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



MEETING DATE:

Tuesday, January 31, 2017

FROM: TLMA-PLANNING:

SUBJECT:

TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: FIRST EXTENSION OF TIME FOR PUBLIC USE PERMIT NO. 914: (Fast Track Authorization 2013-04) – Applicant: Desert Harvest, LLC – Fourth Supervisorial District – APPROVED PROJECT DESCRIPTION: Public Use Permit to construct, operate, and maintain a 220 kilovolt (kV) electrical transmission line (herein referred to as the "Gen Tie Line") in connection with its 150-megawatt solar photovoltaic solar energy-generating facility known as the "Desert Harvest Solar Project" located approximately five miles north of Desert Center. REQUEST: FIRST EXTENSION OF TIME to June 17, 2017. [Applicant Fees 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

<u>APPROVE</u> the FIRST EXTENSION OF TIME REQUEST for PUBLIC USE PERMIT NO. 914, extending the expiration date to June 17, 2017, subject to all the previously approved conditions of approval with the applicant's consent.

ACTION: Consent

Sleven News 1/20/2017

COURCE OF FUNDS. Applicant Face 1000/					Budget Adjustment: N/A	
NET COUNTY COST	\$	N/A	\$	N/A	\$ N/A	\$ N/A
COST	\$	N/A	\$	N/A	\$ N/A	\$ N/A
FINANCIAL DATA	Current Fiscal	Year:	Next Fiscal	Year:	Total Cost:	Ongoing Cost

C.E.O. RECOMMENDATION: Approve

SOURCE OF FUNDS: Applicant Fees 100%

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Jeffries and duly carried, IT WAS ORDERED that the above matter of approval is received and filed as recommended.

Ayes:

Jeffries, Washington and Ashley

Nays:

None

Absent: Date:

Tavaglione

XC:

January 31, 2017 Planning, Applicant

icant

Kecia Harper-Ihem Clerk of the Board.

For Fiscal Year:

N/A

Deputy Deputy

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

BACKGROUND:

Summary

The original Public Use Permit No. 914 (PUP 914) was adopted by the Board of Supervisors on June 17, 2014 (Item 16-1) based on the adopted Franchise Agreement entered into with the applicant as set forth in Ordinance No. 922, the findings/conclusions in the final staff report, and the final conditions of approval in PUP 914.

The Extension of Time (EOT) was filed on March 17, 2016 prior to the expiration date. The EOT was transmitted to the affected departments in May 2016. Staff discussed with the applicant and coordinated with the affected county departments, and no condition changes were recommended. Therefore, staff recommends approval of the EOT to June 17, 2017.

Impact on Residents and Businesses

The impact on the local citizens and businesses has been slightly increased with the 220 kV line Gen Tie Line to be located within portions of Kaiser Road right-of-way within the County's jurisdiction. However, the project's impacts, including environmental impacts were previously evaluated and addressed in the Final Environmental Impact Statement and conditions of approval for the Public Use Permit that were vetted during the public hearing process in June 2014

ATTACHMENTS:

- A. PUP 914 CONDITIONS OF APPROVAL
- B. <u>PUP 914 EOT STAFF REPORT</u>
- C. PUP 914 EXHIBIT SHEET 1
- D. PUP 914 EXHIBIT SHEET 2

Riverside County LMS CONDITIONS OF APPROVAL

Page: 1

PUBLIC USE PERMIT Case #: PUP00914

Parcel: 807-171-005

10. GENERAL CONDITIONS

EVERY DEPARTMENT

10. EVERY. 1

USE - PROJECT DESCRIPTION

INEFFECT

The use hereby permitted is to construct, operate, and maintain a 220 kilovolt (kV) electrical transmission line (herein referred to as the "Gen-Tie Line") in connection with its 150-megawatt solar photovoltaic solar energygenerating facility known as the "Desert Harvest Solar Project" located approximately five miles north of Desert Center. The Gen-Tie Line will connect the electrical output of Solar Project to Southern California Edison's Red Bluff Substation. The Gen-Tie Line is proposed to exit the northwest portion of the solar farm site, run south along the west side of Kaiser Road, turn east just north of Desert Center, and then run south across Interstate 10 to the proposed substation. The majority of the Gen-Tie Line is proposed to run under, along, across or upon the County of Riverside's Kaiser Road rights-of-way (a total distance of approximately 5.8 miles). Public Use Permit No. 914 (herein referred to as the "PUP") directly affects two (2) portions of Kaiser Road rights-of-way and consists of Alternative B and Alternative C. Alternative B would be shared transmission poles with "Desert Sunlight Solar Project" (PUP00909) and Alternative C would be additional transmission poles. The two (2) PUP portions and both alternatives would consist of approximately eight (8) transmission poles crossing a total distance of approximately 1.1 miles crossing land under the jurisdiction of the County of Riverside, which requires the Applicant to obtain a Public Use Permit pursuant to Riverside County Ordinance (RCO) No. 348, Section 18.29. The two (2) PUP portions are adjacent to APN's 807-171-005 and 808-161-001 and comprise a total area of approximately 22 acres under County jurisdiction.

10. EVERY. 2

USE - HOLD HARMLESS

INEFFECT

The applicant/permittee or any successor-in-interest shall defend, indemnify, and hold harmless the County of Riverside or its agents, officers, and employees (COUNTY) from the following:

(a) any claim, action, or proceeding against the COUNTY to attack, set aside, void, or annul an approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning the PUBLIC USE PERMIT; and,

PUBLIC USE PERMIT Case #: PUP00914

Parcel: 807-171-005

10. GENERAL CONDITIONS

10. EVERY. 2 USE - HOLD HARMLESS (cont.)

INEFFECT

(b) any claim, action or proceeding against the COUNTY to attack, set aside, void or annul any other decision made by the COUNTY concerning the PUBLIC USE PERMIT, including, but not limited to, decisions made in response to California Public Records Act requests.

The COUNTY shall promptly notify the applicant/permittee of any such claim, action, or proceeding and shall cooperate fully in the defense. If the COUNTY fails to promptly notify the applicant/permittee of any such claim, action, or proceeding or fails to cooperate fully in the defense, the applicant/permittee shall not, thereafter, be responsible to defend, indemnify or hold harmless the COUNTY.

The obligations imposed by this condition include, but are not limited to, the following: the applicant/permittee shall pay all legal services expenses the COUNTY incurs in connection with any such claim, action or proceeding, whether it incurs such expenses directly, whether it is ordered by a court to pay such expenses, or whether it incurs such expenses by providing legal services through its Office of County Counsel.

10. EVERY. 3

USE - DEFINITIONS (1)

INEFFECT

The words identified in the following list that appear in all capitals in the attached conditions of Public Use Permit No. 914 shall be henceforth defined as follows:

APPROVED EXHIBIT A = Public Use Permit No. 914, Exhibit A (Sheets 1-2), Amended No. 1, dated January 9, 2013.

10. EVERY. 5

USE - DEFINITIONS (2)

INEFFECT

The words or any combination thereof identified in the following list that appear in the attached conditions of Public Use Permit No. 914 shall be considered to be equivalent and are identified as follows:

Applicant/Permittee, Permit Holder/Permittee, Applicant, Permit Holder, Permit Holder's, and Developer.

Riverside County LMS CONDITIONS OF APPROVAL

Page: 3

PUBLIC USE PERMIT Case #: PUP00914

Parcel: 807-171-005

10. GENERAL CONDITIONS

10. EVERY. 6

USE - BOS B-29 POLICY

INEFFECT

In order to secure public health, safety, and welfare, this project, including the Public Use Permit, franchise agreement, and the encroachment permit shall be subject to the requirements of Board of Supervisors Policy Number B-29.

BS GRADE DEPARTMENT

10.BS GRADE. 1

USE - GENERAL INTRODUCTION

INEFFECT

Public Use Permit No. 914 proposes to construct a 220KV Gen-Tie line within BLM jurisdiction and within the County of Riverside right of way. No grading is proposed outside of the road right of way, therefore the Grading Division has no objection to this proposal.

BS PLNCK DEPARTMENT

10.BS PLNCK. 1

USE - BUILD & SAFETY PLNCK

INEFFECT

All installation and construction shall conform to California Electrical Code (CEC) and California Public Utilties Commission standards.

Where portions of the installation and construction encroach into Riverside County Jurisdictional areas, the applicant shall contact the Riverside County Building Department for permit issuance requirements.

E HEALTH DEPARTMENT

10.E HEALTH. 1

PUP#914-UNMANNED FACILITY

INEFFECT

Public Use Permit#914 is proposing to construct an unmanned solar generation facility without plumbing. Therefore, a proposal to connect to an onsite wastewater treatment system, advanced treatment unit, or sanitary sewer system is not required at this time. However, the Department of Environmental Health reserves the right to regulate in accordance with County Ordinances should further information indicate the requirements.

10.E HEALTH. 1

USE - HAZMAT CONTACT

INEFFECT

Contact a Hazardous Materials Specialist, Hazardous Materials Management Division, at (951) 358-5055 for any additional requirements.

Riverside County LMS CONDITIONS OF APPROVAL

Page: 4

PUBLIC USE PERMIT Case #: PUP00914

Parcel: 807-171-005

10. GENERAL CONDITIONS

EPD DEPARTMENT

10.EPD. 1

- HMMP REPORT

INEFFECT

Prior to issuance of any grading permit, encroachment permit, or any site disturbance a Habitat Mitigation Monitoring Plan (HMMP) shall be prepared in accordance with the biological mitigation measures outlined in the approved EIR. This HMMP shall be prepared by a qualified biologist currently holding an MOU with the County of Riverside and shall be submitted to the Environmental Programs Division of the Planning Department for review and approval. The report shall clearly describe how the project will implement pre-construction surveys for burrowing owls, desert tortoise, kit fox, nesting birds, and any and all Best Management Practices, including the placement of desert tortoise exclusionary fencing and other avoidance and minimization measures to be implemented in order to limit the potential impacts to sensitive natural resources. The report shall also clearly identify the pre-construction survey schedule, biological monitoring schedule and identify the qualified professional biologist conducting the work. If you have any questions about the content or requirements of the HMMP please contact the Environmental Programs Division at 951-955-6892.

FLOOD RI DEPARTMENT

10.FLOOD RI. 2

USE FLOOD HAZARD RPT 3/13/13

INEFFECT

Public Use Permit No. 914 is a proposal for a portion of a twelve mile 220KV Gen-Tie Line from the Desert Harvest 150KW solar generation facility. A portion of the transmission line facility is located with BLM jurisdiction and therefore not part of this review. This review is limited to the two parcels of land in which the transmission lines cross over and is under the jurisdiction of the County of Riverside. The site is located in the Desert Center area, north of Interstate 10 and west of Desert Center Rice Road.

The entire site lies within the State Department of Water Resources (DWR) awareness floodplain and is adopted into the Country's Floodplain Management Ordinance 458. The area lies within the Chuckawalla Valley and is subject to severe alluvial type flooding with sediment deposition and scouring.

Riverside County LMS CONDITIONS OF APPROVAL

Page: 5

PUBLIC USE PERMIT Case #: PUP00914

Parcel: 807-171-005

10. GENERAL CONDITIONS

10.FLOOD RI. 2

USE FLOOD HAZARD RPT 3/13/13 (cont.)

INEFFECT

Since the proposal is to construct transmission lines with a disturbance area of approximately 30 square foot per tower, no increased runoff and/or impact to drainage pattern is anticipated. Minimal grading is anticipated. The District has no objections with the project as shown on the exhibit.

PLANNING DEPARTMENT

10 PLANNING. 1

USE - PALEO PRIMP & MONITOR

INEFFECT

This site is mapped in the County's General Plan as having a High potential for paleontological resources. In addition, the EIS prepared for this project concluded a potential for impact to significant paleontologic resources. Thus, the proposed project site grading/earthmoving activities could potentially impact this resource. HENCE:

PRIOR TO ISSUANCE OF GRADING PERMITS OR ANY SITE DISTURBANCE, CONSISTENT WITH THE MITIGATION MONITORING REQUIREMENTS PRESCRIBED IN THE PROJECT EIS (MM-PAL-1 THROUGH MM-PAL-7):

- 1. The applicant shall retain a qualified paleontologist approved by the County of Riverside to create and implement a project-specific plan for monitoring site grading/earthmoving activities (project paleontologist).
- 2. The project paleontologist retained shall review the approved development plan and grading plan and shall conduct any pre-construction work necessary to render appropriate monitoring and mitigation requirements as appropriate. These requirements shall be documented by the project paleontologist in a Paleontological Resource Impact Mitigation Program (PRIMP). This PRIMP shall be submitted to the County Geologist for review and approval prior to issuance of a Grading Permit.

Information to be contained in the PRIMP, at a minimum and in addition to other industry standard and Society of Vertebrate Paleontology standards, are as follows:

1.Description of the proposed site and planned grading operations.

PUBLIC USE PERMIT Case #: PUP00914

Parcel: 807-171-005

10. GENERAL CONDITIONS

10.PLANNING. 1

USE - PALEO PRIMP & MONITOR (cont.)

INEFFECT

- 2.Description of the level of monitoring required for all earth-moving activities in the project area.
- 3. Identification and qualifications of the qualified paleontological monitor to be employed for grading operations monitoring.
- 4. Identification of personnel with authority and responsibility to temporarily halt or divert grading equipment to allow for recovery of large specimens.
- 5.Direction for any fossil discoveries to be immediately reported to the property owner who in turn will immediately notify the County Geologist of the discovery.
- 6. Means and methods to be employed by the paleontological monitor to quickly salvage fossils as they are unearthed to avoid construction delays.
- 7. Sampling of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates.
- 8. Procedures and protocol for collecting and processing of samples and specimens.
- 9. Fossil identification and curation procedures to be employed.
- 10. Identification of the permanent repository to receive any recovered fossil material. * Per the County of Riverside "SABER Policy", paleontological fossils found in the County of Riverside should, by preference, be directed to the Western Science Center in the City of Hemet. A written agreement between the property owner/developer and the repository must be in place prior to site grading.
- 11.All pertinent exhibits, maps and references.
- 12. Procedures for reporting of findings.
- 13. Identification and acknowledgement of the developer for the content of the PRIMP as well as acceptance of financial responsibility for monitoring, reporting and curation fees. The property owner and/or applicant on whose land the paleontological fossils are discovered shall provide appropriate funding for monitoring, reporting, delivery and

PUBLIC USE PERMIT Case #: PUP00914

Parcel: 807-171-005

10. GENERAL CONDITIONS

10.PLANNING. 1 USE - PALEO PRIMP & MONITOR (cont.) (cont.) INEFFECT

curating the fossils at the institution where the fossils will be placed, and will provide confirmation to the County that such funding has been paid to the institution.

All reports shall be signed by the project paleontologist and all other professionals responsible for the report's content (eg. Professional Geologist), as appropriate. Two wet-signed original copies of the report(s) shall be submitted to the office of the County Geologist along with a copy of this condition and the grading plan for appropriate case processing and tracking. These documents should not be submitted to the project Planner, the Plan Check staff, the Land Use Counter or any other County office. In addition, the applicant shall submit proof of hiring (i.e. copy of executed contract, retainer agreement, etc.) a project paleontologist for the in-grading implementation of the PRIMP.

Safeguard Artifacts Being Excavated in Riverside County (SABER)

USE - PALEO MONITORING REPORT

PRIOR TO GRADING FINAL:

10.PLANNING. 1

INEFFECT

The applicant shall submit to the County Geologist one wet-signed copy of the Paleontological Monitoring Report prepared for site grading operations at this site. The report shall be certified by the professionally-qualified Paleontologist responsible for the content of the report. This Paleontologist must be on the County's Paleontology Consultant List. The report shall contain a report of findings made during all site grading activities and an appended itemized list of fossil specimens recovered during grading (if any) and proof of accession of fossil materials into the pre-approved museum repository. In addition, all appropriate fossil location information shall be submitted to the Western Center, the San Bernardino County Museum and Los Angeles County Museum of Natural History, at a minimum, for incorporation into their Regional Locality Inventories.

10, PLANNING. 3 USE - COMPLY WITH ORD./CODES

INEFFECT

The development of these premises shall comply with the standards of Ordinance No. 348 and all other applicable Riverside County ordinances and State and Federal codes,

Riverside County LMS CONDITIONS OF APPROVAL

Page: 8

PUBLIC USE PERMIT Case #: PUP00914

Parcel: 807-171-005

10. GENERAL CONDITIONS

10.PLANNING. 3 USE - COMPLY WITH ORD./CODES (cont.)

INEFFECT

The development of the premises shall conform substantially with that as shown on APPROVED EXHIBIT A, unless otherwise amended by these conditions of approval.

10.PLANNING. 4

USE - BUSINESS LICENSING

INEFFECT

Every person conducting a business within the unincorporated area of Riverside County, as defined in Riverside County Ordinance No. 857, shall obtain a business license. For more information regarding business registration, contact the Business Registration and License Program Office of the Building and Safety Department at www.rctlma.org.buslic.

10.PLANNING. 5

USE - PREVENT DUST & BLOWSAND

INEFFECT

Graded but undeveloped land shall be maintained in a condition so as to prevent a dust and/or blowsand nuisance and be provided with wind and water erosion control measures as approved by the Transportation Department and State air quality management authorities.

10.PLANNING. 6

USE - 90 DAYS TO PROTEST

INEFFECT

The project applicant has 90 days from the date of approval of these conditions to protest, in accordance with the procedures set forth in Government Code Section 66020, The imposition of any and all fees, dedications, reservations and/or other exactions imposed on this project as a result of this approval or conditional approval of the project.

10.PLANNING. 7

USE - CAUSES FOR REVOCATION .

INEFFECT

- In the event the use hereby permitted under this permit, a) is found to be in violation of the terms and conditions of this permit,
- b) is found to have been obtained by fraud or perjured testimony, or
- c) is found to be detrimental to the public health, safety or general welfare, or is a public nuisance, this permit shall be subject to the revocation procedures.

10 PLANNING. 8

USE - ORD 847-NOISE-POWERTOOLS

INEFFECT

In accordance with Section 6. b. of Ordinance No. 847, no person shall operate any power tools or equipment between

Riverside County LMS CONDITIONS OF APPROVAL

Page: 9

PUBLIC USE PERMIT Case #: PUP00914

Parcel: 807-171-005

10. GENERAL CONDITIONS

10.PLANNING. 8 USE

USE - ORD 847-NOISE-POWERTOOLS (cont.)

INEFFECT

the hours of 10:00 P.M. and 6:00 A.M. such that the power tools or equipment are audible to the human ear inside an inhabited dwelling other than the dwelling in which the power tools or equipment may be located. Additionally, no person shall operate any power tools or equipment at any other time (8:00 A.M. to 10:00 P.M.) such that the power tools or equipment are audible to the human ear inside an inhabitated dwelling located at a distance greater than one hundred (100) feet from the power tools or equipment.

10.PLANNING. 9

REN ENG - UTILITY COORDINATION

INEFFECT

The developer/permit holder shall ensure all distribution lines, electrical substations and other interconnection facilities are constructed to the specifications of the utility purveyor and/or building codes. Interconnection shall conform to the procedures and standards established by the Public Utilities Commission and all applicable laws.

10 PLANNING. 10

REN ENG - FUTURE INTERFERENCE

INEFFECT

If the operation of this facility generates electronic interference with or otherwise impairs the operation of any communication facilities, the developer/permit holder shall take immediate action and consult with County Information Technology staff to develop and implement measures acceptable to the Department of Information Technology.

10.PLANNING. 14

REN ENG - NO FINAL NO CONNECT

INEFFECT

The developer/permit holder shall ensure that the Department of Building and safety has completed their final inspection prior to connection to the utility purveyor.

10.PLANNING. 15

USE - SITE MAINTENANCE

INEFFECT

The project site shall be kept in good repair. Graffiti shall be removed from any structures within one week of observation and/or notification.

10.PLANNING. 16

USE - CONFORM TO ELEVATIONS

INEFFECT

Elevations of all structures shall be in substantial conformance with the elevations shown on the APPROVED EXHIBIT A.

Riverside County LMS CONDITIONS OF APPROVAL

Page: 10

PUBLIC USE PERMIT Case #: PUP00914

Parcel: 807-171-005

10. GENERAL CONDITIONS

10.PLANNING. 17 USE - FEES FOR REVIEW

INEFFECT

Any subsequent submittals required by these conditions of approval, including but not limited to grading plan, building plan or mitigation monitoring review, shall be reviewed on an hourly basis (research fee), or other such review fee as may be in effect at the time of submittal, as required by Ordinance No. 671. Each submittal shall be accompanied with a letter clearly indicating which condition or conditions the submittal is intended to comply with.

10.PLANNING. 18

USE - CEASED OPERATIONS

INEFFECT

In the event the use hereby permitted ceases operation for a period of one (1) year or more, this approval shall become null and void.

10.PLANNING. 19

USE - CLOSURE CLEAN UP

INEFFECT

Upon surrender, abandonment, termination, or forfeiture, as set forth in the franchise agreement adopted via ordinance, the applicant/permittee shall, upon written request of the County and at its own expense, remove its Gen Tie Line and all ancilliary equipment from County roadways and rights of way, properly and lawfully dispose of all such materials and ancilliary equipment, and restore the areas subject to the PUP to their original condition.

10.PLANNING. 20

USE - B-29 SOLAR POLICY

INEFFECT

In order to secure public health, safety and welfare, this project PUP00914 shall be subject to the requirements of Board of Supervisors Policy Number B-29 as well as the requirements of any applicable Ordinance, State and Federal Law.

10.PLANNING, 21

USE - PALEONTOLOGIST'S COMMENT

INEFFECT

PUP00914

Under the Applicant's proposed solar facility, the direct and indirect impacts of project construction, operation, and decommissioning to paleontological resources as described in Section 4.7.5 of the EIS, would be significant under criteria PAL-1 (destruction of unique resources), PAL-2 (destruction of a unique feature), and PAL-3 (loss of scientific information.

Riverside County LMS CONDITIONS OF APPROVAL

Page: 11

PUBLIC USE PERMIT Case #: PUP00914

Parcel: 807-171-005

10. GENERAL CONDITIONS

10.PLANNING. 21 USE - PALEONTOLOGIST'S COMMENT (cont.)

INEFFECT

With implementation of Mitigation Measures MM PAL-1 through MM PAL-7, these impacts to paleontological resources would be mitigated to less than significant levels under CEQA by: retaining a paleontologist, preparing a paleontological resource management plan, pre-construction monitoring of geotechnical testing, development of a worker environmental awareness program, construction monitoring, recovery and testing of resources, submission of monthly progress reports, sample analysis, preparation of a final report, and the curation of collections and documents.

Under CEQA, there would be no unavoidable significant impacts to these resources.

The paleontological resource impact analysis performed in the EIS adequately addresses the potential impacts to this resource and the mitigation measures proposed are also adequate.

It should be noted, per the County's SABER (Safeguard Artifacts Being Excavated in Riverside County) Policy, paleontological fossils found in the County of Riverside should, by preference, be directed to the Western Science Center in the City of Hemet.

10 PLANNING. 23

USE-CULT RESOURCE MONITOR REO

INEFFECT

PRIOR TO ANY GROUND DISTURBANCES- CULTURAL RESOURCES MONITORING REQUIRED:

As a result of information contained in archaeological reports from Applied Earthworks, Chambers Group, and ECORP, the project area is sensitive for both historic and prehistoric cultural resources. Although no archaeological sites were discovered within County jurisdiction parcels APN 807171005 or APN 808161001, one historic-period isolate (P-33-01848, can) was recorded in the -005 parcel. Prior to any ground disturbances, the applicant shall enter into a monitoring and mitigation service contract with a professionally qualified County certified archaeologist for services. This archaeologist shall be known as the "Project Archaeologist" and shall be included in any pre-construction meetings to provide cultural/historical sensitivity training, including the establishment of a set of guidelines for ground disturbances in sensitive areas with construction contractors and any required tribal or

PUBLIC USE PERMIT Case #: PUP00914

Parcel: 807-171-005

10. GENERAL CONDITIONS

10.PLANNING. 23

USE-CULT RESOURCE MONITOR REQ (cont.)

INEFFECT

special interest monitors. The Project Archaeologist shall manage and oversee monitoring for all ground disturbing activities (including, but not limited to, clearing, grubbing, boring, grading, trenching, stockpiling/staging of equipment/vehicles/materials, rock crushing, structure demolition, etc.) for each area of construction and associated areas. The Project Archaeologist shall have the authority to temporarily divert, redirect, or halt construction activities to allow for the identification, evaluation, and potential recovery/appropriate treatment of cultural resources that may become exposed in coordination with any required tribal or special interest monitors, and the construction superintendant.

The applicant shall submit a full executed copy of the contract for archaeological monitoring and mitigation services to the County Archaeologist to ensure compliance with this condition of approval. Upon verification, the Planning Department shall clear this condition.

Note: The project Archaeologist is responsible for implementing CEQA-based mitigation using standard professional practices for cultural resources archaeology.

The project Archaeologist shall coordinate with the County, applicant/developer and any required tribal or other special interest group monitor throughout the process as appropriate.

The Project Archaeologist's contract shall not modify any approved conditions of approval or mitigation measures. This condition shall not modify any approved condition of approval or mitigation measure.

10.PLANNING. 24

USE-INADVERTENT ARCHAEO FINDS

INEFFECT

The developer/permit holder or any successor in interest shall comply with the following for the life of this permit:

If during ground disturbance activities, cultural resources* are discovered that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to project approval, the following procedures shall be followed:

PUBLIC USE PERMIT Case ## PUP00914

Parcel: 807-171-005

10. GENERAL CONDITIONS

10.PLANNING. 24

USE-INADVERTENT ARCHAEO FINDS (cont.)

INEFFECT

- 1. All ground disturbance activities within 100 feet of the discovered cultural resource shall be halted until a meeting is convened between the developer, the project archaeologist**, and the County Archaeologist to discuss the significance of the find.
- 2. The developer shall call the County Archaeologist immediately upon discovery of the cultural resource to convene the meeting.
- 3. At the meeting, the significance of the discoveries shall be discussed and a decision is to be made, with the concurrence of the County Archaeologist, as to the appropriate mitigation (documentation, recovery, avoidance, etc) for the cultural resource.
- 4. Further ground disturbance shall not resume within the area of the discovery until a meeting has been convened with the aforementioned parties and a decision is made, with the concurrence of the County Archaeologist, as to the appropriate mitigation measures.
- * A cultural resources site is defined, for this condition, as being three or more artifacts in close association with each other, but may include fewer artifacts if the area of the find is determined to be of significance due to it sacred or cultural importance.
- ** If not already employed by the project developer, a County approved archaeologist shall be employed by the project developer to assess the value/importance of the cultural resource, attend the meeting described above, and continue monitoring of all future site grading activities as necessary.

10 PLANNING. 25

USE-IF HUMAN REMAINS FOUND

INEFFECT

The developer/permit holder or any successor in interest shall comply with the following codes for the life of this project:

Pursuant to State Health and Safety Code Section 7050.5, if human remains are encountered, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Further, pursuant to Public Resources Code Section 5097.98 (b), remains shall be left

Riverside County LMS CONDITIONS OF APPROVAL

Page: 14

PUBLIC USE PERMIT Case #: PUP00914

Parcel: 807-171-005

10. GENERAL CONDITIONS

10.PLANNING. 25

USE-IF HUMAN REMAINS FOUND (cont.)

INEFFECT

in place and free from disturbance until a final decision as to the treatment and their disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within the period specified by law. Subsequently, the Native American heritage Commission shall identify the "Most Likely Descendant". The Most Likely Descendant shall then make recommendations and meet with the property owner and the County Archaeologist concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. Human remains from other ethnic/cultural groups with recognized historical associations to the project area shall also be subject to a meeting between appropriate representatives from that group and the County Archaeologist.

TRANS DEPARTMENT

10.TRANS. 1

USE-ENCROACHMNT/FRANCHISE AGR

INEFFECT

If for any reason the applicant or the project requires to use the public road right-of-way, it is the responsibility of the applicant or the developer to contact County Transportation Department for any encroachment permits.

Prior to the issuance of encroachment permit the applicant and/or developer shall contact County Counsel and also County Purchasing Department, to file the Franchise Agreement and get it approved by the Board of Supervisors. If for any reason Franchise Agreements do not get approved by the Board of Supervisors an encroachment permit cannot be issued. If Franchise Agreement is not approved by the Board of Supervisors, no construction or use can be commenced under this PUP.

10, TRANS. 2

USE - ENVIRONMENTAL CLEARANCES

INEFFECT

It shall be the responsibility of the permit holder to comply with the applicable Federal, State and County environmental laws, and receive any necessary environmental clearance and/or permits required for construction of the Gen-Tie Line prior to commencing any work as authorized by the encroachment permit. If the permittee fails to comply with the required environmental laws, the encroachment permit shall be subject to the County's revocation procedures.

PUBLIC USE PERMIT Case #: PUP00914

Parcel: 807-171-005

10. GENERAL CONDITIONS

10.TRANS. 3

USE - B-29 SOLAR POLICY

INEFFECT

In order to secure public health, safety and welfare, this project PUP00914 shall be subject to the requirements of Board of Supervisors Policy Number B-29 as well as the requirements of any applicable Ordinance, State and Federal Law.

Prior to the issuance of the encroachment permit for the Gen-Tie Line, a franchise agreement needs to be adopted by the Board of Supervisors via ordinance and a written acceptance thereof needs to be filed by the applicant/permittee with the Clerk of the Board. franchise agreement shall contain provisions consistent with the requirements contained in Board of Supervisors Policy Number B-29. The adoption of an ordinance (franchise agreement) by the Board of Supervisors is a discretionary act and cannot be guaranteed, pre-committed or constrained. The County cannot guarantee the ultimate outcome of any public hearings before the Board of Supervisors on the franchise agreement. If for any reason, the ordinance regarding the franchise agreement is not adopted by the Board of Supervisors, an encroachment permit will not be issued for the Gen-Tie Line. If an encroachment permit cannot be issued because the ordinance regarding the franchise agreement is not adopted by the Board of Supervisors, no construction or use can be commenced under this PUP.

10. TRANS. 4

USE - ENCROACHMNT PERMIT/FINAL

INEFFECT

It is the responsibility of the applicant and/or developer to contact Riverside County Transportation Department to obtain an encroachment permit, per Ordinance No. 499, to place the Gen-tie lines and power poles within County road right-of-way, prior to installing and or disturbing any road right-of-way. The exact location of the power poles within the Kaiser Road rights-of-way shall be determined by the County during the encroachment permitting stage.

A security deposit (an irrevocable standby letter of credit in the amount of \$2.5 million in favor of the County issued by a financial institution acceptable to the County and in a form acceptable to the County) will be required by Transportation Department to ensure performance of the conditions of the public use permit and the encroachment permit and the replacement or restoration of the highway to the extent it is damaged by project construction

Riverside County LMS CONDITIONS OF APPROVAL

Page: 16

PUBLIC USE PERMIT Case #: PUP00914

Parcel: 807-171-005

10. GENERAL CONDITIONS

10.TRANS. 4

USE - ENCROACHMNT PERMIT/FINAL (cont.)

INEFFECT

activities, including, as necessary, pavement surfaces, ground surfaces, and subsurfaces within highway rights-of-way, and survey monuments or other improvements that may have been disturbed. Also, the above mentioned deposit will ensure any reports or documentations due by the applicant and/or developer to any department of Riverside County be performed and completed, and that the final reports be submitted to each individual department. The security deposit will not be released until the applicant or developer provides a letter of completion from each department stating that they are satisfied with the project, and that they recommend the project to be finaled.

20. PRIOR TO A CERTAIN DATE

PLANNING DEPARTMENT

20.PLANNING. 4

USE-ARCHAEO MONITORING REPORT

INEFFECT

Prior to final inspection of the encroachment permit, the developer/permit holder shall prompt the Project Archaeologist to submit one (1) wet-signed hard copy (paper) of the Phase IV Cultural Resources Archaeological Monitoring report that complies with the Riverside County Planning Department's requirements for such reports. The report shall include evidence of the required cultural/historical sensitivity training for the construction staff held during the ore-grade meeting. The Planning Department shall review the report to determine adequate mitigation compliance reporting. Provided the report is adequate, the Planning Department shall clear this condition and request the consultant to submit a final wet-signed hard copy (paper) of the report in addition to one (1) CD.

20, PLANNING. 5

USE - MITIGATION MONITORING

INEFFECT

Prior to issuance of the encroachment permit for the Gen-Tie Line, the applicant/permittee shall prepare and submit a written Mitigation Monitoring and Reporting Program (MMRP) as defined by CEQA Guidelines Section 15097 to the Riverside County Planning Director. The mitigation measures set forth in the MMRP that are not otherwise included in these Conditions of Approval are hereby incorporated into these conditions of Approval and shall be

PUBLIC USE PERMIT Case # PUP00914

Parcel: 807-171-005

20. PRIOR TO A CERTAIN DATE

20.PLANNING. 5

USE - MITIGATION MONITORING (cont.)

INEFFECT

enforced by the agency or agencies listed in the MMRP. These Conditions of Approval establish, including the MMRP, establish the timing of compliance with all conditions of approval and all mitigation measures applicable to this permit. The County shall enforce compliance with these Conditions of Approval as otherwise permitted by law pursuant to Condition 10. Planning. 7 and as required by the procedures set forth in County Ordinance No. 348.

20.PLANNING. 6

USE - EXPIRATION DATE-CUP/PUP

INEFFECT

This approval shall be used within two (2) years of the approval date; otherwise, it shall become null and void and of no effect whatsoever. By use is meant the beginning of substantial construction contemplated by this approval within two (2) year period which is thereafter diligently pursued to completion or to the actual occupancy of existing buildings or land under the terms of the authorized use. Prior to the expiration of the two year period, the permittee may request a one (1) year extension of time in which to begin substantial construction or use of this permit. Should the one year extension be obtained and no substantial construction or use of this permit be initiated within three (3) years of the approval date this permit, shall become null and void. The obligation to use this permit shall be extended, day for day, for each day that any stay or injunction imposed by a court of competent jurisdiction delays the issuance of all final permits for, or construction of, the projects gen-tie line. Should the one-year extension be obtained and no substantial construction or use of this permit be initiated within three (3) years after the approval date of this permit, or the conclusion of the timeframe for extension due to any stay or injunction imposed by a court of competent jurisdiction, whichever date is later, this permit shall become null and void.

20.PLANNING. 7

USE - LIFE OF THE PERMIT

INEFFECT

The life of Public Use Permit No. 914 shall terminate on July 1, 2044. This permit shall thereafter be null and void and of no effect whatsoever.

Riverside County LMS CONDITIONS OF APPROVAL

Page: 18

Parcel: 807-171-005

PUBLIC USE PERMIT Case #: PUP00914

20. PRIOR TO A CERTAIN DATE

PPA - REMOVE TEMPORARY USE

INEFFECT

Prior to final inspection approval of the last utility pole, all temporary storage uses and construction trash shall be removed from the Project property and the temporary storage areas treated to prevent dust and blowsand.

20.PLANNING. 8

20. PLANNING. 9 USE-CULT RESOURSE MONITOR REQ

INEFFECT

PRIOR TO ANY ENCROACHMENT PERMIT OR ANY OTHER PERMIT THAT WOULD ALLOW GROUND DISTURBANCE - CULTURAL RESOURCES MONITORING REQUIRED:

As a result of information contained in archaeological reports from Applied Earthworks, Chambers Group, and ECORP, the project area is sensitive for both historic and prehistoric cultural resources. Although no archaeological sites were discovered within County jurisdiction parcels APN 807171005 or APN 808161001, one historic-period isolate (P-33-01848, can) was recorded in the -005 parcel. Prior to any ground disturbances, the applicant shall enter into a monitoring and mitigation service contract with a professionally qualified County certified archaeologist for services. This archaeologist shall be known as the "Project Archaeologist" and shall be included in any pre-construction meetings to provide cultural/historical sensitivity training, including the establishment of a set of guidelines for ground disturbances in sensitive areas with construction contractors and any required tribal or special interest monitors. The Project Archaeologist shall manage and oversee monitoring for all ground disturbing activities (including, but not limited to, clearing, grubbing, boring, grading, trenching, stockpiling/staging of equipment/vehicles/materials, rock crushing, structure demolition, etc.) for each area of construction and associated areas. The Project Archaeologist shall have the authority to temporarily divert, redirect, or halt construction activities to allow for the identification, evaluation, and potential recovery/appropriate treatment of cultural resources that may become exposed in coordination with any required tribal or special interest monitors, and the construction superintendant.

The applicant shall submit a full executed copy of the contract for archaeological monitoring and mitigation services to the County Archaeologist to ensure compliance with this condition of approval. Upon verification, the

Riverside County LMS CONDITIONS OF APPROVAL

Page: 19

PUBLIC USE PERMIT Case ## PUP00914

Parcel: 807-171-005.

20. PRIOR TO A CERTAIN DATE

20.PLANNING. 9

USE-CULT RESOURSE MONITOR REQ (cont.)

INEFFECT

Planning Department shall clear this condition.

Note: The project Archaeologist is responsible for implementing CEQA-based mitigation using standard professional practices for cultural resources archaeology. The project Archaeologist shall coordinate with the County, applicant/developer and any required tribal or other special interest group monitor throughout the process as appropriate.

The Project Archaeologist's contract shall not modify any approved conditions of approval or mitigation measures.

This condition shall not modify any approved condition of approval or mitigation measure.

TRANS DEPARTMENT

20.TRANS. 1

USE - ENVIRONMENTAL CLEARANCES

INEFFECT

It shall be the responsibility of the permit holder to comply with the applicable Federal, State and County environmental laws, and recieve any necessary environmental clearance and/or permits required for construction of the Gen-Tie Line prior to commencing any work as authorized by the encroachment permit. If the permittee fails to comply with the required environmental laws, the encroachment permit shall be subject to the County's revocation procedures.

20.TRANS. 2

USE - B-29 SOLAR POLICY

INEFFECT

In order to secure public health, safety and welfare, this project PUP00914 shall be subject to the requirements of Board of Supervisors Policy Number B-29 as well as the requirements of any applicable Ordinance, State and Federal Law.

Prior to the issuance of the encroachment permit for the Gen-Tie Line, a franchise agreement needs to be adopted by the Board of Supervisors via ordinance and a written acceptance thereof needs to be filed by the applicant/permittee with the Clerk of the Board. The franchise agreement shall contain provisions consistent with the requirements contained in Board of Supervisors Policy Number B-29. The adoption of an ordinance

Riverside County LMS CONDITIONS OF APPROVAL

Page: 20

PUBLIC USE PERMIT Case #: PUP00914

Parcel: 807-171-005

20. PRIOR TO A CERTAIN DATE

20.TRANS. 2

USE - B-29 SOLAR POLICY (cont.)

INEFFECT

(franchise agreement) by the Board of Supervisors is a discretionary act and cannot be guaranteed, pre-committed or constrained. The County cannot guarantee the ultimate outcome of any public hearings before the Board of Supervisors on the franchise agreement. If for any reason, the ordinance regarding the franchise agreement is not adopted by the Board of Supervisors, an encroachment permit will not be issued for the Gen-Tie Line. If an encroachment permit cannot be issued because the ordinance regarding the franchise agreement is not adopted by the Board of Supervisors, no construction or use can be commenced under this PUP.

20.TRANS. 3

USE - IMPROVEMENTS

INEFFECT

Kaiser Road is an existing County road and is not structurally sound to carry the construction traffic of this project (PUP00914). It is the responsibility of this project to design structural section for Kaiser Road and improve existing road prior to start of any construction traffic.

Agenda Item No.
Area Plan: Desert Center
Zoning Area: Chuckawalla
Supervisorial District: Fourth
Project Planner: Jay Olivas

PUBLIC USE PERMIT NO. 914
FIRST EXTENSION OF TIME (EOT)
Board of Supervisors: January 31, 2017

Applicant: Desert Harvest, LLC

Steve Weiss, AICP Planning Director

COUNTY OF RIVERSIDE PLANNING DEPARTMENT EXTENSION OF TIME STAFF REPORT

The applicant of the subject case has requested an extension of time to begin substantial construction. This request will not be discussed unless specifically requested by the EOT applicant at the time it is presented to the Board of Supervisors.

CEQA: The subject case has conformed to the requirements of the California Environmental Quality Act, and all impacts have been analyzed in order to protect the public health, safety and welfare. No new environmental documentation is required prior to approval of the extension of time. The Extension of Time sought by the applicant does not authorize any changes to the approved project, nor does it extend the overall life of Public Use Permit No. 914 and does not extend the overall term of the related franchise agreement set forth in Ordinance No. 922.

GENERAL PLAN: Unless otherwise noted, the subject case had been determined to be consistent with the General Plan and all of its elements.

REQUEST:

FIRST EXTENSION OF TIME REQUEST for PUBLIC USE PERMIT NO. 914.

BACKGROUND:

Public Use Permit No. 914 is to construct, operate, and maintain a 220 kilovolt (kV) electrical transmission line (herein referred to as the "Gen Tie Line") in connection with its 150-megawatt solar photovoltaic solar energy-generating facility known as the "Desert Harvest Solar Project" located approximately five miles north of Desert Center. The original Public Use Permit was approved on June 17, 2014 based on the adopted Franchise Agreement entered into with the applicant as set forth in Ordinance No. 922, the findings/conclusions in the final staff report, and the final conditions of approval in the PUP.

The County Planning Department, as part of the review of this extension of time request, has determined based on transmittal to Land Development Committee Members with deadline of May 26, 2016 for any comments, that it not be necessary to recommend the addition of any new conditions of approval in order to be able to make a determination that the project does not adversely affect the general health, safety and welfare of the public. Further, the applicant recently secured a 20-year power purchase agreement with Marin Clean Energy for electricity generated by the Desert Harvest solar power plant. Since the applicant did not have a power

PUP 914 EXTENSION OF TIME REQUEST Page 2 of 2

purchase agreement until recently, valid reason exists for the applicant not using the permit within required period of time. The electricity generated at the project will help the State continue to meet the Renewable Portfolio Standard.

The Extension of Time sought by the applicant does not extend the overall life of Public Use Permit No. 914, nor does it extend the overall term of the related franchise agreement set forth in Ordinance No. 922.

RECOMMENDATION:

APPROVAL of the **FIRST EXTENSION OF TIME REQUEST** for **PUBLIC USE PERMIT NO. 914**, extending the expiration date to June 17, 2017, subject to all the previously approved Conditions of Approval set forth in Public Use Permit No. 914 with the applicant's consent.



