

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

438



**FROM:** TLMA – Planning Department

**SUBMITTAL DATE:**  
February 11, 2014

**SUBJECT:** McCoy Solar Energy Project – **CONDITIONAL USE PERMIT NO. 3682, PUBLIC USE PERMIT NO. 911, ORDINANCE NO. 664.53, DEVELOPMENT AGREEMENT NO. 77 and CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT NO. 528** – Fast Track Authorization No. 2013-01 Applicant: McCoy Solar, LLC – Engineer/Representative: Tetra Tech – Fourth/Fourth Supervisorial District – Location: Northerly of Interstate 10, southerly of McCoy Wash, easterly of McCoy Mountains, northwesterly of Blythe Airport.

**RECOMMENDED MOTION:** That the Board of Supervisors open the public hearing and at the close of the public hearing:

1. ADOPT Resolution No. 2014-054 Certifying Environmental Impact Report No. 528 and Adopting Environmental Findings Pursuant to the California Environmental Quality Act, Adopting a Mitigation Monitoring and Reporting Program, and Adopting a Statement of Overriding Considerations; and
2. APPROVE Conditional Use Permit No. 3682, subject to the attached conditions of approval and based upon the findings and conclusions incorporated in the staff report and in Resolution No. 2014-054; and
3. APPROVE Public Use Permit No. 911; subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report and in Resolution No. 2014-054; and,
4. INTRODUCE and ADOPT on successive weeks Ordinance No. 664.53 Approving Development Agreement No. 77, based upon the findings and conclusions incorporated in the staff report and in Resolution No. 2014-054.

(continued on page 2)

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Juan C. Perez  
TLMA Director/Interim Planning  
Director

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	
SOURCE OF FUNDS: N/A				Budget Adjustment: N/A	
				For Fiscal Year: N/A	

**C.E.O. RECOMMENDATION:**

**APPROVE**

County Executive Office Signature

BY:   
Denise C. Harden

**MINUTES OF THE BOARD OF SUPERVISORS**

Prev. Agn. Ref.:

District: 4/4

Agenda Number:

**3-29**

FORM APPROVED COUNTY COUNSEL  
BY: TIFANY N. NORTH  
2/19/14

Departmental Concurrence

- A-30
- 4/5 Vote
- Positions Added
- Change Order

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FORM 11: McCoy Solar Energy Project (CUP No. 3682/PUP No. 911/Ord. No. 664.53/DA No. 77/EIR No. 528)**

**DATE:** February 11, 2014

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**BACKGROUND:**

**Project Description and location:**

Conditional Use Permit No. 3682 proposes to permit approximately 50 megawatt photovoltaic (PV) energy generating facility (solar power plant) on approximately 477 acres of privately owned land (APNs 812-130-006, 812-130-007, and 812-130-008). The action to be considered by the Board is a portion of a larger overall solar project known as the McCoy Solar Energy Project. The overall solar project proposes to construct, operate, maintain and decommission a PV solar power plant with a capacity of up to 750 MW on approximately 477 acres of land under the jurisdiction of the County and 4,096 acres of public land administered by the Bureau of Land Management (BLM).

The PV panel area/solar arrays within the 477 acres under the County's jurisdiction include the entire disturbed area of the panels and encompass approximately 344 acres. Approximately 516,000 panels would be placed on the land under the County's jurisdiction. The other proposed facilities on land under the County's jurisdiction would be limited to inverters, up to two water wells, a portion of the access road, and Southern California Edison's distribution line. The McCoy Solar Energy Project would generate and deliver solar-generated power to the California electric grid through an interconnection at the Colorado River Substation. In order to connect to the electric grid a transmission or Gen-Tie Line is proposed. The majority of the Gen-Tie Line will be located on BLM administered land. Portions of the Gen-Tie Line will need to cross a County owned parcel (APN 818-210-014). Crossing of the County owned parcel requires the applicant to obtain a Public Use Permit (PUP No. 911) from the County, as well as a grant of a non-exclusive easement from the County to McCoy Solar, LLC for access and utility lines. The grant of a non-exclusive easement is being considered by this Board under a companion agenda item.

The applicant has proposed entering into a Development Agreement (DA No. 77) with the County for the Project consistent with the County's solar power plant program. County staff has reached an agreement with the applicant on the provisions of the development agreement. DA No. 77 has a term of thirty years and will grant the applicant vesting rights to develop the Project in accordance with the terms of the agreement. DA No. 77 contains terms consistent with Board of Supervisors Policy No. B-29, including terms regarding annual public benefits payments and increases (Section 4.2 of DA No. 77) and local sales and use taxes (Section 4.3 of DA No. 77). DA No. 77 also contains an agreement between the parties with regard to the computation of development impact fees using the surface mining fee category on a Project Area basis as set forth in Section 13 of Ordinance No. 659 (Section 4.4 and Exhibit G of DA No. 77). Per State law, a development agreement is a legislative act which must be approved by ordinance. Proposed Ordinance No. 664.53, an Ordinance of the County of Riverside Approving Development Agreement No. 77, incorporates by reference and adopts DA No. 77.

Approval and use of Conditional Use Permit No. 3682 and Public Use Permit No. 911 are conditioned upon Development Agreement No. 77 being entered into and effective.

**Project Components:**

**Impact on Citizens and Businesses**

Environmental Impact Report No. 528 studied the overall McCoy Solar Energy Project and its impacts, as described in the attached staff report and Resolution 2014-054. The project will aid in the transmission of renewable energy to the power grid. The project would employ an average of 341 construction workers over a 46-month period and would provide approximately 20 permanent, full-time jobs in the County.

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**SUPPLEMENTAL:**

**Additional Fiscal Information**

As stated above, the applicant and County staff have reached an agreement on the provisions of Development Agreement No. 77. Under DA No. 77, the applicant will submit annual public benefit payments of \$150 per acre, increased annually by 2% from and after 2013, based on the solar power plant net acre amount of 4,442 acres at full build out. The total "solar power plant net acreage", agreed upon by the applicant, was calculated using the definition in Board of Supervisors' Policy No. B-29. The project is scheduled to be built in phases and the initial annual public benefit payments will be based on the solar power plant net acreage included in each phase until complete build out. The first phase will include a solar power plant net acreage of 2262 acres. The second phase will include a solar power plant net acreage of 2180 acres. The applicant will also take agreed upon actions to ensure that local sales and use taxes are directly allocated to the County to the maximum extent possible under the law. Additionally, the applicant will submit an agreed upon Development Impact Fee payment of approximately \$1,210,468 as set forth in DA No. 77.

Staff labor and expenses to process this project have been paid directly through McCoy's deposit based fees.

**Contract History and Price Reasonableness**

N/A

MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



16-1

10:30 a.m. being the time set for public hearing on the recommendation from Transportation & Land Management Agency/Planning regarding Public Hearing on the McCoy Solar Energy Project: Adoption of Resolution 2014-054 Certifying Environmental Impact Report No. 528 and Adopting Environmental Findings Pursuant to the California Environmental Quality Act, Adopting a Mitigation Monitoring and Reporting Program, and Adopting a Statement of Overriding Considerations; Approval of CONDITIONAL USE PERMIT NO. 3682, PUBLIC USE PERMIT NO. 911; and INTRODUCTION OF ORDINANCE NO. 664.53, an Ordinance of the County of Riverside Approving Development Agreement No. 77 located Northerly of Interstate 10, southerly of McCoy Wash, easterly of McCoy Mountains, northwesterly of Blythe Airport, 4<sup>th</sup>/4<sup>th</sup> District, the Chairman called the matter for hearing.

Ken Baez, Principal Planner, Planning Department, presented the matter.

The following people spoke on the matter:

Joey Deconick  
Gideon Kracov  
Roger Roper  
Bernie Balland  
Laura Holst


On motion of Supervisor Benoit, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED to close the public hearing; Introduce Ordinance No. 664.53 and continue the matter to March 11, 2014

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on February 25, 2014 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors  
Dated: February 25, 2014

(seal)

Kecia Harper-Ihem, Clerk of the Board of Supervisors, in  
and for the County of Riverside, State of California.

By:  Deputy

AGENDA NO.  
16-1

xc: Planning, Applicant, COB