

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

944A



FROM: TLMA – Planning Department

**SUBMITTAL DATE:
March 12, 2014**

SUBJECT: INDIGO RANCH SOLAR PROJECT - AGRICULTURAL PRESERVE CASE NO. 1027, CONDITIONAL USE PERMIT NO. 3693 – Fast Track Authorization No. 2013-008 - Applicant: Indigo Ranch Project LLC - Engineer/Representative Silverado Power – Fourth/Fourth Supervisorial District – Desert Center Area Plan - Location: northerly of Oasis Road, and westerly of Highway 177. [\$0]

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

1. **ADOPT** a **MITIGATED NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT NO. 42580**, based on the findings incorporated in the initial study and the conclusion that the project will not have a significant effect on the environment; and,
2. **ADOPT RESOLUTION NO. 2014-050**, approving Agricultural Preserve Case No. 1027, issuing Certificates of Tentative Cancellation and diminishing Chuckwalla Agricultural Preserve No. 2, Map No. 622; and,
3. **TENTATIVELY APPROVE AGRICULTURAL PRESERVE CASE NO. 1027**, a proposal to diminish Chuckwalla Agricultural Preserve No. 2, Map No. 622 and cancel two separate land conservation contracts as depicted on Map No. 1027 subject to the conditions in Resolution No. 2014-050; and,
4. **APPROVE CONDITIONAL USE PERMIT NO. 3693**, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report and environmental assessment.

Initials
JCP:lr

(continued next page)

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: Deposit based funds				Budget Adjustment: N/A	
				For Fiscal Year: N/A	

C.E.O. RECOMMENDATION:

APPROVE

BY:
Denise C. Harden

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

Prev. Agn. Ref.:

District: 4/4

Agenda Number:

16 - 2

FORM APPROVED COUNTY COUNSEL
BY:
Tiffany N. North
DATE: 3/24/14

Departmental Concurrence

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

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FORM 11: INDIGO RANCH SOLAR PROJECT - AGRICULTURAL PRESERVE CASE NO. 1027, CONDITIONAL
USE PERMIT NO. 3693 - Fast Track Authorization No. 2013-008 - Applicant: Indigo Ranch Project, LLC -
Fourth/Fourth Supervisorial District – Desert Center Area Plan.
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BACKGROUND:

Summary

The project site is within the Chuckwalla Agricultural Preserve No. 2, designated Agriculture on the Riverside County General Plan, and it is zoned Light Agricultural - 20 Acre Minimum (A-1-20). Agricultural Preserve Case No. 1027 proposes to diminish the Chuckwalla Agricultural Preserve No. 2 by 40.12 acres. In order for parcels to be removed from an Agricultural Preserve, the land owner must provide an alternative land use. The applicant proposes the alternative use of a 4.5 megawatt (MW) photovoltaic solar power plant for the 40.12 acres. Ordinance No. 509, the ordinance regulating agricultural preserves, lists which uses are allowed in an agricultural preserve. A solar power plant is not listed, therefore it is considered an alternative land use and the agricultural preserve must be diminished.

Pursuant to Government Code Section 51284.1, a copy of the complete Diminishment/Cancellation Application for Agricultural Preserve Case No. 1027 was submitted to the State Department of Conservation (SDC) on November 18, 2013.

On December 18, 2013, the Comprehensive Agricultural Preserve Technical Advisory Committee (CAPTAC) considered the application to diminish Chuckwalla Agricultural Preserve No. 2, Map No. 622. CAPTAC recommended denial of the proposed application citing that the cancellation was not consistent with the provisions of the Agricultural Land Conservation Act of 1965; however, the Planning Department does not concur with CAPTAC's conclusion and is recommending APPROVAL of the diminishment of the agricultural preserve and cancellation of the subject two land conservation contracts based upon the conditions of approval, findings, and conclusions set forth in Resolution No. 2014-050. Considering the decline of agriculture in that specific area, the physical characteristics of the site which are favorable for solar power plant development, and the state mandates for renewable energy, the Planning Department considers the solar power plant project to be a better use of the land.

Should the Board of Supervisors tentatively approve the proposed cancellation and diminishment, the applicant would be required to comply with the conditions of approval identified in Resolution No. 2014-050 prior to the issuance of a Certificate of Final Cancellation as outlined in Government Code Section 51283.4.

Conditional Use Permit No. 3693 (Indigo Ranch Solar project) is a proposal for a 4.5 megawatt (MW) photovoltaic solar power plant on two parcels of private land totaling 40.12 acres. The project proposes to deliver power through an interconnection on Southern California Edison's Desert Center, 12.47 kilovolt (kV) distribution line which transects the subject site. The project includes the installation of a 12 kV Remote Automatic Recloser (RAR), or breaker, on an existing pole of SCE's 12 kV circuit located east of the project site within the existing SCE easement, installation of two new 60 ft. overhead poles on the regulator located within an existing right-of-way along Phone Line Road, and replacement of three protection relays within SCE's Eagle Mountain Substation.

Since the solar power plant project is less than 20 megawatts, it is exempt from Board of Supervisors Policy No. B-29 regarding solar power plants.

The applicant has requested a 20 year term for the conditional use permit. Without a development agreement, Planning staff recommends a 10 year term for the conditional use permit. Given that Riverside County is one of the fastest growing counties in the state, the commitment of large areas of land to a single use for an extended period of time has serious consequences that the County must consider and evaluate carefully. A development agreement, negotiated between the County and the applicant, would ensure that the solar power plant is developed and maintained in a fiscally and environmentally responsible manner by balancing the private benefits of the project with agreed upon and documented public benefits so as make certain that the County's General Plan policies and vision are not harmed by the extended length of the permit, which could be up to a 30 year term. If the applicant does not wish to enter into a development agreement with the County, the applicant can still seek to extend the 10 year term

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of the permit as allowed under Section 18.43 (Applications for Modifications of Approved Permits) of Ordinance No. 348 as the expiration date nears.

The project is located northerly of Belsby Avenue, southerly of Investor Avenue, easterly of Melon Street, and westerly of Plantation Street. Assessor's Parcel Nos. 808-240-007 and 808-240-010.

Impact on Citizens and Businesses

Environmental Assessment No. 42580 studied the project and its impacts, as described in the attached staff report and initial study. The project will aid in the transmission of renewable energy to the power grid.

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