



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

- AGENDA DATE:** July 17, 2013
- CASE NUMBER:** Conditional Use Permit No. 2013-005
- APPLICANT:** Belectric Inc.
- PROPOSAL:** The applicant requests approval to allow the construction and operation of a three (3) Megawatt solar power generation facility on approximately twenty (20) acres.
- LOCATION:** The site is located on the north side of Zuni Road, approximately 635 feet east of Central Road, APN 0437-341-06.
- ENVIRONMENTAL DETERMINATION:** Based upon an Initial Study, Pursuant to the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been determined for this proposal.
- CASE PLANNER:** Ms. Carol Miller, Senior Planner
- RECOMMENDATION:** Approval

PROJECT SITE AND DESCRIPTION

- A. Project Size:
The subject area is approximately twenty (20) acres in size.
- B. General Plan Designations:
Project Site - Very Low Density Residential (R-VLD)
North - Very Low Density Residential (R-VLD)
South - Very Low Density Residential (R-VLD)
East - Very Low Density Residential (R-VLD)
West - Very Low Density Residential (R-VLD)
- C. Surrounding Zoning and Land Use:
Project Site- Very Low Density Residential (R-VLD) - Vacant
North - Very Low Density Residential (R-VLD) - Vacant
South - Very Low Density Residential (R-VLD) - Vacant
East - Very Low Density Residential (R-VLD) - Vacant
West - Very Low Density Residential (R-VLD) - Single-Family Residential
- D. Height:

Permitted Maximum:	35 feet with 50 feet at maximum tilt
Proposed Maximum:	8.5-10 feet at maximum tilt

E. <u>Setback Analysis:</u>	Required	Proposed
Adjoining Property Line:		
From West	0 ft.	40.6 ft.
From East	5 ft.	42.55 ft.
From South	0 ft.	47.9 ft.
From North	5 ft.	104 ft.

F. Site Characteristics:
 The twenty (20)-acre site is vacant. The site is located in an area of mostly undeveloped land and is currently vegetated with sparse native saltbush shrubland. The USGS Apple Valley North does not show any blue-line streams on the site or in the immediate area. The site is flat and is located within the Apple Valley Dry Lake Bed. The surrounding properties are vacant with the nearest residence located approximately 100 feet to the west on the adjacent parcel.

G. Project Characteristics
 According to the overall site plan, the solar development will utilize almost the entire parcel. The perimeter fencing is proposed to be setback from the side property lines approximately five (5) feet and thirty-five (35) feet from the rear property line. The equipment pads will be raised approximately one (1)-foot so the pad is above the base flood elevation. The facility will be secured with a seven (7)-foot high chain link fence.

The proposed project will be built using fixed tilt ground mounted thin film photovoltaic system. The project is designed to generate approximately 7,490 megawatt-hours/year or roughly the amount of energy used by 800 homes. The power produced will be connected with a 12kV distribution lines near the site. The project does require an approximate 150-foot power line extension by Southern California Edison (SCE).

Once operational, the facility will not be staffed on a full time basis, but will consist of one (1) or two (2) employees for occasional maintenance and repairs. No habitable structures are proposed, and therefore, no water, sewer or gas utilities are necessary. No landscaping or parking is proposed which complies with the Development Code. A fifteen (15)-foot wide compacted and maintained fire access dirt road is proposed for on-site access.

ANALYSIS

A. General:
 Pursuant to the Development Code, a Conditional Use Permit is required for all new photovoltaic solar farms that are ten (10) acres or more in size located within the R-VLD zoning designation within the Apple Valley Dry Lake. This affords the Commission the opportunity to review a photovoltaic solar project to ensure the proposal is compatible with, and does not negatively impact the surrounding uses.

Drainage

The project is located within the Apple Valley Dry Lake bed. The project will not cause significant changes in absorption rates, drainage patterns, and the rate and amount of surface water runoff because the installation of solar panel.

Street Improvements

The subject site is located adjacent to Zuni Road, a sixty (60)-foot wide local road. In accordance with the Development Code for photovoltaic solar farms, street improvements are

only required on secondary or major roadways. Therefore, road dedication is required but no street improvements.

B. Site Analysis:

The subject site is currently vacant as is the surrounding area. The closest single-family residence is approximately 100 feet to the west. As previously mentioned the site is located within the Apple Valley Dry Lake Bed which makes the site and the surrounding area very flat and void of structures or trees. This would change the existing visual character of the site from vacant desert land to solar equipment components which historically have not been typical of a rural area. To assist in minimizing the appearance of the facility, the project has been designed with larger setbacks than the Code requires. After road dedication, the panels would be setback from Zuni Road approximately forty-eight (48) feet. Based on increased setbacks, a limited height of approximately eight (8) to ten (10) feet, and the dry lake lacking any distinctive features, the projects impacts to the visual character to the surrounding area is not considered significant. Also, since solar development is less impacted by the flooding issues, it makes the site ideal for a photovoltaic solar farm.

Clean energy production such as solar farm development, is encouraged in the Town's General Plan and Climate Action Plan. The project will assist in efforts to meet California Green House Gas (GHG) emissions reduction legislation by providing a renewable energy source that does not contribute to GHG emissions.

C. Environmental Assessment:

Based upon an Initial Study, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been prepared for this proposal. All mitigation measures are included in the Conditions of Approval and implemented through the review process.

D. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper on June 28, 2013.

E. Findings:

As required under Section 9.16.090 of the Development Code, prior to approval of a Conditional Use Permit, the Planning Commission must make specific Findings. The Findings, and a suggested comment to address each, are presented below:

1. That the proposed location, size, design and operating characteristics of the proposed use is consistent with the General Plan, the purpose of this Code, the purpose of the zoning district in which the site is located, and the development policies and standards of the Town;

Comment: The twenty (20)-acre site is adequate in terms of size to accommodate the proposed use and all setbacks are being met. Solar farm development is encouraged in the Town's General Plan and Climate Action Plan. The project will assist in efforts to meet California Green House Gas (GHG) emissions legislation by providing a renewable energy source that does not contribute to GHG emissions.

2. That the location, size, design and operating characteristics of the proposed use will be compatible with, and will not adversely affect nor be materially detrimental to, adjacent uses, residents, buildings, structures or natural resources;

Comment: The subject site is currently vacant as is most of the surrounding area. The closest single-family residence is approximately 100 feet to the west. As previously mentioned the site is located within the Apple Valley Dry Lake Bed which makes the site and the surrounding area fairly flat and void of structures or trees that might be similar in height to minimize the appearance of the solar structure. As a result of these site characteristics, the proposed project would change the existing visual character of the site from that of vacant desert land to a solar power generation facility. This introduces solar equipment components into the existing viewshed that are not necessarily typical of a rural area. However, as more solar projects develop within the dry lake bed, the project will be consistent with other solar development and be a more familiar component in the area.

3. That the proposed use is compatible in scale, bulk, lot coverage, and density with adjacent uses;

Comment: The subject site is located within the Apple Valley Dry Lake Bed, which due to the flood hazards the area surrounding the subject site is void of development. The nearest residence is approximately 100 feet away to the west. Since the area lacks any physical development or features of any height, the structures with a maximum height of approximately eight (8) to ten (10) feet will change the visual character of the site from that of vacant desert land to a solar power generation facility. This introduces solar equipment components into the existing viewshed that are not necessarily typical of a rural area. However, as more solar projects develop within the dry lake bed, the project will be consistent with other solar development and be a more familiar component in the area.

4. That there are public facilities, services and utilities available at the appropriate levels, or that these will be installed at the appropriate time to serve the project as they are needed;

Comment: No habitable structures are proposed, and therefore, no water, sewer or gas utilities would be necessary.

5. That there will not be a harmful effect upon desirable neighborhood characteristics;

Comment: The current General Plan land use designation for the proposed project area is Very Low Density Residential (RVLD), which allows development of photovoltaic solar farms with a Conditional Use Permit (CUP) for projects ten (10) acres in size or greater. Due to the flood hazards and related development constraints, the area is generally vacant with no neighborhood characteristics having been established in which to impact.

6. That the generation of traffic will not adversely impact the capacity and physical character of surrounding streets;

Comment: There will only be a limited amount of short term construction traffic, and once operational, there will only be occasional patrolling, routine

maintenance and repairs of the facility which will have no impact on capacity and physical character of surrounding streets.

7. That traffic improvements and/or mitigation measures are provided in a manner adequate to maintain the existing service level or a Level of Service (LOS) C or better on arterial roads and are consistent with the Circulation Element of the General Plan;

Comment: The proposed project would generate short-term construction traffic and intermittent truck traffic delivering machinery and parts to be used during the lifetime of the project. Access to the project site would be Zuni Road. The proposed facility will not exceed, either individually or cumulatively the Town's level of service (LOS) standard or change existing traffic patterns.

8. That there will not be significant harmful effects upon environmental quality and natural resources;

Comment: The construction of this project would result in "green" electric power generation that would otherwise be produced at a traditional fossil fuel burning plant, which generate considerably more GHG emissions.

9. That there are no other relevant negative impacts of the proposed use that cannot be reasonably mitigated;

Comment: The Initial Study concluded that the proposed use with mitigation measures will not have a significant effect on the environment. All mitigation measures are included in the Conditions of Approval and implemented through the review process.

10. That the impacts, as described in paragraphs 1 through 9 above, and the proposed location, size, design and operating characteristics of the proposed use and the conditions under which it would be maintained will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, nor be contrary to the adopted General Plan;

Comment: Refer to Findings 1 thru 9.

11. That the proposed conditional use will comply with all of the applicable provisions of this title.

Comment: Pursuant to the Development Code, a Conditional Use Permit is required for all new photovoltaic solar farms that are ten (10) acres or more to afford the Commission the opportunity to review a photovoltaic solar project to insure the proposal is compatible with, and does not negatively impact the surrounding uses. The Code allows photovoltaic solar farms within the Apple Valley Dry Lake area within the R-VLD Residential District with approval of a Conditional Use Permit. If the Application is approved, the proposed Project will comply with all applicable provisions of the Development Code.

12. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures;

Comment: The site is located within the Apple Valley Dry Lake flood hazard area, and as such, the area surrounding the subject site is vacant as is most of the surrounding area. The nearest single-family residence is approximately 100 feet away. Due to the flood hazards and related development constraints, the area is generally vacant with no neighborhood characteristics having been established in which to impact.

13. That the development proposal does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;

Comment: The Town of Apple Valley's General Plan recognizes the protection of local scenic resources as necessary for maintaining the overall livability and aesthetic qualities of the Town, and identifies the surrounding knolls, hills, and natural desert environment as important natural resources that should be preserved as Open Space. The proposed project is not located within a Scenic Corridor and will not have a substantial adverse effect on a scenic vista as there are none identified within the vicinity of the project site that would be affected by development of the site. Since the area lacks any physical development or features of any height, the structures with a maximum height of approximately eight (8) to ten (10) feet will change the visual character of the site from that of vacant desert land to a solar power generation facility. This introduces solar equipment components into the existing view shed that are not necessarily typical of a rural area. However, as more solar projects develop within the dry lake bed, the project will be consistent with other solar development and be a more familiar component in the area.

14. That quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures.

Comment: The structures are proposed with a maximum height of approximately eight (8) to ten (10) feet. This will change the visual character of the site from that of vacant desert land to a solar power generation facility. However, the area lacks physical development or features of any height to consider for the visual environment.

15. That access to the site and circulation on and off-site is safe and convenient for pedestrians, bicyclists, equestrians and motorists.

Comment: The subject site is located adjacent to Zuni Road, a sixty (60)-foot wide local road. In accordance with the Development Code for solar farms, street improvements are only required on secondary or major roadways. Therefore, no street improvements are required. Access to the site is from Zuni Road, an unimproved dirt road.

RECOMMENDATION

Based upon the information contained within this report, and any input received from the public at the hearing, it is recommended that the Planning Commission move to:

1. Determine that the proposed project does not have a negative impact upon the environment and adopt a Mitigated Negative Declaration pursuant to the guidelines to implement the California Environmental Quality Act (CEQA) for Conditional Use Permit No. 2013-005.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings for Conditional Use Permit No. 2013-005.
3. Approve Conditional Use Permit No. 2013-005, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Determination.

Prepared By:

Reviewed By:

Carol Miller
Senior Planner

Lori Lamson
Director of Community Development

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Site Plan
3. Elevations
4. Zoning Map
5. Initial Study
6. Photo Simulations (Separate Attachment)

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL
Conditional Use Permit No. 2013-005

Please note: Many of the suggested Conditions of Approval presented herewith are provided for informational purposes and are otherwise required by the Municipal Code. Failure to provide a Condition of Approval herein that reflects a requirement of the Municipal Code does not relieve the applicant and/or property owner from full conformance and adherence to all requirements of the Municipal Code.

Planning Division Conditions of Approval

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised, shall expire three (3) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The Conditional Use Permit become effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. Prior to issuance of a building permit, the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:

Apple Valley Fire Protection District
Apple Valley Engineering Division
Apple Valley Planning Division
- P3. The applicant shall agree to defend, at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P4. The approval of Conditional Use Permit No. 2013-005 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P5. The filing of a Notice of Determination and the Mitigated Negative Declaration requires the County Clerk to collect a documentary handling fee (including State Fish and Game fee) of \$2,206.25. The fee must be paid in a timely manner in accordance with Town procedures. No permits may be issued until such fee is paid.
- P6. Identification signs shall not be included in this Conditional Use Permit approval.

- P7. It is the sole responsibility of the applicant on any Permit, or other appropriate discretionary review application for any structure, to submit plans, specifications and/or illustrations with the application that will fully and accurately represent and portray the structures, facilities and appurtenances, thereto that are to be installed or erected if approved by the Commission. Any such plans, specifications and/or illustrations that are reviewed and approved by the Planning Commission at an advertised public hearing shall accurately reflect the structures, facilities and appurtenances expected and required to be installed at the approved location without substantive deviations, modifications, alterations, adjustments or revisions of any nature.
- P8. The proposed project is shall be designed to limit the amount of vegetation that would be removed and limit the amount of grading to the areas required for access, foundations and trenching to minimize fugitive dust generated during the life of the project. Areas not required for such activities, shall not be disturbed.
- P9. **AES-1:** Any lighting at the proposed facility would be limited to that necessary for security and safety. Lighting would be motion-activated and shielded so that there is no upward directed light.
- P10. **BI0-1:** The developer shall retain a qualified desert tortoise biologist to monitor all construction and construction related activities to ensure no tortoise enters the site. This biologist/monitor shall be present at the site during all land disturbance activities and shall remain on-call during the remainder of construction activities. If tortoise or other sensitive resources, such as burrowing owls, are encountered during construction, construction activities shall be halted in the vicinity of the find and the biologist/monitor shall be called to the site. The contractor shall implement the recommendations of the biologist/monitor.
- P11. **BI0-2:** The State of California prohibits the "take" of active bird nests. To avoid incidental take of native birds or destruction of nests or eggs, brush removal and initial grading will be completed outside the breeding season (i.e., do not remove potential nesting habitat from February 15 through August 15), or prior to beginning vegetation removal, but after survey flagging is in place marking the limits of grading, a qualified biologist will confirm that no birds are nesting in or adjacent to areas to be disturbed.
- P12. **BI0-3:** A 30-day pre-construction survey for burrowing owl is required. If owls are observed on site, mitigation is required to reduce impacts to burrowing owl to less than significant levels in accordance with the CDFW staff report on burrowing owl mitigation.
- P13. **AIR-1:** Prior to the issuance of a building permit, the applicant shall demonstrate compliance with MDAQMD regulations for the control of fugitive dust emissions by preparing and submitting a Dust Control Plan for review and approval by MDAQMD. The Dust Control Plan shall describe all fugitive dust control measures to be implemented before, during, and after any dust generating activity. The measures described in the plan shall be made condition of approval of the ground disturbing permits.
- P14. **AIR-2:** The construction contractor shall select the construction equipment used on site based on low emission factors and high energy efficiency. The construction contractor shall ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications.
- P15. **AIR-3:** The construction contractor shall utilize electric- or diesel-powered equipment in lieu of gasoline-powered engines where feasible.

- P16. **AIR-4:** The construction contractor shall ensure that construction grading plans include a statement that work crews will shut off equipment when not in use.
- P17. **CUL-1:** All ground disturbance activities related to the project shall be monitored by a qualified cultural resources specialist to ensure that the proper and timely evaluation and treatment of any cultural materials unearthed.
- P18. **CUL-2:** An archaeological monitoring program shall be implemented during all trending, excavation, and other earth moving operations. The monitoring program shall include all items recommended in the Cultural Resources Evaluation prepared by Aspen Environmental Group dated February 2013.
- P19. Following the operational life of the project, the project owner shall perform site closure activities to meet federal, state, and local requirements for the rehabilitation and re-vegetation of the project Site after decommissioning. The applicant shall prepare a Closure, Re-vegetation, and Rehabilitation Plan and submit to the Planning Division for review and approval prior to building permit issuance. Under this plan, all aboveground structures and facilities shall be removed to a depth of three (3) feet below grade, and removed off-site for recycling or disposal. Concrete, piping, and other materials existing below three (3) feet in depth may be left in place. Areas that had been graded shall be restored to original contours unless it can be shown that there is a community benefit for the grading to remain as altered. Shrubs and other plant species shall be re-vegetated by the collection of seeds and re-seeding following decommissioning.
- P20. If the solar field is not operational for twelve (12) consecutive months, it shall be deemed abandoned. The solar field shall be removed within sixty (60) days from the date a written notice of the declaration of abandonment by the Town is sent to the developer. Within this sixty (60) day period, the developer may provide the Planning Division with a written request to modify this condition at a public hearing before the Planning Commission requesting an extension of time for an additional twelve (12) months. In no case shall the Planning Commission authorize an extension of time beyond two (2) years from the date the solar field was deemed abandoned without requiring financial assurances to guarantee the removal of the solar field, and that portion of the support structure lying above the natural grade level, in the form of a corporate surety bond, irrevocable letter of credit, or an irrevocable certificate of deposit wherein the Town is named as the sole beneficiary.
- P21. The Town may require a Phase 1 Environmental Site Assessment be performed at the end of decommissioning to verify site conditions.

Building and Safety Division Conditions of Approval

- B1. Grading and drainage plans must be submitted to and approved by the Building Official, Planning Department and Town Engineer prior to permit issuance.
- B2. Submit plans and obtain permits for all structures and retaining walls, signs.
- B3. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard native plant protection and desert tortoise habitat.

- B4. A Notice of Intent (NOI) and Storm Water Prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.
- B5. All utilities shall be placed underground in compliance with Town Ordinance No. 89.
- B6. A pre-grading meeting is required prior to beginning any land disturbance. This meeting will include the Building Inspector, General Contractor, Grading Contractor, soils technician and any other parties required to be present during the grading process such as a Biologist and/or Paleontologist.
- B7. A dust palliative will be required on those portions of the site graded but not constructed.
- B8. Page two (2) of the submitted building plans will be conditions of approval.
- B9. Construction must comply with 2010 California Building Codes.
- B10. Best Management Practices (BMP's) are required for the site during construction.

Engineering Division Conditions of Approval

- EC1. A final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider reducing the post-development site-developed flow to 90 percent of the pre-development flow for a 100 year design storm. (Town Resolution 2000-50; Development Code 9.28.050.C, 9.28.100)
- EC2. A final grading plan shall be approved by the Town Engineer prior to issuance of a grading permit.
- EC3. A thirty (30)-foot wide half-width road dedication along Zuni Road shall be granted to the Town of Apple Valley prior to Issuance of Grading Permit.
- EC4. A thirty (30)-foot wide half-width road dedication along the Keator Road shall be granted to the Town of Apple Valley prior to Issuance of Grading Permit.
- EC5. Zuni Road shall be graded to the Town's Dirt Road Standard.
- EC6. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC7. Utility lines shall be placed underground in accordance with the requirements of the Town.

Apple Valley Fire Protection District Conditions of Approval

- FD1. Applicant shall provide a minimum twenty-eight (28)-foot wide access road around the perimeter of the project to provide for fire access. Applicant shall provide a minimum of twenty (20)-foot wide, one-way access roads between the arrays.
- FD2. An approved turnaround shall be provided at the end of each roadway that is 150 feet or longer. Cul-de-sac length shall not exceed 600 feet. Roadways shall not exceed a twelve

(12%) percent grade. All roadways shall have a minimum turning radius of forty-five (45) feet.

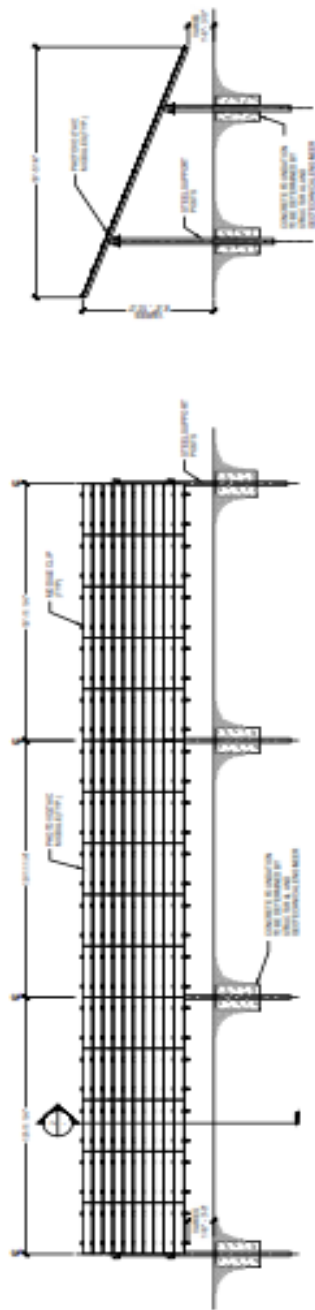
FD3. An approved Fire Department key box is required. Minimum twenty-eight (28)-foot wide access gates to the project site through any perimeter fencing are required. All swing gates shall have an approved Fire Department Knox[®] Lock.

FD4. All access roads provided to the site shall be asphalt paving or concrete all weather surface.

FD5. Roads within the site can remain native soil or gravel with a compaction rate of 95% percent.

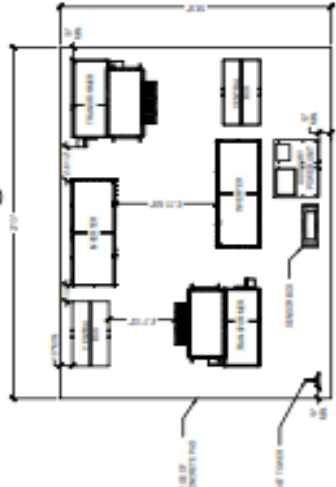
END OF CONDITIONS

SHEET NOTES



① SUBARRAY - ELEVATION

② SUBARRAY - ELEVATION



③ PCS PAD - PLAN



④ PCS PAD - ELEVATION



⑤ PCS PAD - ELEVATION

NO WARRANTIES, EXPRESS OR IMPLIED, ARE MADE BY THE ENGINEER TO THE EFFECT THAT THE DESIGN OR CONSTRUCTION OF THE PROJECT WILL BE FREE FROM DEFECTS OR THAT THE PROJECT WILL BE CONFORMANT WITH ALL APPLICABLE REGULATIONS.

NO.	DATE	DESCRIPTION	BY	APP'D
1	07/11/13	ISSUED FOR PERMITTING	AW	
2	07/11/13	ISSUED FOR PERMITTING	AW	
3	07/11/13	ISSUED FOR PERMITTING	AW	
4	07/11/13	ISSUED FOR PERMITTING	AW	

BELECTRIC™
 8075 CENTRAL AVENUE
 NEWARK, CA 94661
 (510) 936-3940

PRELIMINARY
 NOT FOR
 CONSTRUCTION

ZUNI ROAD 3 MW AC PV POWER PLANT
 SITE DETAILS
 2500 RIVINGTON VALLEY DRIVE #7

DRAWING NO.
C2.3

PROJECTING
 (510) 936-3940

Conditional Use Permit No. 2013-005

The project site located on the north side of Zuni Road, approximately 635 feet east of Central Road.

APN 0437-341-06

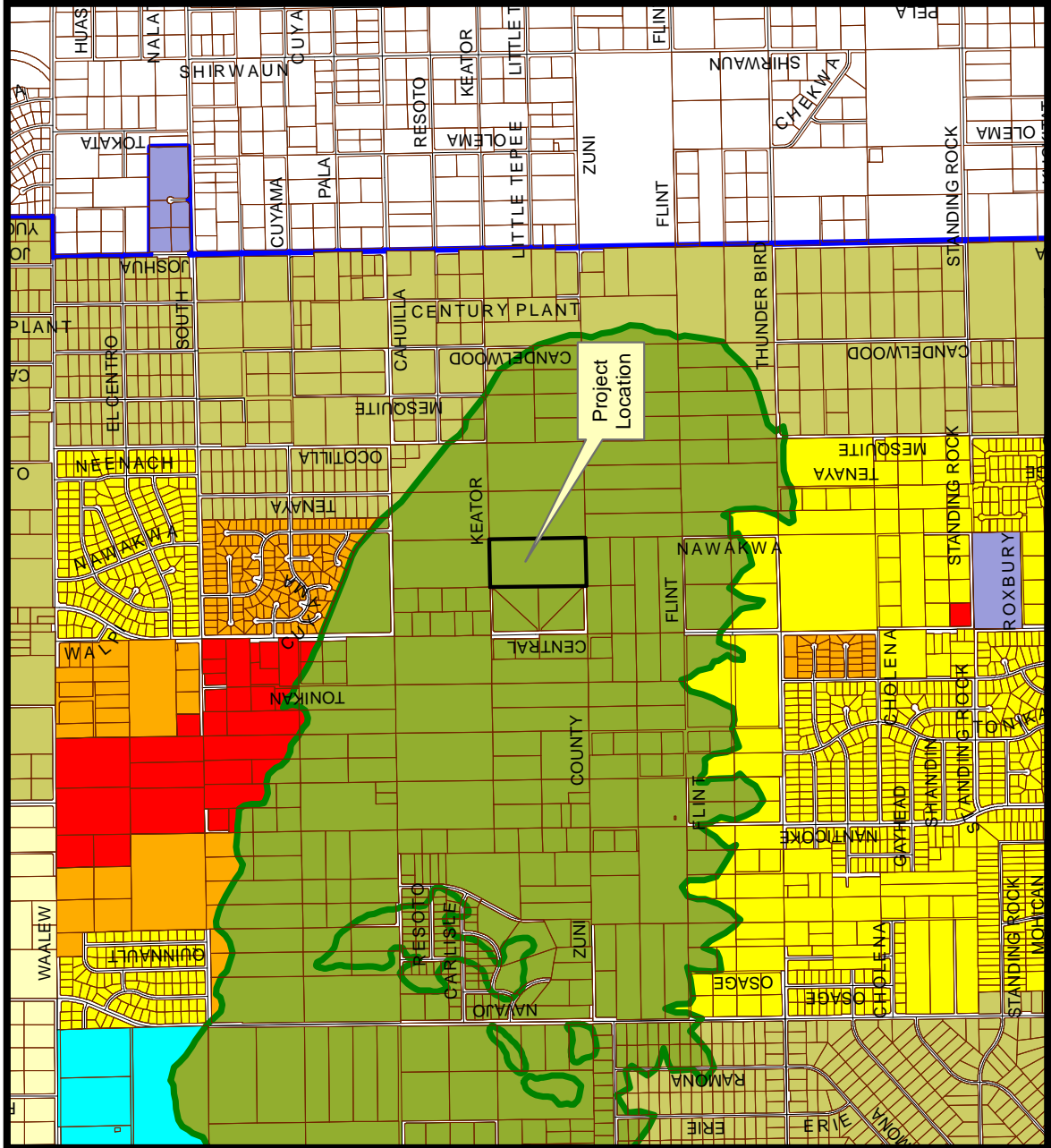


Legend

- (R-VLD) Very Low Density Residential (1.0/5 or more gross acres)
- (R-E) Estate Residential (1.0/1 to 2.5 gross acres)
- (R-EO) Executive Residential (1.0/0.4 to 0.9 gross acres)
- (R-SF) Single Family Residential (1.0/0.2 to 0.9 gross acres)
- (C-S) General Commercial
- (I-P) Planned Industrial
- (I-F) Public Facilities
- (SP) Specific Plan
- Flood Hazard Lake Overlay

Date: 6/24/2013

ZONING/LOCATION MAP

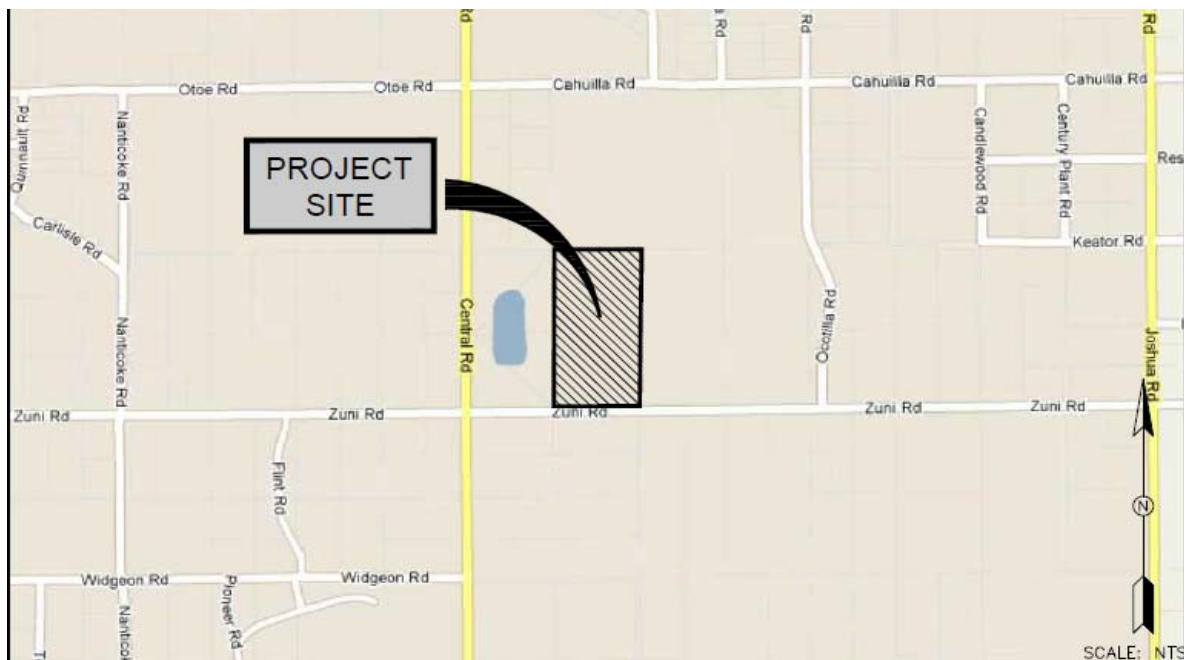


TOWN OF APPLE VALLEY INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

This form and the descriptive information in the application package constitute the contents of Initial Study pursuant to Town of Apple Valley Development Code and Section 15063 of the State CEQA Guidelines.

PROJECT INFORMATION

1. **Project title:** Conditional Use Permit No. 2013-005
2. **Lead agency name and address:** Town of Apple Valley
Planning Division
14955 Dale Evans Parkway
Apple Valley, CA 92307
3. **Contact person and phone number:** Carol Miller, Senior Planner 760-240-7000 Ext 7222
4. **Applicant's name and address:** Belectric, Inc
8076 Central Avenue
Newark, Ca. 94560
5. **Project location and Assessor's Parcel Number:** North side of Zuni Road, approximately 635 feet east of Central Road. APN 0437-341-06.
6. **Description of project:** The applicant proposes to build a three (3) Megawatt ground-mounted photovoltaic (PV) solar array. The project will utilize the approximately 20 acres located on the north side of Zuni Road, approximately 635 feet east of Central Road (See Location Map). No buildings are proposed as a part of the project. The project will electrically connect directly to SCE's existing 12kV distribution system. No new offsite transmission or distribution lines are proposed.



Location Map

ENVIRONMENTAL/EXISTING SITE CONDITIONS

The project site is located on the north side of Zuni Road, approximately 636 feet east of Central Road. The project site is located in southeast quarter of the northwest quarter of Section in Township 5 north Range 3 west in the San Bernardino Meridian, and can be found on the Apple Valley North USGS 7.5 minute quadrangle map.

The project site consists of one flat parcel that is currently undeveloped. The parcel is located within the Apple Valley “dry-lake bed” area, and is zoned Very Low Density Residential (R-VLD). The primary access point to the site is from Zuni Road, which runs along the southerly boundary of the site. The site is located in an area of mostly undeveloped land and is currently vegetated with sparse native saltbush shrubland. The nearest single family residence is located approximately 100 feet on the adjacent parcel to the west. Project construction requires the entire twenty (20) acres to be cleared of vegetation.

	TOWN OF APPLE VALLEY GENERAL PLAN DESIGNATION	TOWN OF APPLE VALLEY ZONING DISTRICT	EXISTING LAND USE
Site	R-VLD	R-VLD	Vacant
North	R-VLD	R-VLD	Vacant
South	R-VLD	R-VLD	Vacant
East	R-VLD	R-VLD	Vacant
West	R-VLD	R-VLD	Single Family Residence

Project Characteristics

The electricity produced by the solar project will be sold to SCE through a long-term power purchase agreement (PPA) under SCE’s “CREST” Feed-in-Tariff (FIT) renewable energy program. The project is designed to have a useful life of 20 to 30 years, although the life span could be extended by upgrades and refurbishments. In the event that the project is decommissioned, the facility would be removed and the site prepared for subsequent land use.

Once operational, the facility will not be staffed on a full time basis, but will consist of two to three employees for occasional maintenance and repairs. No habitable structures are proposed, and therefore, no water, sewer or gas utilities would be necessary. No landscaping or parking is proposed. For security purposes a seven (7)-foot tall chain link fence is proposed around the perimeter of the site. Only minimal grading is proposed to facilitate development because of the relatively flat topography within the dry lake bed. Project construction requires the entire twenty (20) acres to be cleared of vegetation.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact: as indicated by the checklist on the following pages.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural/Paleontological | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the lead Agency):
On the basis of this initial evaluation, the following finding is made:

- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and ENVIRONMENTAL IMPACT REPORT is required.
- The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Carol Miller
Senior Planner

Date

Lori Lamson
Community Development Director

Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analyses Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources. A source list should be attached and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

I. AESTHETICS

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION (check if project is located within the view shed of any Scenic Route listed in the General Plan):

- a. **Less Than Significant Impact.** The Town of Apple Valley’s General Plan recognizes the protection of local scenic resources as necessary for maintaining the overall livability and aesthetic qualities of the Town, and identifies the surrounding knolls, hills, and natural desert environment as important natural resources that should be preserved as open space. The proposed project is not located within a Scenic Corridor and will not have a substantial adverse effect on a scenic vista as there are none identified within the vicinity of the project site that would be affected by development of the site.
- b. **No Impact.** The proposed project will not substantially damage scenic resources, including, but not limited, trees, rock outcroppings, and historic buildings within a state scenic highway, because the site is not adjacent to a state scenic highway, and there are no rock outcroppings or historic buildings on the site.
- c. **Less Than Significant Impact.** The subject site is located within the Apple Valley Dry Lake Bed, which due to the flood hazards the area surrounding the subject site is mostly void of development. The nearest residence is located to the west approximately 100 feet. All other adjacent parcels are vacant with scattered residential beyond. The proposed project would change the existing visual character of the site from that of vacant desert land to a solar power generation facility. This introduces solar equipment components into the existing viewshed that are not necessarily typical of a rural area. To assist in minimizing the appearance of the facility the project, has been designed with larger setbacks than the Code requires. After road dedication the panels would be setback from Zuni Road approximately 48 feet. Based on increased setbacks, limited height of approximately 9 feet, and the dry lake lacking any distinctive aesthetic value, the projects impacts to the visual character to the surrounding area is considered less than significant.
- d. **Less Than Significant Impact with Mitigation.** Solar fields can produce substantial glare, which has the potential to adversely affect daytime views in the area. Since the site is vacant, any development would be considered a new source of glare and potentially impact daytime views of the desert. However, the proposed project utilizes dark photovoltaic solar cells, which produce much less glare than the mirror solar panel technology and would only be considered an incremental increase.

No security lighting is shown on the site plan, nevertheless, and nighttime lighting that might be associated with the proposed project would be subject to Town approval and compliance with Development Code requirements. Any lighting at the proposed facility would be limited to that necessary for security and safety. Lighting would be motion-activated and shielded so that there is no upward directed light. Therefore, the proposed facility would not have a significant impact during the nighttime hours. A lighting plan is required as

mitigation to ensure no overspill. All light standards shall be shown on a dimensioned lighting plan. Manufacturer's specifications and standards shall be provided for each type of lighting device. The light intensity shall be plotted on a dimensioned plan and no overspill beyond project boundaries shall be allowed.

II. AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland as defined in Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Gov't Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION (check if project is located in the Important Farmlands Overlay):

- a-c. **No Impact.** The subject property is not identified or designated as Prime Farmland, Unique Farmland, or Farmland of Statewide importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. There are no agricultural uses on the site.
- d. **No Impact.** The site does not contain forest land as defined in Public Resources Code section 12220(g) or timberland as defined in Gov't Code section 51104(g).

- e. **No Impact.** The subject property is not identified or designated as Prime Farmland, Unique Farmland, or Farmland of Statewide importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. There are no agricultural uses on the site.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

a-c **Less Than Significant Impact with Mitigation.** The project area is located within the jurisdiction of the Mojave Desert Air Quality Management District (MDAQMD) which lies in the San Bernardino County portion of the Mojave Desert Air Basin (MDAB). The Air Quality Management Plan (AQMP) provides a program for obtaining attainment status for key monitored air pollution standards, based on existing and future air pollution emissions resulting from employment and residential growth projections. Given that the proposed project would not alter the population or employment projections considered during the development of the AQMP, and considering the minor emissions attributable to the proposed project during operation, the proposal should not conflict with any applicable air quality plans.

Air quality impacts would include construction exhaust emissions generated from construction equipment, vegetation clearing and earth movement activities, construction workers' commute, and construction material hauling for the entire construction period. These activities would involve the use of diesel- and gasoline-powered equipment that would generate emissions of criteria pollutants such as Carbon Monoxide (CO), Nitrogen Oxides (NOX), Reactive Organic Gases (ROG) or Volatile Organic Compounds (VOC), Sulfur Oxides (SOX), Particulate Matter less than 10 microns (PM10), and Particulate Matter less than 2.5 microns (PM2.5). The project construction activities also represent sources of fugitive dust (which includes PM10), a potential concern because the proposed project is in a non-attainment area for ozone and PM-10. However, construction-related increases in emissions of fugitive dust and exhaust

from construction equipment would be temporary and localized during the approximately three (3) months of construction time. To mitigate impacts to air quality, the proposed project shall include dust abatement measures that would limit the generation of pollutants, including particulate matter 10 microns or less in diameter (PM10), consistent with Rule 403.2 *Fugitive Dust Control for the MDPA*. This includes using water trucks to minimize the production of visible dust where grading or vegetation removal occurs during project construction.

Implementation of the following mitigation measures will reduce potential impacts to air quality are reduced to a level below significant:

- AIR-1** Prior to the issuance of a building permit, the applicant shall demonstrate compliance with MDAQMD regulations for the control of fugitive dust emissions by preparing and submitting a Dust Control Plan for review and approval by MDAQMD. The Dust Control Plan shall describe all fugitive dust control measures to be implemented before, during, and after any dust generating activity. The measures described in the plan shall be made condition of approval of the ground disturbing permits.
- AIR-2** The construction contractor shall select the construction equipment used on site based on low emission factors and high energy efficiency. The construction contractor shall ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications.
- AIR-3** The construction contractor shall utilize electric- or diesel-powered equipment in lieu of gasoline-powered engines where feasible.
- AIR-4** The construction contractor shall ensure that construction grading plans include a statement that work crews will shut off equipment when not in use.

- d. **Less Than Significant Impact.** The MDAQMD defines sensitive receptors as residences, schools, daycare centers, playgrounds and medical facilities (MDAQMD 2007). The closest sensitive receptor is a residence located approximately 100 feet to the west. Electricity generation via the use of photovoltaic systems does not generate chemical emissions that would negatively contribute to air quality affecting the residential. No significant adverse impacts are identified or anticipated and no additional mitigation measures are required.
- e. **Less Than Significant Impact.** The project does not include any sources of odor producers, which would cause impacts to the surrounding area. Any future development shall meet and/or exceed all of the Town's adopted development standards to minimize any potential impacts.

IV. BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California				

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION (check if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database):

a. **Less than Significant Impact with Mitigation.** A Biological Resource Report and Focused Desert Tortoise dated April 16, 2013 was prepared by Aspen Environmental Group. The species of special status identified to have a potential to occur within the vicinity of the project area include: desert tortoise (*Gopherus agassizii*), Mojave ground squirrel (*Spermophilus mohavensis*) and burrowing owl (*Athene cunicularia*). The report indicated that based on habitat, surrounding land use, and our survey results, the report concluded that there is a minimal likelihood that desert tortoises or Mohave Ground Squirrel could occur on the site. Still, there is a small possibility that tortoises could wander onto the site or the MGS could be found during site clearing. The report also determined that burrowing owl was not currently present on the site but that a pre-construction survey would be conducted. Mitigation measures have been incorporated into the project's approval to insure that any adverse impacts to the species are reduced to a level below significant.

California prohibits the take of active bird nests, thus any grubbing or brushing that might occur as part of the project is required to be conducted outside of the State-identified breeding season of February 15th through September 1. The site would need to be evaluated by a qualified biologist to determine if birds were nesting in the shrubs to be removed prior to initiation of ground disturbance. Mitigation Measures have been incorporated in the conditions of approval to ensure that impacts in these areas are reduced to a level of less than significant.

Implementation of the following mitigation measures will reduce potential impacts to biological resources to a level below significant:

BI0-1: The developer shall retain a qualified desert tortoise biologist to monitor all construction and construction related activities to ensure no tortoise enters the site. This biologist/monitor shall be present at the site during all land disturbance activities and shall remain on-call during the remainder of construction activities. If tortoise or other sensitive resources, such as burrowing owls, are encountered during construction, construction activities shall be halted in the vicinity of the find

and the biologist/monitor shall be called to the site. The contractor shall implement the recommendations of the biologist/monitor.

BI0-2: The State of California prohibits the "take" of active bird nests. To avoid incidental take of native birds or destruction of nests or eggs, brush removal and initial grading will be completed outside the breeding season (i.e., do not remove potential nesting habitat from February 15 through August 15), or prior to beginning vegetation removal, but after survey flagging is in place marking the limits of grading, a qualified biologist will confirm that no birds are nesting in or adjacent to areas to be disturbed.

BI0-3: A 30-day pre-construction survey for burrowing owl is required. If owls are observed on site, mitigation is required to reduce impacts to burrowing owl to less than significant levels in accordance with the CDFW staff report on burrowing owl mitigation.

- b. **No Impact.** The project site is devoid of native riparian vegetation (SWCA 2009b) or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) California Department of Fish and Wildlife or United States Fish and Wildlife Services (USFWS). Accordingly, no impacts to sensitive or regulated habitat shall result from implementation of the proposed project.
- c. **No Impact.** No waters or wetlands that fall under the jurisdiction of the U.S. Army Corps of Engineers, California Regional Water Quality Control Board (RWQCB), and/or CDFW are found on the proposed project area. No indicators of hydrologic activity (topographical or geological), hydric soils, or hydrophytic vegetation were observed onsite. In addition, no blue-line streams are found on the Apple Valley North Geological Survey (USGS) 7.5-minute quadrangle in the vicinity of the project area.
- d. **No Impact.** The proposed project will not have any adverse effect on the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors as the area is not identified as a protected path for the native residents or migratory fish or wildlife species. Any future development shall meet and/or exceed all of the Town's adopted development standards to minimize any potential impacts to biological resources. No impact is anticipated.
- e. **No Impact.** This project will not conflict with any local policies or ordinances protecting biological resources, because there are no identified biological resources on site that are subject to such regulation. Therefore, there are no impacts.
- f. **Less than Significant Impact.** Areas of valuable habitat that support special status species are illustrated in the Biological Resources Study in Appendix B of the General Plan EIR. The General Plan includes policies and programs intended to ensure that habitat connectivity is preserved in the Town. In addition, a number of special survey areas in the Town's planning area are identified in the General Plan. Species for which surveys are required as part of development applications include Desert Tortoise, Mojave Ground Squirrel, Burrowing Owls, Joshua Trees, and/or Migratory/Nesting/Other Protected Birds. The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plan because no such plans have been adopted in the area of the project site.

V. CULTURAL RESOURCES

Would the project:

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	--------------

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION (check if the project is located in the Cultural ___ or Paleontological ___ Resources overlays or cite results of cultural resource review):

a-b. **Less than Significant Impact.** The project site is located in an area identified as moderate to low sensitivity for paleontological resources as shown in Exhibit III-4 of the General Plan FEIR. The proposed project would not cause a substantial adverse change to an archaeological resource, because there are no such resources presently identified on the site. Therefore, no impacts to a historical resource would occur as a result of the project as defined in § 15064.5.

c. **Less than Significant Impact with Mitigation.** The project site is located in an area identified as moderate to medium to high sensitivity for paleontological resources as shown in Exhibit III-5 of the General Plan FEIR. In accordance with the General Plan FEIR mitigation measure, a Paleontological Resources Evaluation was prepared by Aspen Environmental Group dated February 2013 was submitted. The report indicated that no known historic resources will be affected by the project. However, since the project site lies within an ancient freshwater lake known as the Apple valley Dry Lake, renders the area highly sensitive for subsurface deposits of prehistoric- i.e Native American.

Implementation of the following mitigation measures will reduce potential impacts to cultural resources to a level below significant:

CUL-1 All ground disturbance activities related to the project shall be monitored by a qualified cultural resources specialist to ensure that the proper and timely evaluation and treatment of any cultural materials unearthed.

CUL-2 An archaeological monitoring program shall be implemented during all trending, excavation, and other earth moving operations. The monitoring program shall include all items recommended in the Cultural Resources Evaluation prepared by Aspen Environmental Group dated February 2013.

d. **No Impact.** The project site vacant and is not located a known cemetery, and no human remains are anticipated to be disturbed during the construction phase. However, in accordance with applicable regulations, construction activities would halt in the event of discovery of human remains, and consultation and treatment would occur as prescribed by law. The project site is vacant and is not known to contain human remains.

VI. GEOLOGY AND SOILS

Would the project:

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18 1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION (check if project is located in the Geologic Hazards Overlay District):

- a-c. **Less than Significant Impact.** The General Plan indicates that the project site is not located within a State of California Earthquake Fault Zone and, therefore, does not require a geologic study. The closest mapped fault is the Helendale Fault. The Mojave Desert is a seismically active region; however, safety provisions identified in the Uniform Building Code shall be required when development occurs which would reduce potential ground shaking hazards to a less than significant level. The project site is not within a known area which may be susceptible to the effects of liquefaction, and no hills or mountains surround the site that would subject future development to landslides or rock falls.
- d. **Less than Significant Impact.** Expansive (or shrink-swell) behavior is attributable to the water-holding capacity of clay minerals and can adversely affect the structural integrity of facilities including underground pipelines. The project site is located in an area identified as having Very Young to Young Playa/Dry Lake Deposits – Sand, silty to sandy clay, clay silt as shown in Exhibit III-6 and III-7 of the General Plan FEIR. This type of soil exhibits a low potential for expansion, based on their general lack of significant clay content. Accordingly, no significant impacts related to expansive soils are anticipated from implementation of the proposed project.
- e. **No Impact.** The project does not propose to use septic tanks or alternative wastewater disposal systems; therefore, no impacts are anticipated.

VII. GREENHOUSE GAS EMISSIONS

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

a-b. **Less than Significant Impact.** According to the Town’s General Plan, air quality is a concern due to human health issues, and because air pollutants are thought to be contributing to global warming and climate change. Air pollution is defined as a chemical, physical or biological process that modifies the characteristics of the atmosphere. In July 2010, the Town adopted a Climate Action Plan (“CAP”) that enhances the General Plan’s goals, policies and programs relating to meeting the greenhouse gas emission targets established in the California Global Warming Solutions Act. The Plan includes reduction strategies to achieve 1990 levels by including an emissions inventory. The Plan achieves emission targets that apply at reasonable intervals throughout the life of the plan, enforceable GHG control measures, monitoring and reporting, and mechanisms to allow for the revision of the plan, if necessary.

As discussed in Section III of this document, the proposed project’s primary contribution to air emissions is attributable to construction activities. Project construction shall result in greenhouse gas (GHG) emissions from the following construction related sources: (1) construction equipment emissions and (2) emissions from construction workers personal vehicles traveling to and from construction site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. The primary emissions that would result from the proposed project occur as carbon dioxide (CO2) from gasoline and diesel combustion. Although construction emissions are a one-time event, the individual project emissions would be a small increase in GHG emissions associated with construction and operation of the proposed project would contribute to regional increases in GHG emissions. Furthermore, the construction of this project would result in “green” electric power generation that would otherwise be produced at a traditional fossil fuel burning plant, which generate considerably more GHG emissions. For these reasons, it is unlikely that this project would impede the state’s ability to meet the reduction targets of AB32.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

SUBSTANTIATION:

- a-b. **Less than Significant Impact** The project will not create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials because no use approved on the site is anticipated to be involved in such activities. Operation of the proposed project would not require the use or storage of significant quantities of hazardous substances; therefore, no substantial potential for accidental explosion or major releases of hazardous substances is expected. The photovoltaic panels used in the proposed project are environmentally sealed collections of photovoltaic cells that require no chemicals and produce no waste materials.
- c. **No Impact.** There are no existing or proposed schools within one-quarter mile of the proposed project site. Additionally, operation and maintenance of the project would not produce hazardous emissions. No impact is anticipated.
- d. **No Impact.** This project is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, this project would not create a significant hazard to the public or the environment. No impact is anticipated.
- e. **No Impact.** The proposed project is not located within the land use plan of Apple Valley Airport, which is approximately four (4) miles to the northwest. Therefore, development of the proposed project will not result in an airport safety hazards.
- f. **No Impact.** The Osborne Airstrip is the nearest private airstrip and is located approximately seven (7) miles northwest of the project site. No impacts are anticipated to occur.

- g. **No Impact.** The proposed development of a solar facility would not impair or interfere with the Town's adopted emergency evacuation plan. No impact is anticipated.
- h. **Less than Significant Impact** The Apple Valley Fire District reviews development projects to ensure applicable development requirements are met. The Fire District reviewed the project for compliance with current fire protection requirements. The District issued fire protection requirements to become Conditions of Approval. Prior to construction, the owner is required to contact the Fire District for verification of current fire protection development requirements. Upon implementation of conditions of approval, impacts from fire hazards would be reduced to a less than significant level.

IX. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
- j) Inundation by seiche, tsunami, or mudflow?

SUBSTANTIATION:

a. **Less than Significant Impact.** Future development at the project site would disturb approximately 20 acres and is, therefore subject to the National Pollution Discharge Elimination System (NPDES) permit requirements. The State of California is authorized to administer various aspects of the NPDES. Construction activities covered under the State’s General Construction permit include removal of vegetation, grading, excavating, or any other activity that causes the disturbance of one acre or more. The General Construction permit requires recipients to reduce or eliminate non-storm water discharges into stormwater systems, and to develop and implement a Storm Water Pollution Prevention Plan (SWPPP).

Prior to issuance of grading permits, the applicant is required to submit a Notice of Intent (NOI) to the Town Engineer to comply with obtaining coverage under the NPDES General Construction Storm Water Permit from the SWRCB. Evidence that this has been obtained (i.e., a copy of the Waste Dischargers Identification Number) must be submitted to the Town Engineer for coverage under the NPDES General Construction Permit. Implementation of requirements set forth by the Town of Apple Valley would ensure impacts to water quality are reduced to a less than significant level.

b. **Less than Significant Impact.** The proposed project does not entail the use of groundwater and, thereby would not deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a deficit in aquifer volume or a lowering of the local groundwater table level. Water would be trucked in from other municipal source and sprayed on the panels from the water truck. Also, aside from the 3 equipment pads, there would be no imperious surfaces developed on-site. Although, the soil type within the dry lake poorly drains, water used to clean the panels would not be such a quantity that it would create an impact.

c-e. **Less than Significant Impact.** The project will not cause significant changes in absorption rates, drainage patterns, and the rate and amount of surface water runoff because the installation of solar panel. The project will not alter the course of any stream or river. All runoff generated from the project would be retained on the project site. A grading and drainage plan must be approved by the Town Engineer prior to the issuance of a grading permit.

f. **Less than Significant Impact.** Grading activities associated with the construction could result in temporary increase in the amount of suspended solids in surface flows during a concurrent storm event, thus resulting in surface water quality impacts. The site is more than one (1) acre; therefore, is required to comply with the National Pollution Discharge Elimination System (NPDES) to minimize water pollution. The General Construction permit requires recipients to reduce or eliminate non-storm water discharges into stormwater systems, and to develop and implement a Storm Water Pollution Prevention Plan (SWPPP).

Prior to issuance of grading permits, the applicant is required to submit a Notice of Intent (NOI) to the Town Engineer to comply with obtaining coverage under the NPDES General Construction Storm Water Permit from the SWRCB. Evidence that this has been obtained (i.e., a copy of the Waste Dischargers Identification Number) must be submitted to the Town Engineer for coverage under the NPDES General Construction Permit. Implementation of requirements set forth by the Town of Apple Valley would ensure impacts to water quality are reduced to a less than significant level.

g. **No Impact.** Although the site is located within a flood zone, the proposal does not involve housing.

- h. **Less than Significant Impact.** The project site is located within the 100-year Flood Zone as indicated in the Town of Apple Valley General Plan. At the time of development, the applicant must conform to FEMA requirements and the Town's regulations to mitigate any potential flood hazards.
- i. **No Impact.** No levees, dams or large bodies of water are located near the development site which would subject people to flooding.
- j. **No Impact.** The site is also not located in a coastal area and, therefore, would not be subject to seiche, tsunami or mudflow.

X. LAND USE AND PLANNING

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

- a. **No Impact.** The project shall not physically divide an established community, because there are no established residential communities present in the project area.
- b. **Less than Significant Impact.** The current General Plan land use designation for the proposed project area is Very Low Density Residential (RVLD), which allows development of electrical power generation with a Conditional Use Permit (CUP) for projects that are ten (10) acres in size or greater.
- c. **Less than Significant Impact.** Since the proposed project is not located within a habitat conservation plan or natural community conservation plan, therefore, no land use conflict would occur.

XI. MINERAL RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION (check ___ if project is located within the Mineral Resource Zone Overlay):

- a. **No Impact.** The site is not designated as a State Aggregate Resource Area according to the General Plan FEIR; therefore, there is no impact.
- b. **No Impact.** The site is not designated by the General Plan as a Mineral Resource Zone; therefore, there is no impact.

XII. NOISE

Would the project result in:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION (check if the project is located in the Noise Hazard Overlay District ___ or is subject to severe noise levels according to the General Plan Noise Element __):

a-d. **Less than Significant Impact.** The proposed project is adjacent to undeveloped vacant land; therefore, noise generated from the proposed project could potentially exceed ambient noise standards. Specifically, construction of the proposed project may potentially create some higher short-term construction noise impacts from construction equipment; however, these activities shall be limited to daytime hours and shall comply with Town standards. Noise generation from construction equipment/vehicle operation would be localized, temporary, and transitory in nature; therefore, no significant impacts would be anticipated. Operation of the proposed project would not generate audible levels of noise or levels of vibration in the surrounding area. Onsite noises would be limited to the small drive motors that rotate the photovoltaic panels on the single-axis tracking system and maintenance activities (including annual cleaning, drive motor repair, tracker repair, electrical connection repair, and panel replacement). Therefore, impacts are anticipated to be less than significant.

e-f. **No Impact.** The project site is located approximately 4 miles from a public use airport which is the Apple Valley Airport from the project site. The Osborne Airstrip is the nearest private airstrip and is located approximately 7 miles northwest of the project site. No impacts related to air traffic are anticipated to occur.

XIII. POPULATION AND HOUSING - Would the project:

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

a-c. **No Impact.** The proposed project would not result in an increase in new residential homes since the number of employees that perform maintenance activities on the proposed project will be two (2) or three (3) persons. Accordingly, the proposed project would neither directly nor indirectly induce population growth. No houses or other residences would be removed or otherwise directly affected by the proposed project. Accordingly, the proposed project would not result in any impacts to housing or related infrastructure, nor require construction of additional housing. No significant impacts are anticipated.

XIV. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

Fire - Less than Significant Impact. The Apple Valley Fire Protection District provides fire protection and paramedic services to the Town. There are six fire stations that service the Town. The proposed project would not

impact service ratios, response times, or other performance objectives related to fire protection. However, during construction, some public services may be required, such as fire protection, but these would be short-term requirements and would not require increases in the level of public service offered. Development in previously undeveloped areas increases the potential of the occurrence of wildfires. The District reviewed CUP No. 2013-005 for compliance with current fire protection requirements. The District issued fire protection requirements to become conditions of approval. Upon implementation of conditions of approval, impacts from fire hazards would be reduced to a less than significant level.

Police Protection – Less than Significant Impact. The proposed project would not impact service ratios, response times, or other performance objectives related to police protection. However, during construction, some public services may be required, such as police protection, but these would be short-term requirements and would not require increases in the level of public service offered or affect these agencies’ response times.

Schools – No Impact. Long-term operation of the proposed facilities would place no demand on school services because it would not involve the construction of facilities that require such services (e.g., residences) and would not involve the introduction of a temporary or permanent human population into this area.

Parks – No Impact. Long-term operation of the proposed facilities would place no demand on parks because it would not involve the construction of facilities that require such services (e.g., residences) and would not involve the introduction of a temporary or permanent human population into this area.

Other Public Facilities – No Impact. The proposed project would not result in the introduction and/or an increase in new residential homes and the proposed project would not involve the introduction of a temporary or permanent human population into this area. Based on these factors, the proposed project would not result in any long-term impacts to other public facilities.

XV. RECREATION

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Would the project increase the use of existing and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

a,b. **No Impact.** No new residences or recreational facilities would be constructed as part of the proposed project. The proposed project would not induce population growth in adjacent areas and would not increase the use of recreational facilities in surrounding neighborhoods. No significant adverse impacts are anticipated.

XVI. TRANSPORTATION/TRAFFIC

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measure of effectiveness for the performance of the circulation system, taking into account all modes of				

transportation including mass transit and non-motorized travel and relevant components of the circulation system including but not limited to intersection, streets, highways and freeways, pedestrian and bicycle paths and mass transit?

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

e) Result in inadequate emergency access?

f) Result in inadequate parking capacity?

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

SUBSTANTIATION:

- a. **Less than Significant Impact.** The proposed project would generate short-term construction traffic and intermittent truck traffic delivering machinery and parts to be used during the lifetime of the project. Access to the project site would be Zuni Road. The proposed facility will not exceed, either individually or cumulatively the Town’s level of service (LOS) standard or change existing traffic patterns.
- b. **Less than Significant Impact.** The proposed project is not expected to exceed any applicable level of service either individually or cumulatively, based on the incremental level and short-term duration of project-related traffic, as discussed in item XV.a.
- c. **Less than Significant Impact.** The proposed project would not affect air traffic patterns. The project site is located approximately 4 miles of Apple Valley Airport, a public airport located to the north of the project site. The Osborne Airstrip is the nearest private airstrip and is located approximately 7 miles northwest of the project site. The only substantial aboveground modifications would be the solar arrays that rotate from a maximum height of approximately 9 feet. This height range is not sufficient to impact air traffic, and as a result, there would be less than significant impact on air traffic patterns.
- d. **No Impact.** The proposed project would not include design features that would affect traffic safety, nor would it cause incompatible uses (such as farm equipment) on local roads. In addition, no new roads are being proposed as part of this project and, therefore, there will be no impacts.
- e. **No Impact.** During construction, all vehicles would be parked off public roads and would not block emergency access routes. The proposed project should not result in any closures of Zuni Road that might have an effect on emergency access in the vicinity of the project site. Further, these roads typically experience minimal use since there are no homes or businesses in the immediate area.

- f. **No Impact.** No formally designated parking is proposed. Once operational, the facility will not be staffed on a full time basis, but will consist of two to three employees for occasional maintenance and repairs. Therefore, if sufficient area on-site for informal parking.
- g. **No Impact.** Since the facility is not staffed on a full time basis, no alternative transportation policies, plans, or programs have been designated for the proposed project area.

XVII. UTILITIES AND SERVICE SYSTEMS

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

- a. **No Impact.** The proposed project does not involve the construction of facilities that would generate sewage; therefore, it would not exceed applicable wastewater treatment requirements. The proposed project would discharge uncontaminated water that is used to clean the solar panels, with no toxicants or cleaning agents used. The proposed project's water discharge does not require treatment or permitting according to the regulations of the Lahontan RWQCB.
- b. **No Impact.** The project shall not require new water or wastewater treatment facilities or expansion of existing facilities. Solar panel washing is expected to occur once per year, and shall require that water be trucked to the site from a municipal source.
- c. **No Impact.** The proposed project would not require the construction or expansion of storm water drainage facilities; however, because the site is located in the Apple Valley Dry Lake, the project cannot have a net

import of soil. It is assumed that the insubstantial quantity of discharged water generated by cleaning would be absorbed into the soils onsite. Accordingly, no impacts are anticipated from implementation of the proposed project. A final drainage plan is required for review and approval by the Town Engineer. Potential impacts will be mitigated through proper site grading.

- d. **No Impact.** Water needed for activities associated with the proposed project would be trucked in from a municipal source. Accordingly, no impacts are anticipated since the project would not require any new or expanded entitlements.
- e. **No Impact.** The proposed project would not require or result in the construction of new wastewater treatment facilities or the expansion of existing wastewater treatment facilities. Accordingly, no impacts are anticipated from implementation of the proposed project.

f,g **Less than Significant Impact.** The proposed project consists of short-term construction activities (with short-term waste generation limited to minor quantities of construction debris) and thus would not result in long-term solid waste generation. Solid wastes produced during the construction phase of this project, or during future decommission activity, would be disposed of in accordance with all federal, state, and local statutes and regulations. Accordingly, no significant impacts related to landfill capacity are anticipated from the proposed project.

The panels and tracking system shall eventually need to be disposed (decommissioned). Most parts of the proposed system are recyclable. Panels typically consist of silicon, glass, and a metal frame. All of these materials can be recycled. Concrete from deconstruction shall be recycled through local recyclers. Metal and scrap equipment and parts that do not have free flowing oil would be sent for salvage. Equipment containing any free flowing oil shall be managed as hazardous waste and shall be evaluated before disposal at a properly permitted disposal facility. Oil and lubricants removed from equipment shall be managed as used oil and disposed in accordance with applicable State hazardous waste disposal requirements.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- d) Does the project have environmental effects which will cause Substantial adverse effects on human beings, either directly or indirectly?

SUBSTANTIATION:

- a. **Less than Significant Impact with Mitigation.** Mitigation Measures have been included for aesthetics, air quality, biological, and cultural resources. With mitigation, implementation of the proposed project would not degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife populations to drop below self sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important cultural examples of the major periods of California history or prehistory.
- b. **Less than Significant Impact.** The construction of this project would result in “green” electric power generation that would otherwise be produced at a traditional fossil fuel burning plant, which generate considerably more GHG emissions. Therefore, the project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- c. **Less than Significant Impact.** The project would not have impacts that are individually limited but cumulatively considerable. There are no projects within the area, that when combined with the proposed project that would result in cumulatively considerable impacts.
- d. **Less than Significant Impact.** The incorporation of design measures, Town of Apple Valley policies, standards, and guidelines would ensure that there would be no substantial adverse effects on human beings, either directly or indirectly. Impacts of the proposed project would be less than significant.

XIX. MITIGATION MEASURES

Aesthetics

AES-1 Any lighting at the proposed facility would be limited to that necessary for security and safety. Lighting would be motion-activated and shielded so that there is no upward directed light.

Biological

BI0-1: The developer shall retain a qualified desert tortoise biologist to monitor all construction and construction related activities to ensure no tortoise enters the site. This biologist/monitor shall be present at the site during all land disturbance activities and shall remain on-call during the remainder of construction activities. If tortoise or other sensitive resources, such as burrowing owls, are encountered during construction, construction activities shall be halted in the vicinity of the find and the biologist/monitor shall be called to the site. The contractor shall implement the recommendations of the biologist/monitor.

BI0-2: The State of California prohibits the "take" of active bird nests. To avoid incidental take of native birds or destruction of nests or eggs, brush removal and initial grading will be completed outside the breeding season (i.e., do not remove potential nesting habitat from February 15 through August 15), or prior to beginning vegetation removal, but after survey flagging is in place marking the limits of grading, a qualified biologist will confirm that no birds are nesting in or adjacent to areas to be disturbed.

BI0-3: A 30-day pre-construction survey for burrowing owl is required. If owls are observed on site, mitigation is required to reduce impacts to burrowing owl to less than significant levels in accordance with the CDFW staff report on burrowing owl mitigation.

Air Quality

AIR-1 Prior to the issuance of a building permit, the applicant shall demonstrate compliance with MDAQMD regulations for the control of fugitive dust emissions by preparing and submitting a Dust Control Plan for review and approval by MDAQMD. The Dust Control Plan shall describe all fugitive dust control measures

to be implemented before, during, and after any dust generating activity. The measures described in the plan shall be made condition of approval of the ground disturbing permits.

AIR-2 The construction contractor shall select the construction equipment used on site based on low emission factors and high energy efficiency. The construction contractor shall ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications.

AIR-3 The construction contractor shall utilize electric- or diesel-powered equipment in lieu of gasoline-powered engines where feasible.

AIR-4 The construction contractor shall ensure that construction grading plans include a statement that work crews will shut off equipment when not in use.

Cultural Resources

CUL-1 All ground disturbance activities related to the project shall be monitored by a qualified cultural resources specialist to ensure that the proper and timely evaluation and treatment of any cultural materials unearthed.

CUL-2 An archaeological monitoring program shall be implemented during all trending, excavation, and other earth moving operations. The monitoring program shall include all items recommended in the Cultural Resources Evaluation prepared by Aspen Environmental Group dated February 2013.

REFERENCES

Biological Resources Report prepared by Aspen Environmental Group dated April 16, 2013.
Cultural Resources Evaluation prepared by Aspen Environmental Group dated February 2013.
California Department of Water Resources, Bulletin #118 (Critical Regional Aquifers), 1975
County of San Bernardino, Countywide Integrated Waste Management Plan, March 1995
Town of Apple Valley General Plan, adopted 2009
Environmental Impact Report, Town of Apple Valley General Plan, 2009
County of San Bernardino Identified Hazardous Materials Waste Sites List, April 1998
FEMA Flood Insurance Rate Map and Flood Boundary Map (Zone A Panel #5840). 2008
Mojave Desert Air Quality Management District, Mojave Desert Planning Area – Federal Particulate Matter (PM10) Attainment Plan, 1995
Mojave Desert Air Quality Management District, Rule 403.2: Fugitive Dust Control Planning Area, 1996
Mojave Desert Air Quality Management District, Ozone Attainment Plan. 2004

Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4 Gov Code; Sections 21080 (c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal. App. 3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal App. 4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th at 1109; *San Franciscans Upholding the Downtown Plan v. County of San Francisco* (2002) 102 Cal. App. 4th 656.