

1 Project design and implementation would avoid placing components of the energy storage  
2 system near any receiving land use that is a low-density "Rural Community." This  
3 recommendation is included as Mitigation Measure N-4 (Noise Restrictions) to avoid a  
4 substantial permanent increase in noise levels. (EIR pp. 3.12-11 to 3.12-14).

5 **Mitigation Measures:**

6 **MM N-1 Construction Restrictions.** Heavy equipment operation and noisy  
7 construction work relating to any Project features shall be restricted to the times delineated  
8 below, unless a special permit has been issued by the County of Riverside:

- 9       ▪ June through September: 6 a.m. to 6 p.m.  
10       ▪ October through May: 7 a.m. to 6 p.m.

11 Haul truck engines and other engines powering fixed or mobile construction equipment shall  
12 be equipped with adequate mufflers. Haul trucks shall be operated in accordance with posted  
13 speed limits. Truck engine exhaust brake use shall be limited to emergencies.

14 The construction contractor shall locate equipment staging in areas to create the greatest  
15 distance between construction-related noise sources and noise sensitive receivers nearest the  
16 Project site during Project construction. Where feasible, the construction contractor shall  
17 place all stationary construction equipment so that emitted noise is directed away from the  
18 noise sensitive receptors nearest the Project site. No music or electronically reinforced  
19 speech from construction workers shall be audible at noise-sensitive properties.

20 **MM N-2 Public Notification Process.** At least 15 days prior to the start of ground  
21 disturbance, the Project owner shall notify all residents within one mile of the Project site  
22 and the linear facilities, by mail or by other effective means, of the commencement of Project  
23 construction. At the same time, the Project owner shall establish a telephone number for use  
24 by the public to report any undesirable noise conditions associated with the construction and  
25 operation of the Project. If the telephone is not staffed 24 hours a day, the Project owner  
26 shall include an automatic answering feature, with date and time stamp recording, to answer  
27 calls when the phone is unattended. This telephone number shall be posted at the Project site  
28 during construction where it is visible to passersby. This telephone number shall be

maintained until the Project has been operational for at least one year.

**MM N-3 Noise Complaint Process.** Throughout the construction and operation of the Project, the Project owner shall document, investigate, evaluate, and attempt to resolve all Project-related noise complaints. The Project owner or authorized agent shall:

1. Use a Noise Complaint Resolution Form, or other documentation procedure acceptable to the County, to record and report the Project owner's response to resolving each noise complaint;
2. Attempt to contact the person(s) making the noise complaint within 24 hours;
3. Conduct an investigation to determine the source of noise in the complaint;
4. If the noise is Project-related, take all feasible measures to reduce the source of the noise; and
5. Submit a report to the County documenting the complaint and actions taken. The report shall include: a complaint summary, including the final results of noise reduction efforts and, if obtainable, a signed statement by the complainant stating that the noise problem has been resolved to the complainant's satisfaction.

**MM N-4 Noise Restrictions.** The Project design and implementation shall include appropriate noise mitigation measures adequate to ensure that the operation of the Project will not cause the noise levels due to plant operation alone to exceed an average of 43 dBA Leq measured at or near an inhabited dwelling.

No new pure-tone components shall be caused by the power inverters or transformers associated with the Project. No single piece of equipment shall be allowed to stand out as a source of noise that draws legitimate complaints.

The Project design in site plans shall avoid placing stationary sources of noise within 800 feet of an inhabited dwelling. If the final design of the Project includes any battery or flywheel, air conditioner, inverter, transformer, substation or switchyard within 800 feet of an inhabited dwelling, then the following adaptive management measures shall be required:

- A. When the Project first achieves a sustained output of 85% or greater of rated capacity, the Project owner shall conduct a 25 hour community noise survey by monitoring

1 levels at locations of any affected inhabited dwelling, or at a closer location  
2 acceptable to the County.

3 The measurement of power plant noise for the purposes of demonstrating compliance  
4 with this mitigation measure may alternatively be made at a location, acceptable to  
5 the County, closer to the plant (e.g., 100 feet from power inverters or transformers)  
6 and this measured level then mathematically extrapolated to determine the plant  
7 noise contribution at the affected dwelling.

8 B. If the results from the noise survey indicate that the power plant noise at the affected  
9 receptor site exceeds the above value during the above time period, mitigation  
10 measures shall be implemented to reduce noise to a level of compliance with this  
11 limit.

12  
13 **I. Paleontological Resources**

14 *Impact: Paleontological Resources*

15 *Threshold: The proposed project would not directly or indirectly destroy a unique*  
16 *paleontological resource or site or unique geologic feature with implementation of*  
17 *mitigation measures.*

18 Findings of Fact, Less Than Significant with Mitigation Measures:

19 Desktop and field studies of Project area indicate that sediments containing significant  
20 paleontological resources would be encountered during ground disturbance associated with  
21 solar facility construction and operation. Construction of the Project would include grading,  
22 foundation and ditch excavation, utility trenching, and possibly drilled shafts. These  
23 activities could damage or destroy paleontological resources. The probability of  
24 encountering paleontological resources on the ground surface is considered low, but the  
25 probability increases substantially as depth increases. Impacts before implementation of  
26 mitigation measures would be significant. Known and unknown sensitivity of some of the  
27 formations and paleontological resources on the solar facility necessitates the  
28 implementation of a Paleontological Resources Impact Mitigation Program (PRIMP) and a

1 worker awareness training to minimize the impact of construction-related activities. With  
2 implementation of Mitigation Measures PAL-1 through PAL-5 potential adverse impacts on  
3 paleontological resources within the Project area during construction and operation of the  
4 solar facilities would be reduced to less than significant.

5 Indirect effects include the potential for increased unauthorized collection of fossils and  
6 other paleontological resources resulting from the presence of larger numbers of people in  
7 the Project vicinity during construction. Implementation of Mitigation Measures PAL-1  
8 through PAL-5 in addition to the installation of fencing around the perimeter of the Project  
9 facility, would minimize the potential for indirect impacts from solar facility construction to  
10 paleontological resources by limiting unauthorized access to the site, putting in place a  
11 monitoring program to ensure fossil identification and recording during construction, and  
12 providing an educational program to workers so that paleontological resources are avoided  
13 or reported to qualified professionals. (EIR pp. 3.13-12 and 3.13-13).

14 **Mitigation Measures:**

15 **MM PAL-1 Project Paleontologist.** Prior to issuance of grading permits the applicant  
16 shall retain a qualified paleontologist (“Project Paleontologist”) approved by the County of  
17 Riverside to create and implement a Project-specific plan for monitoring site  
18 grading/earthmoving activities.

19 **MM PAL-2 Paleontological Resource Impact Mitigation Program.** Prior to issuance  
20 of grading permits the Project Paleontologist retained shall prepare a Paleontological  
21 Resource Impact Mitigation Program (PRIMP). The PRIMP shall be submitted to the  
22 Riverside County Geologist for review and approval prior to issuance of a grading permit  
23 by the county. The project Owner may consider the PRIMP approved if the County’s  
24 Geologist does not respond within 60 days of submittal of the draft PRIMP. Information to  
25 be contained in the PRIMP, at a minimum and in addition to other industry standard and  
26 Society of Vertebrate Paleontology standards, are as follows:

- 27 ■ Description of the proposed site and planned grading operations.
- 28

- 1           ▪     Description of the level of monitoring required for all earthmoving activities in the
- 2                     Project area.
- 3           ▪     Identification (name) and qualifications of the qualified paleontological monitor to
- 4                     be employed for grading operations monitoring.
- 5           ▪     Identification of personnel with authority and responsibility to temporarily halt or
- 6                     divert grading equipment to allow for recovery of large specimens.
- 7           ▪     Direction for any fossil discoveries to be immediately reported to the property owner
- 8                     who in turn will immediately notify the Riverside County Geologist of the discovery.
- 9           ▪     Means and methods to be employed by the paleontological monitor to quickly
- 10                    salvage fossils as they are unearthed to avoid construction delays.
- 11           ▪     Sampling of sediments that are likely to contain the remains of small fossil
- 12                    invertebrates and vertebrates.
- 13           ▪     Procedures and protocol for collecting and processing of samples and specimens.
- 14           ▪     Fossil identification and curation procedures to be employed.
- 15           ▪     Identification of the permanent repository to receive any recovered fossil material.
- 16                    The County of Riverside must be consulted on the repository or museum to receive
- 17                    the fossil material and a written agreement between the property owner/developer
- 18                    and the repository must be in place prior to site grading.
- 19           ▪     All pertinent exhibits, maps and references.
- 20           ▪     Procedures for reporting of findings.
- 21           ▪     Identification and acknowledgement of the developer for the content of the PRIMP
- 22                    as well as acceptance of financial responsibility for monitoring, reporting and
- 23                    curation fees.

24           **MM PAL-3 Paleontological Monitoring.** Full-time monitoring by a qualified  
25           paleontological monitor will take place during all ground disturbing activities in sediments  
26           classified as High or Undetermined sensitivity. The supervising paleontologist will have the  
27           authority to reduce monitoring once he/she determines the probability of encountering any  
28           additional fossils has dropped below an acceptable level.

1           **MM PAL-4 Paleontological Awareness Training.** Prior to ground disturbance, the  
2 developer/permit applicant shall enter into an agreement with the Project Paleontologist to  
3 provide Paleontological Awareness Training. A qualified paleontologist designated by the  
4 Project Paleontologist shall provide Paleontological Awareness Training for all construction  
5 personnel as a part of the Project's Worker Environmental Awareness Training. Training  
6 will include a brief review of the paleontological sensitivity of the Project and the  
7 surrounding area; what resources could potentially be identified during earthmoving  
8 activities; the protocols that apply in the event unanticipated paleontological resources are  
9 identified, including who to contact and appropriate avoidance measures until the find(s) can  
10 be properly evaluated; and any other appropriate protocols. This is a mandatory training and  
11 all construction personnel must attend prior to beginning work on the Project site. A copy of  
12 the agreement and a copy of the sign-in sheet shall be submitted to the County Paleontologist  
13 to ensure compliance with this condition of approval.

14           **MM PAL-5 Paleontological Monitoring Report Requirement.** The Applicant shall  
15 submit to the Riverside County Geologist one wet-signed copy of the Paleontological  
16 Monitoring Report prepared for site grading operations at the site. The report shall be  
17 certified by the professionally qualified Project Paleontologist responsible for the content of  
18 the report. The Project Paleontologist must be on Riverside County's Paleontology  
19 Consultant List. The report shall contain a discussion of findings made during all site grading  
20 activities and an appended itemized list of fossil specimens recovered during grading (if any)  
21 and proof of accession of fossil materials into the pre-approved museum or other repository.  
22 In addition, all appropriate fossil location information shall be submitted to the Western  
23 Information Center, the San Bernardino County Museum and the Los Angeles County  
24 Museum of Natural History, at a minimum, for incorporation into their Regional Locality  
25 Inventories.

26  
27           **J. Traffic and Transportation**

28           *Impact: Compliance with Transportation Plans*

1            **Threshold:** *The proposed project would not conflict with an applicable plan, ordinance, or*  
2            *policy addressing the circulation system, including transit, roadway, bicycle and pedestrian*  
3            *facilities with implementation of mitigation measures.*

4            Findings of Fact, Less Than Significant with Mitigation Measures:

5            The addition of Project-related construction trips would result in the intersection of I-10  
6            westbound ramp at SR-177 to operate at an unacceptable level (LOS F) during the morning  
7            peak hour. To ensure that impacts from temporary construction-related trips are reduced to  
8            the extent feasible, Mitigation Measure TRA-1 (Construction Traffic Control Plan) is  
9            proposed and would require the applicant prepare a Construction Traffic Control Plan for  
10           review and approval by Caltrans and Riverside County. This plan requires the applicant to  
11           reduce construction-related trips during morning (7:00 a.m. to 9:00 a.m.) and afternoon (4:00  
12           p.m. to 6:00 p.m.) peak hours on I-10 and SR-177. If the traffic conditions at the time of  
13           Project construction reflect the ambient conditions due to overlapping construction, the  
14           measure requires the applicant to install a temporary signal or use manual intersection  
15           control, and geometry changes at the I-10 westbound ramp at SR-177. Without the  
16           cumulative trips, the Project is not expected to result in an unacceptable LOS as it would  
17           result in fewer vehicle trips than the ambient conditions. The measure allows for adaptive  
18           management given the uncertain schedule for some projects included in the ambient  
19           conditions. With the implementation of Mitigation Measure TRA-1, impacts from temporary  
20           construction-related vehicle trips to the performance of Project area roadways would be less  
21           than significant. (EIR pp. 3.17-11 to 3.17-13).

22           **Mitigation Measures:**

23           **MM TRA-1 Construction Traffic Control Plan.** Prior to the start of construction, the  
24           Project owner shall submit a Construction Traffic Control Plan for review and approval by  
25           Caltrans and Riverside County for affected roads and intersections that would be directly  
26           affected by the construction activities and/or would require permits and approvals. The  
27           Construction Traffic Control Plan shall include, but not be limited to:

- 28           ■ If multiple construction projects occur at the same time and conditions at the

1 intersection warrant, plans for installation of a temporary signal or use of manual  
2 intersection control during the construction period at the I-10 westbound ramp at SR-  
3 177. Additionally, if conditions warrant, geometry changes shall be considered in  
4 coordination with Caltrans and Riverside County, and implemented, if necessary, in  
5 addition to signalization at the I-10 westbound ramp and SR-177. These geometry  
6 changes should include a 50 foot westbound right turn pocket, as well as a  
7 southbound 50 foot right turn pocket. If manual intersection control is used in the  
8 morning peak hour, no manual intersection control is needed in the afternoon peak  
9 hour, and the southbound right turn pocket would likely not be needed.

- 10 ■ The locations and use of flaggers, warning signs, barricades, delineators, cones,  
11 arrow boards, etc., according to standard guidelines outlined in the Manual on  
12 Uniform Traffic Control Devices, the Standard Specifications for Public Works  
13 Construction, and/or the California Joint Utility Traffic Control Manual.
- 14 ■ The locations of all road or traffic lane segments that would need to be temporarily  
15 closed or disrupted due to construction activities.
- 16 ■ The locations where guard poles, netting, or similar means to protect transportation  
17 facilities for any construction or conductor installation work requiring the crossing  
18 of a local street, highway, or rail line are proposed.
- 19 ■ The use of continuous traffic breaks operated by the California Highway Patrol on  
20 state highways (if necessary).
- 21 ■ Additional methods to reduce temporary traffic delays to the maximum extent  
22 feasible during morning (7:00 a.m. to 9:00 a.m.) and afternoon (4:00 p.m. to 6:00  
23 p.m.) peak traffic periods, or as directed in writing by the affected public agency in  
24 encroachment or other permits). This should also include feasible ways to avoid  
25 construction-related trips on I-10 and SR-177 during peak traffic periods.
- 26 ■ Plans to encourage or provide ridesharing opportunities for construction and  
27 operational workers.
- 28 ■ Plans to provide written notification to property owners and tenants at properties



1 affected by access restrictions to inform them about the timing and duration of  
2 obstructions and to arrange for alternative access if necessary. The coordination shall  
3 occur at least one week prior to any blockages.

- 4 ■ Plans to coordinate in advance with emergency service providers to avoid restricting  
5 the movements of emergency vehicles. Police departments and fire departments shall  
6 be notified in advance by the Project owner of the proposed locations, nature, timing,  
7 and duration of any roadway disruptions, and shall be advised of any access  
8 restrictions that could impact their effectiveness. At locations where roads will be  
9 blocked, provisions shall be ready at all times to accommodate emergency vehicles,  
10 such as immediately stopping work for emergency vehicle passage, providing short  
11 detours, and developing alternate routes in conjunction with the public agencies.
- 12 ■ Provisions for ensuring detours or safe movement of local resident vehicles,  
13 pedestrians, and bicycles through all affected facilities.
- 14 ■ Define the method to maintaining close coordination, prior to and during  
15 construction, with Caltrans and Riverside County to minimize cumulative impacts of  
16 multiple simultaneous construction projects affecting shared portions of the  
17 circulation system. Coordination with adjacent development projects to spread work  
18 shifts into multiple hours (instead of peak hour) or the installation of additional  
19 temporary traffic signals or manual traffic control officers during peak hours to  
20 mitigate the temporary impacts.

21  
22 ***Impact: Congestion Management Plan***

23 ***Threshold: The proposed project would not conflict with Congestion Management Program***  
24 ***performance standards with implementation of mitigation measures.***

25 **Findings of Fact, Less Than Significant with Mitigation Measures:**

26 The implementation of Mitigation Measure TRA-1 (Construction Traffic Control Plan)  
27 would ensure study area intersections that are part of the CMP network would operate better  
28 than LOS E during construction. Therefore, with mitigation, construction of the Project

1 would not conflict with LOS standards established by the Riverside County CMP. Once  
2 operational, the project would only contribute minimal traffic (only 30 round trips) to the  
3 surrounding area and would not impact any LOS standards. (EIR p. 3.17-13).

4 **Mitigation Measures:**

5 **MM TRA-1 (Construction Traffic Control Plan)**

6  
7 *Impact: Aviation Safety*

8 *Threshold: The proposed project would not affect aviation safety or activities associated*  
9 *with airport facilities with implementation of mitigation measures.*

10 Findings of Fact, Less Than Significant with Mitigation Measures:

11 The Desert Center Airport is a private airport located directly adjacent to Parcel Group B  
12 and E. At this distance, the gen-tie line (structures and conductor spans) and substation  
13 power inverters and trans-formers would require review by the FAA to determine any  
14 potential hazard to air navigation. During their review, the FAA will identify if any features  
15 pose aviation hazards and recommend any safety devices that may be required and whether  
16 any tower heights would be restricted. Pending FAA determinations, Mitigation Measure  
17 TRA-2 (Comply with FAA 7460 1 Determination Recommendations) is proposed to ensure  
18 the Project applicant would incorporate all FAA recommendations into the final Project  
19 design to ensure safety of navigable airspace. With the incorporation of this mitigation,  
20 impacts from Project features to aviation safety would be less than significant. (EIR p. 3.17-  
21 14).

22 **Mitigation Measures:**

23 **MM TRA-2 Comply with FAA 7460 1 Determination Recommendations.** Pursuant to  
24 FAA guidelines, the Project owner shall submit FAA Form 7460 1, Notice of Proposed  
25 Construction or Alteration, to the Manager of the FAA Air Traffic Division for review and  
26 comment. These filings shall specify the heights and locations of all applicable gen-tie  
27 transmission structures and conductor wire spans, pursuant to final engineering, per the  
28 requirements of FAA Form 7460 1. The Project owner shall implement all recommended

1 safety features or Project design changes recommended by the FAA through the FAA 7460  
2 1 process.

3  
4 ***Impact: Roadway Safety***

5 ***Threshold: The proposed project would not increase transportation hazards or damage***  
6 ***roads in the Project area with implementation of mitigation measures.***

7 **Findings of Fact, Less Than Significant with Mitigation Measures:**

8 The movement of heavy trucks and equipment on roadways providing access to Project work  
9 areas could potentially result in damage to road surfaces, shoulders, curbs, sidewalks, signs,  
10 and light standards. Mitigation Measure TRA-3 (Repair Roadways and Transportation  
11 Facilities Damaged by Construction Activities) is proposed to ensure any damage and  
12 deterioration attributed to the Project during construction would be repaired. With the  
13 incorporation of this mitigation, hazard impacts from transportation facility damage  
14 demonstrable to the Project would be less than significant.

15 It is estimated average daily operational traffic volumes associated with the Project would  
16 be approximately 15 round trips (30 total trips), with the majority being passenger vehicles.  
17 This amount of operational daily trips would have a negligible effect on public roadway  
18 safety or damage to the surrounding roads. During public scoping, concern was raised about  
19 an increase in traffic accidents on I-10 as travelers may take their eyes off the road to view  
20 the solar facility. However, solar PV panels are low profile and would likely blend in with  
21 the horizon. They are dark in color, absorb light, and designed to minimize glare. Therefore,  
22 the solar field is not expected to disrupt normal driving behavior or create a source of  
23 distraction or hazard. (EIR p. 3.17-15).

24 **Mitigation Measures:**

25 **MM TRA-1 (Construction Traffic Control Plan)**

26 **MM TRA-3 Repair Roadways and Transportation Facilities Damaged by**  
27 **Construction Activities.** If roadways, sidewalks, medians, curbs, shoulders, or other such  
28 transportation features are damaged by Project construction activities, as determined by the

1 affected public agency, such damage shall be repaired and restored to their pre-Project  
2 condition by the Project owner. Prior to construction, the Project owner shall confer with  
3 Riverside County regarding the roads within 500 feet in each direction of Project access  
4 points (where heavy vehicles will leave public roads to reach Project sites); and Riverside  
5 County and Caltrans regarding the roads to be crossed by the proposed gen-tie line. At least  
6 30 days prior to construction, or as requested by Riverside County or Caltrans, the Project  
7 owner shall photograph or video record all affected roadway segments and shall provide  
8 Riverside County and Caltrans with a copy of these images, if requested.

9 At the end of major construction, the Project owner shall coordinate with each affected jurisd-  
10 iction to confirm what repairs are required. Any damage demonstrable to the Project is to  
11 be repaired to the pre-construction condition within 60 days from the end of all construction,  
12 or on a schedule mutually agreed to by the Project owner and the affected jurisdiction. If  
13 multiple projects are using the transportation features, Athos will pay its fair share of the  
14 required repairs. The Project owner shall provide Riverside County and Caltrans (as  
15 applicable) proof when any necessary repairs have been completed.

16  
17 ***Impact: Emergency Response***

18 ***Threshold: The proposed project would not temporary disruption to emergency response***  
19 ***access or vehicle movement with implementation of mitigation measures.***

20 **Findings of Fact, Less Than Significant with Mitigation Measures:**

21 Construction of the gen-tie line may require temporary closure or disruption to travel lanes.  
22 Mitigation Measure TRA-1 (Construction Traffic Control Plan) is proposed to provide  
23 specificity regarding the means to reduce potential impacts from any temporary travel lane  
24 disruptions during construction of the gen-tie line. Additionally, Mitigation Measure TRA-  
25 1 (Construction Traffic Control Plan) requires the Construction Traffic Control Plan be  
26 reviewed and approved by Caltrans and Riverside County and would include plans to  
27 coordinate in advance with emergency service providers to avoid restricting the movements  
28 of emergency vehicles. With the incorporation of this mitigation, impacts from temporary

1 construction-related disruptions to the affected circulation system would be less than  
2 significant. Once operational, there would be no impacts to emergency access or vehicle  
3 movement. (EIR p. 3.17-16).

4 **Mitigation Measures:**

5 **MM TRA-1 (Construction Traffic Control Plan)**

6  
7 *Impact: Vehicle Miles Travelled*

8 *Threshold: The proposed project would not conflict or be inconsistent with CEQA*  
9 *Guidelines section 15064.3, subdivision (b) with implementation of mitigation measures.*

10 Findings of Fact, Less Than Significant with Mitigation Measures:

11 Construction of the Project would include 1,140 daily trips (1,060 daily worker commutes  
12 and 80 daily truck trips). Per CEQA Guidelines Section 15064.3(b)(3), a qualitative vehicle  
13 miles travelled (VMT) analysis of construction trips is appropriate. Due to the remote  
14 location of the Project site, many construction truck trips may require high VMT to access  
15 the site. However, all construction-related truck trips would be temporary and only in  
16 volumes necessary to deliver equipment and materials to the site. Upon completion of  
17 construction, all truck trips and worker commute trips would cease. At this time, no known  
18 applicable VMT thresholds of significance for temporary construction trips that may indicate  
19 a significant impact are known. Mitigation Measure TRA-1 (Construction Traffic Control  
20 Plan) requires the Project applicant to prepare a Construction Traffic Control Plan to affected  
21 jurisdictions, with the Plan providing means to encourage or provide ridesharing  
22 opportunities for construction workers. Therefore, while the proposed Project would include  
23 temporary construction trips that may include high VMT, they would not affect existing  
24 transit uses or corridors and are presumed to cause a less than significant transportation  
25 impact. (EIR p. 3.17-17).

26 **Mitigation Measures:**

27 **MM TRA-1 (Construction Traffic Control Plan)**

1           **K.    Energy**

2           ***Impact: Energy Use***

3           ***Threshold: The proposed project would not result in potentially significant environmental***  
4           ***impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during***  
5           ***project construction or operation with implementation of mitigation measures.***

6           **Findings of Fact, Less Than Significant with Mitigation Measures:**

7           Construction activity associated with the proposed Project (solar facility and gen-tie line)  
8           would require the consumption of fossil fuel resources, for example diesel fuel and gasoline  
9           to power construction equipment and vehicles. Additionally, construction would require the  
10          manufacture and delivery of new equipment and materials, which would require energy use.  
11          Energy use during construction would be reduced by best management practices, applicant  
12          proposed measures, and adherence to proposed mitigation requirements that would minimize  
13          construction equipment activity, limit the idling of equipment, encourage carpooling, and  
14          reducing temporary traffic delays. While construction would require the temporary use of  
15          energy resources, the Project would not result in potentially significant environmental  
16          impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during  
17          project construction. Furthermore, implementation of mitigation that would reduce energy  
18          consumption by the Project during construction would ensure that impacts would be less  
19          than significant.

20          The proposed Project would increase the amount of renewable energy electrical power  
21          generated and delivered into SCE's load centers. Maintenance and inspection of proposed  
22          Project components would require use of fossil fuel resources. Up to 10 permanent staff  
23          could be on the site at any one time for ongoing facility maintenance and repairs.  
24          Alternatively, approximately 2 permanent staff and 8 Project operators would be located off-  
25          site and would be on call to respond to alerts generated by the monitoring equipment at the  
26          Project site. However, this limited use of fossil fuel by operational worker commutes and  
27          use of vehicles and equipment during maintenance is not considered to wasteful, inefficient,  
28          or unnecessary. The proposed Project would increase the use of renewable energy, thus

1 reducing the use of fossil fuel for electrical generation by conventional power plants. The  
2 Project would result in less than significant impact with respect to any consumption or use  
3 of energy resources. (EIR pp. 3.18-2 and 3.18-3).

4 **Mitigation Measures:**

5 **MM AQ-2 (Control On-Site Off-Road Equipment Emissions)**

6 **MM AQ-3 (Require Newer Vehicles for On-Road Vendor and Hauling Trucks)**

7 **MM AQ-4 (Construction Activity Management Plan)**

8 **MM N-1(Construction Restrictions)**

9 **MM TRA-1 (Construction Traffic Control Plan)**

10  
11 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the following impacts potentially  
12 resulting from the adoption of the EIR No. CEQ180007 cannot be fully mitigated and will be only partially  
13 avoided or lessened in consideration of existing regulations, Project Design Features or mitigation measures  
14 specified in Attachment A (Mitigation Monitoring and Reporting Program, incorporated by reference into  
15 this document). Accordingly, and as further explained below, the County makes the following findings as  
16 to each of the following impacts as allowed by State CEQA Guidelines section 15091(a): “Changes or  
17 alterations [that might further reduce Project impacts] are within the responsibility and jurisdiction of  
18 another public agency and not the [County]. Such changes have been adopted by such other agency”; or  
19 Specific economic, legal, social, technological, or other considerations, make infeasible the mitigation  
20 measures or project alternatives identified in the final EIR.” Therefore, a statement of overriding  
21 considerations consistent with State CEQA Guidelines sections 15093, 15216(b), and 15126.2(b) and  
22 discussed in the Final EIR Section 15132 is required and included herein:

23 **A. Aesthetics**

24 ***Impact: Visual Quality***

25 ***Threshold: The Project would substantially degrade the existing visual character or quality***  
26 ***of public views of the site and its surroundings with implementation of mitigation measures.***

27 **Findings of Fact, Significant and Unavoidable:**

28 The Project’s visible contrast associated with visually discordant structural features and

1 industrial character would substantially degrade the existing visual character or quality of  
2 the site and its surroundings as follows:

- 3 • The resulting visual change would be adverse and unavoidable in the immediate  
4 vicinity of the gen-tie span of SR-177 and immediately adjacent to Parcel Group C  
5 (approximately 13 percent of the combined northbound and southbound affected  
6 travel distance along SR-177).
- 7 • The Project would result in the creation of an aesthetically offensive site open to  
8 public view. The visible contrast associated with the change in visual character  
9 during operation would result in an impact that would be significant even with  
10 implementation of mitigation for the area along SR-177 that is located in the  
11 immediate vicinity of the gen-tie span of SR-177 and immediately adjacent to Parcel  
12 Group C.
- 13 • Project decommissioning activities and associated industrial character would cause  
14 short-term and/or and long-term aesthetic effects resulting from increased visual  
15 contrast. Revegetation in this desert region is difficult and generally of limited  
16 success. Therefore, visual recovery from land disturbance associated with closure  
17 and decommissioning activities would likely occur only over a long period of time.  
18 While Mitigation Measure BIO-5 (Vegetation Resources Management Plan) requires  
19 the implementation of several steps to address temporarily impacted sites, the  
20 extensive time required for any meaningful vegetation recovery and reduction in  
21 visual contrast would result in an adverse and significant visual impact that cannot  
22 be mitigated to a level that would be less than significant. (EIR pp. 3.2-15 to 3.2-  
23 27).

24 **Mitigation Measures:**

25 **BIO-5 (Vegetation Resources Management Plan)**  
26  
27  
28



1 **BE IT FURTHER RESOLVED** by the Board of Supervisors that it has considered, consistent  
2 with CEQA's requirements, the impacts of the Project together with all other pending or approved  
3 projects within the affected area for each resource area, and finds that:

4 **A. Aesthetics Cumulative Impacts**

5 **Cumulative Impact Finding: Cumulatively Considerable.**

6 Although numerous existing cultural modifications are visible along the I-10 corridor and in  
7 the Desert Center area of the Chuckwalla Valley (transmission lines; substations; pipelines;  
8 solar projects; 4-wheel drive tracks; widely scattered commercial buildings, dilapidated  
9 structures, and roadside signs; and a few agricultural operations), the grand scale of the open  
10 desert panoramas impart an overall general impression of a relatively unimpaired, isolated  
11 desert landscapes. The cumulative scenario includes many large-scale solar plants and  
12 transmission lines whose scale and pervasiveness would have adverse cumulative effects. If  
13 all the projects were implemented, they would substantially degrade the visual character and  
14 general scenic appeal of the existing landscape, resulting in the conversion of a relatively  
15 undeveloped desert landscape into a more industrialized appearance.

16 In some viewing cases, the visibility and apparent scale of the projects would be diminished  
17 somewhat by favorable topographic relationships and vegetative screening. For other  
18 viewing opportunities, some projects would appear reduced in visual prominence due to their  
19 viewing distances and low angle of view. In still other cases, projects would blend in with  
20 the vegetation or horizon line of the valley floor, and the rugged mountains would remain  
21 the dominant visual features in the landscape.

22 As a result, the proposed Project in combination with the 15 local energy projects and one  
23 regional energy project would result in significant cumulative visual impacts when viewed  
24 by sensitive viewing populations along I-10 and SR-177, from nearby residences, and in the  
25 surrounding mountains and wilderness. Impacts would result from the introduction of  
26 substantial visual contrast associated with discordant geometric patterns in the landscape;  
27 large-scale, built facilities with prominent industrial character; un-natural lines of  
28 demarcation in the valley floor landscape; inconsistent color contrasts; and visible night

1 lighting within the broader Chuckwalla Valley. For many travelers along I-10, the scenic  
2 experience would be substantially degraded due to the perceived “industrialization” of the  
3 landscape.

4 Effective implementation of Mitigation Measures AES-1 (Night Lighting Management  
5 Plan), AES-2 (Surface Treatment of Project Structures and Buildings), AES-3 (Project  
6 Design), AES-4 (Retention of Roadside Vegetation), and BIO-5 (Vegetation Resources  
7 Management Plan) would reduce the severity of the cumulative visual effects. However,  
8 even with implementation of the above mitigation measures, there would be significant  
9 cumulative visual impacts when viewed by sensitive viewing populations along I 10 and  
10 SR-177, from nearby residences, and in the surrounding mountains and wilderness. (EIR  
11 pp. 3.2-38 and 3.2-39).

12 **Mitigation Measures:**

13 **MM AES-1 (Night Lighting Management Plan)**

14 **MM AES-2 (Surface Treatment of Project Structures and Buildings)**

15 **MM AES-3 (Project Design)**

16 **MM AES-4 (Retention of Roadside Vegetation)**

17 **MM BIO-5 (Vegetation Resources Management Plan)**

18  
19 **B. Agriculture and Forestry Resources Cumulative Impacts**

20 **Cumulative Impact Finding: Not Cumulatively Considerable.**

21 Implementation of the proposed Project, in combination with other projects in the Desert  
22 Center area, could include land zoned for agricultural uses that would be utilized for non-  
23 agricultural uses or would cause development of non-agricultural uses within 300 feet of  
24 agriculturally zoned property. However, with the issuance of a CUP, developments under  
25 the cumulative scenario constitute allowed uses within Agricultural zones that have been  
26 found to be consistent with zoning. The proposed Project would not involve other changes  
27 in the existing environment that may result in the conversion of other agricultural lands to  
28 non-agricultural uses. In addition, there are no forest lands or timber resources in the Project

1 area and neither the proposed Project nor the cumulative projects would convert any  
2 Important Farmland to non-agricultural uses. The solar arrays would be placed above ground  
3 and after the Project and the cumulative projects are decommissioned, the sites would be  
4 available to be returned to agricultural uses. Overall, the proposed Project's impacts  
5 combined with those of nearby projects would not result in a cumulatively significant impact  
6 to agricultural resources. (EIR p. 3.3-11).

7  
8 **C. Air Quality Cumulative Impacts**

9 **Cumulative Impact Finding: Not Cumulatively Considerable.**

10 The construction-phase emissions related to the proposed solar facility would be likely to  
11 occur con-currently with those of other cumulative projects in the Mojave Desert Air Basin  
12 and would contribute to the adverse effects of other cumulative projects to result in a  
13 cumulative significant impact to air quality. The incremental contribution of the proposed  
14 solar facility to the cumulative impact would be reduced through implementing Mitigation  
15 Measures AQ-1 (Fugitive Dust Control Plan), AQ-2 (Control On-Site Off-Road Equipment  
16 Emissions), AQ-3 (Require Newer Vehicles for On-Road Vendor and Hauling Trucks), and  
17 AQ-4 (Construction Activity Management Plan) identified in the discussion of Impact AQ-  
18 2. Because construction-related criteria air pollutant emissions would be mitigated and  
19 would entirely cease with completion of the 30 month duration of work, the construction  
20 emissions would not cause substantial impacts, and the incremental contribution of the  
21 proposed Project to the cumulative air quality impact would not be cumulatively  
22 considerable during construction. (EIR p. 3.4-18).

23 **Mitigation Measures:**

24 **MM AQ-1 (Fugitive Dust Control Plan)**

25 **MM AQ-2 (Control On-Site Off-Road Equipment Emissions)**

26 **MM AQ-3 (Require Newer Vehicles for On-Road Vendor and Hauling**  
27 **Trucks)**

28 **MM AQ-4 (Construction Activity Management Plan)**

1  
2 **D. Biological Resources Cumulative Impacts**

3 **Cumulative Impact Finding: Not Cumulatively Considerable.**

4 Construction-related impacts of the cumulative projects would temporarily increase noise  
5 and activities, dust, and other habitat disturbances throughout the region. On completion of  
6 construction, longer-term land use conversion would contribute to reduced habitat  
7 availability and increased habitat fragmentation. In the context of the number of past,  
8 present, and future projects many of which are large solar projects, the effects of the  
9 proposed Project would contribute incrementally to the cumulative significant impacts to  
10 vegetation and habitat. However, the Project's incremental contribution to the cumulative  
11 impact would not be considerable because the majority of the Project site has been disturbed  
12 by past or ongoing land uses and the loss of natural habitats that would result from the Project  
13 would be offset by protecting compensation lands off-site. Sonoran desert scrub, a  
14 widespread and common habitat type, would be offset at a 1:1 ratio, while desert dry wash  
15 woodland, a sensitive community, would be offset at a 3:1 ratio. By implementing these  
16 compensation ratios, the residual net loss of native habitat would be relatively minor, and  
17 would not make a material difference to the scope, nature or extent of the cumulative impact  
18 to vegetation and habitat.

19 Special-status Plants. The proposed Project could affect special status plants. No threatened  
20 or endangered plants, nor any BLM Sensitive Species, were identified on the site. There is a  
21 low possibility that it may affect one BLM Sensitive Plant, Harwood's eriastrum. A few  
22 individual Emory's crucifixion-thorn would be affected, and several additional more  
23 widespread special-status plants could be affected. The past, present, and future projects  
24 would have similar or greater impacts to special-status plants which would result in a  
25 cumulatively significant impact to regional special-status plants. The contribution of the  
26 Project would not be considerable because of the limited number of special-status plants  
27 onsite and because mitigation measures identified under Impact BIO-1 would reduce the  
28 impacts so that residual effects would be minimal. The residual net loss of special-status

1 plants would not make a material difference to the scope, nature or extent of the cumulative  
2 impact.

3 The proposed Project would cumulatively reduce habitat availability for a number of special-  
4 status wildlife species. Similarly, the Project would cumulatively reduce habitat availability  
5 for common species. Project activities could cause mortality or injury to common species,  
6 or could eliminate reduce availability of natural habitats or communities. The loss of largely  
7 disturbed habitat would not, however, substantially reduce the habitat of a wildlife species,  
8 cause a wildlife population to drop below self-sustaining levels, or threaten to eliminate a  
9 plant or animal community. Indeed, the Project is not expected to take any desert tortoise,  
10 although this analysis recognizes the possibility. Take of other wildlife species would  
11 similarly be limited. In addition, Mitigation Measures BIO-1 through BIO-14 would reduce  
12 the cumulative contribution of the Project.

13 The proposed Project would affect desert dry wash woodland and unvegetated ephemeral  
14 dry wash, which meet criteria as jurisdictional waters of the State. Many of the cumulative  
15 projects would have similar impacts to desert dry wash woodland and unvegetated  
16 ephemeral dry wash due to the nature of the area and the large washes that cross it, resulting  
17 in a significant cumulative impact. The effects of the proposed Project would contribute  
18 incrementally to the cumulative impacts to sensitive habitat and jurisdictional waters of the  
19 State, but this incremental contribution would not be considerable because mitigation  
20 measures identified under Impact BIO-4 and BIO-5 would reduce the impacts so that  
21 residual effects would be minimal. The net loss of sensitive habitat and jurisdictional waters  
22 would not make a material difference to the scope, nature or extent of the cumulative impact.

23 **(EIR pp. 3.5-35 to 3.5-39).**

24 **Mitigation Measures:**

25 **MM BIO-1 (Biological Monitoring)**

26 **MM BIO-2 (Worker Environmental Awareness Training)**

27 **MM BIO-3 (Minimization of Vegetation and Habitat Impacts)**

28 **MM BIO-4 (Integrated Weed Management Plan)**

1 **MM BIO-5 (Vegetation Resources Management Plan)**

2 **MM BIO-6 (Compensation for Natural Habitat Impacts)**

3 **MM BIO-7 (Emory's Crucifixion Thorn Mitigation)**

4 **MM BIO-8 (Wildlife Protection)**

5 **MM BIO-9 (Desert Tortoise Protection)**

6 **MM BIO-10 (Desert Kit Fox and American Badger Relocation)**

7 **MM BIO-11 (Wildlife Water Source)**

8 **MM BIO-12 (Bird and Bat Conservation Strategy)**

9 **MM BIO-13 (Burrowing Owl Avoidance and Relocation)**

10 **MM BIO-14 (Gen-tie Lines)**

11  
12 **E. Cultural Resources and Tribal Cultural Resources Cumulative Impacts**

13 **Cumulative Impact Finding: Cumulatively Considerable.**

14 The effects of the proposed Project or an alternative when combined with impacts from past,  
15 present, and reasonably foreseeable projects, contribute to the cumulatively considerable  
16 adverse impacts to two cultural landscapes/historic districts in eastern Riverside County.  
17 Based on the number of acres that would be disturbed (Athos cultural resources study area  
18 3,533 acres), direct impacts associated the Project would contribute approximately 2.8  
19 percent of the cumulative impacts within the cumulative analysis study area (122,440 acres)  
20 in eastern Riverside County.

21 A total of 31 cultural resources and portions of two historic districts are present within the  
22 direct effects study area of the proposed Project. Seventeen (17) of the 31 resources are  
23 WWII-era historic resources and are contributors to the DTCCL. Four of these resources are  
24 eligible in their own right for the CRHR. Thirteen (13) of these resources are not individually  
25 eligible for listing on the CRHR. The destruction of both eligible and ineligible contributors  
26 as a result of the Project contributes in a small but measurable way to the destruction of the  
27 DTCCL as a whole. Cumulative impacts to the DTCCL would be addressed through MM  
28 CUL-11 (Desert Center DTC/C-AMA Summary Report and District DPR Form). With

1 implementation of MM CUL-11, the Project would not result in a considerable contribution  
2 to cumulative effects on these WWII-era resources.

3 Three sensitive prehistoric archaeological resources are present in the indirect effects study  
4 area. These include: prehistoric site CA-RIV-1515, North Chuckwalla Petroglyph National  
5 Register District (CA-RIV-1383), and Coco-Maricopa Trail (CA-RIV-53T) segments (c)  
6 and (d). All of these resources are contributors to the PTNCL. The addition of more industrial  
7 components to the Chuckwalla Valley contributes in a small but measurable way to a visual  
8 intrusion upon the setting of the PTNCL, a defining characteristic of the resource under  
9 Criterion 1. This visual intrusion compromises the integrity of the resource.

10 Cumulative impacts to the PTNCL as a result of visual intrusion would be addressed with  
11 implementation of MM CUL-12 (Prehistoric Trails Summary Report). Implementation of  
12 CUL-12 would reduce the contribution of the Project but the cumulative impact would  
13 remain significant. (EIR pp. 3.6-37 to 3.6-39).

14 **Mitigation Measures:**

15 **MM AES-1 (Night Lighting Management Plan)**

16 **MM AES-2 (Surface Treatment of Project Structures and Buildings)**

17 **MM AES-3 (Project Design)**

18 **MM AES-4 (Retention of Roadside Vegetation)**

19 **MM CUL-11 (Desert Center DTC/C-AMA Summary Report and District DPR Form)**

20 **MM CUL-12 (Prehistoric Trails Summary Report)**

21  
22 **F. Geology, Soils and Mineral Resources Cumulative Impacts**

23 **Cumulative Impact Finding: Not Cumulatively Considerable.**

24 The proposed Project is adjacent to other large solar projects that would require substantial  
25 ground disturbance. While each project's soil disturbance could result in offsite water and  
26 wind erosion, each project has or would undergo an environmental review under NEPA and  
27 CEQA and would be required to abide by existing regulations such that they would have a  
28 DESCP, Drainage Plan, and Storm Water Pollution Prevention Plan (SWPPP) that would

1 reduce wind and water erosion and eliminate it from leaving each project's site. Because the  
2 wind and water erosion would not leave the Project site, it would not combine with the  
3 erosion from nearby projects and would not combine to create a cumulatively significant  
4 impact due to erosion. The Project site is not currently used for mineral production, nor is it  
5 under claim, lease, or permit for the production of locatable, leasable, or salable minerals.  
6 As the Project would have a negligible and temporary effect on the availability of sand and  
7 gravel resources, and no significant impact on the availability of geothermal or other mineral  
8 resources, no adverse cumulative impacts would result for these resources. (EIR pp. 3.7-12  
9 and 3.7-13).

10 **Mitigation Measures:**

11 **MM AQ-1 (Fugitive Dust Control Plan)**

12 **MM HWQ-1 (Drainage Erosion and Sedimentation Control Plan [DESCP])**

13 **MM HWQ-4 (Project Drainage Report and Plans)**

14  
15 **G. Greenhouse Gas Emissions Cumulative Impacts**

16 **Cumulative Impact Finding: Not cumulatively considerable.**

17 Because the direct environmental effect of GHG emissions is to influence global climate  
18 change, GHG emissions are inherently a cumulative concern. Indeed, no single project  
19 could, by itself, result in a substantial change in climate. As the analysis for the solar facility  
20 and 220 kV gen-tie lines concerns cumulative global impacts, there is no separate cumulative  
21 impacts analysis for global climate change. Furthermore, the evaluation of GHG impacts  
22 presented here evaluated the contribution of the Project to inherently cumulative climate  
23 change effects and demonstrated that the Project would result in a long-term net reduction  
24 of GHGs and would not conflict with GHG reduction goals. The Project-specific incremental  
25 impact on GHG emissions would therefore not be cumulatively considerable. (EIR p. 3.8-  
26 8).

27  
28 **H. Hazards and Hazardous Materials Cumulative Impacts**



1                   **Cumulative Impact Finding: Not Cumulatively Considerable.**

2                   Construction of the Project could encounter previously documented and un-documented  
3                   hazardous materials sites within the Project area. Since portions of the proposed Project site  
4                   are located in areas with a history of agricultural production, there is a potential for residual,  
5                   low-level concentrations of pesticides and other agricultural chemicals to be present in  
6                   shallow soils and/or groundwater. The implementation of Mitigation Measures HAZ-1 (Soil  
7                   Investigation) and HAZ-2 (WEAP) would address potential impacts associated with residual  
8                   pesticides or agricultural chemicals, Mitigation Measure HAZ-4 (Pre-demolition Surveys  
9                   and Appropriate Hazardous Materials Removal) would address hazards during removal of  
10                  existing structures, which along with Mitigation Measure HAZ-3 (UXO Identification,  
11                  Training and Reporting Plan) to address potential encounter of UXO, would help minimize  
12                  the Project-specific health and safety hazards to a less than significant level. Projects DC50  
13                  and Victory Pass would be located on land with a history of agriculture production so may  
14                  have a similar potential for residual agricultural chemicals and UXO, and would also likely  
15                  require a WEAP and/or similar measures to minimize impacts on and off the sites. Because  
16                  of the history of contamination in this area, the projects collectively could help reduce the  
17                  overall impacts due to hazards once they are operational and have implemented hazardous  
18                  material remediation. Under cumulative conditions, implementation of the Project in  
19                  conjunction with development of cumulative projects is not anticipated to present a  
20                  cumulatively significant impact to public health and safety hazard to residents. (EIR p. 3.9-  
21                  17).

22                  **Mitigation Measures:**

23                  **MM HAZ-1 (Soil Investigation)**

24                  **MM HAZ-2 (Worker Environmental Awareness Program)**

25                  **MM HAZ-3 (UXO Identification, Training and Reporting Plan)**

26                  **MM HAZ-4 Pre-demolition surveys and appropriate hazardous materials removal.**

27                  Prior to the removal of any structures, perform a survey for lead based paint and asbestos  
28                  containing materials. If found, all lead based paint must be removed from the property

1 prior to construction/demolition activities with the potential to disturb painted surfaces and  
2 disposed of in accordance with all applicable laws. If the activities would not disturb  
3 painted surfaces, the entire structure with lead base paint must be disposed of in  
4 accordance with all applicable laws. If found, all asbestos containing materials must be  
5 disposed of in accordance with all applicable laws.

6  
7 **I. Hydrology and Water Quality Cumulative Impacts**

8 **Cumulative Impact Finding: Not Cumulatively Considerable.**

9 All foreseeable future projects in the Chuckwalla Valley Hydrologic Unit would be subject  
10 to similar measures as the proposed Project when obtaining the required permits that  
11 implement compliance with State and Federal clean water regulations and Riverside County  
12 floodplain development regulations. As all projects would go through an environmental  
13 review process, they would be subject to similar mitigation measures as those proposed to  
14 address potential water quality impacts for the Athos Project. Because the projects are in a  
15 similar hydrologic setting and most are similar types of projects, individual project impacts  
16 are expected to be reduced to less than significant. Therefore, the combined effects to water  
17 quality from the cumulative projects within the geographic scope would not be considered  
18 significant.

19 A cumulative groundwater analysis has been performed in the WSA. The results show that  
20 with the proposed Project and all cumulative projects in place, there would be an initial  
21 groundwater overdraft of up to 12,673 af in the year 2023. The CVGB would then begin to  
22 slowly recover. By the end of the 30 year period of analysis, the cumulative groundwater  
23 deficit would be approximately 10,601 acre-feet (approximately 0.07 percent of total  
24 storage). Without the Athos Project and all other cumulative projects in place, there would  
25 be a surplus of 71,700 acre-feet at the end of the 30 year period (Approximately 0.48 percent  
26 of total storage). Under this scenario, though there would be an initial overdraft of  
27 approximately 0.08 percent of total CVGB storage, cumulative Project water use would be  
28 slightly less than the current CVGB surplus, meaning the cumulative impact would be less

1 than significant. (EIR pp. 3.10-21 and 3.10-22).

2 **Mitigation Measures:**

3 **MM HWQ-1 (Drainage Erosion and Sedimentation Control Plan [DESCP])**

4 **MM HWQ-2 (Septic System Rehabilitation)**

5 **MM HWQ-3 (Mitigation of Impacts to the Palo Verde Mesa (PVMGB) Groundwater**  
6 **Basin)**

7 **MM HWQ-4 (Project Drainage Plan)**

8 **MM HWQ-5 (Flood Protection)**

9  
10 **J. Land Use and Planning Cumulative Impacts**

11 **Cumulative Impact Finding: Not Cumulatively Considerable.**

12 Potential land use impacts require evaluation on a case-by-case basis because of the  
13 interactive effects of a specific development and its surrounding land use environment. The  
14 Project would be consistent with the goals and policies of the Riverside County General  
15 Plan, and other applicable local land use plans, policies, and regulations and with the Federal  
16 plans. In addition, with approval of all discretionary requests, the Project would be an  
17 allowable use that would not conflict with the land use or zoning classifications for the site.  
18 Therefore, Project's incremental contribution to cumulative impacts to land use would not  
19 be considerable. (EIR pp. 3.1-12 and 3.11-13).

20  
21 **K. Noise Cumulative Impacts**

22 **Cumulative Impact Finding: Not Cumulatively Considerable.**

23 Cumulative noise impacts would be reduced through compliance with local laws and  
24 regulations and implementation of typical mitigation to protect sensitive receptors from  
25 noise and implement feasible noise controls. Cumulative renewable energy projects and  
26 other development that is subjected to the environmental permitting process would have a  
27 detailed analysis of noise and land use conflicts as part of the Project-level environmental  
28 review. The permitting process normally requires each project to comply with local

standards and to avoid noise-related land use conflicts. This means that all projects, even if unrelated to the proposed Project, would need to comply with the local community noise standards, such as the Riverside County Noise Ordinance. Additional mitigation may be applied to the cumulative projects through environmental permitting by lead agencies. Although sources of noise associated with cumulative project operations, including employee vehicles accessing the sites, power inverters, and other power system infrastructure could impact residences that are near the proposed Project, the mitigation recommended in this analysis would ensure that the Project's incremental contribution to the cumulative noise impact would not be considerable. (EIR pp. 3.12-17 and 3.12-18).

**Mitigation Measures:**

**MM N-1 (Construction Restrictions)**

**MM N-2 (Public Notification Process)**

**MM N-3 (Noise Complaint Process)**

**MM N-4 (Noise Restrictions)**

**L. Paleontological Resources Cumulative Impacts**

**Cumulative Impact Finding: Not Cumulatively Considerable.**

Cumulative development in eastern Riverside County in the Desert Center region of Southern California has the potential to directly or indirectly destroy paleontological resources, particularly during earth moving activities such as grading and excavation in areas containing Quaternary alluvium, which contain a high potential for significant paleontological resources. In addition, collection of fossil materials, dislodging of fossils from their preserved environment, and/or physical damage of fossil specimens could also adversely affect paleontological resources. Together these potential direct and indirect impacts associated with development in the cumulative scenario could result in a cumulatively significant impact to paleontological resources. However, with the implementation of Mitigation Measures PAL-1 through PAL-5, paleontological resource impacts would be reduced to a less than significant level. The proposed Project, as well as

1 other development projects, would be required to provide mitigation for any impacts to  
2 paleontological resources in accordance with provisions of CEQA, as well as with  
3 regulations currently implemented by the County of Riverside and the proposed guidelines  
4 of the Society of Vertebrate Paleontology. Therefore, the Athos Project incremental  
5 contribution to cumulative impacts for paleontological resources would not be cumulatively  
6 considerable based on the degree of protection afforded by these requirements (EIR p. 3.13-  
7 15).

8 **Mitigation Measures:**

9 **MM PAL-1 (Project Paleontologist)**

10 **MM PAL-2 (Paleontological Resource Impact Mitigation Program)**

11 **MM PAL-3 (Paleontological Monitoring)**

12 **MM PAL-4 (Paleontological Awareness Training)**

13 **MM PAL-5 (Paleontological Monitoring Report Requirement)**

14  
15 **M. Population and Housing Cumulative Impacts**

16 **Cumulative Impact Finding: Not Cumulatively Considerable.**

17 There is an ample supply of housing units to accommodate workers drawn from outside the  
18 two-hour commute area. Therefore, cumulative impacts in the cumulative scenario on  
19 housing are projected to be less than significant. The proposed Project would contribute an  
20 additional peak labor need of approximately 530 individuals. Given the availability of  
21 housing units, the incremental effects of the Project, when considered together with other  
22 past, present, and reasonably foreseeable future projects, would not result in a cumulatively  
23 significant impact. (EIR p. 3.14-5 and 3.14-6).

24  
25 **N. Public Services and Utilities Cumulative Impacts**

26 **Cumulative Impact Finding: Not Cumulatively Considerable.**

27 The implementation of Project-specific Fire Prevention Plan would reduce the Project-  
28 related demand for fire, law enforcement, and emergency medical services from

1 construction, such that the residual demand would not exceed established service ratios or  
2 require new or physically altered facilities, the construction of which could cause environ-  
3 mental impacts. The incremental effects of the Project would therefore be reduced to less  
4 than cumulatively considerable. The incremental effects of the proposed Project from up to  
5 10 permanent staff during operations would also not be cumulatively considerable because  
6 the very low number of workers would also not lead to the exceedance of established service  
7 ratios or require new or physically altered facilities. Cumulative operational and  
8 maintenance-related impacts to public services including fire, hazardous materials handling,  
9 and medical resources and facilities related to the Project would be less than related demands  
10 during construction and would not be cumulatively significant due to the low number of  
11 employees required to support projects in the cumulative scenario. The proposed Project  
12 would utilize an on-site or off-site groundwater well or water trucked from an offsite water  
13 purveyor and would not generate wastewater. There is no potential for the Project to  
14 contribute to cumulative impacts to water or wastewater systems. In addition, due to the  
15 existing and remaining capacity at existing landfills, the Project's incremental solid waste-  
16 related impact during construction and operation, when combined with the contributions of  
17 past, other present, and reasonably foreseeable future projects would not be cumulatively  
18 significant. (EIR pp. 3.15-12 and 3.15-13).

19  
20 **O. Recreation Cumulative Impacts**

21 **Cumulative Impact Finding: Not Cumulatively Considerable.**

22 The contribution to the cumulative loss of OHV routes by the Project would be less than  
23 cumulatively considerable because the routes impacted by the Athos Project do not lead to  
24 any specific recreation area and because the Athos Project would only close routes on private  
25 land. Because of the large amount of wilderness and solitary recreational areas in Eastern  
26 Riverside County and in the California desert and the limited use of the recreational areas  
27 near the Project, it is unlikely that recreationists who leave the Desert Center area for  
28 elsewhere in California would increase the use of such areas such that substantial physical

1 deterioration of the region would occur or be accelerated. Impacts would not result in a  
2 cumulatively significant impact. (EIR p. 3.16-10).

3  
4 **P. Traffic and Transportation Cumulative Impacts**

5 **Cumulative Impact Finding: Not Cumulatively Considerable.**

6 Cumulative impacts due to increased transportation hazards or damaged roads could be  
7 significant if simultaneous construction activities resulted in significant volumes of heavy  
8 truck trips that affected safe use of a roadway or damaged transportation facility surfaces.  
9 The Project's contribution to the potentially significant cumulative impact would be reduced  
10 to less than cumulatively considerable because Mitigation Measure TRA-1 (Construction  
11 Traffic Control Plan) requires the Project applicant to define the methods to maintaining  
12 close coordination with Caltrans and Riverside County, prior to and during construction, to  
13 minimize cumulative impacts of multiple simultaneous construction projects affecting  
14 shared portions of the circulation system. Mitigation Measure TRA-1 also requires the  
15 Project applicant to reduce temporary motorist hazards in a variety of ways, including  
16 ensuring the safe movement of pedestrians and bicycles through work areas. Mitigation  
17 Measure TRA-3 (Repair Roadways and Transportation Facilities Damaged by Construction  
18 Activities) is proposed to ensure any damage and deterioration attributed to the Project  
19 would be repaired. With the incorporation of these measures, the Project would have a less  
20 than significant contribution to cumulative hazard impacts on transportation facilities.

21 Construction of the solar facility and gen-tie lines are not expected to result in a cumulative  
22 impact to temporary lane closures. This is because construction of the solar facilities is not  
23 expected to require temporary land closures as they would occur within the public and  
24 private parcels. Construction of the gen-tie lines for each facility would require stringing the  
25 lines over local roads and the I-10, but each developer would be required to coordinate that  
26 work with Caltrans and the County to avoid any cumulative impacts.

27 Construction of the solar facility is not expected to require any temporary lane closures that  
28 could restrict the movements of buses. Similarly, the construction of the cumulative projects

1 would also be unlikely to require temporary land closures because they would be built on  
2 public or private lands off of public roads. Construction of the proposed Project would  
3 require large vehicles travel on local roadways to access the site and includes Mitigation  
4 Measure TRA-1 (Construction Traffic Control Plan) that would include provisions for  
5 ensuring detours or safe movement of buses through all affected areas. The cumulative  
6 projects would also be required to abide by regulations regarding lane closures to reduce any  
7 potential impacts. Therefore, the Project would not result in a cumulative significant impact  
8 to public transportation. (EIR pp. 3.17-18 and 3.17-19).

9 **Mitigation Measures:**

10 **MM TRA-1 (Construction Traffic Control Plan)**

11 **MM TRA-2 (Comply with FAA 7460 1 Determination Recommendations)**

12 **MM TRA-3 (Repair Roadways and Transportation Facilities Damaged by**  
13 **Construction Activities)**

14  
15 **Q. Energy Cumulative Impacts**

16 **Cumulative Impact Finding: Not Cumulatively Considerable.**

17 Project construction would not result in potentially significant environmental impact due to  
18 wasteful, inefficient, or unnecessary consumption of energy resources. Energy use during  
19 construction would be reduced by best management practices, applicant proposed measures,  
20 and adherence to proposed mitigation requirements that would minimize construction  
21 equipment activity, limit the idling of equipment, encourage carpooling, and reducing  
22 temporary traffic delays. The limited use of fossil fuel by operational worker commutes and  
23 use of vehicles and equipment during maintenance is not considered to wasteful, inefficient,  
24 or unnecessary. The proposed Project would increase the use of renewable energy, thus  
25 reducing the use of fossil fuel for electrical generation by conventional power plants. A  
26 number of cumulative projects are also renewable energy facilities. While construction  
27 activities associated with cumulative projects would require the use of fossil fuels, it is  
28 assumed each project would initiate best management practices and other methods as part of



1 project approval to reduce wasteful, inefficient, or unnecessary use of energy resources. The  
2 Project's contribution to potentially significant cumulative impacts would be less than  
3 cumulatively considerable because the Project would not result in wasteful, inefficient, or  
4 unnecessary energy use. Additionally, the Project would have a beneficial cumulative  
5 contribution related to directly supporting federal, State, and local plans for renewable  
6 energy development. (EIR pp. 3.18-4 and 3.18-5).

7 **Mitigation Measures:**

8 **MM AQ-2 (Control On-Site Off-Road Equipment Emissions)**

9 **MM AQ-3 (Require Newer Vehicles for On-Road Vendor and Hauling Trucks)**

10 **MM AQ-4 (Construction Activity Management Plan)**

11 **MM N-1(Construction Restrictions)**

12 **MM TRA-1 (Construction Traffic Control Plan)**

13  
14 **BE IT FURTHER RESOLVED** by the Board of Supervisors that it has considered the following  
15 alternatives identified in EIR No. CEQ180007 in light of the environmental impacts which cannot be  
16 avoided or substantially lessened and has rejected those alternatives as failing to meet most of the Project's  
17 objectives, as failing to reduce or avoid the Project's significant impacts or as infeasible for the reasons  
18 hereinafter stated:

- 19 A. Pursuant to Public Resources Code Section 21002 and the State CEQA Guidelines section  
20 15126.6(a), an EIR must assess a reasonable range of alternatives to the project action or  
21 location. Section 15126.6(a) places special emphasis on focusing the discussion on  
22 alternatives which provide opportunities for eliminating any significant adverse  
23 environmental impacts, or reducing them to a level of insignificance, even if the alternative  
24 would impede to some degree the attainment of the project objectives, or would be more  
25 costly. In this regard, the EIR must identify an environmentally superior alternative among  
26 the other alternatives. As with cumulative impacts, the discussion of alternatives is governed  
27 by the "rule of reason." The EIR need not consider an alternative whose effect cannot be  
28 reasonably ascertained, or does not contribute to an informed decision-making and public

1 participation process. The range of alternatives is defined by those alternatives, which could  
2 feasibly attain the objectives of the project. As directed by State CEQA Guidelines section  
3 15126.6(a), an EIR shall include alternatives to the project that could feasibly accomplish  
4 most of the basic objectives of the project.

5 B. The Project has been developed to achieve the following objectives:

- 6 1. Assist Californians in meeting their renewable energy generation goals under the  
7 Clean Energy and Pollution Reduction Act of 2015 (Senate Bill 350) and greenhouse  
8 gas emissions reduction goals of the California Global Warming Solutions Act of  
9 2006 (AB 32), as amended by Senate Bill 32 in 2016;<sup>1</sup>
- 10 2. Bring living-wage jobs to eastern Riverside County;
- 11 3. Minimize environmental impacts and land disturbance associated with solar  
12 development by siting the facility on relatively flat, contiguous lands with high solar  
13 insolation, in close proximity to established utility corridors, existing transmission  
14 lines with available capacity to facilitate interconnection, and road access;
- 15 4. Further the purpose of Secretarial Order 3285A1, establishing the development of  
16 environmentally responsible renewable energy as a priority for the Department of  
17 the Interior; and
- 18 5. Make the highest and best use of primarily disturbed, retired agricultural land in and  
19 around a federal “Solar Energy Zone” and “Development Focus Area” to generate,  
20 store, and transmit affordable, wholesale solar electricity.

21 These Project objectives (**EIR p. 1-2**) were defined consistent with the development  
22 proposal for this location. As directed in State CEQA Guidelines section 15126.6(a), an EIR  
23 shall include alternatives to the project that could avoid or substantially reduce one or more  
24 of the significant effects. Because not all significant effects can be substantially reduced to  
25 a less-than-significant level, either by adoption of mitigation measures, Project Design  
26 Features, existing regulations, or by standard conditions of approval, the following section  
27

28 <sup>1</sup> Senate Bill 32 California Global Warming Solutions Act of 2006: emissions limit. [online] [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB32](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB32).

1 considers the feasibility of the Project alternatives as compared to the proposed Project. As  
2 explained below, these findings describe and reject, for reasons documented in the EIR No.  
3 CEQ180007 and summarized below, each one of the Project alternatives. The evidence  
4 supporting these findings is presented in Chapters 3.02 through 3.18 of the EIR and  
5 elsewhere in the administrative record as a whole.

6 C. Alternative 1: No Project Alternative -No Development Alternative

- 7 1. This alternative evaluated the environmental impacts resulting from a hypothetical  
8 continuance of the existing land uses, under which the Project site would remain  
9 vacant and no development would occur.
- 10 2. With respect to the No Project Alternative-No Build Alternative, Project objectives  
11 are not attained because no development is included as a part of this alternative. With  
12 respect to the significant unavoidable impacts of the Project (cumulative aesthetics  
13 and cultural resources impacts), this alternative would avoid all the unavoidable  
14 significant impacts of the Project; however, it would not generate substantial benefits  
15 to the County and local economy, by providing new jobs and additional tax revenues.  
16 None of the Project objectives would be met under this alternative.
- 17 3. The Board of Supervisors rejects as infeasible Alternative 1, the No Project  
18 Alternative-No Development Alternative on the following ground, which  
19 individually provides sufficient justification for rejection of this alternative: (1)  
20 Alternative 1 fails to meet any of the Project objectives. Therefore, Alternative 1 is  
21 eliminated from further consideration.

22 D. Alternative 2: Reduced Footprint Alternative

- 23 1. Under the Reduced Footprint Alternative, the onsite substation (SS4) currently  
24 located on the southern parcel would instead be located at the southwest corner of  
25 the group of parcels to the north. The overall length of the gen-tie lines under the  
26 proposed Project and this alternative would be the same. However, approximately  
27 1.5 miles of Gen-Tie Segment #2 would become part of Gen-Tie Segment #4 by  
28 instead ending Gen-Tie Segment #2 at the alternative onsite substation location.

1 Except for the following components, all aspects of this alternative would be similar  
2 to the proposed Project:

- 3 • Reduction in solar facility site acreage by 387 acres (2,841 total acres) by  
4 eliminating the development of two groups of separate parcels.
- 5 • Reduction of solar energy generation by 50 MW to 450 MW with up to 450  
6 MW of integrated energy storage capacity (compared to 500 MW under the  
7 proposed Project).
- 8 • Relocation of one onsite substation and related facilities.

9 2. With respect to the Reduced Footprint Alternative it would result in similar impacts  
10 related to Air Quality impacts from emissions, Biological Resources, Greenhouse  
11 Gas (GHG) emissions, Hydrology & Water Quality, Noise, and Transportation/  
12 Traffic, and Tribal Cultural Resources as the proposed Project. The Reduced  
13 Footprint Alternative would not eliminate the significant and unavoidable aesthetic  
14 impacts and cumulative aesthetics and cultural resources impacts that would occur  
15 under the proposed Project.

16 3. The Board of Supervisors rejects Alternative 2, the Reduced Footprint Alternative,  
17 on the following grounds which provides sufficient justification for rejection of this  
18 alternative: (1) Alternative 2 would not avoid the significant and unavoidable  
19 aesthetic impacts and cumulative aesthetics and cultural resources impacts that  
20 would occur under the proposed Project (**EIR Sections 3.02 and 3.06**). (2)  
21 Alternative 2 would achieve the project objectives, which include the provision of  
22 environmental benefits, to a lesser extent compared with the proposed Project (**EIR**  
23 **Section 5.3.1**). Therefore, Alternative 2 is eliminated from further consideration.

24 E. Gen-Tie Segment #1 Alternative Route Option

25 1. A route alternative for Gen-Tie Segment #1 has been developed due to challenges  
26 obtaining landowner easements. Under this alternative option, the onsite substation  
27 (SS1) would be located approximately 0.2 miles east of its currently proposed  
28 location on Parcel Group A. The alternative would exit the onsite substation (SS1)

1 and head due south onto BLM-administered land for approximately 0.25 miles before  
2 turning southeast for almost 0.3 miles and south for 0.15 miles to enter private land.  
3 On private land, the alternative route would turn due west and travel 0.45 miles to  
4 rejoin Gen-Tie Segment #1. The Alternative Gen-Tie Segment #1 Route Option  
5 would be approximately 0.65 miles longer (1.15 miles compared to 0.5 miles with  
6 this segment of the proposed Project).

7 2. Although the impacts would be largely similar, the increased route length for the  
8 Alternative Route Option compared to the proposed Project, would result in slightly  
9 greater ground disturbance, visual intrusion impacts, level of construction activities  
10 and associated environmental impacts.

11 3. The Board of Supervisors rejects Gen-Tie Segment #1 Alternative Route Option on  
12 the grounds that the Gen-Tie Segment #1 Alternative Route Option would not avoid  
13 the significant and unavoidable aesthetic impacts and cumulative aesthetics and  
14 cultural resources impacts that would occur under the proposed Project (**EIR**  
15 **Sections 3.02 and 3.06**).

16 4. However, should the Project owner be unable to obtain an option agreement with the  
17 affected landowner(s), then the proposed Project route would not be legally feasible.  
18 In that case, the Gen-Tie Segment #1 Alternative Route Option would be pursued.

19 F. Environmentally Superior Alternative.

20 Section 15126.6(e)(2) of the State CEQA Guidelines indicates that an analysis of alternatives  
21 to a proposed Project shall identify an environmentally superior alternative among the  
22 alternatives evaluated in an EIR. This issue is evaluated in Chapter 4.0 of the EIR. Here,  
23 Alternative 1, the No Project Alternative is the environmentally superior alternative. Aside  
24 from the No Project Alternative, the Proposed Project is the environmentally superior  
25 alternative. While the proposed Project and Reduced Footprint Alternative would both create  
26 significant visual impacts from the solar facility and gen-tie line to travelers along SR-177,  
27 the proposed Project has been located to minimize environmental impacts and land  
28 disturbance associated with solar development by siting the facility on relatively flat,

1 contiguous lands with high solar insolation, in close proximity to established utility  
2 corridors, existing transmission lines with available capacity to facilitate interconnection and  
3 road access. The surrounding federal lands are designated as a “Solar Energy Zone” and a  
4 “Development Focus Area” in order to allow for development of solar energy generation  
5 and appurtenant facilities on public lands in this specific area. Furthermore, construction and  
6 operation of the Project would bring jobs to eastern Riverside County and would assist  
7 California with achieving its renewable energy generation goals. Given the location of the  
8 proposed Project on disturbed land in an area identified for solar generation, the Project’s  
9 renewable energy and economic benefits would outweigh the Project’s unavoidable adverse  
10 environmental impacts on visual resources.

11 A route alternative for Gen-Tie Segment #1 was evaluated in the EIR due to challenges  
12 obtaining landowner easements. Although the impacts would be largely similar, the  
13 increased route length for the Alternative Route Option compared to the proposed Project,  
14 would result in slightly greater ground disturbance, visual intrusion impacts, level of  
15 construction activities and associated environmental impacts. Therefore, the proposed  
16 Project for Gen-Tie Route Segment #1 is the environmentally superior alternative. Should  
17 the Applicant be unable to obtain an option agreement with the affected landowner(s), then  
18 the proposed Project route would not be legally feasible. In that case, the Gen-Tie Segment  
19 #1 Alternative Route Option would be the environmentally superior route for Gen-Tie  
20 Segment #1.

21 The EIR also considered alternatives that were rejected from further analysis on grounds  
22 they were infeasible. First, an alternative located entirely on BLM lands was considered in  
23 the EIR but then rejected from further analysis because it is likely to have more severe  
24 biological, cultural, and visual resource impacts, as it would likely be located on undisturbed  
25 lands. Also, it may not be feasible to find an alternative site on BLM-managed lands, because  
26 most of the land within the DFA and Developable Areas of the Riverside East SEZ is in use,  
27 proposed for other solar energy projects, or within mountainous areas. Site control is also an  
28 issue, given that the Western Solar Plan, DRECP and BLM Rents and Bonds Policy (CITE)

1 require a competitive auction to secure land within SEZs/DFAs and BLM has yet to conduct  
2 one for sites in Riverside County.

3 Second, an all private land project alternative was considered in the EIR but then rejected  
4 from further analysis because it is considered speculative and infeasible based on the number  
5 of landowners whose agreement would be required. In addition, another site would likely  
6 have environmental impacts equal to or greater than the proposed site, which is located  
7 primarily on disturbed (retired agricultural) land and is surrounded by BLM-administered  
8 land that is within the Riverside East SEZ of BLM's Western Solar Plan and within the  
9 DRECP DFA, and thus, targeted for renewable energy development.

10 Thirdly, a reduced footprint alternative (within Parcel A) was considered in the EIR but then  
11 rejected from further analysis because this alternative would reduce the overall energy  
12 generation capacity and there was another reduced footprint alternative (Alternative 2) that  
13 would provide greater environmental benefits, namely to biological and cultural resources,  
14 and was analyzed in detailed within the EIR.

15 Additionally, alternative solar technologies and renewable energy technologies were  
16 considered in the EIR but then rejected from further analysis because they are not within the  
17 Applicant, IP Athos, LLC's, area of expertise and so would not be technically or  
18 economically feasible for the Applicant to implement. Furthermore, energy conservation and  
19 demand-side management alternatives were considered in the EIR but then rejected from  
20 further analysis because they are not technically feasible as a replacement for the proposed  
21 Project as California utilities are required to achieve aggressive energy efficiency goals.  
22 Affecting consumer choice to the extent that would be necessary for a conservation and  
23 demand-side management solution would be beyond the County, BLM and/or the  
24 Applicant's control. Even if additional energy efficiency beyond that occurring in the  
25 baseline condition may be technically possible, it is speculative to assume that energy  
26 efficiency alone would achieve the necessary greenhouse gas reduction goals. With  
27 population growth and increasing demand for energy, conservation and demand  
28 management alone is not sufficient to address all of California's energy needs. Furthermore,

1 conservation and demand-side management would not by themselves provide the renewable  
2 energy required to meet the California renewable energy goals, a stated Project objective.  
3 Therefore, conservation and demand-side management has been eliminated from detailed  
4 analysis because it is considered remote or speculative and would not meet the stated Project  
5 objectives.

6 No other reasonable and feasible alternatives were identified during the environmental  
7 review process for consideration.

8  
9 **BE IT FURTHER RESOLVED** by the Board of Supervisors that it has, pursuant to State CEQA  
10 Guidelines section 15093, balanced the “economic, legal, social, technological, and other benefits” of the  
11 Project, against the unavoidable adverse environmental effects described herein, and has determined that  
12 each and every one of the following benefits individually outweigh and render acceptable each and every  
13 one of those environmental effects:

14 A. While the proposed Project and Reduced Footprint Alternative would both create significant  
15 visual impacts from the solar facility and gen-tie line to travelers along SR-177, the proposed  
16 Project has been located to minimize environmental impacts and land disturbance associated  
17 with solar development by siting the facility on relatively flat, contiguous lands with high  
18 solar insolation, in close proximity to established utility corridors, existing transmission lines  
19 with available capacity to facilitate interconnection and road access. The surrounding federal  
20 lands are designated as a “Solar Energy Zone” and a “Development Focus Area” in order to  
21 allow for development of solar energy generation and appurtenant facilities on public lands  
22 in this specific area. Furthermore, construction and operation of the Project would bring jobs  
23 to eastern Riverside County and would assist California with achieving its renewable energy  
24 generation goals. Given the location of the proposed Project on disturbed land in an area  
25 identified for solar generation, the Project’s renewable energy and economic benefits would  
26 outweigh the Project’s unavoidable adverse environmental impacts on visual resources.

27 B. The Project would provide local employment and economic opportunities for residents of  
28 Riverside County, thereby serving to increase economic opportunities. During the 30-month



1 construction period of the proposed Project, the on-site workforce is expected to reach peak  
2 of approximately 530 individuals with an average construction-related on-site workforce of  
3 320 individuals. Riverside County has the largest concentration of construction workers  
4 close to the Project area. During operation of the proposed Project, up to 10 permanent staff  
5 could be on the site at any one time for ongoing facility maintenance and repairs. These staff  
6 would also likely be sourced from Riverside County. Riverside County overall is housing  
7 rich/jobs poor, with an even greater housing rich/jobs poor condition in the unincorporated  
8 areas. It is expected that the majority of the new long-term jobs as well as the short-term  
9 construction jobs would be filled by the existing labor force available in the County of  
10 Riverside, as the County has a shortage of jobs. During the construction period, the Project  
11 is estimated to spend approximately \$35 million in direct procurement from local vendors.  
12 Furthermore, multiplier effects include indirect impacts that result from additional rounds of  
13 spending by businesses in the project's supply chain and induced impacts from household  
14 spending by new project-related employees. In total, the project's indirect and induced local  
15 economic benefits to the County's economy are expected to result in a total of \$100 million  
16 over the construction and operations periods. Lastly, the Project is estimated to yield up to  
17 \$800,000 in local sales tax and \$30 million in property taxes to the County over the life of  
18 the Project.

- 19 C. The Project will maximize the use of a currently underutilized site and promote the efficient  
20 use of land, while still providing natural open space consistent with the rural identity of the  
21 community. The Project will generate, store, and transmit affordable solar electricity to help  
22 the State and the County meet their renewable energy generation goals, as well as increasing  
23 California's own on-site energy generation, through the use of reliable and proven solar  
24 technology.

25  
26 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the State CEQA Guidelines  
27 section 15126(g) requires an EIR to discuss how a proposed project could directly or indirectly lead to  
28 economic, population, or housing growth. A project may be growth inducing if it removes obstacles to

1 growth, taxes, community service facilities, or encourages other activities which cause significant  
2 environmental effect. The discussion is as follows:

3       A.     The Project does not include the development of housing and therefore, would not directly  
4             induce population growth. The proposed Project would result in the conversion of substantial  
5             land areas to a new type of land use. The proposed Project would be constructed within an  
6             area covered by the Riverside County General Plan and Desert Center Area Plan, and the  
7             proposed Project would be a conditionally permitted use. The proposed Project would not  
8             result in the establishment of an essential public service, and it would not provide new access  
9             to a previously inaccessible area. As a result, the proposed Project would not cause  
10            significant growth inducement.

11           Short-term economic growth could occur during the construction and decommissioning  
12           periods because the proposed Project and the construction schedules of multiple overlapping  
13           projects could create a demand for workers that may not be met by the local labor force,  
14           thereby inducing in-migration of non-local labor and their households. Construction of the  
15           proposed Project alone would not create long-term jobs, however; therefore, the construction  
16           phase of the project is not considered to be growth inducing. Given the number of solar  
17           projects proposed in the Desert Center area, workers may stay on and continue to work in  
18           the area following construction of the proposed Project if jobs on other solar projects are  
19           available. Following construction, up to 10 permanent staff could be on the site at any one  
20           time for ongoing solar facility maintenance and repairs, and no new permanent personnel  
21           are anticipated to be added to operate and maintain the gen-tie line. The Project workforce  
22           could contribute to an increase in tax revenues for the State of California and Riverside  
23           County; however, the limited permanent employment expansion would not result in the need  
24           for new or physically altered community-serving facilities. As a result, the proposed Project  
25           would not be growth-inducing for its effects on economic expansion or growth.

26       B.     The proposed Project would be a conditionally permitted use, resulting in the development  
27             of a solar facility and gen-tie line in the vicinity of other existing and approved solar projects.  
28             The Project would be similar to other cumulative projects in eastern Riverside County, many

1 of which are identified as past and present projects or probable future projects (**EIR Section**  
2 **3.1.2, Cumulative Impact Scenario**). The Project would not establish a precedent-setting  
3 action such as a change in zoning or general plan amendment. Therefore, the proposed  
4 Project would not be growth inducing.

- 5 C. The proposed Project would result in development of private and public land across 7 groups  
6 of non-contiguous parcels. The proposed Project does not involve the development of a  
7 residential component that would result in direct population growth in the area. Additionally,  
8 the Project would not involve the development of new roadways, water systems, or sewer  
9 systems. Infrastructure improvements to serve the Project would be limited and would not  
10 be available to serve surrounding areas. Therefore, the proposed Project would not result in  
11 growth inducement through development or encroachment into an isolated area or open  
12 space.

13  
14 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the Project will implement  
15 applicable elements of the Riverside County General Plan as follows:

16 A. Land Use Element.

17 Analysis of applicable policies of the Land Use Element is presented throughout EIR No.  
18 CEQ180007 and concludes that the Project would not conflict with any applicable policy of  
19 the General Plan Land Use Element (EIR Chapter 3.11, Land Use and Planning).  
20 Furthermore, the proposed Project complies with all design standards for the proposed land  
21 use designation and considers the unique characteristics and features of the Project site and  
22 surrounding community. The proposed Project is consistent with the General Plan Land Use  
23 Element and is therefore consistent with the General Plan.

24 B. Circulation Element.

25 The Project will construct or contribute its fair share of the costs associated with the repair  
26 of roadways, as needed. The Project will implement mitigation measures that address  
27 Project-specific and cumulative transportation and traffic impacts, and based thereon, the  
28 Board of Supervisors finds that the Project is consistent with the General Plan Circulation

1 Element. All required improvements that are directly attributable to the Project would be  
2 constructed as part of the Project, and fair share costs would be contributed through payment  
3 of the TUMF, and the County's Development Impact Fee. The proposed Project is consistent  
4 with the General Plan Circulation Element and is therefore consistent with the General Plan.

5 C. Multipurpose Open Space Element.

6 The Multipurpose Open Space Element of the General Plan describes an open space system  
7 which includes methods for the acquisition, maintenance, and operation of a variety of open  
8 spaces. The County's open spaces are utilized for visual relief, natural resources protection,  
9 habitat protection, recreational uses, and protection from natural hazards for public health  
10 and safety. The Project would be a conditionally permitted use within the land use  
11 designation Open Space Rural (OS-RUR), Public Facilities, and Agriculture and zoning  
12 Natural Assets (N-A), Manufacturing-Heavy (M-H) and Agriculture (A-1-20) with approval  
13 of a CUP and completion of an environmental review. Table 3.11-1 of the EIR describes  
14 how the Project would be consistent with the Land Use and Multi-Purpose Open Space  
15 Elements.

16 The applicant is also seeking to vacate interior roadways and merge contiguous Project  
17 parcels. Roads along the Project perimeter on the solar facility lands would remain dedicated  
18 public access. This merger would be consistent with LU 26.4, encourage parcel  
19 consolidation, and because the perimeter roads would remain open to the public, it would  
20 not result in a loss of access.

21 The existing and planned land uses surrounding the Project are similar in nature to those  
22 identified for the Project, primarily Open Space Rural and Public Facilities but with some  
23 areas of Agriculture, Low Density Residential and Commercial Retail along Highway 177  
24 adjacent to or near the Project. The parcels closest to the solar facility are zoned N-A,  
25 W-2-10, A-1-20 (Light Agriculture [20-acre minimum]), C-P-S (Scenic Highway  
26 Commercial), M-H (Manufacturing Heavy), all of which allows solar power development  
27 with a conditional use permit on a lot 10 acres or larger. Therefore, the proposed Project is  
28 found consistent with the General Plan's Multipurpose Open Space Element and is therefore

1 consistent with the General Plan.

2 D. Safety Element.

3 The Project shall comply with all applicable building codes, County Ordinances, and State  
4 and Federal laws. The Project complies with all applicable provisions of the Alquist-Priolo  
5 Earthquake Fault Zoning Act, and as concluded by the Project geotechnical study, the Project  
6 site is not subject to significant hazards associated with earthquake induced liquefaction,  
7 landsliding, or settlement (assuming the implementation of mitigation). In addition, the  
8 proposed Project would not be subject to significant flood or dam inundation. The Project  
9 also would comply with all applicable standards for fire safety and be consistent with the  
10 Riverside County Fire Protection Master Plan. Furthermore, the proposed Project would not  
11 conflict with any disaster preparedness plans nor subject individuals to significant risk of  
12 loss, injury, or death involving wildland fires, erosion, seismic activity, blow-sand, or  
13 flooding. The proposed Project is consistent with the General Plan Safety Element and is  
14 therefore consistent with the General Plan.

15 E. Noise Element.

16 The impacts with regards to temporary and permanent noise to the proposed Project will be  
17 reduced to less than significant levels with implementation of Mitigation Measures MM N-  
18 1 through MM N-4. With implementation of the recommendations provided in the noise  
19 impact analysis and the required mitigation measures, the Project would be consistent with  
20 the General Plan Noise Element and is therefore consistent with the General Plan.

21 F. Air Quality Element.

22 The Project-specific evaluation of emissions demonstrates that construction-phase  
23 maximum daily emissions would be above the SCAQMD regional thresholds of significance  
24 for NOx, PM10, and PM2.5 if no Project-specific mitigation measures are implemented.  
25 Because construction emissions without mitigation would be below the thresholds for CO  
26 and SO2, the proposed Project would not be likely to violate any air quality standard or  
27 contribute substantially to an existing or projected air quality violation for these pollutants.  
28 Concurrent construction of other projects in close proximity to the proposed site could result

1 in increased local air quality impacts for the limited duration of simultaneous construction  
2 activities. Construction-phase emissions from each specific Project site would vary, but  
3 would occur within an air basin that is a state nonattainment area for ozone and PM10. The  
4 effects of the cumulative projects would combine with the short-term construction emissions  
5 from the proposed Project and would contribute to violations of the state ambient air quality  
6 standards for ozone and PM10, resulting in a cumulative impact.

7 Taking together the effects of implementing Mitigation Measures MM AQ-1 (Fugitive Dust  
8 Control Plan), MM AQ-2 (Control On-Site Off-Road Equipment Emissions), MM AQ-3  
9 (Require Newer Vehicles for On-Road Vendor and Hauling Trucks), and MM AQ-4  
10 (Construction Activity Management Plan) would avoid creating a cumulatively considerable  
11 net emissions increase of construction-related NOx, PM10, and PM2.5. Additionally, after  
12 considering the feasible mitigation, the Project-related NOx emissions levels as an ozone  
13 precursor pollutant would not contribute substantially to existing violations of the California  
14 ambient air quality standard for ozone, and this impact during construction would be less  
15 than significant, ensuring that the proposed Project would be consistent with the Air Quality  
16 Element and General Plan, by reducing potential air emissions to the lowest achievable level.

17 G. Housing Element.

18 The purpose of the General Plan Housing Element is to meet the needs of existing and future  
19 residents in Riverside County through the establishment of policies to guide County  
20 decision-making and to establish an action plan to meet the County's housing goals in the  
21 next seven years. The proposed Project would not construct new dwellings and would not  
22 induce substantial population growth in the area. The Project and the new jobs it would  
23 create would help balance the housing/jobs ratio in the area, and the Project would be  
24 consistent with the General Plan Housing Element and General Plan.

25 H. Administration Element.

26 The Administration Element contains information regarding the structure of the General  
27 Plan as well as general planning principles and a statement regarding the vision for Riverside  
28 County. The General Plan Amendment proposed by the Project would be consistent with

1 the Administration Element policies governing Entitlement/Policy Amendments, as the  
2 proposed Project would help to achieve the purposes of the General Plan through compliance  
3 with applicable General Plan policies.

4 I. Healthy Communities Element.

5 The Healthy Communities Element provides a framework for translating the General Plan  
6 vision for a healthy Riverside County into reality by identifying policies to achieve that  
7 vision. The Healthy Communities Element addresses areas where public health and planning  
8 intersect, including transportation and active living, access to health care, mental health,  
9 quality of life, and environmental health. The Project would be consistent with the Healthy  
10 Communities Element policies governing Overall Health, Land Use and Community Design,  
11 Transportation System, Social Capital, Complete Communities, Parks, Trails, and Open  
12 Space, as the proposed Project would help to achieve the purposes of the General Plan  
13 through compliance with applicable General Plan policies.

14  
15 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the Final EIR also discusses,  
16 pursuant to State CEQA Guidelines sections 15126(c) and 15126.2(c), significant irreversible  
17 environmental changes and provides in **EIR Section 3.18 and 4.4**, the following:

18 A. An “Energy Analysis” of the proposed Project was prepared and is included in EIR Section  
19 3.18 and Section 4.4.

20 B. The following summary of findings relating to energy use and efficiency, was provided in  
21 the analysis in EIR Section 3.18 and Section 4.4.

22 While construction would require the temporary use of energy resources, the Project would  
23 not result in potentially significant environmental impact due to wasteful, inefficient, or  
24 unnecessary consumption of energy resources, during project construction. Furthermore,  
25 implementation of Mitigation Measures AQ-2 (Control On-Site Off-Road Equipment  
26 Emissions), MM AQ-3 (Require Newer Vehicles for On-Road Vendor and Hauling Trucks),  
27 MM AQ-4 (Construction Activity Management Plan), MM N-1 (Construction Restrictions),  
28 and MM TRA-1 (Construction Traffic Control Plan) would reduce energy consumption by

1 the Project during construction and would ensure that impacts would be less than significant.  
2 Maintenance and inspection of proposed Project components would require use of fossil fuel  
3 resources. However, this limited use of fossil fuel by operational worker commutes and use  
4 of vehicles and equipment during maintenance is not considered too wasteful, inefficient, or  
5 unnecessary. The proposed Project would increase the use of renewable energy, thus  
6 reducing the use of fossil fuel for electrical generation by conventional power plants.  
7 Beneficial impacts related to state or local plans for renewable energy or energy efficiency  
8 would occur.  
9

10 **BE IT FURTHER RESOLVED** by the Board of Supervisors that Conditional Use Permit No.  
11 180001 (CUP180001), Public Use Permit No. 180001 (PUP180001), Variance No. 190003, Tentative  
12 Parcel Map No. 37700 (TPM37701), Tentative Parcel Map No. 37702 (TPM37702), Tentative Parcel Map  
13 No. 37703 (TPM37703), Tentative Parcel Map No. 37704 (TPM37704), and Tentative Parcel Map No.  
14 37705 (TPM37705) are consistent with the Riverside County General Plan.  
15

16 **BE IT FURTHER RESOLVED** by the Board of Supervisors that it has reviewed and considered  
17 EIR No. CEQ180007 in evaluating Conditional Use Permit No. 180001 (CUP180001), Public Use Permit  
18 No. 180001 (PUP180001), Variance No. 190003, Tentative Parcel Map No. 37700 (TPM37701), Tentative  
19 Parcel Map No. 37702 (TPM37702), Tentative Parcel Map No. 37703 (TPM37703), Tentative Parcel Map  
20 No. 37704 (TPM37704), and Tentative Parcel Map No. 37705 (TPM37705); and, that EIR No. CEQ180007  
21 is an accurate and objective statement that complies with the California Environmental Quality Act and  
22 reflects the County's independent judgment, and that EIR No. CEQ180007 is incorporated herein by this  
23 reference.  
24

25 **BE IT FURTHER RESOLVED** by the Board of Supervisors that it **ADOPTS** the statement of  
26 overriding consideration, **CERTIFIES** EIR No. CEQ180007 and **ADOPTS** the Mitigation Monitoring and  
27 Reporting Plan attached as Attachment A hereto. To the extent that there are any inconsistencies between  
28 the mitigation measures as set forth in EIR No. CEQ180007, and those set forth in the Mitigation



1 Monitoring and Reporting Program, whichever measure is deemed more protective of the environment shall  
2 control.

3  
4 **BE IT FURTHER RESOLVED** by the Board of Supervisors that copies of Conditional Use Permit  
5 No. 180001 (CUP180001), Public Use Permit No. 180001 (PUP180001), Variance No. 190003, Tentative  
6 Parcel Map No. 37700 (TPM37701), Tentative Parcel Map No. 37702 (TPM37702), Tentative Parcel Map  
7 No. 37703 (TPM37703), Tentative Parcel Map No. 37704 (TPM37704), Tentative Parcel Map No. 37705  
8 (TPM37705) shall be placed on file in the Office of the Clerk of the Board, in the Office of the County  
9 Planning Department, and the Office of the Building and Safety Director.

10  
11 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the custodian of the documents  
12 upon which this decision is based are the Clerk of the Board of Supervisors and the County Planning  
13 Department and that such documents are located at 4080 Lemon Street, Riverside, California.

14  
15 ROLL CALL:

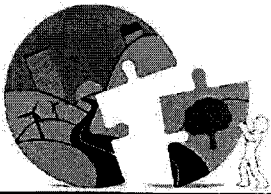
16 Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt  
17 Nays: None  
18 Absent: None

19 The foregoing is certified to be a true copy of a resolution duly  
20 adopted by said Board of Supervisors on the date therein set forth.

21  
22  
23  
24  
25  
26  
27  
28  
Kecia R. Harper, Clerk of said Board

By  \_\_\_\_\_

Deputy

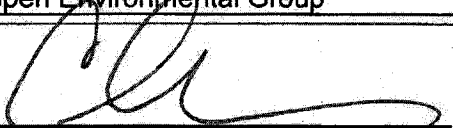


**COUNTY OF RIVERSIDE  
PLANNING DEPARTMENT  
STAFF REPORT**

**Agenda Item No.**

**Board of Supervisor's Hearing: June 18, 2019**

**PROPOSED PROJECT**

<b>Case Number(s):</b>	Conditional Use Permit No. 180001 Variance No. 190001 Public Use Permit No. 180001 Tentative Parcel Map No.(s) 37700, 37701, 37702, 37703, 37704, 37705 DA No. 1900001	<b>Applicant:</b> IP Athos, LLC and IP Athos II, LLC
<b>EIR No.:</b>	CEQ180007	<b>Representative(s):</b> INTERSECT POWER Aspen Environmental Group
<b>Area Plan:</b>	Desert Center	 Charissa Leach, P.E. Assistant TLMA Director
<b>Zoning Area/District:</b>	Chuckawalla Area	
<b>Supervisory District:</b>	Fourth District	
<b>Project Planner:</b>	Jason Killebrew	

**APNs: Solar Facility Accessor Parcel Numbers (APNs):** 811-170-002, 811-180-001, 807-191-004, 811-122-002, 811-142-007, 811-122-009, 811-142-015, 811-130-010, 811-150-002, 810-110-001, 810-110-006, 811-108-014, 811-142-006, 811-180-013, 811-180-024, 811-190-001, 811-142-005, 811-260-013, 811-180-002, 811-180-003, 811-180-004, 811-180-005, 811-170-013, 811-150-001, 811-170-009, 811-170-007, 811-170-008, 811-122-001, 807-680-001, 807-680-002, 807-680-003, 807-680-004, 807-680-005, 807-680-006, 807-680-007, 807-680-008, 807-680-009, 807-680-010, 807-680-011, 807-680-012, 807-680-013, 807-690-001, 807-690-002, 807-690-003, 807-690-004, 807-690-026, 807-690-027, 807-690-028, 807-690-011, 807-690-012, 807-690-013, 807-690-014, 807-690-015, 807-690-016, 807-690-017, 807-690-018, 807-690-019, 807-690-020, 807-690-021, 807-690-022, 807-690-023, 807-690-024, 807-690-025.

**Generation tie (Gen-tie) APNs:** 807-191-004, 807-191-031, 811-121-003, 811-122-001, 811-142-005, 811-260-013, 811-122-001, 811-170-013, 811-170-009, 811-180-004, 811-180-005, 811-190-001, 810-110-001, 811-190-001, 811-190-001.

**PROJECT DESCRIPTION AND LOCATION**

The requested entitlements below are considered the "Project." The project is commonly referred to as the Athos Renewable Energy Project (Athos or Project).

**Conditional Use Permit No. 180001 (CUP180001):** To allow the construction, maintenance, and operation of a 500-megawatt (MW) commercial solar photovoltaic (PV) electrical power plant (solar facility) in the Desert Center area of unincorporated Riverside County. The solar facility consists of seven solar array fields (Parcel Groups) utilizing single-axis solar PV trackers and panels with a combined maximum height of 12 feet. Supporting facilities on-site would include up to four electrical substations (approximately 30,000 square feet each), one 3,000-square-foot operation/maintenance (O&M) building, inverters, transformers, battery/flywheel storage system capable of storing up to 500 MW of electricity, and several interior access roads or improved existing access roads connecting the project area to Rice Road 177 (SR177). The proposed project is located on approximately 3,440 acres across seven groups of non-contiguous parcels (Parcel Groups A to G).

**Public Use Permit No. 180001 (PUP180001):** To allow approximately four miles of 220 kilovolt (kV) gen-tie transmission lines to traverse County/private properties (non-Bureau of Land Management [BLM] regulated/owned property). The gen-tie lines are proposed to interconnect with the Southern California Edison (SCE) Red Bluff substation, an existing substation located south of Interstate 10 (I-10). The gen-tie lines would be placed within a 100 foot-wide right-of-way (ROW). Portions of the gen-tie lines could be undergrounded for segments to cross existing public and private ROWs.

**Variance No. 190001:** To allow the gen-tie support structures to exceed the maximum height allowed within the Natural Assets (N-A) zone and also in the Controlled Development Area (W-2) zone. The maximum height allowed for structures within the N-A zone is 20 feet in height. The maximum height allowed for structures within the W-2 zone is 105 feet in height. The gen-tie support structures would be constructed as either monopoles, lattice steel structures, or wood H-frame poles with an average height of 90 feet from ground level, minimum height of approximately 30 feet from ground level, and a maximum height of 120 feet from ground level.

**Tentative Parcel Map No. (s): 37700, 37701, 37702, 37703, 37704, and 37705:** Schedule "I" subdivisions to consolidate and assemble approximately 3,440 acres into six, non-contiguous mapped areas, to support a commercial solar facility. The consolidation would include the request to vacate public easements and rights-of-ways. **TPM37700** (Parcel Group E) is proposing to consolidate 473.43 acres into one parcel; **TPM37701** (Parcel Group G) is proposing to consolidate 301.60 acres into one parcel; **TPM37702** (Parcel Group A) is proposing to consolidate 643.96 acres into one parcel; **TPM37703** (Parcel Group D) is proposing to consolidate 109.24 acres into one parcel; **TPM37704** (Parcel Group C) is proposing to consolidate 797.85 acres into one parcel; and **TPM37705** (Parcel Group B) is proposing to consolidate 166.96 acres into one parcel. (Parcel Group F, APN: 811-190-001 is currently one parcel).

Note that seven miles of 220 kV gen-tie transmission lines are outside of the solar facility on federal land managed by the BLM Palm Springs-South Coast Field Office. This area is part of the proposed project, however under the jurisdiction of BLM and reviewed in compliance with the National Environmental Policy Act (NEPA).

**Development Agreement No. 1900001:** The applicant has proposed entering into a development agreement (DA No. 1900001) with the County for the Project, consistent with the County's solar power plant program. Board of Supervisors Policy No. B-29 regarding solar power plants states, "[N]o approval required by Ordinance No. 348 shall be given for a solar power plant unless the Board first approves a development agreement with the solar power plant owner and the development agreement is effective." County Staff has negotiated terms and provisions with the applicant, for the Board's consideration, consistent with Board Policy B-29. The DA 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. 1900001 contains terms consistent with Board of Supervisors Policy No. B-29, including terms regarding public benefit payments and increases (Section 4.2 of DA No. 1900001) and provisions 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 (Section 4.3 of DA No. 1900001). The DA also contains an agreement between the parties with regard to the computation of development impact fees in the amount of \$2,421,300 and an Additional Community Benefit Fee of \$1,100,000 (Section 4.4 of DA No. 1900001). Approval and use of Conditional Use Permit No. 180001 and Public Use Permit No. 180001 are conditioned upon DA No. 1900001 being entered into and effective. Per state law, a development agreement is a legislative act that must be approved by ordinance. Proposed Ordinance No. 664.61, an Ordinance of the County of Riverside Approving Development

Agreement No.1900001, incorporates by reference DA No. 1900001 consistent with Government Code section 65867.5.

The Athos Project is located north of I-10 predominately along Rice Road (SR177), approximately four miles east and northeast of Desert Center in unincorporated Riverside County. Given the scale and acreage of the proposed project, the applicant has separated the project area into seven non-contiguous parcel groups (See Figure 1). The general location of each parcel group is described below:

- **Parcel Group A** – Is located approximately 4,000 feet north of Rice Road (SR177), west of Loma Verde Road, east of Buffalo Run Road, and south of Kiowa Road. Parcel A Group is approximately 643.96 acres. Parcel Group A was previously used for agriculture and is currently fallow. It is located 0.5 miles east of the existing Desert Sunlight Solar Farm and 0.5 miles east of the approved Desert Harvest Solar Project site. It is primarily surrounded by undeveloped desert on BLM-administered public lands. Parcel Group A is also adjacent to (south of) BLM-administered land designated for conservation (i.e., designated as an Area of Critical Environmental Concern and National Lands Conservation System land). Parcels to the south of Parcel Group A are a right-of-way owned in fee by the Metropolitan Water District (MWD). To the southeast and east are private lands currently used for agriculture. Rural residences and a date palm farm are located approximately 100 feet east and 1,500 feet west of Parcel Group A.
- **Parcel Group B** – Is located south of Rice Road (SR177), directly north of the Desert Center Airport (Chuckwalla Raceway). Parcel Group B is approximately 166.96 acres. A portion of Parcel Group B was previously used for agriculture but is currently fallow, other portions include undeveloped desert area. It is located south of the MWD right-of-way and private land used for agriculture and north of the Chuckwalla Valley Raceway. It is located east of BLM land and west of undeveloped private land.
- **Parcel Group C** – Is located directly adjacent to Rice Road (SR177) to the south, and north of Comanche Trail. Parcel Group C is approximately 797.85 acres. Parcel Group C was previously used for agriculture and is currently fallow. It is located south and east of the State Route 177, rural residences, and the Green Acres Mobile Park with 27 mobile home spaces. It is located north and west of BLM land, and west of the Chuckwalla Valley Raceway's access road. Scattered rural residences are located near Parcel Group C specifically along the State Route 177 and near the Lake Tamarisk community.
- **Parcel Group D** – Is located directly to the southwest of Parcel Group C, south of Comanche Trail. Parcel Group D is approximately 109.24 acres. Parcel Group D is undeveloped desert located south, east, and north of undeveloped BLM-land. It is located west of an undeveloped private parcel.
- **Parcel Group E** – Is generally located south of the Desert Center Airport (Chuckwalla Raceway). Parcel Group B is approximately 473.43 acres. Parcel Group E was previously used for agriculture and is currently fallow. It is located south of the Chuckwalla Valley Raceway and surrounds an undeveloped parcel of State-owned land under the jurisdiction of the California State Lands Commission. There is another parcel of State-owned land that is within the southwestern area of Parcel Group E and would be crossed by the Project gen-tie line and roadway. Parcel Group E is adjacent to some BLM land to the east, west and south. Additional lands to the east and west are undeveloped private land.

- **Parcel Group F** – Is currently one parcel and located approximately 3,800 feet north of I-10. Parcel Group F is approximately 280 acres. Parcel Group F is the only Parcel Group that does not have an associated Tentative Parcel Map. Parcel Group F is undeveloped desert and is surrounded almost entirely by BLM land. A parcel of private land, located southeast of Parcel Group F.
- **Parcel Group G** – Is located approximately 9,000 feet north of the I-10/Chuckwalla Valley Road intersection. Parcel Group G is approximately 301.60 acres. Parcel Group G is a date farm and is surrounded almost entirely by BLM land. A parcel of private land is located southwest of Parcel Group G that is used as a date farm.

#### **Gen-Tie Transmission Lines**

The 220 kV gen-tie lines would traverse mainly BLM-administered public lands. A portion of the gen-tie lines north and south of the I-10 corridor would also be sited within the Section 368 Federal Energy Corridor as established by the Westwide Energy Corridor Final Programmatic Environmental Impact Statement (PEIS) and Record of Decision. Gen-tie Segment #4 would cross the Chuckwalla ACEC south of the I-10, paralleling an existing overhead transmission corridor and within an existing BLM utility corridor.

- Gen-tie Segment #1 crosses BLM land and two private parcels that are not part of the proposed solar facility. The private parcels are designated as Open Space Rural in the General Plan and zoned as W-2-10 and N-A. One parcel is a right-of-way owned in fee by the MWD.
- Gen-tie Segments #2, #3, and #4, are either located on the proposed solar facility or undeveloped BLM land. Portions of Gen-tie Segment #2 would parallel the existing Desert Sunlight Solar Farm gen-tie line, and Gen-tie Segment #3 would parallel the proposed Palen Solar Project gen-tie line either overhead or underground in the access road. Gen-tie Segment #4 would parallel both Desert Sunlight and the Palen gen-tie lines and would be located partially within an existing BLM utility corridor.

### **PROJECT RECOMMENDATION**

#### **STAFF RECOMMENDATIONS:**

#### **THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTIONS:**

**ADOPT Resolution No. 2019-137 TO CERTIFY AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE ATHOS SOLAR PROJECT (CEQ180007), adopting environmental findings pursuant to the California Environmental Quality Act, and adopting a Mitigation Monitoring and Reporting Program; and**

**APPROVE CONDITIONAL USE PERMIT NO. 180001, subject to the attached conditions of approval and advisory notification document and based upon the findings and conclusions incorporated in the staff report and in Resolution No. 2019-137; and**

**APPROVE PUBLIC USE PERMIT NO. 180001, subject to the attached conditions of approval and advisory notification document and based upon the findings and conclusions incorporated in the staff report and in Resolution No. 2019-137; and**

**APPROVE VARIANCE NO. 190001 to allow for the gen-tie support structures to exceed the maximum height restrictions in the Natural Assets (N-A) and the Controlled Development Area (W-2) zones by being**

up to 120 feet high, based upon the findings and conclusions incorporated in the staff report and in Resolution No. 2019-137; and

**APPROVE TENTATIVE PARCEL MAP NOS. 37700, 37701, 37702, 37703, 37704, and 37705**, subject to the attached conditions of approval, advisory notification document and based upon the findings and conclusions incorporated in the staff report and in Resolution No. XXXX; and

**INTRODUCE and ADOPT** on successive weeks **ORDINANCE NO. 664.61**, an Ordinance of the County of Riverside Approving Development Agreement No. 1900001, based upon the findings and conclusions incorporated in the staff report and in Resolution No. 2019-137.

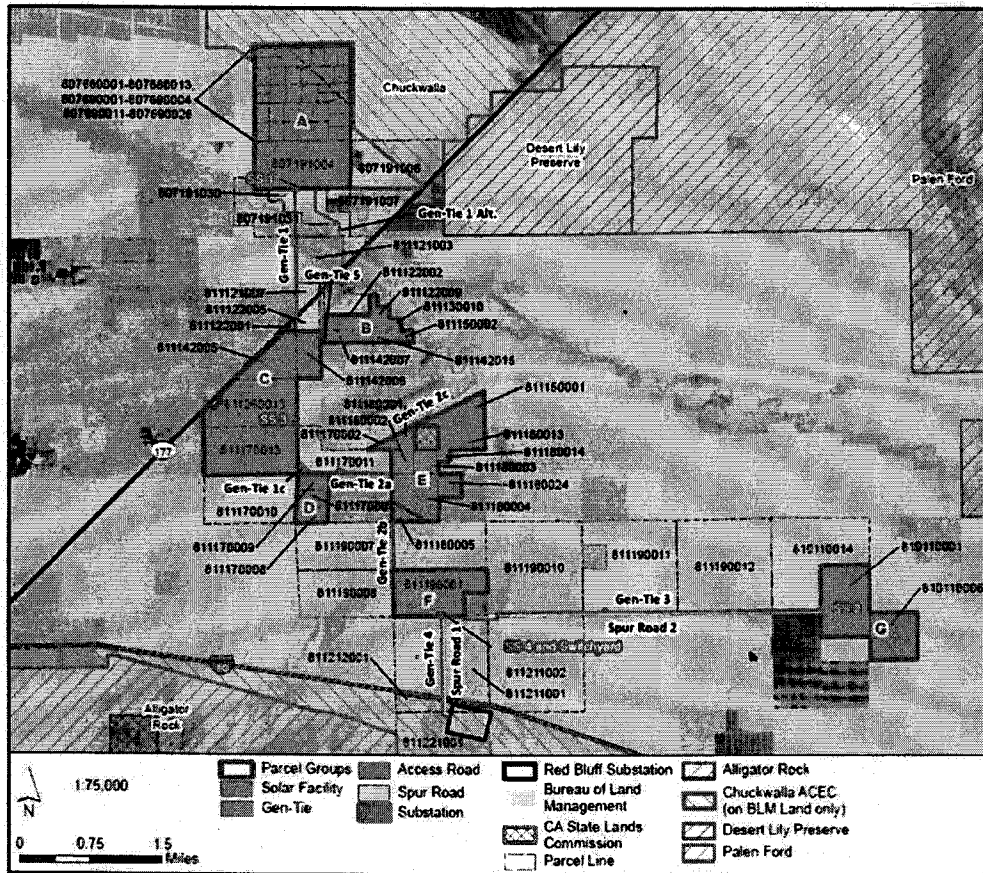


Figure A: Project Map (Parcel Groups, Gen-tie lines)

CUP180001 (lead case) was submitted to the County of Riverside on January 30, 2018

PROJECT DATA	
<b>Land Use and Zoning:</b>	
Existing General Plan Foundation Component:	Parcel Group A: Open Space Parcel Group B: Open Space, Community Development

	Parcel Group C: Open Space, Agriculture Parcel Group D: Open Space Parcel Group E: Open Space Parcel Group F: Open Space Parcel Group G: Open Space
<b>Existing General Plan Land Use Designation:</b>	Parcel Group A: Open Space-Rural (OS-RUR) Parcel Group B: Open Space-Rural (OS-RUR), Public Facilities (PF) Parcel Group C: Open Space-Rural (OS-RUR), Agriculture Parcel Group D: Open Space-Rural (OS-RUR) Parcel Group E: Open Space-Rural (OS-RUR) Parcel Group F: Open Space-Rural (OS-RUR) Parcel Group G: Open Space-Rural (OS-RUR)
<b>Policy / Overlay Area:</b>	Not in a General Plan Policy Area
<b>Surrounding General Plan Land Uses</b>	
<b>North:</b>	Parcel Group A: Open Space-Rural (OS-RUR) Parcel Group B: Open Space-Rural (OS-RUR) Parcel Group C: Open Space-Rural (OS-RUR), Agriculture Parcel Group D: Open Space-Rural (OS-RUR) Parcel Group E: Open Space-Rural (OS-RUR), Public Facilities (PF) Parcel Group F: Open Space-Rural (OS-RUR) Parcel Group G: Open Space-Rural (OS-RUR)
<b>East:</b>	Parcel Group A: Open Space-Rural (OS-RUR) Parcel Group B: Open Space-Rural (OS-RUR), Public Facilities (PF) Parcel Group C: Open Space-Rural (OS-RUR) Parcel Group D: Open Space-Rural (OS-RUR) Parcel Group E: Open Space-Rural (OS-RUR) Parcel Group F: Open Space-Rural (OS-RUR) Parcel Group G: Open Space-Rural (OS-RUR)
<b>South:</b>	Parcel Group A: Open Space-Rural (OS-RUR) Parcel Group B: Public Facilities (PF) Parcel Group C: Open Space-Rural (OS-RUR) Parcel Group D: Open Space-Rural (OS-RUR) Parcel Group E: Open Space-Rural (OS-RUR) Parcel Group F: Open Space-Rural (OS-RUR) Parcel Group G: Open Space-Rural (OS-RUR)
<b>West:</b>	Parcel Group A: Open Space-Rural (OS-RUR) Parcel Group B: Open Space-Rural (OS-RUR)

	<p>Parcel Group C: Open Space-Rural (OS-RUR), Commercial Retail (CR), Heavy Industrial (HI)</p> <p>Parcel Group D: Open Space-Rural (OS-RUR)</p> <p>Parcel Group E: Open Space-Rural (OS-RUR)</p> <p>Parcel Group F: Open Space-Rural (OS-RUR)</p> <p>Parcel Group G: Open Space-Rural (OS-RUR)</p>
<p>Existing Zoning Classification:</p>	<p>Parcel Group A: Controlled Development Areas, 10 acre lot minimum (W-2-10)</p> <p>Parcel Group B: Controlled Development Areas, 10 acre lot minimum (W-2-10), Manufacturing – Heavy (M-H)</p> <p>Parcel Group C: Controlled Development Areas, 10 acre lot minimum (W-2-10)</p> <p>Parcel Group D: Controlled Development Areas, 10 acre lot minimum (W-2-10)</p> <p>Parcel Group E: Controlled Development Areas, 10 acre lot minimum (W-2-10)</p> <p>Parcel Group F: Controlled Development Areas, 10 acre lot minimum (W-2-10)</p> <p>Parcel Group G: Controlled Development Areas, 10 acre lot minimum (W-2-10), Natural Assets (N-A)</p>
<b>Surrounding Zoning Classifications</b>	
<p>North:</p>	<p>Parcel Group A: Natural Assets (N-A)</p> <p>Parcel Group B: Controlled Development Areas, 10 acre lot minimum (W-2-10)</p> <p>Parcel Group C: Controlled Development Areas, 10 acre lot minimum (W-2-10), Light Agriculture, 20 acre lot minimum (A-1-20)</p> <p>Parcel Group D: Natural Assets (N-A)</p> <p>Parcel Group E: Natural Assets (N-A), Manufacturing – Heavy (M-H)</p> <p>Parcel Group F: Natural Assets (N-A)</p> <p>Parcel Group G: Natural Assets (N-A)</p>
<p>East:</p>	<p>Parcel Group A: Natural Assets (N-A), Controlled Development Areas, 10 acre lot minimum (W-2-10)</p> <p>Parcel Group B: Natural Assets (N-A), Manufacturing – Heavy (M-H)</p> <p>Parcel Group C: Natural Assets (N-A), Controlled Development Areas, 10 acre lot minimum (W-2-10), Natural Assets (N-A), Manufacturing – Heavy (M-H)</p>



	<p>Parcel Group D: Controlled Development Areas, 10 acre lot minimum (W-2-10)</p> <p>Parcel Group E: Natural Assets (N-A), Controlled Development Areas, 10 acre lot minimum (W-2-10)</p> <p>Parcel Group F: Natural Assets (N-A)</p> <p>Parcel Group G: Natural Assets (N-A)</p>
South:	<p>Parcel Group A: Natural Assets (N-A), Controlled Development Areas, 10 acre lot minimum (W-2-10)</p> <p>Parcel Group B: Manufacturing – Heavy (M-H)</p> <p>Parcel Group C: Natural Assets (N-A)</p> <p>Parcel Group D: Natural Assets (N-A)</p> <p>Parcel Group E: Natural Assets (N-A)</p> <p>Parcel Group F: Natural Assets (N-A)</p> <p>Parcel Group G: Natural Assets (N-A)</p>
West:	<p>Parcel Group A: Natural Assets (N-A)</p> <p>Parcel Group B: Manufacturing – Heavy (M-H), Natural Assets (N-A)</p> <p>Parcel Group C: Controlled Development Areas, 10 acre lot minimum (W-2-10), Scenic Highway Commercial (C-P-S), Manufacturing – Heavy (M-H),</p> <p>Parcel Group D: Natural Assets (N-A)</p> <p>Parcel Group E: Natural Assets (N-A)</p> <p>Parcel Group F: Natural Assets (N-A)</p> <p>Parcel Group G: Natural Assets (N-A), Controlled Development Areas, 10 acre lot minimum (W-2-10)</p>
Existing Use:	<p>Parcel Group A: Vacant Land</p> <p>Parcel Group B: Vacant Land, Single-Family Mobile Home Residence, Date Farm</p> <p>Parcel Group C: Predominately Vacant, Existing Structures remnant from agriculture activities. Fallow crop area, Single-Family Mobile Home Residence</p> <p>Parcel Group D: Vacant Land</p> <p>Parcel Group E: Vacant Land</p> <p>Parcel Group F: Vacant Land</p> <p>Parcel Group G: Date Farm</p>
<b>Surrounding Uses</b>	
North:	<p>Parcel Group A: Vacant Land</p> <p>Parcel Group B: Vacant Land</p>

	Parcel Group C: Vacant Land Parcel Group D: Vacant Land Parcel Group E: Desert Center Airport (Chuckwalla Raceway) Parcel Group F: Vacant Land Parcel Group G: Vacant Land
South:	Parcel Group A: Vacant Land Parcel Group B: Vacant Land Parcel Group C: Vacant Land Parcel Group D: Vacant Land Parcel Group E: Vacant Land Parcel Group F: Vacant Land Parcel Group G: Vacant Land
East:	Parcel Group A: Vacant Land Parcel Group B: Vacant Land Parcel Group C: Vacant Land Parcel Group D: Vacant Land Parcel Group E: Vacant Land Parcel Group F: Vacant Land Parcel Group G: Vacant Land
West:	Parcel Group A: Vacant Land Parcel Group B: Vacant Land Parcel Group C: Commercial Uses/RV Park Parcel Group D: Vacant Land Parcel Group E: Vacant Land Parcel Group F: Vacant Land Parcel Group G: Vacant Land

**Project Details:**

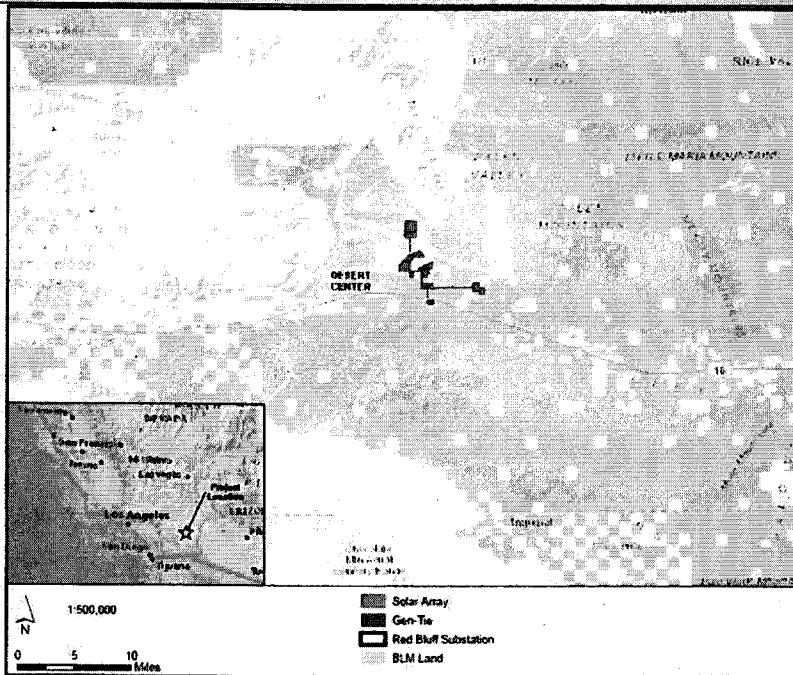
<i>Item</i>	<i>Value</i>	<i>Min./Max. Development Standard</i>
Project Site (Acres):	3,440	N/A
Existing Building Area (SQFT):	N/A	N/A
Proposed Building Area (SQFT):	3,000 square feet (O&M Building)	N/A
Proposed Minimum Lot Size:	109.24 acres (Smallest Parcel)	20 acres (Per OS-RUR)
Proposed Density	N/A	N/A
Total Proposed Number of Lots:	7	N/A
Map Schedule:	1	

**Located Within:**

City's Sphere of Influence:	Not in a City Sphere
-----------------------------	----------------------

Community Service Area ("CSA"):	No
Special Flood Hazard Zone:	No
Agricultural Preserve:	No
Liquefaction Area:	Yes, Moderate Potential
Subsidence Area:	Yes, Susceptible
Fault Zone:	No
Fire Zone:	No
Mount Palomar Observatory Lighting Zone:	No
Stephens Kangaroo Rat ("SKR") Fee Area:	No
Airport Influence Area ("AIA"):	No

**PROJECT LOCATION MAP**



**Figure 2: Project Location Map**

The Athos Project is located in Riverside County, north of I-10 and approximately 4 miles east and northeast of the town of Desert Center, California.

**PROJECT BACKGROUND AND ANALYSIS**

**Background:**

Overview

Staff has reviewed the Project and has determined that it is consistent with all applicable zoning development standards, the General Plan, Board of Supervisor's Policy B-29 – Solar Power Plants, and all other applicable ordinances. Additionally, the EIR has been completed in accordance with the California Environmental Quality Act (CEQA) requirements.

As an environmental benefit, the Project would help the State achieve its renewable energy goals and mandates. The production of renewable energy has the added benefit of reducing air quality impacts and GHG emissions that would be produced by fossil-fuel based generation facilities. The Project would be developed on non-contiguous vacant and fallow agriculture lands to minimize impacts to sensitive species and habitats.

The Project would also provide other important benefits to the local and regional economy from the purchase of equipment and supplies and sales tax revenue as agreed upon in the terms of Development Agreement No. 1900001. Additionally, the Project would result in the contribution of significant development impact fees under Ordinance No. 659 which would assure that the Project pays its fair share of capital costs of facilities, as defined in Ordinance No. 659, associated with development of the Project. Indirectly the County and region would benefit from the employment of between 320 to 530 daily workers during peak construction period and would provide approximately 10 permanent, full time jobs upon operation. Other economic benefits include workers utilizing local and regional commercial services such as hotels and restaurants.

The project has identified objectives in the EIR for the proposed project as follows:

1. Assist Californians in meeting their renewable energy generation goals under the Clean Energy and Pollution Reduction Act of 2015 (Senate Bill 350) and greenhouse gas emissions reduction goals of the California Global Warming Solutions Act of 2006 (AB 32), as amended by Senate Bill 32 in 2016;
2. Bring living-wage jobs to eastern Riverside County;
3. Minimize environmental impacts and land disturbance associated with solar development by siting the facility on relatively flat, contiguous lands with high solar insolation, in close proximity to established utility corridors, existing transmission lines with available capacity to facilitate interconnection, and road access;
4. Further the purpose of Secretarial Order 3285A1, establishing the development of environmentally responsible renewable energy as a priority for the Department of the Interior; and
5. Make the highest and best use of primarily disturbed, retired agricultural land in and around a federal "Solar Energy Zone" and "Development Focus Area" to generate, store, and transmit affordable, wholesale solar electricity.

#### Site Characteristics

The proposed Project is located on approximately 3,440 acres across 7 groups of non-contiguous parcels in the Desert Center area of Riverside County. The proposed Project site is in the Chuckwalla Valley near the community of Desert Center, about halfway between the cities of Indio and Blythe. The proposed Project site is in the central portion of Chuckwalla Valley in the Colorado Desert. The elevation of the surrounding landscape ranges from less than 400 feet above mean sea level (amsl) at Ford Dry Lake to over 3,000 feet amsl in the mountains that enclose the Chuckwalla Valley. The topography of the proposed

Project site generally slopes toward the southeast at gradient of less than 1 percent. Elevations of the Project site itself range from approximately 491 feet amsl in the southeast to 588 feet amsl in the northwest. The renewable energy facility sites would occupy approximately 3,224 acres of largely disturbed (retired/fallow agricultural), privately owned land, which would minimize ground disturbance and impacts to resources. Anthropogenic features and private land uses in the vicinity include agriculture, residences, renewable energy, energy transmission, historical military operations, and recreational development and use. The Project consists of 65 parcels on private land for the solar facility, and 25 parcels located on BLM-administered and private land for the gen-tie line segments. The 220 kV gen-tie line would be located north and south of the I-10 freeway to connect into the existing SCE Red Bluff 500/220 kV Substation. The solar facility site is located within the County of Riverside's jurisdiction. The majority of the gen-tie lines are located on BLM-administered land. The existing Desert Sunlight and approved Desert Harvest solar projects are northwest of the Project's northernmost parcels, the approved Palen Solar Project is located adjacent to the easternmost parcels of the Project, the proposed Victory Pass Solar Project is located directly to the west of the Project, and there are several other solar projects and associated gen-ties proposed on private and BLM-administered land in the area.

#### Agency Jurisdiction

The approximately 3,440-acre project area consists of 3,224 acres of privately owned land (proposed as solar generator facilities) and, in part, transmission line routes (i.e., generator-tie or gen-tie routes) and approximately 183 acres of BLM-managed public land, entirely within proposed gen-tie routes and access/spur roads. The portions of the Project site proposed for PV and storage components consist of seven non-contiguous groups of privately owned parcels. The seven groups of parcels are identified as A through G and the gen-tie segments are referred to as Gen-tie Segment #1 through Gen-tie Segment #4. The proposed Project is described in detail in Chapter 2 of the EIR and mapped on Figure 1 of this staff report. The proposed Project site is located within the BLM California Desert Conservation Area (CDCA) and the Northern and Eastern Colorado Desert Coordinated Management (NECO) Plan area. It is within the U.S. Fish and Wildlife Service (USFWS) designated southern Desert Tortoise Recovery Unit, and Gen-tie Segment #4 is located partially within designated critical habitat for the desert tortoise. Two BLM designated Desert Wildlife Management Areas (DWMAs), established to support management and recovery of the listed threatened desert tortoise, are located within close proximity to the proposed Project site: the Chuckwalla DWMA is located just south of I-10 (including the southernmost portion of Gen-tie Segment #4, but south of the proposed solar facilities), and the Joshua Tree National Park DWMA is located approximately 2 miles north of the northernmost portion of the Project site.

The proposed Project site is within the Riverside East Solar Energy Zone (SEZ) identified in the Solar Programmatic Environmental Impact Statement (BLM, 2012). Additionally, the Project site is within the Chuckwalla Valley ecoregion subsection of the Desert Renewable Energy Conservation Plan (DRECP) area (BLM, 2015). The DRECP identifies this area in the Land Use Plan Amendment (LUPA) and Final Environmental Impact Statement (FEIS) as a Development Focus Area (DFA).

#### General Plan

The proposed Project would be constructed within an area covered by the Desert Center Area Plan primarily on land designated in the Plan as Agriculture and Open Space Rural (OS-RUR) with smaller areas zoned Public Facilities (PF; the designation for the previous Desert Center Airport, now the Chuckwalla Valley Raceway in Parcel Group B) and Agriculture (AG) in Parcel Group C. No portions of the project site are located with an Agriculture Preserve. Consistency with the General Plan is outlined in details in the Findings Section of this report.

#### Ordinance No. 348 (Zoning Regulations)

The majority of the site is zoned W-2-10, along with smaller areas zoned Natural Assets (N-A), Manufacturing Heavy (M-H) and Light Agriculture, 20 acre lot minimum (A-1-20). The parcels are not within a Specific Plan area. Ordinance No. 348, Article XVb (Natural Assets), Section 15.200.C.15 allows solar power plants within the N-A zoning classification on a lot 10 acres or larger, subject to the approval of a Conditional Use Permit. Ordinance No. 348, Article XV (Controlled Development Areas, W-2 zone), Section 15.1.D.32 allows solar power plants within the W-2 zoning classification on a lot 10 acres or larger, subject to the approval of a Conditional Use Permit. Ordinance No. 348, Section 18.29.A.2 allows in any zone classification, facilities for the storage or transmission of electrical energy where the County is not preempted by law from exercising jurisdiction, subject to the approval of a Public Use Permit. The PV arrays will have a maximum height of 12 feet which would comply with the lowest maximum height allowed for the project site's zoning classification (Natural Assets). The approximately 4 miles of gen-tie lines under the jurisdiction of the County of Riverside, would be installed on support structures proposed as either monopoles, lattice steel structures, or wood H-frame poles with an average height of 90 feet from ground level, minimum height of approximately 30 feet from ground level, and a maximum height of 120 feet from ground level. Since these structures would exceed the maximum height allowed, a Variance request for height has been included with the proposed project. Justification for Variance has been outlined in the Findings Section of this report. In addition, the project would be conditioned to ensure that the proposed structures heights are as proposed (VAR190001, 015 – Advisory Notification. AND – Project Description & Operational Limits). The proposed project has submitted the required Planning applications for the proposed project (CUP180001, PUP180001, and Variance No. 190001). Compliance with the Zoning Ordinance (Ordinance No. 348) is outlined in detail in the Findings Section of this report.

Ordinance No. 460 (Regulating the Division of Land)

The project includes a request for six Schedule "I" Parcel Map Divisions (subdivision) (TPM3770-TPM37705) to consolidate and assemble approximately 3,440 acres into six, non-contiguous mapped areas, to support a commercial solar facility. The consolidation would include the request to vacate public easements and rights-of-ways. A Schedule "I" subdivision of land is where parcels are not less than 20 acres in gross area, or greater, where legal access is required, however, no improvements would be required. The project has been conditioned and required to comply with all applicable standards of Ordinance No. 460, and therefore will be in compliance with this Ordinance.

Board of Supervisors Policy B-29

The proposed Project is subject to Policy B-29, and the developer would need to enter into a development agreement with the County. The purpose of Policy B-29 is to ensure that the County does not disproportionately bear the burden of solar energy production and ensure the County is compensated in an amount it deems appropriate for the use of its real property. The policy states that the solar power plant owner shall annually pay the County \$150 for each acre of land involved in the power production process. It also lists requirements for solar power plant owners relating to sales and use taxes payable in connection with the construction of a solar power plant. Once the development agreement is enacted, the proposed Project would comply with this policy. The policy requires an expedited review and approval of any agreement(s), permits, or other approvals from the County necessary to site, develop and operate solar power plants. In an effort to expedite the review of this project, per the policy, the project has been prepared for the consideration by the Board of Supervisors.

**ENVIRONMENTAL REVIEW / ENVIRONMENTAL FINDINGS**

An Environmental Impact Report (EIR) has been prepared for this project (CEQ180007) in accordance with the California Environmental Quality Act (CEQA). The EIR represents the independent judgement of Riverside County. It was determined as part of the EIR analysis that the Project would result in a significant impact that cannot be fully mitigated (unavoidable) and will be only partially avoided or

lessened by compliance with existing regulations. All other impacts have been addressed through project design or incorporated mitigation measures. Below is a summary of these significant impacts identified in the EIR:

**Aesthetics**

Impact: *Visual Quality*

***Threshold: The Project would substantially degrade the existing visual character or quality of public views of the site and its surroundings with implementation of mitigation measures.***

Findings of Fact, Significant and Unavoidable: The Project's visible contrast associated with visually discordant structural features and industrial character would substantially degrade the existing visual character or quality of the site and its surroundings as follows:

- The resulting visual change would be adverse and unavoidable in the immediate vicinity of the gen-tie span of SR-177 and immediately adjacent to Parcel Group C (approximately 13 percent of the combined northbound and southbound affected travel distance along SR-177).
- The Project would result in the creation of an aesthetically offensive site open to public view. The visible contrast associated with the change in visual character during operation would result in an impact that would be significant even with implementation of mitigation for the area along SR-177 that is located in the immediate vicinity of the gen-tie span of SR-177 and immediately adjacent to Parcel Group C.
- Project decommissioning activities and associated industrial character would cause short-term and/or long-term aesthetic effects resulting from increased visual contrast. Revegetation in this desert region is difficult and generally of limited success. Therefore, visual recovery from land disturbance associated with closure and decommissioning activities would likely occur only over a long period of time. While Mitigation Measure BIO-5 (Vegetation Resources Management Plan) requires the implementation of several steps to address temporarily impacted sites, the extensive time required for any meaningful vegetation recovery and reduction in visual contrast would result in an adverse and significant visual impact that cannot be mitigated to a level that would be less than significant. (EIR pp. 3.2-15 to 3.2-27).

The Draft EIR was circulated for 45-days from March 9, 2019 to April 24, 2019. During this review period the EIR received 9 comment letters, and one comment letter was received following the close of the review period. These comments were reviewed and detailed responses to each comment were prepared and included in the Final EIR, which was posted on May 16, 2019. E-mailed notifications to the commenters were sent on May 16, 2019 which noted the availability of the Final EIR.

For the reasons set forth above and in the EIR prepared for the project, the proposed project will potentially have significant impacts related to Aesthetics. Mitigation Measures from the EIR have been incorporated as conditions of approval on the project.

Due to the potentially significant impacts of the project, if the Board of Supervisors is to approve the project, it will be required to adopt Findings with a Statement of Overriding Considerations consistent with State CEQA Guidelines sections 15093, 15216(b), and 15126.2(b) and discussed in the Final EIR. Section 15132 is required (Resolution No. 2019-137). The Statement of Overriding Considerations

would clarify what benefits the project is providing that the Board of Supervisors could determine outweigh the potentially significant environmental impacts of the project. Benefits of the project would include but are not limited to: renewable energy, local employment, economic opportunities, utilization of underutilized areas to promote efficient use of land, while still providing natural open space.

#### **FINDINGS AND CONCLUSIONS**

**In order for the County to approve the proposed project, the following findings are required to be made:**

##### **Land Use Findings:**

1. The project site has a General Plan Land Use Designation of Community Development: Public Facilities (CD: PF), Open Space: Open Space – Rural (OS: OS-RUR), and Agriculture.
2. The majority of the site is zoned W-2-10, along with smaller areas zoned Natural Assets (N-A), Manufacturing Heavy (M-H) and Light Agriculture, 20-acre lot minimum (A-1-20). The parcels are not within a Specific Plan area. Ordinance No. 348, Article XVb (Natural Assets), Section 15.200.C.15 allows solar power plants within the N-A zoning classification on a lot 10 acres or larger, subject to the approval of a Conditional Use Permit. Ordinance No. 348, Article XV (Controlled Development Areas, W-2 zone), Section 15.1.D.32 allows solar power plants within the W-2 zoning classification on a lot 10 acres or larger, subject to the approval of a Conditional Use Permit. Ordinance No. 348, Section 18.29.A.2 allows in any zone classification, facilities for the storage or transmission of electrical energy where the County is not preempted by law from exercising jurisdiction, subject to the approval of a Public Use Permit.

##### **Conditional Use Permit No. 180001 and Public Use Permit No. 180001**

1. ***The proposed use conforms to all the requirements of the General Plan and with all applicable requirements of State law and the ordinances of Riverside County.***
  - **General Plan.** The Project site has a General Plan Land Use Designation of Open Space Rural (OS-RUR), and Public Facilities, and Agriculture (Ag). The Open Space-Rural land use designation is applied to remote, privately owned open space areas with limited access and a lack of public services. Single-family residential uses are permitted at a density of one dwelling unit per 20 acres. The extraction of mineral resources subject to an approved surface mining permit may be permissible, provided that the proposed Project can be undertaken in a manner that is consistent with maintenance of scenic resources and views from residential neighborhoods and major roadways and that the Project does not detract from efforts to protect endangered species. The project has been evaluated through an Environmental Impact Report, and all necessary mitigation measures have been imposed on the project that would assist in the protection of any identified endangered species.

The Agriculture land use designation is established to help conserve productive agricultural lands within the County. These include row crops, nurseries, citrus groves and vineyards, dairies, ranches, poultry and hog farms, and other agriculture-related uses. Areas designated AG generally lack infrastructure that is supportive of urban development. This land use designation allows one single-family residence per 10 acres except as otherwise specified by a policy or an overlay.



Policies at the General Plan and Area Plan levels implement the vision and goals of Riverside County. The County of Riverside Vision details the physical, environmental, and economic qualities that the County aspires to achieve. Using that Vision as the primary foundation, the General Plan establishes policies for development and conservation within the entire unincorporated County territory. The General Plan's policy goals that the project is consistent with are provided below:

***Land Use Element:***

- ***Policy LU 2.1.c.*** The County shall provide a broad range of land uses, including a range of residential, commercial, business, industry, open space, recreation and public facility uses. The proposed project is consistent with the General Plan OS-RUR and AG land use designations. The use will provide renewable energy in line with the energy objectives of the County of Riverside and the State of California.
- ***Policy LU 5.1.*** Ensure that development does not exceed the ability to adequately provide supporting infrastructure and services, such as libraries, recreational facilities, educational and day care centers, transportation systems, and fire/police/medical services. The proposed project will not create a need for additional services as identified in the Environmental Impact Report. However, the project will enter into a development agreement to ensure that project's fair contribution to County infrastructure and services that will ultimately benefit the public.
- ***Policy LU 7.1.*** Require land uses to develop in accordance with the Riverside County General Plan and area plans to ensure compatibility and minimize impacts. The project has been developed to minimize impacts. The project site has been identified as an area intended for solar facilities.
- ***Policy LU 9.2.*** Require that development protect environmental resources by compliance with the Multipurpose Open Space Element of the General Plan and federal and state regulations such as CEQA, NEPA, the Clean Air Act, and the Clean Water Act. The project will be consistent with all aspects of the General Plan. An EIR was prepared in accordance with CEQA. Although not under the review of Riverside County, the portions of the project on BLM-administered land have been reviewed in accordance with NEPA. The project meets all the requirements in all applicable local, state, and federal laws.
- ***Policy LU 10.1.*** Require that new development contribute their fair share to fund infrastructure and public facilities such as police and fire facilities. The project will enter into a development agreement to ensure that project's fair contribution to County infrastructure and services that would ultimately benefit the public.
- ***Policy LU 17.2.*** Permit and encourage, in an environmentally and fiscally responsible manner, the development of renewable energy resources and related infrastructure, including but not limited to, the development of solar power plants in the County of Riverside. The proposed project will facilitate the construction, operation, and maintenance of a 500MW solar plant with associated gen-tie transmission lines. The project has been designed to be as least intrusive to the physical environment as outlined in the EIR.
- ***Policy LU 20.2.*** Protect agricultural uses, including those with industrial characteristics (dairies, poultry, hog farms, etc.) by discouraging inappropriate land division in the immediate proximity and allowing only uses and intensities that are compatible with

**agriculture uses.** The proposed project consist of active and fallow agricultural land including an active date farm on Parcel Group G. The project site is designated as 'Other Land' under the California Department of Conservation (DOC) FMMP, which identifies carious categories of farmland throughout the State. The California Land Conservation Act of 1965 (referred to as the Williamson Act) allows counties to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural uses, and include these parcels of lands in Agricultural Preserves. Although some active farming does exist within the 3,440 square foot project area, no lands are under contract by the Williamson Act, nor part of a Riverside County Agricultural Preserve, and therefore would not conflict with this policy.

- **Policy LU 20.4. Encourage conservation of productive agricultural lands. Preserve prime agricultural lands for high-value crop production.** The proposed project consist of active and fallow agricultural land including an active date farm on Parcel Group G. The project site is designated as 'Other Land' under the California Department of Conservation (DOC) FMMP, which identifies carious categories of farmland throughout the State. Although some active farming does exist within the 3,440 square foot project area, no lands have been designated by the DOC as 'Prime' agricultural lands, and therefore would not conflict with this policy.
- **Policy LU 26.1. Require that development be designed to blend with undeveloped natural contours of the site and avoid unvaried, unnatural, or manufactured appearance. And LU 26.3. Ensure that development does not adversely impact the open space and rural character of the surrounding area.** The proposed project covers an area of approximately 3,440 acres that provide various viewshed from the Chuckwalla Valley. As demonstrated in the Environmental Impact Report (EIR) prepared for the project, the majority of the viewers of the project would be located at elevations similar to that of the project and would typically be limited to views of the edges of the solar fields, particularly along Rice Road (SR177). The proposed project is relatively low profile solar arrays with a maximum height of 12 feet. The project proposes minimal grading, as the solar arrays and gen-tie support would have a limited footprint. The gen-tie support structures, although up to a maximum height of 120 feet, would have a limited footprint, and structure design that would be skewed from viewers at greater distances. No portion of the project is proposed on a prominent ridge, however it could be visible from the dispersed rural residences in the general vicinity and travelers on Interstate 10 and Rice Road (SR177). A series of mitigation measures have been incorporated in the EIR to address Aesthetics in general. The Board of Supervisors will consider a Statement of Overriding Considerations related to Aesthetics, and if approved would determine that the project's benefits, despite significant impacts to aesthetics, would achieve the County's objectives and visions, including the General Plan.
- **Policy LU 26.4 Encourage parcel consolidation.** The proposed project includes six Schedule "I" parcel maps to consolidate and assemble approximately 3,440 acres into six, non-contiguous mapped areas, to support a commercial solar facility. The consolidation will include the request to vacate public easements and rights-of-ways.

**Multi-Purpose Open Space Element**

- **Policy OS 11.1. Enforce the state Solar Shade Control Act, which promotes all feasible means of energy conservation and all feasible uses of alternative energy supply sources.** The proposed project will facilitate the construction, operation, and maintenance of

a 500MW solar plant with associated gen-tie transmission lines. The project has been designed to be less intrusive to the physical environment as outlined in the EIR.

- **Policy OS 11.2 Support and encourage voluntary efforts to provide active and passive solar access opportunities in new developments.** The proposed project will facilitate the construction, operation, and maintenance of a 500MW solar plant with associated gen-tie transmission lines.
- **Policy OS 11.3 Permit and encourage the use of passive solar devices and other state-of-the-art energy resources.** The proposed project will allow the construction, maintenance, and operation of a 500 megawatt (MW) commercial solar photovoltaic (PV) electrical power plant (solar facility) in the Desert Center area of unincorporated Riverside County. The solar facility consist of a seven solar array fields utilizing single-axis solar PV trackers and panels with a combined maximum height of 12 feet. Supporting facilities on-site would include up to four electrical substations (approximately 30,000 square feet each), one 3,000 square foot operation/maintenance (O&M) building, inverters, transformers, battery/flywheel storage system capable of storing up to 500 MW of electricity
- **Policy OS 11.4 Encourage site-planning and building design that maximizes solar energy use/potential in future development applications.** The proposed project would facilitate the construction, operation, and maintenance of a 500MW solar plant with associated gen-tie transmission lines. The gen-tie lines are proposed to interconnect with the Southern California Edison (SCE) Red Bluff substation, an existing substation located south of Interstate 10 (I-10).

Therefore, the Project specifically addresses these General Plan Polices, and demonstrates consistency with the General Plan.

Riverside County Ordinance No. 348 – Conditional Use Permit No. 180001 will comply with the development standards of Ordinance No. 348 specific to solar power plants (solar facility) located within the N-A, W-2, and M-H zoning classifications based on the following:

- a. Ordinance No. 348, Article XVb (Natural Assets), Section 15.200.C.15 allows solar power plants within the N-A zoning classification on a lot 10 acres or larger, subject to the approval of a Conditional Use Permit. Ordinance No. 348, Article Xvb provides guidelines and standards for development within the N-A zone. The minimum lot size for parcels in the N-A zone classification is 20 acres with a minimum gross width of 400 feet. The smallest parcel of land associated with the project, following the parcel consolidation will be 109.24 acres, thus meeting the minimum 20 acre requirement. The minimum yard depths (setbacks) are 100 feet for the front, and 50 feet for the sides and rears. The project is providing these minimum setbacks for the solar array fields, and will plot the gen-tie lines outside of these yard areas. Therefore, the project has demonstrated compliance with all applicable development standards including setbacks, and with the exception of height of the gen-tie lines structures to which a variance is requested.
- b. Ordinance No. 348, Article XV (Controlled Development Areas, W-2 zone), Section 15.1.D.32 allows solar power plants within the W-2 zoning classification on a lot 10 acres or larger, subject to the approval of a Conditional Use Permit. Lot sizes within the W-2 zone shall not be less than 20,000 square feet, with a minimum average lot width of 100 feet and a minimum lot depth of 150 feet, unless larger minimum lot area and dimensions are specified for a particular area or use. In

this case, a solar power plant requires a minimum lot size of 10 acres; the project will comply with the 10 acre lot minimum, since the smallest proposed lot, following parcel consolidation, will be 109.24 acres. Animals are not permitted on existing substandard lots that are less than 10,000 square feet in size. The project is not proposing the keeping of any animals. There are no specific setback requirements identified for the W-2 zone. Therefore, the project, as proposed, has demonstrated compliance with all applicable development standards including setbacks, and with the exception of height of the gen-tie lines structures to which a variance is requested.

- c. Ordinance No. 348, Article XII (Manufacturing – Heavy, M-H zone), Section 12.2.C.18 allows solar plants within the M-H zoning classification on a lot 10 acres or larger, subject to the approval of a Conditional Use Permit. The smallest parcel of land associated with the project, following the parcel consolidation will be 109.24 acres, thus meeting the minimum 10 acre requirement. The project site does not adjoin any parcels zoned R-R, R-1, R-A, R-2, R-3, R-4, R-6, R-T, R-T-R, or W-2-M, and therefore has no minimum setback. However, for the portion of the project site that adjoins a street, the minimum setback shall be 25 feet from the property line, and the project will comply with this requirement. Section 12.5 allows exceptions to development standards of the M-H zone, except lot size, setbacks, and height to be waived as part of the plot plan or conditional use permit process if it is determined that the standard is inappropriate for the proposed use, and that the waiver or modification of the standard will not be contrary to the public health and safety. In this case, the development standards related to landscaping, parking areas, trash collection areas, outside storage, utility undergrounding, and mechanical equipment have been determined to be inappropriate for an unmanned solar plant facility, and therefore the project as proposed, has demonstrated compliance with all applicable development standards including setbacks, and with the exception of height of the gen-tie lines structures to which a variance is requested.

Public Use Permit No. 180001 will comply with the development standards of Ordinance No. 348 specific to energy transmission and storage based on the following:

- a. Ordinance No. 348, Section 18.29.A.2 allows in any zone classification, facilities for the storage or transmission of electrical energy where the County is not preempted by law from exercising jurisdiction, subject to the approval of a Public Use Permit. Through the review of project and preparation of the EIR, the project has demonstrated that the use will not be detrimental to the health, safety, and general welfare of the community. Incorporated mitigation measures and conditions have been included to ensure the project will protect the health, safety and general welfare of the community.
2. ***The overall development of the land must not be detrimental to the health, safety or general welfare of the community.*** The processing of the Conditional Use Permit, with the conditions of approval and advisory notification document will ensure that the Project will not adversely affect the public's health, safety, and general welfare. In addition, the project has been analyzed through an Environmental Impact Report (EIR) that has provided mitigation measures that have also been included in the conditions of approval. The EIR did not identify any unmitigated impacts related to public health and safety. The project has been designed to be least intrusive, and will provide renewable energy to meet the local and states energy goals. Therefore, the project as designed and conditioned, will protect the public's health, safety, and general welfare.
  3. ***The proposed use conforms to the logical development of the land and to be compatible with the present and future logical development of the surrounding property.*** Solar Plant Facilities and electric transmission lines (gen-tie) are allowed within the W-2 (Controlled Development Area),

Natural Assets (N-A) and Manufacturing Heavy (M-H) zoning classifications, subject to the approval of a Conditional Use Permit (solar plant facility) and Public Use Permit (gen-tie lines). The project site is predominately vacant and located in an areas that is intended for solar facilities. The existing Desert Sunlight and approved Desert Harvest solar projects are northwest of the Project's northernmost parcels, the approved Palen Solar Project is located adjacent to the easternmost parcels of the Project, the proposed Victory Pass Solar Project is located directly to the west of the Project, and there are several other solar projects and associated gen-ties proposed on private and BLM-administered land in the area. The project has been designed to complement the other uses in the area, include other solar facilities and will not conflict with any existing approved or constructed project. Therefore, the site will be compatible with the present and future development surrounding the property.

4. ***That plan for the proposed use shall consider the location and need for dedication and improvement of necessary streets and sidewalks, including the avoidance of traffic congestion; and shall take into account topographical and drainage conditions, including the need for dedication and improvements of necessary structures as a part thereof.*** The project site is takes access predominately from Rice Road (SR177) and will provide access roads along the perimeter of the solar facility. The project will be required to obtain Encroachment Permits by the County of Riverside to allow access within County rights-of-ways for construction of various roadway/circulation and utility improvements (015 - Transportation. Encroachment Permits). The project has been conditioned to provide acceleration and deceleration lanes, and left turn lane into the Project Site to assist in the avoidance of traffic congestions (090 –Transportation. Improvements). The project has been evaluated by an EIR that addressed traffic, transportation, and hydrology and determined that the project will not result in any impacts. Therefore, project meets this finding.
5. ***All use permits which permit the construction of more than one structure on a single legally divided parcel shall, in addition to all other requirements, be subject to a condition which prohibits the sale of any existing or subsequently constructed structures on the parcel until the parcel is divided and a final map recorded in accordance with Ordinance No. 460 in such a manner that each building is located on a separate legally divided parcel.*** The project does not propose to subdivide the project area; however, the project does propose Tentative Parcel Maps (TPM) No. 37700 to 37705 that will consolidate the parcel groupings into one parcel for six of the seven parcel groupings. The TPMs would facilitate the construction on the solar facility, where the solar facility structures would not cross over parcel lines. The final map will be required to be recorded prior to building permit issuance (060 – Transportation. Lot Mergers).

**Variance No. 190001:** Riverside County Ordinance No. 348, Section 18.27(a) sets forth the basis for a variance. Variances from the terms of County Ordinance No. 348 may be granted when, because of special circumstances applicable to a parcel of property, including size, shape, topography, location or surroundings, the strict application of this ordinance deprives such property of privileges enjoyed by other property in the vicinity that is under the same zoning classification. Variances shall be limited to modification of property development standards.

1. ***There are special circumstances applicable to a parcel of property, including size, shape, topography, location or surroundings.*** The project includes approximately 4 miles of gen-tie lines under the jurisdiction of the County of Riverside, that will be installed on support structures proposed as either monopoles, lattice steel structures, or wood H-frame poles with an average height of 90 feet from ground level, minimum height of approximately 30 feet from ground level, and a maximum height of 120 feet from ground level. The maximum height allowed for structures within the N-A zone is 20 feet in height. The maximum height allowed for structures within the W-2 zone is 105 feet in height.

Since these structures would exceed the maximum height allowed, a Variance request for height has been included with the proposed project. The gen-tie lines are proposed to interconnect with the Southern California Edison (SCE) Red Bluff substation, an existing substation located south of Interstate 10 (I-10). The size of the 3,440 square foot project area provides for varying topographical features and challenges that make it difficult to provide uniformed compliance with the strict application of the varying height standards across the different zone classifications. In addition, the nature of the gen-tie lines, carrying 220Kv require these lines to have increased height to avoid conflict with other projects and land uses. Therefore, given the size, topography, and location of the site, presents special circumstances, specific to this project, to support a variance for this project.

2. ***The strict application of this ordinance deprives such property of privileges enjoyed by other property in the vicinity that is under the same zoning classification.*** Solar Power Plants are approved in the N-A zone classification subject to the approval of a Conditional Use Permit. Transmissions lines (gen-tie) associated with the transmission of energy are also an allowed use within the N-A zone classification subject to a Public Use Permit. The gen-tie support structures are proposed ranging from 30 feet to a 120 feet in height. The N-A zone classification sets limits on heights to a maximum of 20 feet. Within the W-2 zoning classification, when the project includes a CUP or PUP, the maximum height allowed is 105 feet. In this case, the average height proposed for the gen-tie structures is 90 feet, and would support the majority of the structures proposed. The PV solar arrays set at a maximum height of 12 feet, which would comply with the maximum height standards. The project site spans an area of approximately 3,440 acres with various topography. The scale of the project, and varying elevations/topography present challenges to the project's gen-tie lines, and the safety clearances necessary to distribute energy from the solar array fields to the SCE substation.. The Variance request is necessary for this specific reason and would help facilitate the project on these parcels with this topographical challenges. Therefore, the project meets this finding.
3. ***A variance shall not be granted for a parcel of property which authorizes a use or activity that is not otherwise expressly authorized by the zone regulation governing the parcel of property, but shall be limited to modifications of property development standards, such as lot size, lot coverage, yards, and parking and landscape requirements.*** Ordinance No. 348, Article XVb (Natural Assets), Section 15.200.C.15 allows solar power plants within the N-A zoning classification on a lot 10 acres or larger, subject to the approval of a Conditional Use Permit. Ordinance No. 348, Article XVb provides guidelines and standards for development within the N-A zone. The project has demonstrated compliance with all applicable development standards including setbacks, and with the exception of height of the gen-tie lines structures to which a variance is requested. Ordinance No. 348, Article XV (Controlled Development Areas, W-2 zone), Section 15.1.D.32 allows solar power plants within the W-2 zoning classification on a lot 10 acres or larger, subject to the approval of a Conditional Use Permit. The project has demonstrated compliance with all applicable development standards including setbacks, and with the exception of height of the gen-tie lines structures to which a variance is requested.

#### **Tentative Parcel Maps No. 37700 to 37705**

1. ***The proposed map, subdivision design and improvements are consistent with General Plan, applicable community and specific plans and with all applicable requirements of State law and the ordinances of Riverside County.***
  - **General Plan.** The Project site has a General Plan Land Use Designation of Open Space Rural (OS-RUR), Public Facilities and Agriculture (Ag). The Open Space-Rural land use designation is

applied to remote, privately owned open space areas with limited access and a lack of public services. Single-family residential uses are permitted at a density of one dwelling unit per 20 acres. The extraction of mineral resources subject to an approved surface mining permit may be permissible, provided that the proposed Project can be undertaken in a manner that is consistent with maintenance of scenic resources and views from residential neighborhoods and major roadways and that the Project does not detract from efforts to protect endangered species. The project has been evaluated through an Environmental Impact Report, and all necessary mitigation measures have been imposed on the project that would assist in the protection of any identified endangered species.

The Agriculture land use designation is established to help conserve productive agricultural lands within the County. These include row crops, nurseries, citrus groves and vineyards, dairies, ranches, poultry and hog farms, and other agriculture-related uses. Areas designated AG generally lack infrastructure that is supportive of urban development. This land use designation allows one single-family residence per 10 acres except as otherwise specified by a policy or an overlay. The proposed project consists of active and fallow agricultural land including an active date farm on Parcel Group G. The project site is designated as 'Other Land' under the California Department of Conservation (DOC) FMMP, which identifies various categories of farmland throughout the State. The California Land Conservation Act of 1965 (referred to as the Williamson Act) allows counties to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural uses, and include these parcels of lands in Agricultural Preserves. Although some active farming does exist within the 3,440 square foot project area, no lands are under contract by the Williamson Act, nor part of a Riverside County Agricultural Preserve, and therefore will not conflict with any policy related to the Agriculture land use designation.

- a. **Subdivision Map Act/California Environmental Quality Act (State Law).** The proposed map is in compliance with all applicable California Law, including the Subdivision Map Act and the California Environmental Quality Act (CEQA).
  - i. **Subdivision Map Act.** The proposed map was prepared by Westwood Professional Services, Inc. under the guidelines of the Subdivision Map Act.
  - ii. **CEQA.** An Environmental Impact Report (EIR) has been prepared for this project (CEQ180007) in accordance with the California Environmental Quality Act (CEQA). The EIR represents the independent judgement of Riverside County. It was determined as part of the EIR analysis that the Project would result in significant impacts that cannot be fully mitigated (unavoidable) and will be only partially avoided or lessened in consideration with existing regulations. All other impacts have been addressed through project design or incorporated mitigation measures.
2. **The site of the proposed land division is physically suitable for the type and density of development.** The site is physically suitable for the solar power plant and does not propose any residential density. The site will provide access to and from Rice Road (SR177) and will provide access around the perimeter of each parcel grouping. The Tentative Parcel Maps are intended to primarily consolidate existing parcels into one parcel and vacate any access easements that do not provide access to existing neighboring residence or project areas. The project has been evaluated for environmental impacts through an EIR, where the site has been identified to be physically suitable as proposed. Therefore, the project complies with this finding.

3. ***The design of the proposed land division or proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*** An EIR has been prepared for this project in accordance with CEQA. As part of the EIR a Habitat Assessment, as part of the Biology Section, was performed that determined that the project, with incorporated mitigation measures and conditions of approval are not likely to cause substantial environmental damage to injure fish or wildlife, or their habitat. The project, upon decommission, will be required to return the area back to its natural state. Therefore, as designed and conditioned, the project meets this finding.
  
4. ***The design of the proposed land division or the type of improvements are not likely to cause serious public health problems.*** The design of proposed land division is not likely to cause serious public health problems in that the project site is not located on a Hazardous Waste Site. The area of the project site that will be developed is not located in a High Fire Hazard Zone or a Fault Zone and is not within an area subject to significant air quality emissions. Additionally, ultimate development of the site will not substantially alter access previously utilized by surrounding properties or the public at large. Therefore, for these reasons as well as all of the reasons set forth in the project's EIR demonstrating the project's lack of impacts that would cause serious public health problems, the project and the required improvements will not be likely to cause serious public health problems.
  
5. ***As indicated in the included project conditions of approval, the proposed land division includes the type of improvements as required by the Riverside County Land Division Ordinance for a Schedule "I" Map.*** Tentative Tract Map Nos. 33700 to 33705, is consistent with the minimum improvements as outlined in Section 10.14 (Schedule "I" Subdivision) of Ordinance No. 460 based on the following:
  - a. **Streets and Street Improvements** – If no Specific Plan has been filed on the land to be divided, no improvements will be required. Only a centerline study profile of the proposed street dedications shall be required for the Transportation Department to review and approved. However, the project has been conditioned to provide street improvements on Rice Road (SR177), which serves as the main access for the project. The project will be required to obtain Encroachment Permits by the County of Riverside to allow access within County rights-of-ways for construction of various roadway/circulation and utility improvements (015 - Transportation. Encroachment Permits). The project has been conditioned to provide acceleration and deceleration lanes, and left turn lane into the Project Site to assist in the avoidance of traffic congestions (090 – Transportation. Improvements). The project has been evaluated by an EIR that addressed traffic, transportation, and hydrology and determined that the project will not result in any impacts. Therefore, project meets this finding.
  
  - b. **Domestic Water** – Water for construction and operations would be obtained from several potential sources, including an on-site or off-site groundwater well or trucked from an offsite water purveyor, all of which would tap into the Chuckwalla Valley Groundwater Basin. Construction and operation along with future foreseeable development water use would not significantly impact water supply availability in the area, as analyzed in the EIR.
  
  - c. **Fire Protection Facilities** – Riverside County Fire Department, in cooperation with California Department of Forestry and Fire Protection (CAL FIRE), provides



fire and emergency services to residents of unincorporated areas of Riverside County (Riverside County Fire Department, 2018a). The closest Riverside County Fire Department/CAL FIRE station to the proposed Project location in the Desert Center area is Station 49 – Lake Tamarisk Station, located at 43880 Lake Tamarisk, Desert Center, about 3.5 miles southwest of the Project. The project will be required prior to recordation to have all fire protection plans approved (050 – Fire) With these conditions of approval and the adherence to these requirements, this requirement will be met.

6. ***The design of the proposed land division or the type of improvements will not conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed land division.*** The design of proposed land division or improvements will not conflict with easements acquired by the public at large, for access through, or use of, property within the proposed land division because, project design ensures there is no conflict with providing accessibility.
7. ***The lots or parcels as shown on the Tentative Map are consistent with the minimum size allowed by the project site's Zoning Classification.*** The smallest parcel proposed is approximately 109.24 acres. The minimum lot size required for the Schedule "I" subdivision and the OS-RUR is 20 acres. The minimum lot size for solar power plants within the N-A and W-2 zoning classifications is 10 acres. Therefore, as proposed, the project is in compliance with the minimum lot size and dimensions.

**Development Agreement No. 1900001 ("DA")** is consistent with the General Plan, public health, safety, and general welfare. The express terms of the DA grants the applicant a vested right to develop the project in accordance with existing land use regulations, including the General Plan. The conditions of approval, mitigation measures, and entitlement approvals are incorporated in the exhibits of the DA and will ensure that the solar power plant project is developed in a way that would not conflict with the public's health, safety and welfare. The DA will provide significant benefits and contains terms consistent with the Board of Supervisor's Policy No. B-29, including terms regarding annual public benefits, payments, increases, development impact fees and local sales tax. All agreement provisions ensure that the DA will ensure the project's public benefit.

**Other Findings:**

1. As part of the AB-52 notification, the Agua Caliente, Soboba and Twenty-Nine Palms tribes requested to consult on the proposed Project within the 30-day time limit.

A consultation meeting took place with Soboba on July 30, 2018. During the consultation Soboba requested that the group be allowed to monitor during ground disturbing activities because there is the potential for subsurface resources to be present. They also requested that the Cultural Resources Management Plan be developed with tribal input. Soboba also recommended that decommissioning include native monitoring and that there be an area set aside for reburial of any prehistoric cultural resources.

Consultation was held with Twenty-Nine Palms on May 8, 2018. At this meeting concern was expressed for resources that may be located nearer to the Palen dry lakebed. A follow-up meeting was held on November 19, 2018. In this meeting the tribe expressed concern for off project impacts to cultural sites from run off during storm events. They also requested a visual analysis and a 3-D rendering of what the project will look like when built. Agua Caliente requested the cultural report, shapefile of the project boundary and site records.

The project conditions of approval (mitigation measures) were provided to the consulting tribes on January 31, 2019. Agua Caliente responded in a letter dated February 08, 2019 stating that the concerns of the ACBCI Tribal Historic Preservation Officer (THPO) have been addressed and proper mitigation measures have been proposed to ensure the protection of tribal cultural resources. The letter formally concluded AB52 consultation.

A response was received from the Twenty-Nine Palms Band of Mission Indians dated February 07, 2019. The letter stated that the THPO is aware of numerous cultural resources within 1-mile of the project area that may be impacted by the construction that may take place. Additionally, the project is in the vicinity of a culturally sensitive site and within the Chemehuevi Traditional Use Area (TUA). For these reasons, the project could have significant impacts on potential cultural resources that concern the Twenty-Nine Palms Band of Mission Indians. Although the THPO agreed with the proposed mitigation measures, there were a few minor changes requested. The THPO requests a draft and final copy of the Cultural Resources Monitoring Plan and that the interested tribes have the opportunity to comment. MM CUL-3 has been edited to reflect this request. The THPO also requested that a monitoring agreement be in place prior to grading. The THPO requested that a record of attendance be available for distribution to consulting tribe(s) upon request. MM CUL-5 has been edited to reflect this recommendation. The THPO also requested that a Native American Monitor be present during removal of any temporary fencing required by MM CUL-9. MM CUL-9 has been edited to reflect this change. Lastly, the THPO requested a draft and final copy of the Prehistoric Trails Summary Report, Geographic Information Systems (GIS) data acquired for the report, and copies of any visual analysis completed for the project. The GIS data and the visual analysis info was provided to the tribe on February 21, 2019 and the Prehistoric Trails report will be provided to all of the consulting tribes when complete. In closing, the THPO stated that with the implementation of the above comments, the current concerns for the project will be reduced to less than significant levels. No TCRs were identified within the immediate Project vicinity. However, construction could inadvertently disturb presently unknown and unrecorded TCRs. Mitigation Measures MM CUL-1 to MM CUL-13 were developed to address potential impacts to cultural resources and TCRs. Consultation concluded on February 27, 2019.

2. The project site is not located within the Mount Palomar Observatory Lighting Zone boundary, as identified by Ordinance No. 655 (Mt. Palomar).
3. The project site is located not located within Airport Influence Area (AIA).
4. An EIR was prepared for the project, pursuant to State CEQA Guidelines. The EIR represents the independent judgement of the County of Riverside. The Draft EIR was circulated for 45-day from March 9, 2019 to April 24, 2019. During this review period the EIR received 9 comment letters, and one comment letter was received following the close of the review period. These comments were reviewed and detailed response to each comment were prepared and included in the Final EIR, which was posted on May 16, 2019. E-mailed notifications to the commenters was sent on May 16, 2019 which noted the availability of the Final EIR.

For the reasons set forth above and in the EIR prepared for the project, the proposed project will potentially have significant impacts related to Aesthetics. Mitigation Measures from the EIR have been incorporated as conditions of approval on the project.

5. Due to the potentially significant impacts of the project, if the Board of Supervisors is to approve the project, it will be required to adopt Findings with a Statement of Overriding Considerations consistent with State CEQA Guidelines sections 15093, 15216(b), and 15126.2(b) and discussed in the Final EIR Section 15132 is required (Resolution No. 2019-137). The Statement of Overriding Considerations would clarify what benefits the project is providing that the Board of Supervisors could determine outweigh the potentially significant environmental impacts of the project. Benefits of the project would include but are not limited to: renewable energy, local employment, economic opportunities, utilization of underutilized areas to promote efficient use of land, while still providing natural open space.

**Conclusion:**

For the reasons discussed above, the proposed project conforms to all the requirements of the General Plan and with all applicable requirements of State law and the ordinances of Riverside County. Moreover, the proposed project would not be detrimental to the health, safety or general welfare of the community.

**PUBLIC HEARING NOTIFICATION AND COMMUNITY OUTREACH**

Public hearing notices were mailed by June 8, 2019 to property owners within 2,400 feet of the proposed project site for the June 18, 2019 Board of Supervisor's Hearing. This project was advertised in Desert Sun Newspaper.

1 ORDINANCE NO. 664.61

2  
3 AN ORDINANCE OF THE COUNTY OF RIVERSIDE

4 APPROVING DEVELOPMENT AGREEMENT NO. 1900001

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

7 Section 1. Pursuant to Government Code Section 65867.5, Development Agreement  
8 No. 1900001, a copy of which is on file with the Clerk of the Board of Supervisors and incorporated herein  
9 by reference, is hereby approved.

10 Section 2. The Chairman of the Board of Supervisors is hereby authorized to execute  
11 said Development Agreement on behalf of the County of Riverside within ten (10) days after the Effective  
12 Date of this ordinance, provided that all landowners listed in Development Agreement No. 1900001 have  
13 executed said Development Agreement within thirty (30) days after adoption of this ordinance.

14 Section 3. Effective Date. This ordinance shall take effect thirty (30) days after its  
15 adoption.

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

18 By: \_\_\_\_\_  
19 Chairman

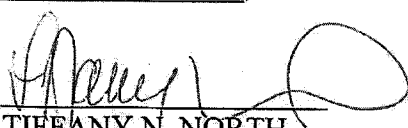
20 ATTEST:

21 CLERK OF THE BOARD:

22 By: \_\_\_\_\_  
23 Deputy

24 (SEAL)

25 APPROVED AS TO FORM  
26 June 5, 2019

27 By:   
28 TIFFANY N. NORTH  
Assistant County Counsel

Recorded at request of  
Clerk, Board of Supervisors  
County of Riverside

When recorded return to  
Assistant TLMA Director – Planning and Land Use  
4080 Lemon Street, 12th Floor  
Riverside, CA 92501

DEVELOPMENT AGREEMENT NO. 1900001

A DEVELOPMENT AGREEMENT BETWEEN

COUNTY OF RIVERSIDE

IP ATHOS, LLC

AND IP ATHOS II, LLC

AND OTHERS

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Exhibit "A" -- Legal Description of the Property.

Exhibit "B" -- Map Showing Property and Its Location.

Exhibit "C" -- Existing Development Approvals.

Exhibit "D" -- Existing Land Use Regulations.

Exhibit "E" -- Solar Power Plant.

Exhibit "F" -- Solar Power Plant Net Acreage.

Exhibit "G" -- Annual Review Report Template

Exhibit "H" -- Property Owner Contact Information

DEVELOPMENT AGREEMENT NO. 1900001

This Development Agreement (hereinafter "Agreement") is entered into effective on the date it is recorded with the Riverside County Recorder (hereinafter the "Effective Date") by and among the COUNTY OF RIVERSIDE (hereinafter "COUNTY"), IP ATHOS, LLC and IP ATHOS II, LLC (hereinafter "OWNERS" and each, respectively, an "OWNER") and the persons and entities listed below (hereinafter "PROPERTY OWNERS" and each, respectively, a "PROPERTY OWNER"):

Philip Hu, Catherine Hu Zangrilli, and Vivian Hu Shen,  
Apollo Venture Partnership, LLC,  
Transito A. Castellanos and Martha L. Castellanos, Trustees of the Transito and Martha Castellanos Living Trust dated July 12, 2013, and any amendments thereto,  
Conrado E. Castro, Jr. and Carmencita G. Castro, as trustees of The Castro Family Trust dated 2/16/09,  
Chuckwalla Valley Associates, LLC,  
The Jewel Date Company, Inc.,  
CP Land Holdings, LLC,  
CP Land Holdings, LLC,  
David Caspers, Trustee of The Caspers Family Trust dated Nov 6, 1997  
Robert R. Freedlander,  
Lawrence Clark Powell, Successor Trustee of The Hope M. Holcomb Trust dated 2/11/2002,  
Jeff Scott, Successor Trustee of The Mortensen Family Trust dated January 30, 1987,  
Claire Naples Eisinger, sole surviving Successor Trustee of the "Kelly F. Naples and Madelyn R. Naples 1971 Trust," dated May 14, 1971,  
Raymond Dean Paglia,  
Michael Paglia,  
Vincent M. Paglia,  
Northstar Capital Development, LLC,  
Om P. Garg,  
Raul Lopez and Loraine S. Lopez,  
Ritheary Chea,  
Southwest Conservancy III, LLC, and  
VG Devco, LLC.

RECITALS

WHEREAS, COUNTY is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Article 11, Section 7 of the California Constitution and Section 65864, et seq. of the Government Code; and,

WHEREAS, COUNTY has adopted Procedures and Requirements of the County of Riverside for the Consideration of Development Agreements (hereinafter "Procedures and Requirements"), pursuant to Section 65865 of the Government Code; and,

WHEREAS, OWNERS have requested COUNTY to enter into a development agreement and proceedings have been taken in accordance with the Procedures and Requirements of COUNTY; and,

WHEREAS, by electing to enter into this Agreement, COUNTY shall bind future Boards of Supervisors of COUNTY by the obligations specified herein and limit the future exercise of certain governmental and proprietary powers of COUNTY; and,

WHEREAS, the terms and conditions of this Agreement have undergone extensive review by COUNTY and the Board of Supervisors and have been found to be fair, just and reasonable; and,

WHEREAS, the best interests of the citizens of Riverside County and the public health, safety and welfare will be served by entering into this Agreement; and,

WHEREAS, all of the procedures of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) have been met with respect to the Project and the Agreement; and,

WHEREAS, this Agreement and the Project are consistent with the Riverside County General Plan and any specific plan applicable to the Project; and,

WHEREAS, all actions taken and approvals given by COUNTY have been duly taken or approved in accordance with all applicable legal requirements for notice, public hearings, findings, votes, and other procedural matters; and,

WHEREAS, this Agreement will confer substantial private benefits on OWNERS by granting vested rights to develop the Property in accordance with the provisions of this Agreement; and

WHEREAS, development of the Property in accordance with this Agreement will provide substantial benefits to COUNTY and will further important policies and goals of COUNTY; and,

WHEREAS, this Agreement will eliminate uncertainty in planning and provide for the orderly development of the Property, ensure progressive installation of necessary improvements, provide for public services appropriate to the development of the Project, and generally serve the purposes for which development agreements under Sections 65864, et seq. of the Government Code are intended; and,

WHEREAS, OWNERS have incurred and will in the future incur substantial costs in order to assure development of the Property in accordance with this Agreement; and,

WHEREAS, OWNERS have incurred and will in the future incur substantial costs in excess of the generally applicable requirements in order to assure vesting of legal rights to develop the Property in accordance with this Agreement; and

WHEREAS, OWNERS have entered into option agreements to purchase the Property from all of the PROPERTY OWNERS and intend to exercise those options needed for development of the Project in 2019; and

WHEREAS, at such time as OWNERS exercise their options to purchase the Property, they will become both PROPERTY OWNERS and OWNERS under this Agreement, but will remain subject to all rights and responsibilities as OWNERS, regardless of the limitations on the rights and responsibilities of PROPERTY OWNERS.

### COVENANTS

NOW, THEREFORE, in consideration of the above recitals and of the mutual covenants hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

#### 1. DEFINITIONS AND EXHIBITS.

1.1 Definitions. The following terms when used in this Agreement shall be defined as follows:

1.1.1 "Agreement" means this Development Agreement.

1.1.2 "Base Payment" means an amount equal to \$150 multiplied by the entire Solar Power Plant Net Acreage and which is payable to COUNTY annually pursuant to Subsections 4.2.1 and 4.2.2 of this Agreement and increased annually by 2% from and after 2013 (currently \$169 per acre in 2019).

1.1.3 "COUNTY" means the County of Riverside, a political subdivision of the State of California.

1.1.4 "Development" means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of buildings and structures; and the installation of landscaping. When authorized by a Subsequent Development Approval as provided by this Agreement, "development" includes the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.1.5 "Development Approvals" means all permits and other entitlements for use subject to approval or issuance by COUNTY in connection with development of the Property as a Solar Power Plant including, but not limited to:

- (a) Specific plans and specific plan amendments;
- (b) Zoning, including variances;
- (c) Conditional use permits, public use permits, and plot plans;
- (d) Tentative and final subdivision and parcel maps;

- (e) Lot line adjustments;
- (f) Grading and building permits;
- (g) Any permits or entitlements necessary from COUNTY for Southern California Edison's distribution-level electrical services to the Project;
- (h) Any permits or other entitlements or easements necessary from COUNTY for gen-tie and access road crossing and improvements, including encroachment permits;
- (i) Environmental cleanup review; and
- (j) Right of Entry to access COUNTY owned wells in the Project vicinity for groundwater well monitoring.

1.1.6 "Development Exaction" means any requirement of COUNTY in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of fees in order to lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests.

1.1.7 "Development Plan" means the Existing Development Approvals and the Existing Land Use Regulations applicable to development of the Property.

1.1.8 "Effective Date" means the date this Agreement is recorded with the County Recorder.

1.1.9 "Existing Development Approvals" means all Development Approvals approved or issued prior to the Effective Date. Existing Development Approvals includes the Development Approvals incorporated herein as Exhibit "C" and all other Development Approvals which are a matter of public record on the Effective Date.

1.1.10 "Existing Land Use Regulations" means all Land Use Regulations in effect on the Effective Date. Existing Land Use Regulations includes the Land Use Regulations incorporated herein as Exhibit "D" and all other Land Use Regulations which are a matter of public record on the Effective Date.

1.1.11 "Fiscal Year" means the period beginning on July 1 of each year and ending on the next succeeding June 30.

1.1.12 "Land Use Regulations" means all ordinances, resolutions, codes, rules, regulations and official policies of COUNTY governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings and structures, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the property. "Land Use Regulations" does not include any COUNTY ordinance, resolution, code, rule, regulation or official policy, governing:

- (a) The conduct of businesses, professions, and occupations;
- (b) Taxes and assessments;
- (c) The control and abatement of nuisances;
- (d) The granting of encroachment permits and the conveyance of rights and interests which provide for the use of or the entry upon public property;
- (e) The exercise of the power of eminent domain.

1.1.13 "Local Sales and Use Taxes" means the one percent sales and use taxes imposed pursuant to and governed by the Bradley-Burns Uniform Local Sales and Use Tax Law, Revenue and Taxation Code Section 7200 et seq.

1.1.14 "Mortgagee" means a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security-device lender, and their successors and assigns.

1.1.15 "OWNERS" means the persons and entities listed as OWNERS on the first page of this Agreement and their successors in interest to all or any part of the Property.

1.1.16 "Project" means the development of the Property contemplated by the Development Plan as such Plan may be further defined, enhanced or modified pursuant to the provisions of this Agreement.

1.1.17 "Property" means the real property described on Exhibit "A" and shown on Exhibit "B" to this Agreement.

1.1.18 "Reservations of Authority" means the rights and authority excepted from the assurances and rights provided to OWNERS under this Agreement and reserved to COUNTY under Section 3.6 of this Agreement.

1.1.19 "Solar Power Plant" means the Project together with the related solar power plant real property and facilities described and shown on Exhibit "E".

1.1.20 "Solar Power Plant Net Acreage" means the area of all parts of the Property, and any other real property which is part of the Solar Power Plant, that is involved in the production, storage or transmission of power. "Solar Power Plant Net Acreage" includes, but is not limited to, all areas occupied by the power block, solar collection equipment, spaces contiguous to solar collection equipment, transformers, transmission lines and piping, transmission facilities, buildings, structures, service roads (regardless of surface type and including service roads between collectors), and fencing surrounding all such areas. "Solar Power Plant Net Acreage" shall not include any access roads outside the Property, and shall not include any areas specifically designated and set aside as environmentally sensitive land, conservation land or open space land, and shall not include the fencing of such designated lands. The projected Solar Power Plant Net Acreage under the Existing Development Approvals is approximately 3218 acres and is described and shown on Exhibit "F" to this Agreement. In the event the Project is



modified by any Subsequent Development Approval, the Assistant TLMA Director – Planning and Land Use, in consultation with the County Executive Officer and County Counsel, shall recalculate the Solar Power Plant Net Acreage as part of such Subsequent Development Approval and such recalculated Solar Power Plant Net Acreage shall be used for all purposes under this Agreement after the effective date of such Subsequent Development Approval.

1.1.21 “Subsequent Development Approvals” means all Development Approvals approved subsequent to the Effective Date in connection with development of the Property and not required to develop, maintain, repair or restore the Solar Power Plant in accordance with the Development Plan as it exists on the Effective Date.

1.1.22 “Subsequent Land Use Regulations” means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

1.1.23 “Transfer” means sale, assignment, lease, sublease or any other transfer of a legal or equitable interest in the Property.

1.2 Exhibits. The following documents are attached to, and by this reference made a part of, this Agreement:

Exhibit “A” -- Legal Description of the Property.

Exhibit “B” -- Map Showing Property and Its Location.

Exhibit “C” -- Existing Development Approvals.

Exhibit “D” -- Existing Land Use Regulations.

Exhibit “E” -- Solar Power Plant.

Exhibit “F” -- Solar Power Plant Net Acreage.

Exhibit “G” -- Annual Review Report Template

Exhibit “H” -- Property Owner Contact Information

## 2. GENERAL PROVISIONS.

2.1 Binding Effect of Agreement. The Property is hereby made subject to this Agreement. Development of the Property is hereby authorized and shall be carried out only in accordance with the terms of this Agreement.

2.2 Ownership of Property. OWNERS represent and covenant that they are the owners of a legal or equitable interest in the Property or a portion thereof.

2.3 Term. This Agreement shall commence on the Effective Date and shall continue

for a period of thirty (30) years from the issuance of the first grading permit, first building permit, or notice to proceed from the COUNTY, whichever occurs first, unless this term is modified or extended pursuant to the provisions of this Agreement.

2.4 Transfer.

2.4.1 Right to Transfer. PROPERTY OWNERS shall have the right to transfer the Property and OWNERS shall have the right to transfer the Project, in whole or in part (provided that no such partial transfer shall violate the Subdivision Map Act, Government Code Section 66410, et seq., or Riverside County Ordinance No. 460), to any person, partnership, joint venture, firm or corporation at any time during the term of this Agreement; provided, however, that any such transfer shall include the assignment and assumption of the rights, duties and obligations arising under or from this Agreement and be made in strict compliance with the following conditions precedent:

(a) No transfer of any right or interest under this Agreement shall be made unless made together with the transfer of all or a part of the interest in the Property.

(b) Concurrent with any such transfer, or within fifteen (15) business days thereafter, the transferring PROPERTY OWNER(S) and/or OWNER(S) shall notify COUNTY, in writing, of such transfer and shall provide COUNTY with an executed agreement by the transferee in a form acceptable to the COUNTY, with such acceptance not to be unreasonably withheld, providing therein that the transferee expressly and unconditionally assumes all the duties and obligations of PROPERTY OWNER(S) and/or OWNERS(S), as appropriate, under this Agreement.

Any transfer not made in strict compliance with the foregoing conditions shall constitute a default by the transferring OWNER(S) under this Agreement. Notwithstanding the failure of any transferee to execute the agreement required by Paragraph (b) of this Subsection 2.4.1, the burdens of this Agreement shall be binding upon such transferee, but the benefits of this Agreement shall not inure to such transferee until and unless such agreement is executed. As noted above, although OWNERS have options to purchase all of the Property required for the Project from the PROPERTY OWNERS that do not expire until 2021, the OWNERS intend to exercise these options and purchase the Property in 2019.

2.4.2 Release of Transferring Owner. Notwithstanding any transfer, a transferring OWNER shall continue to be obligated under this Agreement unless such transferring OWNER is given a release in writing by COUNTY, which release shall be provided by COUNTY upon the full satisfaction by such transferring OWNER of the following conditions:

(a) OWNER no longer has a legal or equitable interest in all or any part of the Property.

(b) OWNER is not then in default under this Agreement.

(c) OWNER has provided COUNTY with the notice and executed agreement required under Paragraph (b) of Subsection 2.4.1 above.

(d) The transferee provides COUNTY with security equivalent in all respects to any security previously provided by OWNER to secure performance of its obligations hereunder.

2.4.3 Subsequent Transfer. Any subsequent transfer after an initial transfer shall be made only in accordance with and subject to the terms and conditions of this Section.

2.5 Amendment or Cancellation of Agreement. This Agreement may be amended or cancelled in whole or in part only by written consent of the COUNTY and the OWNERS in the manner provided for in Government Code Section 65868. All PROPERTY OWNERS hereby, in consideration of the mutual undertakings and benefits related to OWNERS entitling of the Property, assign to OWNERS any and all past, present or future rights to amend this Development Agreement to support or advance the Project. This provision shall not limit any remedy of COUNTY or OWNER as provided by this Agreement.

2.6 Termination. This Agreement shall be deemed terminated and of no further effect upon the occurrence of any of the following events:

(a) Expiration of the stated term of this Agreement as set forth in Section 2.3.

(b) Entry of a final judgment by a court of competent jurisdiction setting aside, voiding or annulling the adoption of the ordinance approving this Agreement.

(c) The adoption of a referendum measure overriding or repealing the ordinance approving this Agreement.

(d) An OWNER's election to terminate this Agreement with respect to its ownership interests. In addition, if an OWNER elects not to develop all or a portion of the Project, that OWNER shall provide notice of such election to COUNTY and such notice shall (i) seek to terminate this Agreement as to the portion of the Property and the Project that is the subject of such notice of termination; and (ii) shall acknowledge that the Conditional Use Permit [CUP No. 180001], the Public Use Permit (PUP No. 180001), and the Variance (Variance No. 190001) shall be null and void as to the portion of the Project and the related Property that is the subject of such notice of termination. Following receipt of an OWNER's notice of election to terminate this Agreement, that OWNER and COUNTY shall execute an appropriate instrument in recordable form evidencing such termination, and shall cause such instrument to be an amendment to this

Agreement 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.

(e) Cancellation of the Agreement by the parties or the COUNTY and a particular OWNER with respect to that OWNER'S interest in accordance with section 2.5 of this Agreement.

Upon the termination of this Agreement, no party shall have any further right or obligation hereunder except with respect to any obligation to have been performed prior to such termination or with respect to any default in the performance of the provisions of this Agreement which has occurred prior to such termination or with respect to any obligations which are specifically set forth as surviving this Agreement.

## 2.7 Notices.

(a) As used in this Agreement, "notice" includes, but is not limited to, the communication of notice, request, demand, approval, statement, report, acceptance, consent, waiver; appointment or other communication required or permitted hereunder.

(b) All notices shall be in writing and shall be considered given either: (i) when delivered in person to the recipient named below; (ii) on the date of delivery shown on the return receipt, after deposit in the United States mail in a sealed envelope as either registered or certified mail with return receipt requested, and postage and postal charges prepaid, and addressed to the recipient named below; (iii) on the next business day when delivered by overnight United States mail or courier service; or (iv) on the date of delivery shown in the facsimile or email records of the party sending the facsimile or email after transmission by facsimile or email to the recipient named below. All notices shall be addressed as follows:

If to COUNTY:

Clerk of the Board of Supervisors  
Riverside County Administrative Center  
4080 Lemon Street, First Floor  
Riverside, CA 92502  
Fax No. (951) 955-1071

with copies to:

County Executive Officer  
Riverside County Administrative Center

4080 Lemon Street, 4th Floor  
Riverside, CA 92501  
Fax No. (951) 955-1105

and

Assistant TLMA Director – Planning and Land Use  
Transportation and Land Management Agency  
Riverside County Administrative Center,  
4080 Lemon Street, 12th Floor  
Riverside, CA 92501  
Fax No. (951) 955-1817

and

County Counsel  
County of Riverside  
3960 Orange Street, Suite 500  
Riverside, CA 92501  
Fax No. (951) 955-6363

If to OWNER:

Marisa Mitchell, Principal  
IP Athos, LLC and IP Athos II, LLC  
c/o Intersect Power, LLC  
9450 SW Gemini Drive PMB #68743  
Beaverton, OR 97008-7105  
marisa@intersectpower.com

with copies to:

Jill Yung  
Paul Hastings, LLP  
101 California Street, 48th Floor  
San Francisco, CA 94105  
Fax No. (415) 856-7330  
jillyung@paulhastings.com

and

IP Athos, LLC and IP Athos II, LLC  
c/o Intersect Power, LLC  
9450 SW Gemini Drive PMB #68743  
Beaverton, OR 97008-7105

legal@intersectpower.com

If to PROPERTY OWNER, see Exhibit H for appropriate PROPERTY OWNER contact information. Copies of notices to any PROPERTY OWNER should also be sent to the OWNER contacts listed above.

(c) Either party may, by notice given at any time, require subsequent notices to be given to another person or entity, whether a party or an officer or representative of a party, or to a different address, or both. Notices given before actual receipt of notice of change shall not be invalidated by any such change.

### 3. DEVELOPMENT OF THE PROPERTY.

3.1 Rights to Develop. Subject to the terms of this Agreement including the Reservations of Authority, OWNERS shall have a vested right to develop the Property in accordance with, and to the extent of, the Development Plan. The Existing Development Approvals shall not expire and shall remain valid for the Term of this Agreement so long as the Project remains in compliance with all conditions of approval for the Existing Development Approvals and in compliance with this Agreement. The Project shall remain subject to all Subsequent Development Approvals required to complete the Project as contemplated by the Development Plan. Except as otherwise provided in this Agreement, the permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings and structures, and provisions for reservation and dedication of land for public purposes shall be those set forth in the Development Plan.

3.2 Effect of Agreement on Land Use Regulations. Except as otherwise provided under the terms of this Agreement including the Reservations of Authority, the rules, regulations and official policies governing permitted uses of the Property, the density and intensity of use of the Property, the maximum height and size of proposed buildings and structures, and the design, improvement and construction standards and specifications applicable to development of the Property shall be the Existing Land Use Regulations. In connection with any Subsequent Development Approval, COUNTY shall exercise its discretion in accordance with the Development Plan, and as provided by this Agreement including, but not limited to, the Reservations of Authority. COUNTY shall accept for processing, review and take action on all applications for Subsequent Development Approvals, and such applications shall be processed in the normal manner for processing such matters. As set forth in Board of Supervisors Policy No. B-29, any agreements, permits or other approvals from COUNTY necessary to site, develop and operate the Solar Power Plant shall be eligible for an expedited entitlement process under the Fast Track Program.

3.3 Timing of Development. The parties acknowledge that OWNERS cannot at this time predict when or the rate at which the Property will be developed. Such decisions depend upon numerous factors which are not within the control of OWNERS, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Since the California Supreme Court held in Pardee Construction Co. v. City of Camarillo (1984) 37 Cal.3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later

adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that OWNERS shall have the right to develop the Property in such order and at such rate and at such times as OWNERS deem appropriate within the exercise of their subjective business judgment, subject only to any timing or phasing requirements set forth in the Development Plan or the Phasing Plan set forth in Section 3.4.

3.4 Phasing Plan. Development of the Property shall be subject to all timing and phasing requirements established by the Development Plan. In addition, Development of the Property may occur in phases. Each phase will be defined by the relevant OWNER at the time the OWNER either (1) submits design plans to COUNTY for grading and building permits or (2) requests a notice to proceed from BLM to allow Solar Power Plant construction in a particular area. The construction of site access roads, substation, generation tie-line, operations and maintenance building and distribution lines would occur as the solar arrays are being assembled. Construction is anticipated to occur over 24 to 48 months, regardless of whether it is phased. If the development of the Solar Power Plant occurs in phases, the Annual Public Benefits Payments called for in Section 4.2 shall be based on the Solar Power Plant Net Acreage of each OWNER-defined phase.

3.5 Changes and Amendments. The parties acknowledge that refinement and further development of the Project will require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Development Approvals. In the event an OWNER finds that a change in the Existing Development Approvals is necessary or appropriate, that OWNER shall apply for a Subsequent Development Approval to effectuate such change and COUNTY shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. If approved, any such change in the Existing Development Approvals shall be incorporated herein as an addendum to Exhibit "C", and may be further changed from time to time as provided in this Section. Unless otherwise required by law, as determined in COUNTY's reasonable discretion, a change to the Existing Development Approvals shall be deemed "minor" and not require an amendment to this Agreement provided such change does not:

- (a) Alter the permitted uses of the Property as a whole; or,
  - (b) Increase the density or intensity of use of the Property as a whole; or,
  - (c) Increase the maximum height and size of permitted buildings or structures;
- or,
- (d) Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or,
  - (e) Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

3.6 Reservations of Authority.

3.6.1 Limitations, Reservations and Exceptions. Notwithstanding any other provision of this Agreement, the following Subsequent Land Use Regulations shall apply to the development of the Property.

(a) Processing fees and charges of every kind and nature imposed by COUNTY to cover the estimated actual costs to COUNTY of processing applications for Development Approvals or for monitoring compliance with any Development Approvals granted or issued.

(b) Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure.

(c) Regulations governing construction standards and specifications including, without limitation, the Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and Grading Code applicable in the County.

(d) Regulations imposing Development Exactions. However, given the remoteness of the location of the Project and its current agricultural use of lands within COUNTY's jurisdiction, it is not anticipated that COUNTY will adopt any Development Exactions applicable to the development of the Property within the next three years. For that reason, no subsequently adopted Development Exaction shall be applicable to development of the Property for a period of five years from the Effective Date of this Agreement ("Exaction Safe Harbor"). After the Exaction Safe Harbor expires, no subsequently adopted Development Exaction shall be applicable to development of the Property unless such Development Exaction is applied uniformly to development, either throughout the COUNTY or within a defined area of benefit which includes the Property. No such subsequently adopted Development Exaction shall apply if its application to the Property would physically prevent development of the Property for the uses and to the density or intensity of development set forth in the Development Plan.

(e) Regulations which may be in conflict with the Development Plan but which are reasonably necessary to protect the public health and safety. To the extent possible, any such regulations shall be applied and construed so as to provide OWNERS with the rights and assurances provided under this Agreement.

(f) Regulations which are not in conflict with the Development Plan. Any regulation, whether adopted by initiative or otherwise, limiting the rate or timing of development of the Property shall be deemed to conflict with the Development Plan and shall therefore not be applicable to the development of the Property.



(g) Regulations which are in conflict with the Development Plan provided OWNER has given written consent to the application of such regulations to development of the Property.

3.6.2 Subsequent Development Approvals. This Agreement shall not prevent COUNTY, in acting on Subsequent Development Approvals, from applying Subsequent Land Use Regulations which do not conflict with the Development Plan, nor shall this Agreement prevent COUNTY from denying or conditionally approving any Subsequent Development Approval on the basis of the Existing Land Use Regulations or any Subsequent Land Use Regulation not in conflict with the Development Plan.

3.6.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date of this Agreement, prevent or preclude compliance with one or more of the provisions of this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent it is not inconsistent with such laws or regulations and to the extent such laws or regulations do not render such remaining provisions impractical to enforce.

3.6.4 Intent. The parties acknowledge and agree that COUNTY is restricted in its authority to limit its police power by contract and that the foregoing limitations, reservations and exceptions are intended to reserve to COUNTY all of its police power which cannot be so limited. This Agreement shall be construed, contrary to its stated terms if necessary, to reserve to COUNTY all such power and authority which cannot be restricted by contract.

3.7 Public Works. If OWNERS are required by this Agreement to construct any public works facilities which will be dedicated to COUNTY or any other public agency upon completion, and if required by applicable laws to do so, OWNERS shall perform such work in the same manner and subject to the same requirements as would be applicable to COUNTY or such other public agency if it would have undertaken such construction.

3.8 Provision of Real Property Interests by COUNTY. In any instance where OWNERS are required to construct any public improvement on land not owned by OWNERS, OWNERS shall at their sole cost and expense provide or cause to be provided, the real property interests necessary for the construction of such public improvements. In the event OWNERS are unable, after exercising reasonable efforts to acquire the real property interests necessary for the construction of such public improvements, and if so instructed by OWNERS and upon OWNERS' provision of adequate security for costs COUNTY may reasonably incur, COUNTY shall negotiate the purchase of the necessary real property interests to allow OWNERS to construct the public improvements as required by this Agreement and, if necessary, in accordance with the procedures established by law, use its power of eminent domain to acquire such required real property interests. OWNERS shall pay all costs associated with such acquisition or condemnation proceedings. This Section 3.8 is not intended by the parties to impose upon the OWNERS an enforceable duty to acquire land or construct any public

improvements on land not owned by OWNERS, except to the extent that the OWNERS elect to proceed with the development of the Project, and then only in accordance with valid conditions imposed by the COUNTY upon the development of the Project under the Subdivision Map Act, Government Code Section 66410 et seq., or other legal authority.

3.9 Regulation by Other Public Agencies. It is acknowledged by the parties that other public agencies not within the control of COUNTY possess authority to regulate aspects of the development of the Property separately from or jointly with COUNTY and this Agreement does not limit the authority of such other public agencies. For example, pursuant to Government Code Section 66477 and Section 10.35 of Riverside County Ordinance No. 460, another local public agency may provide local park and recreation services and facilities and in that event, it is permitted, and therefore shall be permitted by the parties, to participate jointly with COUNTY to determine the location of land to be dedicated or in lieu fees to be paid for local park purposes, provided that COUNTY shall exercise its authority subject to the terms of this Agreement.

3.10 Tentative Tract Map Extension. Notwithstanding the provisions of Section 66452.6 of the Government Code, no tentative subdivision map or tentative parcel map, heretofore or hereafter approved in connection with development of the Property, shall be granted an extension of time except in accordance with the Existing Land Use Regulations.

3.11 Vesting Tentative Maps. If any tentative or final subdivision map, or tentative or final parcel map, heretofore or hereafter approved in connection with development of the Property, is a vesting map under the Subdivision Map Act (Government Code Section 66410, et seq.) and Riverside County Ordinance No. 460 and if this Agreement is determined by a final judgment to be invalid or unenforceable insofar as it grants a vested right to develop to OWNER, then and to that extent the rights and protections afforded OWNER under the laws and ordinances applicable to vesting maps shall supersede the provisions of this Agreement. Except as set forth immediately above, development of the Property shall occur only as provided in this Agreement, and the provisions in this Agreement shall be controlling over any conflicting provision of law or ordinance concerning vesting maps.

3.12 Limited Role of PROPERTY OWNERS. The parties recognize that the PROPERTY OWNERS are required to sign this Agreement pursuant to the terms of the COUNTY'S Procedures and Requirements for the Consideration of Development Agreements (Solar Power Plants) (Resolution 2012-047) and Government Code section 65865. The PROPERTY OWNERS are nevertheless not solar power plant owners as described in Board of Supervisors Policy No. B-29 and neither the burdens nor the benefits of this Agreement shall inure to such PROPERTY OWNERS except that any transfer of the Property or any portion thereof by any PROPERTY OWNER shall be subject to the provisions of Section 2.4 of this Agreement. Additionally, should any OWNER acquire, lease, or otherwise have control of the Property of any PROPERTY OWNER, or a portion of any Property of a PROPERTY OWNER, such OWNER shall still be subject to all provisions, obligations, and rights of this Agreement as an OWNER.