

FORM APPROVED COUNTY COUNSEL
 BY: GREGORY P. PRIAMOS DATE 3/24/15

Departmental Concurrence

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

516 A



FROM: TLMA – Planning Department

SUBMITTAL DATE:
March 20, 2015

SUBJECT: BLYTHE MESA SOLAR PROJECT - CHANGE OF ZONE NO. 7831, CONDITIONAL USE PERMIT NO. 3685, PUBLIC USE PERMIT NO. 913, ORDINANCE NO. 664.57, DEVELOPMENT AGREEMENT NO. 79 AND CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT NO. 529 – Applicant: Renewal Resources Group - Engineer/Representative Rupal Patel – Fourth Supervisorial District – Palo Verde Valley Area Plan - Location: Northerly and southerly of Interstate 10, westerly of Neighbors Boulevard and Arrowhead Boulevard and southerly and easterly of the Blythe Airport. [\$0]

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

- ADOPT RESOLUTION NO. 2015-057 Certifying ENVIRONMENTAL IMPACT REPORT NO. 529**, adopting environmental findings pursuant to the California Environmental Quality Act, and adopting a Mitigation Monitoring and Reporting Program; and,
- TENTATIVELY APPROVE CHANGE OF ZONE NO. 7813**, amending the zoning classification for the subject property from Natural Assets (N-A), Controlled Development Areas 10 acre minimum (W-2-10), and Controlled Development Areas 5 acre minimum (W-2-5) to Light Agriculture 10 acre minimum (continued next page)

Juan C. Perez
 TLMA Director
 SW:lr

Steve Weiss
 Steve Weiss, AICP
 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 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*
 Denise C. Harden

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.:

District: 4

Agenda Number:

16-3

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FORM 11: BLYTHE MESA SOLAR PROJECT - CHANGE OF ZONE NO. 7831, CONDITIONAL USE PERMIT NO. 3685, PUBLIC USE PERMIT NO. 913, ORDINANCE NO. 664.57, DEVELOPMENT AGREEMENT NO. 79 AND ENVIRONMENTAL IMPACT REPORT NO. 529.

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RECOMMENDED MOTION CONTINUED:

(A-1-10) in accordance with the Zoning Exhibit; based upon the findings and conclusions incorporated in the staff report pending final adoption of the Zoning Ordinance by the Board of Supervisors; and,

4. **APPROVE PUBLIC USE PERMIT NO. 913**, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report and in Resolution No. 2015-057; and,
5. **APPROVE CONDITIONAL USE PERMIT NO. 3685**, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report and in Resolution No. 2015-057; and
6. **INTRODUCE and ADOPT** on successive weeks of **ORDINANCE NO. 664.57**, an Ordinance of the County of Riverside Approving Development Agreement No. 79, based upon the findings and conclusions incorporated in the staff report and in Resolution No. 2015-057.

BACKGROUND:

Summary

Conditional Use Permit No. 3685 proposes a 485 megawatt solar photovoltaic (PV) electrical generating facility (solar power plant) consisting of a solar array field utilizing single-axis solar PV trackers and panels with a combined maximum height of eight feet. Supporting facilities on-site would include up to three electrical substations, up to two operation and maintenance buildings, inverters, transformers, and associated switchgear. An approximate 334-acre portion of the 3,660-acre Project site is located within the City of Blythe jurisdiction, the remaining 3,326 acres is within the unincorporated area under the jurisdiction of the County.

Public Use Permit No. 913 proposes to permit a new 8.4 mile long, 230 kilovolt (kV) double-circuit generation-tie transmission line that would connect the proposed Project with the approved Colorado River Substation located west of the Project site subject to Public Use Permit (3.6 miles of the generation-tie line are located within the Project site subject to the jurisdiction of the County, and 4.8 miles are located off-site within a 125-foot-wide BLM ROW between the Project site and the Colorado River Substation).

Change of zone No. 7831 proposes to rezone approximately 1,249 acres from Controlled Development Areas 5 acre minimum and 10 acre minimum (W-2-5 and W-2-10) and Natural Assets (N-A) to Light Agriculture 10 acre minimum (A-1-10).

The applicant and County Staff have negotiated a **Development Agreement (DA No. 79)** 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. 79 has a term of 30 years and will grant the applicant vesting rights to develop the Project in accordance with the terms of the agreement. DA No. 79 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. 79) and terms requiring the applicant to take actions to ensure allocation directly to the County of the sales and use taxes payable in connection with the construction of the solar power plant, to the maximum extent possible under the law, which is a public benefit for the County (Section 4.3 of DA No. 79). Additionally, given the unique location of the Project, DA No. 79 recognizes the City of Blythe as a limited third party beneficiary of DA No. 79 and requires that the applicant pay 10% of the annual public benefits directly to the City of Blythe. The remainder of the annual public benefit payments will be used by the Board of Supervisors consistent with Resolution No. 2013-158 which establishes the requirements, limitations, and procedures concerning the use of payments collected under a development agreement

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involving a solar power plant (Section 4.2.5 of DA No. 79). Finally, DA No. 79 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. 79). Per State law, a development agreement is a legislative act which must be approved by ordinance. Proposed Ordinance No. 664.57, an Ordinance of the County of Riverside Approving Development Agreement No. 79, incorporates by reference and adopts DA No. 79.

Approval and use of Conditional Use Permit No. 3685 and Public Use Permit No. 913 is conditioned upon Development Agreement No. 79 being entered into and effective.

The project is located northerly and southerly of Interstate 10, westerly of Neighbors Boulevard and Arrowhead Boulevard and southerly and easterly of the Blythe Airport.

Impact on Citizens and Businesses

The County and BLM prepared a joint Environmental Impact Report/Environmental Assessment. Environmental Impact Report No. 529 studied the overall Blythe Mesa Solar Project and its impacts, as described in the attached staff report and Resolution No. 2015-057. The project will aid in the transmission of renewable energy to the power grid.

SUPPLEMENTAL:

Additional Fiscal Information

As stated above, the applicant and County staff have reached an agreement on the provisions of Development Agreement No. 79. Under DA No. 79, the applicant will submit annual public benefit payments of \$150 per acre, increased annually by 2% from and after 2013 (currently \$156 per acre in 2015), based on the solar power plant net acre amount of 3,397.62 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. DA No. 79 contemplates five phases (Section 3.4 and Exhibit F of DA No. 79). The first phase will include a solar power plant net acreage of 938.84 acres. The second phase will include a solar power plant net acreage of 232.92 acres. The third phase will include a solar power plant net acreage of 610.08 acres. The fourth phase will include a solar power plant net acreage of 257.96 acres. The fifth phase will include a solar power plant net acreage of 1357.82 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 (DIF) payment using the Palo Verde Valley surface mining fee category of \$6,750 per acre on approximately 2,985.62 acres as set forth in Section 4.4 and Exhibit G of DA No. 79. The timing of the DIF payment will be in accordance with Ordinance No. 659 and any temporary reduction of fees approved by the board of Supervisors in place at the time of payment of the DIF shall be applicable to the project.

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