Planning Commission Staff Report

Date:	December 8, 2010
Case Nos.:	5.1240 – CUP, 6.522 – VAR / 7.1346-AMM 5.1240C - CUP, 6.522 – VAR / 7.1346-AMM 5.1240D - CUP, 6.522 – VAR / 7.1346-AMM 5.1240E - CUP, 6.522 – VAR / 7.1346-AMM 5.1240F - CUP, 6.522 – VAR / 7.1346-AMM 5.1240G - CUP, 6.522 – VAR / 7.1346-AMM
Application Types:	Conditional Use Permit applications to replace 80 existing aging Wind Energy Conversion Systems (WECS), with 26 new WECS, along with Variance applications to allow approximately 340 feet high commercial WECS, and Variance and Administrative Minor Modification applications for certain setback reductions.
Location:	West of Indian Cyn. Avenue, North of 20th Avenue & East of Hwy 62
Applicant:	Wind Power Partners 93, LP
Zone:	E-I (Energy Industrial) & (W) Watercourse
General Plan:	E-I (Energy Industrial) & (W) Watercourse with Wind Energy Overlay
APNs:	668-270-010, 668-250-020, 668-280-007, 668-280-016, 668-280-017, 668-280-019, 668-400-004, 668-400-005, 668-400-008, 668-411-009 & 668-411-010
From:	Craig Ewing, AICP, Director of Planning Services
Project Planner:	Edward O. Robertson, Principal Planner

PROJECT DESCRIPTION

The applicant, Wind Power Partners 1993, LP, has applied for a Conditional Use Permits (CUP) to decommission and remove 80 wind turbine generators and install 26

new turbines on approximately 568 acres of land. In conjunction with the CUP application, Variance applications have been filed to allow approximately 340-foot height limit for the wind turbines; the maximum height allowed within the City is 300 feet. Administrative Minor Modifications (AMM) have also been filed to reduce safety and wind access setback requirements at the sites. The proposed project will be located along the west side of Indian Canyon Drive, north of Interstate-10 freeway and east of Hwy 62 and involves eleven (11) parcels under five (5) separate ownerships. Staff has prepared individual permits for separate ownership; however, the project will be implemented as a single phase. Specifically, the project will include the following:

- Decommission and remove 80 existing aging and non-functional wind turbine generators, their foundations and related equipments.
- Erect 26 new wind turbine generators capable of producing up to 40.16 MW of electricity at a maximum height of 339.7 feet.
- Develop unpaved internal access roads and install underground electrical collection lines to link the individual turbines to an existing wind energy facility substation offsite.

RECOMMENDATION

That the Planning Commission approves the proposed Conditional Use Permit applications and the Variance request for the safety setback requirements, by Wind Power Partners 1993 to develop and operate the proposed Wind Energy Conversion Systems by:

- Considering and adopting the Mitigated Negative Declaration (MND) for Case Nos. 5.1240C, D, E, F & G-CUP, 6.522-VAR & 7.1346-MAA;

- Approving the Conditional Use Permits in accordance with the findings of Section 94.02.00.B of the City of Palm Springs Zoning Code: and

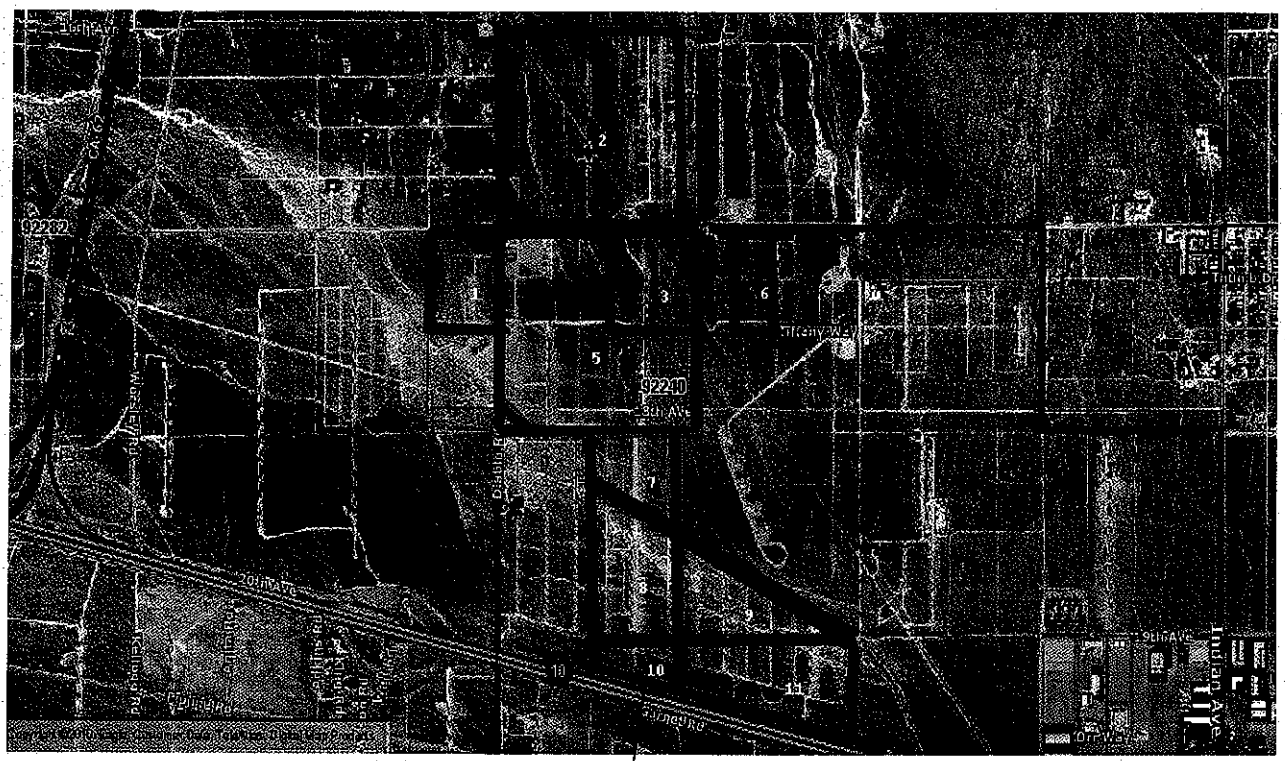
- Approving the Variance requests to exceed the maximum height limit and the AMM applications for safety and wind access setback requirements.

BACKGROUND AND SETTING

The applicant, Wind Power Partners 1993, has applied for multiple Conditional Use Permits to develop the Palm Springs Repower Wind Energy Center. The project site which is currently developed as wind energy facilities is located off Dillon Road between Indian Avenue and Hwy 62 and is made up of eleven (11) contiguous parcels totaling approximately 568 acres. The eleven (11) parcels are leased from five different property owners; separate CUP application was filed for each of the landlords; hence the applications are designated 5.1240, 5.1240C, 5.1240D, 5.1240E, 5.1240F and 5.1240G; a separate resolution will be prepared for each of the applications. Currently,

these parcels consist of up to 80 aging KVS-33, 360 kilowatt (KW) turbine generators that were installed when the project site was re-powered in 1993. Prior to the installation of the newer GE 1.5 MW turbine generators, the existing older Kenetech turbines will be removed; this process is referred to as "decommissioning". The decommissioning and removal process will also include removing existing turbine pads and foundations, support towers and transformers.

Most of the existing KVS-33 turbine generators are non-functional; some of them are almost at the end of their operational existence. This project will replace a large number of existing and aging wind turbines with a smaller number of new and more efficient turbines. The applicant is proposing to decommission the 80 existing KVS-33 turbine generators and replace them with 26 new GE 1.5 megawatt (MW) turbines that are capable of providing up to 39 MW of energy. These new generators are approximately 339.7 feet tall; they are more efficient, able to operate at a wider range of wind speed with an increase in overall energy production.



Digital Map of Project Site

The proposed project would also result in the installation of unpaved internal access roads, underground 34.5 kilovolt (KV) electrical collection lines linking the individual turbines to switchyards and existing wind energy facility substation offsite. The proposed collection lines which will be buried in trenches of approximately four (4) feet deep are of medium voltage, high density insulated collection cables. Other associated facilities for the proposed project will include transformers placed adjacent to each wind

turbine generator pads, data communication systems, pads, roads, foundations and lay-down areas. The project will use the existing operation and maintenance facilities located south of Interstate 10 and Indian Canyon Drive. According to the applicant, construction of each of the pertinent elements of the project including roads, facilities, electrical and communication lines will be built in a single phase.

ANALYSIS

The General Plan designation of the subject site is "E-I" (Energy Industrial), and "W" (Watercourse) with a Wind Energy Overlay. According to the General Plan Land Use Element, "*Wind Energy Conversion Systems (WECS) are permitted in areas designated with the overlay classification*". The zoning designation of the location is "E-I" (Energy Industrial). Pursuant to Section 92.20.02(B)(b), of the Zoning Code, *"Wind energy conversion systems are subject to the requirements and standards contained in Section 94.02.00(H)(8")*. Wind energy turbines, meteorological towers and specified accessory uses are permitted in this designation with the Planning Commission approval of a Conditional Use Permit application.

According to the provisions of Section 94.02.00(8)(a), of the Zoning Code, "a *conditional use permit for a commercial wind energy conversion system (WECS) is intended to regulate and provide for the installation of commercial WECS which are made feasible by the strong prevailing winds within certain areas of the city designated by the general plan. The conditions of the permit are meant to ensure that a safe and beneficial environment, for both the WECS development and the adjacent properties, is provided*".

Table 1: Surrounding land uses, General Plan, Zoning

	Land Use	**General Plan**	**Zoning**
North	Interstate 10 Freeway	Industrial / Wind Energy Overlay	E-I (Energy Industrial)
East	Indian Canyon Drive/Vacant Land	Industrial / Wind Energy Overlay	E-I (Energy Industrial)
South	Wind farm development	Industrial / Wind Energy Overlay	E-I (Energy Industrial)
West	Wind farm development	Industrial / Wind Energy Overlay	E-I (Energy Industrial)

Pursuant to Section 92.17.2.00 of the Palm Springs Zoning Code, *"The "E-I" energy industrial zone is intended to provide areas for alternative energy development and limited industrial uses in those areas which by virtue of strong prevailing winds are ideally suited for large-scale development of wind energy. Alternative energy development is intended as the principal land use, with the permitted industrial uses serviced directly, and primarily, by alternative energy for electrical needs. The retention of open space is encouraged. No industrial use shall be permitted which, by the nature of its development or operation, will in any way adversely affect the resort environment of the city)"* The proposed project site and its surroundings are primarily used for commercial WECS; therefore the proposed project is an appropriate use at the location.

Furthermore, this proposal is a replacement of an existing aging and non-functional WECS system installed in 1993; the difference here is that fewer, taller turbines which are more efficient are being proposed this time.

Setback requirements:

Per Section 94.02.00(8)(e), Standard and Development Criteria, of the Zoning Code, all commercial WECS are required to meet certain setback requirements; these setback requirements are intended to address the issues concerning safety, security, scenic vistas, aesthetics and fire protection for citizens and adjacent properties. In part, the Code states... *"no building or structure shall be located closer than fifty (50) feet from any lot line,* and furthermore, *no WECS shall be located closer than one thousand two hundred (1,200) feet from any residence, hotel, hospital, school, library, or convalescent home unless the owner of such structure waives, in writing, the setback requirement".*

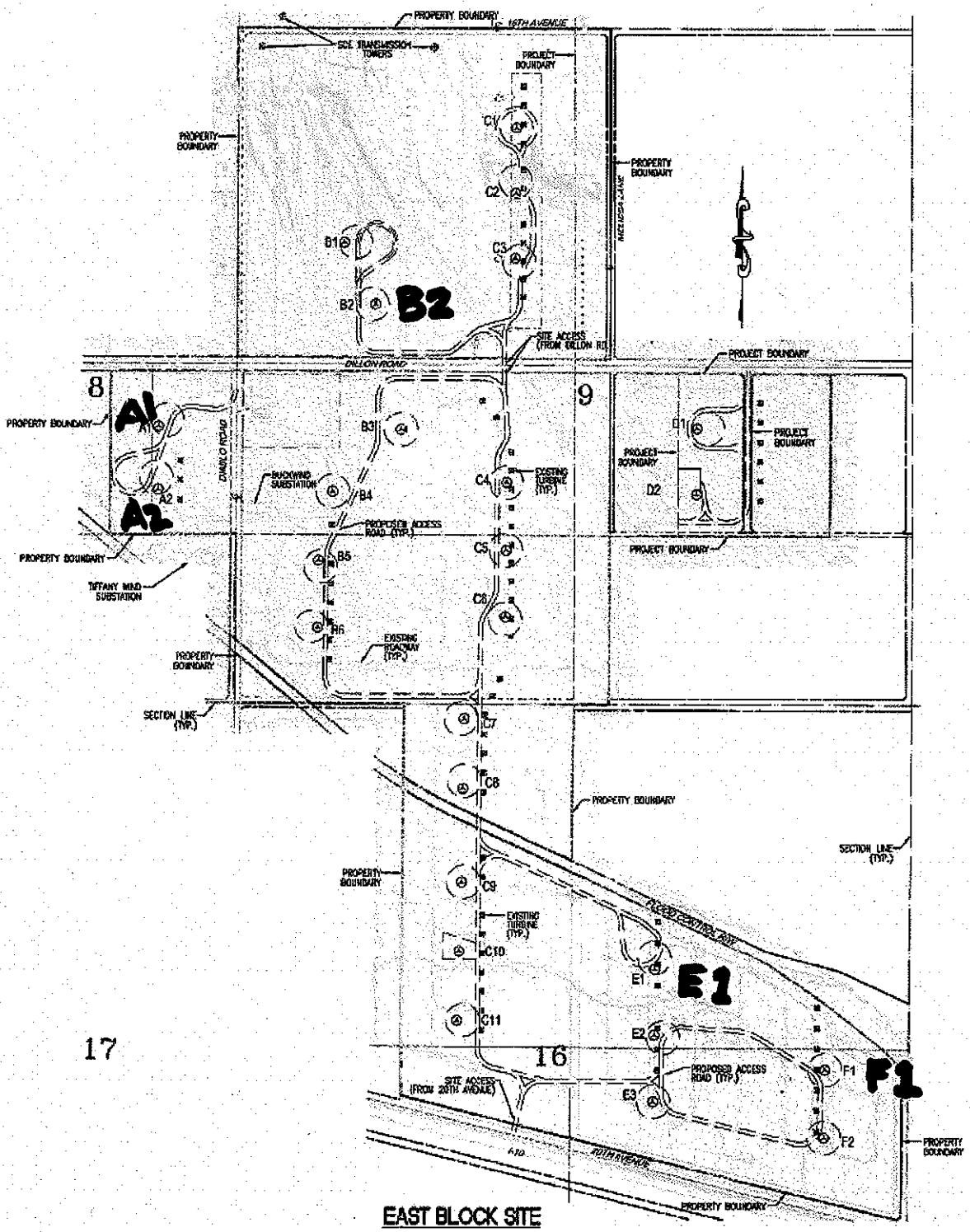
Staff has determined that there are two habitable structures within the required 1,200 feet safety setback areas to the northwesterly boundary of the project site. (See Table 2 below). There are no hotels, schools, libraries or hospitals within two miles of the site; however the applicant is seeking relief from some setback requirements; additional analysis are provided below. The proposed turbines will be visible from public roads and highways; however, they will blend in with the existing turbines within the area. Furthermore, as indicated on the site plans, adequate measures are proposed to make certain that the leased parcels containing the turbines will have unpaved access roads leading to the subject site.

Table 2: Required and Proposed Development Standards: (See Key Map on next page)

DEVELOPMENT STANDARDS	REQUIRED STANDARDS	PROPOSED	KEYS
Permitted Zone	E-I (Energy Industrial)	E-I (Energy Industrial)	Complies
Height Limits	300 feet	339.57 feet, **Not in compliance**	
Setbacks	No structures within 50'	**Complies**	
Safety Setback; Transmission Lines[1]	424.5 feet	**Complies**	
Safety Setback; Residence[2]	1,200 feet	**B1**: 924 feet. **Not in compliance**	Key Map
Wind Access Setback	1263.1'	**Not in compliance**	Key Map
Lot Line Setback	424.5 ft.	**A1**:377.7' **A2**:334.6' **D2**: 324.3' **E1**: 403.4' **F1**: 402.4'	Key Map
Scenic Setbacks	424.5 ft from Dillon Rd.	**B2**: 413 feet **Not in compliance**	Key Map
Security	Fencing	**Complies**	

[1] No commercial WECS shall be located where the center of the tower is within a distance of 1.25 times the total WECS height from any above-ground electrical transmission line of more than twelve (12) kV.
[2] No WECS shall be located closer than one thousand two hundred (1,200) feet from any residence, hotel, hospital, school, library or convalescent home unless the owner of such structure waives, in writing, the setback requirement.

KEY MAP



EAST BLOCK SITE

Request for a Variance and Administrative Minor Modifications:

The applicant is requesting relief from setbacks and from the maximum height limit of 300 feet required by the Zoning Code for turbines. (The setbacks are discussed below) Regarding heights, Section 94.02.00(H)(8)(xiii) of the Zoning Code, states... *"A variance application shall be filed concurrently if the approval of a height limit greater than 300 feet is proposed"*. The applicant is proposing a maximum height of 339.6 feet, an additional 39.6 feet (13%) above the maximum allowed by the Code for commercial WECS. According to the applicant, in order to maximize the efficiency of modern turbines which are larger and more energy-efficient than the older ones, this region requires taller turbines that range between 340 to 400 feet in height. Furthermore, the proposed height of 339.6 feet is comparable to existing turbines of similar design and sizes in the immediate surrounding area.

The project proponent is also requesting reductions to setbacks due to various technical and environmental reasons. Variances for waivers or safety and wind access setbacks are common in the project area on City and County jurisdictions where the boundary between different property owners exists internal to the project site. The purpose of the setback standards is to promote compatibility between wind projects owned by competing owners or between the wind project and a different adjacent use. However when the same wind project owner owns the project on both sides of the common boundary line, and the project has been designed to be self-compatible, the setbacks are of less concern to staff. Except, as noted below, all requested reductions are less than 10% of the required setback.

An Administrative Minor Modification is also requested for setback reductions resulting in less than 10% of the required setbacks. Setback reductions which are greater than 10% are included in the variance application. As proposed, most turbines have been sited due to technical reasons such as maximizing wind resources and minimizing turbulence, as well as environmental reasons such as minimizing new disturbance areas and impacts to environmental resources. The technical requirements of the turbine manufacturer require turbines to be spaced at least 500 feet apart. Additionally, there is existing infrastructure and access roads on the project site which the project proponent desire to utilize as much as possible. Each request is discussed separately below.

Safety Setback; Transmission Lines:

According to Section 94.02.00(8)(iii)(A), of the Zoning Code, *"No commercial WECS shall be located where the center of the tower is within a distance of 1.25 times the total WECS height from any above-ground electrical transmission line of more than twelve (12) kV"*. As designed, the wind energy proposal is in compliance with this requirement.

Safety Setback; Residence:

The variance request for turbine B1 is for an encroachment into the required 1,200 ft. setback area from residences or dwelling places. The applicant is proposing 924.2 feet from the residence to the northwest boundary of the site; a reduction of 275.8 feet (23%). According to the applicant, the reason for this request is to maximize the use of previously disturbed areas and minimize the need for new disturbance in areas associated with the re-powering project. Turbine B1 is constrained by a major transmission line to the east. Additionally, the technical specifications of the turbine manufacturer require turbines to be spaced at least 500 feet apart. Turbine B2 was placed at the edge of the scenic setback for Dillon Road, and turbine B1 was pushed into the safety setback from the transmission line.

Wind Access Setbacks:

The applicant is requesting that wind access setbacks be reduced for turbines C1, C2, C3, C5, C6, C7, C8, D1, D2, F1, and F2. The project will be conditioned to obtain wind access waivers from neighbors adjacent to these turbines prior to construction. The waivers will be obtained prior to grading permits and final approval for the construction of each of the turbines

Safety Setback: Lot lines:

The variance requests are for turbines A1, A2, D2, E1 and FI. The required lot line safety setback for these turbines is 424.5 feet. The variance request for turbines A1 and A2 is regarding the reduction of safety setbacks along the western and southern boundaries of the project site. The proposed locations of these two turbines were determined partially due to the need to minimize any new impacts to the land. This area of the project is surrounded by wind energy uses. There is a wind energy substation to the south of this area. The applicant is proposing 377.7 feet for turbine A1; a reduction of 46.8 feet (9.1%); 334.6 feet for turbine A2, a reduction of 89.9 feet (18%).

The project proponent is proposing 324.3 feet for turbine D2; a reduction of 100.2 feet (24%); for turbine E1, the applicant is proposing 403 feet; a reduction of 21.1 feet (5%), and for turbine FI, the applicant is proposing 402.4 feet, a reduction of 22.1 feet, (5%). The variance request for D2 is for a reduction of the safety setback along Tiffany Way. This area is also surrounded by wind energy systems; a wind farm is located directly to the south across Tiffany Way. Turbine D2 was placed into the safety setback area along Tiffany Way in order to comply with the 500 foot spacing requirement of the turbine manufacturer. Tiffany Way is not shown on the Circulation Plan in the City's General Plan. It is a dirt road that provides access to existing wind farms in this area and is not regularly used by public traffic. As for turbine E1, the reduction of lot line safety setback is due to the separation requirements of the turbine manufacturer. Turbine F1 is in close proximity to a nearby wash and a neighboring wind farm. An adequate distance from the existing neighboring wind farm must be maintained, hence the request for a reduction

for lot line safety setback for this turbine. Findings in support of the Variance requests are provided below:

Scenic Setbacks:

Section 94.02.00(8)(B)(F), of the Zoning Code, states... *"No commercial WECS shall be located where the center of the tower is within 1.25 times the total WECS height from Dillon Road"*. In this case, the scenic setback requirement for turbine B2 from Dillon Road is 424.5 feet; the applicant is proposing 413 feet; a reduction of 11.5 feet (2.7%). An Administrative Minor Modification has been filed for this reduction request.

REQUIRED FINDINGS:

Height Variance:

State law, as well as City of Palm Springs Zoning Code (Section 94.06.000.B), requires that the following four (4) findings be made for the granting of height variance. Staff has analyzed the findings in order below:

1 *Because of the special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

The Wind Powers Partners 1993 project will install new larger, and more energy efficient turbines that exceed the 300 feet height allowed by the E-I zone. Staff is unable to identify any special circumstances related to the size, shape or topography of the property; however, the site's location and surroundings make it suitable for maximizing wind energy production. The increased height is needed to take advantage of the wind conditions at the site and produce greater electrical energy with fewer machines. Denial of the variance will deprive the property of the ability to generate wind energy under current technological conditions and as allowed to adjacent sites.

2 *Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.*

The increased height will not constitute a grant of special privilege since existing turbines in the vicinity are similar in design and size. The proposed turbines are more energy efficient than older models, and require additional height for optimal energy output. The taller turbines also eliminate the need for more turbines to generate the same amount of energy.

3 *The granting of the variance will not be materially detrimental to the pubic health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.*

The increased height is 39.6 feet (13%); this would not be materially detrimental to the public health, safety, convenience, or welfare. The turbines are proposed in an area that is primarily used for similar facilities. Furthermore all the necessary precautions such as safety and fire protection setbacks have been taken into consideration with the site layout.

4 *The granting of such variance will not adversely affect the general plan of the city.*

The General Plan designation of the subject property is "E-I" (Energy Industrial), and "W" (Watercourse) with Wind Energy Overlay, the proposed use is not only consistent with the general plan designations, but the proposed use is encouraged and promoted for this area with dominant prevailing winds that could generate alternative energy for the City.

Setback Variance:

The following four (4) findings are for the granting of setback variance. Staff has analyzed the findings in order below:

1 *Because of the special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

As stated earlier, the Wind Powers Partners 1993 project will install new larger, and more energy efficient turbines that exceed the 300 feet height allowed by the E-I zone. Staff is unable to identify any special circumstances related to the size, shape or topography of the property; however, the site's location and surroundings make it suitable for maximizing wind energy production. The reductions in required setbacks are needed to take advantage of the wind conditions at the site and produce greater electrical energy with fewer machines. Denial of the variance will deprive the property of the ability to generate wind energy under current technological conditions and as allowed to adjacent sites. The purpose of the wind access setback is to promote compatibility between eleven (11) out of the twenty six (26) turbines at the eastern block. The purpose of the safety, lot line and scenic setback is to allow a safe distance between the wind turbines and a public highway, public street, railroad, off-site building or lot that contains a dwelling. Depriving the subject property of relief from these necessary setbacks would impact the project compared to other WECS projects in the same zone and in the same general vicinity.

2 *Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.*

The reduction of lot line setback, safety setback, scenic setback and wind access setback for the project site will not constitute a grant of special privilege. Variances for required setbacks and waivers of setback requirements are common in the project area on City and County jurisdictions where the boundary between different property owners or between private properties exists internal to the project site.

3 *The granting of the variance will not be materially detrimental to the pubic health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.*

Granting of the variance of safety and wind access setback requirements would not be materially detrimental to the public health, safety, convenience, or welfare. The wind access setbacks are internal to the wind project and therefore waiving the safety setback does not present a safety concern to adjacent property. Safety setbacks to external property boundaries are being requested for two structures along the northwesterly portion of the site; there are no other lots that contain a dwelling located within the project area, so no material detriment to public safety would result from the granting of the variance.

4 *The granting of such variance will not adversely affect the general plan of the city.*

The General Plan designation of the subject property is "E-I" (Energy Industrial) and "W" (Watercourse) with the Wind Energy Overlay; wind energy is a permitted use in this designation with the planning commission approval of a CUP. The project is proposed in an area that is primarily used for wind energy, the project does not create incompatible circumstances, and the project is in conformance with setbacks to the adjacent wind projects. Based on these circumstances there would be no adverse effect to the General Plan of the City.

Administrative Minor Modifications:

The following four (4) findings are for the granting of the Administrative Minor Modifications. Staff has analyzed the findings in order below:

1. *The requested minor modification is consistent with the General Plan, applicable Specific Plan(s) and overall objectives of the zoning ordinance.*

The General Plan designation for this property is E-I (Energy Industrial) and (W), Watercourse with Wind Energy Overlay, these designations allow for the development and operations of wind farms. There are no General Plan Policies that would be adversely affected by this modification nor are their any specific plans associated with this property. The overall objective of the Palm Springs Zoning Code is the comprehensive and orderly planned use of land resources. The administrative minor modification establishes the findings and guidelines necessary to carry out minor but orderly development of exceptions to the ordinance. Section 94.06.01(A)(5) of the Palm Springs Zoning Code (PSZC) specifically allows for up to 20% reduction of the required setback areas; staff has determined that the request has met the finding.

2. *The neighboring properties will not be adversely affected as a result of the approval or conditional approval of the minor modification.*

The setback reductions request is to allow turbine B2 to be placed 11.5 feet (3%) within the scenic setback area along Dillon Road. Turbine B1 will encroach into the transmission line safety setback area by approximately 21.1 feet (5%), these reductions are necessary for the newer designs of turbines that are bigger and more energy-efficient than the older turbines. The neighboring properties are similar in design and size and will not be adversely affected by the minor modifications.

3. *The approval of the minor modification will not be detrimental to the health, safety, or general welfare of persons residing or working on the site or in the vicinity.*

The property is located in an area where there are existing wind energy developments. The closest wind turbine generator is approximately 936 feet from two habitable dwellings. All the other turbines are in compliance with the safety setbacks on the side nearest of any habitable dwellings and would not be detrimental to the public health and safety or general welfare of persons in the area. Additionally, the project would use substantially less turbines (26) than are currently used *(80)*, which would reduce the amount of structures and visual impact of the project.

4. *The approval of the minor modification is justified by environmental features, site conditions, location of existing improvements, or historic development patterns of the property or neighborhood.*

The property is located an area where there are existing wind energy developments. Most of the proposed new turbines have been sited due to technical reasons such as hydraulic analysis, maximizing wind resources and minimizing turbulence, as well as environmental reasons such as minimizing new disturbance areas and impacts to environmental resources.

The technical requirements of the turbine manufacturer require turbines to be spaced at least 500 feet apart. Finally, there are existing infrastructures on the project site, and there is a strong desire to utilize the existing infrastructure and access roads as much as possible.

Conditional Use Permit:

The Conditional Use Permit process outlined in Section 94.02.00 of the Zoning Code requires the Planning Commission to make a number of findings for approval of the permit. Those findings are analyzed by staff in order below:

a. *That the use applied for at the location set forth in the application is properly one which a Conditional Use Permit is authorized by the Zoning Ordinance.*

   The project site is located within the "E-I" (Energy Industrial) zone. Section 94.02.00(H)(8) of the Zoning Code regulates WECS. Per requirements of this Section, the approval of a conditional use permit application is required for a commercial WECS project. The site of the proposed project is appropriate and will be subject to the CUP review within the E-I zone.

b. *That the said use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the General Plan, and is not detrimental to existing uses specifically permitted in the zone in which the proposed use is to be located.*

   The proposed use is desirable in that it will generate additional power supply for the State of California via a renewable energy source (wind power). The proposed WECS facility is located within the Wind Energy Overlay zone, and is therefore compatible with permitted uses in the zoning designation. The project surrounding area is currently developed with WECS facility; this project will replace the aging and non-functional turbines at the subject site. Furthermore, the project is consistent with the following Land Use Element of the General Plan: *"Wind Energy Conversion Systems (WECS) may be permitted in areas designated as Wind Energy Overlay"* The proposed WECS facility will not be detrimental to existing or future uses specifically permitted in the area in which the proposed use is to be located.

c. *That the site for the intended use is adequate in size and shape to accommodate said use, including yards, setbacks, walls, fences, landscaping and other features required in order to adjust said use to those existing or permitted future uses of land in the neighborhood.*

   The project site is adequate in size to accommodate the proposed WECS facility; also, the site is consistent with the requirements of the Energy Industrial zone. A variance application has been submitted to address lot line, safety and scenic setback requirements involving five of the overall turbines. With exception to the variance on setback requirements along the western and southern boundaries of

the eastern portion of the site, the proposed project complies with all the setbacks and development standards required for WECS.

d. *That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use.*

The subject site is accessed via an existing off-site road crossing private land and an existing road along the western and eastern boundaries of the location. The existing road connects to North Indian Canyon Drive and Highway 62. The proposed WECS facility is anticipated to generate minimal traffic; therefore it will not intensify uses on the site or in the area.

e. *That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety, and general welfare and may include minor modification of the zone's property development standards.*

All proposed conditions of approval are necessary to ensure compliance with the Zoning Ordinance requirements and to ensure public health and safety. Adequate measures will be taken to make sure that the applicant complies with all the conditions of approval that addresses matters concerning public health, safety and general welfare. Furthermore, any future modifications to the site will be subject to review and approval of the Planning Commission.

ENVIRONMENTAL ASSESSMENT

The Planning Department has reviewed this project under the provisions of the California Environmental Quality Act (CEQA), and determined that the project had the potential for significant impacts, but that the impacts would not be significant in this case because project modifications or mitigation measures incorporated into the Initial Study reduce impacts to less than significant levels. Pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines, a Notice of Intent to adopt a Mitigated Negative Declaration (MND) was prepared. The Notice of Intent (NOI) was circulated; public review and comments period commenced on November 8, 2010, and closed on December 7, 2010. Staff has concluded that the MND covered the issues the City would want to see addressed, including topics such as land use policies, safety, aesthetics, biological resources, noise effects and traffic impacts during construction of the project. In addition to the mitigation measures included in the MND, staff has included conditions of approval in support of the Mitigated Negative Declaration.

NOTIFICATION

A public hearing notice was advertised and was mailed to all property owners within 400 feet of the subject property/adjacent property owners. On November 29, 2010, a letter addressed to the Planning Commission was received from Dillon Wind LLC, an adjacent wind energy company. A copy of the letter was forwarded to the applicant for a response.

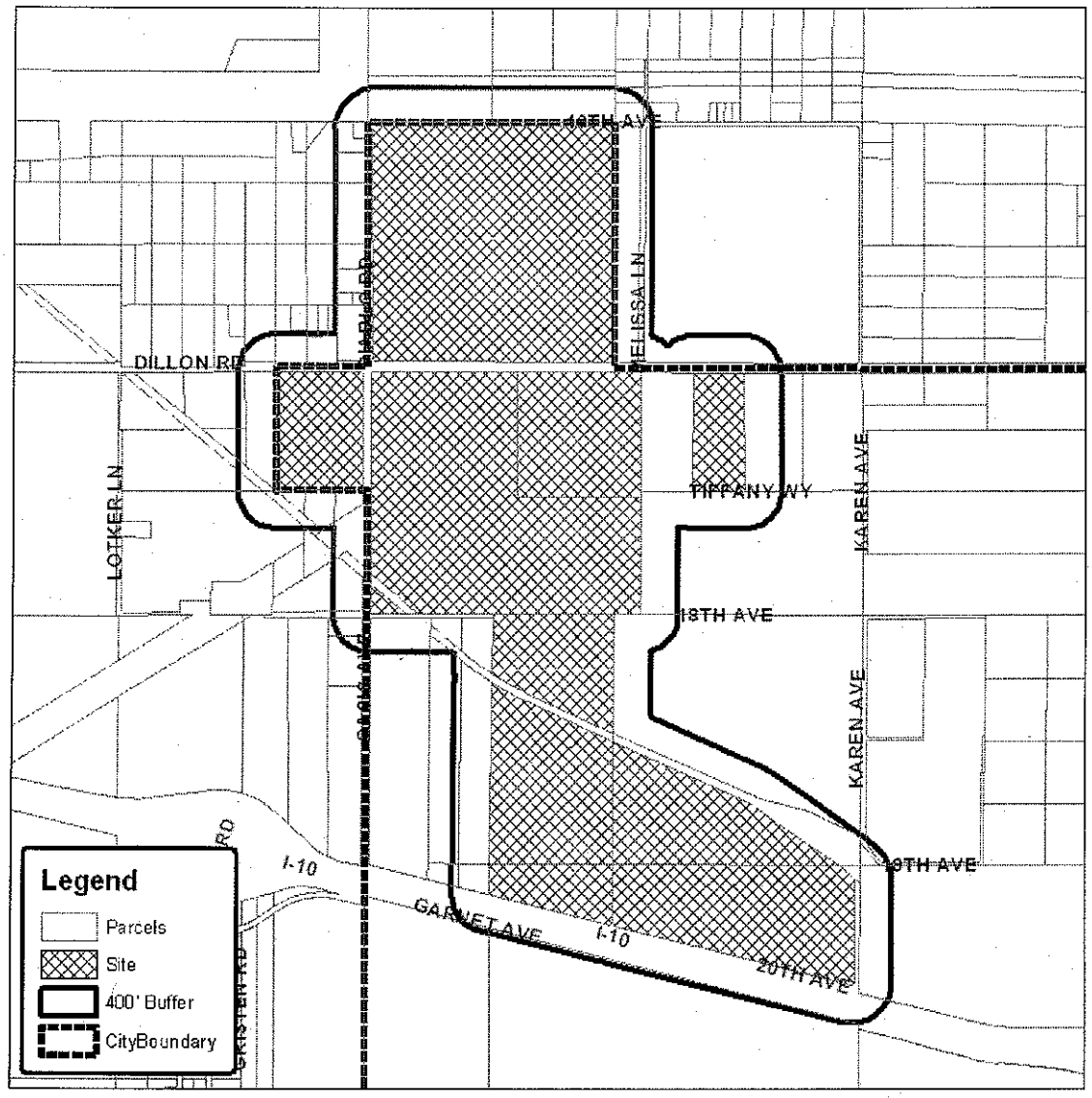
Edward O. Robertson
Principal Planner

Craig A. Ewing, AICP
Director of Planning Services

ATTACHMENTS

1. Vicinity Map
2. Draft Resolution and Conditions of Approval
3. Reduced Site Plan
4. Mitigation Measures, Monitoring and Reporting Program
5. Site Photos & Visual Simulations
6. Letter from Dillon Wind LLC, received 11.29.2010

Department of Planning Services
Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 5.1240 CUP, 5.1240-C, D, E, F and G CUP

APPLICANT: Wind Power Partners 1993, LP

DESCRIPTION: To consider multiple applications by Wind Power Partners 1993, LP, for Conditional Use Permits to decommission and remove 80 aging and non-functional wind turbine generators and install 26 new turbines on approximately 568 acres of land west of Indian Canyon Drive and North of Interstate-10 & South of HWY 111.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION AND THEREBY APPROVING CONDITIONAL USE PERMIT APPLICATION CASE NUMBERS 5.1240, 5.1240C, 5.1240D, 5.1240E, 5.1240F & 5.1240G-CUP, 6.522, VARIANCE REQUESTS AND 7.1346 AMM FOR THE INSTALLATION AND OPERATIONS OF 26 NEW WIND ENERGY CONVERSION SYSTEMS (WECS) LOCATED WEST OF INDIAN CANYON DRIVE, NORTH OF INTERSTATE-10 AND EAST OF HWY 62 IN SECTIONS 8 AND 9.

WHEREAS, Wind Power Partners 1993, LP, (Applicant") has filed an application with the City pursuant to Section 94.02.00 of the Zoning Ordinance for a Conditional Use Permits, variance requests and Administrative Minor Modifications to allow the installation and operation of a 40.16 megawatt wind energy conversion systems (WECS); and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case Nos. 5.1240, 5.1240C, 5.1240D, 5.1240E, 5.1240F & 5.1240G–CUP, 6.511-VAR and 7.1346-AMM was given in accordance with applicable law; and

WHEREAS, on December 8, 2010, a public hearing on the application was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), a Draft Mitigated Negative Declaration (MND) has been prepared for this project and has been distributed for public review and comment in accordance with CEQA; and

WHEREAS, the Planning Commission has carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

SECTION 1:

Height Variance:

State law, as well as City of Palm Springs Zoning Code (Section 94.06.000.B), requires that the following four (4) findings be made for the granting of height variance. Staff has analyzed the findings in order below:

1 *Because of the special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

The Wind Powers Partners 1993 project will install new larger, and more energy efficient turbines that exceed the 300 feet height allowed by the E-I zone. Staff is unable to identify any special circumstances related to the size, shape or topography of the property; however, the site's location and surroundings make it suitable for maximizing wind energy production. The increased height is needed to take advantage of the wind conditions at the site and produce greater electrical energy with fewer machines. Denial of the variance will deprive the property of the ability to generate wind energy under current technological conditions and as allowed to adjacent sites.

2 *Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.*

The increased height will not constitute a grant of special privilege since existing turbines in the vicinity are similar in design and size. The proposed turbines are more energy efficient than older models, and require additional height for optimal energy output. The taller turbines also eliminate the need for more turbines to generate the same amount of energy.

3 *The granting of the variance will not be materially detrimental to the pubic health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.*

The increased height is 39.6 feet (13%); this would not be materially detrimental to the public health, safety, convenience, or welfare. The turbines are proposed in an area that is primarily used for similar facilities. Furthermore all the necessary precautions such as safety and fire protection setbacks have been taken into consideration with the site layout.

4 *The granting of such variance will not adversely affect the general plan of the city.*

The General Plan designation of the subject property is "E-I" (Energy Industrial), and "W" (Watercourse) with Wind Energy Overlay, the proposed use is not only consistent with the general plan designations, but the proposed use is encouraged and promoted for this area with dominant prevailing winds that could generate alternative energy for the City.

Setback Variance:

The following four (4) findings are for the granting of setback variance. Staff has analyzed the findings in order below:

1 *Because of the special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

As stated earlier, the Wind Powers Partners 1993 project will install new larger, and more energy efficient turbines that exceed the 300 feet height allowed by the E-I zone. Staff is unable to identify any special circumstances related to the size, shape or topography of the property; however, the site's location and surroundings make it suitable for maximizing wind energy production. The reductions in required setbacks are needed to take advantage of the wind conditions at the site and produce greater electrical energy with fewer machines. Denial of the variance will deprive the property of the ability to generate wind energy under current technological conditions and as allowed to adjacent sites. The purpose of the wind access setback is to promote compatibility between eleven (11) out of the twenty six (26) turbines at the eastern block. The purpose of the safety, lot line and scenic setback is to allow a safe distance between the wind turbines and a public highway, public street, railroad, off-site building or lot that contains a dwelling. Depriving the subject property of relief from these necessary setbacks would impact the project compared to other WECS projects in the same zone and in the same general vicinity.

2 *Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.*

The reduction of lot line setback, safety setback, scenic setback and wind access setback for the project site will not constitute a grant of special privilege. Variances for required setbacks and waivers of setback requirements are common in the project area on City and County jurisdictions where the boundary between different property owners or between private properties exists internal to the project site.

3 *The granting of the variance will not be materially detrimental to the pubic health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.*

Granting of the variance of safety and wind access setback requirements would not be materially detrimental to the public health, safety, convenience, or welfare. The wind access setbacks are internal to the wind project and therefore waiving the safety setback does not present a safety concern to adjacent property. Safety setbacks to external property boundaries are being requested for two structures along the northwesterly portion of the site; there are no other lots that contain a dwelling located within the project area, so no material detriment to public safety would result from the granting of the variance.

4 *The granting of such variance will not adversely affect the general plan of the city.*

The General Plan designation of the subject property is "E-I" (Energy Industrial) and "W" (Watercourse) with the Wind Energy Overlay; wind energy is a permitted use in this designation with the planning commission approval of a CUP. The project is proposed in an area that is primarily used for wind energy, the project does not create incompatible

circumstances, and the project is in conformance with setbacks to the adjacent wind projects. Based on these circumstances there would be no adverse effect to the General Plan of the City.

Administrative Minor Modifications:

The following four (4) findings are for the granting of the Administrative Minor Modifications. Staff has analyzed the findings in order below:

1. *The requested minor modification is consistent with the General Plan, applicable Specific Plan(s) and overall objectives of the zoning ordinance.*

The General Plan designation for this property is E-I (Energy Industrial) and (W), Watercourse with Wind Energy Overlay, these designations allow for the development and operations of wind farms. There are no General Plan Policies that would be adversely affected by this modification nor are their any specific plans associated with this property. The overall objective of the Palm Springs Zoning Code is the comprehensive and orderly planned use of land resources. The administrative minor modification establishes the findings and guidelines necessary to carry out minor but orderly development of exceptions to the ordinance. Section 94.06.01(A)(5) of the Palm Springs Zoning Code (PSZC) specifically allows for up to 20% reduction of the required setback areas; staff has determined that the request has met the finding.

2. *The neighboring properties will not be adversely affected as a result of the approval or conditional approval of the minor modification.*

The setback reductions request is to allow turbine B2 to be placed 11.5 feet (3%) within the scenic setback area along Dillon Road. Turbine B1 will encroach into the transmission line safety setback area by approximately 21.1 feet (5%), these reductions are necessary for the newer designs of turbines that are bigger and more energy-efficient than the older turbines. The neighboring properties are similar in design and size and will not be adversely affected by the minor modifications.

3. *The approval of the minor modification will not be detrimental to the health, safety, or general welfare of persons residing or working on the site or in the vicinity.*

The property is located in an area where there are existing wind energy developments. The closest wind turbine generator is approximately 936 feet from two habitable dwellings. All the other turbines are in compliance with the safety setbacks on the side nearest of any habitable dwellings and would not be detrimental to the public health and safety or general welfare of persons in the area. Additionally, the project would use substantially less turbines (26) than are currently used *(80),* which would reduce the amount of structures and visual impact of the project.

4. *The approval of the minor modification is justified by environmental features, site conditions, location of existing improvements, or historic development patterns of the property or neighborhood.*

The property is located an area where there are existing wind energy developments. Most of the proposed new turbines have been sited due to technical reasons such as hydraulic analysis, maximizing wind resources and minimizing turbulence, as well as environmental reasons such as minimizing new disturbance areas and impacts to environmental resources. The technical requirements of the turbine manufacturer require turbines to be spaced at least 500 feet apart. Finally, there are existing infrastructures on the project site, and there is a strong desire to utilize the existing infrastructure and access roads as much as possible.

Conditional Use Permit:

The Conditional Use Permit process outlined in Section 94.02.00 of the Zoning Code requires the Planning Commission to make a number of findings for approval of the permit. Those findings are analyzed by staff in order below:

a. *That the use applied for at the location set forth in the application is properly one which a Conditional Use Permit is authorized by the Zoning Ordinance.*

The project site is located within the "E-I" (Energy Industrial) zone. Section 94.02.00(H)(8) of the Zoning Code regulates WECS. Per requirements of this Section, the approval of a conditional use permit application is required for a commercial WECS project. The site of the proposed project is appropriate and will be subject to the CUP review within the E-I zone.

b. *That the said use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the General Plan, and is not detrimental to existing uses specifically permitted in the zone in which the proposed use is to be located.*

The proposed use is desirable in that it will generate additional power supply for the State of California via a renewable energy source (wind power). The proposed WECS facility is located within the Wind Energy Overlay zone, and is therefore compatible with permitted uses in the zoning designation. The project surrounding area is currently developed with WECS facility; this project will replace the aging and non-functional turbines at the subject site. Furthermore, the project is consistent with the following Land Use Element of the General Plan: *"Wind Energy Conversion Systems (WECS) may be permitted in areas designated as Wind Energy Overlay"* The proposed WECS facility will not be detrimental to existing or future uses specifically permitted in the area in which the proposed use is to be located.

c. *That the site for the intended use is adequate in size and shape to accommodate said use, including yards, setbacks, walls, fences, landscaping and other features required in order to adjust said use to those existing or permitted future uses of land in the neighborhood.*

The project site is adequate in size to accommodate the proposed WECS facility; also, the site is consistent with the requirements of the Energy Industrial zone. A variance application has been submitted to address lot line, safety and scenic setback requirements involving five of the overall turbines. With exception to the variance on setback requirements along the western and southern boundaries of the eastern portion of the site, the proposed project complies with all the setbacks and development standards required for WECS.

d. *That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use.*

The subject site is accessed via an existing off-site road crossing private land and an existing road along the western and eastern boundaries of the location. The existing road connects to North Indian Canyon Drive and Highway 62. The proposed WECS facility is anticipated to generate minimal traffic; therefore it will not intensify uses on the site or in the area.

e. *That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety, and general welfare and may include minor modification of the zone's property development standards.*

All proposed conditions of approval are necessary to ensure compliance with the Zoning Ordinance requirements and to ensure public health and safety. Adequate measures will be taken to make sure that the applicant complies with all the conditions of approval that addresses matters concerning public health, safety and general welfare. Furthermore, any future modifications to the site will be subject to review and approval of the Planning Commission.

SECTION 2:

Commencement of the Conditional Use Permit approval shall be valid for a period of two (2) years. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.

SECTION 3:

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission adopts the Mitigated Negative Declaration (MND) thereby approving Case Numbers 5.1240, 5.1240C, 5.1240D, 5.1240E, 5.1240F & 5.1240G-CUP, 6.522-VAR and 7.1346-AMM, subject to the conditions contained in Exhibit A, which is attached hereto and made a part of this resolution.

ADOPTED this 8th day of December, 2010.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

_____
Craig A. Ewing, AICP
Director of Planning Services

RESOLUTION NO.

Case Nos. 5.1240, 5.1240C, 5.1240D, 5.1240E, 5.1240F & 5.1240G-CUP, 6.522-VAR & 7.1346-AMM

WEST OF INDIAN AVENUE, NORTH OF 20TH AVENUE & EAST OF HWY 62

December 8, 2010

CONDITIONS OF APPROVAL

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning, the Chief of Police, the Fire Chief or their designee, depending on which department recommended the condition.

Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

PROJECT SPECIFIC CONDITIONS:

PLANNING DEPARTMENT:

PLN1. The proposed development of the premises shall conform to all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, or any other City Codes, ordinances and resolutions which supplement the zoning district regulations.

PLN1a. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1240, 5.1240C, 5.1240D, 5.1240E, 5.1240F & 5.1240G – CUP, 7.1346-AMM and 6.522-VAR. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive further indemnification hereunder, except, the City's decision to

settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

PLN2. Non-compliance with any of the conditions of this approval, or with City codes and ordinances, State laws; any valid citizen complaints or policing and safety problems (not limited to excessive alcohol consumption, noise, disturbances, signs, etc) regarding the operation of the establishment; as determined by the Chief of Police or the Director of Planning Services, may result in commencement of proceedings to revoke the Conditional Use Permit pursuant to Section 94.02.00 of the Zoning Code. In addition, violations of City Codes and Ordinances will result in enforcement actions which may include citations, arrest, temporary business closure, or revocation of this permit in accordance with law.

PLN3. Commencement of the Conditional Use Permit approval shall be valid for a period of two (2) years. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.

PLN4. The appeal period for a Conditional Use Permit application is 15 calendar days from the date of project approval. Permits will not be issued until the appeal period has concluded.

PLN5. No storage facilities of any kind shall be permitted except as approved as a part of the proposed plan.

PLN6. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code. Violations may result in revocation of this Conditional Use Permit.

PLN7. The following restrictions shall apply to the occupancy and use of the property included under this permit:

a. Any outside lighting shall be hooded and directed so as not to shine directly upon adjoining property and public rights-of-way.

b. No building or structure shall be closer than fifty (50) from any road right-of-way or lot line and no building or structure shall exceed thirty (30) feet in total height unless otherwise approved by the Planning Commission.

c. No advertising sign or logo shall be placed or painted on any equipment. No more than one (1) unlighted advertising sign relating to the development shall be located on the project site. Prior to installation of any advertising signs, a sign permit shall be obtained from the Department of Planning and Zoning.

d. Construction, operation, and maintenance traffic shall be restricted to the hours between 6:00 AM to 10:00 PM, except for emergency maintenance of the co-generation equipment, and shall not present a dust, noise, and light nuisance.

e. The South Coast Air Quality Management District, 2002 Coachella Valley PM-10 State Implementation Plan (SIP) regulations shall be implemented with regard to the use of unpaved public and private roads within the properties used by Dillon Energy. The developer shall be responsible for monitoring average daily traffic counts, and if the average daily traffic using unpaved public and private roads within the properties used by Dillon Energy exceeds the SIP thresholds, the facility operator shall be responsible for bringing the use of those roads within compliance of the SIP regulations, including posting speed limit signage or installing other speed control measures, installing permanent dust stabilizers, or paving.

f. The permittee may be required to submit periodic monitoring reports containing data on the operations and environmental impacts of this WECS facility permit including, but not limited to noise, hydrogen production, safety maintenance, and sightings of threatened or endangered species. Upon written notice from the City of Palm Springs requiring such a report, the permittee shall prepare and submit the required report within forty-five (45) calendar days.

PLN8. PRIOR TO GRADING PERMIT, the permittee shall obtain Wind Access Waivers from all affected adjoining properties.

PLN9. PRIOR TO FINAL BUILDING INSPECTION APPROVAL, the color of the turbine shall be white as shown on the approved plans on file with the Department of Planning Services and as approved by the City of Palm Springs Planning Commission.

PLN10. PRIOR TO FINAL BUILIDING INSPECTION APPROVAL, all transmission lines connecting all the turbine wind generators shall be undergrounded by an underground cable system.

PLN11. PRIOR TO FINAL BUILDING INSPECTION APPROVAL of the wind energy conversion systems, and the storage facility, legible signs warning of electrical and other hazards shall be posted gated entry points to the project site at a height of three to five feet above the ground.

PLN12. PRIOR TO FINAL BUILDING INSPECTION APPROVAL a secure six (6) foot high fence, shall be erected along the perimeter of the project site and shall be maintained at all times during the life of this permit. The fence shall be subject to

the approval of the Department of Planning Services. Final design and locations for fencing may be modified with approval by the Planning Department.

PLN13. All the mitigation measures contained in the Mitigated Negative Declaration (MND) shall be applicable to this project.

PLN14. Whenever any existing commercial WECS are modified, or any new commercial WECS are installed, any commercial WECS on the site which are unsafe, inoperable or abandoned or for which the permit has expired shall be removed by the owner or brought into compliance with the provisions of Section 94.02.00(X)(A) of the Palm Springs Zoning Code.

PLN15. All safety hazards created by the installation and operation of the WECS shall be eliminated. Whenever the operation of any WECS is eliminated, the site shall be restored to its condition prior to installation. A bond, in an amount approved by the director of planning services, or other appropriate form of security, in a form approved by the city attorney, may be required to cover the cost of removal and site restoration.

PLN16. Every unsafe or inoperable commercial WECS and every commercial WECS which has not generated power for twelve (12) consecutive months is declared to be a public nuisance which shall be abated by repair, rehabilitation, demolition or removal. The appropriate abatement method shall be determined by the director of planning services based upon the cost of abatement and the degree to which the WECS will meet the requirements of this section following abatement.

FIRE

1. Private streets shall have a minimum width of at least 20 feet, pursuant to California Fire Code 902.1 **however**, a greater width for private streets may be required by the City engineer to address traffic engineering, parking, and other issues.

2. The applicant will comply with all requirements of the Palm Springs Fire Department.

BUILDING

17. The applicant shall obtain permits for all construction involved with the site.

ENGINEERING

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer.

STREETS

ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.

ENG 2. An application for an Encroachment License shall be submitted to the Engineering Division for installation of private underground utilities within the public right-of-way. The application for the Encroachment License shall be approved by the City Council prior to issuance of construction permits for the utility lines.

ENG 3. As a condition of any Encroachment License granted to the applicant for the installation of private underground utilities in the public right-of-way, the applicant will be required to become a member of Underground Service Alert (USA) and to comply with applicable state law regarding the marking of underground utilities.

DILLON ROAD

ENG 4. All broken or off grade street improvements shall be repaired or replaced.

MELISSA LANE

ENG 5. Dedicate the ultimate half-street right-of-way width of 30 feet across the property identified by Assessor's Parcel Number (APN) 668-280-007 and 668-280-017.

18TH AVENUE

ENG 6. Dedicate the ultimate half-street right-of-way width of 44 feet across the property identified by Assessor's Parcel Number (APN) 668-280-017 and 668-400-004.

20TH AVENUE

ENG 7. All broken or off grade street improvements shall be repaired or replaced.

ON-SITE

ENG 8. The applicant shall provide an executed copy of the grant of right-of-way issued by the U.S. Bureau of Land Management (BLM) for construction of improvements

on that parcel identified by Assessor's Parcel No. 522-080-061. The grant of right-of-way shall be provided to the City Engineer prior to approval of a grading plan for that property.

ENG 9. The applicant shall obtain all required Encroachment Permits from the Riverside County Flood Control and Water Conservation District (RCFC) for construction of improvements across those parcels identified by Assessor's Parcel Number (APN) 668-250-015, APN 668-400-010, and APN 668-400-011. A copy of permits issued by RCFC shall be provided to the City Engineer prior to the approval of grading plans. For RCFC requirements, contact the RCFC Encroachment Permit Section at (951) 955-1266.

ENG 10. The applicant shall employ an environmental consultant whose responsibility shall be to monitor the applicant's compliance with all required mitigation measures associated with the project on behalf of the City Engineer. The environmental consultant shall work independently of the applicant, and shall report to the City Engineer to identify measures satisfied in accordance with the Mitigated Negative Declaration adopted for the project. Measures identified below shall be satisfied prior to issuance of a grading permit (as the case may be), or shall be satisfied during the course of construction as authorized by the City Engineer upon recommendation by the environmental consultant.

ENG 11. Construction, use, and maintenance of the proposed on-site access roads shall comply with the Chapter 8.50 (Fugitive Dust Control) of the Palm Springs Municipal Code.

ENG 12. In accordance with mitigation measure "AQ-1" of the Mitigated Negative Declaration adopted for the project, to reduce NOx emissions from the equipment proposed for use during construction: *Restrict idling time to 15 minutes or less.*

ENG 13. In accordance with mitigation measure "BIO-1" of the Mitigated Negative Declaration adopted for the project: *To eliminate potential unapproved or off-site grading incidents, earth-moving equipment shall be confined to within the approved limits of grading during construction. The limits of grading shall be fenced so that construction equipment does not impact areas outside the approved limits of grading. Because a perimeter fence will be installed around the development area prior to general construction, all construction equipment and lay-down areas will be confined to areas within the construction site.*

ENG 14. In accordance with mitigation measure "BIO-2" of the Mitigated Negative Declaration adopted for the project: *A restoration plan has been developed to restore all temporary impact areas from construction and decommissioning activity to natural grade and control for invasive plants so that disturbed areas*

can return to native conditions. The restoration plan is included in the BRA in Appendix D1.

ENG 15. In accordance with mitigation measure "BIO-3" and "HWQ-1" of the Mitigated Negative Declaration adopted for the project: *To prevent contaminated wastewater from entering downstream habitats, designated areas shall be set aside for equipment washing and small batch mixing of concrete or other chemicals. The set aside areas shall be lined with an impermeable liner, and all washings or residue shall be collected and properly disposed of following construction.*

ENG 16. In accordance with mitigation measure "BIO-4" of the Mitigated Negative Declaration adopted for the project: *Burrowing owls located within the project boundaries in areas that may be impacted by construction or decommissioning activity may require relocation. If so, passive relocation measures shall be initiated in accordance with California Burrowing Owl Consortium – Burrowing Owl Mitigation Guidelines, and as outlined in the CVMSHCP. Passive relocation will involve the use of one-way doors on burrows to prevent owls from returning to burrows in impacts areas, and all relocation activity will be conducted by a qualified biologist. Owls shall be relocated to unimpacted areas of the project site. If structures (wildlife burrows, standpipes, or other utilized elements) that have been recognized during pre-activity surveys as supporting either a nesting burrowing owl pair or resident owl are removed to accommodate the proposed project, these structures and burrows shall be relocated or replaced on the project site. Relocated and replacement burrows shall be established within suitable foraging habitat within the project site in accordance with accepted guidelines.*

ENG 17. In accordance with mitigation measure "BIO-5" of the Mitigated Negative Declaration adopted for the project: *Prior to initiation of grading and during initial vegetation trimming, biologists shall attempt to capture and relocate all reptiles within the impact area. Other ground dwelling wildlife, i.e., mammals, shall be relocated if the opportunity presents itself. Wildlife shall be relocated to preserved areas of the site when appropriate or to nearby permanent open space areas. It is assumed that a two-person team could adequately salvage the reptiles on approximately 25 acres per day.*

ENG 18. In accordance with mitigation measure "BIO-6" of the Mitigated Negative Declaration adopted for the project: *To prevent the take of nesting native birds species, all clearing and grubbing of the project site shall take place between September 1 and February 14. Winter site clearing shall ensure that nesting birds are not present and impacted. If construction is scheduled or ongoing near the perimeter of the grading footprint during bird nesting season (February 15 to August 31), qualified biologists shall survey the area within 200 feet (or up to 300*

feet , depending on topography or other factors, and 500 feet for raptors) of the grading activity to determine if grading is disturbing nesting birds. If nesting activity is being compromised, construction shall be suspended in the vicinity of the nest until fledging is complete.

ENG 19. In accordance with mitigation measure "BIO-7" of the Mitigated Negative Declaration adopted for the project: *The fence around the development area shall aid in eliminating the impacts of litter intruding into the habitat surrounding the entire project site by trapping litter that might be generated within the project site, as well as litter from outside the site as the regular winds blow it against the fence. The regular maintenance of the site shall include weekly litter cleanup inside and outside the fence, during which all litter that has become attached to the fence is removed and disposed of properly.*

ENG 20. In accordance with mitigation measure "BIO-8" of the Mitigated Negative Declaration adopted for the project: *The proposed lighting will be limited to that necessary for security and safety, and shall be motion activated and directed toward the ground from low-elevation (<14-foot) poles at the access gates and the electric switchyard. Additionally, all lights shall be shielded so that there is no upward-directed light.*

ENG 21. In accordance with mitigation measure "BIO-9" of the Mitigated Negative Declaration adopted for the project: *A worker environmental awareness program shall be prepared and presented that include the penalties associated with violation of any of the resource protection laws governing the resources on the project site. The worker education program shall include a handout detailing basic biology of the burrowing owl and other sensitive species that occur on the site, existing threats to their survival, and actions to be taken on the job site. The handout shall also include a Signed Authorization page, whereby the person being trained acknowledges having been trained and accepted the conditions of work onsite.*

ENG 22. In accordance with mitigation measure "CR-1" of the Mitigated Negative Declaration adopted for the project: *The historic archaeological site (WPP-2) shall be completely avoided during the construction and maintenance of the project. This includes implementation of a construction monitoring program during periods when ground-disturbing activities are planned within 300 feet of the site's boundaries to be submitted for approval to the City of Palm Springs prior to issuance of grading permits.*

ENG 23. In accordance with mitigation measure "CR-2" of the Mitigated Negative Declaration adopted for the project: *In the event that cultural resources are exposed during ground-disturbing activities, construction activities (e.g., grading, grubbing, or vegetation clearing) shall be halted in the immediate vicinity of the*

discovery. An archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards (NPS 1983) shall then be retained (by the applicant) to evaluate the find's significance under CEQA. If the discovery proves to be significant, additional work, such as data recovery excavation, may be warranted and shall be discussed in consultation with the lead agency (City of Palm Springs).

ENG 24. In accordance with mitigation measure "CR-3" of the Mitigated Negative Declaration adopted for the project: *All project-related ground disturbances that could potentially impact paleontologically sensitive Quaternary old alluvial fan deposits, Pliestocene age alluvial or fluvial deposits, or the Imperial Formation shall be monitored by a qualified paleontological monitor on a full-time basis, as these geologic units are considered to have a high paleontological sensitivity. Ground disturbances in Holocene age Quaternary units will not require construction monitoring, as these units are determined to have low paleontological sensitivity.*

ENG 25. In accordance with mitigation measure "CR-4" of the Mitigated Negative Declaration adopted for the project: *A qualified Paleontologist shall be retained (by the applicant) to supervise monitoring of construction excavations and to produce a Paleontological Monitoring and Mitigation Plan for the proposed project.*

ENG 26. In accordance with mitigation measure "CR-5" of the Mitigated Negative Declaration adopted for the project: *Paleontological resource monitoring shall include inspection of exposed rock units during active excavations within sensitive geologic sediments. The monitor shall have authority to temporarily divert grading away from exposed fossils in order to professionally and efficiently recover the fossil specimens and collect associated data.*

ENG 27. In accordance with mitigation measure "CR-6" of the Mitigated Negative Declaration adopted for the project: *At each fossil locality, field data forms shall be used to record pertinent geologic data, stratigraphic sections shall be measured, and appropriate sediment samples shall be collected and submitted for analysis.*

ENG 28. In accordance with mitigation measure "CR-7" of the Mitigated Negative Declaration adopted for the project: *Recovered fossils shall be prepared to the point of curations, identified by qualified experts, listed in a database to facilitate analysis, and reposited in a designated paleontological curation facility. The most likely repository is the LACM or the San Bernardino County Museum (SBCM).*

ENG 29. In accordance with mitigation measure "CR-8" of the Mitigated Negative Declaration adopted for the project: *The Qualified Paleontologist (retained by the applicant) shall prepare a final monitoring and mitigation report to be filed with the client (applicant), the lead agency (City of Palm Springs), and the repository.*

ENG 30. Pursuant to the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), the properties identified by Assessor Parcel No. (APN) 522-080-065 and 668-270-010 are located within the Notification Area for the Desert Tortoise. In accordance with the CVMSHCP, the applicant shall conduct a desert tortoise clearance survey to allow for the potential salvage of adult tortoises, in accordance with the U.S. Fish and Wildlife Service protocol, prior to issuance of a grading permit. A copy of the desert tortoise clearance survey shall be provided to the City Engineer prior to issuance of grading permit.

ENG 31. Pursuant to the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), the properties identified by Assessor Parcel No. (APN) 522-080-061 and APN 522-080-065 are located within the Whitewater Floodplain Conservation Area, and the applicant shall comply with Section 4.4 (Required Avoidance, Minimization, and Mitigation Measures) and Section 4.5 (Land Use Adjacency Guidelines) of the CVMSHCP.

ENG 32. Pursuant to the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), the property identified by Assessor Parcel No. (APN) 668-250-020 is located adjacent to the Upper Mission Creek/Big Morongo Canyon Conservation Area and the applicant shall comply with Section 4.4 (Required Avoidance, Minimization, and Mitigation Measures) and Section 4.5 (Land Use Adjacency Guidelines) of the CVMSHCP.

ENG 33. Pursuant to the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), the property identified by Assessor Parcel No. (APN) 522-080-065 is located within the Whitewater Floodplain Conservation Area, and the applicant shall comply with CVMSHCP Required Measure 3: *CVWD will deposit sand removed from the groundwater recharge basins during maintenance operations in fluvial and aeolian sand transport area on available Reserve Lands ina manner that downwind habitat would receive appreciable inputs of aeolian sand from the deposits, as determined in consultation with the RMOC. It is understood that CVWD has a sediment relocation experiment underway and that the results of the experiment will be considered when they are available.*

GRADING

ENG 34. Submit a Rough Grading Plan prepared by a California registered civil engineer to the Engineering Division for review and approval. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to

the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staffs that have completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at http://www.AQMD.gov. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Grading plan. The Grading Plan shall be approved by the City Engineer prior to issuance of grading permit.

a) The first submittal of the Rough Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; a copy of Soils Report; and a copy of the associated Hydrology Study/Report.

ENG 35. Prior to issuance of a Grading Permit, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.

ENG 36. In accordance with an approved PM-10 Dust Control Plan, perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.

ENG 37. Perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be

allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.

ENG 38. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.

ENG 39. The applicant shall obtain all required environmental permits (i.e. Section 401 Water Quality Certification, Section 404 Permit, and Section 1602 Streambed Alteration Agreement) required for temporary or permanent construction within the Whitewater River and/or Garnet Wash. The applicant shall provide copies of required permits prior to approval of grading plans. Alternatively, the applicant shall provide a copy of a determination from the U.S. Army Corps of Engineers that the project does not impact waters of the U.S., and a letter from the California Department of Fish and Game authorizing construction of the project without an agreement.

ENG 40. A Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board (Phone No. (760) 346-7491). A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.

ENG 41. Projects causing soil disturbance of one acre or more, must comply with the General Permit for Stormwater Discharges Associated with Construction Activity and shall prepare and implement a stormwater pollution prevention plan (SWPPP). A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.

ENG 42. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h), the applicant shall post with the City a cash bond of two thousand dollars ($2,000.00) per disturbed acre for mitigation measures for erosion/blowsand relating to this property and development.

ENG 43. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.

ENG 44. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.

ENG 45. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan. The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

WATER QUALITY

ENG 46. For industrial facilities subject to the General Permit for Stormwater Discharges Associated with Industrial Activity as defined by Standard Industrial Classification (SIC) code, prior to issuance of certificate of occupancy, the applicant shall demonstrate that General Permit coverage has been obtained by providing a copy of the Notice of Intent submitted to the SWRCB and a copy of the notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing.

DRAINAGE

ENG 47. This project will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating stormwater runoff, will be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual

maintenance of the measures shall be provided to the satisfaction of the City Engineer.

ENG 48. A portion of this property is located within a special flood hazard area (SFHA), and is subject to the provisions of Chapter 8.68 *et. seq.* ("Flood Damage Prevention") of the Palm Springs Municipal Code, and applicable state and federal laws and regulations. Specifically, this property is located within a designated SFHA identified by Zone A as shown on the current Federal Insurance Rate Map (FIRM) for the City of Palm Springs, California, Riverside County, Community Panel Number 06065C0870G, dated August 28, 2008. The applicant shall comply with all applicable local, state and federal laws and regulations associated with development occurring within a SFHA.

ENG 49. The project shall comply with provisions of Chapter 8.68 "Flood Damage Prevention" of the Palm Springs Municipal Code, Section 8.68.170 "Standards of Construction", section (a) "Anchoring". In accordance with the Code, all structures shall be constructed with foundations adequately anchored to withstand the maximum total scour potential during the 100-year storm.

ENG 50. The project shall comply with provisions of Chapter 8.68 "Flood Damage Prevention" of the Palm Springs Municipal Code, Section 8.68.170 "Standards of Construction", section (c)(2) "Non Residential Construction". In accordance with the Code, all mechanical and electrical equipment shall be elevated a minimum of 2 feet above the base flood elevation. Natural grade shall be determined as the average grade of native soils surrounding each foundation, not including gravel fill placed around the foundation.

GENERAL

ENG 51. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115.

ENG 52. All proposed utility lines shall be installed underground.

ENG 53. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.

ENG 54. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of

the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

ENG 55. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.

ENG 56. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.

ENG 57. The project is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee (CVMSHCP-LDMF). The LDMF shall be paid prior to issuance of a building permit.

TRAFFIC

ENG 58. In accordance with mitigation measure "T-1" of the Mitigated Negative Declaration adopted for the project: *A traffic monitoring plan shall be developed and implemented consistent with the size and scope of the project construction activity. The following measures shall be considered for inclusion in the traffic monitoring and control plan: Use appropriate signs, equipment, and traffic control measures that conform to the provisions in the Caltrans Traffic Manual and the Manual of Uniform Traffic Control Devices; Limit vehicular traffic to designated access roads, construction laydown areas, worker parking areas, and the project site; Provide employee and contractor orientation and briefing information on the desired construction traffic access route; Schedule the heavy vehicle deliveries involving over-sized loads only during off-peak travel hours whenever possible; The proposed project shall route construction traffic onto Interstate 10 via the Indian Avenue interchange and direct construction traffic to avoid making left-turn maneuvers from Dillon Road onto SR-62 at the unsignalized intersection of SR-62 with Dillon Road whenever feasible.*

ENG 59. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, and striping associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.

ENG 60. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in

accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated September 26, 2006, or subsequent editions in force at the time of construction.

ENG 61. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

END OF CONDITIONS

	Mitigation Measures	Responsible Party	Timing of Compliance	Signature and Date of Compliance
BIO-3	To prevent contaminated wastewater from entering downstream habitats, designated areas shall be set aside for equipment washing and small batch mixing of concrete or other chemicals. The set aside areas shall be lined with an impermeable liner, and all washings or residue shall be collected and properly disposed of following construction.	Construction Contractor	During construction	
BIO-4	Burrowing owls located within the project boundaries in areas that may be impacted by construction or decommissioning activity may require relocation. If so, passive relocation measures will be initiated in accordance with California Burrowing Owl Consortium-Burrowing Owl Mitigation Guidelines, and as outlined in the CVMSHCP. Passive relocation will involve the use of one-way doors on burrows to prevent owls from returning to burrows in impact areas, and all relocation activity will be conducted by a qualified biologist. Owls will be relocated to unimpacted areas of the project site. If structures (wildlife burrows, standpipes, or other utilized elements) that have been recognized during pre-activity surveys as supporting either a nesting burrowing owl pair or resident owl are removed to accommodate the proposed project, these structures and burrows will be relocated or replaced on the project site. Relocated and replacement burrows will be established within suitable foraging habitat within the project site in accordance with accepted guidelines.	Project Applicant/ Biologist	Prior to Start of Demolition and/or Construction	

	Mitigation Measures	Responsible Party	Timing of Compliance	Signature and Date of Compliance
BIO-5	Prior to the initiation of grading and during initial vegetation trimming, biologists shall attempt to capture and relocated all reptiles within the impact area. Other ground-dwelling wildlife, i.e. mammals, should be relocated if the opportunity presents itself. Wildlife will be relocated to preserved areas of the site when appropriate or to nearby permanent open space areas. It is assumed that a two-person team could adequately salvage the reptiles on approximately 25 acres per day.	Project Applicant/ Biologist	Prior to start of clearing and grubbing	
BIO-6	To prevent the take of nesting native bird species, all clearing and grubbing of the project site shall take place between September 1 and February 14. Winter site clearing will ensure that nesting birds are not present and impacted. If construction is scheduled or ongoing near the perimeter of the grading footprint during bird nesting season (February 15 to August 31), qualified biologists should survey the area within 200 feet (or up to 300 feet, depending on topography or other factors, and 500 feet for raptors) of the grading activity to determine if grading is disturbing nesting birds. If nesting activity is being compromised, construction should be suspended in the vicinity of the nest until fledging is complete.	Project Applicant/ Biologist	Prior to clearing and grubbing if construction takes place outside of recommended time period	

	Mitigation Measures	Responsible Party	Timing of Compliance	Signature and Date of Compliance
BIO-7	The fence around the development area should aid in eliminating the impacts of litter intruding into the habitat surrounding the entire project site by trapping litter that might be generated within the project site, as well as litter from outside the site as the regular winds blow it against the fence. The regular maintenance of the site shall include weekly litter cleanup inside and outside the fence, during which all litter that has become attached to the fence is removed and disposed of properly. Containment and removal of litter will reduce the impact to a less than significant level. This measure should be implemented by the site operator. Weekly litter control will be included in the site's Policies and Procedures Manual. The site operator should present proof of the inclusion of this measure in the manual to the County Planning Department.	Project Applicant/Construction Contractor	During construction	

	Mitigation Measures	Responsible Party	Timing of Compliance	Signature and Date of Compliance
BIO-8	The proposed lighting will be limited to that necessary for security and safety, and will be motion activated and directed toward the ground from low-elevation (<14-foot) poles at the access gates and the electrical switchyard. Additionally, all lights will be shielded so that there is no upward-directed light. Implementation of this measure will reduce the impact of night lighting to a less than significant level. These lighting specifications are contained within the notes and specifications on the site plans. City approval of the site plans containing these notes and subsequent inspection by City building inspectors will ensure that the measure is implemented.	Project Applicant	During plan approval and confirmation during final inspections	

	Mitigation Measures	Responsible Party	Timing of Compliance	Signature and Date of Compliance
BIO-9	A worker environmental awareness program shall be prepared and presented that include the penalties associated with violation of any of the resource protection laws governing the resources on the project site. The worker education program should include a handout detailing basic biology of the burrowing owl and other sensitive species that occur on the site, existing threats to their survival, and actions to be taken on the job site. The handout will also include a Signed Authorization page, whereby the person being trained acknowledges having been trained and accepted the conditions of work onsite. Though not related to an individual potential impact, the construction worker education program will serve to reduce the likelihood of most of the potential impacts resulting from project implementation.	Construction Contractor	Prior to Start and During Construction (On-going)	
Cultural Resources				
CR-1	The historic archaeological site (WPP-2) shall be completely avoided during the construction and maintenance of the project. This includes implementation of a construction monitoring program during periods when ground-disturbing activities are planned within 300 feet of the site's boundaries to be submitted for approval to the City of Palm Springs prior to issuance of grading permits.	Project Applicant/ Construction Contractor	Prior to issuance of grading permits	

	Mitigation Measures	Responsible Party	Timing of Compliance	Signature and Date of Compliance
CR-2	In the event that cultural resources are exposed during ground-disturbing activities, construction activities (e.g., grading, grubbing, or vegetation clearing) shall be halted in the immediate vicinity of the discovery. An archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards (NPS 1983) should then be retained to evaluate the find's significance under CEQA. If the discovery proves to be significant, additional work, such as data recovery excavation, may be warranted and should be discussed in consultation with the lead agency.	Project Applicant/ Construction Contractor	During Construction	
CR-3	All project-related ground disturbances that could potentially impact paleontologically sensitive Quaternary old alluvial fan deposits, Pleistocene age alluvial or fluvial deposits, or the Imperial Formation will be monitored by a qualified paleontological monitor on a full-time basis, as these geologic units are considered to have a high paleontological sensitivity. Ground disturbances in Holocene age Quaternary units will not require construction monitoring, as these units are determined to have low paleontological sensitivity.	Project Applicant/ Project Paleontologist	During Grading	
CR-4	A qualified Paleontologist will be retained to supervise monitoring of construction excavations and to produce a Paleontological Monitoring and Mitigation Plan for the proposed project.	Project Applicant	Prior to start of construction and during construction	

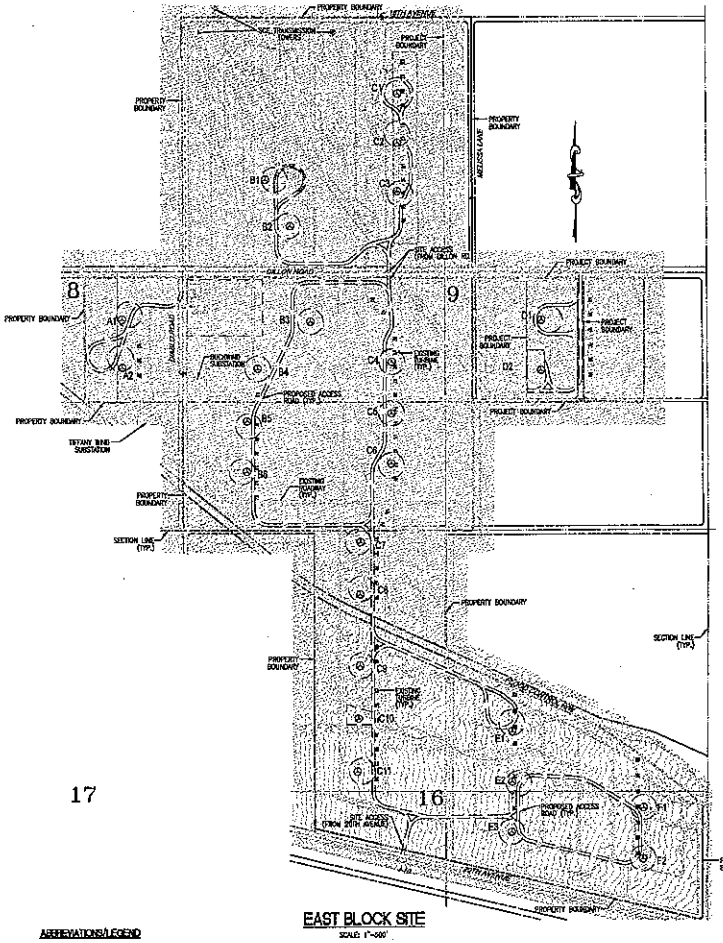
	Mitigation Measures	Responsible Party	Timing of Compliance	Signature and Date of Compliance
CR-5	Paleontological resource monitoring will include inspection of exposed rock units during active excavations within sensitive geologic sediments. The monitor will have authority to temporarily divert grading away from exposed fossils in order to professionally and efficiently recover the fossil specimens and collect associated data.	Project Paleontologist	During Construction	
CR-6	At each fossil locality, field data forms will be used to record pertinent geologic data, stratigraphic sections will be measured, and appropriate sediment samples will be collected and submitted for analysis.	Project Paleontologist	During construction if fossils are found	
CR-7	Recovered fossils will be prepared to the point of curations, identified by qualified experts, listed in a database to facilitate analysis, and reposited in a designated paleontological curation facility. The most likely repository is the LACM or the San Bernardino County Museum (SBCM).	Project Paleontologist	During construction if fossils are found	
CR-8	The Qualified Paleontologist will prepare a final monitoring and mitigation report to be filed with the client, the lead agency, and the repository.	Project Paleontologist	After construction is complete	
Hydrology and Water Quality				
HWQ-1	To prevent contaminated wastewater from entering downstream habitats, designated areas shall be set aside for equipment washing and small batch mixing of concrete or other chemicals. The set aside areas shall be lined with an impermeable liner, and all washings or residue shall be collected and properly disposed of following construction.	Construction Contractor	During Construction	
Traffic				

	Mitigation Measures	Responsible Party	Timing of Compliance	Signature and Date of Compliance
T-1	A traffic monitoring plan shall be developed and implemented consistent with the size and scope of the project construction activity. The following measures should be considered for inclusion in the traffic monitoring and control plan: • Use appropriate signs, equipment, and traffic control measures that conform to the provisions in the Caltrans Traffic Manual and the Manual of Uniform Traffic Control Devices. • Identify site-specific Riverside County and City of Palm Springs requirements in conjunction with the CUP review and approval process. • Limit vehicular traffic to designated access roads, construction laydown areas, worker parking areas, and the project site. • Provide employee and contractor orientation and briefing information on the desired construction traffic access route. • Schedule the heavy vehicle deliveries involving over-sized loads during off-peak travel hours whenever possible. • The proposed project should route construction traffic onto Interstate 10 via the Indian Avenue interchange and direct construction traffic to avoid making left-turn maneuvers from Dillon Road onto SR-62 at the unsignalized intersection of SR-62 with Dillon Road whenever feasible.	Project Applicant/ Construction Contractor	Prior to start of construction	

IN THE CITY OF PALM SPRINGS, STATE OF CALIFORNIA

CONDITIONAL USE PERMIT

PALM SPRINGS RE-POWER WIND ENERGY CENTER



PROJECT AREA
SITE = 568.6 ACRES

PROJECT DATA
1500kW WIND TURBINES 28

LEGAL DESCRIPTION
BEING A PORTION OF SECTIONS 8, 9 & 16, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SBM, IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

SCHOOL DISTRICT
PALM SPRINGS UNIFIED SCHOOL DISTRICT
980 E. TAHQUITZ CYN. WAY
PALM SPRINGS, CA 92262
TELEPHONE (760) 416-5900

UTILITY PURVEYORS

ELECTRICAL	SOUTHERN CALIFORNIA EDISON CO.	(760) 321-4254
GAS	SOUTHERN CALIFORNIA GAS CO.	(760) 341-8681
WATER	DESERT WATER AGENCY	(760) 323-4971
SEWER	CITY OF PALM SPRINGS	(760) 323-8166
TELEPHONE	VERIZON COMMUNICATIONS	(760) 884-1715

TOPOGRAPHIC MAPPING
COMPILED PHOTOGRAMMETRICALLY BY INLAND AERIAL SURVEY, INC., DATED 1/14/10

FEMA FLOOD MAP DESIGNATION
THE PROPERTY IS SHOWN AS BEING IN FLOOD ZONE "X" (OUTSIDE THE 500 YEAR FLOOD AND PROTECTED BY LEVEE FROM THE 100 YEAR FLOOD)

EXPLANATORY NOTES
1. NO ANCILLARY BUILDINGS OR PAVED PARKING AREAS ARE PROPOSED IN CONJUNCTION WITH THIS PERMIT.
2. NO FLAMMABLE/COMBUSTIBLE LIQUIDS STORAGE FACILITIES ARE PROPOSED IN CONJUNCTION WITH THIS PERMIT.
3. NO SUBSURFACE SEPTIC DISPOSAL SYSTEMS ARE PROPOSED IN CONJUNCTION WITH THIS PROJECT.
4. PROJECT ACCESS FOR THE EAST BLOCK SHALL BE DERIVED FROM DILLON ROAD AND 30TH AVENUE.

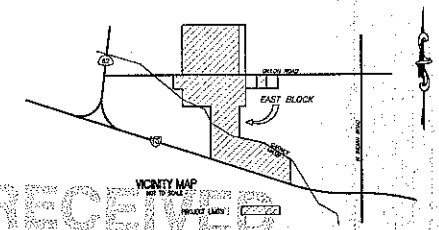
APPLICANT
WIND POWER PARTNERS 1993 L.P.
700 UNIVERSE BOULEVARD
JUNO BEACH, FL 33408
ATTN: M. ANDREW ZAMMIT
TELEPHONE (561) 304-5354
FAX (561) 691-7307

PROPERTY OWNER
SEE C.U.P. APPLICATION

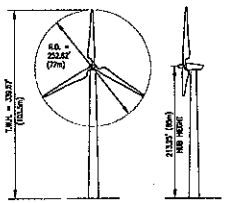
OWNER/LESSEE
SEE C.U.P. APPLICATION

ASSESSOR'S PARCEL NUMBERS
SEE C.U.P. APPLICATION

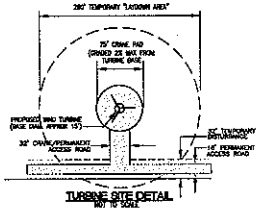
THOMAS GUIDE REFERENCE
PAGE 725, GRID NO. A3, 2008 EDITION



VICINITY MAP
NOT TO SCALE



PROPOSED WIND TURBINE ELEVATION
MODEL GE SLE 1.5 (1500kW TURBINE)
NOT TO SCALE



TURBINE SITE DETAIL
NOT TO SCALE

ABBREVIATIONS/LEGEND

⊕	1500kW WIND TURBINE
A1	PROPOSED TURBINE NUMBER
C.L. OR ℄	CENTERLINE
———	EASEMENT/SETBACK LINE
·····	EXISTING ROADWAY
☒	EXISTING TURBINE (TO BE REMOVED)
———	RIGHT-OF-WAY
———	PROPERTY OR PROJECT BOUNDARY (AS NOTED)

SHEET INDEX

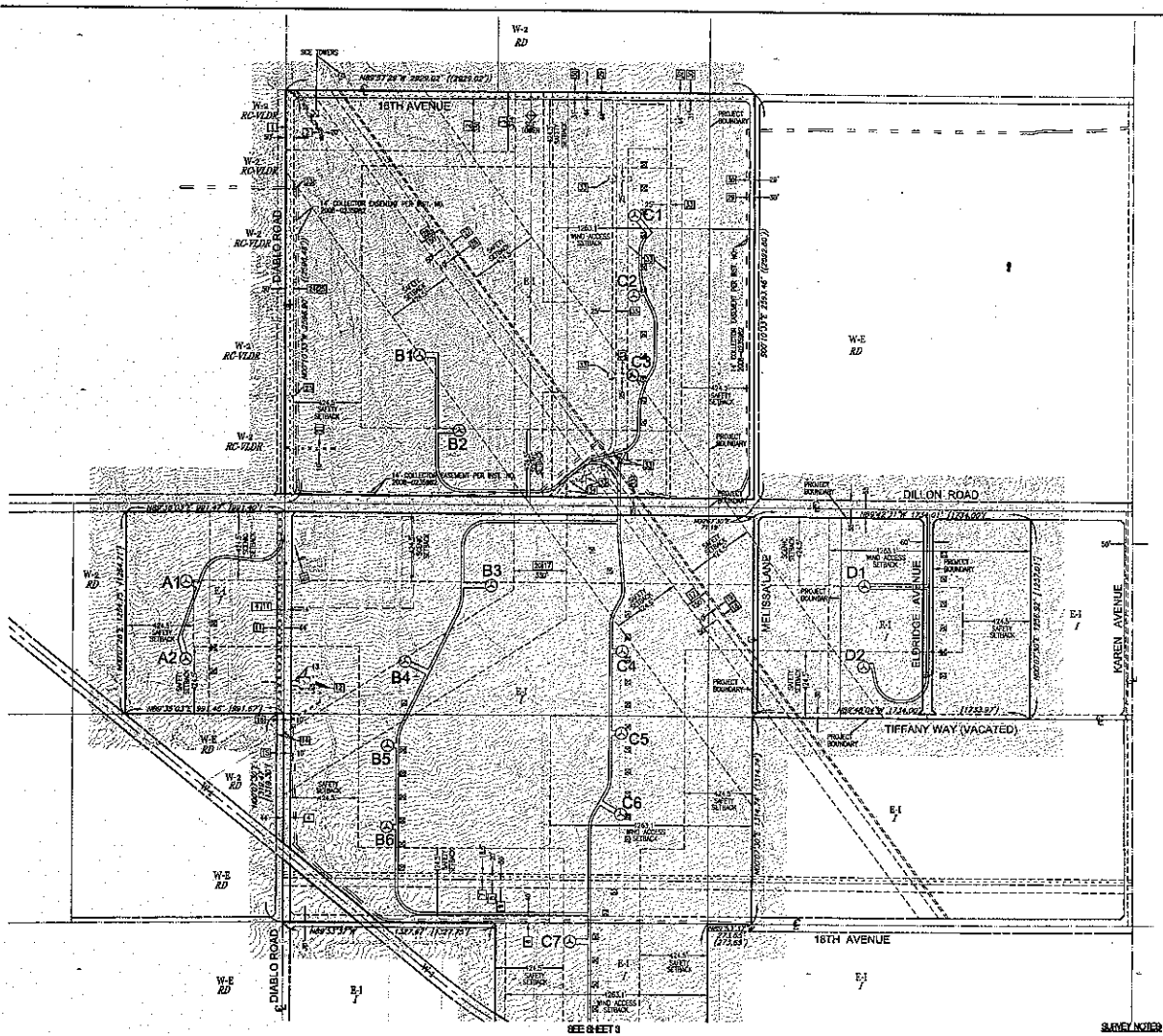
RECEIVED
OCT 31 2010
5.1240
PLANNING SERVICES

REVISIONS		
DESCRIPTION	DATE	NO.

The Altum Group
• Engineering • Planning
• Infrastructure Management • Environmental
• GIS
73-255 El Paseo Drive, Suite 16, Palm Desert, CA 92260
T. 760.346.4750 F. 760.340.0069

CITY OF PALM SPRINGS
CONDITIONAL USE PERMIT
PALM SPRINGS RE-POWER WIND ENERGY CENTER
EAST BLOCK – TITLE SHEET
A PORTION OF SECTION 16, T3S, R4E, S.B.B.&M., AND A PORTION OF SECTIONS 8, 9 & 16, T3S, R4E, S.B.B.&M.
FOR: WIND POWER PARTNERS 1993 L.P.

CUP NUMBER: 5.1240
DESIGN: JDS DRAFT: JDS
CHECK: BDF DATE: OCT. 2010
DWG NO.: CUP-SHT1
SHEET 1 OF 10



LEGAL DESCRIPTION

BEING A PORTION OF SECTIONS 9, 9 & 10, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SBM, IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

EASEMENTS

1. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY
PURPOSE: ROADWAY, SLOPES, CUTS, FILLS AND DRAINAGE
RECORDED: MARCH 2, 1967 AS INSTRUMENT NO. 17798 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.

2. AN EASEMENT AFFECTING THE PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES, CONTAINED BY FINAL DECREE.
PURPOSE: POWER LINES AND ROADS
CASE NO.: INDIO 63136
RECORDED: MARCH 12, 1991 AS INSTRUMENT NO. 080788 OF OFFICIAL RECORDS
REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

3. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY
PURPOSE: ELECTRIC LINES
RECORDED: SEPTEMBER 13, 1973 AS INSTRUMENT NO. 120242 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.
BY DOCUMENT RECORDED APRIL 28, 2000 AS INSTRUMENT NO. 2000-159124 OF OFFICIAL RECORDS, A
PORTION OF SAID EASEMENT WAS TERMINATED

4. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: COUNTY OF RIVERSIDE
PURPOSE: PUBLIC ROAD AND DRAINAGE
RECORDED: JUNE 22, 1964 AS INSTRUMENT NO. 134586 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.
A PLAT IS ATTACHED TO AND MADE A PART OF SAID DOCUMENT WHICH INDICATES THE LOCATION OR APPROXIMATE LOCATION OF SAID EASEMENT.
AN ENCROACHMENT LICENSE DATED NOVEMBER 16, 2007, EXECUTED BY THE CITY OF PALM SPRINGS IN FAVOR OF DILLON WIND LLC, AN OREGON LLC RECORDED JANUARY 15, 2008 AS INSTRUMENT NO. 2008-0021574 OF OFFICIAL RECORDS.

5. AN IRREVOCABLE OFFER TO DEDICATE A PORTION OF SAID LAND FOR THE PURPOSES STATED HEREIN.
IN FAVOR OF: SOUTHERN CALIFORNIA EDISON COMPANY, A CORPORATION
FOR: PUBLIC ROAD
RECORDED: OCTOBER 19, 1983 AS INSTRUMENT NO. 216892, OF OFFICIAL RECORDS
AFFECTS: A PORTION OF SAID LAND.
REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

6. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS RESERVED IN A DOCUMENT
PURPOSE: INGRESS AND EGRESS AND FOR THE CONSTRUCTION, MAINTENANCE AND USE OF UTILITIES
RECORDED: DECEMBER 12, 1956 AS INSTRUMENT NO. 89718 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN

7. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: AMERICAN TELEPHONE AND TELEGRAPH COMPANY
PURPOSE: ROADS
RECORDED: APRIL 16, 1973 AS INSTRUMENT NO. 52071 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.

8. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: SOUTHERN CALIFORNIA TELEPHONE COMPANY
PURPOSE: UTILITIES
RECORDED: OCTOBER 1, 1948 AS INSTRUMENT NO. 58 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.

9. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: AMERICAN TELEPHONE AND TELEGRAPH COMPANY
PURPOSE: UTILITIES, INGRESS AND EGRESS
RECORDED: JULY 23, 1973 AS INSTRUMENT NO. 93340 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.
SAID EASEMENT CONTAINS RESTRICTIONS ON THE USE, BY THE OWNERS OF SAID LAND, OF THE EASEMENT AREA AS SET OUT IN SAID EASEMENT DOCUMENT.

10. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY
PURPOSE: UTILITIES, INGRESS AND EGRESS
RECORDED: AUGUST 16, 1982 AS INSTRUMENT NO. 142624 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.

11. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: COUNTY OF RIVERSIDE
PURPOSE: PUBLIC ROAD AND DRAINAGE
RECORDED: NOVEMBER 9, 1984 AS INSTRUMENT NO. 243732 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.
AN ENCROACHMENT LICENSE DATED NOVEMBER 16, 2007 EXECUTED BY THE CITY OF PALM SPRINGS IN FAVOR OF DILLON WIND LLC, AN OREGON LIMITED LIABILITY COMPANY RECORDED JANUARY 15, 2008 AS INSTRUMENT NO. 2008-0021574 OF OFFICIAL RECORDS.

12. A DOCUMENT SUBJECT TO ALL THE TERMS, PROVISIONS AND CONDITIONS THEREIN CONTAINED. ENTITLED: EASEMENT AGREEMENT
DATED: FEBRUARY 11, 1988
BY AND BETWEEN: DAVID E. BUCK AND AMERICAN POWER SYSTEMS, INC., A CALIFORNIA CORPORATION
RECORDED: FEBRUARY 19, 1988 AS INSTRUMENT NO. 43796 OF OFFICIAL RECORDS
REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

13. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY
PURPOSE: UTILITIES, INGRESS AND EGRESS
RECORDED: JANUARY 16, 1990 AS INSTRUMENT NO. 17285 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.

14. AN EASEMENT FOR THE PURPOSES SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SHOWN OR AS OFFERED FOR DEDICATION ON THE RECORDED MAP SHOWN BELOW.
PARCEL MAP NO.: 31326
RECORDED: NOVEMBER 27, 1984
EASEMENT PURPOSE: SANITARY AND PUBLIC UTILITY
AFFECTS: AS SHOWN ON SAID MAP

15. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY, A CORPORATION AND CALIFORNIA WATER AND TELEPHONE COMPANY
PURPOSE: UTILITIES
RECORDED: AUGUST 28, 1957 AS INSTRUMENT NO. 82560, IN BOOK 2140, PAGE 197 OF OFFICIAL RECORDS
AFFECTS: SAID LAND

16. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: CALIFORNIA WATER AND TELEPHONE COMPANY
PURPOSE: UTILITIES
RECORDED: JANUARY 10, 1967 AS INSTRUMENT NO. 5345, OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.

17. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY
PURPOSE: AERIAL AND UNDERGROUND ELECTRIC OR COMMUNICATION STRUCTURES
RECORDED: OCTOBER 23, 1973 AS INSTRUMENT NO. 137811 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.
AND AMENDED BY DOCUMENT ENTITLED PARTIAL ASSIGNMENT OF EASEMENT, RECORDED MARCH 3, 1994 AS INSTRUMENT NO. 090292 OF OFFICIAL RECORDS.
AND AMENDED BY DOCUMENT ENTITLED ASSUMPTION AND ASSIGNMENT, RECORDED APRIL 9, 1999 AS INSTRUMENT NO. 148075 OF OFFICIAL RECORDS.

18. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY
PURPOSE: ELECTRIC LINES, CONSISTING OF ONE LINE OF H-FRAME STRUCTURES, NECESSARY GUYS AND ANCHORS, CROSS-ARMS, WIRES AND OTHER FIXTURES AND APPLIANCES
RECORDED: NOVEMBER 17, 1965 AS INSTRUMENT NO. 133374 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.

19. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY
PURPOSE: UNDERGROUND COMMUNICATION SYSTEM CONSISTING OF UNDERGROUND CONDUITS, WIRES, CABLES AND OTHER FIXTURES AND APPURTENANCES CONNECTED THEREWITH
RECORDED: NOVEMBER 25, 1998 AS INSTRUMENT NO. 513790 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.

20. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY
PURPOSE: AERIAL AND UNDERGROUND ELECTRIC OR COMMUNICATION STRUCTURES
RECORDED: SEPTEMBER 12, 1973 AS INSTRUMENT NO. 121121 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.
AND AMENDED BY DOCUMENT ENTITLED ASSIGNMENT OF EASEMENT, RECORDED MARCH 3, 1994 AS INSTRUMENT NO. 90293 OF OFFICIAL RECORDS.
AND AMENDED BY DOCUMENT ENTITLED ASSUMPTION AND ASSIGNMENT, RECORDED APRIL 9, 1999 AS INSTRUMENT NO. 148075 OF OFFICIAL RECORDS.

21. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY
PURPOSE: ELECTRICAL SUPPLY SYSTEMS AND COMMUNICATION SYSTEMS
RECORDED: JULY 5, 1983 AS INSTRUMENT NO. 134043 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.

22. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY, A CORPORATION, AND CALIFORNIA WATER AND TELEPHONE COMPANY, A CORPORATION
PURPOSE: POLE LINES
RECORDED: NOVEMBER 6, 1957 AS INSTRUMENT NO. 78535 IN BOOK 2174, PAGE 198 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.
(EASEMENT WIDTH UNDISCLOSED)

23. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: COUNTY OF RIVERSIDE
PURPOSE: PUBLIC ROAD AND DRAINAGE PURPOSES INCLUDING PUBLIC UTILITY AND PUBLIC SERVICES
RECORDED: SEPTEMBER 13, 1982 AS INSTRUMENT NO. 157108 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.
AN ENCROACHMENT LICENSE DATED NOVEMBER 16, 2007, EXECUTED BY THE CITY OF PALM SPRINGS IN FAVOR OF DILLON WIND LLC, AN OREGON LIMITED LIABILITY COMPANY RECORDED JANUARY 15, 2008 AS INSTRUMENT NO. 2008-0021574 OF OFFICIAL RECORDS.

24. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: COUNTY OF RIVERSIDE
PURPOSE: PUBLIC ROAD AND DRAINAGE PURPOSES, INCLUDING PUBLIC UTILITY
RECORDED: NOVEMBER 19, 1982 AS INSTRUMENT NO. 201778 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.
AN ENCROACHMENT LICENSE DATED NOVEMBER 16, 2007, EXECUTED BY THE CITY OF PALM SPRINGS IN FAVOR OF DILLON WIND LLC, AN OREGON LIMITED LIABILITY COMPANY RECORDED JANUARY 15, 2008 AS INSTRUMENT NO. 2008-0021574 OF OFFICIAL RECORDS.

25. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY
PURPOSE: UNDERGROUND COMMUNICATION SYSTEM
RECORDED: NOVEMBER 25, 1998 AS INSTRUMENT NO. 513790 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.

26. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY
PURPOSE: ELECTRIC LINES
RECORDED: NOVEMBER 17, 1965 AS INSTRUMENT NO. 133374 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.

27. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY
PURPOSE: ELECTRIC LINES
RECORDED: SEPTEMBER 13, 1973 AS INSTRUMENT NO. 120242 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.
BY DOCUMENT RECORDED APRIL 28, 2000 AS INSTRUMENT NO. 2000-159124 OF OFFICIAL RECORDS, A
PORTION OF SAID EASEMENT WAS TERMINATED

28. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: COUNTY OF RIVERSIDE
PURPOSE: PUBLIC ROAD, DRAINAGE, PUBLIC UTILITY AND PUBLIC SERVICES
RECORDED: JULY 17, 1984 AS INSTRUMENT NO. 154446 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.
REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

29. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY, A CORPORATION AND CALIFORNIA WATER AND TELEPHONE COMPANY, A CORPORATION
PURPOSE: PUBLIC UTILITIES
RECORDED: IN BOOK 2332, PAGE 107 AS INSTRUMENT NO. 83822 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.
REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.
(EASEMENT WIDTH UNDISCLOSED)

30. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY, A CORPORATION, AND CALIFORNIA WATER AND TELEPHONE COMPANY, A CORPORATION
PURPOSE: POLE LINES
RECORDED: SEPTEMBER 12, 1956 AS INSTRUMENT NO. 65922 IN BOOK 2332, PAGE 107 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.
(EASEMENT WIDTH UNDISCLOSED)

31. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: COUNTY OF RIVERSIDE
PURPOSE: PUBLIC ROAD AND UTILITY USES
RECORDED: JULY 30, 1953 AS INSTRUMENT NO. 145769 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.

32. A DOCUMENT SUBJECT TO ALL THE TERMS, PROVISIONS AND CONDITIONS THEREIN CONTAINED. ENTITLED: MEMORANDUM OF EASEMENT AND EASEMENT AGREEMENT
DATED: MARCH 15, 1994
EXECUTED BY: FREDERICK W. NOBLE AND KENNETH WINDPOWER, INC.
RECORDED: MARCH 23, 1994 AS FILE NO. 1994-131449 OF OFFICIAL RECORDS
AN ASSIGNMENT IN FAVOR OF WINDPOWER PARTNERS 1993 L.P., RECORDED JUNE 16, 1994 AS FILE NO. 1994-247752 OF OFFICIAL RECORDS

33. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY
PURPOSE: AN ELECTRICAL SUBSTATION
RECORDED: JUNE 13, 1985 AS INSTRUMENT NO. 116898 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.

34. COMMUNICATION FACILITIES AND METEOROLOGICAL AGREEMENT BETWEEN KENETECH WINDPOWER INC. AND WINDPOWER PARTNERS 1993, L.P., RECORDED JUNE 16,1994 AS INSTRUMENT NO. 94-247751, OFFICIAL RECORDS.

SURVEY NOTES:

( ) DENOTES RECORD INFORMATION PER RECORD OF SURVEY 128/70-73.
[ ] DENOTES RECORD INFORMATION PER PARCEL MAP NO. 11456, PMB 55/27-28.
| | DENOTES RECORD INFORMATION PER RECORD OF SURVEY 78/29-32.
(( )) DENOTES RECORD INFORMATION PER RECORD OF SURVEY 41/79.
/[ ]\ DENOTES RECORD INFORMATION PER RECORD OF SURVEY 72/44.

ABBREVIATIONS/LEGEND

- 1500kW WIND TURBINE WITH "LANDMAN AREA" FOOTPRINT
- A1 — PROPOSED TURBINE NUMBER
- ℄ — CENTERLINE
- EASEMENT/SETBACK LINE
- PROPOSED EDGE OF 16' WIDE PERMANENT ACCESS ROAD
- EXISTING ROADWAY
- EXISTING TURBINE (TO BE REMOVED)
- RIGHT-OF-WAY
- PROPERTY OR PROJECT BOUNDARY (AS NOTED)
- E-1 — ZONING (TOP) LAND USE (BOTTOM)

GRAPHIC SCALE
SCALE: 1"=300'
0 150 300 600 900

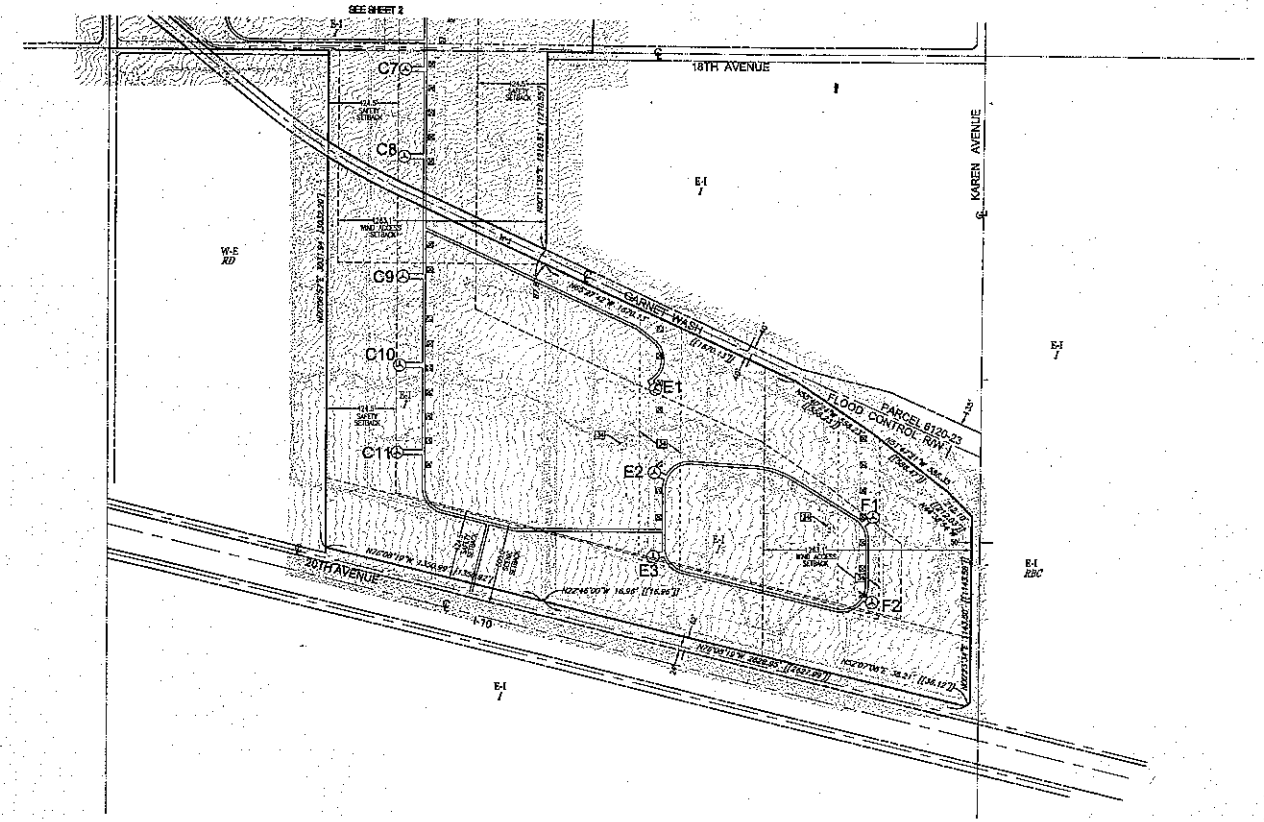
SURVEY NOTES

DESCRIPTION	DATE	NO.
REVISIONS		

The Altum Group
• Engineering • Planning
• Infrastructure • Environmental
Management • GIS
73-255 El Paseo Drive, Suite 15, Palm Desert, CA 92260
T. 760.346.4750 F. 760.340.0089

CITY OF PALM SPRINGS
CONDITIONAL USE PERMIT
PALM SPRINGS RE-POWER WIND ENERGY CENTER
EAST BLOCK – SITE PLAN
A PORTION OF SECTION 10, T3S, R4E, SBB&M, AND A PORTION OF SECTIONS 9 & 9 IN T3S/R4E, SBB&M
FOR: WIND POWER PARTNERS 1993 L.P.

CUP NUMBER: 5.1240
DESIGN: JRS
DRAFT: JRS
CHECK: RSF
DATE: OCT. 2010
JOB NO.: CUP-SITE
SHEET 2 OF 10



ABBREVIATIONS/LEGEND

- 1500kW WIND TURBINE
- A1 — PROPOSED TURBINE NUMBER
- CL OR ℄ — CENTERLINE
- EASEMENT/SETBACK LINE
- PROPOSED EDGE OF 16' WIDE PERMANENT ACCESS ROAD
- EXISTING ROADWAY
- EXISTING TURBINE (TO BE REMOVED)
- RIGHT-OF-WAY
- PROPERTY OR PROJECT BOUNDARY (AS NOTED)
- E-1 / 1 — ZONING (TOP) LAND USE (BOTTOM)

GRAPHIC SCALE
1 INCH = 400 FEET
0 200 400 800

EASEMENTS

(52) COMMUNICATION FACILITIES AND METEOROLOGICAL AGREEMENT BETWEEN KENETECH WINDPOWER INC. AND WINDPOWER PARTNERS 1993, L.P., RECORDED JUNE 16,1994 AS INSTRUMENT NO. 94-197761, OFFICIAL RECORDS.

SURVEY NOTES

( ) DENOTES RECORD INFORMATION PER RECORD OF SURVEY 129/70-71.
[ ] DENOTES RECORD INFORMATION PER PARCEL MAP NO. 11456, PMB 55/27-28.
{ } DENOTES RECORD INFORMATION PER RECORD OF SURVEY 76/29-32.
(( )) DENOTES RECORD INFORMATION PER RECORD OF SURVEY 41/79.
|| || DENOTES RECORD INFORMATION PER RECORD OF SURVEY 72/94.

DESCRIPTION	DATE	NO.
REVISIONS		

The Altum Group
• Engineering • Planning
• Infrastructure Management • Environmental
• GIS
73-255 El Paseo Drive, Suite 15, Palm Desert, CA 92260
T. 760.346.4750 F. 760.340.0969

CITY OF PALM SPRINGS

CONDITIONAL USE PERMIT

PALM SPRINGS RE-POWER WIND ENERGY CENTER

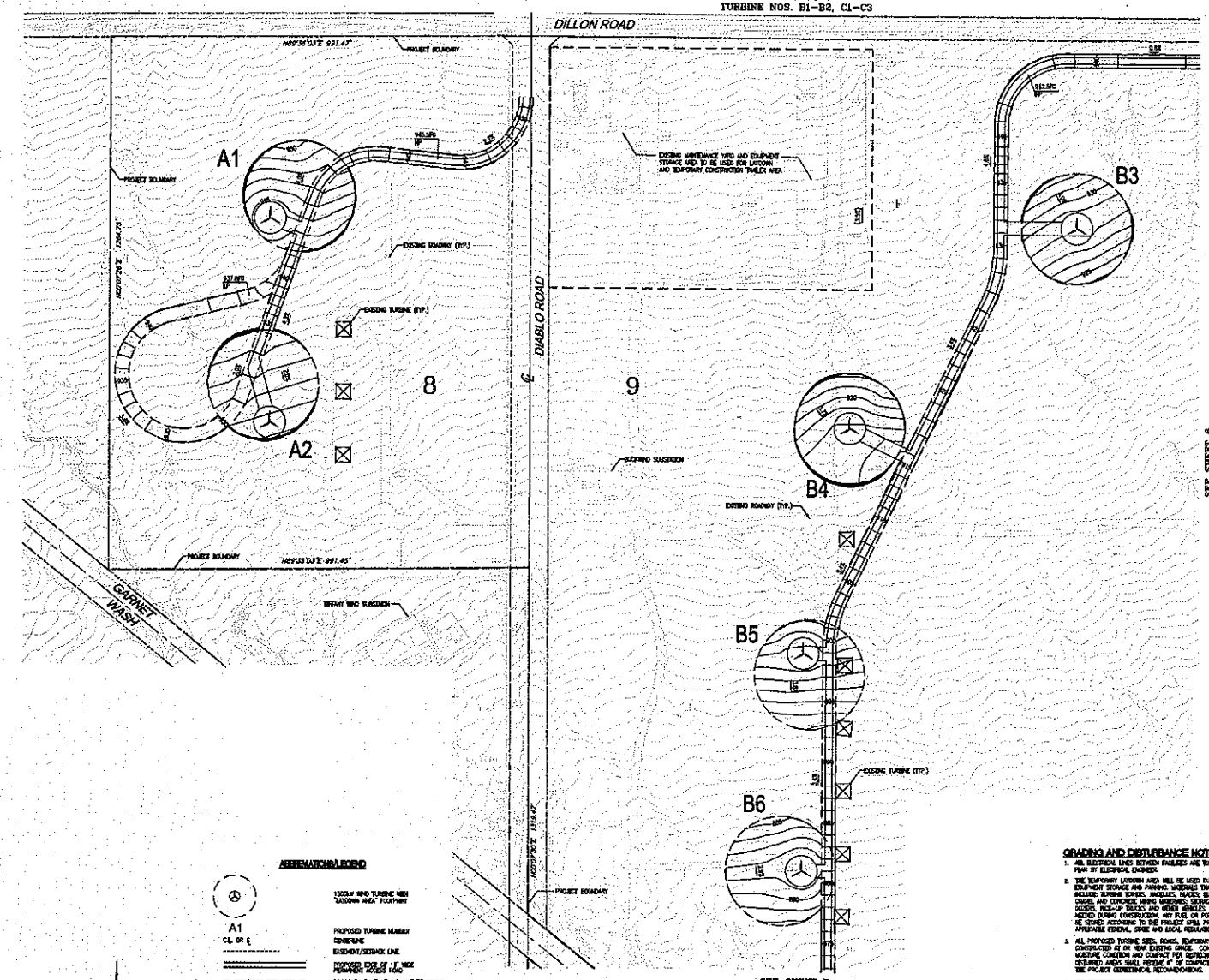
EAST BLOCK – SITE PLAN

A PORTION OF SECTION 11, T3S, R3E, S.B.B.&M. AND A PORTION OF SECTIONS 6, 5 & 18, T3S, R4E, S.B.B.&M.

FOR: WIND POWER PARTNERS 1993 L.P.

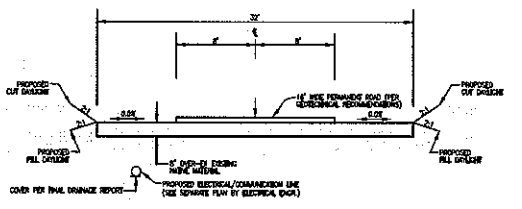
CUP NUMBER:	5.1240
DESIGN:	DRAFT:
JRS	JRS
CHECK:	DATE:
RDF	OCT. 2010
DRG NO:	CUP-SHT3
SHEET 3 OF 10	

SEE SHEET 5
TURBINE NOS. B1–B2, C1–C3

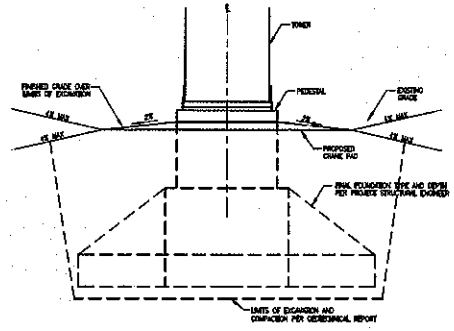


SEE SHEET 7
TURBINE NOS. C7–C10, E1

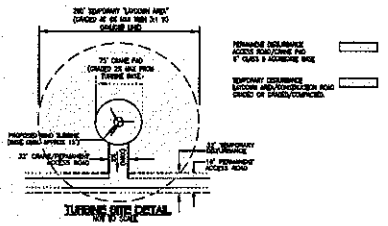
SEE SHEET 6
TURBINE NOS. C4–C6, D1–D2



TYPICAL ACCESS ROAD
NOT TO SCALE



TYPICAL TOWER FOUNDATION AND DRAINAGE DETAIL
NOT TO SCALE



TURBINE SITE DETAIL
NOT TO SCALE

ABBREVIATIONS/LEGEND

- 1.5/2.0M WIND TURBINE WITH "LAYDOWN AREA" FOOTPRINT
- A1 — PROPOSED TURBINE NUMBER
- CL OR ℄ — CENTERLINE
- EASEMENT/SETBACK LINE
- PROPOSED EDGE OF 16' WIDE PERMANENT ACCESS ROAD
- PROPOSED EDGE OF 32' WIDE TEMPORARY ACCESS ROAD
- EXISTING ROADWAY
- DESIGN LINE/LIMITS OF GRADING
- EXISTING TURBINE (TO BE REMOVED)
- RIGHT-OF-WAY
- PROPERTY OR PROJECT BOUNDARY (AS NOTED)
- ZONING (TOP)
- LAND USE (BOTTOM)

GRAPHIC SCALE
1000' (1"=400')
0 200 400 800

GRADING AND DISTURBANCE NOTES:

1. ALL ELECTRICAL LINES BETWEEN FACILITIES ARE TO BE UNDERGROUNDED. SEE SEPARATE PLAN BY ELECTRICAL ENGINEER.
2. THE TEMPORARY LAYDOWN AREA WILL BE USED DURING CONSTRUCTION FOR MATERIAL AND EQUIPMENT STORAGE AND PARKING. MATERIALS THAT COULD BE STORED IN THESE AREAS INCLUDE: TURBINE TOWERS, NACELLES, BLADES, ELECTRICAL CABLE, WOODEN SKIDS, SPOOL CRADLES, AND CONCRETE MIXING MATERIALS. STORAGE CONTAINERS, DELIVERY TRUCKS, SEMI TRUCKS, PICK-UP TRUCKS AND OTHER VEHICLES, AND OTHER MACHINES OR EQUIPMENT NEEDED DURING CONSTRUCTION. ANY FUEL OR POTENTIALLY HAZARDOUS MATERIALS WOULD BE STORED ACCORDING TO THE PROJECT SPILL PREVENTION COUNTERMEASURE PLAN AND APPLICABLE FEDERAL, STATE AND LOCAL REGULATIONS.
3. ALL PROPOSED TURBINE SITES, ROADS, TEMPORARY DISTURBANCE AREAS, ETC. ARE TO BE CONSTRUCTED AT OR NEAR EXISTING GRADE. CONTRACTOR SHALL OVER-EXCAVATE, SCARIFY, MOISTURE CONDITION AND COMPACT PER GEOTECHNICAL RECOMMENDATIONS. PERMANENTLY DISTURBED AREAS SHALL RECEIVE 6" OF COMPACTED CLASS II BASE IN ACCORDANCE WITH THE PROJECT GEOTECHNICAL RECOMMENDATIONS.
4. THE PROPOSED PRELIMINARY GRADING AS SHOWN HEREON DOES NOT INCLUDE ANY EXCAVATION WORK AT THE TURBINE SITES, INCLUDING BUT NOT LIMITED TO FOUNDATION OVER-EXCAVATION, FINAL TURBINE PAD ELEVATIONS, ETC. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR THIS WORK.
5. NATURAL DRAINAGE FEATURES MODIFIED TEMPORARILY TO PROVIDE "LAYDOWN AREAS" DURING CONSTRUCTION, WILL BE RE-ESTABLISHED AFTER TURBINE INSTALLATION.
6. A REGIONAL DRAINAGE ANALYSIS WAS PREPARED BY ELLIOT ENGINEERING. NO ONSITE DRAINAGE REPORT WAS PREPARED SINCE ONSITE RETENTION IS NOT PROPOSED AND PROPOSED ROAD/TURBINE PAD GRADING IS MINIMAL.

EAST BLOCK – PRELIMINARY EARTHWORK QUANTITIES:

	CUT	FILL
ROADS	7,510 C.Y.	8,571 C.Y.
TURBINES	20,306 C.Y.	17,113 C.Y.
SHRINKAGE (15%)	–	4,432 C.Y.
TOTAL (NAD)	28,116 C.Y.	28,116 C.Y.

TOTAL GRADED AREA: 2,399,190 S.F. (55.09 AC.)

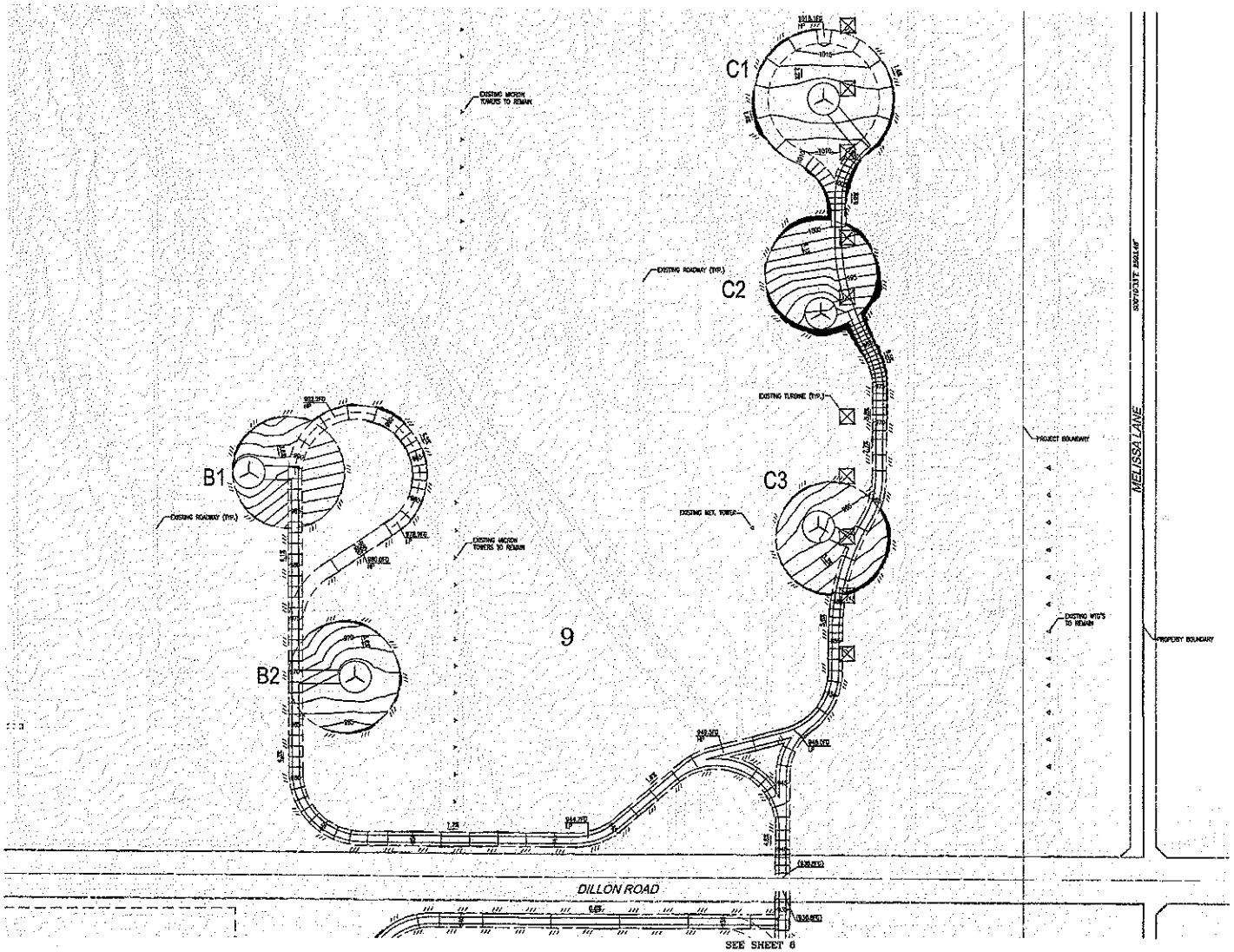
NOTE: THE QUANTITIES PROVIDED HEREIN ASSUME A SHRINKAGE VALUE OF EIGHTEEN TO TWENTY PERCENT (18%–20%) OVER CLEARED AND "PREPARED" SUB-GRADE ELEVATIONS ONLY. FINAL EARTHWORK QUANTITIES WILL BE BASED ON THE APPROVED PROJECT GRADING PLAN AND FINAL GEOTECHNICAL RECOMMENDATIONS. THE CONTRACTOR SHALL ALSO PERFORM HIS OWN ESTIMATES FOR BIDDING AND CONSTRUCTION PURPOSES.

DESCRIPTION	DATE	NO.
REVISIONS		

The Altum Group
• Engineering • Planning
• Infrastructure • Environmental
Management • GIS
73-255 El Paseo Drive, Suite 16, Palm Desert, CA 92260
T. 760.346.4750 F. 760.340.0069

CITY OF PALM SPRINGS
CONDITIONAL USE PERMIT
PALM SPRINGS RE-POWER WIND ENERGY CENTER
EAST BLOCK – PRELIMINARY GRADING AND DISTURBANCE PLAN
A PORTION OF SECTION 13, T3S, R3E, S.B.B.&M., AND A PORTION OF SECTIONS 5, 7 & 18, T3S, R4E, S.B.B.&M.
PCM: WIND POWER PARTNERS 1993 L.P.

CUP NUMBER: 5.1240
DESIGN: DRAFT:
CHECK: DATE: NOV. 2010
JOB NO. CUP-WPR
SHEET 4 OF 10



SEE SHEET 6
TURBINE NOS. C4–C6, D1–D2

ABBREVIATIONS/LEGEND

- 1500kW WIND TURBINE WITH "LARGEST AREA" FOOTPRINT
- A1 — PROPOSED TURBINE NUMBER
- CL OR ℄ — CENTERLINE
- EASEMENT/SETBACK LINE
- PROPOSED EDGE OF 35' WIDE PERMANENT ACCESS ROAD
- PROPOSED EDGE OF 32' WIDE TEMPORARY ACCESS ROAD
- EXISTING ROADWAY
- DAYLIGHT LINE/LIMITS OF GRADING
- EXISTING TURBINE (TO BE REMOVED)
- RIGHT-OF-WAY
- PROPERTY OR PROJECT BOUNDARY (AS NOTED)
- R-1 / — ZONING (TOP) LAND USE (BOTTOM)

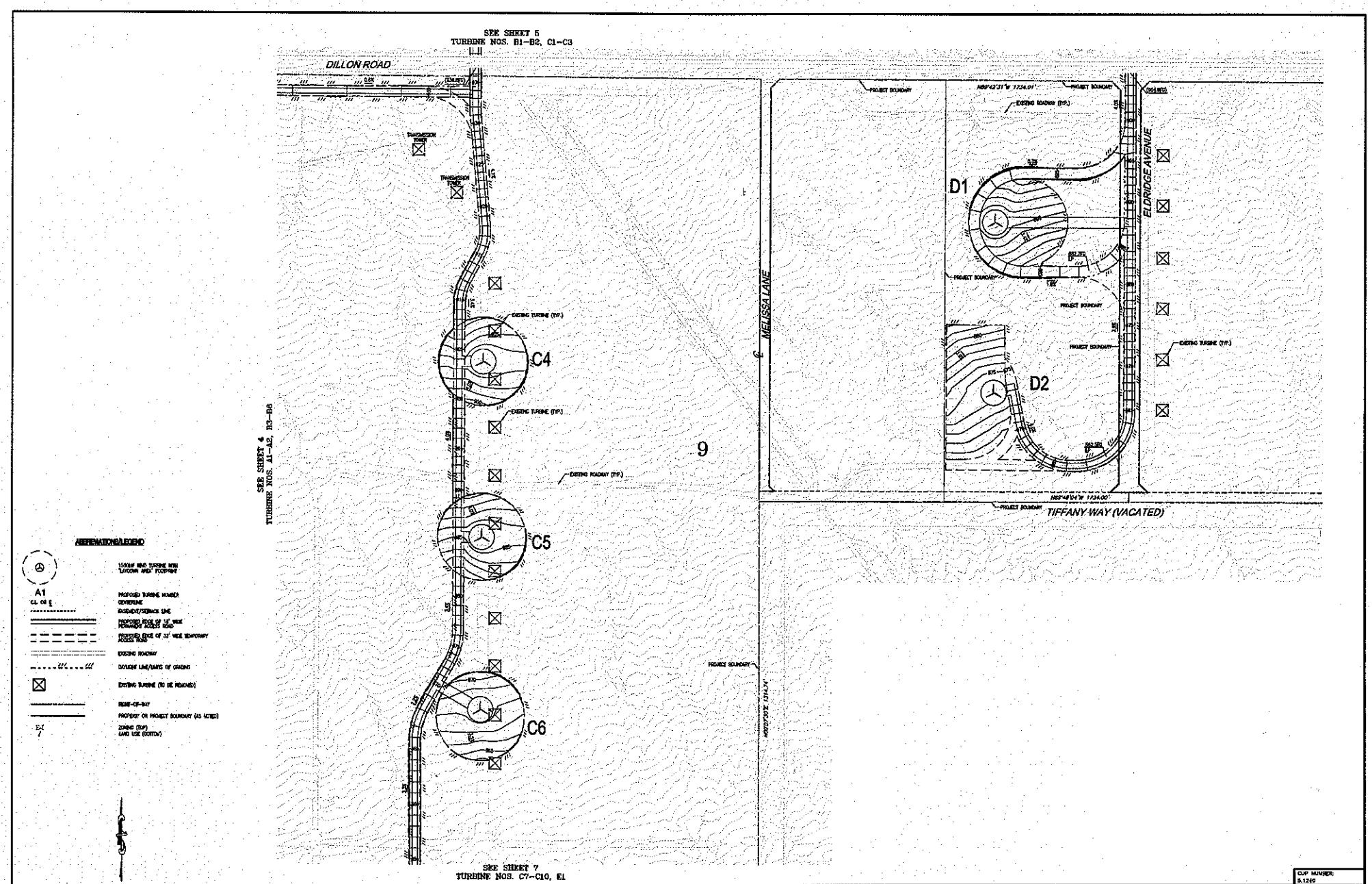
GRAPHIC SCALE
SCALE 1"=400'
0 200 400 600 800

REVISIONS		
DESCRIPTION	DATE	NO.

The Altum Group
• Engineering • Planning
• Infrastructure Management • Environmental
• GIS
73-255 El Paseo Drive, Suite 15, Palm Desert, CA 92260
T. 760.346.4750 F. 760.340.0689

CITY OF PALM SPRINGS
CONDITIONAL USE PERMIT
PALM SPRINGS RE-POWER WIND ENERGY CENTER
EAST BLOCK – PRELIMINARY GRADING AND DISTURBANCE PLAN
A PORTION OF SECTION 14, T3S, R3E, S.B.B.&M. AND A PORTION OF SECTIONS 5, 8 & 18, T3S,R4E, S.B.B.&M.
FOR: WIND POWER PARTNERS 1993 L.P.

CUP NUMBER: 5.1249
DESIGN: DRAFT:
CHECK: DATE: NOV. 2010
DRG NO.: CUP-SHT5
SHEET 5 OF 10



DESCRIPTION	DATE	NO.
REVISIONS		

The Altum Group
• Engineering • Planning
• Infrastructure • Environmental
Management • GIS
73-255 El Paseo Drive, Suite 15, Palm Desert, CA 92260
T. 760.346.4750 F. 760.340.0669

CITY OF PALM SPRINGS

CONDITIONAL USE PERMIT

PALM SPRINGS RE-POWER WIND ENERGY CENTER

EAST BLOCK – PRELIMINARY GRADING AND DISTURBANCE PLAN

A PORTION OF SECTION 34, T3S, R3E, S.B.B.&M. AND A PORTION OF SECTIONS 3, 9 & 10, T3S,R3E, S.B.B.&M.

FOR: WIND POWER PARTNERS 1993 L.P.

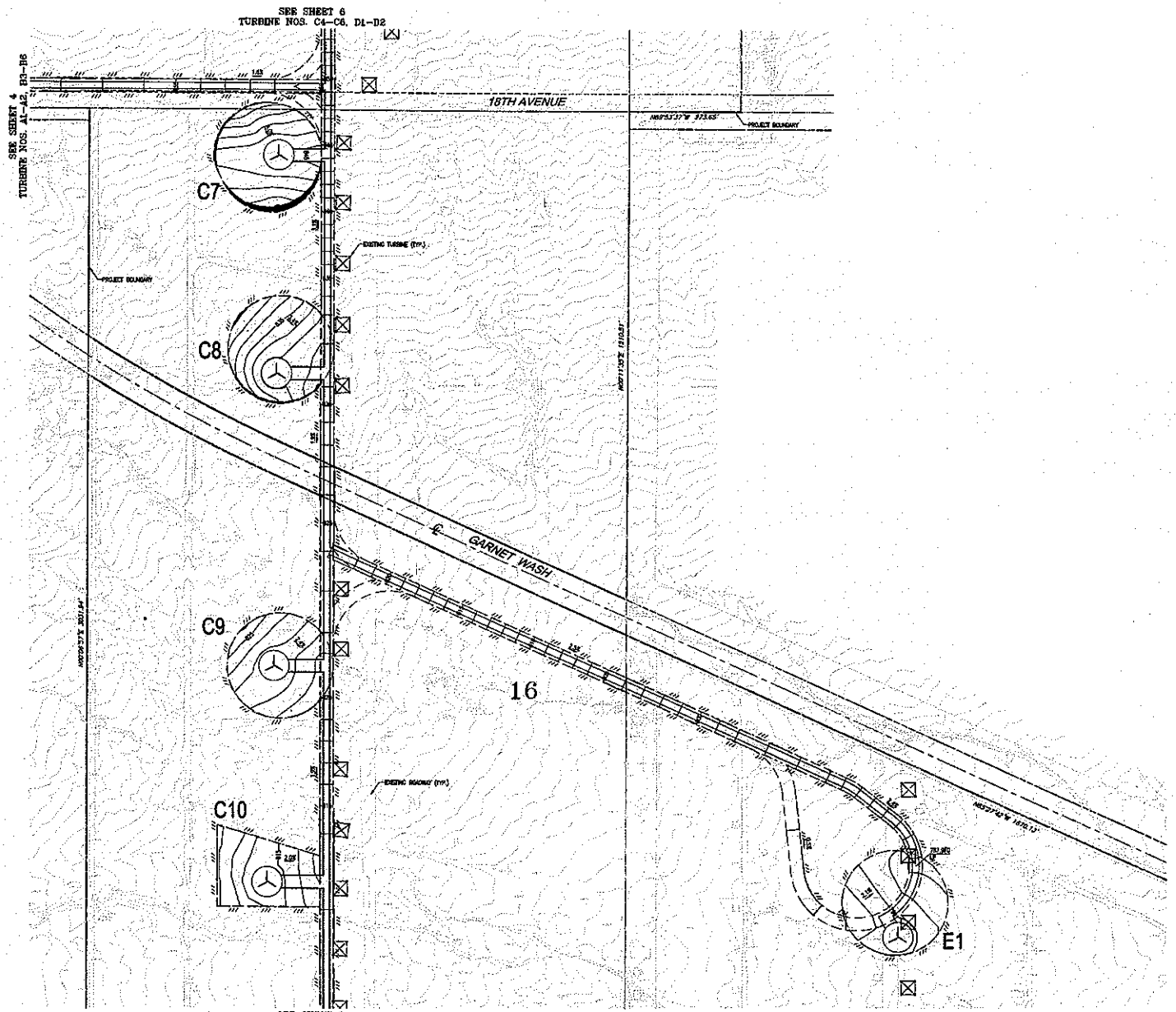
CUP NUMBER: 5.1240

DESIGN: JRB DRAFT: JRB

CHECK: RDF DATE: NOV. 2010

JOB NO. CUP-3678

SHEET 6 OF 10



ABBREVIATIONS/LEGEND

- 1500kW WIND TURBINE WITH "LAYDOWN AREA" FOOTPRINT
- A1 — PROPOSED TURBINE NUMBER
- C.L. OR ℄ — CENTERLINE
- EASEMENT/SERVICE LINE
- PROPOSED EDGE OF 16' WIDE PERMANENT ACCESS ROAD
- PROPOSED EDGE OF 32' WIDE TEMPORARY ACCESS ROAD
- EXISTING ROADWAY
- DRAINAGE LINE/AXIS OF SWALE
- EXISTING TURBINE (TO BE REMOVED)
- ROAD-OF-WAY
- PROPERTY OR PROJECT BOUNDARY (AS NOTED)
- E-1 / 7 — ZONING (TOP) / LAND USE (BOTTOM)

GRAPHIC SCALE
1" = 200'
0 100 200 300

DESCRIPTION	DATE	NO.
REVISIONS		

The Altum Group
• Engineering • Planning
• Infrastructure Management • Environmental
• GIS
73-255 El Paseo Drive, Suite 15, Palm Desert, CA 92260
T. 760.346.4758 F. 760.340.0069

CITY OF PALM SPRINGS

CONDITIONAL USE PERMIT

PALM SPRINGS RE-POWER WIND ENERGY CENTER

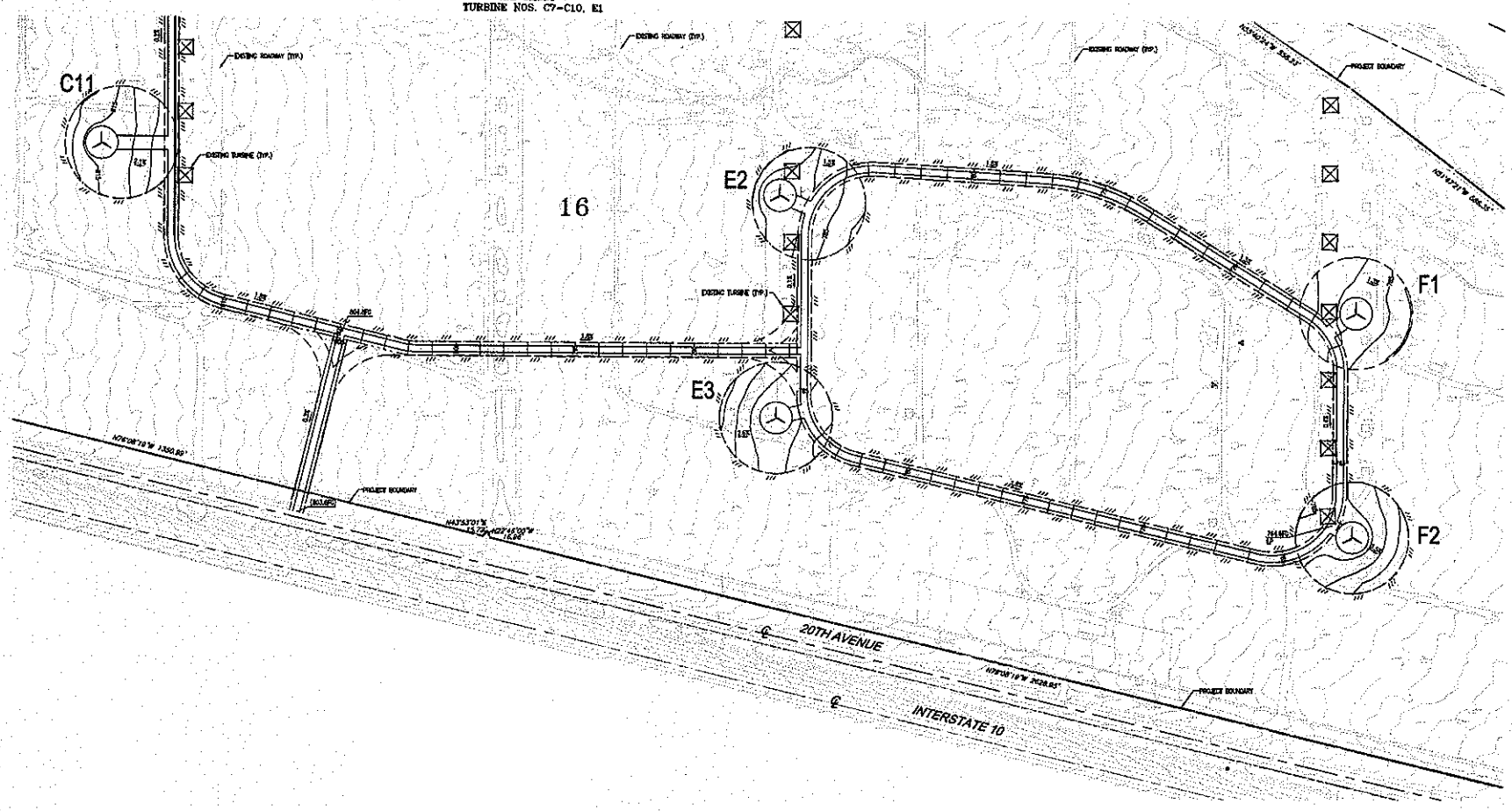
EAST BLOCK – PRELIMINARY GRADING AND DISTURBANCE PLAN

A PORTION OF SECTION 14, T3S, R3E, S.B.B.&M. AND A PORTION OF SECTIONS 5, 8 & 16, T3S, R4E, S.B.B.&M.

FOR: WIND POWER PARTNERS 1993 L.P.

CUP NUMBER:	5.1240
DESIGN:	DRAFT:
CHECK:	DATE: NOV. 2010
PMC NO.	CUP-5877
SHEET	7 OF 10

SEE SHEET 7
TURBINE NOS. C7-C10, E1



ABBREVIATIONS/LEGEND

	1500kW WIND TURBINE WITH "LAYDOWN AREA" FOOTPRINT
A1	PROPOSED TURBINE NUMBER
CL OR ℄	CENTERLINE
	EASEMENT/SETBACK LINE
	PROPOSED EDGE OF 16' WIDE PERMANENT ACCESS ROAD
	PROPOSED EDGE OF 32' WIDE TEMPORARY ACCESS ROAD
	EXISTING ROADWAY
	GRADING LINE/LIMITS OF GRADING
	EXISTING TURBINE (TO BE REMOVED)
	RIGHT-OF-WAY
	PROPERTY OR PROJECT BOUNDARY (AS NOTED)
EA 7	ZONING (TOP) LAND USE (BOTTOM)

GRAPHIC SCALE
1 inch = 100 ft
0 50 100 200

DESCRIPTION	DATE	NO.
REVISIONS		

The Alvarez Group
• Engineering • Planning
• Infrastructure Management • Environmental
• GIS
73-255 El Paseo Drive, Suite 15, Palm Desert, CA 92260
T. 760.346.4750 F. 760.340.0060

CITY OF PALM SPRINGS
CONDITIONAL USE PERMIT
PALM SPRINGS RE-POWER WIND ENERGY CENTER
EAST BLOCK – PRELIMINARY GRADING AND DISTURBANCE PLAN
A PORTION OF SECTION 14, T3S, R3E, S.B.B.M. AND A PORTION OF SECTIONS 6, 7, 8 & 18, T3S,R4E, S.B.B.M.
FOR: WIND POWER PARTNERS 1993 L.P.

CUP NUMBER: 3.1240
DESIGN: JRB DRAFT: JRB
CHECK: RKF DATE: NOV. 2010
JOB NO. CUP-3813
SHEET 8 OF 10

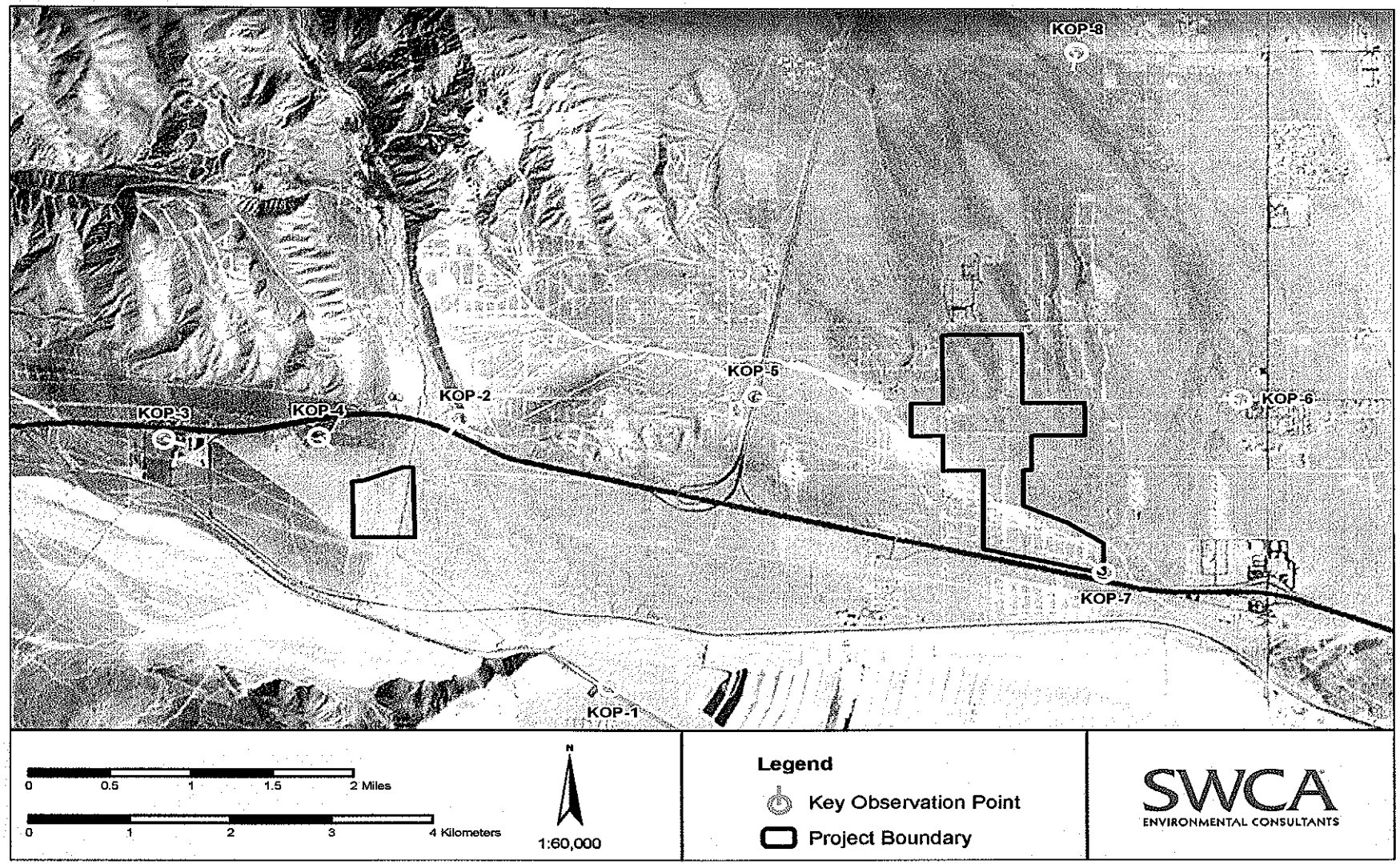
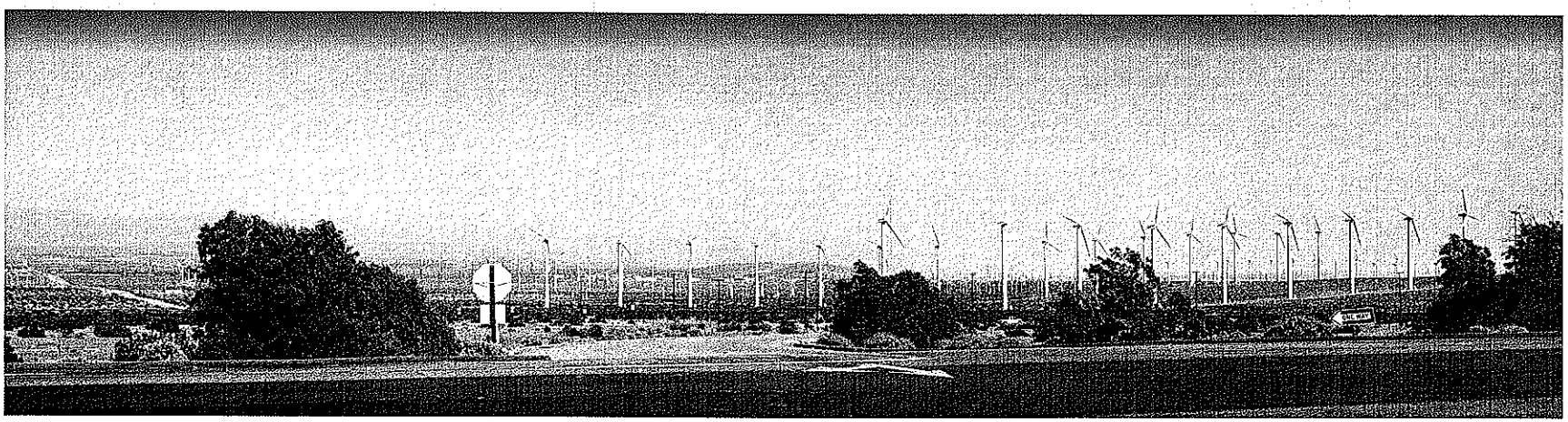
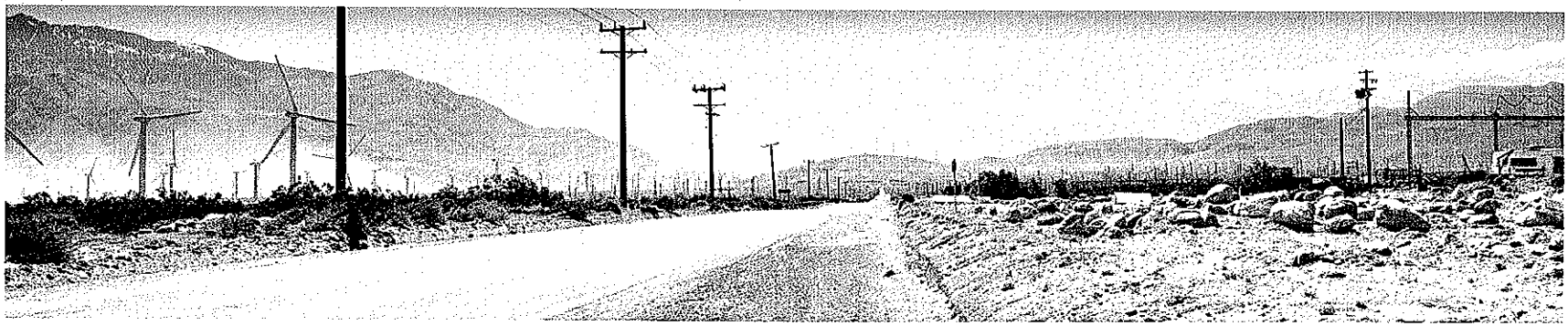


Figure 2: KOP Locations

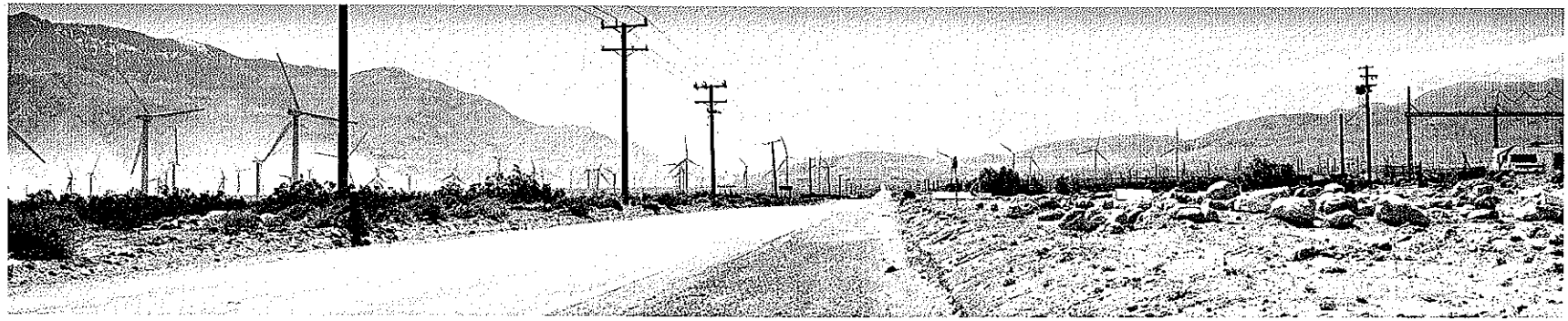


Photograph 9: Existing view looking east across the site from KOP 5.

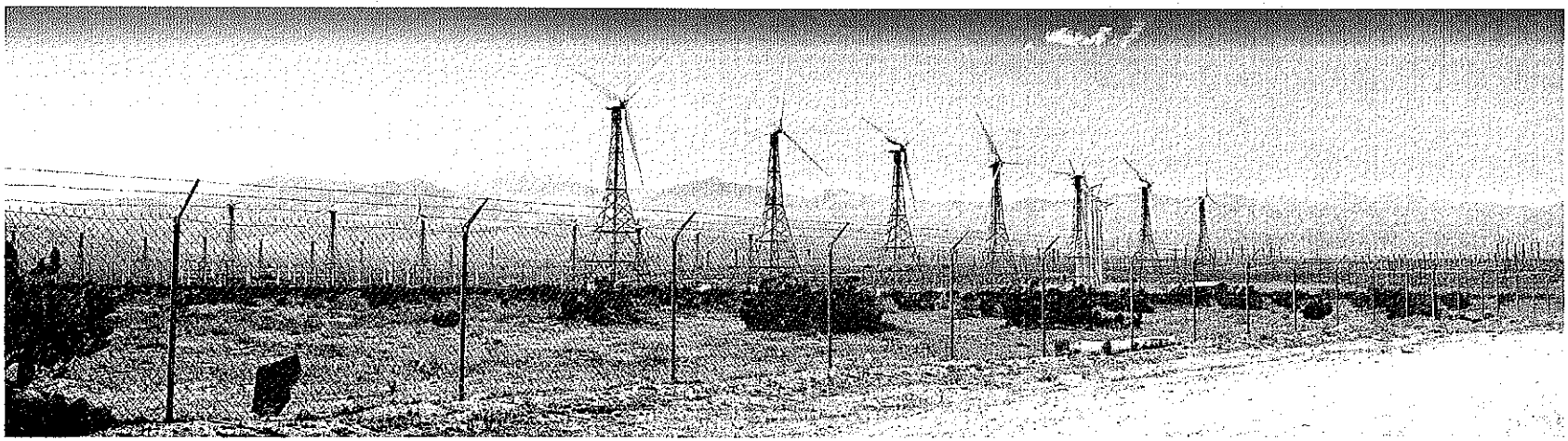
Photograph 10: Visual simulation looking east across the site from KOP 5.



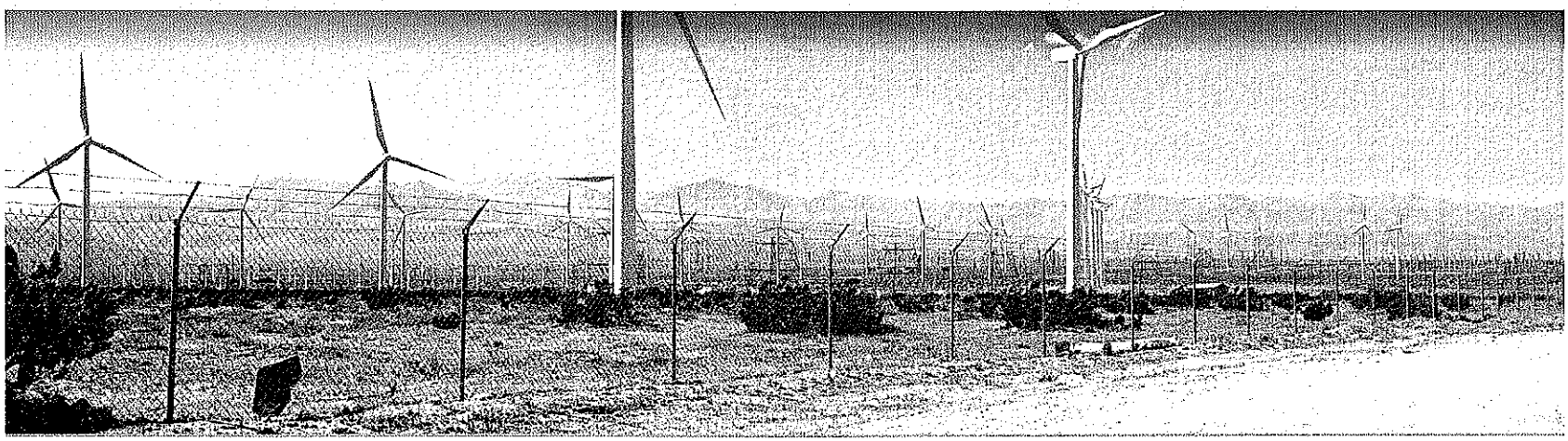
Photograph 11: Existing view looking west across the site from KOP 6.



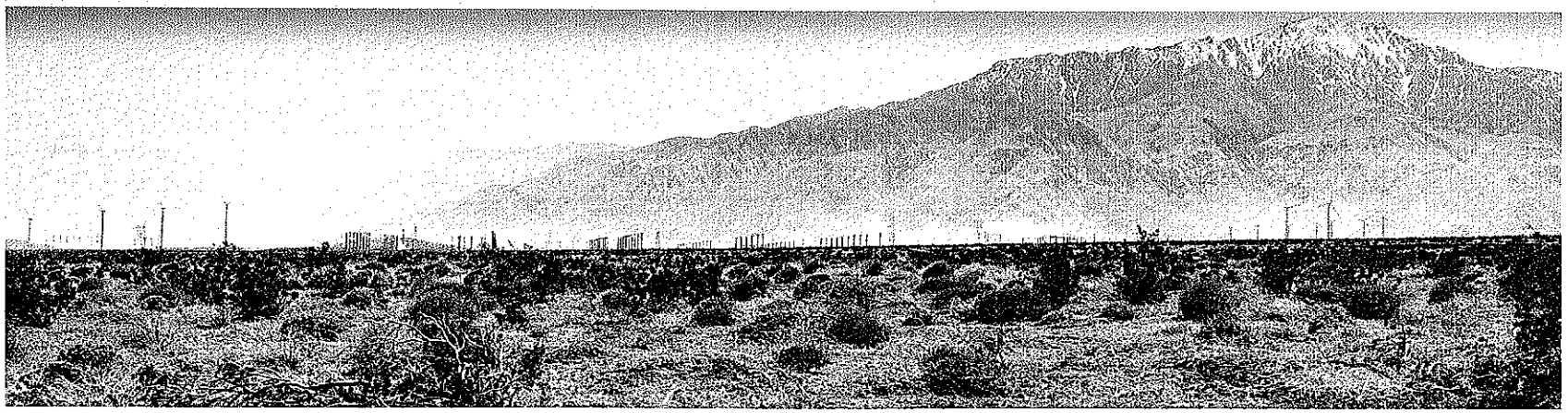
Photograph 12: Visual simulation looking west across the site from KOP 6.



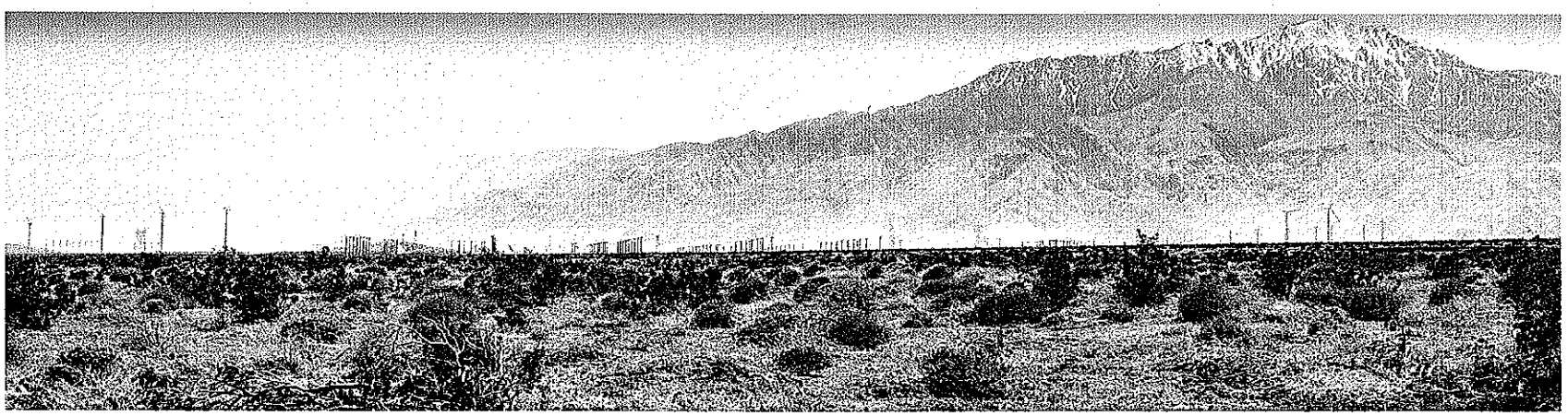
Photograph 13: Existing view looking northwest across the site from KOP 7.



Photograph 14: Visual simulation looking northwest across the site from KOP 7.



Photograph 15: Existing view looking south across the site from KOP 8.



Photograph 16: Visual simulation looking south across the site from KOP 8.

Dillon Wind LLC
an Oregon limited liability company
1125 NW Couch, Suite 700
Portland, OR 97209

November 22, 2010

Edward Robertson
City of Palm Springs - Department of Planning Services
3200 East Tahquitz Canyon Way
Palm Springs, California
92263

Dear Commissioners:

Dillon Wind LLC ("Dillon Wind") owns and operates a wind energy project located in Palm Springs that declared commercial operation since March, 2008.

Windpower Partner 1993, L.P. ("Windpower") operates a wind energy project, also located in Palm Springs immediately adjacent to the Dillon Wind project. Windpower has submitted an application for issuance of a conditional use permit (5.1240 CUP) and associated variance (6.522 VAR) to allow Windpower to replace, or "repower," its existing wind turbine generators with substantially larger equipment under the Project Name "Palm Springs Re-Power Wind Energy Center" ("Repower Project").

If the Repower Project plan is approved and the project moves forward, the operation of the larger equipment will result in negative "wake effects" and unacceptable levels of turbulence on the Dillon Wind project. The impact of these wake effects, both in terms of stresses on Dillon Wind's equipment and also reductions in power output, is expected to be very large.

Dillon Wind has attempted to work with Windpower to minimize the negative effects of the Repower Project on the Dillon Wind project, but without satisfactory results.

Windpower's preliminary plans continue to indicate that five turbines on the Windpower site would be located in areas where they would negatively impact the Dillon Wind facility and would violate the setback provisions of Section 94.02.00(H)(8) of the City's Zoning Code, which provides in relevant part as follows:

RECEIVED
NOV 29 2010
PLANNING SERVICES
DEPARTMENT

> "***No commercial WECS shall be located where the center of the tower is within a distrance of five (5) rotor diameters from a lot line that is perpendicular to and downwind of, or within forty-five (45) degrees of perpendicular to and downwind of, the dominant wind direction.***"
> (94.02.00(H)(8)(e)(iv))

The effect of this violation of the setback requirement on Dillon Wind's project would be exacerbated if the requested height variance allowing for turbines 340 feet tall were granted. A map showing the location of the Windpower turbines as currently planned (indicated as black squares in the map), and the required set-back distances (identified as the "Downwind Lot Line Setback – 1260 ft" in the legend to the map), is attached to this letter as Exhibit A.

Dillon Wind respectfully requests that the Commission defer any decision on Windpower's requests with respect to 5.1240 CUP and 6.522 VAR until Dillon Wind and Windpower are able to reach a mutually-acceptable agreement on the siting of Windpower's repowered turbines. Dillon Wind will provide such information in support of this request as the Commission may require.

Thank you for your attention to this matter.

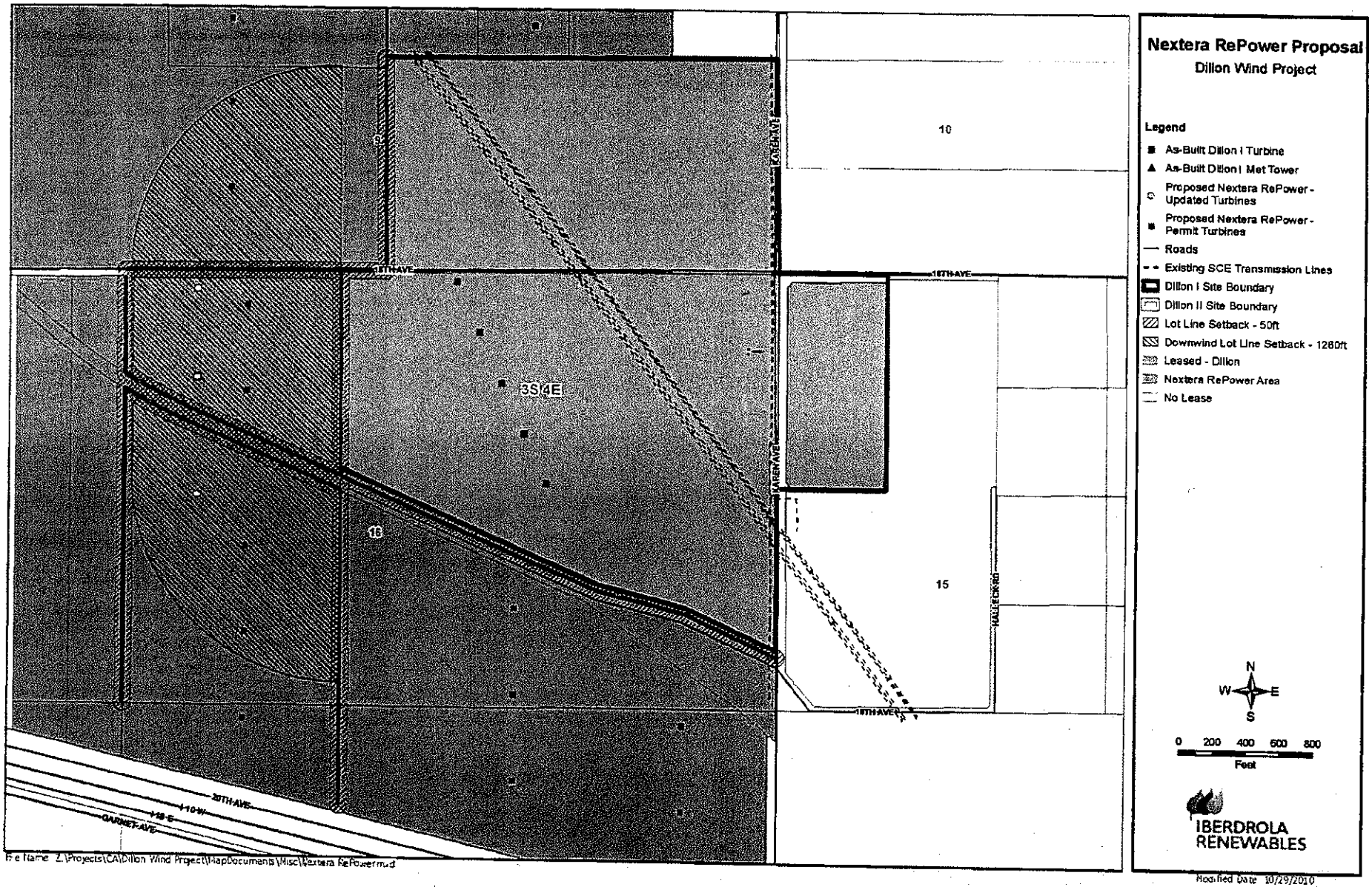
Respectfully submitted,

Alex Telegin

Alex Telegin
Asset Manager for Dillon Wind LLC

EXHIBIT A

MAP SHOWING TURBINE LOCATIONS AND SETBACK DISTANCES


Nextera RePower Proposal
Dillon Wind Project
Legend
As-Built Dillon I Turbine
As-Built Dillon I Met Tower
Proposed Nextera RePower - Updated Turbines
Proposed Nextera RePower - Permit Turbines
Roads
Existing SCE Transmission Lines
Dillon I Site Boundary
Dillon II Site Boundary
Lot Line Setback - 50ft
Downwind Lot Line Setback - 1280ft
Leased - Dillon
Nextera RePower Area
No Lease
10
15
16
3S 4E
18TH AVE
LABREA AVE
MAPLE ROAD
20TH AVE
GARNET AVE
I-10 W
I-10 E
N
W
E
S
0 200 400 600 800
Feet
IBERDROLA RENEWABLES
File Name: Z:\Projects\CA\Dillon Wind Project\MapDocuments\Misc\Nextera RePower.mxd
Modified Date: 10/29/2010