

FORM APPROVED COUNTY COUNSEL 3/11/15  
 BY: GREGORY P. PRIAMOS DATE

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

391



**FROM:** TLMA – Planning Department

**SUBMITTAL DATE:**  
 March 12, 2015

**SUBJECT:** INDIGO RANCH SOLAR PROJECT – Adoption of Ordinance No. 664.55 Repealing Ordinance No. 664.54 Regarding the Approval of Development Agreement No. 78.

**RECOMMENDED MOTION:** That the Board of Supervisors adopt Ordinance No. 664.55, An Ordinance of the County of Riverside Repealing Ordinance No. 664.54 Approving Development Agreement No. 78 involving the Indigo Ranch Solar Project.

**BACKGROUND:**

In April 2014, this Board approved the Indigo Ranch Solar Project ("Project"), a 4.5 megawatt photovoltaic solar power plant on two parcels of private land totaling 40.12 acres. The Project approvals included a Mitigated Negative Declaration for Environmental Assessment No. 42580, (ii) Resolution No. 2014-050 regarding Agricultural Preserve Case No. 1027, (iii) tentative approval of Agricultural Preserve Case No. 1027, (iv) Conditional Use Permit No. 3693 and (v) Ordinance No. 664.54 Approving Development Agreement No. 78.

(continued on page 2)

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 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*  
 Denise C. Harden  
 County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Jeffries, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and that Ordinance 664.55 is adopted with waiver of the reading.

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley  
 Nays: None  
 Absent: None  
 Date: March 24, 2015  
 xc: Planning, MC, COB

Kecia Harper-Ihem  
 Clerk of the Board  
 By: *Kecia Harper-Ihem*  
 Deputy

Prev. Agn. Ref.: 16-1 of 4/22/14; 3-20 of 4/29/14; 3-35 of 3/10/15 | District: 4 | Agenda Number:

3-34

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

Departmental Concurrence

**FORM 11: INDIGO RANCH SOLAR PROJECT – Final Adoption of Ordinance No. 664.55 Repealing Ordinance No. 664.54 Regarding the Approval of Development Agreement No. 78.**

**DATE:** March 12, 2015

**PAGE:** 2 of 2

**BACKGROUND:**

As explained in Agenda Item 3-35 of March 10, 2015, Conditional Use Permit No. 3693 and Development Agreement No. 78 each contained provisions automatically terminating all approvals related to the Project if a building permit had not been issued on or prior to September 5, 2014 for either of the parcels. Development Agreement No. 78 contained similar provisions in Section 2.7. It has been verified that a building permit was not issued on or prior to September 5, 2014 for any portion of the Project. Planning staff repeatedly made the applicant aware of the September 5, 2014 deadline. The September 5, 2014 deadline date was a date requested by the applicant, as was the rest of the language set forth in applicable conditions of approval. The applicant notified the Planning Department on September 12, 2014 that the applicant was not moving forward with the Project and acknowledged and confirmed that the approvals would be cancelled.

On March 10, 2015, this Board set aside and terminated all approvals related to the Indigo Ranch Solar Project. Since Development Agreement No. 78 was adopted by ordinance as required by state law, it is now necessary to repeal that ordinance. Today's action on the adoption of Ordinance No. 664.55 will finalize the Board's repeal of Development Agreement No. 78 which will be effective thirty days hereafter.

**Impact on Residents and Businesses**

Not Applicable.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

Staff labor and expenses to process this project have been paid directly through the applicant's deposit based fees for the Project. After the Board's action to set aside the approvals, the remaining deposit based fees will be returned to the applicant in accordance with Ordinance No. 671.

**ATTACHMENTS:**

- A. **Ordinance No. 664.55**

1 ORDINANCE NO. 664.55

2 AN ORDINANCE OF THE COUNTY OF RIVERSIDE

3 REPEALING ORDINANCE NO. 664.54

4 APPROVING DEVELOPMENT AGREEMENT NO. 78

5  
6 The Board of Supervisors of the County of Riverside ordains as follows:

7 Section 1. Ordinance No. 664.54 entitled "An Ordinance of the County of Riverside  
8 Approving Development Agreement No. 78" is repealed in its entirety in accordance with Section 2.7 of  
9 Development Agreement No. 78 and Condition of Approval 20 Planning 05 of Conditional Use Permit  
10 No. 3693.

11 Section 2. Effective Date. This ordinance shall take effect thirty (30) days after its  
12 adoption at which time Ordinance No. 664.54 is hereby repealed.

13  
14 BOARD OF SUPERVISORS OF THE COUNTY  
OF RIVERSIDE, STATE OF CALIFORNIA

15  
16 By: Marion Ashley  
Chairman

MARION ASHLEY

17 ATTEST: **KECIA HARPER-IHEM**

18 CLERK OF THE BOARD:

19 By: Kellie Bayton  
Deputy

20  
21 (SEAL)

22 APPROVED AS TO FORM  
23 March 11, 2015

24 By: Tiffany N. North  
25 TIFFANY N. NORTH  
26 Deputy County Counsel  
27  
28


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STATE OF CALIFORNIA        )  
  )  
COUNTY OF RIVERSIDE        )        SS

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on March 24, 2015, the foregoing ordinance consisting of 3 Sections was adopted by the following vote:

AYES:                   Jeffries, Tavaglione, Washington, Benoit and Ashley  
NAYS:                   None  
ABSENT:                 None

DATE:            March 24, 2015

KECIA HARPER-IHEM  
Clerk of the Board  
BY:   
Deputy

SEAL



OFFICE OF  
CLERK OF THE BOARD OF SUPERVISORS  
1st FLOOR, COUNTY ADMINISTRATIVE CENTER  
P.O. BOX 1147, 4080 LEMON STREET  
RIVERSIDE, CA 92502-1147  
PHONE: (951) 955-1060  
FAX: (951) 955-1071

KECIA HARPER-IHEM  
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR  
Assistant Clerk of the Board

March 26, 2015

THE DESERT SUN  
ATTN: LEGALS  
P.O. BOX 2734  
PALM SPRINGS, CA 92263

FAX: (760) 778-4731  
E-MAIL: [legals@thedesertsun.com](mailto:legals@thedesertsun.com)

RE: ADOPTION OF ORDINANCE NO. 664.55

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME on Wednesday, April 1, 2015.**

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, **WITH TWO CLIPPINGS OF THE PUBLICATION.**

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

*Cecilia Gil*

Board Assistant to:  
KECIA HARPER-IHEM, CLERK OF THE BOARD

**Gil, Cecilia**

---

**From:** Moeller, Charlene <CMOELLER@palmspri.gannett.com>  
**Sent:** Thursday, March 26, 2015 9:27 AM  
**To:** Gil, Cecilia  
**Subject:** RE: FOR PUBLICATION: Adoption of Ord. No. 664.55

Good Morning ☺

Ad received and will publish on date(s) requested.

**Charlene Moeller** | Customer Care Representative / Legals

The Desert Sun Media Group  
750 N. Gene Autry Trail, Palm Springs, CA 92262  
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This email and any files transmitted with it are confidential and intended for the individual to whom they are addressed. If you have received this email in error, please notify the sender and delete the message from your system

**From:** Gil, Cecilia [<mailto:CCGIL@rcbos.org>]  
**Sent:** Thursday, March 26, 2015 8:36 AM  
**To:** Email, TDS-Legals  
**Subject:** FOR PUBLICATION: Adoption of Ord. No. 664.55

Good morning! Attached is an Adoption of Ordinance, for publication on Wednesday, April 1, 2015. Please confirm. THANK YOU!

*Cecilia Gil*  
Board Assistant  
Clerk of the Board  
951-955-8464  
MS# 1010

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

**ORDINANCE NO. 664.55**

AN ORDINANCE OF THE COUNTY OF RIVERSIDE  
REPEALING ORDINANCE NO. 664.54  
APPROVING DEVELOPMENT AGREEMENT NO. 78

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. Ordinance No. 664.54 entitled "An Ordinance of the County of Riverside Approving Development Agreement No. 78" is repealed in its entirety in accordance with Section 2.7 of Development Agreement No. 78 and Condition of Approval 20 Planning 05 of Conditional Use Permit No. 3693.

Section 2. Effective Date. This ordinance shall take effect thirty (30) days after its adoption at which time Ordinance No. 664.54 is hereby repealed.

Marion Ashley, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **March 24, 2015**, the foregoing Ordinance consisting of two (2) sections was adopted by said Board by the following vote:

AYES: Jeffries, Tavaglione, Washington, Benoit and Ashley  
NAYS: None  
ABSENT: None

Kecia Harper-Ihem, Clerk of the Board  
By: Cecilia Gil, Board Assistant

FORM APPROVED COUNTY COUNSEL  
 BY: *[Signature]* 3/12/15  
 DATE

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

224



**FROM:** TLMA – Planning Department

**SUBMITTAL DATE:**  
 February 4, 2015

**SUBJECT:** INDIGO RANCH SOLAR PROJECT – Set Aside and Terminate Approvals of Agricultural Preserve Case No. 1027, Conditional Use Permit No. 3693, Development Agreement No. 78, and Mitigated Negative Declaration for Environmental Assessment No. 42580 and Introduction of Ordinance No. 664.55 Repealing Ordinance No. 664.54 Regarding the Approval of Development Agreement No. 78.

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Set aside and terminate the approvals of Agricultural Preserve Case No. 1027, Conditional Use Permit No. 3693, Development Agreement No. 78, and Mitigated Negative Declaration for Environmental Assessment No. 42580 regarding the Indigo Ranch Solar Project pursuant to the provisions of Condition of Approval 20 Planning 05 for Conditional Use Permit No. 3693 and Section 2.7 of Development Agreement No. 78 as requested by the applicant; and
2. Introduce and adopt on successive weeks Ordinance No. 664.55, an ordinance repealing Ordinance No. 664.54 Approving Development Agreement No. 78.

(continued on page 2)

*[Signature]*  
 Juan C. Perez  
 TLMA Director  
 SW:lr

*[Signature]*  
 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 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

County Executive Office Signature

BY: *[Signature]*  
 Denise C. Harden

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Benoit, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended, and that the above ordinance is approved as introduced with waiver of reading.

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley  
 Nays: None  
 Absent: None  
 Date: March 10, 2015  
 xc: Planning, COB

Kecia Harper-Ihem  
 Clerk of the Board  
 By: *[Signature]*  
 Deputy

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

Prev. Agn. Ref.: 16-1 of 4/22/14; 3-20 of 4/29/14

District: 4

Agenda Number:

3-35



**FORM 11: INDIGO RANCH SOLAR PROJECT – Set Aside and Terminate Approvals of AG Preserve Case No. 1027, CUP No. 3693, DA No. 78, and MND for EA No. 42580 and Introduction of Ordinance No. 664.55 Repealing Ordinance No. 664.54 Regarding the Approval of DA No. 78.**

**DATE: February 4, 2015**

**PAGE: 2 of 3**

**BACKGROUND:**

The Indigo Ranch Solar Project ("Project") proposed a 4.5 megawatt photovoltaic solar power plant on two parcels of private land totaling 40.12 acres. The public hearing on the Indigo Ranch Solar Project was held on April 22, 2014 as agenda item 16-1. At the conclusion of public testimony, the Board of Supervisors closed the public hearing, (i) adopted a Mitigated Negative Declaration for Environmental Assessment No. 42580, (ii) adopted Resolution No. 2014-050 regarding Agricultural Preserve Case No. 1027, (iii) tentatively approved Agricultural Preserve Case No. 1027, (iv) approved Conditional Use Permit No. 3693 subject to conditions of approval, and (v) introduced Ordinance No. 664.54 Approving Development Agreement No. 78. On April 29, 2014, the Board adopted Ordinance No. 664.54 finalizing the Board's approval of Development Agreement No. 78 (DA No. 78) for the Project.

The Project was proposed to use two (2) separate legal parcels: APN 808-240-010 (the "Jojoba Parcel") and APN 808-240-007 (the "Draskovich Parcel"). At the request of the applicant, Conditional Use Permit No. 3693 and Development Agreement No. 78 each contained provisions automatically terminating all approvals related to the Project if a building permit had not been issued on or prior to September 5, 2014 for either of the parcels. Condition of Approval 20 Planning 05, which was specifically sought by the applicant, states:

If a building permit has not been issued on or prior to September 5, 2014 which reflects that portions of the Solar Power Plant will be located on either the Draskovich Parcel or the Jojoba Parcel, then all Development Approvals (including but not limited to Conditional Use Permit No. 3693, Agricultural Preserve Case No. 1027 and Development Agreement No. 78) shall be automatically terminated and null and void as of such date with respect to both the Jojoba Parcel and the Draskovich Parcel. Applicant/Permittee (also defined as OWNER as used in Development Agreement No. 78) expressly acknowledges and expressly agrees that such termination shall be automatic and shall not require a hearing by the COUNTY or opportunity for the Applicant/Permittee to be heard by the COUNTY prior to such termination taking effect. Following any such termination of Development Approvals, Applicant/Permittee and COUNTY shall execute an appropriate instrument in recordable form evidencing such termination, and shall cause such instrument to be an amendment to Development Agreement No. 78 to be processed in accordance with COUNTY's "Procedures and Requirements for the Consideration of Development Agreements (Solar Power Plants)" set forth in COUNTY Resolution No. 2012-047.

Development Agreement No. 78 contained similar provisions in Section 2.7. It has been verified that a building permit was not issued on or prior to September 5, 2014 for any portion of the Project on either parcel described above. Planning staff repeatedly made the applicant aware of the September 5, 2014 deadline. The September 5, 2014 deadline date was a date requested by the applicant, as was the rest of the language set forth in Condition of Approval 20 Planning 05 set forth above. The applicant notified the Planning Department on September 12, 2014 that the applicant was not moving forward with the Project and acknowledged and confirmed that the approvals would be cancelled. Planning Staff has notified the applicant in writing of this agenda item.

The Board's action on this agenda item will set aside and terminate all approvals related to the Indigo Ranch Solar Project. Since Development Agreement No. 78 was adopted by ordinance as required by state law, it is now necessary to repeal that ordinance.

**Impact on Residents and Businesses**

Not Applicable.

**FORM 11: INDIGO RANCH SOLAR PROJECT – Set Aside and Terminate Approvals of AG Preserve Case No. 1027, CUP No. 3693, DA No. 78, and MND for EA No. 42580 and Introduction of Ordinance No. 664.55 Repealing Ordinance No. 664.54 Regarding the Approval of DA No. 78.**

**DATE: February 4, 2015**

**PAGE: 3 of 3**

**SUPPLEMENTAL:**

**Additional Fiscal Information**

Staff labor and expenses to process this project have been paid directly through Indigo Ranch's deposit based fees. After the Board's action to set aside the approvals, the remaining deposit based fees will be returned to the applicant in accordance with Ordinance No. 671.

**ATTACHMENTS:**

**A. Ordinance No. 664.55**

1 ORDINANCE NO. 664.55

2 AN ORDINANCE OF THE COUNTY OF RIVERSIDE

3 REPEALING ORDINANCE NO. 664.54

4 APPROVING DEVELOPMENT AGREEMENT NO. 78

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6 The Board of Supervisors of the County of Riverside ordains as follows:

7 Section 1. Ordinance No. 664.54 entitled "An Ordinance of the County of Riverside  
8 Approving Development Agreement No. 78" is repealed in its entirety in accordance with Section 2.7 of  
9 Development Agreement No. 78 and Condition of Approval 20 Planning 05 of Conditional Use Permit  
10 No. 3693.

11 Section 2. Effective Date. This ordinance shall take effect thirty (30) days after its  
12 adoption at which time Ordinance No. 664.54 is hereby repealed.

13  
14 BOARD OF SUPERVISORS OF THE COUNTY  
OF RIVERSIDE, STATE OF CALIFORNIA

15  
16 By: \_\_\_\_\_  
Chairman


17 ATTEST:

18 CLERK OF THE BOARD:

19 By: \_\_\_\_\_  
Deputy

20  
21 (SEAL)

22 APPROVED AS TO FORM  
23 February 11, 2015

24 By:   
25 TIFFANY N. NORTH  
26 Deputy County Counsel