreover, at the time the Draft EIR and Final EIR were prepared, there was no evidence presented by anyone for inclusion in the record which indicated that the Project would impact operations at the Tejon Test Facility. Despite the many opportunities for public participation, NG did not provide any written or oral testimony on the Project. In compliance with the CEQA Guidelines, the County oversaw the preparation and distribution of the Project's NOP. The NOP and the Initial Study were circulated on April 29, 2009 to the State Clearinghouse and other public agencies for the required 30-day review and comment period ending on June 1, 2009. A Scoping Meeting was held on May 14, 2009 in Lancaster to facilitate public review and comment on the Project. In accordance with CEQA, the Draft EIR was circulated for a 45-day public review period beginning on June 16, 2010 and ending on July 30, 2010. The Commission held two properly noticed public hearings: June 30, 2010 and September 15, 2010. Despite all of this public process, no contention was ever made which suggested that operations at the Tejon Test Facility were at issue.

#### **Response NG-1-8:**

The County disagrees with the general contention that the EIR was not prepared with a sufficient degree of analysis to permit informed decision making. Since no specific comments regarding the adequacy of the EIR's degree of analysis are provided in this comment, it is not possible to respond to specific points. However, in accordance with CEQA Guidelines Section 15151, the record demonstrates that the EIR was "prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences."

The Draft EIR provides thorough discussions and sufficient analysis for all applicable resource topics, including characterization of baseline environmental conditions, identification of all potentially significant impacts, and specification of appropriate mitigation measures for reducing identified impacts to less than significant levels, for the following resource topics:

- Geotechnical Hazards
- Flood Hazards
- Fire Hazards



- Water Quality
- Air Quality
- Biological Resources
- Cultural and Paleontological Resources
- Agricultural Resources
- Visual Qualities
- Traffic and Access
- Fire Protection Services
- Sheriff Services
- Utility Services
- Environmental Safety
- Land Use
- Global Climate Change
- Noise

See Draft EIR Section 5.0, and refer to Responses NG-1-10 through NG-1-23 for more information about each resource topic.

**Response NG-1-9:**

As discussed in Response NG-1-8, in accordance with CEQA Guidelines Section 15151, the EIR was “prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences.” In accordance with CEQA Guidelines Section 15121(a), the Draft EIR is an informational document which: 1) informs public agency decisionmakers and the public generally of the significant environmental effect of the Project; 2) identifies possible ways to minimize the significant effects; and 3) describe reasonable alternatives to the Project. An EIR need not be “exhaustive,” and must be reviewed in light of what is “reasonably feasible” given the available data, time constraints, and relative importance of the issues (CEQA Guidelines § 15151; *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4<sup>th</sup> 1173, 1178). What is “reasonably feasible” is determined “in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project.” (CEQA Guidelines § 15204.) The EIR need not anticipate or engage in tit-for-tat rebuttal of every argument advanced by project opponents. (*Laurel Heights Improvement Ass’n v. Regents of the Univ. of Calif.* (1988) 47 Cal.3d 376,

408 [the “proper judicial goal . . . is not to review each item of evidence in the record with such exactitude that the court loses sight of the rule that the evidence must be considered as a whole”].) The EIR need only address substantive environmental issues at the level necessary to foster informed decision making. “The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.” (CEQA Guidelines § 15151; *see also Karlson v. Camarillo*, (1980) 100 Cal.App.3d 789, 805.)

The Draft EIR provides thorough discussions and sufficient analysis for all applicable resource topics, including characterization of baseline environmental conditions, identification of all potentially significant impacts, and specification of appropriate mitigation measures for reducing identified impacts to less than significant levels, for all resource topics (see Response NG-1-8).

**Response NG-1-10:**

This comment states that the Draft EIR analysis of air quality impacts is inadequate, but provides no specific points to support this claim. The Draft EIR presents a thorough assessment of the air quality baseline and impacts in Section 5.6 (Air Quality) and Appendix D (Air Quality Emission Calculations and Wind Rose Data). The air quality analysis included consultation and coordination with the Antelope Valley Air Quality Management District (AVAQMD) and the Kern County Air Pollution Control District (KCAPCD). The methodology for quantification of air emissions is presented in Draft EIR Section 5.6.3.2. The results of the air quality emissions calculations presented in Section 5.6.3 and Appendix D of the Draft EIR show that AVAQMD and KCAPCD significance thresholds (for criteria pollutants) would not be exceeded during the construction or operational phases of the Project. As discussed in Draft EIR Section 5.6.5 (Air Quality, Mitigation Measures), implementation of the following mitigation measures would reduce all potentially significant air quality impacts to less than significant levels:

- Mitigation Measure (MM) 5.6-1: Ensure AVAQMD Construction Emission Thresholds would be Met
- MM 5.6-2: Develop and Implement Fugitive Dust Emission Control Plan
- MM 5.6-3: Dust Plume Response Requirement
- MM 5.6-4: Off-road Diesel-fueled Equipment Standards
- MM 5.6-5: Limit Vehicle Traffic and Equipment Use
- MM 5.6-6: Heavy Duty Diesel Water Haul Vehicle Equipment Standards
- MM 5.6-7: On-road Vehicles Standards
- MM 5.6-8: Properly Maintain Mechanical Equipment

- MM 5.6-9: Restrict Engine Idling to 5 Minutes
- MM 5.6-10: Off-road Gasoline-fueled Equipment Standards
- MM 5.6-11: Off-road Equipment Operator Worker Protection

In summary, potential impacts to air quality would be less than significant with mitigation and the analysis of Project impacts to air quality presented in the Draft EIR is adequate contrary to the contention in this comment.

**Response NG-1-11:**

This comment states that the Draft EIR analysis of biology impacts is inadequate, but provides no specific points to support this claim. The Draft EIR presents a thorough assessment of the baseline and impacts for biological resources in Section 5.7 (Biological Resources) and Appendix E (Biota Report). Section 5.7 and Appendix E of the Draft EIR include a detailed biological description of the site (2,100-acre solar facility and off-site transmission line) and its surroundings, descriptions of the various field surveys conducted, and discussions of the resources present, including plants, animals, and mapped vegetation communities. Consistent with CEQA Guidelines Section 15126.2(a), the Draft EIR considers and discusses the existing physical conditions of the potentially affected area. Numerous, full-coverage field surveys of the Project site were conducted in 2008, 2009, and 2010 to establish the existing biological conditions for purposes of the Draft EIR, as described in Draft EIR Section 5.7. The identification of potentially impacted sensitive biological resources/species (flora and fauna) and associated field surveys included coordination and consultation with the following pertinent regulatory agencies: California Department of Fish and Game; U.S. Fish and Wildlife Service; U.S. Army Corps of Engineers; and the County of Los Angeles Significant Ecological Areas Technical Advisory Committee. All special-status resources identified during field investigations of the site and off-site transmission line were considered in the impact analysis. As discussed in Draft EIR Section 5.7.3 (Biological Resources, Project Impacts), implementation of the biological resource mitigation measures presented in Draft EIR Section 5.7.5 (Biological Resources, Mitigation Measures) would reduce all identified potentially significant impacts to biological resources to less than significant levels. In summary, potential impacts to biological resources would be less than significant with mitigation and the analysis of Project impacts to biological resources presented in the Draft EIR is adequate contrary to the contention in this comment.

**Response NG-1-12:**

This comment states that the Draft EIR analysis of cultural and paleontological resources impacts is inadequate, but provides no specific points to support this claim. The Draft EIR presents a thorough assessment of the baseline and impacts for cultural and paleontological resources in Section 5.8 (Cultural and Paleontological Resources) and Appendix F (Phase I

Cultural Resources Technical Report). Section 5.8 and Appendix F of the Draft EIR include detailed descriptions of the cultural resources (archaeological and historic resources) and paleontological resources for the site (2,100-acre solar facility and off-site transmission line) and its surroundings, and descriptions of the intensive cultural resource field surveys conducted in 2009 and 2010. Research in support of the cultural and paleontological resources analysis presented in the Draft EIR was conducted at or with the South Central Coastal Information Center (SCCIC) at California State University Fullerton, the Southern San Joaquin Valley Information Center (SSJVIC) at California State University Bakersfield, the Natural History Museum of Los Angeles County (NHMLAC), and the Native American Heritage Commission (NAHC). This assessment included a review of published and unpublished literature. As discussed in Section 5.8.3 (Cultural and Paleontological Resources, Project Impacts) of the Draft EIR, implementation of the cultural and paleontological resource mitigation measures presented in Draft EIR Section 5.8.5 (Cultural and Paleontological Resources, Mitigation Measures) would reduce all potentially significant impacts to cultural and paleontological resources to less than significant levels. In summary, potential impacts to cultural and paleontological resources would be less than significant with mitigation and the analysis of Project impacts to these resources as presented in the Draft EIR is adequate contrary to the contention in this comment.

**Response NG-1-13:**

This comment states that the Draft EIR analysis of impacts on agricultural resources is inadequate, but provides no specific points to support this claim. The Draft EIR presents a thorough assessment of the baseline and impacts for agricultural resources in Section 5.9 (Agricultural Resources). The Draft EIR presents descriptions of the baseline conditions for agricultural resources in Section 5.9.2 (Agricultural Resources, Environmental Setting), including historical and present agricultural conditions for the site (2,100-acre solar facility and off-site transmission line), including Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, and Williamson Act lands (applicable to Kern County portion of off-site transmission line only). As discussed in Section 5.9.3 (Agricultural Resources, Project Impacts) of the Draft EIR, the potential impacts of the proposed Project on agricultural resources are considered to be less than significant absent mitigation. Implementation of Mitigation Measure 5.9-1 presented in Draft EIR Section 5.9.5 (Agricultural Resources, Mitigation Measures) would be expected to reduce potentially significant impacts to Williamson Act contract lands in Kern County associated with the off-site transmission line to less than significant levels. In summary, the analysis of Project impacts to agricultural resources presented in the Draft EIR is adequate contrary to the contention in this comment.

**Response NG-1-14:**

This comment states that the Draft EIR analysis of impacts to utilities is inadequate, but provides no specific points to support this claim. The Draft EIR presents a thorough assessment of the baseline and impacts for utility services in Section 5.14 (Utility Services) and Appendix J (Groundwater Characteristics at the AV Solar Ranch One Site), including Appendix J.2 (Water Requirements and Groundwater Supply AV Solar Ranch One). Section 5.14 and Appendix J/J.2 of the Draft EIR include detailed descriptions of the utility services for the Project site and vicinity, including water supply, electricity and gas, and solid waste. As discussed in Section 5.14.3 (Utility Services, Project Impacts) of the Draft EIR, the potential impacts of the proposed Project on utility services are considered to be less than significant absent mitigation. In summary, potential impacts to utilities would be less than significant and the analysis of Project impacts to utility services presented in the Draft EIR is adequate contrary to the contention in this comment.

**Response NG-1-15:**

This comment states that the Draft EIR analysis of impacts on visual qualities is inadequate, but provides no specific points to support this claim. The Draft EIR presents a thorough assessment of the baseline and impacts for visual resources in Section 5.10 (Visual Qualities). Section 5.10.2 (Visual Qualities, Environmental Setting) of the Draft EIR includes a detailed description of the environmental setting for the Project solar facility site and off-site transmission line, including a description of existing visual resources and sensitive viewing areas. Section 5.10.3 (Visual Qualities, Project Impacts) of the Draft EIR presents the visual impact assessment methodology and significance criteria, identifies the visual sphere of influence, identifies the key observation points (KOPs) identified and utilized in the impact analysis and visual photosimulations, and assesses Project impacts from sensitive viewing locations. Based on an assessment of the sensitive viewers and locations, as described in Section 5.10.3 of the Draft EIR, KOPs were selected and an evaluation was made as to the degree of visual change from each location as a result of the Project. Five KOPs were selected and analyzed to determine the impacts of the proposed Project on surrounding views. Figures 5.10-1A and 5.10-1B in the Draft EIR illustrate the five KOP locations identified for the Project, which consist of the following:

- KOP 1: Motorist view traveling west along SR-138, which bisects the Project site
- KOP 2: Motorist view traveling north on 170<sup>th</sup> Street West at intersection of 170<sup>th</sup> Street West and SR-138 (170<sup>th</sup> Street West also bisects the Project site)
- KOP 3: Recreational user view from a representative trail located within the AVCPR, looking northwest towards Project



- KOP 4: Recreational user view from easternmost edge (trailhead) of Desert Woodland Park looking northeast towards Project
- KOP 5: View from a representative residence located at 50800 172<sup>nd</sup> Street looking south-southeast towards Project (approximately 0.5 mile north of the site)

The Draft EIR presents a detailed description of the simulation preparation in Section 5.10.3.4.2, which includes: a description of the equipment used (Fuji GX 617 panoramic camera providing a 2.25-inch-by-6-inch film transparency, Nikon 12-megapixel digital camera with a 35-mm lens image, hand-held GPS unit, and various computer software [terrain model, computer-aided design, rendering software, etc.]); the steps and procedures followed to generate the simulations; and the methodology and purpose of the procedures. Draft EIR Section 5.10.3.4.2 also describes methods employed to produce visual accuracy (for instance, use of a terrain model to align the Project computer model to the photographs, use of computer aided design (CAD) for life-sized modeling, use of global positioning systems [with coordinates depicted on Draft EIR Figure 5.10-1B] to accurately georeference facility equipment locations, color mapping and texturing of all modeled elements to simulate actual facility materials, simulating the lighting conditions at the time the photographs were taken, etc.). In summary, Section 5.10 of the Draft EIR provides adequate documentation on visual baseline conditions, the impact assessment methodology (including photosimulations) and findings. Based on the analysis presented in Section 5.10 of the Draft EIR, no significant impacts to visual quality (i.e., aesthetic resources) were identified. However, the Draft EIR stipulates visual quality related mitigation measures in Section 5.10.5 to ameliorate less than significant construction and operation phase impacts further. Mitigation Measure 5.10-4 implements vegetative screening for a 10-foot-wide strip along both sides of SR-138. As shown on Draft EIR Figures 5.10-4 (Existing View of KOP #1), 5.10-5 (Simulated View of KOP #1), and 5.10-7 (Simulated View of KOP #2), the Project's implementation of the design and enhancement features (i.e., the facility setback from SR-138 (approximately 120 feet from centerline of the roadway to Project fence lines), use of the lower elevation trackers, and vegetated areas along the fence line) would maintain views to the distant mountains, and would result in less than significant effects to the viewshed. While the Project impacts are not considered significant, Mitigation Measure 5.10-3, Building and Equipment Paint, which requires neutral and non-reflective paints and pigments on proposed on-site building and equipment structures, Mitigation Measure 5.10-4, which requires County approval of a landscaping plan for the proposed screening vegetation along SR-138, and Mitigation Measure 5.10-5, requiring the Applicant to maintain additional land on both sides of SR-138 free of trash and debris until the applicable lands are transferred to Caltrans and improved by the County, would further ameliorate less than significant Project operation impacts. In conclusion, potential impacts to visual quality would be less than significant and the analysis of Project impacts to visual quality presented in the Draft EIR is adequate contrary to the contention in this comment.

**Response NG-1-16:**

This comment states that the Draft EIR analysis of the Project's land use impacts is inadequate, but provides no specific points in the comment to support this claim. The Draft EIR presents a thorough assessment of the baseline and impacts for land use in Section 5.16 (Land Use). The land use analysis presented in Section 5.16 of the Draft EIR assesses whether the Project would: be consistent with County General Plan land use or zoning designations for the property; be consistent with Significant Ecological Area conformance criteria; physically divide an established community; and be consistent with the County Green Building Ordinance. As analyzed in detail in Section 5.16.3 of the Draft EIR, the proposed Project would be consistent and/or compatible with all of the aforementioned considerations, and the Project would not physically divide an established community. In conclusion, potential impacts to land use would be less than significant and the analysis of Project impacts related to land use presented in the Draft EIR is adequate contrary to the contention in this comment. Refer to Responses NG-1-28 through NG-1-33, which address subsequent comments related to land use consistency.

**Response NG-1-17:**

This comment states that the Draft EIR analysis of the Project's noise impacts is inadequate, but provides no specific points to support this claim. The Draft EIR presents a thorough assessment of the baseline and impacts for noise in Section 5.18 (Noise) and Appendix I (Noise Technical Report). The noise analysis presented in Section 5.18 and Appendix I considers and addresses potential Project noise impacts due to construction and operation of the solar generation facility and the off-site transmission line. The noise analysis considers: applicable Los Angeles and Kern County noise standards; the location of Project facilities and activities relative to potentially sensitive noise receptors (i.e., residences); background noise levels based on a baseline noise monitoring survey conducted for the Project area; the worst-case noise levels associated with Project construction and operation; and the resultant noise levels at sensitive receptors and relative to applicable noise standards. The noise analysis presented in the Draft EIR determined that pile driving (using vibratory pile drivers) during construction for solar panel support foundations would potentially exceed the applicable Los Angeles County noise ordinance standard of 55 dBA at several of the closest sensitive receptors (residences R-1, R-2, and R-3 [see Figure 5.18-2 in the Draft EIR]). With implementation of Mitigation Measure 5.18-1 – Pile Driver Orientation (refer to Section 5.18.5 in the Draft EIR), construction noise impacts would be less than significant. The noise analysis presented in the Draft EIR determined that no other construction or operational phase noise impacts would exceed applicable standards or result in potentially significant noise impacts. In conclusion, potential Project-related noise impacts would be less than significant with mitigation and the analysis of Project impacts related to noise presented in the Draft EIR is adequate contrary to the contention in this comment.

**Response NG-1-18:**

This comment states that the Draft EIR analysis of fire hazard impacts is inadequate, but provides no specific points to support this claim. The Draft EIR presents a thorough assessment of the baseline and impacts for fire hazards in Section 5.4 (Fire Hazards). As documented in the fire hazards analysis presented in Section 5.4, the Project site is located in Fire Zone 3 and is not located in a Very High Fire Hazard Severity Zone. Additionally, the off-site transmission line in Los Angeles and Kern counties is not located in a Very High Fire Hazard Severity Zone. As documented in the Draft EIR, the Project site is: not located in a high fire hazard area served by inadequate access; not located in an area having inadequate water pressure to meet fire flow standards; and is not located in close proximity to potential dangerous fire hazard conditions/uses. The fire hazard impact analysis presented in Section 5.4.3 of the Draft EIR states that the Project site and off-site transmission line construction and operation would constitute a potentially significant, but mitigable, fire hazard. Compliance with Los Angeles County Fire Department (LACFD) requirements for the facility site and applicable County and California Public Utility Commission General Order 95 et al fire safety requirements for the off-site transmission line combined with the required implementation of Mitigation Measure 5.4-1 – Fire Protection and Prevention Plan (see Section 5.4.5 of the Draft EIR) would reduce potential fire hazard impacts to a less than significant level. In addition, the Vegetation Management and Fire Control Measures Plan presented in Appendix K of the Draft EIR would further reduce the potential fire hazard at the Project site. In conclusion, potential Project-related fire hazard impacts would be less than significant with mitigation and the analysis of Project impacts related to fire hazards presented in the Draft EIR is adequate contrary to the contention in this comment.

**Response NG-1-19:**

This comment states that the Draft EIR analysis of fire protection is inadequate, but provides no specific points to support this claim. The Draft EIR presents a thorough assessment of the baseline and impacts for fire protection services in Section 5.12 (Fire Protection Services). As documented in the fire protection services analysis presented in Section 5.12, the Project site and off-site transmission line areas are served by the LACFD, the Kern County Fire Department (KCFD) and adequate fire response resources serve the Project area. The fire protection services impact analysis presented in Section 5.12.3 of the Draft EIR documents the available fire protection service resources and the lack of significant impacts caused by the Project relative to creation of staffing or response time problems at the fire stations servicing the Project area. As discussed in Response NG-1-18, the Project site is located in Fire Zone 3 and is not located in a Very High Fire Hazard Severity Zone. Implementation of Mitigation Measure 5.4-1 – Fire Protection and Prevention Plan (see Section 5.4.5 of the Draft EIR) would reduce potential fire hazard impacts to a less than significant level. In addition, the Vegetation Management and Fire Control Measures Plan presented in Appendix



K of the Draft EIR would further reduce the potential fire hazard at the Project site. Therefore, construction and operation of the Project would not be expected to result in significant special fire problems or hazards as discussed in Section 5.12.3.2.2 of the Draft EIR. In conclusion, potential Project-related fire protection service impacts would be less than significant and the analysis of Project impacts related to fire protection services presented in the Draft EIR is adequate contrary to the contention in this comment.

**Response NG-1-20:**

This comment states that the Draft EIR analysis of environmental safety is inadequate, but provides no specific points to support this claim. The Draft EIR presents a thorough assessment of the baseline and impacts for environmental safety in Section 5.15 (Environmental Safety). Section 5.15.2 (Environmental Safety, Environmental Setting) of the Draft EIR presents the pertinent results of the Phase I Environmental Site Assessments that have been conducted for the Project, including the identification of several recognized environmental conditions related to past uses of the site. The potential Project impacts related to environmental safety are assessed in Section 5.15.3 (Environmental Safety, Project Impacts) of the Draft EIR in accordance with the eight (8) Los Angeles County significance criteria listed in Section 5.15.3.1 of the Draft EIR. The impact assessment presented in the Draft EIR identified and assessed the following potentially significant environmental safety related impacts associated with Project implementation: 1) impacts from hazardous materials use/storage during construction and operation activities; 2) impacts from potential soil contamination; 3) impacts from abandoned oil well; and 4) impacts from demolition/building materials containing hazardous materials/waste. All other potential impacts assessed in accordance with applicable County significance criteria would be less than significant, absent mitigation, as analyzed and documented in Section 5.15.3 of the Draft EIR. The pertinent mitigation measures presented in Section 5.15.5 of the Draft EIR are listed below (refer to Section 5.15.5 of the Draft EIR for more information regarding the details of each measure):

- Mitigation Measure (MM) 5.15-1: Additional assessment, and possibly remediation, of potentially contaminated soils on the Project site
- MM 5.15-2: A Soil Management Plan for Transmission Line Construction
- MM 5.15-3: The historic oil well that requires abandonment or re-abandonment shall be abandoned to current standards
- MM 5.15-4: Demolition Hazardous Building Materials Assessment and Management Plan

With implementation of the mitigation measures identified above (as presented in detail in Section 5.15.5 of the Draft EIR), all four of the aforementioned potentially significant environmental safety related impacts would be less than significant. In conclusion, potential

Project-related environmental safety impacts would be less than significant with mitigation and the analysis of Project impacts related to environmental safety presented in the Draft EIR is adequate contrary to the contention in this comment.

**Response NG-1-21:**

This comment states that the Draft EIR analysis of alternatives is inadequate, but provides no specific points to support this claim. The Draft EIR presents a thorough assessment of alternatives in Section 6.0 (Alternatives to the Proposed Project). In accordance with CEQA Guidelines Section 15126.6, the Draft EIR assesses a range of reasonable alternatives to the proposed Project, which could feasibly attain most of the basic objectives of the proposed Project and avoid or substantially lessen any of the significant effects of the proposed Project. The Project alternatives considered in the Draft EIR consisted of:

- Alternative facility layout
- Underground off-site/on-site transmission lines

The Draft EIR also discussed alternatives that were considered, but eliminated from further consideration, and the No Project Alternative, which provides a discussion of existing conditions and what would reasonably be expected to occur in the future if the Project were not approved.

The alternatives analysis presented in the Draft EIR includes the following sections:

- 6.1 – Introduction
- 6.2 – Alternatives Considered but Eliminated from Further Consideration
- 6.3 – Alternatives Analysis
- 6.4 – Environmentally Superior Alternative

The assessment in Section 6.2 of the Draft EIR includes consideration of: alternative sites, alternative transmission line routes, alternative project size, alternative technologies, and alternative drainage improvements. The alternatives assessment presented in Section 6.3 of the Draft EIR analyzes the following alternatives in detail for all pertinent environmental resource topics, including comparisons with the proposed Project: Alternative 1 – No Project; Alternative 2 – Alternative Facility Layout; and Alternative 3 – Underground Transmission Lines. Section 6.4 of the Draft EIR assesses and identifies the environmentally superior alternative as required by CEQA Guidelines Section 15126.6. In conclusion, the analysis of alternatives presented in Section 6.0 of the Draft EIR is adequate contrary to the contention in this comment.

**Response NG-1-22:**

This comment states that the Draft EIR analysis of growth-inducing impacts is inadequate, but provides no specific points to support this claim. The Draft EIR presents a thorough assessment of growth-inducing impacts in Section 7.2 (Growth-Inducing Impacts). As discussed and assessed in Section 7.2 of the Draft EIR, CEQA requires the analysis of a proposed project's potential to induce growth. CEQA Guidelines Section 15126.2(d) requires that the EIR discuss the ways in which a project could be growth-inducing by fostering economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. New employees hired for proposed commercial and industrial development projects and population growth resulting from residential development projects represent direct forms of growth. A project would indirectly induce growth if it would increase the capacity of infrastructure or facilities in an area in which the public service currently meets demand. Examples of indirect growth-inducing impacts include expansion of urban services into a previously un-served or under-served area, extension of transportation links, or removal of major obstacles to growth. Typically, the growth-inducing potential of a project would be considered significant if it would foster growth or a concentration of population above what is assumed in local and regional land use plans, or in projections made by regional planning authorities. Significant growth impacts could also occur if the project provides infrastructure or service capacity to accommodate growth levels beyond those permitted by local or regional plans and policies. The Draft EIR analyzes the Project's potential to result in growth-inducing impacts in Section 7.2.1 (Other CEQA Considerations, Growth Caused by Direct employment), Section 7.2.2 (Other CEQA Considerations, Growth Related to the Provision of Electric Power Generation), and Section 7.2.3 (Other CEQA Considerations, Indirect Growth Effects).

As discussed in Section 7.2.1 of the Draft EIR, the Project construction labor force needed (estimated peak of 453 workers) would account for a maximum of 0.16 percent of the employment positions in Los Angeles and Kern counties (combined). The Project construction workforce needs (approximately 38 months maximum) are negligible compared to the size of the available regional workforce. As a result, construction workers would be expected to be hired locally, and workers would not be anticipated to relocate into the Project area during construction. Additionally, based on the above reported figures, construction of the Project may be anticipated to provide employment opportunities to the current unemployed construction workforce in Los Angeles and Kern counties. During operation, the Project would require approximately 16 employees for facility operation, maintenance, and security activities. According to EDD-LMI, the total number of utility related positions in the Project region in June 2009 was 23,200 jobs, which have similarly declined since 2008 (EDD LMI 2009). The Project's operational employment needs would be negligible compared to the available regional workforce. Accordingly, the Project is anticipated to hire permanent employees from the available regional workforce, and operations phase workers would not

be expected to be required to relocate to the Project area. Accordingly, the Project would not result in potentially significant growth-inducing impacts related to direct employment during construction or operation.

As discussed in Section 4.0 (Project Description) of the Draft EIR, the primary purpose of the proposed Project is to generate 230 MW of clean, renewable electrical power using solar photovoltaic technology. The Project is designed to meet the increasing demand for clean renewable electricity that is set forth in the California's statutory and regulatory goals to increase renewable power generation and reduce greenhouse gas generation. The Applicant proposes the AV Solar Ranch One Project in response to the State-mandated increases in clean, renewable electricity generation versus conventional fossil-fuel power generation sources. The proposed Project involves construction and operation of a solar photovoltaic electric generating facility and a privately-owned, 230-kV high-voltage transmission line. The Project does not involve increase or expansion of public services or removal of major obstacles to growth that would increase growth beyond land use plans and regional projections. Therefore, the Project would not result in impacts related to direct or indirect growth effects. In conclusion, the analysis of potential Project-related growth-inducing impacts presented in the Draft EIR determined that the Project would not result in significant growth-inducing impacts and the analysis of growth-inducing impacts presented in Section 7.2 of the Draft EIR is adequate contrary to the contention in this comment.

**Response NG-1-23:**

This comment states that the Draft EIR analysis of cumulative impacts is inadequate, but provides no specific points to support this claim. The Draft EIR presents a thorough assessment of cumulative impacts in Section 4.6 (Project Description, Cumulative Projects List) and in each of the individual environmental resource topic analyses presented in Section 5.0 (Environmental Impact Analysis) of the Draft EIR. In accordance with CEQA Guidelines, the Draft EIR presents an analysis of cumulative impacts that may result from construction and operation of the proposed Project. As defined in Section 15355, cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. Draft EIR Section 4.6 presents the cumulative projects basis for consideration in the cumulative impact analyses presented in Section 5.0 by environmental topic.

The cumulative impact analyses in Draft EIR Section 5.0 consider a number of variables including geographic (spatial) limits, time (temporal) limits, and the characteristics of the resource being evaluated. The geographic study area of each analysis is based on the nature of the geography surrounding the proposed Project, the characteristics of each resource, and the region to which they apply. In addition, each project in a region will have its own implementation schedule, which may or may not coincide or overlap with the proposed

Project's schedule. For reference, the proposed AV Solar Ranch One Project is planned to be under construction between the fourth quarter of 2010 through the fourth quarter of 2013.

CEQA Guidelines Section 15130(b)(1) recommends two methodologies for establishing the cumulative impact scenario. One approach is to use "a list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency" (CEQA Guidelines §15130(b)(1)(A)). Another approach is to use "a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact" (CEQA Guidelines § 15130(b)(1)(B)). The cumulative impact analysis presented in the Draft EIR considers a combination of both methodologies to provide a tangible understanding and context for analyzing the potential cumulative effects of the proposed Project. The geographic boundary was established to include a review of applicable projects within 5 miles of the proposed Project site and off-site transmission line route. Additionally, the cumulative resource study area was expanded to include a review of projects within the City of Lancaster, the Centennial master planned community along SR-138, and the community of Gorman near the intersection of SR-138 and I-5.

The cumulative scenario was developed through a review of active project lists (as of September 2009) from LACDRP, Kern County Planning Department, City of Lancaster, California Energy Commission (CEC), the California Independent System Operator (CAISO) interconnection queue and the U.S. Bureau of Land Management (BLM). The cumulative impact basis presented in the Draft EIR also considers planning documents, including general plans, area plans, specific plans, and previously certified EIRs, and Southern California Association of Governments (SCAG) growth projections.

Refer to Table 4.6-1 in the Draft EIR for a tabular listing of projects and planning areas identified that are considered in the Project cumulative impact analysis. The locations of the cumulative projects considered are shown on Figure 4.6-1. The list of cumulative projects considered in the Draft EIR was developed in September 2009 to facilitate completion of the necessary assessments following issuance of the AV Solar Ranch One EIR Notice of Preparation in April of 2009. Based on the assessments of potential cumulative impacts (by environmental resource topic) presented in Section 5.0 of the Draft EIR, the proposed Project would not result in any significant cumulative effects (i.e., all potentially significant cumulative effects would be less than significant with mitigation).

In conclusion, the analysis of potential cumulative impacts presented in the Draft EIR determined that with implementation of specified mitigation, the proposed Project would not result in significant cumulative impacts and the analysis of cumulative impacts presented in Sections 4.6 and 5.0 of the Draft EIR is adequate contrary to the contention in this comment.



**Response NG-1-24:**

This comment states that there is no credible evidence that many of the mitigation measures, including those relating to biological, cultural and paleontological, and noise impacts, would mitigate the Project's impacts to a level of insignificance; however, this comment does not provide any specific points to support these claims. CEQA requires an EIR to describe feasible mitigation measures, which could minimize significant adverse impacts. (CEQA Guidelines § 15126.4.) Mitigation measures need only be reasonable (*Sacramento Old City Ass'n v. City Council* (1991) 229 Cal.App.3d 1011, 1019). "CEQA does not require analysis of every imaginable mitigation measure; its concern is with feasible means of reducing environmental effects." (*Concerned Citizens of South Central Los Angeles v. Los Angeles Unified School Dist.* (1994) 24 Cal.App.4<sup>th</sup> 826, 841 [emphasis in original]; CEQA Guidelines § 15126.4 (a)(1)). When examining whether mitigation measures are supported by substantial evidence the entire administrative record is examined including staff reports, the EIR, and testimony at administrative hearings (*City of Walnut Creek v. County of Contra Costa* (1980), 101 Cal.App.3d 1012, 1018; see also *Laurel Heights, supra*, 47 Cal.3d at 422). "Substantial evidence" means "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached." (CEQA Guidelines § 15384 (a).)

The Draft EIR presents a thorough impact assessment (Section 5.0, Environmental Impact Analysis, and associated technical studies) for each environmental resource topic, including: regulatory setting; environmental setting; Project impacts; cumulative impacts, impact significance; mitigation measures; and level of significance after mitigation. The impact assessments, mitigation measures and residual impact findings (i.e., with consideration of mitigation measure effectiveness) presented in the Draft EIR for all applicable resource topics, including biological resources (Section 5.7), cultural and paleontological resources (Section 5.8), and noise (Section 5.18), are thorough and conclude that all potentially significant impacts would be reduced to less than significant levels with mitigation. In conclusion, the identification of impacts, appropriate and feasible mitigation, and the analysis of mitigation measure effectiveness presented in the Draft EIR are adequate contrary to the contentions in this comment.

**Response NG-1-25:**

This comment states that the Final EIR includes "significant new information" within the meaning of California Public Resources Code Section 21092 and CEQA Guidelines Section 15088.5, and that the County was therefore required to revise and recirculate the Draft EIR, but it unlawfully failed to do so. However, this comment does not provide any specific points to support this claim. The Final EIR does not present "significant new information," thus there is no justification or need to recirculate the Draft EIR as explained in the following

discussion. No new technical reports were presented, no new significant impacts were identified and no substantial changes were made to the Draft EIR.

Therefore, the Final EIR for the Project does not require recirculation under CEQA. (See Public Resources Code § 21092.1, CEQA Guidelines § 15088.5). CEQA Guidelines Section 15088.5 requires recirculation of an EIR prior to certification of the Final EIR when “significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review.” “New information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such an effect.” (CEQA Guidelines § 15088.5.) CEQA Guidelines Section 15088.5 (a) contains an illustrative list of examples of “significant new information” requiring recirculation:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

In addition, CEQA Guidelines Section 15088.5(b) provides that “recirculation is not required where the new information added to the EIR merely clarifies and amplifies or makes insignificant modifications in an adequate EIR.”

This comment does not provide any specific points to support the claim that the Final EIR presents “significant new information.” The record does not support the contention that there is significant new information requiring recirculation of the Draft EIR.

**Response NG-1-26:**

This comment states that the responses to comments in the Final EIR are not based on good-faith, reasoned analysis. However, this comment does not provide any specific points to support this claim. Contrary to the contention in this comment and as explained in the following discussion, the Final EIR presents a thorough, reasoned, good-faith analysis of the comments received on the Draft EIR and provides detailed responses to all substantive written and oral (public testimony) comments received on the Draft EIR.

CEQA requires the lead agency to evaluate and respond to all comments on environmental issues (CEQA § 21091 (d)(2)(A)). The agency must provide “written responses that evince a good faith and reasoned analysis why specific comments and objections were not accepted. The public agency need not respond to every comment raised . . . but it must specifically respond to the most significant environmental questions raised in opposition to the project.” (*Gallegos v. State Bd. of Forestry* (1978) 76 Cal.App.3d 945, 954; CEQA Guidelines § 15088(c).) The adequacy of responses is determined by several factors: whether the responses are “totally conclusory”; whether the responses contain “specific information as to the basis for rejecting the objection”; whether the responses are supported with “empirical information, scientific authorities, and explanations”; and, if data is unavailable, whether that is explained (*Ebbetts Pass Forest Watch v. Dept. of Forestry and Fire Protection* (2004) 123 Cal.App.4<sup>th</sup> 1331, 1357–58 [superseded on other grounds]).

The Draft EIR was circulated for a 45-day public review period as required by CEQA from June 16, 2010 to July 30, 2010. The County of Los Angeles Regional Planning Commission held a public hearing on June 30, 2010 and took public testimony. Refer to Section 3.0 of the Final EIR for the June 30, 2010 RPC Hearing minutes and responses to oral comments received at the hearing.

The Responses to Written Comments received during the 45-day public review are divided into four sections as follows: State Agencies (SA); Local Agencies (LA); Organizations (ORG); and Individuals (I). A tabular summary of the comments received on the Draft EIR that are fully responded to in the Final EIR Section 4.0 follows:

#### SUMMARY OF WRITTEN COMMENTS ON DRAFT EIR

Date	Commenter/Affiliation	Comment Item ID	Number of Comments Identified
<b>Federal Agencies</b>			
None			
<b>State Agencies (SA)</b>			
7/15/20	Dave Singleton/Native American Heritage Commission	SA-1	14
7/16/10	Carl Shiigi/California Department of Transportation	SA-2	8
7/30/10	Scott Morgan/State Clearinghouse	SA-3	2
<b>Local Agencies (LA)</b>			
7/9/10	Gary T. K. Tse/Los Angeles County Sheriff Department	LA-1	2
7/15/10	John R. Todd/Los Angeles County Fire Department	LA-2	6
7/15/10	Richard Kite/City of Palmdale	LA-3	1
7/20/10	Bret Banks/Antelope Valley Air Quality Management District	LA-4	3



Date	Commenter/Affiliation	Comment Item ID	Number of Comments Identified
<b>Organizations (ORG)</b>			
7/30/10	Kate Allen/Antelope Valley Group of Sierra Club	ORG-1	5
7/21/10	Elizabeth Klebaner/Adams Broadwell Joseph & Cardozo	ORG-2	1
7/30/10	Elizabeth Klebaner/Adams Broadwell Joseph & Cardozo	ORG-3	79
<b>Individuals (I)</b>			
6/21/10	Shizuko Hill	I-1	1
6/21/10	Ponciano Manalo	I-2	2
7/26/10	L. Dean Webb	I-3	7
7/30/10	Several Residents of Antelope Acres (Stout, Kerekes, Seybold, Fuentes)	I-4	6

The Final EIR included a response to every comment made on the Draft EIR during the public comment period. (See Final EIR Section 3.0 for responses to oral comments received during the Commission public hearing and Final EIR Section 4.0 for responses to comment letters received during the 45-day public comment period.) The responses evince a good faith and reasoned analysis and are supported by empirical, scientific, and explanatory information.

In conclusion, the Final EIR, including the responses to comments in the Final EIR, is based on good-faith, reasoned analysis and are considered to be adequate contrary to the contention in this comment.

#### **Response NG-1-27:**

This comment states that the CEQA Findings of Fact are not supported by substantial evidence. However, this comment does not provide any specific points to support this claim. CEQA requires that findings be supported by substantial evidence. (CEQA Guidelines § 15091.) The standard for adequacy of an EIR is “not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.” (CEQA Guidelines § 15151.) Indeed, all that is needed is “**any** substantial evidence in the record to support the findings.” (*Smith v. County of Los Angeles* (1989) 211 Cal.App.3d 188, 198 [original emphasis] [citation omitted].) Substantial evidence means “enough relevant information and reasonable inferences . . . that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” (CEQA Guidelines § 15384 (a).) As discussed in the Draft EIR, the Final EIR, and Responses NG-1-1 through NG-1-26, there is substantial evidence in the record to support the findings.

Moreover, the commenter does not identify how the evidence before the County is insufficient to reach the conclusions set forth in the CEQA Findings of Fact. (*Environmental*

*Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4<sup>th</sup> 1018, 1026.) The test is whether, “based on the evidence before the agency, a reasonable person could not reach the conclusion reached by the agency.” (*Harris v. City of Costa Mesa* (1994) 25 Cal.App.4<sup>th</sup> 963, 969 [citation omitted].) Therefore, it must be demonstrated that there is no substantial evidence in the administrative record supporting the CEQA Findings of Fact or project approval (*Snarled Traffic Obstructs Progress v. City & County of San Francisco* (1999) 74 Cal.App.4<sup>th</sup> 793, 798 [citation omitted]; CEQA Guidelines § 15384).

**Response NG-1-28:**

This comment does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. Moreover, the County disagrees with this comment and the general contention that the Conditional Use Permit (CUP) and the Vesting Tentative Tract Map (VTTM) are unlawful and not in accord with the purposes of Titles 21 and 22 of the Los Angeles County Code. Please refer to Responses NG-1-30 through -32 for information on the CUP and NG-1-33 for information on the VTTM.

**Response NG-1-29:**

This comment does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. Moreover, the County disagrees with this comment and the general contention that the approval of the CUP was unlawful and not in accord with the purposes of Title 22 of the Los Angeles County Code (the County Zoning Ordinance). Please refer to Responses NG-1-30 through -32 for information on the CUP.

**Response NG-1-30:**

This comment does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. Moreover, the County disagrees with this comment and the contention that the Open Space Zone (O-S zone) is the only zone that permits solar uses. The Heavy Agriculture (A-2) zone provision concerning the types of electric generating facilities allowed with a CUP is broader than the corresponding O-S zone provision. As described in Draft EIR Section 5.16.2.1, the Project site is located on A-2 zoned land. As discussed in Draft EIR Section 5.16, the Project would be permitted through the issuance of a CUP as provided by County Zoning Ordinance Section 22.24.150, which conditionally permits in the A-2 zone “electric distribution substations, electric transmission substations and generating plants.” The Project will include photovoltaic solar panels, associated electrical and distribution equipment, an on-site electricity substation, and a 230-kilovolt transmission line approximately 4.25 miles in length, which will connect to Southern California Edison’s proposed Whirlwind Substation

north of the Project site in southern Kern County. (Draft EIR Section 4.4.) The Project will generate approximately 230 megawatts of clean, renewable electrical power and integrate the electrical output of the Project into the electrical grid. (Draft EIR Section 4.4.) Therefore, based on its characteristics, the Project is considered equivalent to an electric generating plant and is allowed with a CUP in the A-2 zone. (Draft EIR Section 5.16.3.2.2) Please also refer to Response NG-1-31.

**Response NG-1-31:**

This comment does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. Moreover, the County disagrees with this comment and the contention that the record does not support the conclusion that the Project is a permitted use within the A-2 zone. As discussed in Response NG-1-30, the Project is equivalent to an electric generating plant and is permitted within the A-2 zone (Draft EIR Section 5.16.3.2.2). The Project will include photovoltaic solar panels, associated electrical and distribution equipment, an on-site electricity substation, and a 230-kilovolt transmission line approximately 4.25 miles in length, which will connect to Southern California Edison's proposed Whirlwind Substation north of the Project site in southern Kern County (Draft EIR Section 4.4). The Project will generate approximately 230 megawatts of clean, renewable electrical power and integrate the electrical output of the Project into the electrical grid (Draft EIR Section 4.4). These project characteristics and the many graphic images in the Draft DEIR depicting the various project elements all lead to the reasonable conclusion that the facility is an electric generating plant.

**Response NG-1-32:**

This comment does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. Moreover, the County disagrees with this comment and the contention that there is not sufficient evidence in the record for the County to make findings to approve the CUP.

As discussed in Draft EIR Table 5.16-1, the Project use is consistent with all applicable land use policies and ordinances including Los Angeles County General Plan policies, Antelope Valley Area Wide Plan policies, and the County Zoning Ordinance.

As discussed in Draft EIR Section 5.16.2.1, the Project site is located within the Antelope Valley Areawide General Plan of the Los Angeles County General Plan and has a land use designation of "Non-Urban 1" (N-1). Under the N-1 land use designation, allowable uses include utility installations. As discussed in Draft EIR Section 5.16.3.2.1, the Project, based on its enumerated characteristics, is considered to be a utility installation and, therefore, would be consistent with the General Plan Land Use designation for the Project site. In addition, as discussed in Draft EIR Table 5.16-1 (page 5.16-18), the Project is consistent with

Los Angeles County General Plan Conservation, Open Space, and Recreation policies 2 (support the conservation of energy and encourage the development and utilization of new energy sources including solar), 3 (promote the use of solar energy to the extent possible), and 7 (preserve significant ecological areas by appropriate measures, including preservation, mitigation, and enhancement). In addition, Draft EIR Table 5-16-1 (pages 5.16-18 through -23) discusses the Project's consistency with Antelope Valley Area Wide Plan policies. The Project is consistent with Antelope Valley Area Wide Plan policies relating to agricultural lands, resource conservation, physical appearances/community image, environmental resource management, recreation, energy consumption, non-residential uses in non-urban areas, and significant ecological areas.

The burden of proof provisions in County Zoning Ordinance Section 22.56.040 mirror the required findings set forth in County Zoning Ordinance Section 22.56.090. As discussed in Draft EIR Table 5.16-1 (page 5.16-23), the Project is consistent with County Zoning Ordinance Section 22.56.040. The Project is in a rural area with low residential density and is largely dominated by open space and agricultural uses. Additionally, the Project is associated with a low level of activity during operations, with minimal noise, emissions, lighting, and human presence. Therefore, the Draft EIR concluded that the Project's 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 Draft EIR also concluded that the Project site is adequately served by public or private service facilities as are required (see Draft EIR Table 5.16-1 [page 5.16-23]; Section 5.12 [Fire Protection Services]; Section 5.14 [Utility Services]).

**Response NG-1-33:**

This comment does not state a specific concern or question regarding the adequacy of the analysis contained in the EIR. Therefore, a response is not required pursuant to CEQA. Moreover, the County disagrees with this comment and the contentions that the VTTM is unlawful, violates the Subdivision Map Act and that the findings regarding the VTTM approval were not supported by substantial evidence. No substantive basis or reasoned analysis is provided in the comment to support the conclusions posited. The VTTM is not an authorization to change the physical environment and, in and of itself, the VTTM does not directly authorize any use or development on the Project site (Draft EIR Section 4.2).

**Response NG-1-34:**

This comment states that Northrop Grumman Corporation is appealing the approval of the AV Solar Ranch One project and provides a Letter of Authorization for specified attorneys to

represent NG in this matter, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

#### **6.2.4 Melody Mokres (MM-1)**

##### **Response MM-1-1:**

This comment requests that the hearing for the AV Solar Ranch One Project be postponed because a public hearing has not been held regarding the County's identification of solar and wind farms, as indicated by the blue-shaded section of the General Plan Map of the Antelope Valley. The County has not adopted a General Plan map showing a solar-wind-designated area, and the proposed AV Solar Ranch One Project is not related to any such mapping effort or designated area. Amendments to the General Plan require public hearings, thus adoption of any such future General Plan mapping changes would be open to public comment, as applicable. See Draft EIR Section 4.1.2 for information regarding the AV Solar Ranch One Project purpose and objectives, including details on the Project site selection criteria.

##### **Response MM-1-2:**

This comment states that due to the amount of land that will be removed by the Project from the original intent for land use, a public hearing should have been conducted on the Project, and such a hearing should have been conducted in the Antelope Valley. The County of Los Angeles conducted a Scoping Meeting in accordance with CEQA § 21083.9(a)(2), which was held in the community of Antelope Acres at the Westside Community Church on May 14, 2009, in order to facilitate public review and comment on the Project. The Scoping Meeting was noticed in the Project Notice of Preparation, which was transmitted on April 29, 2009, and circulated to the public in accordance with CEQA Guidelines § 15082. The Draft EIR analyzes impacts to land use (including analysis of the Project consistency with agricultural opportunity areas), agricultural resources, and visual qualities in Section 5.16, Section 5.9, and Section 5.10, respectively. Additionally, cumulative impacts were evaluated for each resource discipline in the Draft EIR. The Los Angeles County Regional Planning Commission held two properly noticed public hearings in Los Angeles on June 30, 2010 (Draft EIR), and September 15, 2010 (Final EIR and associated entitlements).

##### **Response MM-1-3:**

In accordance with CEQA Guidelines §15126, the EIR considers and discusses environmental impacts, and identifies mitigation measures to minimize significant environmental effects. Ongoing discussions between the Antelope Acres Town Council and the Applicant are not related to the Project's environmental impacts or mitigation measures

to minimize significant environmental effects. Accordingly, the discussions are not within the scope of CEQA or the EIR and, therefore, are not addressed in the EIR.

### 6.3 LATE COMMENT LETTERS

This section presents the four late comment letters received on the Final EIR (August 2010). Refer to Table 6-1 for a summary of the late comment letters. The attached letters have the comments delineated in the margins for cross reference to the written responses presented in Section 6.2.





DEPARTMENT OF TRANSPORTATION  
DISTRICT 7, OFFICE OF PUBLIC  
TRANSPORTATION AND REGIONAL PLANNING  
IGR/CEQA BRANCH  
100 SOUTH MAIN STREET  
LOS ANGELES, CA 90012  
PHONE (213) 897-9140  
FAX (213) 897-1337

CT-1

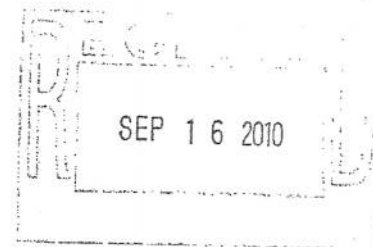


*Flex your power!  
Be energy efficient!*

September 14, 2010

IGR/CEQA FEIR CS/100902  
County of Los Angeles  
AV Solar Ranch One Project  
Vic. LA-138-22.05, SCH# 2009041145

Ms. Christina Tran  
County of Los Angeles  
Department of Regional Planning  
320 West Temple Street  
Los Angeles, CA 90012



Dear Ms. Tran:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Final Environmental Impact Report (FEIR) for the AV Solar Ranch One Project. The proposed project consists of a 230-megawatt (MW) solar photovoltaic (PV) facility on approximately 2,100 acres of former agricultural land in northern Los Angeles County along State Route 138 (SR-138). Based on the information received, we have the following comments:

This letter is submitted to you in order to clarify the ultimate highway facility segment for the future State Route 138 (SR-138) corridor between I-5 and SR-14.

An approved Project Study Report/Project Development Support (PSR/PDS), Preliminary Environmental Analysis Report, Initial Site Assessment Report, and Stormwater Data Report was completed in December of 2008 by Caltrans Office of Project and Special Studies. Of concern are the future highway cross sections at or around the proposed project site. The future corridor envisions a 6 lane access controlled expressway or freeway (72 feet) with a 62 foot median with 30 foot recovery zones/shoulders as part of the ultimate highway concept in the vicinity of the project.

Since it has not yet been determined if the future highway alignment would use the existing centerline or be built north or south of the existing centerline, the needed right-of-way preservation would be 300 feet or 150 feet north of and 150 feet south of the existing centerline to accommodate these unknown factors. Based on these highway requirements, no permanent structures should be built within the ultimate footprint of these three cross-sections. This means that actions to preserve the right-of-way throughout the corridor will be needed so that physical improvements would remain viable as major developments occur.

*"Caltrans improves mobility across California"*

CT-1-1

Ms. Christina Tran  
September 14, 2010  
Page Two

CT-1

If you have any questions regarding our comments, you may reach me at (213) 897-1726 and please refer to our record number 100902/CS.

CT-1-1

Sincerely,



Carl Shiigi  
IGR/CEQA Coordinator  
Office of Regional Planning

cc: Scott Morgan, State Clearinghouse

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

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September 14, 2010

By Email and U.S. Mail

c/o Rosie Ruiz  
Chair Wayne Rew and Commissioners  
Regional Planning Commission  
Los Angeles County  
Department of Regional Planning  
Impact Analysis Section, Room 1348  
320 West Temple Street  
Los Angeles, CA 90012  
rruiz@planning.lacounty.gov

Re: Comments on the Final Environmental Impact Report for the AV Solar Ranch One Project (County Project R2009-02239, Conditional Use Permit No. 200900026)

Dear Chairman Rew and Commissioners:

We write on behalf of California Unions for Reliable Energy ("CURE") to comment on the Final Environmental Impact Report ("FEIR") prepared by the Los Angeles County Department of Regional Planning ("DRP") for the 230 MW AV Solar Ranch One Project ("Project") proposed by AV Solar Ranch 1, LLC. Although we will not attend tomorrow's hearing on the Project, we urge the Planning Commission to not approve the FEIR and to direct DRP to revise and recirculate a draft EIR to the public.

CURE submitted extensive comments on the draft EIR on July 30, 2010. After carefully reviewing the FEIR, we conclude that DRP failed to adequately respond to CURE's comments and that significant new information has been added to the EIR. For these reasons, DRP's contention that recirculation of the EIR is *not* required under the California Environmental Quality Act ("CEQA") lacks merit.

When significant new information is added to a draft environmental review document after the close of public comment and before Project certification, a

EK-1-1

-2

-3

September 14, 2010  
Page 2

revised draft environmental review document must be noticed and recirculated for public comment.<sup>1</sup> New information is significant for the purpose of CEQA when the environmental review document is "changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect."<sup>2</sup> Here, DRP has revised its analysis in response to CURE's July 30, 2010 comments to include a *new* mitigation measure for *previously unidentified impacts* to the federally listed Desert tortoise and *new*, unsupported, *analyses* regarding baseline biological and air quality conditions at the Project site.<sup>3</sup> Additionally, DRP now claims that this *industrial* Project is *not* subject to the requirements of Water Code sections 10910 and 10912. This new information qualifies as "significant new information" under CEQA.

As detailed in CURE's July 30, 2010 comments, the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. The FEIR still does not adequately analyze potentially significant Project impacts in several critical resource areas, including air quality, biological resources, visual resources, and water quality, and fails to propose adequate mitigation for the significant impacts that it does identify. The FEIR continues to fail to present a stable and finite Project description and to include an adequate Water Supply Assessment as required by Sections 10910 and 19012 of the California Water Code. These defects, as well as numerous additional analytical deficiencies described fully in our July 30, 2010 comments, render the DEIR, and the FEIR, invalid as an environmental review document under CEQA.

The EIR must be recirculated for public review and comment in accordance with CEQA.<sup>4</sup> Failure to circulate the EIR deprives the public of a meaningful opportunity to comment upon the substantial adverse effects of the Project.

Sincerely,

/s/

Elizabeth Klebaner

<sup>1</sup> Pub. Resources Code, § 21092.1.

<sup>2</sup> Cal. Code Regs. tit 14, § 15088.5.

<sup>3</sup> See Department of Regional Planning, Los Angeles County, AV Solar Ranch One Project Final Environmental Impact Report, August 2010, pp. RORG-3-3, 3-13, 3-36-37, 3-45-46.

<sup>4</sup> See *Cadiz Land Co., Inc. v. Rail Cycle, L.P.* (2000) 83 Cal.App.4th 74, 91.

September 14, 2010  
Page 3

EK:

cc: [ctran@planning.lacounty.gov](mailto:ctran@planning.lacounty.gov) (email only)  
[kszalay@planning.lacounty.gov](mailto:kszalay@planning.lacounty.gov) (email only)



## NON-APPLICANT

NG-1

Date September 24, 2010

Mr. Don Ashton  
 Deputy Executive Officer  
 Los Angeles County Board of Supervisors  
 Room 383, Kenneth Hahn  
 Hall of Administration  
 500 West Temple Street  
 Los Angeles, California 90012

Dear Mr. Ashton:

PROJECT NO./

CUP NO.: Project No. R-2009-02239

APPLICANT: AV Solar Ranch One, LLC

LOCATION: The project is located in the Antelope Valley, in unincorporated Los Angeles County, approximately 15 miles northwest of downtown Lancaster. The project site consists of approximately 2,100 acres of land, and is located within Sections 11, 13, 14, and 24 in Township 8 North, Range 15 West, and within Section 18 in Township 8 North, Range 14 West (San Bernardino Base and Meridian). The project is located in an area both north and south of SR-138, and is approximately bounded on the north by West Avenue B-8, on the south by West Avenue E, on the east by 155th Street West and on the west by 180th Street West.

Zoned	
District	A-2

Related zoning matters:

CUP(s) or VARIANCE No. Conditional Use Permit No. 200900026

Change of Zone Case No.

Other Vesting Tentative Tract Map No. 071035 and Environmental Assessment No. 200900027

This is an appeal on the decision of the Regional Planning Commission in the subject case. This form is to be presented with a check (or money order) and personal identification prior to the appeal deadline at 5:00 p.m. at the above address. Contact the Zoning section of the Board of Supervisors for more information: (213) 974-1426

This is to appeal: (Check one)

<input type="checkbox"/>	The Denial of this request	\$789.00*
<input checked="" type="checkbox"/>	The Approval of this request	\$789.00*

\*For Subdivisions \$130.00 of this amount is to cover the cost of the hearing of the Board of Supervisors

FILED

2010 SEP 24 PM 3:06

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

NG-1

NG-1-1



Briefly, explain the reason for this appeal is as follows (attach additional information if necessary):

Please see the attached rider for an explanation of the reasons for this appeal.

NORTHROP GRUMMAN SYSTEMS CORPORATION

x

(Signed)

Appellant

Its Authorized Signatory

Kyndra Joy Casper, Esq.

Print Name

Sheppard Mullin Richter & Hampton LLP

333 South Hope Street, 43<sup>rd</sup> Floor

Los Angeles, California 90071

(213) 617-4157

kcasper@sheppardmullin.com

NG-1-1

## RIDER

This Rider supports, and is part of, the non-applicant appeal by Northrop Grumman Systems Corporation ("NGSC") of the Regional Planning Commission's (the "Planning Commission") certification of the Final Environmental Impact Report (the "FEIR") and approval of Conditional Use Permit No. 200900026 (the "CUP") and Vesting Tentative Tract Map No. TR071035 (the "VTM") for the AV Solar Ranch One Project (the "Project") proposed by AV Solar Ranch One, LLC ("AV Solar") on a 2,100-acre site (the "Site") located in Los Angeles County (the "County").

The reasons for this appeal are as follows:

I. The Planning Commission's certification of the FEIR for the Project was unlawful for the following reasons:

A. Pursuant to the State CEQA Guidelines (the "Guidelines"), only environmental effects that are dismissed in an initial study as "clearly insignificant and unlikely to occur" can be omitted from an environmental impact report ("EIR"), unless the agency later receives information that is inconsistent with the findings of the initial study. Guidelines § 15143. The Draft Environmental Impact Report (the "DEIR") violated Section 15143 because it failed to analyze the Project's impacts with respect to several environmental subjects, but in each instance failed to make the finding required by Section 15143 to lawfully eliminate those subjects from full environmental review in the DEIR.

B. The County failed to comply with notice requirements with respect to preparation and distribution of the DEIR and the FEIR.

C. The DEIR project description is inadequate. An accurate and stable project description is the *sine qua non* of an informative and legally sufficient EIR.

D. Both the DEIR and the FEIR unlawfully failed to analyze the Project's impact on the operation of NGSC's Tejon Test Facility, in particular its impact on NGSC's operation of radar testing that occurs on Range 1 at the Tejon Test Facility.

E. An EIR must be "prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences." Guidelines § 15151. An EIR must also contain facts and analysis, not just the bare conclusions of a public agency. The certification of an EIR constitutes a prejudicial abuse of discretion if the failure to include relevant information precludes informed decision-making and informed participation, thereby thwarting the statutory goals of the EIR process. The DEIR for the Project was not prepared with a sufficient degree of analysis to permit a decision that

intelligently took account of the environmental consequences of the Project, which precluded informed decisionmaking and public participation, as follows:

1. The DEIR's analysis of the Project's air quality impacts is inadequate. -9
2. The DEIR's analysis of the Project's biology impacts is inadequate. -10
3. The DEIR's analysis of the Project's cultural and paleontological impacts is inadequate. -11
4. The DEIR's analysis of the Project's impact on agricultural resources is inadequate. -12
5. The DEIR's analysis of the Project's impacts on utilities is inadequate. -13
6. The DEIR's analysis of the Project's impacts on visual qualities is inadequate. -14
7. The DEIR's analysis of the Project's land use impacts is inadequate. -15
8. The DEIR's analysis of the Project's noise impacts is inadequate. -16
9. The DEIR's analysis of fire hazard impacts is inadequate. -17
10. The DEIR's analysis of fire protection is inadequate. -18
11. The DEIR's analysis of environmental safety is inadequate. -19
12. The DEIR's analysis of alternatives is inadequate. -20
13. The DEIR's analysis of growth-inducing impacts is inadequate. -21
14. The DEIR's analysis of the Project's cumulative impacts is inadequate. -22

F. The DEIR identifies numerous significant impacts caused by the Project and concludes that most or all of the significant impacts would be mitigated to a level of insignificance with the implementation of mitigation measures. However, there is no credible evidence that many of these mitigation measures, including, but not limited to, mitigation measures relating to biology impacts, cultural and paleontological impacts and noise impacts, would mitigate the Project's impacts to a level of insignificance. -23

G. The FEIR includes "significant new information" within the meaning of Section 21092 of the California Public Resources Code and Section 15088.5 of the -24

Guidelines, and the County was therefore required to revise and recirculate the DEIR, but it unlawfully failed to do so.

H. The responses to comments in the FEIR are not based on good-faith, reasoned analysis.

I. The Findings of Fact regarding the FEIR are not supported by substantial evidence. In addition, the Planning Commission failed to provide an adequate explanation regarding the logical step between the ultimate Findings of Fact regarding the FEIR and facts in the record.

II. The Planning Commission's Approval of the CUP and VTTM was unlawful and not in accord with the purposes of Titles 21 and 22 of the Los Angeles County Municipal Code (the "Code").

A. The Planning Commission's approval of the CUP was unlawful and not in accord with the purposes of Title 22 of the Code for the following reasons:

1. The Project is not a permitted or conditionally permitted use within the A-2 zone. The Code only permits solar uses (with a conditional use permit) in the Open Space Zone (the "O-S Zone"), not in the A-2 zone where the Site is located. Specifically, Section 22.40.430 of the Code allows for "energy generating or storage devices, including but not limited to solar, wind or geothermal devices" with a conditional use permit in the O-S Zone. The Project, however, is not located in the O-S Zone.

2. There is not substantial evidence in the record to support the County's conclusion that the Project is equivalent to "electric distribution substations, electric transmission substations and generating plants, including microwave facilities used in conjunction with any one thereof," which are conditionally permitted uses in the A-2 Zone. Code § 22.24.150.

3. Pursuant to Section 22.56.090 of the Code, the Planning Commission made numerous findings in order to approve the CUP. There is not substantial evidence in the record to substantiate the Planning Commission's findings, including, but not limited to, its findings regarding consistency (or lack thereof) of the Project with the County's general plan, its adverse affects on the health, comfort and welfare of persons residing or working in the area, its ability to jeopardize public health and general welfare, and the adequacy (or lack thereof) of public and private service facilities for the Project.

B. The Planning Commission's approval of the VTTM was unlawful for the following reasons:

1. The Planning Commission's approval for the VTTM was not in accord with the purposes of Title 21 of the Code.
2. The Planning Commission's approval of the VTTM violated provisions of the Subdivision Map Act, including but not limited to, Government Code Section 66474.
3. The Planning Commission's findings regarding the VTTM approval were not supported by substantial evidence.

**NORTHROP GRUMMAN**Northrop Grumman Corporation  
Aerospace SystemsStrike and Surveillance  
Systems Division  
One Hornet Way  
El Segundo, California 90245-2804

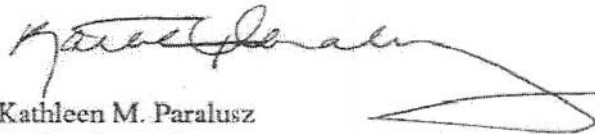
September 22, 2010

Mr. Don Ashton  
Deputy Executive Officer  
Los Angeles County Board of Supervisors  
Room 383, Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012Re: Letter of Authorization

Dear Mr. Ashton:

Northrop Grumman Corporation ("NGC") is appealing the approval of the AV Solar Ranch One project that was approved by the Los Angeles County Regional Planning Commission on September 15, 2010. In connection with the appeal, NGC hereby authorizes Kyndra Joy Casper, Esq. and James E. Pugh, Esq., or any other duly designated attorney at Sheppard Mullin Richter & Hampton, LLP, to act as its agent and representative for any matter associated with this matter.

Very truly yours,

Kathleen M. Paralusz  
Senior Counsel  
Northrop Grumman Corporation

Melody Mokres.txt  
 From: Melody Mokres [melody@dslextrreme.com]  
 Sent: Tuesday, September 14, 2010 10:01 PM  
 To: Tran, Christina  
 Cc: fifthdistrict@lacbos.org  
 Subject: County Project R2009-02239 Solar Ranch One

To: Regional Planning Commission

Comments on the Antelope Valley Solar Ranch One Project

I am requesting that the hearing for the Antelope Valley Solar Ranch One project be postponed for the following reasons.

1. There has not been a public hearing regarding the identification by the county of areas suitable for solar and wind farms as indicated in the blue shaded section of the General Plan Map of the Antelope Valley. This issue has never been discussed at any public meeting.

2. Due to the amount of land that will be removed from the original intent for land use, i.e. orchards, vineyards and other agricultural opportunity areas, significantly changing the look and use of the Northwest Los Angeles County, a public hearing should have been done by planning on this solar project and the cumulative effects stemming from this project and the next generation of anticipated projects.

In addition, hearings should have been conducted in the Antelope Valley as opposed to requiring residents to drive to Planning Commission Hearings in Los Angeles. Considering the size of the Antelope Valley and potential uses of this area, a satellite planning office should be set up here in the northwest county.

3. I understand that there is some type of mitigation being worked on between Antelope Valley Solar Ranch One and the Antelope Acres Town Council. I have been informed by a Town Council member that mitigation is only in the beginning stages and that it is realized if nothing is stated in writing that any mitigation is only on good faith. Therefore, I would like to see the hearing postponed until any and all mitigations are in writing.

Thank you for your consideration.

Melody Mokres  
 8202 W. Ave. "E"  
 Antelope Acres, CA  
 661-942-1998

MM-1-1

MM-1-2

MM-1-3





**ATTACHMENT A  
EXPONENT REPORT**

This attachment presents the Exponent Report titled *Impact of the Antelope Valley Solar Ranch on the Tejon Test Facility* (dated November 2, 1010) associated with Written Response NG-1-7 in Section 6.2.2 of this Final EIR (November 2010).



The logo for Exponent, featuring the word "Exponent" in a serif font with a registered trademark symbol. The letter 'x' is stylized with a superscript 'e'.

Exponent®

*Electrical and Semiconductors Practice*

**Impact of the Antelope Valley  
Solar Ranch on the Tejon Test  
Facility**

**November 2, 2010**

## **Impact of the Antelope Valley Solar Ranch on the Tejon Test Facility**

**November 2, 2010**

Prepared for

AV Solar Ranch 1, LLC  
1111 Broadway, 4th Floor  
Oakland, CA 94607

Prepared by



Stig L. Nilsson, P.E., Principal Engineer\*  
Joshua Phinney, Ph.D., P.E., Senior Managing Engineer  
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Exponent, Inc.  
5401 McConnell Ave.  
Los Angeles, CA 90066

\*Registered Professional Control System Engineer, California, #3793

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## Executive Summary

Exponent was retained by AV Solar Ranch 1, LLC to perform an engineering analysis of the proposed Antelope Valley Solar Ranch (AVSR) photovoltaic (PV) project as it relates to the Northrop Grumman Systems Corporation (NGSC) Tejon Radar Test Facility. NGSC asserts that the AVSR project would elevate background radar returns, sometimes referred to as “clutter,” to a level that would unacceptably affect NGSC’s ability to operate Range 1 of the Tejon facility. NGSC does not state that AVSR compromises its entire operation or the ability to perform measurements on other test ranges present at the Tejon site. After analysis of the available information, Exponent has concluded that the construction and operation of AVSR will not have a significant effect on NGSC’s ability to operate Range 1 of the Tejon Test Facility. Furthermore, to the extent that the construction and operation of AVSR could produce incremental “clutter,” we conclude that there are well recognized and reasonable means of accounting for this effect that would allow NGSC to continue normal operation.

NGSC has taken the position that to perform the testing required under its existing and anticipated contracts, the Tejon Test Facility must have a range of noise floor extending “down to  $-90$  dB” across a stated frequency range. Exponent has interpreted  $-90$  dB as  $-90$  dBsm, which is a measure of Radar Cross Section, or the effective “size” (as seen by a radar system) of a target object on the test range. In the type of testing described by NGSC, the radar returns of a target object must be discerned against a background of objects such as hills, rocks, birds, rain, vehicles and distant structures.

To put the numbers in context,  $-90$ dBsm is roughly equivalent to a metallic object that is 1/1,000,000,000th of a square meter in area. A small piece of an insect’s anatomy on the Range 1 test stand would produce such a clutter level. In our opinion,  $-90$ dBsm is a best-case sensitivity for Range 1 that is applicable for only a limited range of radar parameters, assumes low winds and other favorable testing conditions, and is achieved only by means of integration or similar signal-processing techniques.

NGSC has not provided sufficient information to perform detailed clutter analysis for the particular operating parameters of the Tejon Test Facility, nor has NGSC disclosed the methods, parameters or assumptions used to justify its position relative to AVSR. In the absence such information, Exponent has conservatively calculated returns from AVSR by considering 42 reasonable combinations of estimated radar parameters. Radar returns were calculated by considering the radar cross sections (RCS) and physical locations of solar panels comprising AVSR.

**Based on these calculations, AVSR:**

**(a) will not contribute to clutter for numerous values of radar pulse-repetition frequency; and**

**(b) possesses a clutter signature that, for all estimated Range 1 radar parameters, is below the stated sensitivity of the Tejon Test Facility.**

The findings presented herein are made to a reasonable degree of engineering and scientific certainty. In the analysis, we have relied on radar parameters found in an August 27, 2010, NGSC letter to Kern County and in NGSC documents that are part of the PdV Wind Energy record. Exponent cannot verify the correctness of all these data, and relies on NGSC's statements to accurately reflect present conditions at the Tejon Test Facility. We have made every effort to accurately and completely investigate all areas of concern identified during our investigation.

## Introduction

Radar systems work by sending out pulses of electromagnetic energy through a highly directional antenna. These pulses propagate from the radar through the atmosphere and small amounts of energy are reflected back by targets and clutter. Targets are objects that the radar is trying to detect or characterize (such as aircraft) and clutter includes unwanted returns from objects other than a target. The radar receives the reflected energy and attempts to either identify targets among the clutter (in the case of a detection problem) or accurately measure the return (in the case of a radar-cross-section measurement problem).

**Radar Cross Section** Radar cross section (RCS) is a measure of an object's ability to scatter incident electromagnetic field radiation in the direction of a receiver and is defined as the ratio of power scattered by a distant object relative to the incident power illuminating the object:

$$\sigma = \lim_{r \rightarrow \infty} 4\pi r^2 \frac{|E_s|^2}{|E_i|^2} \quad (1)$$

Where  $r$  is the distance from the antenna to the object,  $E_s$  is the scattered electric field measured at the receiving antenna, and  $E_i$  is the incident electric field on the target. The radar cross section is normalized such that it is a function of object geometry, incident wave angle, material properties of the scattering object, wave polarization and excitation frequency. In general, the radar cross section is not the same as the physical size of the scattering object. For instance, adding radar-absorbing material to an object will decrease the amount of scattered energy directed back to the receiver, effectively decreasing its RCS relative to the same object without absorbing material. So too, faceted surfaces that reflect incident radiation away from the source decrease the RCS compared to surfaces that are perpendicular to incident radiation. These are among the commonly used techniques to minimize RCS. Radar cross sections can vary by orders of magnitude. As such, the RCS is commonly converted to a logarithmic scale using the following relation:

$$\sigma_{dBsm} = 10 \log_{10} \left( \frac{\sigma_{m^2}}{1_{m^2}} \right) \quad (2)$$

The radar cross section in dBsm is referenced to an object 1m<sup>2</sup> in size. RCS values for various objects are listed in Table 1. Every RCS shift of -10 dBsm corresponds to a factor of 10 decrease in RCS. For instance, an insect with 1/1000th the RCS of a human body has an RCS that is 30 dBsm less than the RCS of a human body.

**Table 1. Examples of objects and their corresponding RCS<sup>1</sup>**

Object	RCS (m <sup>2</sup> )	RCS (dBsm)
Cargo Ship	10,000	40
Large Airliner	100	20
Small Aircraft	5	7
Human Body	1	0
Locust	0.001	-30

**Antenna Radiation Pattern** The transmitting and receiving characteristics of antennas are, in part, governed by geometry and excitation frequency among other factors. For example, a parabolic dish antenna will direct most of its power parallel to the axis of revolution about the center of the dish, and the degree of focusing or directivity for a given antenna is determined by the frequency of operation. As a result, an antenna will transmit only a small fraction of its supplied power to distant objects located at off-angle directions relative to the antenna's main lobe or boresight. Reciprocity dictates that a given antenna will transmit and receive in an identical fashion. Thus, distant objects that do not lie within the main lobe of the antenna's radiation pattern will scatter and return (as determined by RCS) a much weaker signal than one that lies within the antenna's boresight (direction at which the antenna is effectively pointed). Figure 1 is a plot of the power pattern of a parabolic dish antenna at two distinct frequencies. As seen in Figure 1, higher frequencies (smaller wavelengths) exhibit a larger angular dependence in power pattern. Therefore, the ratio of the gain of the main lobe (centered at zero degrees) to the gain of any side lobe is larger at higher radar frequencies than at lower frequencies. For example, in Figure 1, the ratio between the main lobe gain and the chosen side lobe gain is approximately 47 dB for a frequency of 6 GHz, whereas for a frequency of 2 GHz, the ratio between the main lobe gain and the chosen side lobe gain is only approximately 33 dB.

<sup>1</sup> Knott, Eugene F., "Radar Handbook: Radar Cross Section", McGraw-Hill, 2008.



This phenomenon is due to the increase in phase variation of the fields across the aperture of the antenna.

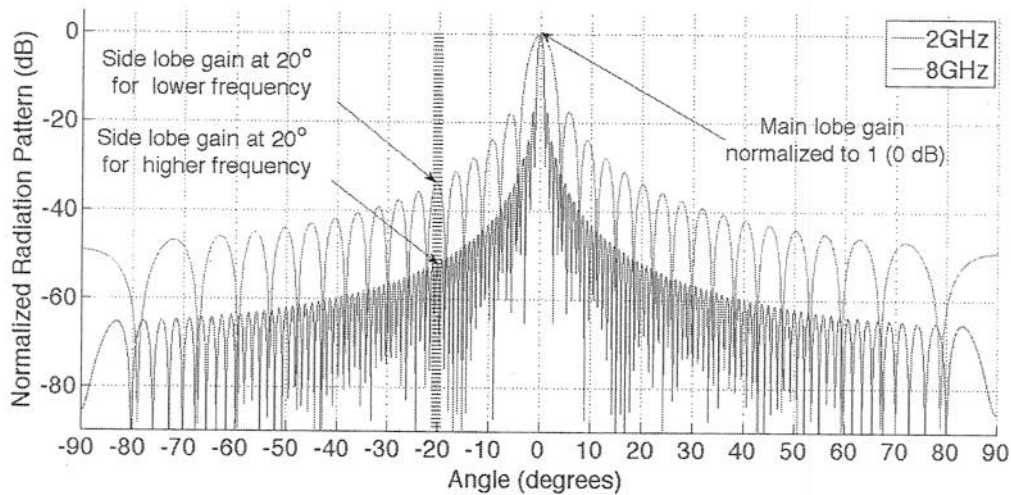


Figure 1. Plot of normalized radiation pattern in dB for a parabolic antenna, 8 feet in diameter, as a function of angle with respect to antenna boresight, for two operating frequencies.

#### **Radar Equation**

The role of RCS in characterizing the received signal strength for a given transmitter-receiver pair is best explained by means of the radar equation. The monostatic radar equation (in which transmitter and receiver are collocated) is defined as:

$$P_r = P_t \frac{G_t \sigma A_r}{(4\pi)^2 r^4} \quad (3)$$

Where  $P_r$  and  $P_t$  are the received and transmit power respectively,  $G_t$  is the gain of the transmitting antenna,  $\sigma$  is the radar cross section of the scattering object,  $A_r$  is the aperture of the receiving antenna, and  $r$  is the distance (also referred to as the range) to the object from the transmitter/receiver.

It can be seen by examination of the radar equation that for a given object with RCS of  $\sigma$ , the power at the receiver, assuming all other variables are constant, varies as the 4<sup>th</sup> power of range. Thus, an object with given RCS will have a radar return echo that carries 16 times less power when the distance from the object to the transmitter/receiver increases by 2 times. Generally, an object with substantially larger RCS that is placed much further from the transmitter/receiver can exhibit the same received signal strength as an object with small RCS that is placed much closer to the transmitter/receiver. Additional factors can be included in the monostatic radar equation to account for multipath terrain-dependent (e.g., reflection and/or diffraction from surrounding objects) and medium dependent (e.g., atmospheric) losses. These factors are not included in the above formulation for far-field clutter since their effect is second order.

**Range gate and pulse repetition frequency** Radars transmit each pulse at the carrier frequency  $f$  during transmit time, wait for returning echoes during listening or rest-time, and then radiate the next pulse. The time between the beginning of one pulse and the start of the next pulse is called pulse repetition time (PRT) and is equal to the reciprocal of the pulse repetition frequency (PRF):

$$PRF = \frac{1}{PRT} = \frac{c_0}{2 \times d} \quad (4)$$

In the equation above,  $d$  is the spatial period corresponding to the physical distance between successive pulses traveling away from the radar, and  $c_0$  is the speed of light. The quantity  $d$  is often called the maximum unambiguous range, which for a fixed PRF corresponds to the maximum distance an object can be placed from the radar such that the return time can be used to uniquely determine the actual distance of that object from the radar. The range gate (RG) shortens the listening time of the radar, such that only radar returns arriving within a certain time period during each pulse repetition time are considered. Range gating results in the consideration of radar returns from a much smaller area than the maximum unambiguous range.

When plotted on a map for a given PRF and RG, the areas surrounding the antenna that contribute to all radar returns consist of a series of concentric rings, of thickness given by RG, and of ring separation distance  $d$  (maximum unambiguous range)<sup>2</sup>. Neglecting the influence of multipath interference, areas surrounding the antenna that do not fall within this range-gated area, as defined by a given PRF and RG, are effectively invisible to the antenna because the radar returns do not arrive when the antenna is listening (i.e. when the range gate is “open”).

## Northrop Grumman Site

Specific information regarding Northrop Grumman’s Tejon Test Facility was obtained from publicly available aerial photographs and NGSC’s November 1, 2007 letter regarding the PdV Wind Energy Project.<sup>3</sup> The Tejon Test Facility has two ranges for measuring radar cross section (RCS) of test targets. An overview of both ranges is shown in Figure 2, where “Range 1” is visible as the longer oblong region to the south, and “Range 2” is the shorter oblong region to the north. The region extending southeast from “Range 1” (the “Range 1 Keyhole”) is specifically mentioned in an August 27, 2010 letter from NGSC to the Kern County Planning Department as a region sensitive to the placement of reflecting objects. Figure 3 is a detailed aerial image of the test facility in which four RCS test antennae are circled. Since only the left two antennae shown in Figure 4 are identified by Northrop Grumman as corresponding to Range 1, the analysis presented in this report only considers the effects of these two antennae. We have estimated that the Range 1 antennae, the smaller antennae of those visible at the Tejon Test Facility, collectively operate at frequencies between 2 and 18 GHz (see Appendix A).

<sup>2</sup> See Figure 8 for graphical representation of RG width and  $d$ .

<sup>3</sup> November 1, 2007 letter to Anne E. Mudge, Esq, Cox, Castle & Nicholson LLP, Re: “Impact of PdV Wind Energy Project ‘Scenario’ on Northrop Grumman Tejon Test Facility.”



Figure 2. Plan view of Tejon test facility from Google Earth 09/21/2010. The approximate latitude is  $34.927^{\circ}$  and longitude is  $-118.532^{\circ}$ .



Figure 3. Enlarged image of Figure 1 showing dish antennae encircled.

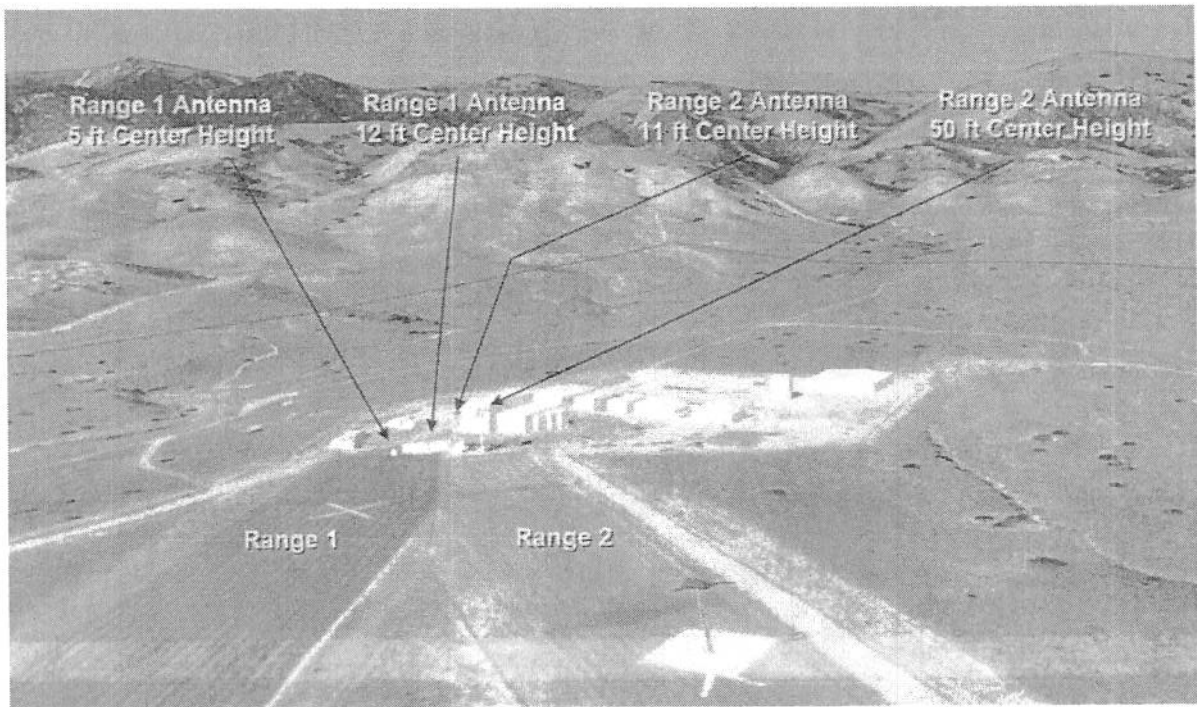


Figure 4. View of Ranges 1 and 2, image from Northrop Grumman. The Range 1 antennae, referred to in this report as A1 and A2, from left, were assumed to have respective dish diameters of 8 feet and 5 feet, respectively.

As can be seen in Figure 4, test targets (such as scale models of aircraft) are placed on downrange supports in one of two locations on either test range. Radar returns from test targets are used to characterize the targets in terms of their radar cross section (RCS). Objects that reflect little incident radiation (in the direction of radar) when illuminated by the test beam have a lower RCS and are more difficult to detect. There are two important observations regarding NGSC's  $-90$  dBsm noise floor:

1. NGSC has not provided information necessary to express the radar return from distant objects in terms of the sensitivity of the Tejon Test Facility, *viz*, the identity of the test-range antenna, test-stand location, operating frequency, pulse-repetition frequency, and range-gate size.
2. NGSC has not provided any justification that the  $-90$  dBsm noise floor is achievable in an outdoor range. A  $-90$  dBsm value for the radar cross section corresponds to  $1/1,000,000,000 \text{ m}^2$ , or the area subtended by a fraction of an insect's anatomy, and is more difficult to achieve in an outdoor environment than in an indoor range.

### Indoor and outdoor ranges

With any type of RCS measurement range, it is desirable to locate the target far enough from the transmitter so that the incident wavefront is planar with constant phase across the entire target. Outdoor ranges can more readily satisfy this requirement since practical separations are much larger than for indoor ranges. Unlike indoor ranges, however, outdoor ranges are subject to a

number of factors that limit their sensitivity levels, including weather and environmental conditions (IEEE Std 1502 – 2007). Wind is a “major concern” at many outdoor ranges located in desert regions, and wind speeds of 10 m/s can stop RCS measurements.<sup>4</sup> Dust accumulating on the surface of components will change their radar scattering properties.<sup>5</sup> If security is a concern, outdoor ranges can preclude measurement of very sensitive targets.

In addition to environmental factors, RCS measurements taken outdoors must take into account ground-plane effects and must satisfy accurate height and frequency constraints to maintain proper phase relationships of the direct and ground-reflected signals at the target location. A thin layer of pavement is used to provide a smooth ground plane and prevent vegetation from growing along the direction of the antenna boresight. Even so, it is difficult to eliminate all naturally occurring sources of clutter in the terrain surrounding an outdoor RCS measurement range. In outdoor facilities, certain techniques to mitigate the effects of clutter, such as background or “coherent” subtraction, are only effective for long wavelength (low frequency) RCS measurements.<sup>6</sup>

With these sensitivity constraints, outdoor ranges are more suited to RCS measurements of larger targets, as opposed to indoor ranges that are more immune to the factors listed above.

## Antelope Valley Solar Ranch

As shown in Figure 5, the Antelope Valley Solar Ranch is located more than 10 miles (16.4 kilometers) to the southeast of the Tejon Test Facility. The site covers about 3.25 square miles (see Figure 7) and includes a 7-foot tall chain link perimeter fence topped with barbed wire.

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<sup>4</sup> Knott, Eugene F., Radar Cross Section. Second Edition. SciTech Publishing, Inc. 2004.

<sup>5</sup> Ibid.

<sup>6</sup> IEEE Std 1502-2007 IEEE Recommended Practice for Radar Cross-Section Test Procedures



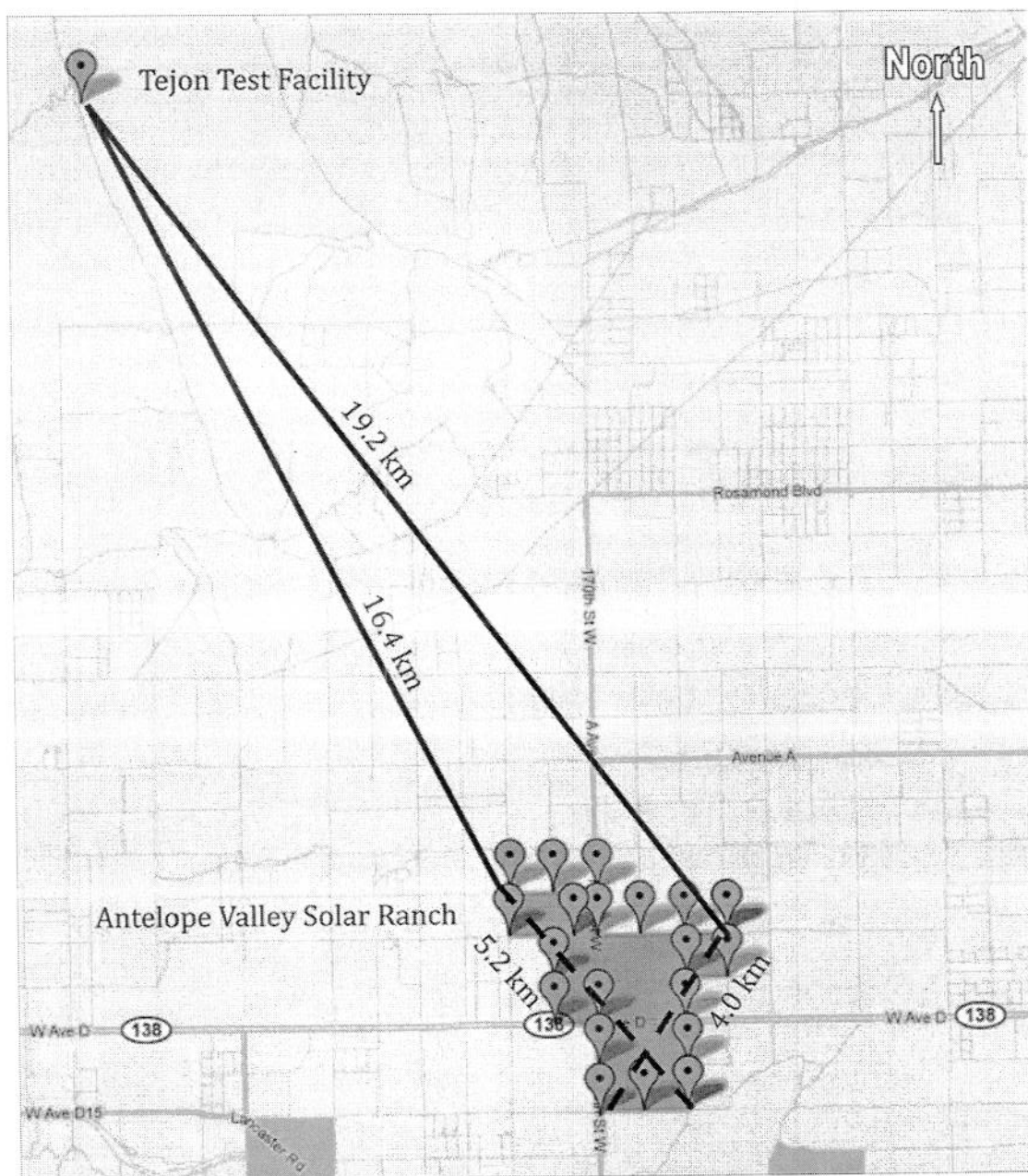


Figure 5. Relative locations of the Tejon Test facility (upper left, northwest corner of map) and the Antelope Valley Solar Ranch (shaded area).

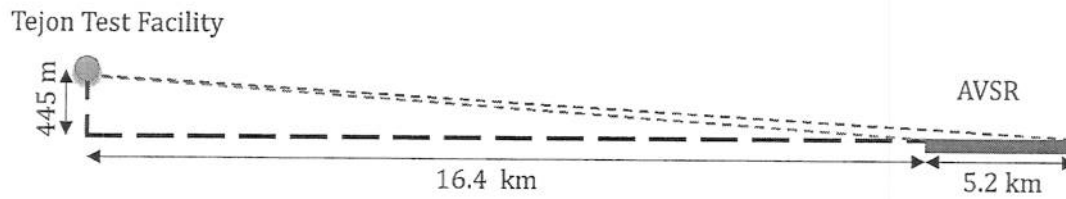


Figure 6. Average relative elevation of the Tejon Test facility to the Antelope Valley Solar Ranch. Distance from closest edge of AVSR to Tejon Test Facility and the maximum width of AVSR are indicated.

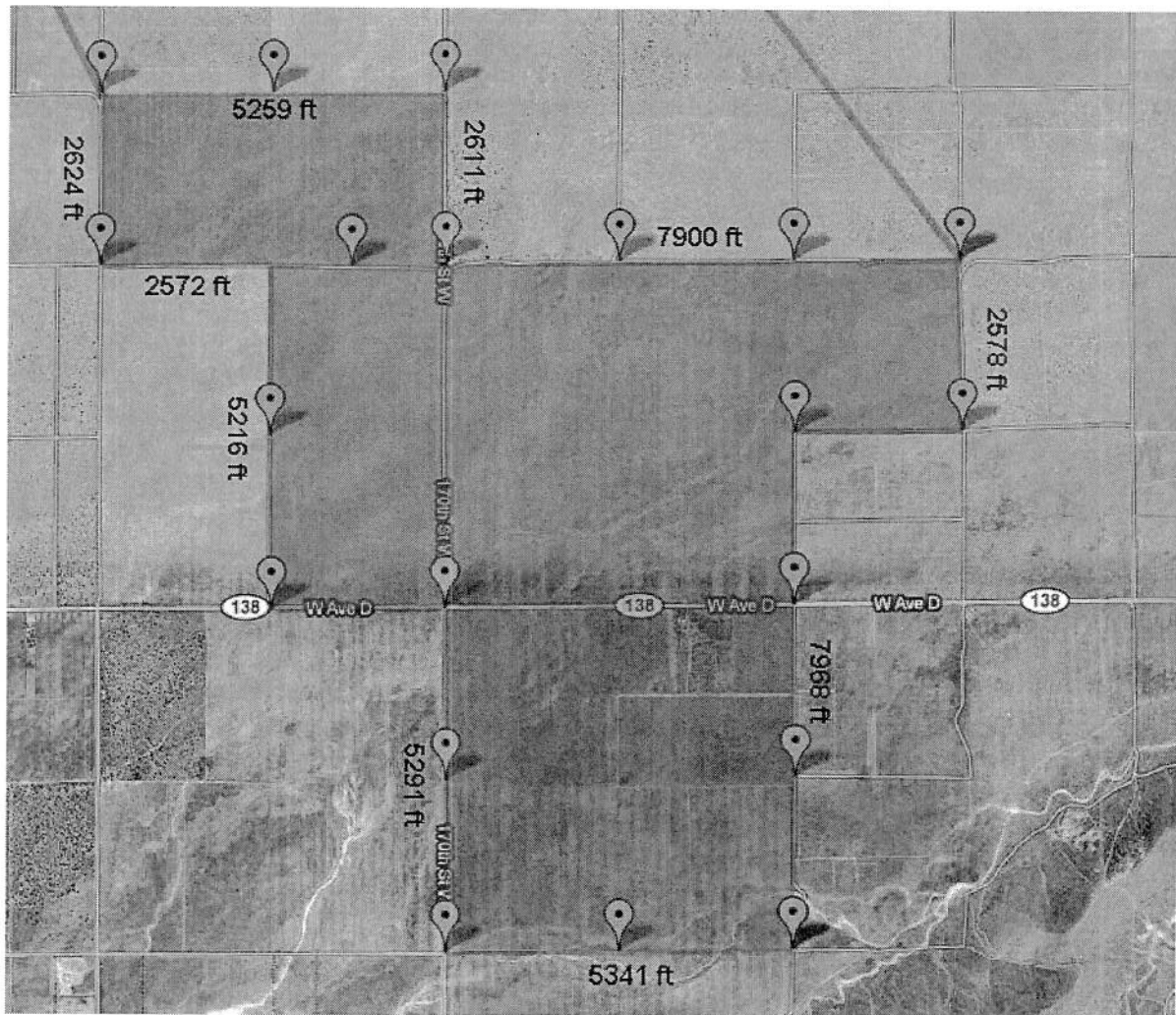


Figure 7. Outline of the Antelope Valley Solar Ranch including external dimensions.

The solar field will consist of PV panels mounted on steel support structures. The supports will be either fixed or pivoting. The assembled fixed tilt PV panels will have a typical height of about 6 feet and the tracking panels will have a maximum height of 8 feet. The PV panels will

be arranged in rows with center-to-center spacing from 14 feet for fixed tilt panels and 16 feet for tracking panels. In the case of fixed supports, the arrays will be laid out in blocks approximately 400 feet in the north-south direction and 360 feet in the east-west direction, with rows aligned east to west, and PV panels will be tilted 25 degrees to the south. In the case of pivoting supports (tracking arrays), arrays will be laid out in blocks approximately 500 feet in the north-south direction and 300 feet in the east-west direction, with rows aligned north to south. The PV panels in the tracking arrays will pivot, tracking the sun, east to west. Single-axis trackers have no southward tilt, and typical trackers are capable of pivoting to within a 45° tilt toward the east and west horizons. To minimize shadowing, typical tracking array designs support “backtrack,” lying nearly flat in the afternoon as the sun’s western elevation decreases below 45°. For these designs, the panels lay flat overnight until approximately 9 A.M. in the morning, when the sun’s eastern elevation increases above 45°. The panels then pivot about their north-south axis to face the sun, moving slowly toward the west over the course of the day. Approximately 75 percent of the solar field is proposed fixed tilt arrays, and the balance for horizontal single-axis trackers.

Photovoltaic cells convert sunlight directly into electricity and are made from semiconductor materials. Traditional solar panels arrange together cells made of wafers sliced from ingots of crystalline silicon. Thin-film solar panels use a thin, flexible layer treated with semiconductor material protected by sheets of glass. PV panels have multiple cells with negative (sunny side) and positive (dark side) layers. Conductors on the sunny-side layer typically comprise metal “fingers,” the shape of which is optimized to minimize the shadowed area while providing a low-resistance path for current to flow between the layers. Metallization near the dark-side layer comprises a continuous layer of metal, metal paste, or other conductor. Typically, a large number of individual PV devices are electrically connected to form a single PV panel, along with associated electronics such as bypass diodes and non-conductive packaging.

The current design includes 185 conversion stations throughout the Antelope Valley Solar Ranch site, each containing two inverters and one medium voltage transformer. Each conversion station will be approximately 12 feet wide by 35 feet long by 10 feet high. The majority of the proposed 34.5-kV transmission lines (approximately 3 miles on the project site) would be underground, with above-ground crossings planned for crossings at 170<sup>th</sup> Street West and to cross jurisdictional drainages. The Antelope Valley Solar Ranch will also contain a single operations and maintenance (O&M) building. The footprint for the most likely design of the operations building is approximately 30 feet wide by 84 feet long, with a height of approximately 10 feet. The O&M building will be a pre-engineered metal building.

## Methods

Due to the majority of the Antelope Valley Solar Ranch being occupied by fixed-tilt arrays, the results presented here were calculated assuming that the entire area within the boundaries of the site (see Figure 7) was covered by the fixed-tilt arrays described above.

Published RCS measurements of terrestrial solar panels could not be located, and NGSC has not communicated its basis for assuming a particular RCS for the Antelope Valley Solar Ranch.



Since the PV panels comprise numerous flat conductive surfaces, the radar cross-section of the Antelope Valley Solar Ranch was estimated using RCS expressions for multiple canted planes.<sup>7</sup>

The Antelope Valley Solar Ranch was divided into 10 meter by 10 meter square bins (see Figure 8), and the power reflected back from each bin given a 1 W transmitted radar pulse was calculated using the radar equation. The contributions from each bin were then summed to obtain a total returned power estimate for the Antelope Valley Solar Ranch, which was compared to the returned power from an object under test within the Tejon Test Facility having a radar cross section of -90 dBsm. It should be noted that the 1W transmitted power is a normalized quantity and that the results can be scaled to the actual known transmitter power.

***Range gate and pulse repetition frequency*** The width of the range gate and the pulse repetition frequency (PRF) determine which areas within the Antelope Valley Solar Ranch contributed to the total returned power, and thus which bins to consider for our calculation. A range gate of 50 m wide was assumed for all calculations. A choice of PRF and range gate determines the radii and thickness of concentric rings that define the range-gated area, that is, the locations from which the antenna receives radar reflections (see Figure 8). For certain values of pulse repetition frequency, plotted in the Results section below, we found that no range-gated areas overlapped with the Antelope Valley Solar Ranch. For other values of PRF, we identified the bins that fell within the range-gated areas and included these bins in our calculation of the total returned power. The range-gated regions of the Antelope Valley Solar Ranch for several values of PRF are plotted in Appendix B.

---

<sup>7</sup> Solar array panels are modeled as perfectly reflecting plates in the following publications:

Hwu, S.U. Johnson, L.A. Elmore, J.D. Lu, B.P. Fournet, J.S. Panneton, R.J. Ngo, J.C. Arndt, G.D. Bourgeois, B.A. , "Space station Ku-band antenna performance degradation due to solar panel scattering interference," Global Telecommunications Conference, 1994. GLOBECOM '94. pp. 1346 - 1350 vol.3

Hwu, S.U. Lu, B.P. Johnson, L.A. Fournet, J.S. Panneton, R.J. Arndt, G.D., "Scattering Properties of Solar Panels for Antenna Pattern Analysis," Antennas and Propagation Society International Symposium, 1994, pp. 266 - 269 vol.1

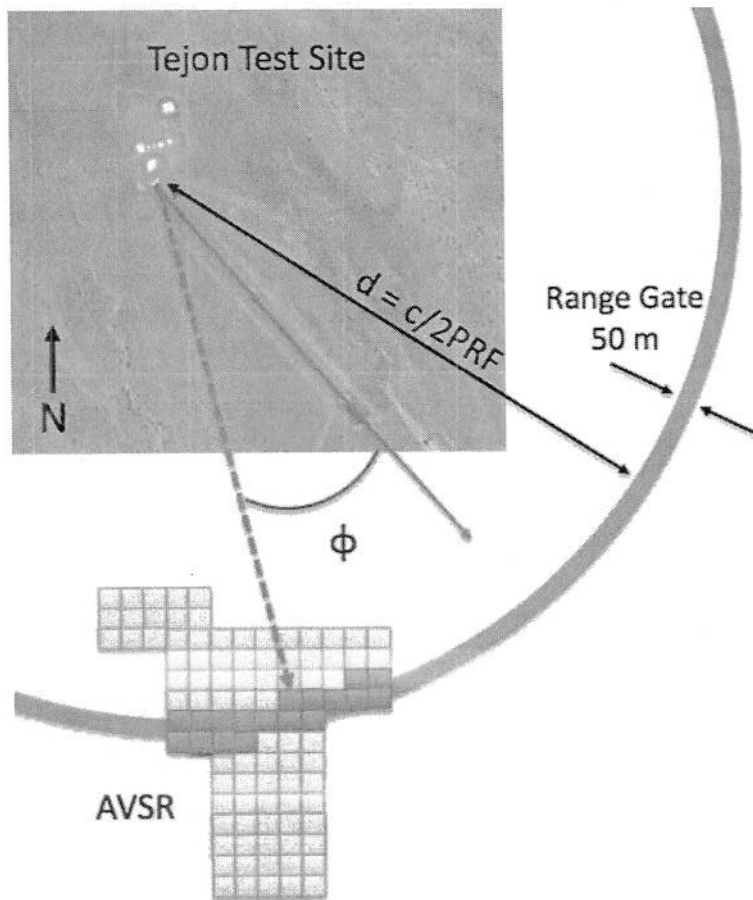


Figure 8. Schematic of model (not to scale) used to calculate total reflected power from the Antelope Valley Solar Ranch. The angles  $\phi_1$  and  $\phi_2$  respectively are between the boresight of a particular antenna (purple solid arrows, assumed to be along the axis of a test range) and the location of a particular bin (dashed red arrow).

**Radar cross section** The equivalent radar cross section (RCS) was calculated for each bin that was identified to be within the range gated region. Depending on the size chosen (10 m x 10 m square in this case), each bin may contain sections of multiple rows of solar panels. Fixed-tilt arrays were assumed to be arranged in parallel in east-west rows, with a maximum solar panel tilt angle of  $\beta = 25^\circ$  southward about the east-west axis. The rows of panels were assumed to have a center-to-center separation of  $s$ . The RCS,  $\sigma$ , for a given solar panel section residing in a particular bin was approximated as that of a conductive rectangular plate with a width  $w$  and length  $l$ , using the equation below, where  $\phi$  is the angle between the plane containing the line of sight and the edge of the rectangle of length  $l$ , and  $\theta$  is the angle between the surface normal of the rectangular plate and the direction from the given bin to the antenna.<sup>8</sup>

<sup>8</sup> Knott, Eugene F., "Radar Handbook: Radar Cross Section", McGraw-Hill, 2008.

$$\sigma = 4\pi \left( \frac{A \cos \theta}{\lambda} \frac{\sin(kl \sin \theta \cos \phi)}{kl \sin \theta \cos \phi} \frac{\sin(kw \sin \theta \sin \phi)}{kl \sin \theta \sin \phi} \right)^2 \quad (5)$$

For sufficiently small values of  $\theta$  and appropriate choice of  $s$ , a fraction of each panel would be obscured by the adjacent panels, and the unobscured width of each panel could be represented by some value,  $w'$ . As a conservative modeling assumption, the entire width  $w$  of each panel was used in RCS calculations. Due to changes in  $\phi$  and  $\theta$  due to the locations of different bins, the radar cross section of panels varies across the Antelope Valley Solar Ranch.

**Antenna Radiation Pattern** The angle between the antenna boresight and the location vector (direction from the antenna site to a given bin location) was calculated for each bin within the range gated area. This angle was used to compute the normalized radiation pattern factor for each bin, as described above. This factor was included in the antenna gain and describes the fraction from the maximum antenna power transmitted to and received from a given bin due to the directionality of the antenna. As shown in Figure 1, higher radar operating frequencies result in a narrower radiation pattern and thus less power transmitted to and from bins at locations off-angle from the antenna boresight. The normalized radiation pattern for each antenna is plotted in Appendix A.

**Additional Assumptions** The resulting model incorporates several additional assumptions to calculate the total returned power of the facility:

- (1) No terrain shielding was assumed. Our examination of terrain elevation data<sup>9</sup> indicates that a ridge approximately midway between the two sites may partially obscure the Antelope Valley Solar Ranch from the Tejon Test facility.
- (2) Constructive/destructive interference patterns via superposition of reflected electromagnetic fields from each bin were not considered. Our calculations represent an upper bound to any effect of interference, as we assume that the total returned power is simply the sum from all bins. Considering interference effects would only decrease the total returned power.
- (3) Electromagnetic coupling between individual elements of the solar array was not considered.
- (4) Atmospheric loss was not considered. For the highest radar frequencies we have considered (18 GHz), losses due to atmospheric attenuation will be approximately 0.1 dB/km, or a loss of at least 3.2 dB per round trip<sup>10</sup> between an antenna and the Antelope Valley Solar Ranch. For adverse weather conditions (moderate rain, heavy fog, dust),

<sup>9</sup> USGS data, aggregated at <http://www.heywhatsthat.com/profiler.html>

<sup>10</sup> An attenuation of 3 dB means that the signal is reduced to 50% of the original signal strength. Thus, atmospheric conditions cause the signal to be reduced by more than half of the original signal.

the additional loss/km can be as high as another 0.1 dB/km (at least 3.2 dB per round trip) at the highest frequencies.<sup>11</sup>

(5) Geometrical optics was used to calculate the RCS. This approximation is less accurate at the low range of the radar frequencies we have considered (150 MHz).

(6) Surface roughness and absorption by the materials on the solar panel surface are not expected to contribute significantly to RCS, and thus these effects were not considered.

(7) Multipath returns, caused by radar pulses reflecting off multiple surfaces between transmission and reception, were not considered in this analysis. Multipath returns would increase the total reflected power, as reflections from a bin outside a given range gate would be received as a result of an increased path length. However, the terrain appears unfavorable to multipath, due to the presence of a ridge approximately midway between the two sites that may partially obscure the Antelope Valley Solar Ranch from the Tejon Test facility.<sup>12</sup>

(8) For fixed-tilt arrays arranged in east-west rows, the planned Antelope Valley Solar Ranch does not have edges perpendicular to the radar line of sight. In this case, the returns from a canted plate can still contain reflections from plate corners.<sup>13</sup> To account for these reflections from solar panel corners that will be illuminated by the gated radar signal, and to account for panel racking and support members, we increased the RCS of each bin comprising the Antelope Valley Solar Ranch by 100 times.

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<sup>11</sup> Adamy, David L. "Tactical Battlefield Communications Electronic Warfare", Artech House, 2009.

<sup>12</sup> USGS data, aggregated at <http://www.heywhatsthat.com/profiler.html>

<sup>13</sup> Knott, Eugene F., "Radar Cross Section." Second Edition. SciTech Publishing, Inc., 2004, p.8.

## Results

Based on a range of operating frequencies (assumed for each antenna) and PRF, Exponent calculated a range of the total reflected power from the Antelope Valley Solar Ranch. Of particular importance are several values of PRF for which our model predicts that no significant power will be reflected back to the radar from the Antelope Valley Solar Ranch. For values of PRF less than approximately 7.1 kHz, and at bands shown in Figure 9, our model predicts that no significant part of the Antelope Valley Solar Ranch lies within a 50 meter wide range gate at the unambiguous range defined by each PRF, and thus no significant radar power will be reflected from the Antelope Valley Solar Ranch.

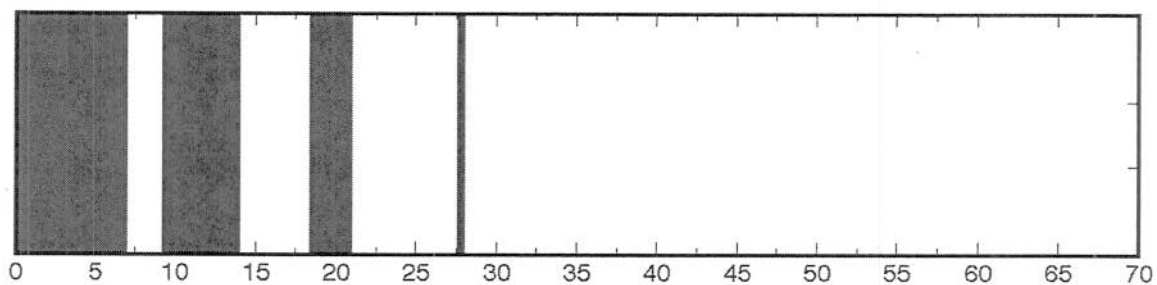


Figure 9. Plot of pulse repetition frequencies that result in negligible reflected radar power from the Antelope Valley Solar Range. Shaded areas indicate the values of PRF for which there is no overlap between a 50 meter wide range gate and the Antelope Valley Solar Ranch site, resulting in negligible reflected power.

For other choices of PRF, the total reflected power from the area of the Antelope Valley Solar Ranch within a 50 m range gate was calculated using the method described above and compared to the reflected power from a test object, mounted on a test pylon on the test range, having a  $-90$  dBsm radar cross section. The plots of returned power from the Antelope Valley Solar Ranch for each antenna over a range of assumed operating frequencies are provided in Appendix C. Depending on the choice of operating frequency and antenna parameters, our calculations indicate that the total reflected power from the Antelope Valley Solar Ranch is in all cases less in magnitude than that of a test object having a  $-90$  dBsm radar cross section mounted on a test pylon down range from the Range 1 antennas at the Tejon Test Facility.

## Conclusion

Given the estimated radar parameters of NGSC's Tejon Test Facility and the model for calculating the RCS of solar panels presented above,

- (a) The Antelope Valley Solar Ranch does not contribute to clutter for numerous values of radar pulse-repetition frequency; and
- (b) for all the Range 1 radar parameters considered, the Antelope Valley Solar Ranch possesses a clutter signature below the Tejon Test Facility sensitivity threshold, indistinguishable from current ambient noise sources.

A properly chosen pulse repetition frequency will render the Antelope Valley Solar Ranch essentially invisible to radar pulses transmitted by the Tejon Test Facility. For additional combinations of pulse repetition frequency and radar operating frequency, the calculated return power from the Antelope Valley Solar Ranch is below  $-90$  dBsm when referred to the test-range sensitivity.

## Appendix A: Normalized Radiation Patterns

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Exponent calculated the normalized radiation pattern for each of the four antennas identified at the Tejon Test Facility, based on assumptions about the antenna diameter, the parabolic shape of the antenna, and the relevant frequency ranges used by each antenna<sup>14</sup>. The maximum and minimum frequency for each antenna is presented in Figure 10 and Figure 11. The range of angles with respect to the antenna boresight that the Antelope Valley Solar Ranch occupies is highlighted, approximately 4 to 14 degrees for antennas directed down Range 1.

**Table 2. Antenna parameters used in radar return calculations. Range 1 is the southern range.**

Antenna	Diameter	Coordinates	Height	Frequency	Range
A1	2.4 m	34.927370, -118.532504	1.5 m	2 – 8 GHz	Range 1
A2	1.5 m	34.927392, -118.532468	3.7 m	6 – 18 GHz	Range 1
A3	4.0 m	34.927488, -118.532178	3.4 m	0.5 – 4 GHz	Range 2
A4	6.1 m	34.927598, -118.532178	15.2 m	0.15 – 1 GHz	Range 2

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<sup>14</sup> Kraus, John D. "Antennas." Second Edition. McGraw-Hill, 1988.

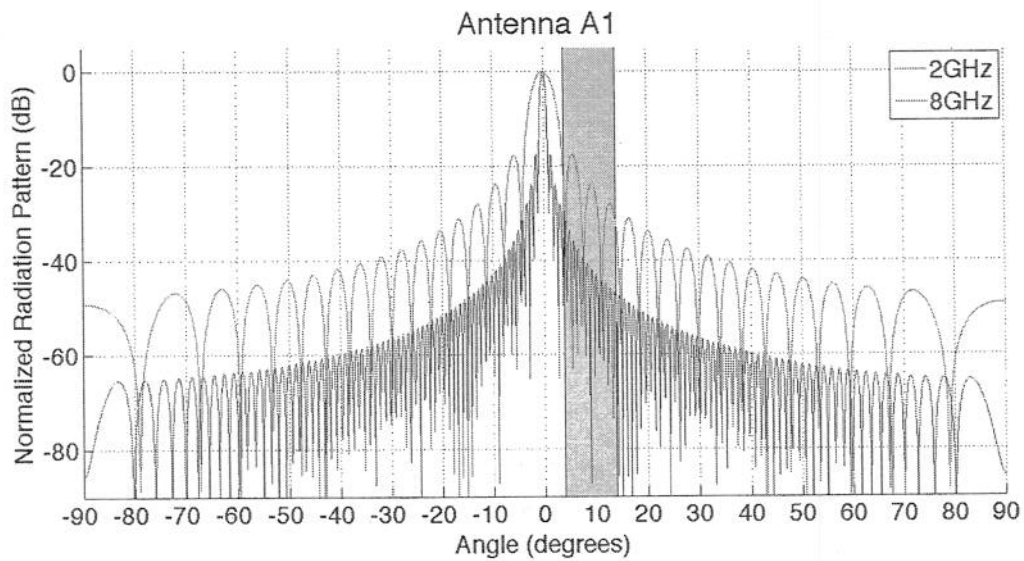


Figure 10. Normalized radiation pattern for antenna A1 for maximum (8 GHz) and minimum (2 GHz) assumed operating frequencies. Approximate angles corresponding to Antelope Valley Solar Ranch are shown in shaded region.

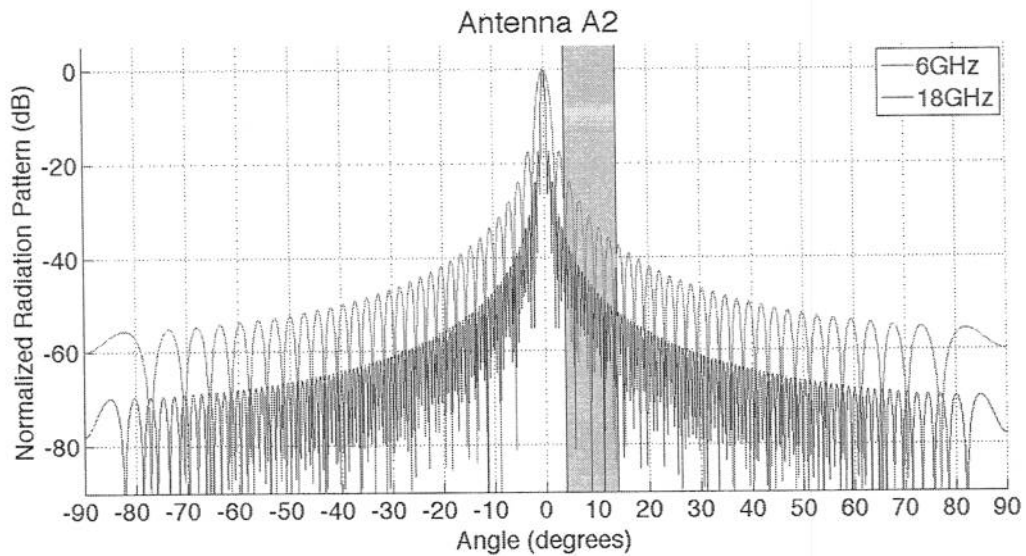


Figure 11. Normalized radiation pattern for antenna A2 for maximum (18 GHz) and minimum (6 GHz) assumed operating frequencies. Approximate angles corresponding to Antelope Valley Solar Ranch are shown in shaded region.



## Appendix B: Range Gated Regions

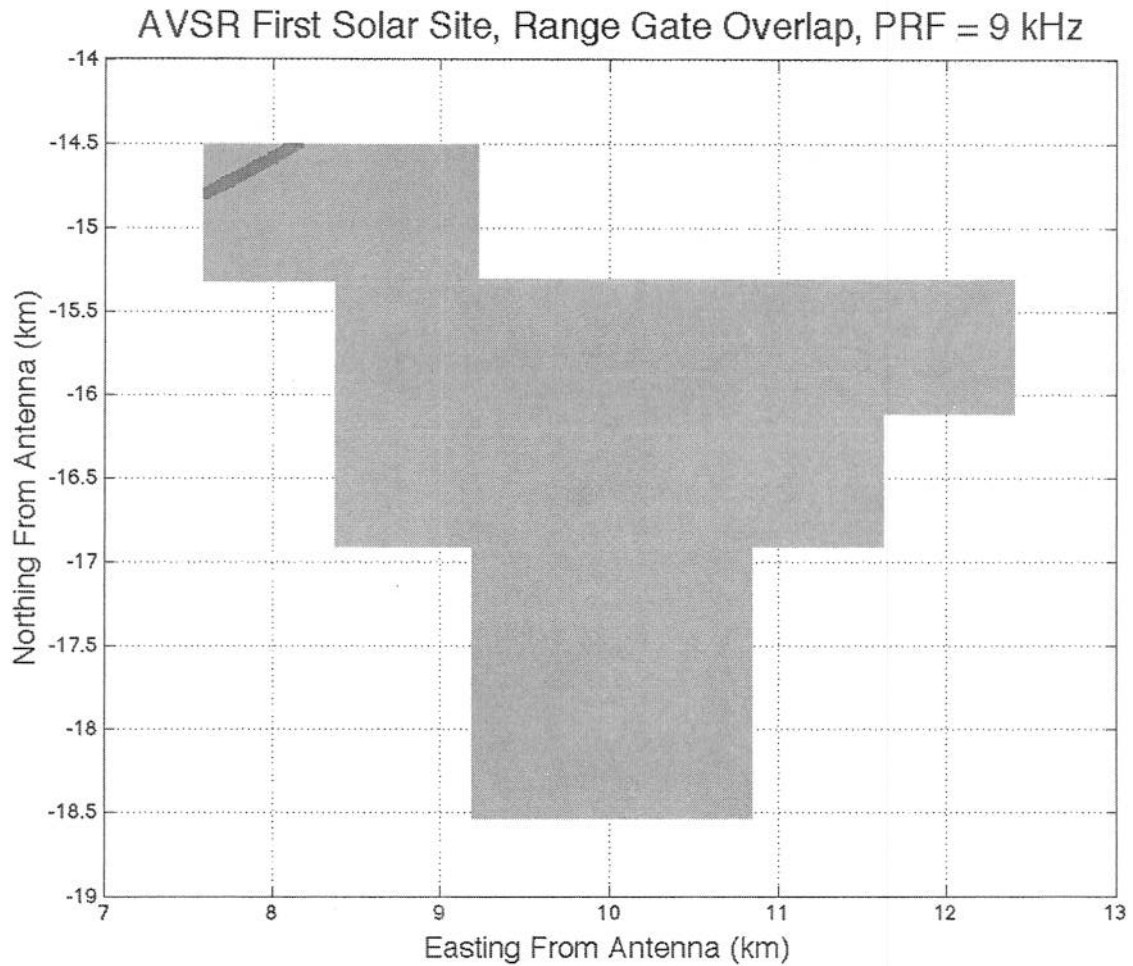


Figure 12. Plot of Antelope Valley Solar Ranch (green shape) indicating the location of the range-gated bins (red stripes) for a range gate width of 50 m and a pulse repetition frequency of 9 kHz (range gate width not to scale for illustration purposes).

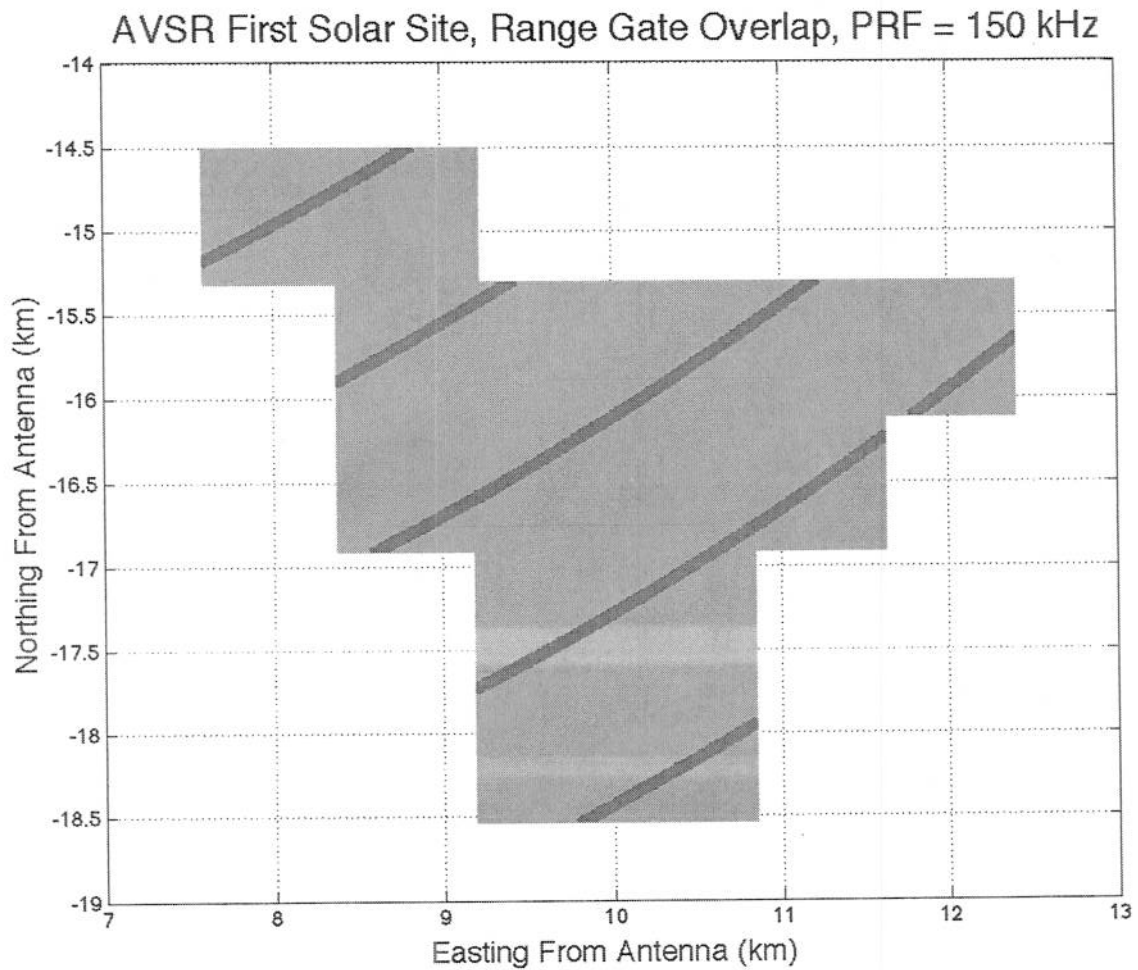


Figure 13. Plot of Antelope Valley Solar Ranch (green shape) indicating the location of the range-gated bins (red stripes) for a range gate width of 50 m and a pulse repetition frequency of 150 kHz (range gate width not to scale for illustration purposes).

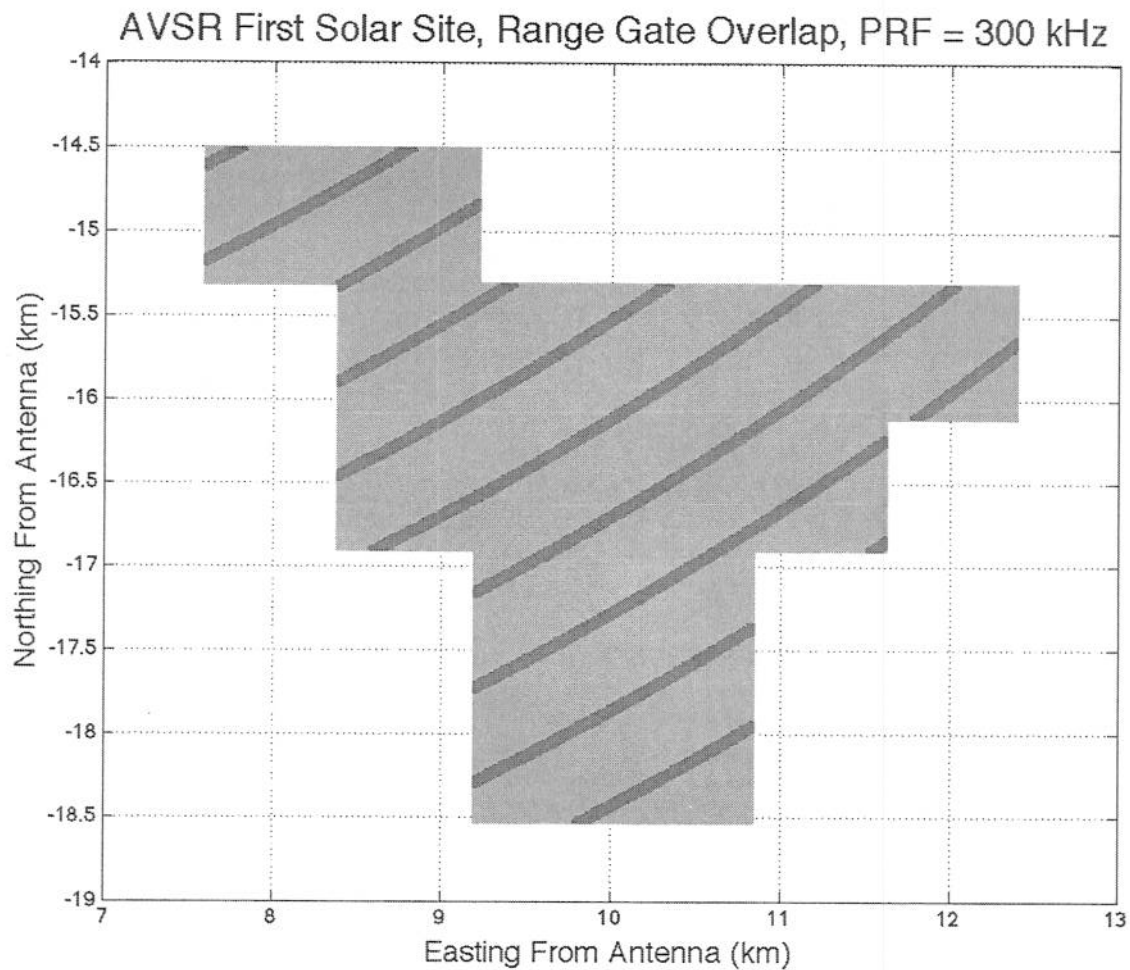


Figure 14. Plot of Antelope Valley Solar Ranch (green shape) indicating the location of the range-gated bins (red stripes) for a range gate width of 50 m and a pulse repetition frequency of 300 kHz (range gate width not to scale for illustration purposes).

## **Appendix C: Returned Power Comparisons**

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Exponent calculated the returned power from the Antelope Valley Solar Ranch for several values of PRF for which a significant area of the site falls within the range gated area, as determined by the pulse repetition frequency and assumed range gate width of 50 m. Calculations were performed for each of the two antennas at the Tejon Test Facility identified by Northrop Grumman as corresponding to Range 1, and based on the assumptions previously outlined. The solar panels were assumed to have a width of 2.54 meters, a row separation of 4.23 meters, and a southward tilt of  $25^\circ$  with respect to horizontal. Normalized return power (dB) and range-referred clutter level (dBsm) are presented in Figure 15 and Figure 16.

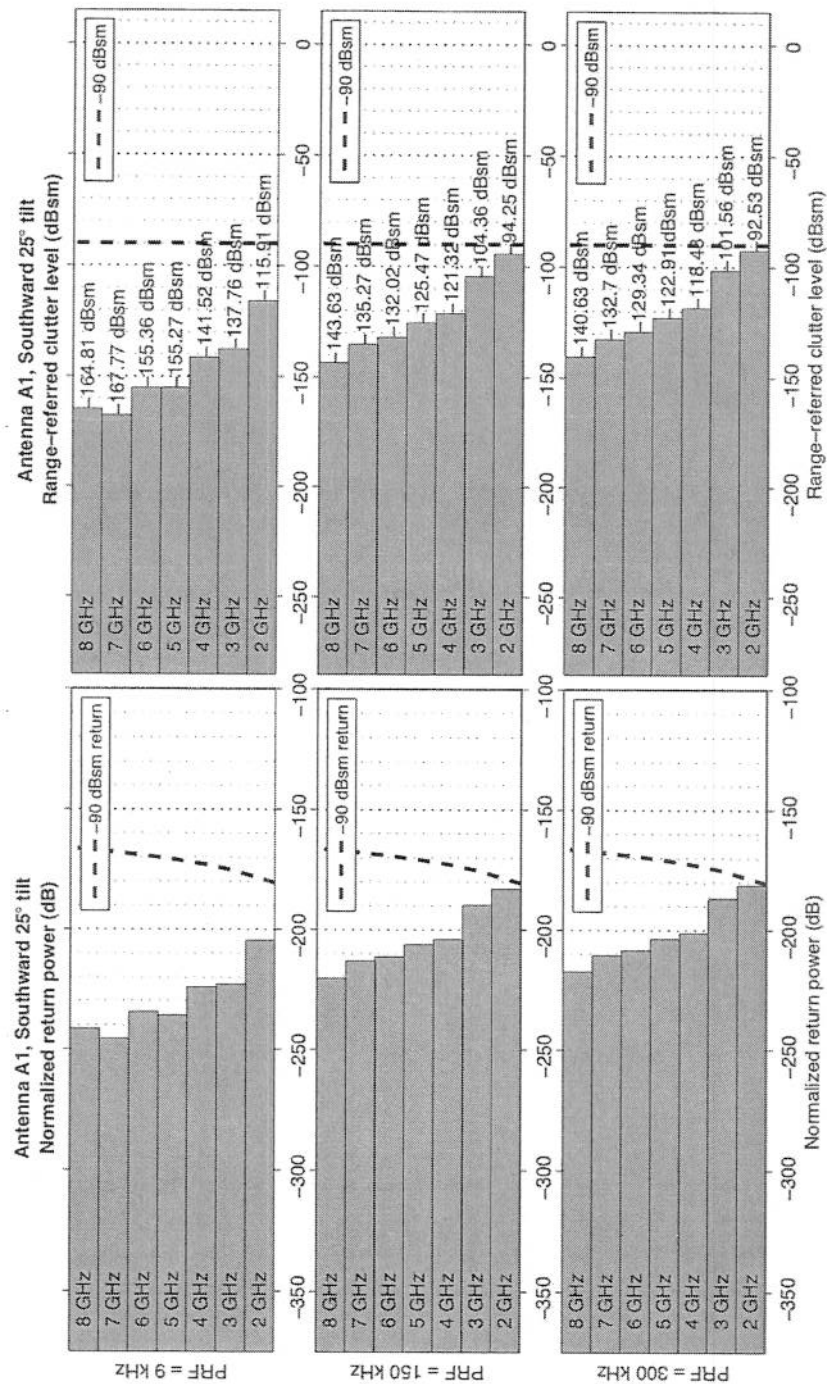


Figure 15. Antenna A1, normalized return power (dB) and range-referred clutter level (dBsm) for 25° tilt.

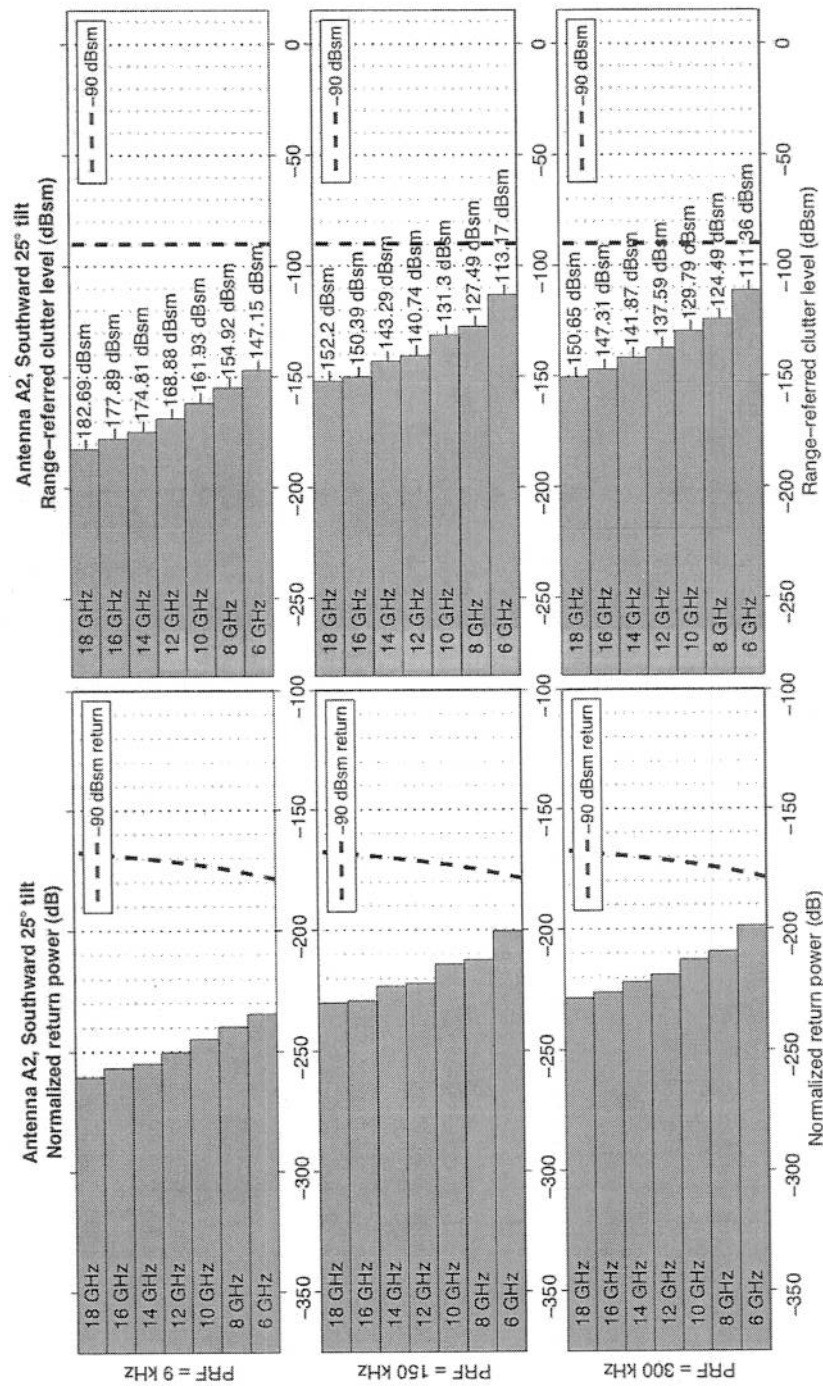


Figure 16. Antenna A2, normalized return power (dB) and range-referred clutter level (dBsm) for 25° tilt.

**FINDINGS OF FACT  
REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT**

**FOR THE AV SOLAR RANCH ONE PROJECT  
COUNTY PROJECT NO. R2009-02239  
VESTING TENTATIVE TRACT MAP NO. TR071035  
CONDITIONAL USE PERMIT NO. RCUPT200900026  
ENVIRONMENTAL REVIEW NO. RENV200900027  
STATE CLEARINGHOUSE NO. 2009041145**

**PROJECT FINDINGS ORGANIZATION**

<u>Section 1</u>	Introduction
<u>Section 2</u>	Findings Regarding Potential Environmental Effects Which are Not Significant or Which Have Been Mitigated to a Less than Significant Level
<u>Section 3</u>	Findings Regarding Cumulative Environmental Effects Which are Not Significant or Which Have Been Mitigated to a Less Than Significant Level
<u>Section 4</u>	Findings Regarding Project Alternatives
<u>Section 5</u>	Findings Regarding the Mitigation Monitoring and Reporting Program
<u>Section 6</u>	CEQA Guidelines § 15091 and 15092 Findings
<u>Section 7</u>	CEQA Guidelines § 15084(D)(3)
<u>Section 8</u>	Public Resources Code § 21082.1(C) Findings
<u>Section 9</u>	Nature of Findings
<u>Section 10</u>	Reliance on Record
<u>Section 11</u>	Relationship of Findings to EIR
<u>Section 12</u>	Custodian of Records
<u>Exhibit A</u>	Mitigation Monitoring and Reporting Program

## **SECTION 1.0 INTRODUCTION**

The County of Los Angeles ("County") Board of Supervisors ("Board") hereby certifies and finds that the AV Solar Ranch One Project ("Project") Final Environmental Impact Report ("Final EIR"), State Clearinghouse Number 2009041145, has been completed in compliance with the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA") and the State CEQA Guidelines (Title 14, Cal. Code Regs. §§ 15000 et seq., "CEQA Guidelines"). The Project Final EIR consists of the following documents: (1) June 2010 Draft Environmental Impact Report ("Draft EIR"); (2) June 2010 Technical Appendices to the Draft EIR; (3) August 2010 Final EIR; and (4) November 2010 Final EIR Section 6.0, Responses to Late Comments.

The Board hereby further certifies that it received, reviewed and considered the information contained in the following: (i) the Final EIR; (ii) the applications for Vesting Tentative Tract Map No. TR071035 and Conditional Use Permit No. RCUPT200900026; and (iii) all hearings, and submissions of testimony from County officials and departments, the Applicant (as defined below), the public, other public agencies, community groups, and organizations. Concurrently with the adoption of these findings, the Board adopts a Mitigation Monitoring and Reporting Program ("MMRP"), attached hereto as Exhibit A.

Having received, reviewed and considered the foregoing information, as well as any and all information in the administrative record and the record of proceedings, the Board hereby makes the following findings pursuant to and in accordance with Public Resources Code § 21081 and State CEQA Guidelines § 15090:

### **SECTION 1.1 PROJECT BACKGROUND**

AV Solar Ranch 1, LLC, ("Applicant") proposes to construct a 230-megawatts (MW) solar photovoltaic (PV) electric generating facility on an approximately 2,100 acres of formerly agricultural, and primarily vacant land located in the unincorporated Antelope Valley, in unincorporated Los Angeles County. The Project occupies an area both north and south of State Route (SR)-138, and is approximately bounded on the north by West Avenue B-8, on the south by West Avenue E, on the east by 155<sup>th</sup> Street West, and on the west by 180<sup>th</sup> Street West. Major project components include PV panel arrays, an electrical substation, a 20,000 square-foot Operations and Maintenance building with associated parking, and on-site drainage improvements consisting primarily of infiltration basins throughout the site. The proposed Project components also include perimeter fencing (wildlife-permeable), fire breaks, perimeter and internal access roads, a water well, two water tanks (containing approximately 100,000 and 10,000 gallons), and a septic system. The Project also includes a 230-kilovolt (kV) transmission line for interconnecting the electrical output of the Project to the regional transmission system. The proposed transmission line is approximately 4.25 miles long, including a 3.5-mile-



long off-site portion that will interconnect to Southern California Edison's (SCE) planned Whirlwind Substation north of the Project site in southern Kern County.

The Project site is adjacent to the Joshua Tree Woodland Habitat Significant Ecological Area (SEA) #60 on the north and east, roughly 850 feet northwest of the Fairmont-Antelope Buttes SEA #57, approximately 1.5 miles northwest of the Antelope Valley Poppy Reserve, 2.5 miles northeast of the Arthur B Ripley Desert Woodland State Park, and 3 miles northeast of the Desert Pines Wildlife Sanctuary.

The proposed Project site originally overlapped a small portion (a 20-acre portion) of the existing SEA #60. The Applicant's initial development proposal, as reflected in its initial development application to the Los Angeles County Department of Regional Planning ("LACDRP"), also included modifications to the on-site Drainage A and Drainage B. Drainage A was previously proposed to be engineered from the intersection of SR-138 and 170<sup>th</sup> Street West to the northeast corner of the Project site as a trapezoidal channel with a bottom width of approximately 180 feet, and a top width of approximately 250 feet. Drainage B was proposed to be developed by the construction of the solar array. The modifications to the on-site drainages resulted in a maximum total on-site grading of 700,000 cubic yards (cy). Subsequent to the release of the Notice of Preparation (NOP), the Applicant revised the Project to remove the 20-acre portion of SEA #60 area from the Project and avoid all drainages. These revisions are represented in the proposed Project evaluated in the Draft EIR.

To implement the Project, the applicant has applied for: (1) a Vesting Tentative Tract Map (VTTM) No. TR071035 for a reversion to acreage from 147 parcels to 1 parcel; and (2) a Conditional Use Permit (CUP) No. RCUP200900026 for the construction and operation of a 230-MW solar PV facility in an agricultural zone and for grading in excess of 100,000 cubic yards of soil.

## **SECTION 1.2 ENVIRONMENTAL IMPACT REPORT PROCESS**

In accordance with State CEQA Guidelines Section 15063, the County completed an Initial Study (April 13, 2009) for the proposed Project, and determined that an Environmental Impact Report ("EIR") was required. A NOP, including the Initial Study was circulated to the Governor's Office of Planning and Research, responsible, trustee, and interested agencies, and key interest groups on April 29, 2009 to solicit comments on the proposed content of the Draft EIR. The NOP was circulated for the required 30-day comment period which ended June 1, 2009. A Scoping Meeting was held on May 14, 2009 in Lancaster (Antelope Acres) to facilitate public review and comment on the Project. The Draft EIR includes the Initial Study, the comment letters received during the public review period in response to the NOP, and verbal comments received during the Scoping Meeting (see Draft EIR Appendix A). All NOP comments relating to the EIR

were reviewed and the issues raised in those comments were addressed, to the extent feasible, in the Draft EIR.

Potentially significant environmental impacts addressed in the Draft EIR include Geotechnical Hazards, Flood Hazards, Fire Hazards, Water Quality, Air Quality, Biological Resources, Cultural and Paleontological Resources, Agricultural Resources, Visual Qualities, Traffic and Access, Fire and Sheriff Services, Utility Services, Environmental Safety, Land Use, Global Climate Change, Noise, Change In Character, and Growth Inducing impacts. The Draft EIR analyzed both project and cumulative effects of the Project on these topics and identified a variety of mitigation measures to minimize, reduce, avoid, or compensate for the potential adverse effects of the proposed Project. The Draft EIR also analyzed a number of potential alternatives to the proposed Project, including: 1) No Project Alternative; 2) Alternative Facility Layout; and 3) Underground Transmission Lines. Potential environmental impacts of each of these alternatives were discussed at the CEQA-prescribed level of detail and comparisons were made to the proposed Project.

The Initial Study determined that the Project would result in less than significant or no impact to several environmental resource areas: Mineral Resources, since the Project would not have the potential to result in the loss of availability of a known mineral resource of value to the region, including those identified in a local general plan, specific plan, or other land use plan; Sewage Disposal, based on the Project not being located in an area served by a community sewage system, and thus would not create a capacity problem in sewer lines or at a treatment plant; Education, since the Project does not involve residential development, and does not have the potential to create capacity problems at the school district level, individual schools, and libraries; and Recreation, based on the Project lacking the potential to create new demand for recreational resources in the Project region, as the Project is intended to generate renewable, solar energy with a long-term operation workforce of only approximately 16 persons. While the Initial Study did not identify potentially significant impacts to Agricultural Resources or Noise, these two resource disciplines were also included in the Draft EIR for further assessment of potential impacts.

Following the LACDRP internal departmental review and analysis of the proposed Project through the screencheck process, the Draft EIR was submitted to the State Clearinghouse, Governor's Office of Planning and Research, and circulated for public review period beginning June 16, 2010. The 45-day public review period required by State CEQA Guidelines § 15087 ended on July 30, 2010. A Notice of Availability for the Draft EIR was published in the *Antelope Valley Press* and *La Opinión* newspapers, and a public hearing notice was sent to property owners within a 1000-foot radius of the proposed Project site and to known interested individuals and organizations. The public hearing notice was also posted at the Project site.

The Los Angeles County Regional Planning Commission ("Commission") conducted a public hearing on the Project on June 30, 2010 and heard a presentation by Staff and the Applicant. At this hearing, Staff recommended and the Applicant agreed to underground nearly all portions of the Project-related 34.5-kV and 230-kV transmission lines in the County of Los Angeles, as analyzed in Project Alternative 3 in the Draft EIR. Two members of the public (representatives of the Antelope Valley Trade Association and the Greater Antelope Valley Economic Alliance) testified in favor of the Project, and two members of the public (both from the Antelope Acres Town Council) testified with concerns regarding the Project. After public testimony, the Commission continued the Project hearing to September 15, 2010.

The August 2010 Final EIR, which contained written responses to comments received during the noticed comment period, was completed and submitted to the State Clearinghouse/Governor's Office of Planning and Research, and distributed on August 31, 2010. Distribution of the Final EIR entailed providing copies of the Final EIR to public agencies and organizations that commented on the Draft EIR, and notifying individuals who commented on the Draft EIR of the Final EIR availability. The Final EIR was made available to the public on the County's website, at the LACDRP location, and at five public libraries located in the vicinity of the Project area. The Final EIR was prepared and distributed in accordance with State CEQA Guidelines §15088, which requires that written responses be provided at least 10 days prior to certifying an environmental impact report.

At the September 15, 2010 public hearing, four members of the public testified in favor of the Project; the president of the Antelope Acres Town Council, a representative of the Desert and Mountains Conservation Authority, and representatives of the Greater Antelope Valley Economic Alliance and the Los Angeles Economic Development Corporation. No testifiers spoke against the Project. The Commission determined that the undergrounding of both the on-site and off-site 34.5-kV and 230-kV transmission lines within the unincorporated County area is required, with the exception of three required above ground public right of way crossings including one above ground point of connection at the Kern County border and above ground crossings over jurisdictional drainages in order to minimize visual intrusion and minimize the proliferation of above ground transmission lines as well as to ensure compliance with the applicable provisions of the Countywide General Plan and the Antelope Valley Areawide General Plan. The Commission also found the Project to be consistent with the applicable Los Angeles Countywide General Plan and Antelope Valley Area Plan and policies, and that the Project meets the necessary findings for the proposed VTTM and CUP pursuant to the Subdivision Map Act and applicable County Code provisions. The Commission adopted the EIR, associated MMRP, and CEQA Findings of Fact, and approved the CUP, VTTM, and associated CUP and VTTM Findings and Conditions.

Following the close of the noticed Draft EIR comment period, four late comment letters were transmitted to LACDRP. These letters included a letter from the California Department of Transportation (Caltrans) dated September 14, 2010, a letter from Adams Broadwell Joseph & Cardozo, on behalf of the California Unions for Reliable Energy (CURE) dated September 14, 2010, and an email from Ms. Melody Mokres dated September 14, 2010. Additionally, on September 24, 2010, Ms. Kyndra Joy Casper, Esq. from Sheppard Mullin Richter & Hampton, LLP, who is agent and representative of Northrop Grumman Corporation, filed an appeal on the Commission decision. The September 24, 2010 appeal was submitted with an attached Rider containing late comments on the June 2010 Draft EIR and August 2010 Final EIR.

LACDRP subsequently prepared the November 2010 Final EIR Section 6.0, Responses to Late Comments to respond to the late comments received after the close of the noticed Draft EIR public comment period (July 30, 2010), and after the August 2010 Final EIR was issued.

The Board finds that the Project does not require recirculation under CEQA (Public Resources Code Section 21092.1, CEQA Guidelines Section 15088.5). CEQA Guidelines Section 15088.5 requires recirculation of an EIR prior to certification of the Final EIR when “significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review.” “New information is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the Project’s proponents have declined to implement. ‘Significant new information’ requiring recirculation includes, for example, a disclosure showing that:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it;
4. The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.”

In addition, CEQA Guidelines Section 15088.5(b) provides that “recirculation is not required where the new information added to the EIR merely clarifies and amplifies or

makes insignificant modifications in an adequate EIR.” The Board makes the following findings:

1. None of the public comments submitted to the County regarding the Draft EIR and August 2010 Final EIR, including public statements and comments made at the Commission and Board hearings, or responses to comments presented any significant new information that would require the EIR to be re-circulated for public comments.
2. No new significant environmental impacts would result from new or modified mitigation measures proposed to be implemented.
3. The Draft EIR analyzed both the aboveground and the underground placement of the 34.5-kV and 230-kV transmission lines and concluded that neither the aboveground nor the underground transmission lines would result in significant environmental impacts.
4. The Draft EIR was not fundamentally and basically inadequate and conclusory in nature and did not preclude meaningful public review and comment.
5. The new information in the August 2010 Final EIR and the November 2010 Final EIR Section 6.0, Responses to Late Comments has been provided merely to clarify or amplify information in the Draft EIR. The new information does not reveal that the Project would cause significant new impacts not previously identified in the Draft EIR.

### **SECTION 1.3 PROJECT FINDINGS INTRODUCTION**

The Findings made by the County, pursuant to Section 21081 of CEQA, and Section 15091 of the State CEQA Guidelines, on the consideration of the AV Solar Ranch One Project in unincorporated Los Angeles County, California are presented below. All significant impacts of the Project identified in the Final EIR are included herein and are organized according to the resources affected.

The Findings in this document are for the AV Solar Ranch One Project and are supported by information and analysis from the Final EIR and other evidence in the administrative record.

For each significant impact, a Finding has been made as to one or more of the following, in accordance with Public Resources Code §21081 and State CEQA Guidelines §15091:

- A. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

- B. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- C. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

A narrative of supporting facts follows the appropriate Finding. For all of the impacts, one or more of the findings above have been made. The proposed Project did not result in a scenario for Finding "C" (as defined above).



## **SECTION 2.0 FINDINGS REGARDING POTENTIAL ENVIRONMENTAL EFFECTS WHICH ARE NOT SIGNIFICANT OR WHICH HAVE BEEN MITIGATED TO A LESS THAN SIGNIFICANT LEVEL**

All Final EIR mitigation measures, as set forth in the Mitigation Monitoring and Reporting Program (attached as Exhibit A to these findings) have been incorporated by reference into the conditions of approval for the Project. These mitigation measures and conditions of approval will result in a substantial mitigation of the effects of the Project such that the effects are not significant or have been mitigated to a level of less than significant. The Board has determined, based on the Final EIR, that Project design features, mitigation measures, and conditions of approval will reduce Project impacts concerning Geotechnical Hazards, Flood Hazards, Fire Hazards, Water Quality, Air Quality, Biological Resources, Cultural and Paleontological Resources, Agricultural Resources, Visual Qualities, Traffic and Access, Fire and Sheriff Services, Utility Services, Environmental Safety, Land Use, Global Climate Change, Noise, Change In Character, and Growth Inducing Impacts.

### **2.1 GEOTECHNICAL HAZARDS**

#### **Potential Effect:**

The Project would significantly impact geotechnical resources if it would result in substantial adverse impacts from active or potentially active fault zones, landslides, subsidence, high groundwater, liquefaction, hydrocompaction, expansive soil, and grading.

#### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

#### **Facts Supporting the Finding:**

The Project site and transmission line route are not located within or in the near vicinity of active or potentially active fault zones, landslide areas, or areas of high subsidence, high groundwater, liquefaction, hydrocompaction, or high soils expansion potential.

The potential exists for the Project to be subject to moderate to strong ground motion since the site is located in a seismically active region; however, implementation of geotechnical design recommendations per the Geotechnical Engineering Report, and conformance with appropriate California and Los Angeles County Building Code criteria and applicable industry standards would reduce potential geotechnical-related hazards to a less than significant level.

Construction of the Project would require grading over the site area; however, grading would be balanced cut and fill, performed in accordance with a Grading Plan approved by the Los Angeles County Department of Public Works (LACDPW), and would be performed in conjunction with Best Management Practices (BMPs) to minimize potential wind and water erosion effects.

The following mitigation measure requires implementation of adequate geotechnical design considerations and applicable building codes and standards to reduce potential geotechnical hazards to a less than significant level:

**Mitigation Measure 5.2-1: Implementation of Geotechnical Engineering Report Recommendations.** The design and construction of the Project shall comply with applicable building codes and standards (e.g., CBC) as well as the recommendations in the geotechnical engineering report (Terracon 2009) to the satisfaction of the Los Angeles County Department of Public Works.

## **2.2 FLOOD HAZARDS**

### **Potential Effect:**

Potential significant impacts to flood hazards include whether the Project would alter existing drainage patterns of the site or area, or whether the Project would expose people or structures to a significant risk of loss, injury, or death from flooding or inundation.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

The Project would be designed to maintain the drainage pattern of the site in accordance with the Project Drainage Concept Report (Appendix C of the Draft EIR), as approved by LACDPW. As designed in the Project Drainage Concept Report, the Project would result in less than significant effects to alter the existing drainage pattern.

The majority of the Project site is mapped as Federal Emergency Management Agency (FEMA) Zone X, Unshaded and Shaded, and the portion of Drainage C on the site is mapped as Zone A. The proposed Project is designed to withstand scouring or undermining of foundations in areas that may be subject to periodic inundation, and would avoid all drainages (including Drainage C and the associated Zone A area) and incorporate appropriate setbacks. These design considerations are expected to result in less than significant effects. Approximately 22 transmission structures would be located on the edge of the 100-year floodplain (Zone A), while the remainder are located in Zone



X, Unshaded. The transmission line poles are designed to withstand potential flooding and erosion hazards, and would be installed in accordance with applicable floodplain development guidelines. Based on these design measures as well as the small total footprint located within a flood plain, impacts are expected to be less than significant.

Project construction would involve earth disturbance, selective vegetation clearing, and increase of impervious surfaces, which have the potential to increase runoff and erosion. This potentially significant impact is mitigated to a less than significant level with implementation of stormwater management measures, as incorporated in the following feasible mitigation measure:

**Mitigation Measure 5.3-1: Erosion Control and Stormwater Management Measures.**

In order to ensure that Project-related erosion and debris deposition as well as stormwater related impacts would be minimized, the design measures specified in the Drainage Concept Report (Psomas 2009) and the following measures shall be implemented subject to review and approval by the Los Angeles County Department of Public Works (LACDPW):

- Avoidance of all drainage areas: Construction and operational phase activities shall avoid all on-site drainages and FEMA Zone A floodplain areas. Solar field development shall be set back from the two major drainages (Drainages A and C) by a minimum of approximately 100 feet from the tops of banks for both Drainages A and C. Additionally, all Project development shall be set back a minimum of 100 feet from the FEMA Zone A floodplain for Drainage C.
- Applicant shall comply with NPDES requirements of the Lahontan Regional Water Quality Control Board (LRWQCB) and the LACDPW.

## **2.3 FIRE HAZARDS**

### **Potential Effect:**

The Project would have a significant impact if it is subjected to very high fire hazards associated with a Very High Fire Hazard Severity Zone, served by inadequate access or fire water requirements, or constituted a potentially dangerous fire hazard.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment..

### **Facts Supporting the Finding:**

The Project site and transmission line route are not located within a recommended Local Agency Very High or High Fire Hazard Severity Zone. Construction of utilities across

and/or along SR-138 and 170<sup>th</sup> Street West may potentially encroach into the traveled roadway; however, implementation of MM 5.11-1 (Provide Adequate Worksite Traffic Control), which requires worksite Traffic Control Plans, permits, and County coordination, such that emergency access would not be significantly affected.

The Project would maintain an estimated 100,000 gallon water tank near the Operations and Maintenance (O&M) Building to provide fire protection water (90,000 gallons, as required by the Los Angeles County Fire Department [LACFD]) and service water (10,000 gallons) needs. Additionally, a second 10,000-gallon firewater tank would be installed and maintained near the southern site entrance. Adequate firewater pressure would be delivered using an electric pump (a diesel-fueled backup pump may be installed by the Applicant so that firewater is available during power outages). The Project is not designed to require a substantial water supply and the Project wells and on-site firewater storage tanks would be expected to be sufficient to meet fire protection water needs. There is sufficient water to supply the Project needs, including 100,000 gallons of firewater for the on-site firewater storage tanks. In the event that groundwater becomes unavailable, a backup water supply (e.g., via trucking) would be utilized to provide a reliable firewater supply. As a result, the Project would not be anticipated to cause significant impacts resulting from inadequate firewater supply or pressure.

The Project site is expected to provide adequate firewater yields for Project construction and operation, based on on-site well testing data. In accordance with LACFD requirements, the Project would maintain adequate quantities of firewater in the Project water storage tanks, and adequate pressure would be delivered by an electric pump.

Project fire risks during construction pertain to smoking, refueling, welding activities, handling and storage of flammable materials, and vehicle operation and equipment use off roadways. Implementation of Mitigation Measure 5.4-1 Fire Protection and Prevention Plan (below) requires fire prevention management of potential fire hazards during construction, which would reduce the potential fire risks during construction to a less than significant level. The Plan shall address smoking rules, flammable materials handling and storage, equipment and vehicle maintenance and proper use, smoking, fuel management, and training during operation.

Project fire hazards during operation result from use of fuel and oils, and use of maintenance equipment and vehicles. The Project would implement an Operations Fire Protection and Prevention Plan, which shall address fire alarm and procedures, system and equipment maintenance, inspections, housekeeping practices, and training. Fire protection measures during operations include: fire suppression systems at the Operations and Maintenance building, plant control room, and electrical equipment enclosures; vegetation management programs in accordance with the Vegetation Management and Fire Control Measures Plan (Draft EIR, Appendix K); permanent fire breaks (Figure 4.4-1D and Vegetation Management and Fire Control Measures Plan [Appendix K] of the

Draft EIR); use of appropriately rated electrical equipment (i.e., Underwriters Laboratories tested, designated with fire resistance rating, National Electrical Manufacturers Association (NEMA)-rated, Conformance European (CE) certifications, etc.). Implementation of the Operations Fire Protection and Prevention Plan and Project fire protection measures would reduce potential fire risks during operation to a less than significant level.

The on-site and off-site transmission lines may pose a fire hazard, when a conducting object comes in close proximity of a line, or in the event that a live-phase conductor falls to the ground. Transmission line clearances for vegetation will be implemented in accordance with Los Angeles County Title 32 Fire Code, Section 317 (Clearance of Brush and Vegetative Growth), Public Resources Code Section 4292 (Power Line Hazard Reduction), PRC Section 4293 (Power Line Clearance Required), and Public Utilities Commission General Order 95 (Rules for Overhead Electric Line Construction). Additionally, during transmission line maintenance activities (i.e., transmission line inspection, vegetation clearance, etc.) operating vehicles and equipment may potentially spark, and result in fire danger. Implementation of Mitigation Measure 5.4-1 (Fire Protection and Prevention Plan), as described below would reduce the potential impacts associated with fire hazards to less than significant.

With implementation of the following safety and mitigation measure, it is expected that potential impacts associated with fire hazards would be reduced to a less than significant level.

**MM-5.4-1: Fire Protection and Prevention Plan.** The proposed Project shall develop and submit a Fire Protection and Prevention Plan to the LACFD for review and approval prior to issuance of a Grading Permit. The Plan shall address construction and operation activities for the Project, and establish standards and practices that will minimize the risk of fire danger, and in the case of fire, provide for immediate suppression and notification.

The Fire Protection and Prevention Plan shall address spark arresters, smoking and fire rules, storage and parking areas, use of gasoline-powered tools, road closures, use of a fire guard, and fire suppression equipment and training requirements. In addition, all vehicle parking areas, storage areas, stationary engine sites and welding areas shall be cleared of all vegetation, and flammable materials. All areas used for dispensing or storage of gasoline, diesel fuel or other oil products shall be cleared of vegetation and other flammable materials. These areas shall be posted with signs identifying they are “No Smoking” areas. An interim fire protection system shall be in place during construction until the permanent system is completed. The Plan shall also address vegetation clearance and maintenance requirements applicable to the transmission pole structures during operation.

Special attention shall be paid to operations involving open flames, such as welding, and use of flammable materials. Personnel involved in such operations shall have appropriate

training. A fire watch utilizing appropriately classed extinguishers or other equipment shall be maintained during hot work operations. Site personnel shall not be expected to fight fires past the incident stage. The local responding fire officials shall be given information on the site hazards and the location of these hazards, and the information shall be included in the emergency response planning.

Materials brought on-site shall conform to contract requirements, insofar as flame resistance or fireproof characteristics are concerned. Specific materials in this category include fuels, paints, solvents, plastic materials, lumber, paper, boxes, and crating materials. Specific attention shall be given to storage of compressed gas, fuels, solvents, and paint. Electrical wiring and equipment located in inside storage rooms used for Class I liquids shall be stored in accordance with applicable regulations. Outside storage areas shall be graded to divert possible spills away from buildings and shall be kept clear of vegetation and other combustible materials.

On-site fire prevention during construction shall consist of portable and fixed firefighting equipment. Portable firefighting equipment shall consist of fire extinguishers and small hose lines in conformance with the California Division of Occupational Safety and Health (Cal-OSHA) and the National Fire Protection Association (NFPA) for the potential types of fire from construction activities. Periodic fire prevention inspections shall be conducted by the contractor's safety representative.

Fire extinguishers shall be inspected routinely and replaced immediately if defective or in need of recharge. All firefighting equipment shall be conspicuously located and marked with unobstructed access. A water supply of sufficient volume, duration, or pressure to operate the required firefighting equipment shall be provided on-site. Authorized storage areas and containers for flammable materials shall be used with adequate fire control services.

The Operations Fire Protection and Prevention Program shall address the following:

- Names and/or job titles responsible for maintaining equipment and accumulation of flammable or combustible material control
- Procedures in the event of fire
- Fire alarm and protection equipment
- System and equipment maintenance
- Monthly inspections
- Annual inspections
- Firefighting demonstrations
- Housekeeping practices

- Training

## **2.4 WATER QUALITY**

### **Potential Effect:**

The Project would have a significant impact to water quality if it resulted in substantial water quality impacts due to use of water wells in an area of known water quality problems, or a septic system, and construction or post-construction activities.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

The Project area is not located in an area of known water quality problems. The Project proposes use of an onsite wastewater treatment system, which includes a septic tank and leachfield. The Project site is not located within an area having high groundwater or geotechnical limits, and the proposed septic system would not be located in close proximity to a drainage course. The proposed septic system shall be designed and installed in accordance with Los Angeles County Department of Public Health (LACDPH) standards, as identified in Mitigation Measure 5.5-1, On-site Wastewater Treatment System Feasibility Report, as described below. As a result, the Project would result in less than significant impacts to groundwater quality. The Project construction activities would not reach the depth of groundwater, which is estimated to be approximately 130 to 200 feet below ground surface (bgs).

The Project and transmission line construction and operation activities have the potential to impact the quality of local stormwater runoff due to earth disturbance activities, which cause erosion and excess sedimentation, and use of chemicals (e.g., paints, solvents, petroleum oils, dielectric oils, etc.), leading to pollutant transport. The Project proposes use of an onsite wastewater treatment system. Project area depth to groundwater is not shallow, and is expected to range from 130 feet to over 200 feet bgs. Project construction would involve earth disturbance, selective vegetation clearing, and use of petroleum-based liquids and other chemicals (e.g., paints, solvents, oils, dust palliatives, equipment fluids, etc.), which have the potential to release stormwater pollutants. The Project would be constructed with design measures to reduce the potential for sedimentation: structures will be designed to withstand scouring or undermining of foundations in areas that may be subject to periodic inundation, and site development would only occur in the lower flood risk areas, and facility structures would avoid all drainages and Zone A areas. Project operation would involve vegetation management, clearing infiltration basin areas, and use of petroleum-based liquids and other chemicals. The potentially significant



construction and operation impacts to water quality are mitigated to less than significant levels with implementation of Mitigation Measure 5.3-1, Erosion Control and Stormwater Management Measures. These measures include compliance with applicable National Pollutant Discharge Elimination System (NPDES) requirements of the Lahontan Regional Water Quality Control Board and the LACDPW. Pertinent water quality protection measures include good housekeeping practices, inspections, monitoring, and maintenance of site facilities, spill prevention and control procedures, and ensuring stormwater runoff to be directed away from operating, processing, fueling, cleaning, and storage areas.

The following mitigation measure requires implementation of appropriate design standards for the proposed onsite wastewater treatment system, and is expected to reduce potential water quality impacts to a less than significant level:

**Mitigation Measure 5.5-1: On-site Wastewater Treatment System Feasibility Report.** Prior to construction/installation of the on-site septic/leach field system, a complete OWTs feasibility report shall be submitted to the LACDPH for review and approval. The feasibility report shall be prepared in conformance with the requirements outlined in the current version of LACDPH guidelines, "On-site Wastewater Treatment System Guidelines."

## **2.5 AIR QUALITY**

### **Potential Effect:**

The Project would have significant impacts to air quality if it exceeded the State's criteria for regional significance, exceed or conflict with air quality thresholds, standards, or plans, and generate or be in close proximity to sources that create dust and/or hazardous emissions.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

The Project is classified as one of regional significance based on site acreage. However, the Project's operational emissions for the solar PV facility would be below the applicable significance thresholds and the facility would employ far fewer than 1,000 employees, so impacts to air quality would not be regionally significant. Construction of the proposed Project would result in emissions of criteria pollutants from construction equipment and mobile sources. In addition, construction activities would generate dust associated with ground-disturbing activities and vehicular/equipment movement on unpaved surfaces. Based on analysis of the construction emissions for the Project site and

transmission line, the total construction emissions, with implementation of Mitigation Measure 5.6-1 through 5.6-10, below, are less than the corresponding Antelope Valley Air Quality Management District (AVAQMD) emissions thresholds for criteria pollutants, including fugitive dust.

The Project would not conflict with or obstruct implementation of any of the proposed measures of the ozone attainment plan for AVAQMD. The construction-phase emissions would be short-term, and would not conflict with the long-term progress toward attainment because construction phase emissions comprise a small fraction of total AQMD inventory and are short-term and transitory in nature. The Project's use of a compliant fleet of non-road engines by the construction contractor (Mitigation Measure 5.6-4) would be consistent with the state and local plan requirements. Operation of the proposed Project, including the off-site transmission line, would not conflict with or obstruct implementation of any of the measures of the AVAQMD or the Kern County Air Pollution Control District (KCAPCD), including the AVAQMD ozone attainment plan. Operation of the Project involves passive electrical generation using the PV panels, panel washing, vegetation cutting and clearing, firewater pump engine testing, and water and maintenance truck activities. During operations, the quantified criteria pollutant emissions would be below the AVAQMD significance thresholds by a large margin.

The Project would generate diesel fumes (state regulated Toxic Air Contaminant [TAC]) during construction; however, due to the Project's temporary generation and buffer of land to the nearest residence, effects would be less than significant. Dust in the Project region is presumed to contain the *C. immitis* fungi, which can cause Valley Fever. The local populace is already exposed to dust likely containing the fungi, and exposure over time increases immunity to Valley Fever. However, construction workers not native or living in the area may be more susceptible to contracting Valley Fever. As a result, the Project would implement Mitigation Measures 5.6-2, 5.6-3, and 5.6-11 (below) to reduce potential impacts to less than significant levels. Project operations would not be expected to produce obnoxious odors or hazardous emissions. As a result, impacts would be less than significant.

Implementation of the following feasible mitigation measures as identified in the Draft EIR, would reduce potential Project impacts to air quality to less than significant levels:

**MM 5.6-1: Ensure AVAQMD Construction Emission Thresholds would be Met.**

Prior to issuance of the grading permit, the Applicant shall select an engineering, procurement, and construction (EPC) contractor to build the Project. The Applicant/EPC contractor shall be required to demonstrate that the final construction plans will not result in exceedances of applicable AVAQMD air emission significance thresholds during construction of the Project to the satisfaction of AVAQMD and LACDRP.

Prior to issuance of a grading permit, the Applicant shall prepare a report describing the Applicant's final engineering design-based plan for constructing the Project, including: 1) scheduling of construction activities; 2) equipment usage and details; 3) construction workforce loading; 4) truck deliveries schedule; and 5) ground disturbing/dust generating activities, etc. The report shall include emission calculations to demonstrate that the final construction plan will not result in exceedances of all applicable AVAQMD criteria pollutant emissions thresholds to the satisfaction of AVAQMD. The emission calculations shall include consideration of the emission reductions provided by implementation of Mitigation Measures 5.6-2 through 5.6-10, below.

**MM 5.6-2: Develop and Implement Fugitive Dust Emission Control Plan.** The Applicant shall develop a Fugitive Dust Emission Control Plan (FDECP) for construction work. The FDECP shall be submitted to AVAQMD for review and approval prior to issuance of a grading permit.

Measures to be incorporated into the FDECP shall include, but are not limited to the following:

- The proposed PM measures (#24 to #44) in AVAQMD's List and Implementation Schedule for District Measures to Reduce PM Pursuant to Health & Safety Code §39614(d) shall be incorporated into the fugitive dust control plan, as applicable.
- Non-toxic soil binders shall be applied per manufacturer recommendations to active unpaved roadways, unpaved staging areas, and unpaved parking area(s) throughout construction to reduce fugitive dust emissions.
- Travel on unpaved roads shall be reduced to the extent possible, by limiting the travel of heavy equipment in and out of the unpaved areas.
- Water the disturbed areas of the active construction sites at least three times per day, (when soil moisture conditions result in dust generation) and more often if visible fugitive dust leaving the site is noted.
- Enclose, cover, water twice daily, and/or apply non-toxic soil binders according to manufacturer's specifications to exposed piles of soils with a five percent or greater silt content.
- Maintain unpaved road vehicle travel to the lowest practical speeds, and no greater than 15 miles per hour (mph), to reduce fugitive dust emissions.
- All vehicle tires shall be inspected, be free of dirt, and washed as necessary prior to entering paved roadways from the Project site.
- Install wheel washers or wash the wheels of trucks and other heavy equipment where vehicles exit the site.



- Cover all trucks hauling soil and other loose material, or require at least 2 feet of freeboard.
- Establish a vegetative ground cover (in compliance with biological resources impact mitigation measures) or otherwise create stabilized surfaces on all unpaved areas through application of dust palliatives at each of the construction sites within 21 days after active construction operations have ceased.
- Prepare contingency for high wind periods (greater than 25 mph) to shutdown or mitigate activity as necessary to control fugitive dust.
- Travel routes to each construction site area shall be developed to minimize unpaved road travel. Travel management shall include staging of deliveries to minimize idling or congestion, use of dust palliatives or soil tackifiers on road surfaces, and minimizing travel distance.

**MM 5.6-3: Dust Plume Response Requirement.** An air quality construction mitigation manager (AQCMM) or delegate shall monitor all construction activities for visible dust plumes. Observations of visible dust plumes that have the potential to be transported: 1) off the Project site; 2) 200 feet beyond the centerline of the construction of linear facilities; or 3) within 100 feet upwind of any regularly occupied structures not owned by the Project owner indicate that existing mitigation measures are not resulting in effective mitigation. The AQCMM or Delegate shall promptly implement additional dust plume reduction measures in the event that such visible dust plumes are observed. Additional measures to be implemented, as necessary, shall include increased watering, application of dust palliatives, and/or scaled back construction activities up to and including temporary work cessation.

**MM 5.6-4: Off-road Diesel-fueled Equipment Standards.** All portable construction diesel engines not registered under CARB's Statewide Portable Equipment Registration Program, which have a rating of 50 hp or more, and all off-road construction diesel engines not registered under CARB's In-use Off-road Diesel Vehicle Regulation, which have a rating of 25 hp or more, shall meet, the projected 2011 fleet average of NOX and PM emissions as that predicted by the OFFROAD2007 model in Appendix D. The EPC shall use the CARB Portable Diesel Engine Airborne Toxic Control Measure (ATCM) Fleet Calculators and the Off-road Diesel Fleet Average Calculators (for large/medium fleets) in accordance with the respective regulation under Title 13 of the California Code of Regulations (CCR) to conduct this comparison. No Tier 0 diesel equipment shall be used at the site after the initial calculation/registration without recalculation using the CARB fleet calculators. The fleet average calculation of the on site equipment shall be conducted annually to ensure compliance. The EPC contractor shall ensure labeling of all portable and off road diesel equipment in accordance with Title 13 of the CCR.

**MM 5.6-5: Limit Vehicle Traffic and Equipment Use.** Vehicle trips and equipment use shall be limited by efficiently scheduling staff and daily construction activities to minimize the use of unnecessary/duplicate equipment.

**MM 5.6-6: Heavy Duty Diesel Water Haul Vehicle Equipment Standards.** For the pile foundation case (which results in higher air emissions than the ballast foundation case and requires additional mitigation), the EPC shall use 2006 model or newer engines in order to meet the EMFAC predicted emissions levels in grams of pollutant per mile travelled (g/mile) of on-road heavy duty diesel trucks used for water hauling at the site. The EPC contractor shall ensure labeling of such trucks to indicate model year.

**MM 5.6-7: On-road Vehicles Standards.** All on-road construction vehicles shall meet all applicable California on-road emission standards and shall be licensed in the State of California. This does not apply to construction worker personal vehicles.

**MM 5.6-8: Properly Maintain Mechanical Equipment.** The construction contractor shall ensure that all mechanical equipment associated with Project construction is properly tuned and maintained in accordance with the manufacturer's specifications.

**MM 5.6-9: Restrict Engine Idling to 5 Minutes.** Diesel engine idle time shall be restricted to no more than 5 minutes as required by the CARB engine idling regulation. Exceptions in the regulation include vehicles that need to idle as part of their operation, such as concrete mixer trucks.

**MM 5.6-10: Off-road Gasoline-fueled Equipment Standards.** Any off-road stationary and portable gasoline powered equipment brought on site for construction activities shall have USEPA Phase 1/Phase 2 compliant engines, where the specific engine requirement shall be based on the new engine standard in affect two years prior to the commencement of Project construction. In the event that USEPA Phase 1/Phase 2 compliant engines are determined not to be available, the Applicant shall provide documentation to the AVAQMD with an explanation.

**MM 5.6-11: Off-road Equipment Operator Worker Protection.** Appropriate training for respiratory protection shall be provided to construction workers. Dust masks (NIOSH approved) shall be provided with proper training to construction workers to mitigate the protection against dust exposure and possibly Valley Fever during high wind events and/or dust-generating activities.

## **2.6 BIOLOGICAL RESOURCES**

### **Potential Effect:**

The Project would result in potentially significant impacts to biological resources if it: removed substantial natural habitat areas; significantly impacted sensitive natural

communities; significantly impacted unique native trees; diverted, obstructed, or substantially altered a drainage course; substantially adversely impacted candidate, sensitive, or special-status species; interfered substantially with any wildlife corridor; or adversely affected Significant Ecological Area (SEA) resources.

**Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

**Facts Supporting the Finding:**

The Project construction and operation would result in temporary and permanent removal of habitat, as well as habitat modification resulting from Project-related shading and fuel modification (vegetation management). As a result, the construction and operation of the Project would result in impacts to habitat and wildlife species using the habitat. Mitigation for this impact is provided in Mitigation Measure 5.7-1 and 5.7-2 (below). Four ephemeral drainage courses (as depicted on USGS quad sheets) are located on the site, which the Project would avoid and protect with implementation of buffer areas.

The Project site contains two sensitive natural vegetation communities, consisting of a wildflower field and Joshua tree recruitment area. Construction and operation of the Project would cause temporary and permanent impacts to a substantial portion of wildflower fields within the Project site, which will be mitigated through implementation of Mitigation Measure 5.6-2 (Develop and Implement Fugitive Dust Emission Control Plan) and Mitigation Measures 5.7-1 through 5.7-3 (below). The Project would avoid the Joshua tree recruitment area and protect with a buffer area. The area may be impacted by fugitive dust generated during construction activities, which is mitigated through Mitigation Measure 5.7-3 (below). A mature Joshua tree and two seedlings are located within the site property along 170<sup>th</sup> Street West, and will be avoided by the Project. Potential edge effects from fugitive dust generated during construction will be minimized through Mitigation Measure 5.6-2 (Develop and Implement Fugitive Dust Emission Control Plan). The Project would remove no Joshua trees during construction of the proposed transmission line, and would disturb very small acreages (less than 0.2 acre) of Joshua tree woodlands. As a result, impacts to this vegetation type along the proposed transmission line route would be less than significant.

The Project would avoid and protect, through incorporation of construction and development setback areas, four ephemeral drainage courses located on the site.

No federally or state endangered or threatened species are expected to occur in the Project site and proposed transmission line route. One individual special status reptile, the Blainville's Horned Lizard, was observed in the sandy channel of Drainage C, in the southeastern corner of the Project site. However, current range maps for this species

suggest that the lizard is not expected to be common on the site, particularly north of SR-138. In the event of occurrence on the Project site, Blainville's horned lizards may be potentially injured or killed during construction ground-disturbance activities. Operational impacts include risk of mortality by vehicles and disturbance on access roads from workers. Additionally, the PV panels, similar to the existing onsite shrubs, may provide perching opportunities for ravens, which are known to prey on juvenile and adult Blainville's horned lizards. Therefore, the Project would implement Mitigation Measures 5.7-1, 5.7-2, and 5.7-5 through 5.7-7 (below), which would reduce impacts to Blainville's horned lizard resulting from injury, mortality, and habitat loss to less than significant levels.

The special-status California burrowing owl was observed to be a resident on the Project site. Construction disturbances could potentially interfere or result in owl mortality in the event that activities occur during nesting periods. Development of the site would permanently and substantially alter the habitat such that developed areas would likely be unsuitable for continued use by this species. As a result, the Project would implement Mitigation Measures 5.7-2 through 5.7-4, 5.7-6 through 5.7-10 (below), which would reduce impacts to the California burrowing owl caused from injury, mortality, and habitat loss to less than significant levels.

Several special-status bird species (not counting the burrowing owl) use on-site habitat to fulfill a portion of their ecological requirements. A portion of these species were judged to use the site minimally, and the remaining use the site either as nesting habitat or for foraging or wintering during nesting or special-status season. The proposed removal and modification of on-site habitats would render the majority of the site unsuitable or marginally suitable for use by the special-status species. The Project would therefore implement Mitigation Measures 5.7-1, 5.7-4 through 5.7-7, and 5.7-9, in order to reduce and compensate for this impact to less than significant levels.

The desert tortoise is unlikely to occur within the Project site and proposed transmission line route due to known distribution and lack of suitable habitat. However, as an added precaution, Mitigation Measure 5.7-13, Pre-construction Desert Tortoise Surveys, is included, as recommended by the U.S. Fish and Wildlife Service (USFWS) to ensure that this species is avoided, and would further lessen the probability of the Project result in impacts to the desert tortoise.

While not observed in the Project area, the desert kit fox has the potential to occur based on the presence of suitable habitat for the fox. The desert kit fox maintains no formal sensitivity designation, but take of this species is prohibited by California Department of Fish and Game (CDFG) regulations. If desert kit fox were present on-site during construction, injury or mortality of this species could occur due to construction activities; therefore, Mitigation Measure 5.7-12 (below) would be implemented to reduce potential effects to less than significant levels. Long-term, operational effects of the Project would

not be considered likely due to the decreased habitat, decreased abundance, and/or altered composition of prey base on-site, and Project maintenance activities.

The Project site is not located within an area identified as a large-scale habitat linkage, and movement through the site by terrestrial wildlife is somewhat constrained by the presence of 2 paved roadways, SR-138 and 170<sup>th</sup> Street West. However, small and medium-sized wildlife are known to move through the site; therefore, the proposed Project design includes wildlife permeable fencing interspersed with chain-link fencing in order to allow for wildlife movement within and around the site.

The Joshua Tree Woodland Habitat SEA (SEA 60) is adjacent to the Project site along portions of the northern and eastern property boundaries. The Project facility is designed to incorporate 100-foot setbacks from property boundaries along these areas (i.e., fenceline would be constructed 100 feet from the property boundary). However, the Project may potentially result in indirect impacts to the adjacent SEA areas resulting from fugitive dust and noise generated during construction activities, and potential facility light spillover during operations. As a result, the Project would implement Mitigation Measure 5.6-2 (Develop and Implement Fugitive Dust Emission Control Plan) and Mitigation Measure 5.18-1 (Pile Driver Orientation), which would reduce the potential indirect light and noise impacts to less than significant levels.

Adoption of the following feasible mitigation measures as identified in the Final EIR, would reduce potential Project impacts to biological resources to less than significant levels:

**MM 5.7-1: Habitat Enhancement and Vegetation Management Plan.** Prior to issuance of a grading permit, the Project Applicant shall develop a Habitat Enhancement and Vegetation Management Plan (HEVMP) to compensate for impacts to existing vegetation communities by preserving and enhancing the remaining vegetation within the Project site. The HEVMP shall also provide measures to ensure minimal impacts to habitat along the off-site transmission line. In areas suitable for on-site mitigation, the HEVMP shall identify appropriate mitigation objectives, standards, and monitoring/reporting requirements to enhance habitat such that the resulting habitat values would be greater than those lost as a result of project implementation. These habitat values would include nesting and foraging habitat for songbirds, foraging habitat for raptors and owls, and high diversity and abundance of native forbs/wildflowers. In areas rendered unsuitable for mitigation due to proposed development, the HEVMP shall identify appropriate restrictions, such as limiting noxious weeds, but shall not impose mitigation standards. The HEVMP shall be prepared by a qualified restoration biologist experienced with desert habitat restoration, and shall specify appropriate revegetation and management practices for the following portions of the Project site to the satisfaction of LACDRP:



- Mitigation and Avoidance Areas (refer to Figure 5.7-11 of this DEIR):
  1. Drainage A, a 100-foot setback, and the associated wildlife travel route (47.1 acres)
  2. Drainage B and a 20-foot buffer (approximately 6 acres)
  3. The southernmost portion of the Project site along Drainage C, where no development is proposed (45 acres)
  4. The Joshua tree recruitment area (8.6 acres, including buffer)
- Areas of Modified/Impacted Habitat (Unsuitable for Mitigation):
  1. All portions of the site within the fire breaks (217 acres)
  2. All interior portions of the site within the proposed solar arrays, excluding locations of proposed infiltration basins and fire breaks (1,336 acres)
  3. All portions of the site to be occupied by proposed infiltration basins (253 acres)

In general, for each of the locations enumerated above, the HEVMP shall specify, at a minimum, the following (specific details vary depending on location, and are described in the paragraphs that follow):

- The location and extent of any on-site enhancement/revegetation areas, to be depicted graphically on an aerial photograph or schematic of appropriate scale
- The quantity and species of plants to be seeded (if necessary), including the locations where each type of vegetation would be created
- A schedule and action plan to maintain and monitor the enhancement/revegetation areas
- A list of success criteria (e.g., growth, plant cover, plant/wildlife diversity) by which to measure success of the enhancement/revegetation effort
- Contingency and/or adaptive management measures in the event that enhancement/revegetation efforts are not successful

In addition, the standards and practices set forth in the HEVMP for each area shall conform to the requirements stated below:

- Within the setback zones surrounding Drainage A, Drainage B, and Drainage C the HEVMP shall provide for 101 acres of on-site mitigation, as well as 6 acres of additional avoidance area (due to its small and isolated nature, the 6-acre area surrounding Drainage B is not included as suitable mitigation land, but would nonetheless be avoided), and shall ensure the following:
  1. Drainages A, B, and C, including adjacent buffer areas shown on Figures 5.7-7 and 5.7-11, as well as the local wildlife travel route associated with Drainage A,

shall be set aside, preserved, and enhanced, and no Project-related disturbance shall be permitted in these areas.

2. Any anthropogenic discontinuities in the existing vegetation (unofficial roads, dump sites, etc.) within the ephemeral drainage setbacks shall be remedied, and such areas shall be seeded with native plant species characteristic of the surrounding vegetation.
  3. Vegetative cover in herbaceous communities (grasslands, wildflower fields) shall exceed 95 percent; of this, invasive forbs (as identified by the Cal-IPC) shall not exceed five percent cover. Bare ground shall not exceed five percent excluding bare ground located within the channel bottom of an ephemeral drainage or bare ground where there is clear evidence that the bare ground was the result of mammal activity (burrows, wildlife trails, etc.).
  4. Vegetative cover in shrub-dominated communities (desert saltbush scrub, rabbitbrush scrub) shall exceed 90 percent, and shrub cover shall exceed 30 percent. Invasive forbs and shrubs combined shall not exceed five percent cover, and bare ground shall not exceed five percent excluding bare ground located within the channel bottom of an ephemeral drainage or bare ground where there is clear evidence that the bare ground was caused by mammal activity (burrows, wildlife trails, etc.).
  5. In Drainages A and C and the adjacent setback/buffer areas as shown on Figure 5.7-7, vegetation in the area shall remain suitable for foraging by burrowing owls and other grassland bird species. Habitat enhancement/revegetation shall be implemented if necessary to ensure continued suitability.
  6. Joshua trees and junipers shall be planted, to improve habitat suitability for sensitive bird species and increase the likelihood that these areas will be occupied by such special-status species as loggerhead shrikes and long-eared owls.
- Within the Joshua tree recruitment area, the HEVMP shall provide 8.6 acres of mitigation land, and shall ensure the following:
    1. The Joshua tree recruitment area and a 50-foot buffer from the Joshua tree seedlings shall be set aside and preserved, and no Project-related disturbance shall be permitted in this area.
    2. Any anthropogenic discontinuities in the existing vegetation (other than the County roadbed of West Avenue C, which passes through this area) shall be remedied, and such areas shall be seeded with native plant species characteristic of the surrounding vegetation.
    3. Measures shall be implemented to encourage the continued recruitment of Joshua trees into this area. Such measures may include standards for herbaceous and shrub cover, removal of non-native plants and wildlife, and others.

4. To provide nesting and perching habitat and increase structural diversity within restoration areas, native shrub species associated with Joshua tree woodland (including Mojave yucca, sage, box-thorn, and buckwheat, as noted in the County General Plan) shall be included in the planting palette.
- Within the proposed fire breaks, no suitable on-site mitigation opportunities exist. However, the HEVMP shall ensure the following:
    1. To prevent the potential spread of fire onto the Project site, the proposed fire breaks shall be maintained clear of vegetative cover through mechanical clearing and selective herbicide use.
    2. If herbicides are used as approved by LACDRP to control vegetation, they shall be applied by a qualified individual and in a manner consistent with the product labeling. Under no circumstances shall herbicides be allowed to pass into any ephemeral drainage.
    3. Under no circumstances shall forb species identified by the California Invasive Plant Council (Cal-IPC) as invasive weeds be allowed to thrive in the fire breaks, or as required by LACFD. Cover of these species, collectively, shall be maintained at or below five percent.
  - Within all interior portions of the site within and adjacent to the proposed solar arrays, excluding locations of proposed infiltration basins, no suitable on-site mitigation opportunities would exist. However, the HEVMP shall ensure the following:
    1. To control fugitive dust, vegetative cover of grasses and forbs within the proposed solar arrays shall be maximized.
    2. Vegetation seeded in these areas shall be comprised of low-growing communities such as native grasslands and wildflower fields, to minimize the effects of vegetation management practices on the revegetated areas. Shrub species shall not be used, as these species would be unable to survive continued vegetation trimming.
    3. Under no circumstances shall species identified by the Cal-IPC as invasive weeds be used in the revegetation efforts.
    4. To promote the growth of local, native plant species, the top 2-6 inches of topsoil removed during Project-related grading and/or excavation shall be stockpiled and spread across disturbance zones after completion of construction in the area.
    5. To ensure that a seed supply is maintained to perpetuate on-site vegetation (e.g., annual grasses and wildflowers), vegetation shall be allowed to grow to a maximum height of 18 inches between February 1 and approximately mid-April prior to mowing to a height of 6 inches (or less) by May 1 (through the following January) as required by the LACFD.



6. Herbicides shall be approved for use by the County, and herbicide application shall be performed by trained personnel who can identify the species to be treated. If herbicide is applied, it shall be applied during dry and low wind conditions in order to prevent herbicide drift into non-target areas.
- Within the proposed infiltration basins, no suitable on-site mitigation opportunities exist. However, the HEVMP shall ensure the following:
    1. If herbicides are used as approved by LACDRP to control vegetation (i.e., non-native vegetation), they shall be applied by a qualified individual and in a manner consistent with the product labeling. Under no circumstances shall herbicides be allowed to pass into any ephemeral drainage.
    2. Under no circumstances shall forb species identified by Cal-IPC as invasive weeds be allowed to thrive in the infiltration basins, or as required by LACFD. Cover of these species, collectively, shall be maintained at or below five percent.
  - Within all portions of the transmission line route to be impacted during installation of transmission line poles and temporary stringing sites, the HEVMP shall ensure the following:
    1. Under no circumstances shall ground disturbance occur within 25 feet of an existing Joshua tree. In applicable areas, Joshua tree avoidance zones shall be delineated with high-visibility construction fencing.
    2. All areas of temporary ground disturbance shall be revegetated with appropriate plant communities native to the Project region, such as native grasslands, wildflower fields, desert scrub, rabbitbrush scrub, desert saltbush scrub, and Joshua tree woodland.
    3. Where impacts would occur in existing agricultural lands outside the Applicant's ownership, it is presumed that agricultural practices would resume after completion of construction. Therefore, revegetation shall not be required in these areas.
    4. If earthwork is proposed in areas where native vegetation exists, the top 2-6 inches of topsoil removed during Project-related ground clearing shall be stockpiled and spread across disturbance zones after completion of construction in the area.
    5. Under no circumstances shall species identified by the Cal-IPC as invasive weeds be used in the revegetation efforts.
    6. The HEVMP shall include provisions to minimize the effects of transmission line maintenance on biological resources, including a requirement that no Joshua trees shall be removed during such maintenance.

In addition to the location-specific requirements set forth above, the HEVMP shall also ensure that the following standards are met or exceeded within the Project site as a whole:

1. The HEVMP shall identify appropriate locations for creation of rabbitbrush scrub, California annual grassland, and wildflower fields, the three most abundant existing natural communities on-site, within avoided portions of the Project site. In total, 101 acres of on-site mitigation shall be provided.
2. Performance monitoring of the on-site enhancement and revegetation areas shall be monitored approximately quarterly, in January, April, June, and November, and a report detailing the monitoring results shall be submitted to the LACDRP annually. Monitoring and reporting shall be required for a period of five years and until such time as performance standards are achieved. The HEVMP shall contain contingency measures identifying corrective actions required in the event that the performance standards are not met.
3. All percent cover standards shall be evaluated during the spring biomass peak.
4. Anti-coagulant rodenticides shall not be used within the Project site or along the proposed transmission line route.

The HEVMP shall be submitted to the LACDRP for review and approval prior to issuance of a grading permit.

**MM 5.7-2: Off-site Mitigation for Loss of Habitat.** Within one year of Project approval or prior to the installation of 50 MW of photovoltaic solar panels, the Applicant shall provide a minimum of 450 acres of off-site mitigation land to be restored, enhanced, and maintained according to the requirements of this mitigation measure, and shall be preserved as open space in perpetuity. Within 45 days of acquiring the mitigation land(s), the Applicant shall record a permanent deed restriction on the mitigation land(s) to be preserved as open space. The deed restriction language shall be submitted to LACDRP for review and approval prior to recordation. Alternatively, should a conservation easement on the mitigation land(s) be offered, the permanent conservation easement(s) shall be recorded to the satisfaction of LACDRP.

The off-site mitigation land shall not exceed 10 separate fragments and shall be acquired adjacent to existing public lands, or within or adjacent to SEAs within the Antelope Valley or surrounding foothills. At least 225 acres of the mitigation land shall be acquired in the vicinity of the Antelope Valley California Poppy Reserve, including lands in or adjacent to SEA #57, or lands connecting the Poppy Reserve to the Angeles National Forest. An additional 75 acres shall be acquired within this same area, or in or adjacent to SEA #60, or adjacent to the Arthur B. Ripley Woodland State Park.

The Applicant shall establish a fund sufficient for the restoration, enhancement, and maintenance of the mitigation land(s) until such time when the mitigation land(s) become self-sustained and meet the requirements of this mitigation measure. The fund shall be established within 90 days of mitigation land(s) acquisition in an amount acceptable to the LACDRP.

The selected off-site mitigation lands shall contain vegetation communities similar to those found within the Project site, including rabbitbrush scrub, annual grassland, and wildflower fields. Although the proposed Project would not significantly impact Joshua tree woodland habitat, lands containing this vegetation community shall also be considered desirable due to the County's concern over the continuing loss and degradation of Joshua tree woodlands. The selected lands shall comply with the following mitigation requirements:

1. The subject property shall be located within the greater Project vicinity, generally defined to include the Antelope Valley and surrounding foothills.
2. The subject property(s) shall contain a minimum of 450 acres of land, which shall be either comprised of vegetation communities characteristic of the Antelope Valley (rabbitbrush scrub, annual grassland, wildflower fields, and/or Joshua tree woodlands) or be reasonably capable of being enhanced and converted to such habitat through the use of maintenance and management practices such that the resulting habitat values would be greater than those lost as a result of Project implementation.
3. The subject property(s) shall either contain a minimum of 224.5 acres of wildflower field, or shall be reasonably capable of being enhanced and converted to this vegetation through maintenance and management practices.
4. The subject property(s) shall provide at least 39 acres of contiguous suitable foraging habitat for the burrowing owl, including presence of suitable burrows. If suitable natural burrows are not present within the subject property, artificial burrows shall be constructed in accordance with California Burrowing Owl Consortium (1993) guidelines.
5. The subject property(s) shall contain a minimum of 450 acres of suitable foraging habitat for grassland/scrubland bird species occurring in the Antelope Valley.
6. The subject property(s) shall contain habitat suitable for the Blainville's horned lizard. Within the mitigation site, suitable locations shall be identified for relocation of horned lizards captured and removed from the Project site pursuant to Mitigation Measure 5.7-7. Generally, it is presumed that the wildflower field areas required by item (3) above will be suitable for this species.
7. Under no circumstances shall species identified by the Cal-IPC as invasive weeds be used in revegetation efforts.
8. The subject property(s) shall be maintained such that invasive forbs (as identified by the Cal-IPC) shall not exceed 5 percent of the vegetative cover.

Within 60 days of recordation of the permanent deed restriction(s) or conservation easement(s), a Restoration, Enhancement, and Maintenance Plan for the off-site mitigation land(s) shall be submitted to LACDRP for review and approval. The plan shall include the restoration, enhancement, and maintenance requirements for each mitigation area, based on the characteristics of the mitigation land and the mitigation requirements described above, and shall also include contingency measures in the event that habitat creation/restoration/enhancement efforts are not successful. The Restoration, Enhancement, and Maintenance Plan shall also describe the performance standards for determining when the mitigation requirements for the lands have been met.

In addition to meeting the requirements detailed above, the following desirable factors shall also be considered when selecting off-site mitigation property(s):

1. Lands located between blocks of protected habitat are desirable locations for off-site mitigation, as protecting these areas can ensure that essential habitat connections remain in perpetuity.
2. Lands containing Joshua tree woodland habitat are desirable locations for off-site mitigation, due to the continuing loss and degradation of this resource.
3. Lands containing junipers are also desirable locations for off-site mitigation, due to the nesting habitat they may provide for some special-status bird species.
4. Lands containing important landscape features, sensitive habitats, or listed species are desirable locations for off-site mitigation, due to the sensitivity of these resources and the general understanding that such elements are indicative of high biological value.

**MM 5.7-3: Biological Restrictions on Dust Suppression.** Where construction activities are proposed within 100 feet of mapped Joshua tree woodland vegetation or the Joshua tree recruitment area, a screening fence (i.e., a 6-foot-high chain link fence with green fabric up to a height of 5 feet) shall be installed to protect locations where these sensitive resources may be present to the satisfaction of LACDRP. In addition, dust abatement within 100 feet of these areas shall be achieved by water or by chemical dust suppression if authorized by the County and CDFG.

**MM 5.7-4: Nesting Bird Surveys Prior to Mowing.** Should mowing for vegetation management purposes occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February through August in the Project region, or as determined by a qualified biologist), the Applicant shall have weekly nesting bird surveys conducted. These surveys shall be conducted by a qualified biologist, shall commence within 30 days prior to any mowing, and shall be conducted to determine whether any active nests of special-status bird species, or of any bird species protected by the Migratory Bird Treaty Act or the California Fish and Game Code, are present in the disturbance zone or within 300 feet (500 feet for raptors) of the area to be disturbed. The

surveys shall occur on a weekly basis, with the last survey being conducted no more than seven days prior to initiation of mowing activities. If mowing is delayed, then additional surveys shall be conducted such that no more than seven days would have elapsed between the survey and mowing. The Applicant or contractor shall provide the biologist with plans detailing the extent of proposed mowing prior to the survey effort.

If active nests are found, mowing within 300 feet (500 feet for raptors) of the nest shall be postponed or halted, at the discretion of the biologist, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. Limits of mowing to avoid an active nest shall be established in the field with highly visible construction fencing, and solar plant personnel shall be instructed on the sensitivity of nest areas. The results of the surveys, including graphics showing the locations of any nests detected, and any avoidance measures implemented, shall be submitted to the LACDRP and CDFG within 14 days of completion of the surveys to document compliance with applicable state and federal laws pertaining to the protection of native birds. Nesting bird surveys shall be conducted in each of the first five years after Project development. At the end of this period, the results of the first five years of surveys shall be submitted to the LACDRP and CDFG. After submittal of the first five-year survey results, the County of Los Angeles, under consultation with CDFG, shall determine whether or not the nesting bird surveys shall continue.

**MM 5.7-5: Biological Monitor.** Prior to grading, a qualified biologist shall be retained by the Applicant as the biological monitor subject to the approval of the County of Los Angeles. The biological monitor shall ensure that impacts to biological resources are avoided or minimized to the fullest extent possible. During earth moving activities, the biological monitor shall be present to relocate any vertebrate species that may come into harm's way to undisturbed areas of suitable habitat using appropriate methods that would not injure the wildlife. The biological monitor shall have the authority to stop specific grading or construction activities if violations of mitigation measures or any local, state, or federal laws are suspected.

**MM 5.7-6: Worker Environmental Education Program.** A Worker Environmental Education Program shall be developed for construction crews by a qualified biologist(s) provided by the Applicant. Training materials and briefings shall include but not be limited to: discussion of the value and identification of special-status species, including the burrowing owl and desert tortoise, review of sensitive species likely to occur within the construction area, the Migratory Bird Treaty Act and the consequences of non-compliance with this act, a contact person in the event of the discovery of dead or injured wildlife, and a review of mitigation requirements. The training sessions shall be conducted by a qualified biologist or other individual approved by the biologist. Maps showing the location of special-status wildlife or other construction limitations shall be provided to the environmental monitors and construction crews prior to construction activities. As part of the environmental training, contractors and heavy equipment



operators shall be provided with photographs or illustrations of expected special-status wildlife species so they will be able to identify them, and avoid harming them during construction.

**MM 5.7-7: Blainville's Horned Lizard Capture and Relocation.** Prior to the initiation of ground clearing activities, capture and relocation efforts shall be conducted for the Blainville's horned lizard to the satisfaction of LACDRP. Trapping shall be conducted by a County-approved biologist possessing proper scientific collection and handling permits, and shall include the following steps:

- Prior to initiating the capture and relocation effort, a suitable receptor location shall be identified to receive relocated horned lizards. The receptor locations shall contain suitable habitat for this species, including open, shrub-dominated vegetation. The 45-acre avoidance area near the southern edge of the Project site likely constitutes a suitable on-site receptor location.
- The capture and relocation effort shall take place during the active season (April through October) preceding commencement of ground disturbance activities, when lizards are more likely to be active. Surveys shall be conducted when air temperature immediately above the ground surface is between 70°F (21°C) and 102°F (39°C). All areas proposed for temporary or permanent ground disturbance shall be surveyed for the Blainville's horned lizard.
- Surveys shall be conducted by placing coverboards on the ground 4 to 6 weeks in advance of the survey effort, and checking the area under the coverboards for horned lizards on a weekly basis. Coverboards can consist of untreated lumber, sheet metal, corrugated steel, or other flat material. Captured lizards shall be placed immediately into containers containing sand or moist paper towels and released in designated receptor locations no more than three hours after capture.

If the biologist believes there is high potential for previously relocated lizards to return to the impact sites following relocation, silt fence shall be installed to prevent relocated individuals from reoccupying areas proposed for disturbance.

**MM 5.7-8: Pre-construction Nesting Bird Surveys.** Within 30 days prior to vegetation clearing or ground disturbance associated with construction or grading that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February through August in the project region, or as determined by a qualified biologist), the Applicant shall have weekly surveys conducted by a qualified biologist to determine if active nests of special-status bird species, or of any bird species protected by the Migratory Bird Treaty Act or the California Fish and Game Code, are present in the disturbance zone or within 300 feet (500 feet for raptors) of the disturbance zone. The surveys shall occur on a weekly basis, with the last survey being conducted no more than seven days prior to initiation of disturbance work. If ground disturbance activities are

delayed, then additional pre-disturbance surveys shall be conducted such that no more than seven days will have elapsed between the survey and ground disturbance activities. The Applicant or contractor shall provide the biologist with plans detailing the extent of proposed ground disturbance prior to the survey effort.

If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors) shall be postponed or halted, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. Limits of construction to avoid an active nest shall be established in the field with highly visible construction fencing, and construction personnel shall be instructed on the sensitivity of nest areas. Occupied nests adjacent to the construction site shall also be avoided to ensure nesting success. A qualified biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests occur.

The results of the surveys, including graphics showing the locations of any nests detected, and documentation of any avoidance measures taken, shall be submitted to the LACDRP and CDFG within 14 days of completion of the pre-construction surveys or construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

**MM 5.7-9: Pre-Construction Wintering Burrowing Owl Surveys.** If construction or site preparation activities are scheduled during the non-nesting season of the burrowing owl (typically September through January), the Applicant shall retain a qualified biologist to conduct wintering burrowing owl surveys within the area to be disturbed. The survey shall be conducted no more than 21 days prior to commencement of construction activities in the area. During the construction period, the results of the surveys, including graphics showing the locations of any active burrows detected and any avoidance measures required, shall be submitted to the LACDRP and CDFG on a monthly basis. If active burrows are detected, the required avoidance measures shall conform to the following:

- If burrowing owls are observed using burrows during the non-breeding season, occupied burrows shall be left undisturbed, and no construction activity shall take place within 300 feet of the burrow where feasible (see below).
- If disturbance of owls and owl burrows is unavoidable, owls shall be excluded from all active burrows through the use of exclusion devices placed in occupied burrows in accordance with CDFG protocols (CDFG 1995). Specifically, exclusion devices, utilizing one-way doors, shall be installed in the entrance of all active burrows. The devices shall be left in the burrows for at least 48 hours to ensure that all owls have been excluded from the burrows. Each of the burrows shall then be excavated by hand and refilled to prevent reoccupation. Exclusion shall continue until the owls

have been successfully excluded from the disturbance area, as determined by a qualified biologist.

- If construction activities must be initiated in any area of the site during the burrowing owl breeding season (typically February through August), pre-construction surveys for burrowing owls shall be conducted. Any active burrowing owl burrows found at this season shall not be disturbed. Construction activities shall not be conducted within 300 feet of an active burrow at this season.

**MM 5.7-10: Burrowing Owl Management Plan.** Prior to issuance of a grading permit, a habitat management plan for the burrowing owl shall be developed for portions of the site supporting suitable habitat for burrowing owl and away from Project facilities and the solar panel arrays. Specifically, this plan shall be developed for implementation in the undeveloped areas surrounding Drainage A and in the southernmost portion of the Project site, near West Avenue E. At a minimum, the plan shall include the following elements:

- If occupied burrows are to be removed, the plan shall contain schematic diagrams of artificial burrow designs and a map of potential artificial burrow locations within Drainage A and Drainage C that would compensate for the burrows removed.
- A methodology for the eviction and passive relocation of any owls from the impact area to proactively established artificial burrows.
- Provisions for vegetation management, specifying the maximum allowable vegetative cover adjacent to established artificial burrows and the methodology to be used in maintaining the appropriate cover.
- Measures prohibiting the use of rodenticides.
- The plan shall specify a minimum of 6.5 acres of suitable foraging habitat to be preserved or created through revegetation and restoration practices for every active burrowing owl burrow within the Project site. These mitigation areas shall not be located in areas shaded by the proposed solar arrays, and shall not be subject to vegetation mowing or other fuel management practices. Foraging areas shall be located adjacent to suitable natural or artificial burrow locations.

The Burrowing Owl Habitat Management Plan may be prepared and presented either as a stand-alone document or as a component of the HEVMP required by Mitigation Measure 5.7 I, and shall be submitted to the LACDRP and CDFG for review and approval prior to issuance of a grading permit for the Project.

**MM 5.7-11 Facility Lighting.** Project facility lighting shall be designed to provide the minimum illumination needed to achieve safety and security objectives. All lighting shall be directed downward and shielded to focus illumination on the desired areas only and avoid light trespass into adjacent areas. Lenses and bulbs shall not extend below the shields. The lighting plan shall be submitted to LACDPW for review and approval.



**MM 5.7-12: Desert Kit Fox.** To avoid injury or mortality of the desert kit fox, preconstruction surveys shall be conducted for this species concurrent with the preconstruction nesting bird surveys required by Mitigation Measure 5.7-4. A qualified biologist shall perform pre-construction surveys for kit fox dens in the Project site and along the proposed transmission line route, and shall survey all areas where Project facilities, transmission line poles, grading, mowing, equipment access, or other disturbances are proposed. If dens are detected, each den shall be classified as inactive, potentially active, or definitely active. Inactive dens in areas that would be impacted by construction activities shall be excavated by hand and backfilled to prevent reuse by desert kit fox. Active and potentially active dens in areas that would be impacted by construction activities shall be monitored by the biological monitor for three consecutive nights using a tracking medium (such as diatomaceous earth or fire clay) and/or infrared camera stations at the entrance. If no tracks are observed in the tracking medium or no photos of the target species are captured after three nights, the den shall be excavated and backfilled by hand to prevent reuse. If tracks are observed, the den shall be progressively blocked with natural materials (rocks, dirt, sticks, and vegetation piled in front of the entrance) for the next three to five nights to discourage the kit fox from continuing to use the den. After verification that the den is unoccupied, it shall then be excavated and backfilled by hand to prevent reuse, while ensuring that no kit fox are trapped in the den. The Applicant shall submit a report to the LACDRP and CDFG within 30 days of completion of the kit fox surveys describing the survey methods, results, and details of any dens backfilled or foxes observed.

**MM 5.7-13: Pre-construction Desert Tortoise Surveys.** Within 30 days prior to construction-related initial ground clearing and/or grading, the Applicant shall retain a qualified biologist to conduct surveys for signs of occupancy by the desert tortoise. Surveys shall be conducted on foot, and intended to detect any live tortoises or their carcasses, burrows, palates, tracks, or scat. Should any desert tortoise sign indicating the presence of desert tortoise be detected, the Applicant shall not proceed with ground clearing and/or grading activities in the area of the find and shall contact the USFWS and CDFG to develop an avoidance strategy.

The results of the pre-construction surveys, including graphics showing the locations of any tortoise sign detected, and documentation of any avoidance measures taken, shall be submitted to the USFWS, CDFG, and LACDRP within 14 days of completion of the pre-construction surveys or construction monitoring to document compliance with applicable federal and state laws pertaining to the protection of desert tortoise.

## **2.7 CULTURAL RESOURCES**

### **Potential Effect:**

The Project would have potentially significant impacts to cultural resources if it impacted archaeological, paleontological, or historic resources, or disturbed any human remains.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

A Phase I cultural resource survey and literature search was conducted on the Project site and transmission line route, and identified 25 known archaeological sites, 43 isolates, and one potentially historic property on the Project site, and one archaeological site in the area of potential effect along the proposed transmission line route. Additionally, ground-disturbing construction and operation activities have the potential to disturb, damage, or destroy known and unknown (i.e., buried) archaeological sites. If significant archaeological sites are avoided and preserved during construction activities, the resources could still be indirectly yet significantly impacted by operational activities. Ground disturbing construction activities have the potential to disturb, damage, or destroy significant (as defined by CEQA Guidelines, Section 15064.5) undiscovered archaeological sites. As a result, Mitigation Measures 5.8-1 through 5.8-5, and 5.8-7 are proposed to avoid, perform Phase II testing and potential Phase III data recovery, and provide construction monitoring, training, and contingency plans (regarding human remains, if encountered), such that impacts to known and unknown archaeological resources would be less than significant.

The Project area contains surficial exposures consist of Quaternary Alluvium derived as fan deposits from the mountains to the southwest. These deposits are usually coarse and derived from igneous rocks, and typically do not contain significant vertebrate fossils (i.e., paleontological resources). No paleontologically sensitive rock formations have been identified in the proposed Project area. In the unlikely event that paleontological resources are identified during earth disturbance activities, Mitigation Measure 5.8-6 Paleontological Resource Protection (below) would be provided to protect any such resources should they be encountered.

No significant standing historic structures or built environment is present on the Project area; therefore, no impacts are anticipated. One historic period property (Larsen Ranch) was identified on the Project site, but was deemed not eligible for listing as a historic resource.

The Phase I cultural resource surveys and literature searches conducted for the Project area did not identify any known human remains. However, the potential exists for buried, undiscovered human remains to become disturbed, damaged, or destroyed during ground disturbance activities; therefore, the Project would implement Mitigation Measures 5.8-5 (Human Remains), which would result in less than significant impacts.

Implementation of the following feasible mitigation measures as identified in the Final EIR, would reduce potential Project impacts to cultural resources to less than significant levels:

**MM 5.8-1: Avoid Archaeological Sites.** Archaeological sites within the proposed Project area shall be avoided and protected from future disturbance or evaluated for significance and mitigated, as appropriate, to the satisfaction of the Los Angeles County Department of Regional Planning (LACDRP).

**MM 5.8-2: Phase II Testing/Phase III Data Recovery.** Prior to construction, Phase II testing and evaluation shall be conducted at all unavoidable prehistoric archaeological sites in the proposed Project area to determine their significance under Section 15064.5 of CEQA. Sites determined eligible for the California Register of Historic Resources (CRHR) shall either be avoided and protected from future disturbance, or a Phase III data recovery plan shall be prepared and implemented prior to construction to the satisfaction of LACDRP. All archaeological collections, technical reports and related documentation shall be curated at a curation facility approved by the County of Los Angeles.

**MM 5.8-3: Archaeological Monitoring.** Prior to construction, an archaeological monitoring plan shall be prepared and implemented to the satisfaction of LACDRP. A qualified archaeological monitor shall be present during all ground disturbing activities, including vegetation clearing, grubbing, grading, filling, drilling, and trenching. In the event that any prehistoric or historic cultural resources (chipped or ground stone lithics, animal bone, ashy midden soil, structural remains, historic glass or ceramics, etc.) are discovered during the course of construction, all work in the vicinity shall halt, and the archaeologist shall record the resources on the appropriate California Department of Parks and Recreation (DPR) 523 Series Forms, evaluate the significance of the find, and if significant, determine and implement the appropriate mitigation, including but not limited to Phase III data recovery and associated documentation to the satisfaction of LACDRP. Such activities may result in the preparation of additional Phase II and Phase III technical reports. After ground-disturbing construction activities have been completed, an archaeological construction monitoring report shall be completed and submitted to the LACDRP.

**MM 5.8-4: Native American Monitor.** A Native American monitor (Tataviam/Fernadenö Band of Mission Indians) shall be notified prior to construction and allowed the opportunity to be present during all ground disturbing activities, including

vegetation clearing, grubbing, grading, filling, drilling, and trenching. In the event that any sacred site or resource is identified, a Native American monitor shall be retained to divert construction activities to another area of the Project site while a proper plan for avoidance or removal is determined to the satisfaction of the LACDRP.

**MM 5.8-5: Human Remains.** In the event human remains are encountered, construction in the area of the finding shall cease, and the remains shall stay in situ pending definition of an appropriate plan. The Los Angeles County Coroner (Coroner) shall be contacted to determine the origin of the remains. In the event the remains are Native American in origin, the NAHC shall be contacted to determine necessary procedures for protection and preservation of the remains, including reburial, as provided in the State of California Environmental Quality Act (CEQA) Guidelines, Section 15064.5(e), "CEQA and Archaeological Resources," CEQA Technical Advisory Series.

**MM 5.8-6: Paleontological Resources Protection.** In the event paleontological discoveries are encountered by the cultural monitors, all excavation shall cease in the area of the find and a paleontologist shall be retained, who shall devise a plan for recovery in accordance with standards established by the Society of Vertebrate Paleontology. At least one of the on-site cultural monitors during construction shall have familiarity and expertise in paleontological resources and have the ability to recognize significant vertebrate paleontological resources. Any paleontological resources shall be documented and submitted to the Natural History Museum of Los Angeles County, or any other accredited institution (i.e., San Bernardino County Museum, UCLA Dept of Earth and Space Sciences) that will accept paleontological resources for curation.

**MM 5.8-7: Construction Worker Training.** Prior to construction, the qualified archaeological monitor or qualified designee shall conduct a brief educational workshop such that all construction personnel understand monitoring requirements, roles and responsibilities of the monitors, and penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources. The construction worker training shall include an overview of potential cultural and paleontological resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to a designated on-site cultural monitor for further evaluation and action, as appropriate.

## **2.8 AGRICULTURAL RESOURCES**

### **Potential Effect:**

The Project would significantly impact agricultural resources if it converted substantial areas of Farmland (Prime Unique, or Farmland of Statewide Importance), or conflicted with zoning, agricultural use, or Williamson Act contracted lands.

**Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

**Facts Supporting the Finding:**

As currently mapped under 2008 data from the California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program (FMMP), the Project site is characterized to contain 10.8 acres of Prime Farmland; however, this area does not meet the CDOC definition, which states that Prime Farmland “must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.” The area considered as Prime Farmland according to the CDOC FMMP 2008 data designates the location of the previous pistachio orchard, which was last irrigated in approximately 1978, and had never cropped (i.e., never produced pistachios). Los Angeles County defines “Farmland of Local Importance” to be “producing lands that would meet the standard criteria for Prime or Statewide but are not irrigated” (CDOC 2004). Based on the CDOC criteria and the County’s adopted definition, the 10.8 acre area, which was last irrigated in 1978, was incorrectly designated as Prime Farmland in the CDOC 2006 data. The abandoned pistachio orchard would instead qualify as Farmland of Local Importance. The Project site does not contain Unique Farmland or Farmland of Statewide Importance. As a result, construction and operation of the proposed solar facility on the Project site would not be expected to convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Impacts would be less than significant.

Construction of the transmission line would result in temporary disturbance to approximately 91,235 square feet or 2.1 acres of Prime Farmland, a portion of which would be returned to agricultural use following construction. The transmission line would cause a permanent disturbance resulting from the pole concrete foundations and access paths, to 36,000 square feet (0.83 acre) of designated Prime Farmland. The transmission line’s permanent disturbance would represent 0.0001 percent of the total Prime Farmland in Kern County (640,039 acres). This amount of permanent disturbance is considered negligible; therefore, the proposed off-site transmission line would result in a less than significant impact to convert important farmland, including Prime Farmland. No Unique Farmland or Farmland of Statewide Importance would be impacted by the transmission line.

The Project would be considered a use consistent with the Los Angeles County Zoning Code (January 13, 2009) with issuance of a conditional use permit (CUP) (Chapter 22.24.150[A]). The off-site transmission line is determined to be a compatible use with the areas traversed in Kern County, which are agricultural zoned.



In Kern County, approximately 5 transmission line poles are located on a parcel under Williamson Act contract. Kern County is authorized to review certain power generation projects such as the proposed Project for compatibility on Williamson Act contracted lands. The Williamson Act provides that “electrical facilities” are compatible uses on agricultural land under contract (Gov. Code Section 51238(a)(1)). The proposed installation of five (5) transmission poles would be compatible with the principles enumerated in Section 51238.1 of the Williamson Act, as the installation of the transmission poles would not significantly compromise, displace, or impair agricultural uses of the contracted parcel. Additionally, the proposed transmission line would not require cancellation of any Williamson Act contract (per Government Code Section 51238(a)(2)).

The following mitigation measure provides for Kern County review of the transmission line portion within Williamson Act contracted lands.

**Mitigation Measure 5.9-1: Transmission Line Williamson Act Review (Kern County).** Prior to the construction of the proposed transmission line route within any Williamson Act contracted lands in Kern County, the Applicant shall submit a written site description, along with a plot plan of the proposed transmission line route within the contracted land to the Kern County Planning Department for review and approval.

## **2.9 VISUAL QUALITIES**

### **Potential Effect:**

The Project would have significant visual impacts to the Project area if it resulted in substantial adverse impacts to the viewshed, regional riding and hiking trails, and scenic vistas, create a new source of substantial light and glare, and be considered out-of-character in comparison to adjacent uses.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

Construction of the Project would involve use of heavy equipment, storage of materials at laydown and work areas, temporary construction structures, and active construction work. These activities however, would be transitory, and would generally limited to active work areas during daylight hours. These construction characteristics are temporary, and would not be expected to significantly obstruct or interfere with views in the viewshed.

During operation, major features at the Project facility that would potentially be visible include rows of solar arrays, which have a maximum height of 15 feet), and internal road network (unpaved), a 20,000 square foot operations and maintenance building (peak height of approximately 28 feet), firewater tanks, a substation, electrical inverters and medium-voltage transformers (up to 8 feet in height), perimeter fencing, and transmission line structures (tubular steel pole). The Project facility would result in moderate changes to the viewshed due to the increased presence of manmade structures with elevational relief.

Additionally, the Project includes several design and enhancement features to address the foreground views of the facility along SR-138. These features consist of the following:

*Use of Horizontal Trackers Along SR-138.* In the event that tracker technology is selected, horizontal trackers, which have lower elevational relief (approximately 6 to 11 feet at the highest point, depending on the manufacturer) compared with tilted trackers (12 to 15 feet above ground surface) will be used approximately 1,000 feet into the solar field from the fence line north and south of SR-138 to reduce the visibility of the facility from SR-138. Fixed-tilt panels would have a lower profile than either horizontal or tilted trackers.

*Landscaping Along SR-138.* A plan for installing a 10-foot wide vegetated area of Joshua trees and/or other native yucca trees, and native shrubs (e.g., Great Basin sage, rabbit brush, and four-wing salt brush) along the outside of the facility fence lines north and south of SR-138 will be prepared prior to construction. The landscaping will be installed within 14 months of the commencement of construction activities. The vegetation will be initially watered as necessary (e.g., for one to two years) to facilitate establishment, and will be maintained and monitored thereafter to promote successful, long-term establishment of the native vegetation.

*Facility Setbacks.* The proposed site layout includes setbacks from SR-138, which is currently a two-lane highway. The facility fence line is set back approximately 120 feet from the centerline of the SR-138, on the facility areas north and south of SR-138. The proposed arrays would be further set back by approximately 30 feet from the fence line, for an estimated total of 150 feet minimum from the centerline of SR-138.

The Project site does not contain public regional hiking or riding trails, and would not obstruct views from such trails in the Project area. Views of the developed Project from trails in the California Poppy Reserve and Arthur B. Ripley Desert Woodland State Park (middle-ground views) were simulated based on developed Project conditions, and indicated less than significant visual effects.

The Project would not involve substantial activity during operation, and as indicated on the Project simulations, would contribute moderate changes in bulk and height, which would result in less than significant changes to the character of adjacent uses. While the

Project's impacts would be considered less than significant, implementation of Mitigation Measures 5.10-3 (Building and Equipment Paint) and 5.10-4 (Screening Vegetation Landscaping Plan) would further ameliorate these effects.

Some night lighting could temporarily occur in the event that construction work at night is needed in order to meet the construction schedule. In the event that nighttime work is needed, the Project work would be performed using the minimum illumination needed to perform the work safely. All lighting would be directed downward and shielded to focus illumination on the desired work areas only, and to ensure that light does not trespass onto adjacent properties.

The solar arrays are photovoltaic, and are therefore designed to absorb and not reflect light, and would not create reflective surfaces or the potential for glint/glare. During operation, lighting would be designed to provide the minimum illumination needed to achieve safety and security objectives, and would be directed downward and shielded to focus illumination on the desired areas only, and would be installed to ensure that light does not trespass onto adjacent properties. Lighting would be provided at the O&M building, parking lot, main plant access road, pump and similar equipment locations, and substation control structure. Lights at the main plant access gate, doorways, and the O&M building parking would remain in the on position, and would be light-activated to automatically come on in the evening and shut off in the morning. Other lights would normally be shut off and turned on only when worker activity requires. The Project would implement Mitigation Measure 5.7-11, Facility Lighting, which would ensure that nighttime lighting would result in insignificant effects.

Due to the low to moderate profile of the construction equipment and temporary nature of the activities proposed, construction of the site would not be expected to substantially diminish the visual quality (i.e., vividness, intactness, and unity) of the Project site from areas of high viewer exposure such as motorists travelling along SR-138 and, to a lesser extent, 170<sup>th</sup> Street West. As a result, construction activities at the Project site would not be expected to result in substantial impacts to visual quality.

The Project would consist of generally low relief structures, such that the Project components would maintain views into the distance, as demonstrated on Project simulations, and would result in less than significant impacts to scenic vistas. Additionally, due to proposed Project design, operation of the Project would result in less than significant effects to foreground views. As a result, the Project facility would not be expected to result in substantial impacts to visual quality. Similarly, the Project's generally passive use, and facility appearance, as described above, from public viewing locations, would not be considered an urban use. The proposed Project and transmission line would maintain views of the rural landscape and the distant mountains. As a result, the Project would result in an adverse, but less than significant change to character.



The Project's less than significant visual impacts are further reduced with the adoption of the following feasible mitigation measures:

**MM 5.10-1: Visual Screening During Construction.** Prior to any construction activity within the vicinity of SR-138, temporary screening of construction and staging areas (e.g., via vegetation, or fencing with fabric or slats) shall be installed to minimize visual effects from construction as required by LACDRP.

**MM 5.10-2: Construction Housekeeping.** During construction, the development site shall be maintained. The Project facility construction site and off-site transmission line route work areas shall be kept clean of debris, trash, or waste.

**MM 5.10-3: Building and Equipment Paint.** All proposed on-site structures and appropriate equipment shall be neutral colors and non-reflective, as approved by the LACDRP.

**MM 5.10-4: Screening Vegetation Landscaping Plan and Maintenance.** Prior to issuance of a grading permit, the Applicant shall submit a landscaping plan for the 10-foot-wide strip of Project screening vegetation proposed along both sides of SR-138, to the LACDRP for review and approval. The Plan shall be certified by a registered landscape architect, and shall identify use of temporary irrigation, and the areas on both sides of SR-138 at the Project site to be planted with Joshua trees and/or other native yucca species, and native shrub species, in compliance with the County Drought-Tolerant Landscaping Ordinance. The landscaping shall be installed within 14 months of the commencement of construction activities. The vegetation shall be maintained via selective thinning and removal of invasive weeds and monitored thereafter to promote successful, long-term establishment of the native vegetation to the satisfaction of LACDRP. The landscaped area shall also be maintained free of trash and debris for the Project lifetime to the satisfaction of LACDRP.

**MM 5.10-5: Maintenance of SR-138 Caltrans and County Easements.** The areas on both sides of the existing Caltrans right-of-way for SR-138 offered for dedication in fee simple by the Applicant to Caltrans and the irrevocable 10-foot-wide slope easement on both sides of the 200-foot-wide Caltrans right-of-way offered to the County as described in Section 4.2 of [the Draft] EIR shall be maintained free of trash and debris on an as-needed basis to the satisfaction of LACDRP. The dedicated area for Caltrans shall be maintained by Applicant until such time the deed for the applicable area is transferred to Caltrans, and the slope easement area for the County shall be maintained by the Applicant until such time that the County installs improvements.

## **2.10 TRAFFIC AND ACCESS**

### **Potential Effect:**

The Project would have potentially significant traffic impacts if it resulted in hazardous traffic conditions, inadequate emergency access, or had a detrimental effect on existing pavement of 170<sup>th</sup> Street West.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

Based on analysis and modeling of current and projected future conditions, the proposed Project construction and operation traffic (996 daily one-way trips at peak for pile foundation scenario [worst case], and 32 daily one-way trips, respectively) would allow roadway segments and intersections in the Project area to operate at acceptable Level of Service (LOS), LOS C or better. Mitigation Measure 5.11-3, Limit 50 Percent of Truck Deliveries to Off-Peak Hours, would manage construction truck deliveries to the Project site. As a result, the Project would result in less than significant impacts to roadway segment and intersection LOS. The Project construction and operation were determined to result in less than significant impacts to trips added onto a mainline freeway link or Congestion Management Plan (CMP) system.

Construction of utility crossing of SR-138 and 170<sup>th</sup> Street West (i.e., 34.5 kV electric line over SR-138; and 34.5 kV lines across 170<sup>th</sup> Street West from the east side to the proposed on-site substation on the west side) may potentially encroach into the traveled roadway causing short-duration traffic impacts to residents/employee or emergency vehicles in the area. During installation of transmission poles and lines, emergency access along 170<sup>th</sup> Street West and residences adjacent to temporary transmission line work zones along 170<sup>th</sup> Street West could be temporarily impacted (i.e., 1-2 days maximum at any one location). In the event of roadway closures, traffic control measures would be implemented in accordance with Mitigation Measure 5.11-1 (below) to ensure public and emergency access, and work safety. During operation, in the event the transmission line requires maintenance or repair involving equipment and use of the public road ROW, the affected roadways may require temporary closure, and the Project would implement traffic control measures in accordance with MM 5.11-1 to ensure public and work safety.

Project-related construction equipment traffic could increase wear and/or cause damage to the existing pavement along 170<sup>th</sup> Street West, which consists of 2 inches of asphalt on approximately 3 inches of soil mix. Construction impacts are considered to be potentially

significant absent mitigation. Implementation of Mitigation Measure 5.11-2 (below) would reduce impacts to less than significant levels.

The potentially significant impacts identified in the Final EIR are mitigated to a less than significant level with adoption of the following feasible mitigation measure:

**MM 5.11-1: Provide Adequate Worksite Traffic Control.** Prior to any construction activities and/or issuance of required encroachment permits from Caltrans and Los Angeles and Kern counties, the Applicant shall prepare worksite traffic control plans for review and approval from Caltrans, the LACDPW and the Kern County Resource Management Agency, Roads Department. The plans shall include: 1) the location and usage of appropriate construction work warning signs that shall be placed in accordance with the California Manual on Uniform Traffic Control Devices (Caltrans 2010); 2) proper merging taper and/or shifting lane schematics; and 3) adequate work area and buffer zone designation as well as proper location and conduct of flagmen and the traffic management supervisor at the installation worksite area. The Project worksite traffic control plans shall be coordinated with driver and worker safety in mind. Where the observed speed limit on affected roadways is 55 MPH or more, the plans shall incorporate and implement the following minimum standard requirements per the Work Area Traffic Control Handbook (WATCH):

- A Type C flashing arrow pane shall be used for each closed lane.
- The minimum height for traffic cones shall be 28 inches.
- A minimum of three advance warning signs shall be posted.
- Consideration of advanced safety enhancement measures shall be taken into account for workers in the work zones.

The above safety and traffic control measures identified in the traffic control plans shall also be implemented at pole installation sites within the public road ROW and/or roadway crossings at a minimum.

Additionally, the County, including the LACFD Fire Stations 78, 112, and 140 shall be notified at least three days in advance of any street closures that may affect fire and/or paramedic responses in the area. Applicant shall provide alternate route (detour) plans to the County, including three sets to the LACFD, with a tentative schedule of planned closures, prior to the beginning of construction.

**MM 5.11-2: Document Pre-and Post-Project Construction Pavement Condition of 170<sup>th</sup> Street West and Pay Fair Share.** Prior to issuance of a grading permit, Applicant shall document and submit all required information and/or material pertaining to the pavement conditions of 170<sup>th</sup> Street West including the formula for calculating the Project's fair share of any repair and/or reconstruction of 170<sup>th</sup> Street West to the

satisfaction of the LACDPW. Applicant shall reimburse the County of Los Angeles for the cost of any repairs and/or reconstruction of 170<sup>th</sup> Street West attributable to the Project as agreed to by the LACDPW. The timing of any necessary repairs and/or reconstruction of 170<sup>th</sup> Street West and the required payment by Applicant shall be determined by LACDPW.

**MM 5.11-3: Limit 50 Percent of Truck Deliveries to Off-Peak Hours.** During the construction phase of the Project, Applicant/EPC contractor shall require equipment and material suppliers using trucks to make deliveries to the Project site such that at least 50 percent of associated truck traffic occurs during off-peak hours.

## **2.11 FIRE PROTECTION SERVICES**

### **Potential Effect:**

The Project would have significant impact fire protection services if it created staffing or response time problems or result in any special fire problems.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

During construction, workers would be temporary, and would not be expected to relocate to the Project area; therefore, the construction of the Project is not anticipated to create significant changes to the local population that would increase the level of demand on fire protection services. During operation, the Project is anticipated to require 16 full-time personnel to operate, maintain, and provide security enforcement measures at the Project site. The employees are planned to be hired primarily from the available local workforce, and would not be expected to result in significant changes to the local population that would increase the level of demand on the fire department services such that additional staff would be needed.

The Project is not located within a Very High Fire Hazard Severity Zone. The Project facility and transmission line would be designed in conformity with applicable safety, fire flow, system protections, and fire suppression systems defined by the Los Angeles County Fire Department and applicable fire protection standards, and would implement a Fire Protection and Prevention Plan (Mitigation Measure 5.4-1) that would establish standards and practices to minimize the risk of fire danger and fire response during Project construction and operation. In the event that partial street closures are required for construction or maintenance, a Worksite Traffic Control Plan (Mitigation Measure 5.11-1, Provide Adequate Worksite Traffic Control) would be implemented, which would

entail advance notification to the Fire Department and department coordination, provision for safe access, and use of flagmen and detours where needed. The Project design, fire protection considerations, and traffic considerations would be expected to result in less than significant impacts to fire service staffing and response times.

## **2.12 SHERIFF SERVICES**

### **Potential Effect:**

A project would have a potentially significant effect on sheriff services in the event that the project increases the demand for additional sheriff staffing or facilities, or significantly increases law enforcement response times, or would be subject to special law enforcement problems.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment. .

### **Facts Supporting the Finding:**

The proposed Project and transmission line does not involve residential uses, would not be considered to cause growth-inducing effects that would significantly increase population. The Project would provide security design and personnel during construction and operation. As a result, the Project would not result in a significant increase in demands for law enforcement. In the event that partial street closures are required for construction or maintenance, a Worksite Traffic Control Plan (Mitigation Measures 5.11-1, Provide Adequate Worksite Traffic Control) would be implemented, which would entail provision for safe access and use of flagmen and detours where needed, such that the Project would result in less than significant effects to law enforcement response times.

The Project is not located within an area of special law enforcement problems. The Project would be designed and operated with security measures, which include security fencing, controlled access gates, and 24-hour staffing, including full-time security employees who would conduct regular site security patrolling. As a result, the Project is anticipated to result in less than significant effects associated with special law enforcement problems.

## **2.13 UTILITY SERVICES**

### **Potential Effect:**

The Project would have potentially significant impacts to utility services if the Project construction and operation would result in a significant inadequate water supply, landfill capacity, electrical services, and natural gas services.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

The proposed Project site and surrounding area is not currently served by a public domestic water supply system. The Project proposes to utilize groundwater from on-site wells to supply the Project's short-term construction water needs and long-term operational water needs. The Project overlies the Antelope Valley Groundwater Basin ("Basin"). There are no current legal restrictions on the groundwater pumping in the Basin. An owner of property overlying a groundwater basin has an "overlying" right to reasonable and beneficial use of water from the basin. The Project overlies the Basin; as such, the owner has an overlying right to use water from the Basin for the proposed Project, which would be reasonable and beneficial, as the Project will provide a new source of renewable energy in California. There is an adequate groundwater supply in the Project area within the western portion of the Basin to meet the Project's water use based on historic groundwater contour data, well records in the Project area, and a well investigation/pump test performed on an on-site groundwater well. In addition, according to the Antelope Valley Integrated Regional Water Management Plan, groundwater is considered a reliable water source in the Antelope Valley Groundwater Basin.

The Antelope Valley Groundwater Basin is in adjudication, which is expected to determine all groundwater pumping rights in the Basin. Since groundwater extractions have exceeded the estimated natural recharge of the Antelope Valley Groundwater Basin, the Basin may be in overdraft. However, based on available data analyzed in the Draft EIR, water levels within the Project area have generally risen since the 1960s and appear to have stabilized. The high historical water usage for the Project site is approximately 776 acre feet per year (AFY) during a period that may be contemplated by the Adjudication. The proposed Project's construction water usage of 150 AFY (over a period of approximately 38 months) equates to less than 20 percent of the high historical groundwater usage at the Project site. The Project's long-term operational need of 12 AFY equates to less than 2 percent of the upper level of historical groundwater usage at the Project site. Based on the historic groundwater usage at the Project site, it is anticipated that while an allocation of groundwater in the Adjudication may be



significantly less than the upper level of historical groundwater usage of 776 AFY for the Project site, it is reasonably likely that the Project site's allocation would meet the Project's operational water requirements of 12 AFY. As an overlying owner with historic usage, the Applicant may assert defenses to claims of prescription and may secure a correlative right to groundwater as an overlyer in an amount sufficient to supply the Project. In addition, the Project's temporary water use during construction (150 acre feet per year ("AFY") for approximately 38 months) would represent approximately 0.18 percent of the Basin's total sustainable yield. The Project's water use during operation of the Project (12 AFY) would represent approximately 0.01 percent of the Basin's total sustainable yield. Therefore, because the Project's water usage would be a significant reduction from the amount of groundwater reasonably estimated to be allocated to the Project site, and would not likely exceed the Project's correlative share of the native safe yield, the Project would not result in a significant impact related to water supply.

Given the uncertainty inherent in the Adjudication, several reasonably foreseeable alternative water sources have been identified. These include the acquisition of transferable groundwater rights from a landowner and/or public water supplier with transferable groundwater rights; payment for an assessment to the Watermaster to pump groundwater from the Basin, which would be used to pay for imported water to be injected into the Basin; or from purchasing and trucking fresh and/or reclaimed water from wholesalers, retailers, or recycled water suppliers in the general Palmdale/Lancaster area. Based on the air and traffic analyses conducted for possible trucking of water, less than significant impacts to air quality and traffic impacts would result. As a result, the Project would result in less than significant impacts related to water supply.

The Project is not planned to require utility services for gas or propane. The Project would follow requirements under California Government Code Section 4216 to prevent incidents relating to damage of underground utilities, and would coordinate electrical service with Southern California Edison. As a result, the Project would result in less than significant effects to gas and electrical utility services.

During construction, the Project would recycle at least 65 percent of the generated solid waste, for an estimated maximum disposal of 31,028 tons per year ("TPY") of scrap materials, and a one-time generation of 28,553 tons of vegetation debris. During operation, the Project is estimated to generate 31 TPY of office and packaging materials, which would represent 0.0000007 percent of the remaining disposal capacity at the nearest landfill, Lancaster Landfill and Recycling Center. The Project's recycling practices during construction would reduce the amount of solid waste entering landfills, and the Project's overall contribution to solid waste disposal would be expected to be less than significant.

## **2.14 ENVIRONMENTAL SAFETY**

### **Potential Effect:**

The Project would have potentially significant impacts to environmental safety if it created a significant hazard through the routine transport, use, disposal, or accidental release of hazardous materials, if the Project site contained residual soil toxicity, or resulted in electric and magnetic field hazards.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

The Project site may contain hazardous materials associated with past agricultural uses and oil development activities. Contaminants of potential concerns include petroleum-based chemicals, pesticides, and metals, including arsenic, lead, mercury, and hexavalent chromium. An abandoned oil well is reportedly located on the facility site, and may not have been properly abandoned as a result of previous less stringent standards during the time of abandonment. The Project also involves removal of the existing farm residences and related structures that may contain building materials contaminated with hazardous materials, including asbestos and lead. Construction of the Project site and transmission line would require hazardous materials that would be typical of construction projects of this type, including, gasoline, diesel fuel, oils, lubricants, solvents, batteries, detergents, degreasers, paints, ethylene glycol, and welding materials and supplies, including pressurized gases. Project operation would require limited quantities of fuel oil, lubricants, solvents, batteries, janitorial supplies, paint, degreasers, herbicides, pesticides, FM200 fire suppressant, and approximately 84,000 gallons of transformer insulating oil that would be contained within electrical transformers and switches at the facility.

Operation of the Project transmission line involves transmission of high-voltage current, which would generate electric and magnetic field (EMF). The Applicant has committed to managing the electric and magnetic field strengths associated with the proposed transmission line(s) by constructing the transmission facilities in accordance with: California Public Utilities Commission (CPUC) Government Order (GO) 95, which addresses shock hazards to the public by providing minimum clearance and maintenance requirements; GO 52 (Rules for Construction and Operation of Power and Communication Lines for the Prevention or Mitigation of Inductive Interference, which manages electric and magnetic field strengths; and GO 131-D (Rules for Planning and Construction of Facilities for the Generation of Electricity and Certain Electric Transmission Facilities), as applicable. Compliance with these requirements would limit potential EMF levels from Project facilities to levels that are consistent with CPUC



policies which consider protection of public health, and Project-related electric shock hazards to acceptable levels.

The following mitigation measures would reduce potential impacts due to hazardous materials contamination during construction and operation to less than significant levels:

**MM 5.15-1: Additional assessment, and possibly remediation, of potentially contaminated soils on the Project site.** Prior to the issuance of a grading permit, the Applicant shall obtain a site closure letter from the Los Angeles County Fire Department, Health Hazardous Materials Division. The Applicant shall conduct additional site assessment or remediation activities as required by and to the satisfaction of the Voluntary Oversight Program of the CUPA (Los Angeles County Fire Department, Health Hazardous Materials Division).

Additional assessment and/or remediation may include the following:

- 1) Preparation of applicable Phase II Environmental Site Assessment Work Plans that describe the proposed approach and methods to be used in characterizing shallow soils. The Work Plans shall include the proposed sampling locations, sample collection procedures, analytical methods, quality control measures, and a site-specific health and safety plan. The Phase II ESA(s) shall be submitted to the CUPA for regulatory review and approval.
- 2) Implementation of the Phase II ESA Work Plan(s) with CUPA oversight.

As necessary, Site Remediation Action Plans shall be developed. Upon CUPA concurrence with the recommendations presented the Phase II ESA(s), remedial action plans shall be prepared for submittal to the CUPA. The remedial action plans shall include the following.

- 1) Remediation goals and cleanup criteria.
- 2) Evaluation of corrective action alternatives that compares the effectiveness, feasibility, and cost benefit of each alternative. The remedial action plans shall take into account existing and proposed uses of the Project area.
- 3) Identification of the preferred alternative with consideration of protection of resources within the Project area.
- 4) A detailed description of the access points and haul-out routes for remedial activities; remediation methods and procedures; mitigation of dust; minimization or avoidance of disturbance to sensitive ecosystems; and verification soil sampling and analysis. Included in the discussion shall be information on disposal sites, transport and disposal methods, as well as recordkeeping methods for documenting remediation, regulatory compliance, and health and safety programs for on-site workers.

**MM 5.15-2: A Soil Management Plan for Transmission Line Construction.** Prior to issuance of a grading permit, a soil management plan shall be submitted to the CUPA for review and approval. The plan shall include practices that are consistent with the California Title 8, Occupational Safety and Health Administration (Cal-OSHA) regulations, as well as CUPA remediation standards that are protective of the planned use. Appropriately trained construction personnel shall be present during site preparation, grading, and related earthwork activities (e.g., augering) to monitor soil conditions encountered. In order to confirm the absence or presence of hazardous substances associated with former land use, a sampling strategy may be implemented. The sampling strategy shall include procedures regarding logging/sampling and laboratory analyses. The Soil Management Plan shall outline guidelines for the following:

- Identifying impacted soil
- Assessing impacted soil
- Soil excavation
- Impacted soil storage
- Verification sampling
- Impacted soil characterization and disposal

**MM-5.15-3: The historic oil well that requires abandonment or re-abandonment shall be abandoned to current standards.** Prior to issuance of a grading permit, an investigation into the location of the historic oil well, reportedly located on the proposed Project site shall be conducted. If the well is determined to be located on the Project site, the well shall be inspected. If the well was not abandoned properly, as determined by the California Division of Oil, Gas, and Geothermal Resources (DOGGR), the well shall be re-abandoned to the satisfaction of DOGGR. The Project development plans shall comply with the required setbacks from oil and gas wells as determined by DOGGR and the County of Los Angeles.

**MM 5.15-4: Demolition Hazardous Building Materials Assessment and Management Plan.** Prior to the commencement of any demolition activity on the Project site, the demolition contractor shall prepare a written Demolition Hazardous Building Materials Assessment and Management Program for review and approval by the CUPA, and/or other appropriate regulatory agency. The Demolition Hazardous Building Materials Management Program shall include an assessment for lead-based paint (LBP) and asbestos-containing material (ACM) as identified in the URS pre-demolition survey report (URS 2010), and the following plans shall be prepared:

- Lead-based Paint Abatement and Management Plan. A LBP Abatement Plan shall be prepared and implemented by a qualified contractor. Elements of the plan shall include the following:

- Containment of all work areas to prohibit off-site migration of paint chip debris.
  - Removal or encapsulation of all peeling and stratified LBP on building surfaces and on non-building surfaces to the degree necessary to properly complete demolition activities per the recommendations of the survey. The demolition contractor shall properly contain and dispose of intact LBP on all equipment to be cut and/or removed during demolition.
  - Providing on-site air monitoring during all abatement activities and perimeter monitoring to ensure no contamination of work of adjacent areas.
  - Cleanup and/or HEPA vacuum paint chips.
  - Collection, segregation, and profiling waste for disposal determination.
  - Post-demolition testing of soil to assure that soil at the site is not contaminated by LBP.
  - Providing for appropriate disposal of all waste.
- Asbestos-containing Materials Abatement and Management Plan. Prior to demolition work that shall disturb identified ACMs, an ACM Abatement and Management Plan shall be prepared. Asbestos abatement shall be conducted during demolition activities, consistent with OSHA and air quality regulations. The Management plan shall include detailed information regarding ACM classification, ACM hazard assessment (the possibility of fiber release from ACM is based on the materials condition, such as friability), ACM inventory information, training and qualification for workers, demolition handling procedures, waste management and disposal procedures, and emergency response procedures (in case of a release of friable materials) licensed asbestos abatement removal contractor shall remove the ACMs under the oversight of a California Certified Asbestos Consultant. All identified ACMs shall be removed and appropriately disposed of by a state-certified asbestos contractor. The proposed Project shall include notification of demolition activities to the Antelope Valley Air Quality Management District.

## **2.15 LAND USE COMPATIBILITY**

### **Potential Effect:**

Project impacts to land use compatibility pertain to the potential for the proposed Project to conflict with plan or zone designations, SEA conformance criteria, or the County Green Building Ordinance.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

The Project site is considered a utility installation, which is considered a use consistent with the Project site's Non-Urban (N-1) land use designation. The Project is considered an allowable use in the Project site's designated zone with issuance of a conditional use permit, and implementation of the Project as conditioned by the County would be expected to be compatible with the zoning designation. Thus, the Project would not be considered inconsistent with the plan designation, and would result in less than significant impacts to zoning consistency.

The Project is not located within an SEA boundary. The Project would implement Mitigation Measures 5.6-2 (Develop and Implement Fugitive Dust Emissions Control Plan), 5.7-11 (Facility Lighting), and 5.18-1 (Pile Driver Orientation), such that the Project would result in less than significant indirect impacts to adjacent SEA areas, and conform with SEA criteria.

The Project is designed with an objective to conserve resources by producing electricity in a manner that consumes low quantities of fossil fuel and water and, thus, would be considered consistent with the intent of the Green Building Ordinance. The Project drainage concept is designed in accordance with the Title 12 Chapter 12.84, LID standards. All on-site vegetation associated with proposed vegetated areas would be planted in accordance with Title 22 Chapter 22.52, Part 21, Drought Tolerant Landscaping requirements. The Project would recycle a minimum of 65 percent of non-hazardous construction and demolition debris, construct the office area of the O&M building in accordance with applicable green building standards, and would follow with other applicable provisions in accordance with Title 22 Chapter 22.52 Part 20, Green Building requirements. Under the Green Building Ordinance, the Project would potentially be required to plant and maintain up to approximately 10,500 trees, which would result in a substantial increase in the Project's water consumption, and would not be considered practical for achieving the intent of the ordinance. As a result, in accordance with the ordinance provisions (Section 22.52.2130.C.5(d) of the County Code), the Project would obtain authorization to modify the tree planting requirements of the Green Building Ordinance. Therefore, the Project would comply with applicable provisions in the County's Green Building Ordinance.

The following mitigation measure identified in the Final EIR provides consistency with the Green Building Ordinance, and results in less than significant impacts to land use:

**Mitigation Measure 5.16-1: Tree Planting Modification.** Prior to issuance of a grading permit, the applicant shall obtain authorization to modify the tree planting requirements of the Green Building Ordinance from the Director of Public Works and shall comply with all considerations and other terms of the Green Building Ordinance requirements to

the satisfaction of the Director of Public Works (see Sections 22.52.2130.C.5 and Section 22.52.2150 of the County Code).

## **2.16 GLOBAL CLIMATE CHANGE**

### **Potential Effect:**

The Project would significantly impact global climate change if it would result in a significant increase in emission of greenhouse gases.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

The Project proposes to generate approximately 230 MW of clean, renewable electrical power using solar PV technology. Assessment of Project-generated GHG emissions through the Project lifetime (construction and operation phase) indicate that the Project is reasonably expected to reduce carbon dioxide equivalence (CO<sub>2e</sub>) emissions by over 196,000 metric tons (MT) CO<sub>2e</sub> per year during operation compared to emissions from an equivalent electrical output using eGrid information (i.e., current electrical supplies to the grid in California). The Project is fully consistent with the CARB Scoping Plan to implement AB 32 and its projected implementation measures, and is expected to result in a net decrease of greenhouse gas emissions within California due to its reduction in carbon intensity of energy generation. As a result, the Project is anticipated to result in less than significant construction and operation impacts to GHG emissions.

## **2.17 NOISE**

### **Potential Effect:**

The Project would have potentially significant noise impacts if it substantially increased ambient noise levels, including temporary or periodic increases.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

During construction, construction equipment will be equipped with appropriate mufflers and maintained in order to reduce noise emission levels. Noise levels from construction activities (substation and O&M construction, Drainage A cutoff walls, and solar fields)

were evaluated, and all activities complied with ordinances, with the exception of the pile driving scenario for the PV structures. Implementation of Mitigation Measure 5.18-1 (Pile Driver Orientation) would reduce pile driving noise levels to meet Los Angeles County Noise Ordinance Standards. Noise levels for construction of the transmission line were evaluated, and were found to be within acceptable noise levels at the nearest residences (sensitive receptors).

Based on evaluation of operational phase activities, including use of tracking drive motors, inverters and transformers, substation, transmission line EMF, and maintenance activities, operation of the Project facility and transmission line were found to have no substantial noise impact to increase ambient noise levels, and would result in less than significant impacts to noise levels.

The potentially significant noise impact identified in the Final EIR for construction noise are mitigated to a less than significant level with adoption of the following feasible mitigation measures:

**MM 5.18-1: Pile Driver Orientation.** In order to reduce the noise levels generated by the vibratory pile driver and comply with all applicable Los Angeles County noise standards, the pile driver shall be oriented such that the rear of the pile driver faces toward the noise-sensitive receptors when the vibratory pile driver is being utilized within 3,000 feet of the receptors.

**MM 5.18-2: Construction Equipment Use of Mufflers.** Construction equipment and vehicles shall be fitted with efficient and well-maintained mufflers to reduce noise emission levels. In addition, the Project construction equipment and vehicles shall be maintained according to the manufacturers' instructions and recommendations.

## **2.18 CHANGE OF CHARACTER**

### **Potential Effect:**

The Project would significantly impact change of character if it resulted in a significant change to the existing character of the Project area.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

The Project vicinity consists of a rural and agricultural setting within a high desert climate. The Project, unlike conventional power generation processes, would not require combustion or large mechanical processes to produce electricity, and would generate



minimal air emissions, hazardous materials, and noise. Additionally, the Project consists of generally low-relief structures and design features including setbacks from County and State roadways, selective vegetative screening, and use of lower-relief equipment at foreground views of the facility along SR-138 public viewing locations, and would not be considered an urban use. The proposed Project and transmission line would maintain views of the rural landscape and the distant mountains. As a result, the Project would result in an adverse, but less than significant change to character.

## **2.19 GROWTH INDUCING IMPACTS**

### **Potential Effect:**

Development of the Project has the potential to induce growth by fostering economic or population growth or construction of additional housing either directly or indirectly.

### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

The Project is designed to meet the increasing demand for clean renewable electricity that is set forth in the California's statutory and regulatory goals to increase renewable power generation and reduce greenhouse gas generation. The Applicant proposes the AV Solar Ranch One Project in response to the State-mandated increases in clean, renewable electricity generation versus conventional fossil-fuel power generation sources.

Data from the California Employment Development Department (EDD) Labor Market Information (LMI) indicate that the regional workforce in Los Angeles and Kern counties are sufficiently large enough to meet the construction (453 workers peak) and operation (16 workers) needs of the Project. As a result, workers are expected to be hired from the project region, and workers would not be anticipated to require relocation into the Project area. As a result, the proposed Project would not directly result in growth in the Project area. Project impacts related to growth inducement would be less than significant.

The proposed Project involves construction and operation of a solar photovoltaic electric generating facility and a privately-owned, 230-kV high-voltage transmission line. The Project does not involve increase or expansion of public services or removal of major obstacles to growth that would increase growth beyond land use plans and regional projections. Therefore, the Project has no impacts related to indirect growth effects.

### **SECTION 3.0 FINDINGS REGARDING CUMULATIVE ENVIRONMENTAL EFFECTS WHICH ARE NOT SIGNIFICANT OR WHICH HAVE BEEN MITIGATED TO A LESS THAN SIGNIFICANT LEVEL**

Pursuant to Section 15130 of the CEQA Guidelines, the following findings and statements of fact identify potentially significant cumulative impacts and the Project's incremental contribution to the impacts discussed in the Final EIR. For the following environmental resource areas, the Project's incremental effect is not cumulatively considerable.

#### **3.1 GEOTECHNICAL HAZARDS**

##### **Potential Effect:**

Implementation of the Project would result in grading and placement of structures where they may be subject to ground motion could cumulatively expose people and structures to hazardous geotechnical conditions.

##### **Finding:**

Changes or alternations have been required, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

##### **Facts Supporting the Finding:**

The Project would require grading, which would be performed in accordance with a Grading Plan approved by the Los Angeles County Department of Public Works, and would be performed in conjunction with BMPs to minimize potential impacts due to wind and water erosion. The Project Geotechnical Report (Terracon 2009) identifies geologic conditions and potential geologic hazards to support the engineering design of the Project facility and transmission line. Construction of the Project in accordance with these design and construction measures would reduce geotechnical related hazards from seismic-related hazards (i.e., ground shaking) to a less than significant level. When combined with the impacts of other potential cumulative projects, the proposed Project, as constructed with the required applicable building codes and standards and Geotechnical Engineering Report (Terracon 2009) recommendations, as required by Mitigation Measure 5.2-1, Implementation of Geotechnical Engineering Report Recommendations, would not result in an incremental increase to geotechnical hazards. Additionally, other potential projects would be required to comply with seismic standards consistent with applicable local, state, and federal regulations. As a result, the contribution of the Project would not be cumulatively considerable, and thus, would be less than significant.



### **3.2 FLOOD HAZARDS**

#### **Potential Effects:**

Implementation of the Project in combination with the related projects would potentially cumulatively increase the amount of erosion and sedimentation, impervious surface area, and drainage pattern alterations (i.e., flood hazards) in the Project watershed.

#### **Finding:**

Changes or alternations have been required, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

#### **Facts Supporting the Finding:**

The facility would be designed in accordance with Los Angeles County Low Impact Development (LID) standards and LACDPW flood control requirements to conform to the natural local watershed, maintain site drainage patterns, and balance site runoff. Of the identified cumulative projects in the Draft EIR, the Fairmont Butte Motorsports Park and the Southern California Edison (SCE) Tehachapi Renewable Transmission Project (TRTP) Segment 4 500-kV transmission line have the potential to impact the same watersheds as the proposed Project (i.e., Amargosa Creek Watershed and Sacatara Creek-Kings Canyon Watershed). Due to the small footprint and wide spacing of the AV Solar Ranch One and SCE's proposed transmission structures, no potential for cumulative flood hazard related impacts exists with the proposed TRTP project. The EIR for the proposed Fairmont Butte Motorsports Park Project concludes that the motorsports project would not result in any potentially significant flood hazard related impacts (LACDRP 2009). Additionally, the proposed AV Solar Ranch One Project site is generally hydrologically separated from the Fairmont Butte Motorsports Park project site, thus the potential for cumulative flood hazard impacts is limited.

The proposed Project's construction and operation activities have the potential to increase erosion, sediment load and debris material into runoff flows. However, the Project would implement mitigation for erosion control and stormwater management (Mitigation Measure 5.3-1, Erosion control and Stormwater Management Measures), during construction and operation, and as a result, would be expected to reduce potential erosion, sediment loads and debris deposition to less- than-significant levels. Based on the results of the hydrologic analyses performed by Psomas (2009), with Project design measures applied, changes in runoff flows and volumes between pre- and post-development conditions would be insignificant, such that the proposed Project would not be expected to significantly contribute to incremental cumulative effects relative to flood hazards. Potential cumulative effects related to flood hazards would be less than significant.

### **3.3 FIRE HAZARDS**

#### **Potential Effect**

The Project construction and operation activities would increase sources of fuel and fire (i.e., welding, electrical equipment, and energized conductors), such that the Project's incremental increase to fire hazards may result in potential cumulatively considerable effects.

#### **Finding:**

Changes or alternations have been required, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

#### **Facts Supporting the Finding:**

There are several other proposed projects within 5 miles of the Project site that have the potential to result in cumulative impacts related to fire hazards. Through the implementation of Mitigation Measure 5.4-1 (Fire Protection and Prevention Plan) as well as compliance with LACFD requirements, Project-specific impacts affecting risks of fire would be less than significant. It is assumed that other potential projects would be required to implement similar fire hazard reduction measures. Therefore, no significant cumulative effects related to fire hazards would be expected to occur.

### **3.4 WATER QUALITY**

#### **Potential Effect**

The Project development involves activities having potential to release storm water pollutants, including erosion and sedimentation due to grading, vehicle and equipment fluids, household chemicals, trash, herbicides, etc., which in combination with related projects would degrade water quality, resulting in a significant cumulative impact.

#### **Finding:**

Changes or alternations have been required, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

#### **Facts Supporting the Finding:**

Water pollutants that could be released from development associated with the proposed Project and other potential cumulative projects could include runoff laden with sediment, vehicle and equipment fluids, household chemicals, trash, landscaping by-products, and other typical urban stormwater pollutants.

Developments in the proposed Project area, such as the Fairmont Butte Motorsports Park, would likely increase impermeable surfaces and, as a result, increase the volume of stormwater runoff that may be directed to applicable storm drain systems and/or off-site drainages. However, the Project is designed to balance pre- and post-construction runoff volumes and any increases due to the Project would be insignificant. Additionally, through implementation of required BMPs through the LRWQCB and LACDPW, as required in Mitigation Measure 5.3-1, Erosion Control and Stormwater Management Measures) and Project design measures, the proposed Project would not be expected to significantly contribute to deleterious effects on surface water quality. Since the proposed Project would not cumulatively contribute to significantly increased amounts of either stormwater runoff or pollution, the potential for cumulative effects on surface water quality is expected to be less than significant.

### **3.5 AIR QUALITY**

#### **Potential Effect:**

Construction of the proposed Project involves earth-disturbance and equipment and vehicle use on the Project site and transmission line, which in combination with related projects would degrade air quality, resulting in a significant cumulative impact.

#### **Finding:**

Changes or alternations have been required, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

#### **Facts Supporting the Finding:**

The construction schedule for the proposed Project has the potential to overlap with several other potential projects in the Project vicinity, including the Fairmont Butte Motorsports Park project and the SCE Tehachapi Renewable Transmission Project (TRTP). With implementation of Mitigation Measures 5.6-1 through 5.6-10, the total estimated maximum Project-specific criteria pollutant emissions over the 38-month construction phase of PM<sub>10</sub> (27.94 tons) and NO<sub>x</sub> (74.3 tons) equate to approximately 0.04 percent and 0.23 percent, respectively, of the total estimated emissions for 2008 within the AVAQMD (AVAQMD 2009). Depending on the technology selected, construction emissions for the remaining criteria pollutants (PM<sub>2.5</sub>, CO, ROG, and SO<sub>x</sub>) vary, but are similarly well under AVAQMD emission thresholds. Additionally, as earth-disturbance activities would generate dust, which is presumed to contain Valley Fever fungi (*C. immitis*) in the Project region, implementation of Project specific dust mitigation and worker safety measures, as identified in Mitigation Measures 5.6-1, 5.6-2, 5.6-3, 5.6-5, and 5.6-11 would reduce the Project's incremental increase in Valley Fever exposure to a less than significant cumulative contribution. As a result, construction

emissions from the proposed Project would not result in a cumulatively considerable increase in emissions within the AVAQMD.

During operation, the Project would result in less than significant PM<sub>10</sub>, NO<sub>x</sub>, as well as all other criteria pollutant and greenhouse gas emissions. The proposed Project would emit minimal combustion emissions relative to the anticipated generated electrical output when compared to traditional electrical generation sources. Potential cumulative impacts of the proposed Project when considered together with other renewable energy projects proposed in the Project region (e.g., Pacific Wind Energy Project) would be considered to be beneficial and result in a combined substantial reduction in combustion-related emissions compared to traditional fossil fuel generation. The net reduction of emissions from other renewable based power projects cannot be accurately estimated due to the large number of projects in the early development and permitting stages. However, the total rated capacity of the other potential renewable energy projects and associated potential air quality benefits are much larger than the AV Solar Ranch One Project alone.

In summary, cumulative impacts for air quality for the proposed Project, when considered with other potential projects, are expected to be less than significant for emissions of PM<sub>10</sub> and NO<sub>x</sub> (and all other criteria pollutants) during the construction phase. Potential cumulative air quality impacts during the operational phase would be expected to be beneficial.

### **3.6 BIOLOGICAL RESOURCES**

#### **Potential Effect:**

The Project construction and operation would result in loss of habitat, and two special-status species, the Blainville's Horned Lizard and the California burrowing owl, which have been identified on-site. Several special-status bird species (not including the burrowing owl) use on-site habitat to fulfill a portion of their ecological requirements. A portion of these species were judged to use the site minimally, and the remaining use the site either as nesting habitat or for foraging or wintering during nesting or special-status season. Implementation of the Project in conjunction with the related cumulative projects would result in further loss of habitat and impacts to special-status biological species, and has the potential to result in cumulative impacts to biological resources in the Antelope Valley.

#### **Finding:**

Changes or alternations have been required, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

### **Facts Supporting the Finding:**

The proposed Project would have potentially significant cumulative impacts on biological resources related to the conversion of substantial natural habitat areas to a developed condition. Implementation of the proposed off-site mitigation measures, Project impacts would be reduced to less than significant levels. Development trends in the Antelope Valley, and the corresponding habitat loss that occurs as a result, have not been steady over time (Galloway et al. 1998). Rather, rates of development have risen and fallen in response to economic drivers, including real estate prices and the overall vitality of the region. Rates of proposed development in the Antelope Valley have generally slowed since the late 1980s, but some development projects are nevertheless proposed, as identified in the Final EIR. However, because many of these projects are currently in the early planning stages and have not yet been approved, substantial details regarding the impacts of such projects on the environment are not yet known. Although the exact acreage to be impacted by these projects is not known, it is anticipated that all of the proposed and reasonably foreseeable future projects identified within the Project vicinity would involve some level of development within natural habitats. However, the floor of the Antelope Valley is fairly homogeneous with regard to the types of vegetation present, and the habitats disturbed by proposed and reasonably foreseeable future projects are generally abundant throughout the valley. Thus, although the proposed Project would represent an incremental reduction in the available natural habitat within the Antelope Valley, the cumulative impact of all proposed and reasonably foreseeable future projects on general habitat in the Valley would be less than significant.

The proposed Project would have significant impacts on one sensitive reptile and several special-status bird species, absent mitigation. Impacts associated with injury or mortality of individual birds would be substantially lessened by the mitigation measures (Mitigation Measures 5.7-1 through 5.7-13) recommended in the Final EIR, and would be unlikely to compound or worsen effects of other projects in the region. With implementation of the proposed off-site mitigation measures, impacts on special-status species associated with loss of habitat would be less than significant at the project level. As stated previously, the floor of the Antelope Valley is fairly homogeneous with regard to the types of vegetation present, and the habitats disturbed by proposed and reasonably foreseeable future projects are generally abundant throughout the valley. The common and special-status species occupying sites proposed for development are also expected to occupy similar habitats elsewhere in the Antelope Valley, and suitable foraging habitats, such as rabbitbrush and California annual grasslands, would remain abundant in the region despite the current and future development proposals. Thus, although the proposed Project would represent an incremental reduction (1,937 acres permanently removed or modified) in suitable foraging habitats for special-status species within the Antelope Valley, the cumulative impact of all proposed and reasonably foreseeable future projects on such habitats would be less than significant.

The proposed Project would not significantly impede the movement of medium-sized mammals in the vicinity, with mitigation and inclusion of the major wildlife movement corridor and wildlife-permeable fencing around key portions of the site perimeter.

### **3.7 CULTURAL RESOURCES**

#### **Potential Effect:**

Implementation of the Project in conjunction with the related cumulative projects would result in further disturbance and developed areas, has the potential to result in a cumulative loss of cultural and historic resources in the Antelope Valley.

#### **Finding:**

Changes or alternations have been required, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

#### **Facts Supporting the Finding:**

There are multiple other proposed projects within 5 miles of the proposed AV Solar Ranch One Project that have the potential result in direct or indirect cumulative impacts on cultural resources. However, with implementation of the proposed Mitigation Measures 5.8-1 through 5.8-7 presented in the Final EIR for cultural resources, no Project-specific significant impacts to cultural resources would be expected to occur. Additionally, since the proposed Project impacts would be mitigated to less than significant levels, the proposed Project would not significantly contribute to possible cumulative effects associated with other projects in the Project region. Assuming that other projects that may be approved and implemented would also mitigate all their potentially significant project-specific impacts to cultural resources, as required by law, no significant cumulative impacts would be expected to occur.

### **3.8 AGRICULTURAL RESOURCES**

#### **Potential Effect:**

Cumulative Project impacts to agricultural resources could occur in the event that the Project, in conjunction with related projects results in the cumulatively significant loss of Important Farmlands or Williamson Act contracted lands.

#### **Finding:**

Changes or alteration have been required in, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.



**Facts Supporting the Finding:**

The Project is located in a region with significant agricultural uses; however, the Antelope Valley has been historically and is currently also limited by water costs and climatic conditions. The proposed Project would result in the permanent conversion of 0.016 acre of Prime Farmland. This amount is considered negligible. The proposed Project would also result in the conversion of 2,100 acres of former (more than 5 years ago) agricultural land to renewable energy production, thereby precluding possible agricultural production for the planned life of the Project (30 years). The proposed Project would be expected to contribute to the overall trend of conversion of agricultural lands to other uses in the Antelope Valley when considered together with other potential cumulative projects in the area. Since the Project site has not been used for agricultural production for over 5 years, and because the Project would result in a negligible conversion of Farmland, the Project's incremental contribution to cumulative agricultural impacts is considered less than significant.

**3.9 VISUAL QUALITIES****Potential Effect:**

Cumulative Project impacts could occur in the event that the Project, when viewed cumulatively with related projects in the vicinity, is considered to result in significant effects to visual quality.

**Finding:**

Changes or alteration have been required in, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

**Facts Supporting the Finding:**

Multiple projects are identified in the Project region, which have the potential to result in cumulative impacts to aesthetics when considered together with the proposed Project. Several applications for additional renewable energy projects have recently been submitted that will potentially take advantage of the energy transmission infrastructure that is planned in the area. The energy development proposed around the planned SCE Whirlwind Substation and the associated SCE Tehachapi Renewable Transmission Project is likely to combine with the proposed Project to introduce a large amount of scale dominant industrial features to the rural area in southern Kern County. This is likely to permanently change the current, almost exclusively rural character of the general Project area through incremental increases in renewable industrial development. In conjunction with the proposed Fairmont Butte Motorsports Park, which also has scale dominant features, the existing character of the viewshed in the Antelope Valley in

northern Los Angeles County would be altered by harder surfaces, unnatural lines and urban colors. This raises the potential for adverse effects to visual quality.

The Project would not change the rural character of the Project area, and it is anticipated that the majority of the potential energy-related projects would occur north of the proposed AV Solar Ranch One Project in Kern County and would be further removed from the AVCPR and the Desert Woodland State Park. Direct visual impacts associated with implementation of the proposed Project have been determined to be less than significant in the Final EIR relative to the significance criteria utilized in the analysis. The proposed Project's incremental effects on visual quality would not be expected to be cumulatively considerable or significant for any of the significance criteria used in the visual quality assessment.

### **3.10 TRAFFIC AND ACCESS**

#### **Potential Effect:**

Cumulative Project construction and operation impacts to traffic and access could occur if the Project, in conjunction with related projects, resulted in cumulatively considerable incremental effects to traffic and access.

#### **Finding:**

Changes or alternations have been required, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

#### **Facts Supporting the Finding:**

For the AV Solar Ranch One Project traffic analysis, it was conservatively assumed that to account for ambient traffic growth and cumulative project traffic, an ambient traffic growth of four percent per year was used to develop future baseline cumulative conditions from existing intersection traffic count data. This traffic growth assumption was based on the growth forecast for the North County Area from the Los Angeles County CMP. The traffic study for the AV Solar Ranch One Project built these assumptions into the Project-specific analyses, which indicate that the Project would result in less than significant impacts during construction in future project area conditions, with implementation of Mitigation Measures 5.11-1 (Provide Adequate Worksite Traffic Control) and 5.11-3 (Limit 50 Percent of Truck Deliveries to Off-Peak Hours). Following Project construction, the very low trip generation associated with the Project's operations workforce of 16 and occasional service/delivery trips would not result in significant cumulative traffic impacts in the Project study area.

Impacts to road wear and tear and maintenance requirements for 170<sup>th</sup> Street West from the Project construction equipment traffic for the approximately 38-month construction schedule when considered together with other existing and proposed traffic from other



pending projects that may utilize 170<sup>th</sup> Street West (e.g., north of SR-138) could result in cumulative impacts on the roadway pavement. Mitigation Measure 5.11-2 (Document Pre- and Post-Project Construction Pavement Condition of 170<sup>th</sup> Street West and Pay Fair Share) as well as separate County road repair mitigation requirements for other projects, as applicable, would reduce the potential incremental impacts of the Proposed project damage to the roadway to less than significant from a cumulative perspective.

### **3.11 FIRE PROTECTION SERVICES**

#### **Potential Effect:**

Cumulative Project impacts to fire services could occur if the Project, in conjunction with related projects, resulted in a cumulatively considerable incremental increase in fire protection services.

#### **Finding:**

Changes or alteration have been required in, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

#### **Facts Supporting the Finding:**

The Project design, fire protection, and traffic considerations would be expected to result in less than significant impacts to fire service staffing and response times. The Project would also provide taxes and fees to the County that are designed to address cumulative fire service needs associated with new and existing developments, and as a result, the Project would be anticipated to result in less than significant incremental contributions to cumulative fire protection impacts.

### **3.12 SHERIFF SERVICES**

#### **Potential Effect:**

Cumulative Project impacts to sheriff services could occur in the event that development of the Project resulted in a significant incremental increase for sheriff protection services in conjunction with the related projects.

#### **Finding:**

Changes or alteration have been required in, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

**Facts Supporting the Finding:**

The Project would implement security control, and would not involve uses that would result in significant demands to sheriff staffing or response times. As a result, the Project would be expected to result in less than significant incremental contributions to cumulative law enforcement impacts.

**3.13 UTILITY SERVICES****Potential Effect:**

Cumulative Project impacts to utility services may occur if the Project in combination with the related projects would result in a significantly cumulative increased demand for water, landfill capacity, electrical services, and natural gas.

**Finding:**

Changes or alteration have been required in, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

**Facts Supporting the Finding:**

The Project's water usage would be a significant reduction from the amount of groundwater reasonably estimated to be allocated to the Project site and would not likely exceed the Project's correlative share of the native safe yield. The Project's water demand comprises only 0.18 percent of the Antelope Valley Groundwater Basin's safe yield during construction, and 0.01 percent during operation. In the Antelope Valley Groundwater Basin, the unit water requirements for both agricultural and municipal land uses are within an overall range of about three to seven acre feet per acre per year (AF/A/YR). On a unitized basis, the Project's water demand would equate to about 0.07 AF/A/YR during construction and less than 0.01 AF/A/YR during operations (0.006 AF/A/YR). The water requirements on the Project site are exceptionally small. The proposed Project together with other existing and proposed groundwater users such as the Fairmont Butte Motorsports Park (proposed groundwater use of 49 AFY) could contribute to a cumulative impact on the groundwater resource. However, the Project's proposed minimal water extraction would constitute an insignificant contribution to any cumulative impacts to the Basin. Any long-term Project-related impacts on the Basin would be expected to be less than significant since the proposed withdrawals are minimal and would not exceed the allocations to be set as part of the Basin Adjudication in order to protect the Basin resource. The impacts of the proposed Project's minimal groundwater use of 150 AFY and 12 AFY during the construction and operations phases (i.e., about 0.18 and 0.01 percent, respectively, of the estimated total sustainable yield of 82,300 AFY for the Basin) would not be cumulatively considerable and would be less than significant.

The Project is not planned to require utility services for gas or propane. The Project would protect underground utilities in accordance with Public Resources Code Section 4216, and would coordinate electrical needs with SCE. As a result, the Project would result in less than significant effects to utility services. The Project's recycling practices during construction would reduce the amount of solid waste entering landfills, and the Project's overall contribution to solid waste disposal would be expected to be less than significant. During construction, the Project would follow required measures to prevent construction interference to utility services, and would comply with recycling requirements to minimize solid waste disposal to solid waste facilities. During operation, the Project would provide electricity, and would generate minimal amounts of solid waste. As a result, construction and operation of the Project would result in less than significant impacts to governmental and public facilities, which include electricity, gas, and solid waste services. During construction, the Project would follow required measures to prevent construction interference to utility services, and would comply with recycling requirements to minimize solid waste disposal to solid waste facilities. During operation, the Project would provide electricity, and would generate minimal amounts of solid waste. As a result, the Project's incremental contribution to cumulative impacts related to utility services would be less than significant.

### **3.14 ENVIRONMENTAL SAFETY**

#### **Potential Effect:**

Implementation of the Project would result in potential disturbance of hazardous materials during earthwork and construction activities and use of hazardous materials, which could cumulatively expose people and structures to hazardous environmental safety conditions.

#### **Finding:**

Changes or alternations have been required, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

#### **Facts Supporting the Finding:**

The context for the analysis of cumulative impacts from environmental safety is limited to the immediately surrounding area. Hazardous materials and contamination issues are largely site specific and generally would not combine with impacts from other projects to result in cumulative impacts.

Based on land uses in the surrounding area (primarily agricultural and open space) and the limited amount and type of hazardous materials to be used as part of the proposed Project, no significant incremental cumulative impacts associated with environmental safety would be expected to occur as a result of the Project and implementation of Mitigation Measures

5.15-1 through 5.15-4 identified in the Final EIR. Regulations implemented by the Department of Toxic Substances Control (DTSC), LACFD, KCFD, and the RWQCB would require similar measures being applied to other potential developments with environmental safety issues in the Project region. Therefore, the proposed Project would not be expected to result in significant cumulative impacts related to the transport, use, or disposal of hazardous materials. In summary, the construction and operation of the proposed off-site transmission line would not be expected to result in any significant cumulative impacts relative to environmental safety issues.

### **3.15 LAND USE COMPATIBILITY**

#### **Potential Effect:**

Cumulative land use impacts could occur in the event that other related projects in the vicinity of the Project site would result in land use impacts in conjunction with the Project.

#### **Finding:**

Changes or alteration have been required in, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

#### **Facts Supporting the Finding:**

There are several other projects under consideration in the general area of the proposed AV Solar Ranch One Project that have the potential to result in cumulative effects with the proposed Project. The proposed Project is one of several proposed renewable development projects that would impact existing and proposed land uses within the general Project area. In addition, the Fairmont Butte Motorsports Park project is proposed within approximately 0.5 mile of the proposed Project on the south side of SR-138. Similar potential impacts can result from these projects as from the proposed Project with respect to consistency with General Plan Land Use plan and policies, and impacts to compatibility with surrounding land uses. All cumulative projects that may be approved and implemented would also assess potential impacts related to land use and planning. The proposed Project was found to have less than significant impacts related to zoning on site, consistency with General Plan Land Use Plan intent and Significant Ecological Area conformance criteria, dividing an existing community, and impacts to adjacent counties. Therefore, the proposed Project would not be expected to significantly contribute to potential cumulative land use related effects associated with other projects in the Project region.

### **3.16 GLOBAL CLIMATE CHANGE**

#### **Potential Effect:**

Cumulative Project impacts to global climate change could occur if development of the Project resulted in cumulatively considerable emissions of greenhouse gases.

#### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

#### **Facts Supporting the Finding:**

There are multiple other projects in the Antelope Valley region that, if approved and built, would result in additional GHG emissions. Many of the other potential projects in the Antelope Valley and southern Kern County are also renewable energy projects. These projects, if approved and built, would be expected to contribute to a displacement of GHG emissions from fossil fuel power plants. Assessment of Project-generated GHG emissions through the Project lifetime (construction and operation phase) indicate that the Project is reasonably expected to reduce carbon dioxide equivalence (CO<sub>2</sub>e) emissions by over 196,000 metric ton (MT) CO<sub>2</sub>e per year during operation compared to emissions from an equivalent electrical output using eGrid information (i.e., current electrical supplies to the grid in California). Potential cumulative impacts of the proposed Project with other renewable energy projects proposed in the Project region would be considered to be beneficial and result in a combined reduction in GHG emissions. As a result, the Project is anticipated to result in less than significant cumulative impacts to GHG emissions.

### **3.17 NOISE**

#### **Potential Effect:**

Significant cumulative noise impacts could occur as a result of use of construction equipment, including pile drivers, in the event that pile foundations are selected.

#### **Finding:**

Changes or alternations have been required, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.

#### **Facts Supporting the Finding:**

Since noise attenuates rapidly with distance, only proposed project that is relatively close to the proposed Project having the potential to result in cumulative noise effects is the

proposed Fairmont Butte Motorsports Park (FBMP) located to the east of the proposed Project site.

The proposed Project has the potential to result in adverse noise impacts on residences to the west and north of the Project site due to pile driving of fixed-tilt solar panel foundations (if selected) during the construction phase; however, implementation of Mitigation Measure 5.18-1, Pile Drive Orientation, for the pile driving would render this impact to be less than significant. Additionally, Mitigation Measure 5.18-2, Construction Equipment Use of Mufflers, would further reduce Project construction noise. A review of the Noise section in the Draft EIR for the FBMP (issued by Los Angeles County in July of 2009) indicates that construction of this proposed project would potentially overlap with the construction phase for the proposed AV Solar Ranch One Project. However, construction of the FBMP was determined to have less-than-significant noise impacts during the construction phase. Similarly, cumulative impacts for noise were also determined to be less than significant (no impact). The operational-phase impacts of the proposed AV Solar Ranch One Project are expected to be minimal and insignificant. The operational phase impacts of the FBMP were determined to be potentially significant on residences within 8,000 feet of the FBMP site, although mitigation measures are listed in the FBMP Draft EIR to reduce impacts. No potentially significant cumulative construction-phase noise impacts on the residences to the west and north of the proposed AV Solar Ranch One Project site are expected for the FBMP. Additionally, no potentially significant operational-phase cumulative noise impacts would occur due to the minimal noise generated by Project operations for the AV Solar Ranch One Project.

## **SECTION 4.0 FINDINGS REGARDING PROJECT ALTERNATIVES**

These findings and statements of fact regarding project alternatives and certain mitigation measures identified in the Final EIR are set forth to comply with Section 21002 of the Public Resources Code and Sections 15091(a)(3) and 15126.6 of the CEQA Guidelines.

Alternatives to the proposed Project described in the Draft EIR were analyzed and considered. These alternatives constitute a reasonable range of alternatives necessary to permit a reasoned choice.

For the reasons set forth below, the Final EIR concludes that while the Alternative Facility Layout (Alternative 2) is considered to be the environmentally superior alternative by reducing facility development area and hence reducing the associated Project impacts to sensitive biological resources, the alternative would be incapable of meeting the Project goals and objectives. Therefore, Alternative 2, as analyzed in the Final EIR is rejected as infeasible for the specific economic, legal, social, technological, or other considerations set forth below. The Underground Transmission Line Alternative (Alternative 3) which proposes to locate the Project on-site and off-site transmission lines underground (Los Angeles County portion of Project only), would slightly increase biological impacts, but would reduce visual impacts and resultant changes in character, would be consistent with the Antelope Valley Areawide General Plan policy, and would not impact the overall Project objectives. As a result, the Underground Transmission Line Alternative is considered to be both a viable and environmental preferable alternative to the proposed Project.

### **4.1 ALTERNATIVES CONSIDERED BUT NOT EVALUATED**

The EIR considered a number of potential alternatives that were rejected as infeasible, and therefore, did not analyze in detail in the EIR. The rejected potential alternatives included alternative sites, alternative transmission line routes, alternative project size, alternative technologies, and alternative drainage improvements.

### **4.2 ALTERNATIVE 1: NO PROJECT ALTERNATIVE**

#### **Description:**

Under the No Project Alternative, the Project site would remain in its present condition with site conditions (i.e., former agricultural with associated farm residence and structures) as they currently exist.



**Finding:**

The No Project Alternative is rejected as infeasible because it fails to meet the Project goals and objectives, and would not contribute to the State's ability to meet its near- and long-term renewable energy generation goals and objectives.

**Facts Supporting the Finding:**

The potential environmental impacts and benefits of the proposed AV Solar Ranch One Project would not occur as a direct consequence of Project implementation under the No Project Alternative. Additionally, if the Project is not developed for solar energy generation, the property would likely be developed for other uses. Possible alternative uses could include residential uses, since a portion of the property had been previously subdivided that allowed development of 160 residential units as part of a potential master planned development. Additionally, based on the current County zoning ordinance, allowable uses by right under the property's existing zoning designation (Heavy Agriculture [A-2]) consist of: agriculture (crops, dairies, animal shelter and kennels, hogs, manure spreading and sales); residential uses (including but not limited to adult residential facilities, child care homes, and single family homes); fairgrounds; certain packing and processing plants; and resource extraction (i.e., oil wells, including the installation and use of such equipment, structures and facilities necessary or convenient for all customary drilling and producing operations, including initial separation of oil, gas, and water, and storage, handling, recycling, and transporting of such oil, gas, and water from the premises). Such other uses would have associated impacts to environmental resources.

In summary, the No Project Alternative does not constitute a reasonable alternative to the proposed Project because it is incapable of meeting the Project goals and objectives, or contributing to the State's ability to meet its near- and long-term renewable energy generation goals and objectives. If the proposed Project is not approved and implemented it is possible that the Project site would be developed for other purposes (e.g., residential) with commensurate environmental impacts.

**4.3 ALTERNATIVE 2: ALTERNATIVE FACILITY LAYOUT****Description:**

Alternative 2, the Alternative Facility Layout, increases the Project development setback (i.e., distance from the Project property line to the proposed facility fence) to 250 feet from adjacent Significant Ecological Area (SEA) #60 (Joshua Tree Woodland Habitat) areas along the northern and northeastern portions of the Project site, and increases the Project setback from Drainage C along the southern Project site development boundary (fenceline) from a minimum of approximately 150 feet to 1,500 feet. The primary



purpose of Alternative 2 would be to lessen potential Project impacts to biological resources.

**Finding:**

Alternative 2 is rejected because it is not considered to be fully capable of meeting the Project goals and objectives. Alternative 2 would reduce the facility's generating capacity by approximately 25 MW, which would render the Project incapable of meeting its full contractual electricity delivery obligation under the Project power purchase agreement (PPA), and would incur financial penalties under contract terms of the PPA.

**Facts Supporting the Findings:**

The proposed Project design provides minimum setback distances of 70 to 100 feet from the Project property boundary to the proposed fenceline to adjacent SEA areas, and provides a setback from Drainage C of a minimum of approximately 150 feet. Alternative 2 would provide a larger buffer distance between the proposed development and the adjacent SEA areas. The 250-foot buffer areas would result in on-site avoidance of approximately 75 acres of primarily rabbitbrush scrub habitat (non-sensitive habitat) in the buffer area, and would reduce the site generating capacity by approximately 4 MW.

Alternative 2 also incorporates a 1,500-foot setback from Drainage C to avoid areas containing both wildflower field (sensitive habitat) and rubber rabbitbrush scrub (non-sensitive habitat). Alternative 2 would increase the wildflower avoidance area, provide a larger buffer from Drainage C, and allow wildlife movement in the setback area. This setback would preclude approximately 180 acres from development, of which approximately 120 acres comprises wildflower field and 60 acres of rabbitbrush scrub. Avoidance of this acreage would further reduce the Project generation output by approximately 21 MW.

In general, other Project facilities such as the O&M building, substation, transmission line, etc. would remain unchanged. Incorporation of the increased buffer areas from the adjacent SEA areas and Drainage C would decrease the developable area on the Project site by approximately 10 percent and impacts would be less than significant for biological resources under Alternative 2. Additionally, Alternative 2 would reduce the facility's generating capacity by approximately 25 MW. As a result, implementation of Alternative 2 would render the Project incapable of meeting its contractual electricity delivery obligation under the Project power purchase agreement, and consequently would incur financial penalties under the contract terms with PG&E. For this reason, Alternative 2 is not considered to be fully capable of meeting the above-described Project objective to fulfill its contractual electrical delivery obligation. Compared with the proposed Project, Alternative 2 would reduce potential Project impacts to sensitive biological resources, and would involve less ground disturbance. However, mitigation measures presented in

Final EIR would reduce the impacts to biological resources associated with development of the proposed Project to less than significant levels.

#### **4.4 ALTERNATIVE 3: UNDERGROUND TRANSMISSION LINES**

##### **Description:**

Alternative 3, Underground Transmission Lines, would underground substantial portions of the Project-related 34.5-kV and 230-kV transmission lines in Los Angeles County. The locations of underground transmission lines under this alternative (on-site and off-site) in Los Angeles County would be the same as the corresponding overhead line locations under the proposed Project. Solar field characteristics and other Project features under this alternative would remain unchanged compared to the proposed Project.

##### **Finding:**

Alternative 3 is selected because it is capable of meeting the Project's goals and objectives and would reduce visual impacts and resultant changes in character from the on-site and off-site transmission lines; minimize the proliferation of aboveground transmission lines; and ensure compliance with the County's transmission line undergrounding policy in the Antelope Valley area (Antelope Valley Areawide General Plan Policy 65).

##### **Facts Supporting the Findings:**

Under Alternative 3, the majority of the proposed on-site overhead 34.5-kV transmission lines (approximately 3 miles) would be buried underground rather than using the proposed Project's overhead pole-mounted system. The 34.5-kV transmission lines would remain aboveground at the 170<sup>th</sup> Street West crossing near the on-site substation and at crossings of state jurisdictional drainages. The aboveground construction is required at the 170<sup>th</sup> Street West crossing because the Los Angeles Department of Water and Power (LADWP) aqueduct pipeline, located along the west side of 170<sup>th</sup> Street West, cannot be crossed by an underground transmission line. Aboveground crossings would be used at jurisdictional drainages to avoid disturbance to these features.

The 230-kV transmission line would be installed underground from the Project substation to the Kern County line (approximate total length of 2.25 miles) with the exception two aboveground locations to cross 170<sup>th</sup> Street West (at the northern Project boundary and just prior to the Kern County boundary) while avoiding interference with the LADWP aqueduct. The transmission line would be aboveground in Kern County, based on Kern County's request.

Operationally, both overhead and underground collection systems function similarly, where electricity is transported through conductors. Beyond these operational similarities

however, there are physical differences that include: 1) the degree of disturbance to the surrounding area during construction; 2) the degree of permanent disturbance; and 3) the maintenance and repair activities (i.e., undergrounded transmission lines have limited access in the event that maintenance is required, and would potentially result in reduced reliability and longer power outages and duration of repairs). Implementation of Alternative 3 would require a greater temporary disturbance and excavation during construction (estimated additional 7,871 cubic yards of excavations), would limit future land use options above the underground facilities due to buried conduit protection needs, and would limit access for maintenance, if needed.

Potential impacts to biological and agricultural resources due to implementation of Alternative 3, as a result of the underground 230-kV portion, would be greater than for the proposed Project overhead system. It is important to note that once underground transmission line facilities are constructed, most land uses above the underground line would be precluded, since the underground transmission line duct bank is typically surrounded on all sides by a specially formulated thermal concrete to within 12 inches of the ground surface, which creates a physical barrier to future land use (for instance, no agricultural use could occur above the undergrounded line). However, the underground transmission duct bank is generally compatible with road shoulder/edge of road ROW uses. Key differences between Alternative 3 and the proposed Project include:

- The undergrounded 230-kV portion of Alternative 3 is estimated to temporarily disturb approximately 1.5 acres of Joshua tree woodland habitat, where it is expected that construction of the proposed overhead poles would disturb only about 0.6 acre.
- It is estimated that the undergrounded 230-kV portion could potentially permanently impact approximately 0.6 acre of Joshua tree woodland habitat, whereas it is expected that the proposed overhead poles can be located to avoid Joshua trees and less than 0.01 acre of Joshua tree woodland habitat would be permanently impacted.
- Alternative 3 could preclude or limit future land uses over the approximately 1.5-mile-long off-site buried conduit bank (and vault areas) for the 230-kV transmission line.
- The entire underground system would require greater amounts of excavation (approximately 7,871 cubic yards of additional excavation) to install due to the required trenching of the conduit banks and in the case of the 230-kV line, access vaults (including required importation of thermal concrete backfill).
- Alternative 3 would reduce visual impacts relative to the proposed Project (note: overhead transmission line impact is less than significant).
- Alternative 3 would result in increased truck traffic and air emissions during construction compared to the proposed Project, but impacts would be less than significant.

In summary, Alternative 3 would slightly increase biological impacts to Joshua tree woodland, and would increase short-term construction impacts, but these would remain less than significant with mitigation. This alternative would reduce visual impacts and resultant changes in character from the on-site and off-site transmission lines, and would not impact the overall Project goals and objectives. With the exception of three required overhead crossings of 170<sup>th</sup> Street West (two 230-kV crossings and the 34.5-kV crossing), Alternative 3 would also eliminate corona noise and electric fields associated with overhead transmission lines in the vicinity of overhead transmission lines in Los Angeles County. Finally, undergrounding the majority of the proposed overhead 34.5-kV and 230-kV transmission lines would be consistent with Los Angeles County's transmission line undergrounding policy as stated in the Antelope Valley General Plan. Alternative 3 is therefore considered to be a viable and environmentally preferable alternative that is capable of meeting the Project's goals and objectives.

**SECTION 5.0 FINDINGS REGARDING THE MITIGATION  
MONITORING AND REPORTING PROGRAM**

Pursuant to Section 21081.6 of the Public Resources Code, the Board, in adopting these Findings, also adopts the Mitigation Monitoring and Reporting Program ("Program") for the AV Solar Ranch One Project. This Program is designed to ensure that, during Project implementation, the County and other responsible parties will comply with the mitigation measures adopted in these Findings.

The Board hereby finds that the Mitigation, Monitoring, and Report Program, which is incorporated herein by reference and attached as Exhibit A to these Findings, meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of Project conditions intended to mitigate potential environmental effects of the Project.

**SECTION 6.0 CEQA GUIDELINES § 15091 AND 15092 FINDINGS**

Based on the foregoing findings and the information contained in the administrative record, the Board has made one or more of the following findings with respect to each of the significant effects of the project:

- A. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.
- B. Those changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.
- C. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR.

Based on the foregoing findings and the information contained in the administrative record, and as conditioned by the foregoing:

- A. All significant effects on the environment due to the Project have been eliminated or substantially lessened where feasible.

**SECTION 7.0 CEQA GUIDELINES § 15084(D)(3)**

The County has relied on Section 15084(d)(3) of the State CEQA guidelines, which allows acceptance of working drafts prepared by the applicant, a consultant retained by the applicant, or any other person. The County has reviewed and edited as necessary the

submitted drafts to reflect the County's own independent judgment, including reliance on County technical personnel from other departments.

#### **SECTION 8.0 PUBLIC RESOURCES CODE § 21082.1(C) FINDINGS**

Pursuant to Public Resources Code §21082.1(c), the Board hereby finds that the lead agency has independently reviewed and analyzed the Final EIR, and that the Final EIR reflects the independent judgment of the lead agency.

#### **SECTION 9.0 NATURE OF FINDINGS**

Any finding made by this Board shall be deemed made, regardless of where it appears in this document. All of the language included in this document constitutes findings by this Board, whether or not any particular sentence or clause includes a statement to that effect. This Board intends that these findings be considered as an integrated whole and, whether or not any part of these findings fail to cross reference or incorporate by reference any other part of these findings, that any finding required or committed to be made by this Board with respect to any particular subject matter of the Final EIR, shall be deemed to be made if it appears in any portion of these findings.

#### **SECTION 10.0 RELIANCE ON RECORD**

Each and all of the findings and determinations contained herein are based on the competent and substantial evidence, both oral and written, contained in the entire administrative record relating to the AV Solar Ranch One Project. The findings and determinations constitute the independent findings and determinations of this Board in all respects and are fully and completely supported by substantial evidence in the record as a whole.

#### **SECTION 11.0 RELATIONSHIP OF FINDINGS TO EIR**

These findings are based on the most current information available. Accordingly, to the extent there are any apparent conflicts or inconsistencies between the Draft EIR and the Final EIR, on the one hand, and these findings, on the other, these findings shall control, and the Draft EIR, Final EIR, or both, as the case may be, are hereby amended as set forth in these findings.

#### **SECTION 12.0 CUSTODIAN OF RECORDS**

The custodian of the documents or other material which constitute the record of proceedings upon which the County's decision is based is the Los Angeles County Department of Regional Planning located at 320 West Temple Street, Los Angeles, California 90012.

**EXHIBIT A**

**MITIGATION MONITORING AND REPORTING PROGRAM**





**MITIGATION MONITORING AND REPORTING PROGRAM<sup>1,2</sup>**  
**PROJECT NO. R2009-02239**

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<b>GEOTECHNICAL HAZARDS</b>				
MM 5.2-1: Implementation of Geotechnical Engineering Report Recommendations. The design and construction of the Project shall comply with applicable building codes and standards (e.g., CBC) as well as the recommendations in the geotechnical engineering report (Terracon 2009) to the satisfaction of the Los Angeles County Department of Public Works.	Regular plan check and Site inspection	Prior to issuance of grading permit(s) and During construction	Applicant/Construction Manager	LACDPW
<b>FLOOD HAZARDS</b>				
MM 5.3-1: Erosion Control and Stormwater Management Measures. In order to ensure that Project-related erosion and debris deposition as well as stormwater-related impacts would be minimized, the design measures specified in the Drainage Concept Report (Psomas 2009) and the following measures shall be implemented subject to review and approval by the Los Angeles County Department of Public Works (LACDPW):	Submittal and approval of final drainage plan and File Notice of Intent and Maintain log demonstrating compliance with NPDES requirements and Site inspection	Prior to issuance of grading permit and During construction and operation	Applicant/Construction Manager	LACDPW LRWQCB
<ul style="list-style-type: none"> <li>Avoidance of all drainage areas: Construction and operational phase activities shall avoid all on-site drainages and FEMA Zone A floodplain areas. Solar field development shall be set back from the two major drainages (Drainages A and C) by a minimum of approximately 100 feet from the tops of banks for both Drainages A and C. Additionally, all Project development shall be set back a minimum of 100 feet from the FEMA Zone A floodplain for Drainage C.</li> <li>Applicant shall comply with NPDES requirements of the Lahontan Regional Water Quality Control Board (LRWQCB) and the LACDPW.</li> </ul>				

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<b>FIRE HAZARDS</b>				
<p>MM-5.4-1: Fire Protection and Prevention Plan. The proposed Project shall develop and submit a Fire Protection and Prevention Plan to the LACFD for review and approval prior to issuance of a Grading Permit. The Plan shall address construction and operation activities for the Project, and establish standards and practices that will minimize the risk of fire danger, and in the case of fire, provide for immediate suppression and notification.</p> <p>The Fire Protection and Prevention Plan shall address spark arresters, smoking and fire rules, storage and parking areas, use of gasoline-powered tools, road closures, use of a fire guard, and fire suppression equipment and training requirements. In addition, all vehicle parking areas, storage areas, stationary engine sites and welding areas shall be cleared of all vegetation, and flammable materials. All areas used for dispensing or storage of gasoline, diesel fuel or other oil products shall be cleared of vegetation and other flammable materials. These areas shall be posted with signs identifying they are "No Smoking" areas. An interim fire protection system shall be in place during construction until the permanent system is completed. The Plan shall also address vegetation clearance and maintenance requirements applicable to the transmission pole structures during operation.</p> <p>Special attention shall be paid to operations involving open flames, such as welding, and use of flammable materials. Personnel involved in such operations shall have appropriate training. A fire watch utilizing appropriately classed extinguishers or other equipment shall be maintained during hot work operations. Site personnel shall not be expected to fight fires past the incident stage. The local responding fire officials shall be given information on the site hazards and the</p>	<p>Submittal and approval of Fire Protection and Prevention Plan and</p> <p>Provide training to personnel dealing in operations involving open flares and flammable materials and</p> <p>Site inspection and</p> <p>Maintain log demonstrating compliance</p>	<p>Prior to issuance of grading permit and</p> <p>During construction and operation</p>	<p>Applicant/Construction Manager</p>	<p>LACFD</p>

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>location of these hazards, and the information shall be included in the emergency response planning.</p> <p>Materials brought on-site shall conform to contract requirements, insofar as flame resistance or fireproof characteristics are concerned. Specific materials in this category include fuels, paints, solvents, plastic materials, lumber, paper, boxes, and crating materials. Specific attention shall be given to storage of compressed gas, fuels, solvents, and paint. Electrical wiring and equipment located in inside storage rooms used for Class I liquids shall be stored in accordance with applicable regulations. Outside storage areas shall be graded to divert possible spills away from buildings and shall be kept clear of vegetation and other combustible materials.</p> <p>On-site fire prevention during construction shall consist of portable and fixed firefighting equipment. Portable firefighting equipment shall consist of fire extinguishers and small hose lines in conformance with Cal-OSHA and the National Fire Protection Association (NFPA) for the potential types of fire from construction activities. Periodic fire prevention inspections shall be conducted by the Manager's safety representative.</p> <p>Fire extinguishers shall be inspected routinely and replaced immediately if defective or in need of recharge. All firefighting equipment shall be conspicuously located and marked with unobstructed access. A water supply of sufficient volume, duration, or pressure to operate the required firefighting equipment shall be provided on-site. Authorized storage areas and containers for flammable materials shall be used with adequate fire control services.</p> <p>The Operations Fire Protection and Prevention Program shall address the following:</p>				

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**PROJECT NO. R2009-02239**

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<ul style="list-style-type: none"> <li>Names and/or job titles responsible for maintaining equipment and accumulation of flammable or combustible material control</li> <li>Procedures in the event of fire</li> <li>Fire alarm and protection equipment</li> <li>System and equipment maintenance</li> <li>Monthly inspections</li> <li>Annual inspections</li> <li>Firefighting demonstrations</li> <li>Housekeeping practices</li> <li>Training</li> </ul>				
<b>WATER QUALITY</b>				
<b>Mitigation Measure 5.5-1: On-site Wastewater Treatment System Feasibility Report.</b> Prior to construction/installation of the on-site septic/leach field system, a complete OWTS feasibility report shall be submitted to the LACDPH for review and approval. The feasibility report shall be prepared in conformance with the requirements outlined in the current version of LACDPH guidelines, "On-site Wastewater Treatment System Guidelines."	Submittal and approval of OWTS feasibility report	Prior to construction/installation of on-site septic/leach field system	Applicant/Construction Manager	LACDPH
<b>AIR QUALITY</b>				
<b>MM 5.6-1: Ensure AVAQMD Construction Emission Thresholds would be Met.</b> Prior to issuance of the grading permit, the Applicant shall select an engineering, procurement, and construction (EPC) contractor to build the Project. The Applicant/EPC contractor shall be required to demonstrate that the final construction plans will not result in exceedances of applicable AVAQMD air emission significance	Submittal and approval of Construction Emissions Report	Prior to issuance of grading permit	Applicant/Construction Manager	AVAQMD LACDRP

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**PROJECT NO. R2009-02239**

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>thresholds during construction of the Project to the satisfaction of AVAQMD and LACDRP.</p> <p>Prior to issuance of a grading permit, the Applicant shall prepare a report describing the Applicant's final engineering design-based plan for constructing the Project, including: 1) scheduling of construction activities; 2) equipment usage and details; 3) construction workforce loading; 4) truck deliveries schedule; and 5) ground disturbing/dust generating activities, etc. The report shall include emission calculations to demonstrate that the final construction plan will not result in exceedances of all applicable AVAQMD criteria pollutant emissions thresholds to the satisfaction of AVAQMD. The emission calculations shall include consideration of the emission reductions provided by implementation of Mitigation Measures 5.6-2 through 5.6-10, below.</p>				
<p><b>MM 5.6-2: Develop and Implement Fugitive Dust Emission Control Plan.</b> The Applicant shall develop a Fugitive Dust Emission Control Plan (FDECP) for construction work. The FDECP shall be submitted to AVAQMD for review and approval prior to issuance of a grading permit.</p> <p>Measures to be incorporated into the FDECP shall include, but are not limited to the following:</p> <ul style="list-style-type: none"> <li>The proposed PM measures (#24 to #44) in AVAQMD's List and Implementation Schedule for District Measures to Reduce PM Pursuant to Health &amp; Safety Code §39614(d) shall be incorporated into the fugitive dust control plan, as applicable.</li> <li>Non-toxic soil binders shall be applied per manufacturer recommendations to active unpaved roadways, unpaved staging</li> </ul>	<p>Submittal and approval of Fugitive Dust Emission Control Plan and</p> <p>Maintain log demonstrating compliance and</p> <p>Site inspection</p>	<p>Prior to issuance of grading permit and</p> <p>During construction</p>	<p>Applicant/Construction Manager</p> <p>LACDRP AVAQMD</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**PROJECT NO. R2009-02239**

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<div> <div>areas, and unpaved parking area(s) throughout construction to reduce fugitive dust emissions.</div> <ul style="list-style-type: none"> <li>Travel on unpaved roads shall be reduced to the extent possible, by limiting the travel of heavy equipment in and out of the unpaved areas.</li> <li>Water the disturbed areas of the active construction sites at least three times per day, (when soil moisture conditions result in dust generation) and more often if visible fugitive dust leaving the site is noted.</li> <li>Enclose, cover, water twice daily, and/or apply non-toxic soil binders according to manufacturer's specifications to exposed piles of soils with a five percent or greater silt content.</li> <li>Maintain unpaved road vehicle travel to the lowest practical speeds, and no greater than 15 miles per hour (mph), to reduce fugitive dust emissions.</li> <li>All vehicle tires shall be inspected, be free of dirt, and washed as necessary prior to entering paved roadways from the Project site.</li> <li>Install wheel washers or wash the wheels of trucks and other heavy equipment where vehicles exit the site.</li> <li>Cover all trucks hauling soil and other loose material, or require at least 2 feet of freeboard.</li> <li>Establish a vegetative ground cover (in compliance with biological resources impact mitigation measures) or otherwise create stabilized surfaces on all unpaved areas through application of dust palliatives at each of the construction sites within 21 days after active construction operations have ceased.</li> <li>Prepare contingency for high wind periods (greater than 25 mph)</li> </ul> </div>				

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**PROJECT NO. R2009-02239**

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>to shutdown or mitigate activity as necessary to control fugitive dust.</p> <ul style="list-style-type: none"> <li>Travel routes to each construction site area shall be developed to minimize unpaved road travel. Travel management shall include staging of deliveries to minimize idling or congestion, use of dust palliatives or soil tackifiers on road surfaces, and minimizing travel distance.</li> </ul>				
<p><b>MM 5.6-3: Dust Plume Response Requirement.</b> An air quality construction mitigation manager (AQCM) or delegate shall monitor all construction activities for visible dust plumes. Observations of visible dust plumes that have the potential to be transported: 1) off the Project site; 2) 200 feet beyond the centerline of the construction of linear facilities; or 3) within 100 feet upwind of any regularly occupied structures not owned by the Project owner indicate that existing mitigation measures are not resulting in effective mitigation. The AQCM or Delegate shall promptly implement additional dust plume reduction measures in the event that such visible dust plumes are observed. Additional measures to be implemented, as necessary, shall include increased watering, application of dust palliatives, and/or scaled back construction activities up to and including temporary work cessation.</p>	<p>Dust plume monitoring and Maintain log demonstrating compliance</p>	<p>During construction</p>	<p>Applicant/Construction Manager</p>	<p>LACDRP AVAQMD</p>
<p><b>MM 5.6-4: Off-road Diesel-fueled Equipment Standards.</b> All portable construction diesel engines not registered under CARB's Statewide Portable Equipment Registration Program, which have a rating of 50 hp or more, and all off-road construction diesel engines not registered under CARB's In-use Off-road Diesel Vehicle Regulation, which have a rating of 25 hp or more, shall meet, the</p>	<p>Conduct fleet average calculation annually and Submittal and approval of</p>	<p>Prior to issuance of grading permit and During construction</p>	<p>Applicant/Construction Manager</p>	<p>LACDRP AVAQMD</p>



**MITIGATION MONITORING AND REPORTING PROGRAM**  
**PROJECT NO. R2009-02239**

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>projected 2011 fleet average of NOx and PM emissions as that predicted by the OFFROAD2007 model in Appendix D. The EPC shall use the CARB Portable Diesel Engine Airborne Toxic Control Measure (ATCM) Fleet Calculators and the Off-road Diesel Fleet Average Calculators (for large/medium fleets) in accordance with the respective regulation under Title 13 of the California Code of Regulations (CCR) to conduct this comparison. No Tier 0 diesel equipment shall be used at the site after the initial calculation/registration without recalculation using the CARB fleet calculators. The fleet average calculation of the on site equipment shall be conducted annually to ensure compliance. The EPC Manager shall ensure labeling of all portable and off road diesel equipment in accordance with Title 13 of the CCR.</p>	<p>Construction Emissions Report and</p> <p>Maintain log demonstrating compliance</p>			
<p><b>MM 5.6-5: Limit Vehicle Traffic and Equipment Use.</b> Vehicle trips and equipment use shall be limited by efficiently scheduling staff and daily construction activities to minimize the use of unnecessary/duplicate equipment.</p>	<p>Submittal and approval of Construction Emissions Report and</p> <p>Maintain log demonstrating compliance</p>	<p>Prior to issuance of grading permit and</p> <p>During construction</p>	<p>Applicant/Construction Manager</p>	<p>LACDRP</p> <p>AVAQMD</p>
<p><b>MM 5.6-6: Heavy Duty Diesel Water Haul Vehicle Equipment Standards.</b> For the pile foundation case (which results in higher air emissions than the ballast foundation case and requires additional mitigation), the EPC shall use 2006 model or newer engines in order to meet the EMFAC predicted emissions levels in grams of pollutant per mile travelled (g/mile) of on-road heavy duty diesel trucks used for water hauling at the site. The EPC contractor shall ensure labeling of</p>	<p>Submittal and approval of Construction Emissions Report and</p> <p>Maintain log</p>	<p>Prior to issuance of grading permit and</p> <p>During construction</p>	<p>Applicant/Construction Manager</p>	<p>LACDRP</p> <p>AVAQMD</p>



MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
such trucks to indicate model year.	demonstrating compliance			
MM 5.6-7: On-road Vehicles Standards. All on-road construction vehicles shall meet all applicable California on-road emission standards and shall be licensed in the State of California. This does not apply to construction worker personal vehicles.	Maintain log demonstrating compliance	During construction	Applicant/Construction Manager	LACDRP AVAQMD
MM 5.6-8: Properly Maintain Mechanical Equipment. The construction contractor shall ensure that all mechanical equipment associated with Project construction is properly tuned and maintained in accordance with the manufacturer's specifications.	Maintain log demonstrating compliance	During construction	Applicant/Construction Manager	LACDRP AVAQMD
MM 5.6-9: Restrict Engine Idling to 5 Minutes. Diesel engine idle time shall be restricted to no more than 5 minutes as required by the CARB engine idling regulation. Exceptions in the regulation include vehicles that need to idle as part of their operation, such as concrete mixer trucks.	Maintain log demonstrating compliance	During construction	Applicant/Construction Manager	LACDRP AVAQMD
MM 5.6-10: Off-road Gasoline-fueled Equipment Standards. Any off-road stationary and portable gasoline powered equipment brought on site for construction activities shall have USEPA Phase 1/Phase 2 compliant engines, where the specific engine requirement shall be based on the new engine standard in effect two years prior to the commencement of Project construction. In the event that USEPA Phase 1/Phase 2 compliant engines are determined not to be available, the Applicant shall provide documentation to the AVAQMD with an explanation.	Submittal and approval of Construction Emissions Report and Maintain log demonstrating compliance	Prior to issuance of grading permit and During construction	Applicant/Construction Manager	LACDRP AVAQMD
MM 5.6-11: Off-road Equipment Operator Worker Protection. Appropriate training for respiratory protection shall be provided to construction workers. Dust masks (NIOSH approved) shall be	Administer training to construction workers and provide NIOSH	Prior to and during construction	Applicant/Construction Manager	LACDRP AVAQMD

MITIGATION MONITORING AND REPORTING PROGRAM  
 PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
provided with proper training to construction workers to mitigate the protection against dust exposure and possibly Valley Fever during high wind events and/or dust-generating activities.	approved dust masks and Maintain log demonstrating compliance			
<b>BIOLOGICAL RESOURCES</b>				
MM 5.7-1: Habitat Enhancement and Vegetation Management Plan. Prior to issuance of a grading permit, the Project Applicant shall develop a Habitat Enhancement and Vegetation Management Plan (HEVMP) to compensate for impacts to existing vegetation communities by preserving and enhancing the remaining vegetation within the Project site. The HEVMP shall also provide measures to ensure minimal impacts to habitat along the off-site transmission line. In areas suitable for on-site mitigation, the HEVMP shall identify appropriate mitigation objectives, standards, and monitoring/reporting requirements to enhance habitat such that the resulting habitat values would be greater than those lost as a result of project implementation. These habitat values would include nesting and foraging habitat for songbirds, foraging habitat for raptors and owls, and high diversity and abundance of native forbs/wildflowers. In areas rendered unsuitable for mitigation due to proposed development, the HEVMP shall identify appropriate restrictions, such as limiting noxious weeds, but shall not impose mitigation standards. The HEVMP shall be prepared by a qualified restoration biologist experienced with desert habitat restoration, and shall specify appropriate revegetation and management practices for the following portions of the Project site to the satisfaction of LACDRP:	Submittal and approval of Habitat Enhancement and Vegetation Management Plan and Maintain log demonstrating compliance and Site inspection	Prior to issuance of grading permit and During construction and operation	Applicant/ Qualified Biologist/Construction Manager	LACDRP

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<ul style="list-style-type: none"> <li>Mitigation and Avoidance Areas (refer to Figure 5.7-11 of this DEIR):               <ol style="list-style-type: none"> <li>Drainage A, a 100-foot setback, and the associated wildlife travel route (47.1 acres)</li> <li>Drainage B and a 20-foot buffer (approximately 6 acres)</li> <li>The southernmost portion of the Project site along Drainage C, where no development is proposed (45 acres)</li> <li>The Joshua tree recruitment area (8.6 acres, including buffer)</li> </ol> </li> <li>Areas of Modified/Impacted Habitat (Unsuitable for Mitigation):               <ol style="list-style-type: none"> <li>All portions of the site within the fire breaks (217 acres)</li> <li>All interior portions of the site within the proposed solar arrays, excluding locations of proposed infiltration basins and fire breaks (1,336 acres)</li> <li>All portions of the site to be occupied by proposed infiltration basins (253 acres)</li> </ol> <p>In general, for each of the locations enumerated above, the HEVMP shall specify, at a minimum, the following (specific details vary depending on location, and are described in the paragraphs that follow):</p> <ul style="list-style-type: none"> <li>The location and extent of any on-site enhancement/revegetation areas, to be depicted graphically on an aerial photograph or schematic of appropriate scale</li> <li>The quantity and species of plants to be seeded (if necessary), including the locations where each type of vegetation would be created</li> </ul> </li> </ul>				

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<ul style="list-style-type: none"> <li>A schedule and action plan to maintain and monitor the enhancement/revegetation areas</li> <li>A list of success criteria (e.g., growth, plant cover, plant/wildlife diversity) by which to measure success of the enhancement/revegetation effort</li> <li>Contingency and/or adaptive management measures in the event that enhancement/revegetation efforts are not successful</li> </ul> <p>In addition, the standards and practices set forth in the HEVMP for each area shall conform to the requirements stated below:</p> <ul style="list-style-type: none"> <li>Within the setback zones surrounding Drainage A, Drainage B, and Drainage C the HEVMP shall provide for 101 acres of on-site mitigation, as well as 6 acres of additional avoidance area (due to its small and isolated nature, the 6-acre area surrounding Drainage B is not included as suitable mitigation land, but would nonetheless be avoided), and shall ensure the following:               <ol style="list-style-type: none"> <li>Drainages A, B, and C, including adjacent buffer areas shown on Figures 5.7-7 and 5.7-11, as well as the local wildlife travel route associated with Drainage A, shall be set aside, preserved, and enhanced, and no Project-related disturbance shall be permitted in these areas.</li> <li>Any anthropogenic discontinuities in the existing vegetation (unofficial roads, dump sites, etc.) within the ephemeral drainage setbacks shall be remedied, and such areas shall be seeded with native plant species characteristic of the surrounding vegetation.</li> <li>Vegetative cover in herbaceous communities (grasslands, wildflower fields) shall exceed 95 percent; of this, invasive</li> </ol> </li> </ul>				

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**PROJECT NO. R2009-02239**

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>forbs (as identified by the Cal-IPC) shall not exceed five percent cover. Bare ground shall not exceed five percent excluding bare ground located within the channel bottom of an ephemeral drainage or bare ground where there is clear evidence that the bare ground was the result of mammal activity (burrows, wildlife trails, etc.).</p> <p>4. Vegetative cover in shrub-dominated communities (desert saltbush scrub, rabbitbrush scrub) shall exceed 90 percent, and shrub cover shall exceed 30 percent. Invasive forbs and shrubs combined shall not exceed five percent cover, and bare ground shall not exceed five percent excluding bare ground located within the channel bottom of an ephemeral drainage or bare ground where there is clear evidence that the bare ground was caused by mammal activity (burrows, wildlife trails, etc.).</p> <p>5. In Drainages A and C and the adjacent setback/buffer areas as shown on Figure 5.7-7, vegetation in the area shall remain suitable for foraging by burrowing owls and other grassland bird species. Habitat enhancement/revegetation shall be implemented if necessary to ensure continued suitability.</p> <p>6. Joshua trees and junipers shall be planted, to improve habitat suitability for sensitive bird species and increase the likelihood that these areas will be occupied by such special-status species as loggerhead shrikes and long-eared owls.</p> <ul style="list-style-type: none"> <li>Within the Joshua tree recruitment area, the HEVMP shall provide 8.6 acres of mitigation land, and shall ensure the following:</li> </ul>				

**MITIGATION MONITORING AND REPORTING PROGRAM**

**PROJECT NO. R2009-02239**

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<ol style="list-style-type: none"> <li>The Joshua tree recruitment area and a 50-foot buffer from the Joshua tree seedlings shall be set aside and preserved, and no Project-related disturbance shall be permitted in this area.</li> <li>Any anthropogenic discontinuities in the existing vegetation (other than the County roadbed of West Avenue C, which passes through this area) shall be remedied, and such areas shall be seeded with native plant species characteristic of the surrounding vegetation.</li> <li>Measures shall be implemented to encourage the continued recruitment of Joshua trees into this area. Such measures may include standards for herbaceous and shrub cover, removal of non-native plants and wildlife, and others.</li> <li>To provide nesting and perching habitat and increase structural diversity within restoration areas, native shrub species associated with Joshua tree woodland (including Mojave yucca, sage, box-thorn, and buckwheat, as noted in the County General Plan) shall be included in the planting palette. <ul style="list-style-type: none"> <li>Within the proposed fire breaks, no suitable on-site mitigation opportunities exist. However, the HEVMP shall ensure the following: <ol style="list-style-type: none"> <li>To prevent the potential spread of fire onto the Project site, the proposed fire breaks shall be maintained clear of vegetative cover through mechanical clearing and selective herbicide use.</li> </ol> </li> <li>If herbicides are used as approved by LACDRP to control</li> </ul> </li> </ol>				

**MITIGATION MONITORING AND REPORTING PROGRAM**

**PROJECT NO. R2009-02239**

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>vegetation, they shall be applied by a qualified individual and in a manner consistent with the product labeling. Under no circumstances shall herbicides be allowed to pass into any ephemeral drainage.</p> <p>3. Under no circumstances shall forb species identified by the California Invasive Plant Council (Cal-IPC) as invasive weeds be allowed to thrive in the fire breaks, or as required by LACFD. Cover of these species, collectively, shall be maintained at or below five percent.</p> <ul style="list-style-type: none"> <li>• Within all interior portions of the site within and adjacent to the proposed solar arrays, excluding locations of proposed infiltration basins, no suitable on-site mitigation opportunities would exist. However, the HEVMP shall ensure the following:               <ol style="list-style-type: none"> <li>1. To control fugitive dust, vegetative cover of grasses and forbs within the proposed solar arrays shall be maximized.</li> <li>2. Vegetation seeded in these areas shall be comprised of low-growing communities such as native grasslands and wildflower fields, to minimize the effects of vegetation management practices on the revegetated areas. Shrub species shall not be used, as these species would be unable to survive continued vegetation trimming.</li> <li>3. Under no circumstances shall species identified by the Cal-IPC as invasive weeds be used in the revegetation efforts.</li> <li>4. To promote the growth of local, native plant species, the top 2-6 inches of topsoil removed during Project-related grading and/or excavation shall be stockpiled and spread across disturbance zones after completion of construction in the</li> </ol> </li> </ul>				

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>area.</p> <p>5. To ensure that a seed supply is maintained to perpetuate on-site vegetation (e.g., annual grasses and wildflowers), vegetation shall be allowed to grow to a maximum height of 18 inches between February 1 and approximately mid-April prior to mowing to a height of 6 inches (or less) by May 1 (through the following January) as required by the LACFD.</p> <p>6. Herbicides shall be approved for use by the County, and herbicide application shall be performed by trained personnel who can identify the species to be treated. If herbicide is applied, it shall be applied during dry and low wind conditions in order to prevent herbicide drift into non-target areas.</p> <ul style="list-style-type: none"> <li>• Within the proposed infiltration basins, no suitable on-site mitigation opportunities exist. However, the HEVMP shall ensure the following: <ol style="list-style-type: none"> <li>1. If herbicides are used as approved by LACDRP to control vegetation (i.e., non-native vegetation), they shall be applied by a qualified individual and in a manner consistent with the product labeling. Under no circumstances shall herbicides be allowed to pass into any ephemeral drainage.</li> <li>2. Under no circumstances shall forb species identified by Cal-IPC as invasive weeds be allowed to thrive in the infiltration basins, or as required by LACFD. Cover of these species, collectively, shall be maintained at or below five percent.</li> </ol> </li> <li>• Within all portions of the transmission line route to be impacted during installation of transmission line poles and temporary</li> </ul>				



MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
stringing sites, the HEVMP shall ensure the following:				
1. Under no circumstances shall ground disturbance occur within 25 feet of an existing Joshua tree. In applicable areas, Joshua tree avoidance zones shall be delineated with high-visibility construction fencing.				
2. All areas of temporary ground disturbance shall be revegetated with appropriate plant communities native to the Project region, such as native grasslands, wildflower fields, desert scrub, rabbitbrush scrub, desert saltbush scrub, and Joshua tree woodland.				
3. Where impacts would occur in existing agricultural lands outside the Applicant's ownership, it is presumed that agricultural practices would resume after completion of construction. Therefore, revegetation shall not be required in these areas.				
4. If earthwork is proposed in areas where native vegetation exists, the top 2-6 inches of topsoil removed during Project-related ground clearing shall be stockpiled and spread across disturbance zones after completion of construction in the area.				
5. Under no circumstances shall species identified by the Cal-IPC as invasive weeds be used in the revegetation efforts.				
6. The HEVMP shall include provisions to minimize the effects of transmission line maintenance on biological resources, including a requirement that no Joshua trees shall be removed during such maintenance.				
In addition to the location-specific requirements set forth above, the				

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>HEVMP shall also ensure that the following standards are met or exceeded within the Project site as a whole:</p> <ol style="list-style-type: none"> <li>1. The HEVMP shall identify appropriate locations for creation of rabbitbrush scrub, California annual grassland, and wildflower fields, the three most abundant existing natural communities on-site, within avoided portions of the Project site. In total, 101 acres of on-site mitigation shall be provided.</li> <li>2. Performance monitoring of the on-site enhancement and revegetation areas shall be monitored approximately quarterly, in January, April, June, and November, and a report detailing the monitoring results shall be submitted to the LACDRP annually. Monitoring and reporting shall be required for a period of five years and until such time as performance standards are achieved. The HEVMP shall contain contingency measures identifying corrective actions required in the event that the performance standards are not met.</li> <li>3. All percent cover standards shall be evaluated during the spring biomass peak.</li> <li>4. Anti-coagulant rodenticides shall not be used within the Project site or along the proposed transmission line route.</li> </ol> <p>The HEVMP shall be submitted to the LACDRP for review and approval prior to issuance of a grading permit.</p>				
MM 5.7-2: Off-site Mitigation for Loss of Habitat. Within one year of Project approval or prior to the installation of 50 MW of photovoltaic solar panels, the Applicant shall provide a minimum of 450 acres of off-site mitigation land to be restored, enhanced, and maintained according to the requirements of this mitigation measure, and shall be	Acquisition of a minimum of 450 acres of off-site mitigation land	Mitigation lands to be acquired within one year of Project approval or prior to the installation of 50 MW of	Applicant/Qualified Biologist	LACDRP

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**PROJECT NO. R2009-02239**

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>preserved as open space in perpetuity. Within 45 days of acquiring the mitigation land(s), the Applicant shall record a permanent deed restriction on the mitigation land(s) to be preserved as open space. The deed restriction language shall be submitted to LACDRP for review and approval prior to recordation. Alternatively, should a conservation easement on the mitigation land(s) be offered, the permanent conservation easement(s) shall be recorded to the satisfaction of LACDRP.</p> <p>The off-site mitigation land shall not exceed 10 separate fragments and shall be acquired adjacent to existing public lands, or within or adjacent to SEAs within the Antelope Valley or surrounding foothills. At least 225 acres of the mitigation land shall be acquired in the vicinity of the Antelope Valley California Poppy Reserve, including lands in or adjacent to SEA #57, or lands connecting the Poppy Reserve to the Angeles National Forest. An additional 75 acres shall be acquired within this same area, or in or adjacent to SEA #60, or adjacent to the Arthur B. Ripley Woodland State Park.</p> <p>The Applicant shall establish a fund sufficient for the restoration, enhancement, and maintenance of the mitigation land(s) until such time when the mitigation land(s) become self-sustained and meet the requirements of this mitigation measure. The fund shall be established within 90 days of mitigation land(s) acquisition in an amount acceptable to the LACDRP.</p> <p>The selected off-site mitigation lands shall contain vegetation communities similar to those found within the Project site, including rabbitbrush scrub, annual grassland, and wildflower fields. Although the proposed Project would not significantly impact Joshua tree woodland habitat, lands containing this vegetation community shall</p>	<p>and</p> <p>Record permanent deed restriction(s), or conservation easement(s) on the mitigation land(s) to the satisfaction of LACDRP</p> <p>and</p> <p>Submittal and approval of Restoration, Enhancement, and Maintenance Plan</p> <p>and</p> <p>Establish sufficient fund for the restoration, enhancement, and maintenance of the mitigation land(s)</p>	<p>photovoltaic solar panels and</p> <p>Deed restriction(s) or conservation easement(s) to be recorded within 45 days of acquiring mitigation lands and</p> <p>Restoration, Enhancement, and Maintenance Plan shall be submitted within 60 days of recordation of permanent deed restriction(s) or conservation easement(s) and</p> <p>Establish fund within 90 days of mitigation land(s) acquisition</p>		

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>also be considered desirable due to the County's concern over the continuing loss and degradation of Joshua tree woodlands. The selected lands shall comply with the following mitigation requirements:</p> <ol style="list-style-type: none"> <li>1. The subject property shall be located within the greater Project vicinity, generally defined to include the Antelope Valley and surrounding foothills.</li> <li>2. The subject property(s) shall contain a minimum of 450 acres of land, which shall be either comprised of vegetation communities characteristic of the Antelope Valley (rabbitbrush scrub, annual grassland, wildflower fields, and/or Joshua tree woodlands) or be reasonably capable of being enhanced and converted to such habitat through the use of maintenance and management practices such that the resulting habitat values would be greater than those lost as a result of Project implementation.</li> <li>3. The subject property(s) shall either contain a minimum of 224.5 acres of wildflower field, or shall be reasonably capable of being enhanced and converted to this vegetation through maintenance and management practices.</li> <li>4. The subject property(s) shall provide at least 39 acres of contiguous suitable foraging habitat for the burrowing owl, including presence of suitable burrows. If suitable natural burrows are not present within the subject property, artificial burrows shall be constructed in accordance with California Burrowing Owl Consortium (1993) guidelines.</li> <li>5. The subject property(s) shall contain a minimum of 450 acres of suitable foraging habitat for grassland/scrubland bird species occurring in the Antelope Valley.</li> </ol>				

**MITIGATION MONITORING AND REPORTING PROGRAM**

**PROJECT NO. R2009-02239**

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>6. The subject property(s) shall contain habitat suitable for the Blainville's horned lizard. Within the mitigation site, suitable locations shall be identified for relocation of horned lizards captured and removed from the Project site pursuant to Mitigation Measure 5.7-7. Generally, it is presumed that the wildflower field areas required by item (3) above will be suitable for this species.</p> <p>7. Under no circumstances shall species identified by the Cal-IPC as invasive weeds be used in revegetation efforts.</p> <p>8. The subject property(s) shall be maintained such that invasive forbs (as identified by the Cal-IPC) shall not exceed 5 percent of the vegetative cover.</p> <p>Within 60 days of recordation of the permanent deed restriction(s) or conservation easement(s), a Restoration, Enhancement, and Maintenance Plan for the off-site mitigation land(s) shall be submitted to LACDRP for review and approval. The plan shall include the restoration, enhancement, and maintenance requirements for each mitigation area, based on the characteristics of the mitigation land and the mitigation requirements described above, and shall also include contingency measures in the event that habitat creation/restoration/enhancement efforts are not successful. The Restoration, Enhancement, and Maintenance Plan shall also describe the performance standards for determining when the mitigation requirements for the lands have been met.</p> <p>In addition to meeting the requirements detailed above, the following desirable factors shall also be considered when selecting off-site mitigation property(s):</p> <p>1. Lands located between blocks of protected habitat are desirable locations for off-site mitigation, as protecting these areas can</p>				

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**PROJECT NO. R2009-02239**

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>ensure that essential habitat connections remain in perpetuity.</p> <p>2. Lands containing Joshua tree woodland habitat are desirable locations for off-site mitigation, due to the continuing loss and degradation of this resource.</p> <p>3. Lands containing junipers are also desirable locations for off-site mitigation, due to the nesting habitat they may provide for some special-status bird species.</p> <p>4. Lands containing important landscape features, sensitive habitats, or listed species are desirable locations for off-site mitigation, due to the sensitivity of these resources and the general understanding that such elements are indicative of high biological value.</p>				
<p><b>MM 5.7-3: Biological Restrictions on Dust Suppression.</b> Where construction activities are proposed within 100 feet of mapped Joshua tree woodland vegetation or the Joshua tree recruitment area, a screening fence (i.e., a 6-foot-high chain link fence with green fabric up to a height of 5 feet) shall be installed to protect locations where these sensitive resources may be present to the satisfaction of LACDRP. In addition, dust abatement within 100 feet of these areas shall be achieved by water or by chemical dust suppression if authorized by the County and CDFG.</p>	<p>Install screening fence and</p> <p>Maintain log demonstrating compliance and</p> <p>Site inspection</p>	<p>During construction</p>	<p>Applicant/Construction Manager</p>	<p>LACDRP</p>
<p><b>MM 5.7-4: Nesting Bird Surveys Prior to Mowing.</b> Should mowing for vegetation management purposes occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February through August in the Project region, or as determined by a qualified biologist), the Applicant shall have weekly</p>	<p>Conduct weekly nesting bird surveys during nesting/breeding season</p>	<p>Prior to mowing activities during nesting/breeding season</p>	<p>Applicant/Qualified Biologist</p>	<p>LACDRP CDFG</p>

**MITIGATION MONITORING AND REPORTING PROGRAM**

**PROJECT NO. R2009-02239**

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>nesting bird surveys conducted. These surveys shall be conducted by a qualified biologist, shall commence within 30 days prior to any mowing, and shall be conducted to determine whether any active nests of special-status bird species, or of any bird species protected by the Migratory Bird Treaty Act or the California Fish and Game Code, are present in the disturbance zone or within 300 feet (500 feet for raptors) of the area to be disturbed. The surveys shall occur on a weekly basis, with the last survey being conducted no more than seven days prior to initiation of mowing activities. If mowing is delayed, then additional surveys shall be conducted such that no more than seven days would have elapsed between the survey and mowing. The Applicant or Manager shall provide the biologist with plans detailing the extent of proposed mowing prior to the survey effort.</p> <p>If active nests are found, mowing within 300 feet (500 feet for raptors) of the nest shall be postponed or halted, at the discretion of the biologist, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. Limits of mowing to avoid an active nest shall be established in the field with highly visible construction fencing, and solar plant personnel shall be instructed on the sensitivity of nest areas. The results of the surveys, including graphics showing the locations of any nests detected, and any avoidance measures implemented, shall be submitted to the LACDRP and CDFG within 14 days of completion of the surveys to document compliance with applicable state and federal laws pertaining to the protection of native birds. Nesting bird surveys shall be conducted in each of the first five years after Project development. At the end of this period, the results</p>	<p>and</p> <p>Submittal and approval of survey reports</p>			



**COUNTY OF LOS ANGELES PROJECT NO. R2009-02239**  
**SCH NO. 2009041145**  
**AV SOLAR RANCH ONE**  
**FINAL EIR**  
*Mitigation Monitoring and Reporting Program*

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**PROJECT NO. R2009-02239**

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
of the first five years of surveys shall be submitted to the LACDRP and CDFG. After submittal of the first five-year survey results, the County of Los Angeles, under consultation with CDFG, shall determine whether or not the nesting bird surveys shall continue.				
<b>MM 5.7-5: Biological Monitor.</b> Prior to grading, a qualified biologist shall be retained by the Applicant as the biological monitor subject to the approval of the County of Los Angeles. The biological monitor shall ensure that impacts to biological resources are avoided or minimized to the fullest extent possible. During earth moving activities, the biological monitor shall be present to relocate any vertebrate species that may come into harm's way to undisturbed areas of suitable habitat using appropriate methods that would not injure the wildlife. The biological monitor shall have the authority to stop specific grading or construction activities if violations of mitigation measures or any local, state, or federal laws are suspected.	Biological monitoring and Maintain log demonstrating compliance	During construction	Applicant/Qualified Biologist	LACDRP
<b>MM 5.7-6: Worker Environmental Education Program.</b> A Worker Environmental Education Program shall be developed for construction crews by a qualified biologist(s) provided by the Applicant. Training materials and briefings shall include but not be limited to: discussion of the value and identification of special-status species, including the burrowing owl and desert tortoise, review of sensitive species likely to occur within the construction area, the Migratory Bird Treaty Act and the consequences of non-compliance with this act, a contact person in the event of the discovery of dead or injured wildlife, and a review of mitigation requirements. The training sessions shall be conducted by a qualified biologist or other individual approved by the biologist. Maps showing the location of special-status wildlife or other construction limitations shall be provided to the environmental monitors and	Administer Worker Environmental Education Program and Maintain log demonstrating compliance	Prior to and ongoing during construction activities (as needed for new construction workers)	Applicant/Qualified Biologist/Construction Manager	LACDRP



**MITIGATION MONITORING AND REPORTING PROGRAM**  
**PROJECT NO. R2009-02239**

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>construction crews prior to construction activities. As part of the environmental training, Managers and heavy equipment operators shall be provided with photographs or illustrations of expected special-status wildlife species so they will be able to identify them, and avoid harming them during construction.</p> <p><b>MM 5.7-7: Blainville's Horned Lizard Capture and Relocation.</b> Prior to the initiation of ground clearing activities, capture and relocation efforts shall be conducted for the Blainville's horned lizard to the satisfaction of LACDRP. Trapping shall be conducted by a County-approved biologist possessing proper scientific collection and handling permits, and shall include the following steps:</p> <ul style="list-style-type: none"> <li>• Prior to initiating the capture and relocation effort, a suitable receptor location shall be identified to receive relocated horned lizards. The receptor locations shall contain suitable habitat for this species, including open, shrub-dominated vegetation. The 45-acre avoidance area near the southern edge of the Project site likely constitutes a suitable on-site receptor location.</li> <li>• The capture and relocation effort shall take place during the active season (April through October) preceding commencement of ground disturbance activities, when lizards are most likely to be active. Surveys shall be conducted when air temperatures immediately above the ground surface is between 70°F (21°C) and 102°F (39°C). All areas proposed for temporary or permanent ground disturbance shall be surveyed for the Blainville's horned lizard.</li> <li>• Surveys shall be conducted by placing coverboards on the ground 4 to 6 weeks in advance of the survey effort, and</li> </ul>	<p>Perform capture and relocation efforts</p> <p>and</p> <p>Maintain log demonstrating compliance</p>	<p>Prior to ground clearing activities</p>	<p>Applicant/County-Approved Biologist</p>	<p>LACDRP</p>

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>checking the area under the coverboards for horned lizards on a weekly basis. Coverboards can consist of untreated lumber, sheet metal, corrugated steel, or other flat material. Captured lizards shall be placed immediately into containers containing sand or moist paper towels and released in designated receptor locations no more than three hours after capture.</p> <ul style="list-style-type: none"> <li>If the biologist believes there is high potential for previously relocated lizards to return to the impact sites following relocation, silt fence shall be installed to prevent relocated individuals from reoccupying areas proposed for disturbance.</li> </ul>				
<p><b>MM 5.7-8: Pre-construction Nesting Bird Surveys.</b> Within 30 days prior to vegetation clearing or ground disturbance associated with construction or grading that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February through August in the project region, or as determined by a qualified biologist), the Applicant shall have weekly surveys conducted by a qualified biologist to determine if active nests of special-status bird species, or of any bird species protected by the Migratory Bird Treaty Act or the California Fish and Game Code, are present in the disturbance zone or within 300 feet (500 feet for raptors) of the disturbance zone. The surveys shall occur on a weekly basis, with the last survey being conducted no more than seven days prior to initiation of disturbance work. If ground disturbance activities are delayed, then additional pre-disturbance surveys shall be conducted such that no more than seven days will have elapsed between the survey and ground disturbance activities. The Applicant or Manager shall provide the biologist with plans detailing the extent of proposed ground disturbance prior to the survey effort.</p>	<p>Conduct weekly nesting bird surveys during nesting/breeding season and Submittal and approval of pre-construction nesting bird survey reports</p>	<p>Nesting bird surveys prior to vegetation clearing or ground disturbance during nesting/breeding season</p>	<p>Applicant/Qualified Biologist</p>	<p>LACDRP CDFG</p>

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors) shall be postponed or halted, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. Limits of construction to avoid an active nest shall be established in the field with highly visible construction fencing, and construction personnel shall be instructed on the sensitivity of nest areas. Occupied nests adjacent to the construction site shall also be avoided to ensure nesting success. A qualified biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests occur. The results of the surveys, including graphics showing the locations of any nests detected, and documentation of any avoidance measures taken, shall be submitted to the LACDRP and CDFG within 14 days of completion of the pre-construction surveys or construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.</p>				
MM 5.7-9: Pre-Construction Wintering Burrowing Owl Surveys. If construction or site preparation activities are scheduled during the non-nesting season of the burrowing owl (typically September through January), the Applicant shall retain a qualified biologist to conduct wintering burrowing owl surveys within the area to be disturbed. The survey shall be conducted no more than 21 days prior to commencement of construction activities in the area. During the construction period, the results of the surveys, including graphics showing the locations of any active burrows detected and any avoidance measures required, shall be submitted to the LACDRP and	<p>Submittal and approval of pre-construction wintering burrowing owl survey report(s) during non-nesting season and</p> <p>Submittal and</p>	Prior to and during construction	Applicant/Qualified Biologist	LACDRP CDFG

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>CDFG on a monthly basis. If active burrows are detected, the required avoidance measures shall conform to the following:</p> <ul style="list-style-type: none"> <li>If burrowing owls are observed using burrows during the non-breeding season, occupied burrows shall be left undisturbed, and no construction activity shall take place within 300 feet of the burrow where feasible (see below).</li> <li>If disturbance of owls and owl burrows is unavoidable, owls shall be excluded from all active burrows through the use of exclusion devices placed in occupied burrows in accordance with CDFG protocols (CDFG 1995). Specifically, exclusion devices, utilizing one-way doors, shall be installed in the entrance of all active burrows. The devices shall be left in the burrows for at least 48 hours to ensure that all owls have been excluded from the burrows. Each of the burrows shall then be excavated by hand and refilled to prevent reoccupation. Exclusion shall continue until the owls have been successfully excluded from the disturbance area, as determined by a qualified biologist.</li> <li>If construction activities must be initiated in any area of the site during the burrowing owl breeding season (typically February through August), pre-construction surveys for burrowing owls shall be conducted. Any active burrowing owl burrows found at this season shall not be disturbed. Construction activities shall not be conducted within 300 feet of an active burrow at this season.</li> </ul>	<p>approval of pre-construction survey report(s) during burrowing owl breeding season and</p> <p>Implement avoidance measures, as applicable</p>			
<p>MM 5.7-10: Burrowing Owl Management Plan. Prior to issuance of a grading permit, a habitat management plan for the burrowing owl shall be developed for portions of the site supporting suitable habitat for</p>	<p>Submittal and approval of Burrowing Owl</p>	<p>Prior to issuance of grading permit</p>	<p>Applicant/Qualified Biologist</p>	<p>LACDRP CDFG</p>

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>burrowing owl and away from Project facilities and the solar panel arrays. Specifically, this plan shall be developed for implementation in the undeveloped areas surrounding Drainage A and in the southernmost portion of the Project site, near West Avenue E. At a minimum, the plan shall include the following elements:</p> <ul style="list-style-type: none"> <li>• If occupied burrows are to be removed, the plan shall contain schematic diagrams of artificial burrow designs and a map of potential artificial burrow locations within Drainage A and Drainage C that would compensate for the burrows removed.</li> <li>• A methodology for the eviction and passive relocation of any owls from the impact area to proactively established artificial burrows.</li> <li>• Provisions for vegetation management, specifying the maximum allowable vegetative cover adjacent to established artificial burrows and the methodology to be used in maintaining the appropriate cover.</li> <li>• Measures prohibiting the use of rodenticides.</li> <li>• The plan shall specify a minimum of 6.5 acres of suitable foraging habitat to be preserved or created through revegetation and restoration practices for every active burrowing owl burrow within the Project site. These mitigation areas shall not be located in areas shaded by the proposed solar arrays, and shall not be subject to vegetation mowing or other fuel management practices. Foraging areas shall be located adjacent to suitable natural or artificial burrow locations.</li> </ul> <p>The Burrowing Owl Habitat Management Plan may be prepared and presented either as a stand-alone document or as a component of the HEVMP required by Mitigation Measure 5.7.1, and shall be submitted</p>	Habitat Management Plan			

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
to the LACDRP and CDFG for review and approval prior to issuance of a grading permit for the Project.				
MM 5.7-11 Facility Lighting. Project facility lighting shall be designed to provide the minimum illumination needed to achieve safety and security objectives. All lighting shall be directed downward and shielded to focus illumination on the desired areas only and avoid light trespass into adjacent areas. Lenses and bulbs shall not extend below the shields. The lighting plan shall be submitted to LACDPW for review and approval.	Submittal and approval of Facility Lighting Plan and Site inspection	Prior to issuance of building permit	Applicant	LACDPW LACDRP
MM 5.7-12: Desert Kit Fox. To avoid injury or mortality of the desert kit fox, preconstruction surveys shall be conducted for this species concurrent with the pre-construction nesting bird surveys required by Mitigation Measure 5.7-4. A qualified biologist shall perform pre-construction surveys for kit fox dens in the Project site and along the proposed transmission line route, and shall survey all areas where Project facilities, transmission line poles, grading, mowing, equipment access, or other disturbances are proposed. If dens are detected, each den shall be classified as inactive, potentially active, or definitely active. Inactive dens in areas that would be impacted by construction activities shall be excavated by hand and backfilled to prevent reuse by desert kit fox. Active and potentially active dens in areas that would be impacted by construction activities shall be monitored by the biological monitor for three consecutive nights using a tracking medium (such as diatomaceous earth or fire clay) and/or infrared camera stations at the entrance. If no tracks are observed in the tracking medium or no photos of the target species are captured after three nights, the den shall be excavated and backfilled by hand to prevent reuse. If tracks are observed, the den shall be progressively	Submittal and approval of Pre-Construction Survey Report(s)	Within 30 days of completion of surveys, and prior to construction (ongoing as construction progresses to new areas)	Applicant/Qualified Biologist	LACDRP CDFG

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**PROJECT NO. R2009-02239**

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>blocked with natural materials (rocks, dirt, sticks, and vegetation piled in front of the entrance) for the next three to five nights to discourage the kit fox from continuing to use the den. After verification that the den is unoccupied, it shall then be excavated and backfilled by hand to prevent reuse, while ensuring that no kit fox are trapped in the den. The Applicant shall submit a report to the LACDRP and CDFG within 30 days of completion of the kit fox surveys describing the survey methods, results, and details of any dens backfilled or foxes observed.</p>				
<p><b>MM 5.7-13: Pre-construction Desert Tortoise Surveys.</b> Within 30 days prior to construction-related initial ground clearing and/or grading, the Applicant shall retain a qualified biologist to conduct surveys for signs of occupancy by the desert tortoise. Surveys shall be conducted on foot, and intended to detect any live tortoises or their carcasses, burrows, palates, tracks, or scat. Should any desert tortoise sign indicating the presence of desert tortoise be detected, the Applicant shall not proceed with ground clearing and/or grading activities in the area of the find and shall contact the USFWS and CDFG to develop an avoidance strategy.</p> <p>The results of the pre-construction surveys, including graphics showing the locations of any tortoise sign detected, and documentation of any avoidance measures taken, shall be submitted to the USFWS, CDFG, and LACDRP within 14 days of completion of the pre-construction surveys or construction monitoring to document compliance with applicable federal and state laws pertaining to the protection of desert tortoise.</p>	<p>Conduct desert tortoise surveys and Submittal and approval of pre-construction desert tortoise survey results</p>	<p>Within 30 days prior to construction-related ground clearing and/or grading and Within 14 days of completion of pre-construction surveys or construction monitoring</p>	<p>Applicant/Qualified Biologist</p>	<p>LACDRP USFWS CDFG</p>



MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<b>CULTURAL AND PALEONTOLOGICAL RESOURCES</b>				
<b>MM 5.8-1: Avoid Archaeological Sites.</b> Archaeological sites within the proposed Project area shall be avoided and protected from future disturbance or evaluated for significance and mitigated, as appropriate, to the satisfaction of the Los Angeles County Department of Regional Planning (LACDRP).	Maintain log to demonstrate compliance	During construction and operation	Applicant/Construction Manager/Cultural Resources Monitor	LACDRP
<b>MM 5.8-2: Phase II Testing/Phase III Data Recovery.</b> Prior to construction, Phase II testing and evaluation shall be conducted at all unavoidable prehistoric archaeological sites in the proposed Project area to determine their significance under Section 15064.5 of CEQA. Sites determined eligible for the California Register of Historic Resources (CRHR) shall either be avoided and protected from future disturbance, or a Phase III data recovery plan shall be prepared and implemented prior to construction to the satisfaction of LACDRP. All archaeological collections, technical reports and related documentation shall be curated at a curation facility approved by the County of Los Angeles.	Submittal and approval of Phase II Report/Phase III Data Recovery Plan, and related documentation, as applicable	Prior to construction	Applicant/Qualified Archaeologist	LACDRP
<b>MM 5.8-3: Archaeological Monitoring.</b> Prior to construction, an archaeological monitoring plan shall be prepared and implemented to the satisfaction of LACDRP. A qualified archaeological monitor shall be present during all ground disturbing activities, including vegetation clearing, grubbing, grading, filling, drilling, and trenching. In the event that any prehistoric or historic cultural resources (chipped or ground stone lithics, animal bone, ashly midden soil, structural remains, historic glass or ceramics, etc.) are discovered during the course of construction, all work in the vicinity shall halt, and the archaeologist shall record the resources on the appropriate California Department of	Submittal and approval of Archaeological Monitoring Plan and  Submittal and approval of additional Phase II and Phase III technical reports,	Prior to issuance of grading permit and  During construction and  Following completion of ground-disturbance construction activities	Applicant/Qualified Archaeologist/Cultural Resources Monitor	LACDRP



MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
Parks and Recreation (DPR) 523 Series Forms, evaluate the significance of the find, and if significant, determine and implement the appropriate mitigation, including but not limited to Phase III data recovery and associated documentation to the satisfaction of LACDRP. Such activities may result in the preparation of additional Phase II and Phase III technical reports. After ground-disturbing construction activities have been completed, an archaeological construction monitoring report shall be completed and submitted to the LACDRP.	as applicable and Archaeological monitoring and Submittal of Archaeological Construction Monitoring Report			
MM 5.8-4: Native American Monitor. A Native American monitor (Tataviam/Fernadeno Band of Mission Indians) shall be notified prior to construction and allowed the opportunity to be present during all ground disturbing activities, including vegetation clearing, grubbing, grading, filling, drilling, and trenching. In the event that any sacred site or resource is identified, a Native American monitor shall be retained to divert construction activities to another area of the Project site while a proper plan for avoidance or removal is determined to the satisfaction of the LACDRP.	Notify Native American monitor of construction activities and Maintain log to demonstrate compliance and Site inspection	Prior to and during construction	Applicant/Construction Manager/Cultural Resources Monitor	LACDRP
MM 5.8-5: Human Remains. In the event human remains are encountered, construction in the area of the finding shall cease, and the remains shall stay in situ pending definition of an appropriate plan. The Los Angeles County Coroner (Coroner) shall be contacted to determine the origin of the remains. In the event the remains are Native American in origin, the NAHC shall be contacted to determine	Maintain log to demonstrate compliance and	During construction	Applicant/Construction Manager/Cultural Resources Monitor	LACDRP

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**PROJECT NO. R2009-02239**

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
necessary procedures for protection and preservation of the remains, including reburial, as provided in the State of California Environmental Quality Act (CEQA) Guidelines, Section 15064.5(e), "CEQA and Archaeological Resources," CEQA Technical Advisory Series.	Site inspection			
<b>MM 5.8-6: Paleontological Resources Protection.</b> In the event paleontological discoveries are encountered by the cultural monitors, all excavation shall cease in the area of the find and a paleontologist shall be retained, who shall devise a plan for recovery in accordance with standards established by the Society of Vertebrate Paleontology. At least one of the on-site cultural monitors during construction shall have familiarity and expertise in paleontological resources and have the ability to recognize significant vertebrate paleontological resources. Any paleontological resources shall be documented and submitted to the Natural History Museum of Los Angeles County, or any other accredited institution (i.e., San Bernardino County Museum, UCLA Dept of Earth and Space Sciences) that will accept paleontological resources for curation.	Paleontological resources monitoring and Maintain log and documentation, as applicable, to demonstrate compliance	During construction	Applicant/Construction Manager/Cultural Resources Monitor	LACDRP
<b>MM 5.8-7: Construction Worker Training.</b> Prior to construction, the qualified archaeological monitor or qualified designee shall conduct a brief educational workshop such that all construction personnel understand monitoring requirements, roles and responsibilities of the monitors, and penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources. The construction worker training shall include an overview of potential cultural and paleontological resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to a designated on-site cultural monitor for further evaluation and action, as appropriate.	Implement educational workshop for all construction workers and Maintain log to demonstrate compliance	Prior to and ongoing during construction activities (as needed for new construction workers)	Applicant/Construction Manager/Qualified Archaeological Monitor	LACDRP

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**PROJECT NO. R2009-02239**

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<b>AGRICULTURAL RESOURCES</b>				
MM 5.9-1: Transmission Line Williamson Act Review (Kern County). Prior to the construction of the proposed transmission line route within any Williamson Act contracted lands in Kern County, the Applicant shall submit a written site description, along with a plot plan of the proposed transmission line route within the contracted land to the Kern County Planning Department for review and approval.	Submittal of documentation demonstrating approval from Kern County Planning Department	Prior to construction of transmission line	Applicant	LACDRP KCPD
<b>VISUAL QUALITIES</b>				
MM 5.10-1: Visual Screening During Construction. Prior to any construction activity within the vicinity of SR-138, temporary screening of construction and staging areas (e.g., via vegetation, or fencing with fabric or slats) shall be installed to minimize visual effects from construction as required by LACDRP.	Install temporary screening, as required and  Maintain log to demonstrate compliance and  Site inspection	Prior to construction activities within vicinity of SR-138	Applicant/Construction Manager	LACDRP
MM 5.10-2: Construction Housekeeping. During construction, the development site shall be maintained. The Project facility construction site and off-site transmission line route work areas shall be kept clean of debris, trash, or waste.	Maintain development site and  Site inspection	During construction	Applicant/Construction Manager	LACDRP
MM 5.10-3: Building and Equipment Paint. All proposed on-site structures and appropriate equipment shall be neutral colors and non-	Submittal and approval of building and equipment paint	Prior to issuance of building permit	Applicant	LACDRP

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures reflective, as approved by the LACDRP.	Action Required palette plans and information	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p><b>MM 5.10-4: Screening Vegetation Landscaping Plan and Maintenance.</b> Prior to issuance of a grading permit, the Applicant shall submit a landscaping plan for the 10-foot-wide strip of Project screening vegetation proposed along both sides of SR-138, to the LACDRP for review and approval. The Plan shall be certified by a registered landscape architect, and shall identify use of temporary irrigation, and the areas on both sides of SR-138 at the Project site to be planted with Joshua trees and/or other native yucca species, and native shrub species, in compliance with the County Drought-Tolerant Landscaping Ordinance. The landscaping shall be installed within 14 months of the commencement of construction activities. The vegetation shall be maintained via selective thinning and removal of invasive weeds and monitored thereafter to promote successful, long-term establishment of the native vegetation to the satisfaction of LACDRP. The landscaped area shall also be maintained free of trash and debris for the Project lifetime to the satisfaction of LACDRP.</p>	<p>Submittal and approval of Screening Vegetation Landscaping Plan and Maintain log to demonstrate compliance and Site inspection</p>	<p>Prior to issuance of grading permit and During construction and operation</p>	<p>Applicant/Registered Landscape Architect/ Construction Manager</p>	<p>LACDRP</p>
<p><b>MM 5.10-5: Maintenance of SR-138 Caltrans and County Easements.</b> The areas on both sides of the existing Caltrans right-of-way for SR-138 offered for dedication in fee simple by the Applicant to Caltrans and the irrevocable 10-foot-wide slope easement on both sides of the 200-foot-wide Caltrans right-of-way offered to the County as described in Section 4.2 of this EIR shall be maintained free of trash and debris on an as-needed basis to the satisfaction of LACDRP. The dedicated area for Caltrans shall be maintained by Applicant until such time the deed for the applicable area is transferred to Caltrans, and the slope easement area for the County</p>	<p>Maintain log to demonstrate compliance and Site inspection</p>	<p>During construction and operation, prior to deed transfer for Caltrans easement and prior to improvements by County for slope easement area</p>	<p>Applicant/Construction Manager</p>	<p>LACDRP</p>

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**PROJECT NO. R2009-02239**

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
shall be maintained by the Applicant until such time that the County installs improvements.				
<b>TRAFFIC AND ACCESS</b>				
<p>MM 5.11-1: Provide Adequate Worksite Traffic Control. Prior to any construction activities and/or issuance of required encroachment permits from Caltrans and Los Angeles and Kern counties, the Applicant shall prepare worksite traffic control plans for review and approval from Caltrans, the LACDPW, and the Kern County Resource Management Agency, Roads Department. The plans shall include: 1) the location and usage of appropriate construction work warning signs that shall be placed in accordance with the California Manual on Uniform Traffic Control Devices (Caltrans 2010); 2) proper merging taper and/or shifting lane schematics; and 3) adequate work area and buffer zone designation as well as proper location and conduct of flagmen and the traffic management supervisor at the installation worksite area. The Project worksite traffic control plans shall be coordinated with driver and worker safety in mind. Where the observed speed limit on affected roadways is 55 MPH or more, the plans shall incorporate and implement the following minimum standard requirements per the Work Area Traffic Control Handbook (WATCH):</p> <ul style="list-style-type: none"> <li>• A Type C flashing arrow pane shall be used for each closed lane.</li> <li>• The minimum height for traffic cones shall be 28 inches.</li> <li>• A minimum of three advance warning signs shall be posted.</li> <li>• Consideration of advanced safety enhancement measures shall be taken into account for workers in the work zones.</li> </ul> <p>The above safety and traffic control measures identified in the traffic control plans shall also be implemented at pole installation sites within</p>	<p>Submittal and approval of Worksite Traffic Control Plans and Advance notification of road closures to LACFD and submittal of detour plans</p>	<p>Prior to issuance of grading permit or encroachment permit, where applicable and During construction</p>	<p>Applicant/Construction Manager</p>	<p>LACDRP LACDPW LACFD KCRD</p>

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
the public road ROW and/or roadway crossings at a minimum. Additionally, the County, including the LACFD Fire Stations 78, 112, and 140 shall be notified at least three days in advance of any street closures that may affect fire and/or paramedic responses in the area. Applicant shall provide alternate route (detour) plans to the County, including three sets to the LACFD, with a tentative schedule of planned closures, prior to the beginning of construction.				
MM 5.11-2: Document Pre-and Post-Project Construction Pavement Condition of 170 <sup>th</sup> Street West and Pay Fair Share. Prior to issuance of a grading permit, Applicant shall document and submit all required information and/or material pertaining to the pavement conditions of 170 <sup>th</sup> Street West including the formula for calculating the Project's fair share of any repair and/or reconstruction of 170 <sup>th</sup> Street West to the satisfaction of the LACDPW. Applicant shall reimburse the County of Los Angeles for the cost of any repairs and/or reconstruction of 170 <sup>th</sup> Street West attributable to the Project as agreed to by the LACDPW. The timing of any necessary repairs and/or reconstruction of 170 <sup>th</sup> Street West and the required payment by Applicant shall be determined by LACDPW.	Submittal and approval of Pre-Construction Pavement Condition documentation and the Project's fair share formula and Submittal and approval of Post-Construction Pavement Condition documentation and	Prior to issuance of grading permit and Following construction	Applicant/Construction Manager	LACDPW
MM 5.11-3: Limit 50 Percent of Truck Deliveries to Off-Peak Hours. During the construction phase of the Project, Applicant/EPC contractor shall require equipment and materials suppliers using trucks to make deliveries to the Project site such that at least 50	Payment of fair share Maintain log to demonstrate compliance	During construction	Applicant/Construction Manager	LACDRP



MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
percent of associated truck traffic occurs during off-peak hours.				
<b>ENVIRONMENTAL SAFETY</b>				
MM 5.15-1: Additional assessment, and possibly remediation, of potentially contaminated soils on the Project site. Prior to the issuance of a grading permit, the Applicant shall obtain a site closure letter from the Los Angeles County Fire Department, Health Hazardous Materials Division. The Applicant shall conduct additional site assessment or remediation activities as required by and to the satisfaction of the Voluntary Oversight Program of the CUPA (Los Angeles County Fire Department, Health Hazardous Materials Division).	Perform necessary assessment and remediation, as applicable, and obtain Site Closure Letter from LACFD	Prior to issuance of grading permit	Applicant	LACDRP LACFD (CUPA)
Additional assessment and/or remediation may include the following:				
1) Preparation of applicable Phase II Environmental Site Assessment Work Plans that describe the proposed approach and methods to be used in characterizing shallow soils. The Work Plans shall include the proposed sampling locations, sample collection procedures, analytical methods, quality control measures, and a site-specific health and safety plan. The Phase II ESA(s) shall be submitted to the CUPA for regulatory review and approval.				
2) Implementation of the Phase II ESA Work Plan(s) with CUPA oversight.				
As necessary, Site Remediation Action Plans shall be developed. Upon CUPA concurrence with the recommendations presented the Phase II ESA(s), remedial action plans shall be prepared for submittal to the CUPA. The remedial action plans shall include the following.				
1) Remediation goals and cleanup criteria.				

MITIGATION MONITORING AND REPORTING PROGRAM  
PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>2) Evaluation of corrective action alternatives that compares the effectiveness, feasibility, and cost benefit of each alternative. The remedial action plans shall take into account existing and proposed uses of the Project area.</p> <p>3) Identification of the preferred alternative with consideration of protection of resources within the Project area.</p> <p>4) A detailed description of the access points and haul-out routes for remedial activities; remediation methods and procedures; mitigation of dust; minimization or avoidance of disturbance to sensitive ecosystems; and verification soil sampling and analysis. Included in the discussion shall be information on disposal sites, transport and disposal methods, as well as recordkeeping methods for documenting remediation, regulatory compliance, and health and safety programs for on-site workers.</p>	<p>Submittal and approval of Soil Management Plan and</p> <p>Monitor soil conditions encountered</p>	<p>Prior to issuance of grading permit for the transmission line and</p> <p>During construction</p>	<p>Applicant/Construction Manager</p>	<p>LACFD (CUPA)</p>
<p>MM 5.15-2: A Soil Management Plan for Transmission Line Construction. Prior to issuance of a grading permit, a soil management plan shall be submitted to the CUPA for review and approval. The plan shall include practices that are consistent with the California Title 8, Occupational Safety and Health Administration (Cal-OSHA) regulations, as well as CUPA remediation standards that are protective of the planned use. Appropriately trained construction personnel shall be present during site preparation, grading, and related earthwork activities (e.g., augering) to monitor soil conditions encountered. In order to confirm the absence or presence of hazardous substances associated with former land use, a sampling strategy may be implemented. The sampling strategy shall include procedures regarding logging/sampling and laboratory analyses. The Soil Management Plan shall outline guidelines for the following:</p>				



COUNTY OF LOS ANGELES PROJECT NO. R2009-02239

SCH NO. 2009041145

AV SOLAR RANCH ONE  
FINAL EIR

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<ul style="list-style-type: none"> <li>Identifying impacted soil</li> <li>Assessing impacted soil</li> <li>Soil excavation</li> <li>Impacted soil storage</li> <li>Verification sampling</li> <li>Impacted soil characterization and disposal</li> </ul>				
<p><b>MM-5.15-3: The historic oil well that requires abandonment or re-abandonment shall be abandoned to current standards.</b> Prior to issuance of a grading permit, an investigation into the location of the historic oil well, reportedly located on the proposed Project site shall be conducted. If the well is determined to be located on the Project site, the well shall be inspected. If the well was not abandoned properly, as determined by the California Division of Oil, Gas, and Geothermal Resources (DOGGR), the well shall be re-abandoned to the satisfaction of DOGGR. The Project development plans shall comply with the required setbacks from oil and gas wells as determined by DOGGR and the County of Los Angeles.</p>	<p>Investigation of historic oil well and</p> <p>If well is determined to be present on the Project site, obtain determination from DOGGR that historic well was properly abandoned or re-abandon the well to the satisfaction of DOGGR</p>	<p>Prior to issuance of grading permit</p>	<p>Applicant/Construction Manager</p>	<p>DOGGR</p>
<p><b>MM 5.15-4: Demolition Hazardous Building Materials Assessment and Management Plan.</b> Prior to the commencement of any demolition activity on the Project site, the demolition Manager shall prepare a written Demolition Hazardous Building Materials Assessment and Management Program for review and approval by the CUPA, and/or other appropriate regulatory agency. The Demolition Hazardous Building Materials Management Program shall</p>	<p>Submittal and approval of Demolition Hazardous Building Materials Assessment and Management</p>	<p>Prior to commencement of any demolition activity</p>	<p>Applicant/Demolition Manager</p>	<p>LACFD (CUPA) AVAQMD</p>

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>include an assessment for lead-based paint (LBP) and asbestos-containing material (ACM) as identified in the URS pre-demolition survey report (URS 2010), and the following plans shall be prepared:</p> <ul style="list-style-type: none"> <li>Lead-based Paint Abatement and Management Plan. A LBP Abatement Plan shall be prepared and implemented by a qualified Manager. Elements of the plan shall include the following: <ul style="list-style-type: none"> <li>Containment of all work areas to prohibit off-site migration of paint chip debris.</li> <li>Removal or encapsulation of all peeling and stratified LBP on building surfaces and on non-building surfaces to the degree necessary to properly complete demolition activities per the recommendations of the survey. The demolition Manager shall properly contain and dispose of intact LBP on all equipment to be cut and/or removed during demolition.</li> <li>Providing on-site air monitoring during all abatement activities and perimeter monitoring to ensure no contamination of work of adjacent areas.</li> <li>Cleanup and/or HEPA vacuum paint chips.</li> <li>Collection, segregation, and profiling waste for disposal determination.</li> <li>Post-demolition testing of soil to assure that soil at the site is not contaminated by LBP.</li> <li>Providing for appropriate disposal of all waste.</li> </ul> </li> <li>Asbestos-containing Materials Abatement and Management Plan. Prior to demolition work that shall disturb identified ACMs, an ACM Abatement and Management Plan shall be prepared.</li> </ul>	<p>Program</p> <p>and</p> <p>Notification of demolition activities to AVAQMD</p> <p>and</p> <p>Maintain log to demonstrate compliance</p>			

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>Asbestos abatement shall be conducted during demolition activities, consistent with OSHA and air quality regulations. The Management plan shall include detailed information regarding ACM classification, ACM hazard assessment (the possibility of fiber release from ACM is based on the materials condition, such as friability), ACM inventory information, training and qualification for workers, demolition handling procedures, waste management and disposal procedures, and emergency response procedures (in case of a release of friable materials) licensed asbestos abatement removal Manager shall remove the ACMs under the oversight of a California Certified Asbestos Consultant. All identified ACMs shall be removed and appropriately disposed of by a state-certified asbestos Manager. The proposed Project shall include notification of demolition activities to the Antelope Valley Air Quality Management District.</p>				
LAND USE				
Mitigation Measure 5.16-1: Tree Planting Modification. Prior to issuance of a grading permit, the applicant shall obtain authorization to modify the tree planting requirements of the Green Building Ordinance from the Director of Public Works and shall comply with all considerations and other terms of the Green Building Ordinance requirements to the satisfaction of the Director of Public Works (see Sections 22.52.2130.C.5 and Section 22.52.2150 of the County Code).	Obtain authorization to modify the tree planting requirements of the Green Building Ordinance	Prior to issuance of grading permit	Applicant	LACDPW
NOISE				
MM 5.18-1: Pile Driver Orientation. In order to reduce the noise levels generated by the vibratory pile driver and comply with all	Maintain log demonstrating	During construction	Applicant/Construction Manager	LACDRP

AV SOLAR RANCH ONE  
FINAL EIR

COUNTY OF LOS ANGELES PROJECT NO. R2009-02239

SCH NO. 2009041145

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NO. R2009-02239

Mitigation Measures	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
applicable Los Angeles County noise standards, the pile driver shall be oriented such that the rear of the pile driver faces toward the noise-sensitive receptors when the vibratory pile driver is being utilized within 3,000 feet of the receptors.	compliance and Site inspection			
MM 5.18-2: Construction Equipment Use of Mufflers. Construction equipment and vehicles shall be fitted with efficient and well-maintained mufflers to reduce noise emission levels. In addition, the Project construction equipment and vehicles shall be maintained according to the manufacturers' instructions and recommendations.	Maintain log demonstrating compliance	During construction	Applicant/Construction Manager	LACDRP
<b>MITIGATION COMPLIANCE</b>				
As a means of ensuring compliance of the above mitigation measures, the Applicant and/or subsequent owner(s) are responsible for submitting an annual mitigation compliance report to the LACDRP for review, and for replenishing the mitigation monitoring account if necessary until such time as all mitigation measures have been implemented and completed.	Submittal of annual mitigation compliance report and Replenishing mitigation monitoring account	Annually until such time as all mitigation measures have been implemented and completed	Project Applicant and Subsequent Owner(s)	LACDRP

<sup>1</sup> List of Acronyms:

ACM	Asbestos-containing material	Cal-OSHA	California Occupational Safety and Health Administration	CRHR	California Register of Historic Resources
AQMMM	Air quality construction mitigation manager	Caltrans	California Department of Transportation	CUPA	Certified Unified Program Agency
ATCM	Airborne toxic control measure	CARB	California Air Resources Board	DEIR	Draft Environmental Impact Report
AVAQMD	Antelope Valley Air Quality Management District	CBC	California Building Code	DOGGR	California Division of Oil, Gas, and Geothermal Resources
BLM	Bureau of Land Management	CCR	California Code of Regulations	DPR	Department of Parks and Recreation
Cal-IPC	California Invasive Plant Council	CDFG	California Department of Fish and Game	EIR	Environmental Impact Report
		CEQA	California Environmental Quality Act		