Planning Commission Staff Report

Date:	October 24, 2012
Case No.:	5.1277 CUP
Type:	Conditional Use Permit and Request for Take under the MSHCP
Location:	58641 Tipton Road
APN:	522-080-065
Applicant:	Whitewater Solar 1, LLC
General Plan:	Desert / Watercourse / Wind Energy Overlay
Zone:	0-5 (Open Space 5du/ac) / Watercourse
From:	Craig A. Ewing, AICP, Director of Planning Services
Project Planner:	Ken Lyon, Associate Planner

PROJECT DESCRIPTION:

The applicant has requested a Conditional Use Permit (CUP) for the installation and operation of a three (3) megawatt solar energy conversion system (SECS) project. The proposed solar power generating system will be located on roughly 12 acres of a 108-acre parcel.

A portion of the project totaling 7.75 acres is located in the Whitewater River Conservation Area, a designated conservation area within the Coachella Valley Multiple Species Habitat Conservation Plan (MSHCP). For the project to proceed, the City Council must decide whether to allocate 7.75 acres of "Take" for this project pursuant to guidelines of the MSHCP. The Planning Commission will review the request for Take and make a recommendation to the City Council on whether Take should be allocated for this project.

RECOMMENDATION:

That the Planning Commission:

1. Adopts the Mitigated Negative Declaration (MND) as an adequate analysis of the environmental impacts of the proposed project,

2. Approves Case 5.1277 CUP subject to the conditions in the attached draft resolution.

3. Recommends that the City Council allocate 7.75 acres of Take to this project from the Whitewater River Conservation Area and from the habitat for three (3) listed endangered species and that the landowner dedicate an equal amount of undisturbed land within the conservation area on the parcel to the Coachella Valley Conservation Commission to be set aside for permanent conservation.

PRIOR ACTIONS:

On April 23, 2012 the Architectural Advisory Committee (AAC) reviewed the project and voted unanimously to recommend approval to the Planning Commission.

BACKGROUND AND SETTING:

The project proposes to install approximately twelve (12) acres of fixed rack solar collectors on a parcel zoned Open Space (O) and Watercourse (W). There are no occupied structures proposed on the site. Although the panels would have periodic maintenance and service workers, there would be no permanent workers at the site.

The project site would be accessed from Tipton Road. Non-paved gravel service roads located at the perimeter of the solar panels provide access to the panels for routine washing, maintenance and servicing. The panels are designed to be mounted on racks. The bottom of the panels are approximately three feet above the ground to minimize scouring of the panel surfaces due to blowsand. The top of the panels are less than ten feet above grade.

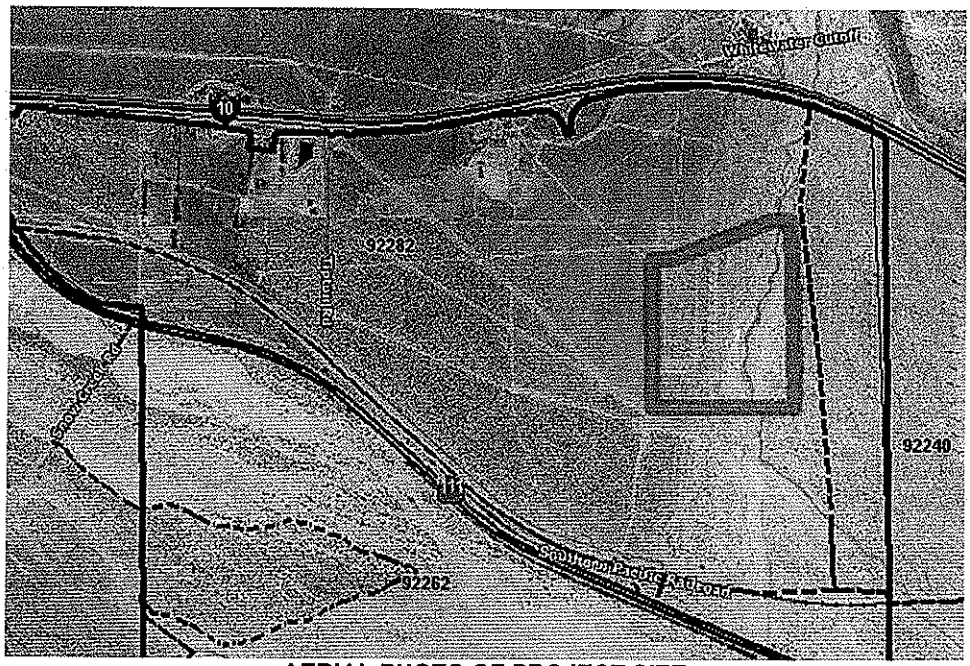
The 12-acre project area is not proposed to be graded or cleared of existing vegetation. The panels will be installed above the existing grade and scattered vegetation that is on the site. The site has no potable water and is not proposed to be irrigated. A six foot chain link fence is proposed at the perimeter of the 12-acre portion of the parcel.

Surrounding Land uses:
The project site is currently undeveloped except for a series of existing wind turbines and is located in the northern part of the City. The subject site is an approximately 108-acre parcel located on the south side of Interstate 10, west of Indian Canyon Drive, and north of Highway 111. The site is surrounded by existing wind turbines and vacant land. The Whitewater River runs through the eastern portion of the 108-acre parcel.

TABLE 1: Surrounding General Plan, Zoning and Land Uses

	General Plan	Zone	Land Use
North	Desert	O-5	Vacant
South	Desert	O-5	Vacant
East	Watercourse	W	Vacant (wind turbines)
West	Desert	O-5	Vacant

The 12 acres are leased to Whitewater Solar Farm 1, LLC, by Ray Coulter who owns the 108 acre parcel. The site is generally flat, sloping gently downward toward the east. Running north-south through the site, along the eastern portion is the Whitewater River. The area around the Whitewater River is a defined conservation area within the MSHCP. The overall 108-acre site also has several utility easements granted across it. The photovoltaic array is located roughly in the southwestern corner of the property. The existing wind turbines are located in a north-south orientation, roughly in the center of the site.

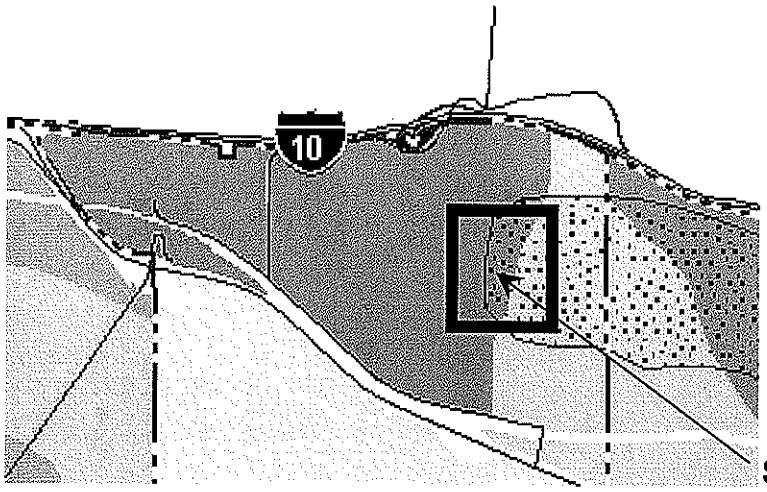


AERIAL PHOTO OF PROJECT SITE

ANALYSIS:

General Plan/Zoning

The General Plan land use designations are Desert and Open Space – Watercourse with a portion of the site in the Wind Energy Overlay. The zone is Open Space (0-5; maximum 5 du/ac) and Watercourse (W). Pursuant to Zoning Code Section 92.21.01(D)(2); Solar Collectors are permitted in this zone subject to a CUP.



Energy Collection Systems (SECS) are permitted in these zones subject to approval of a Conditional Use Permit (CUP) pursuant to PSZC Section 92.21.01. The development standards of the zone are summarized in Table 2 below.

The solar array will be provided with a compacted gravel perimeter service road. No perimeter landscaping is proposed. The project proposes no habitable structures, only equipment enclosures for electrical inverters which will be painted in neutral colors. The frames on which the PV panels sit will also be in neutral colors.

TABLE 2: Proposed project compared to 0-5 Zone Development Standards:

	0-5 Zone Requirements	**Proposed Project**
Minimum Lot Size	5 acres	12 acres of a 108-acre parcel (conforms)
Minimum Lot width & depth	250 feet x 250 feet	conforms
Maximum Lot Coverage	10% maximum lot coverage	conforms
Setbacks	Minimum 50 feet for energy uses, 25 foot front for other uses	50 feet,
Landscape	Front 25 feet to be landscaped with 4.5 foot high landscape screen.	No landscaping proposed. **(Does not conform)**
Fencing	Maximum 4.5 feet front & side front, 8 feet side & rear, no chain link in front & side front yards, barbed wire is permitted at alternative energy sites	6 feet chain link
Building Height	30 feet	10 feet for solar panels (conforms)
Outdoor storage	Adequately screened & enclosed	None proposed (conforms)

Fencing
For security reasons, the applicant proposes six-foot chain link fences, at the entire perimeter of the 12 acre area. Section 93.02.00 (A) of the Zoning Code allows the approval of 6 foot fences at the front and side front if it is deemed that there are hazards on the site that warrant the additional height to protect the public. The potential hazard caused by the proposed electrical equipment and the need for security on the site warrant the proposed fencing.

Parking
Parking standards are regulated by Section 93.06.00 of the City's Zoning Code. There is no specific quantity of off-street parking prescribed for energy uses. The proposed project has no permanent employees on site however periodic service and maintenance vehicles and workers will access the site on roughly a weekly basis and will use the proposed compacted gravel service roads to access all the panels for routine cleaning, inspection, repair and maintenance.

Architecture
The equipment enclosures are simple painted steel structures. There are no habitable buildings proposed on the site.

The Coachella Valley Multiple Species Habitat Conservation Plan (MSHCP)
In 2008, the City Council adopted the MSHCP. This plan established a comprehensive streamlined approach to balancing development and land conservation throughout the Coachella Valley. As a permittee under the MSHCP, the City Council has agreed to the terms and conditions set forth in the guidelines imposed by the plan. The relevant aspects of the plan that apply to this project are summarized below.

A portion of the project (7.75 acres) lies within the Whitewater River Conservation Area. This conservation area serves as critical habitat for three endangered species as well as a sand transport for the movement of sand from the mountains to various conservation areas on the valley floor. Nearly the entire 108-acre parcel is located within this conservation area. When a project proposes development in a conservation area, the area in the conservation area that is needed for the development is called 'Take'.

In Palm Springs, the City Council determines whether Take shall be authorized for a particular project. This is the first project in Palm Springs which will require the allocation of Take. The Planning Commission will review both the application for the Conditional Use Permit and the request for allocation of a portion of the City's Take in the Whitewater River Conservation Area.

The MSHCP and the request for "Take".
The MSHCP uses the concept of **"Take"** to allow limited development in areas designated as "Conservation Areas". The valley cities and county all have conservation areas within their jurisdictional boundaries. Essentially, the MSHCP allows 10% of the private land in each of these conservation areas to be developed. It also gives each jurisdiction control over how this Take is allocated. "Take" is quantified in terms of

acreage. Each jurisdiction has a certain number of acres of "Take", and each acre of approved development (in a conservation area) is deducted from the total Take allowed for the jurisdiction. When the City approves an application for a development in a conservation area, it gives to the developer a portion of its allocated acreage of Take for each species that is impacted.

Within each conservation area, there is established acreage of Take for each endangered species that is covered by the MSHCP, as well as what are called "essential ecological processes" (such as sand transport) and "corridors" (linkages between conservation areas). For example, in the Whitewater River Conservation Area, there is habitat for at least three Covered Species, the Essential Ecological Process of sand transport and a Corridor (which is the Whitewater River itself). The three listed endangered species found in this particular conservation area are: the Coachella Valley Round-tailed Ground Squirrel, the Palm Springs Pocket Mouse, and the Le Conte's Thrasher. In addition to the river corridor itself, it is also defined as a sand transport corridor. Sand that washes down from the mountains to the north with wind and water, flows through the project site and continues on to replenish sand that is essential critical habitat further down valley.

There is a limited amount of acreage of Take in each unique conservation area and for each covered species. Therefore, the City needs to be judicious in allocating portions of its Take to any particular development, so there is enough Take left during the 75 year lifespan of the MSHCP to allocate to future development.[a] For example, in the Whitewater River Corridor, the City only has 90 acres of available Take (this represents roughly 10% of the total conservation area in the Whitewater River corridor). The proposed project would use up 8.6% of the available 90 acres of Take in this corridor.

Land Purchases by the CVCC for Conservation. An additional aspect of the MSHCP is the Coachella Valley Conservation Commission's (CVCC) ongoing purchase from private landowners of acreage in the designated conservation areas to permanently set aside for conservation. These land purchases throughout the valley are paid out of variety of sources including monies collected from all development projects in the valley through the payment of **Local Development Mitigation Fees** (or "LDMF") (These fees are usually paid at the time of issuance of building permits on almost every project in the valley).

Rough Step. The purchase of new acreage by the CVCC and the allocation of Take must be in **Rough Step** with each other. Rough step means there must be acreage purchased and set aside for conservation in roughly the same proportion as the acreage of Take that the City gives away. The CVCC is constantly purchasing new acreage in conservation areas which helps stay in rough step but it is each jurisdiction's responsibility to manage allocation of its Take and conform to the rough step requirements.

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[a] If a jurisdiction allows more than its allocated Take acreage in conservation areas to be developed, it is in violation of the MSHCP permit which could lead to lawsuits or other actions against the MSHCP permit by the California Department of Fish and Game and U.S. Fish & Wildlife Service.

One way the City can assist in the efforts to stay in rough step, is to require landowners to deed to the CVCC an equivalent amount of undisturbed acreage within the conservation area to that which they are requesting Take. Thus, for this particular solar project, the City could approve the allocation of 7.75 acres of its Take in these conservation areas for this project, and also require the landowner to deed at least 7.75 undisturbed acres of his parcel which is also in the conservation area to the CVCC to be set aside for permanent conservation, as a condition of approval. Following such policy over the long term could help the City to stay in rough step and move more acreage into permanent conservation – which is the ultimate goal of the MSHCP.

Deeding the land to the CVCC helps the City stay in rough step; however it does not "make whole" the City's total available acreage of Take. Once Take is used up, it is gone.[b] Take also cannot be transferred from one conservation area to another without the State and Federal Wildlife agency's approvals.

One aspect to consider in evaluating Take requests is what other development might be anticipated within this conservation area in the future. The Whitewater River Conservation Area overlays approximately the same area designated in the City's Zoning Map in this general vicinity as Watercourse. Section 92.20.01 of the Zoning Code lists the permitted uses for the Watercourse Zone; they include energy uses, golf courses and driving ranges, quarries and agricultural uses. The parcel that is associated with this project is already developed with wind turbines as are many others in the vicinity. However, this is the first solar project proposed in the Whitewater River floodplain. There is no way to forecast what future development demands may arise within the Whitewater River Conservation Area. While it appears that the landowners in this vicinity are making productive use of their parcels, the possible increase in development of solar energy production facilities may be likely.

The aspect of this Take request that is notable is the Take of the Whitewater River Floodplain itself. With only 90 acres of Take available, the project would use up 8.6% of the City's available Take of the Whitewater River Floodplain. If solar projects prove to be an effective use of land in this area, future requests to development similar projects with larger capacities and acreages may be likely. In light of these factors, requiring dedication to the CVCC of an equivalent amount of the parcel for permanent conservation as a condition of approval may be reasonable to consider.

The City Council will need to decide if it wishes to allow a portion of its Take (7.75 acres) from these conservation areas to be used for this project and whether to require any dedication of undisturbed land in the conservation area to the CVCC for permanent conservation and to contribute to the City's compliance with Rough Step.

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[b] There is a mechanism called "Like Exchange" that can add acreage into a conservation area, but this is extremely difficult to find natural conditions outside the conservation that qualify (or are "alike") for this exchange.

The options before the Commission are:

1. Deny the CUP, with no further action. (This action would be appealable to the City Council).
2. Approve the CUP and recommend approval of the Take Request by the City Council.
3. Approve the CUP and recommend approval of the Take Request by the City Council including dedication to the Coachella Valley Conservation Commission of an equivalent amount of undisturbed land within the conservation area on the parcel for permanent conservation in order to maintain Rough Step.
4. Approve the CUP, but recommend denial of the Take request. This would in effect deny the project in its present configuration and give direction to the applicant to find another portion of the subject site outside of the conservation area on which to locate the panels.

Staff's recommendation reflects option 3.

The Table below shows the various covered species and the acreage of habitat impacted by the Take Request.

TABLE 3: Whitewater River Conservation Area- Summary of Proposed Take

Conservation Objective	Current Acres of Authorized Disturbance (This is roughly 10% of the total habitat that exists. This is the acreage available for the City to "Take" and give to development)	Total Acres of Proposed Disturbance (Take) requested by the proposed project	Proposed Disturbance as a Percentage of Current Authorized Disturbance (Take)	Total Acres of New Conservation proposed by this project.	Remarks / Explanation
Coachella Valley Round-tailed Ground Squirrel – Core Habitat	328 acres	1 acre	0.3%	0	The project proposes to use only 1 acre of Take from this species' habitat
Palm Springs Pocket Mouse – Core Habitat	347 acres	7.75 acres	2.2%	0	There would be 97.8% of the authorized Take for this species' habitat remaining for the City to potentially allocate to other future development over the 75 year life of the MSHCP
Le Conte's Thrasher – Other Conserved Habitat	381 acres	7.75 acres	2.0%	0	There would be 98% of the authorized Take for this species habitat remaining for the City to potentially allocate to other future development over the 75 year life

					of the MSHCP
Sand Transport	387 acres	7.75 acres	2.0%	0	There would be 98% of the authorized Take of the sand transport corridor remaining for the City to potentially allocate to other future development over the 75 year life of the MSHCP
Whitewater River Corridor	90 acres	7.75 acres	8.6%	0	There would be 91.4% of the authorized Take of the Whitewater River Corridor remaining for the City to potentially allocate to future development over the75 year life of the MSHCP.

REQUIRED FINDINGS:

Conditional Use Permit Findings.
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:

1) *That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code.*

The applicant proposes solar collector uses (solar energy conversion systems (SECS) on 12 acres of a roughly 108 acre site in the O-5 / W zones. Solar collector uses are permitted in the O and W zones subject to a conditional use permit.

2) *That the 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 or to future uses specifically permitted in the zone in which the proposed use is to be located.*

The O (open space) zone is intended to provide for areas of scenic beauty, areas reserved for parks, recreation, open space and governmental public uses, or in areas where a hazard to the public may exist. Permitted uses incldue the development of alternative energy uses and other incidental industrial uses. The SECS array proposed will augment the production of electrical energy, similar to that of the existing WECS (Wind Energy Conversion Systems) on the site. The General Plan land use designation for the subject parcel is Regional Business Center (RBC). The RBC land use designation is a mixed use designation intended for uses that serve a more regional service area accessible by the proximity to the Interstate 10 freeway. The area is also

immediately adjacent to major high voltage transmission lines that parallel the freeway. The proposed solar collector field will generate clean electricity for use throughout the Coachella Valley and the entire southwest region. As such, the proposed use is not detrimental to existing or future uses specifically permitted in the zone or the General Plan land use designation. That portion of the site which is closest to the I-10 freeway is not affected by the proposed project.

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

The proposed project area is comprised of a leasehold for 12 acres of an approximately 108-acre site. Service roads and utility panels and enclosures are proposed that support the solar panel installation. The project is proposed with perimeter fencing that will conform to the City's outdoor lighting ordinance.

4) *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 project is designed to provide adequate access to the public streets via an entrance and service drives off Tipton Road. The only vehicular traffic to the site would be periodic maintenance vehicles that clean and service the solar panels. The project does not produce traffic impacts that would reduce the Level of Service (LOS) for the network of public roads in the vicinity. Therefore the project is consistent with this finding.

5) *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. mitigation measures outlined in an environmental assessment.*

A draft set of conditions of approval necessary to ensure compliance with the Zoning Ordinance requirements and to ensure the public health, safety and welfare are proposed and included in Exhibit A of this staff report.

Findings for evaluating "Take"
There are no established findings for evaluating requests for Take. The City must determine whether there is sufficient value in the proposed project to merit allocating a portion of its take as requested by the applicant.

CONCLUSION:

The proposed project is consistent with the General Plan and Zoning Code and is recommended for approval by the AAC. The project is consistent with the findings for a

Conditional Use Permit. The project, if approved, will contribute to the City's growing number of alternative energy industries and provide an additional source of electrical energy generation for the region.

ENVIRONMENTAL DETERMINATION:

This CUP application is considered a project under the definitions of the California Environmental Quality Act (CEQA). The City has evaluated the project under CEQA Guidelines and determined that the project has the potential to cause significant impacts. A Mitigated Negative Declaration (MND) has been prepared and circulated for a twenty day public review and comment period. The Planning Commissioners also received complete copies of the environmental document at that time. No comments have been received that would necessitate recirculation of the environmental analysis. Staff believes the analysis is a complete description of the project, its potential adverse impacts and the owner/applicant has agreed in writing to the recommended Mitigation Measures that will reduce any potentially significant impacts to less than significant levels.

NOTIFICATION:

A notice was mailed to all property owners within a four hundred foot radius. As of the writing of this report, no correspondence from the public has been received by staff.

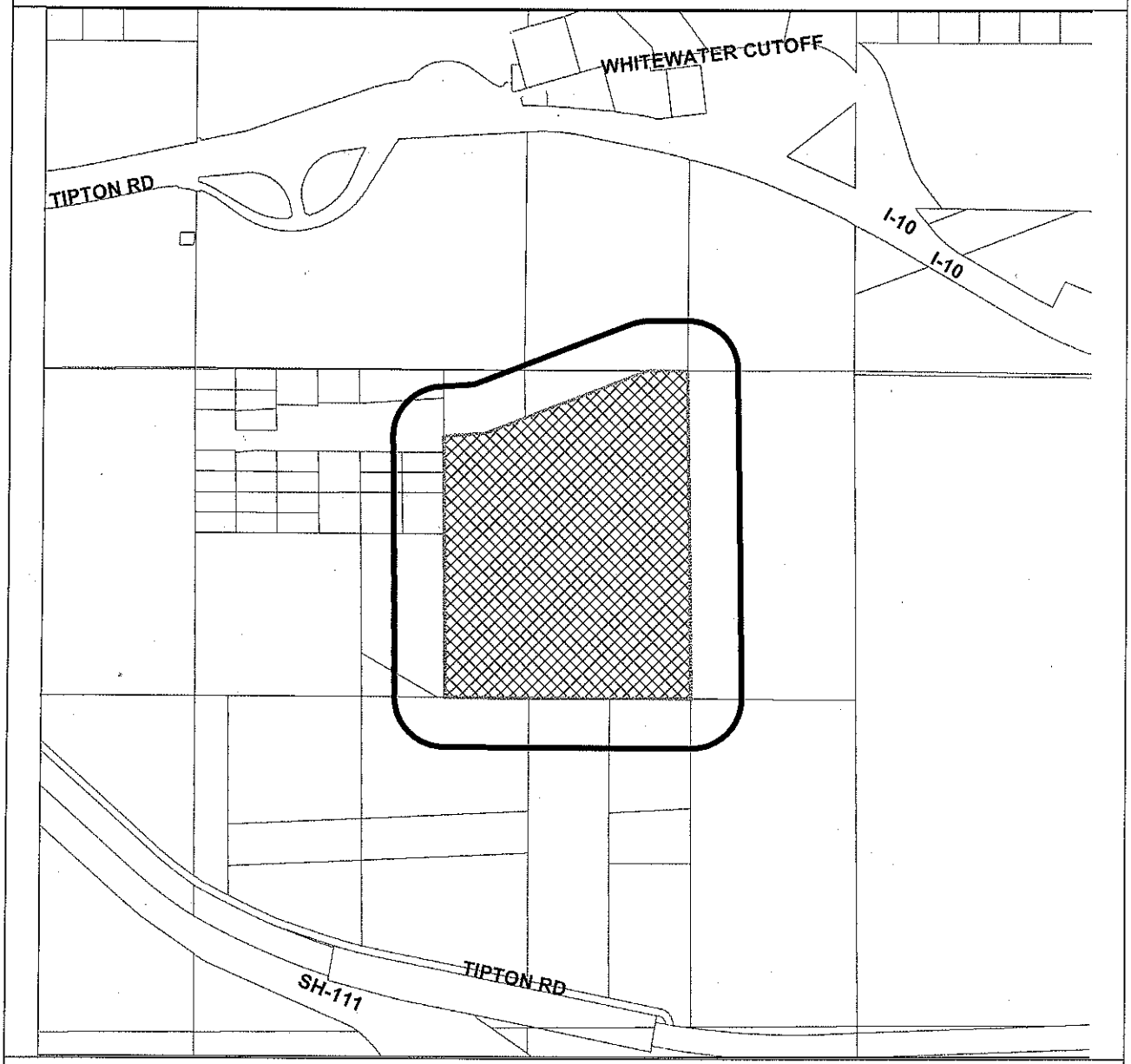
Ken Lyon
Associate Planner

for Craig A. Ewing, AICP
Director of Planning Services

Attachments:

1. 400' Radius Vicinity Map
2. Draft Resolution & Conditions of Approval
3. Reduced Site Plan and Elevations
4. Project Summary Description
5. August 15, 2012 Final Joint Project Review Report

Department of Planning Services
Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 5.1277 CUP APPLICANT: Whitewater Solar Farm 1, LLC	DESCRIPTION: To consider a request for a Conditional Use Permit (CUP) for a 3 megawatt solar energy conversion system located on 12 acres of a roughly 108-acre parcel at 58641 Tipton Road, Zone: Open Space (O-5) and Watercourse (W).

RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA FOR APPROVAL OF CASE 5.1277 CUP FOR A 3 MEGAWATT SOLAR ENERGY PRODUCTION FACILITY ON ROUGHLY 12 ACRES OF AN APPROXIMATELY 108-ACRE PARCEL, INCLUDING A REQUEST FOR 7.75 ACRES OF "TAKE" UNDER THE GUIDELINES OF THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN, AT 58641 TIPTON ROAD; ZONES O-5 (OPEN SPACE) and W (WATERCOURSE), SECTION 14/T3/R3; APN 511-080-065.

WHEREAS, Whitewater Solar 1, LLC, "applicant", has filed an application with the City pursuant to Section 94.02.00 (Conditional Use Permit) of the Zoning Code seeking approval to establish a 3 MW Solar energy production facility on 12 acres of a roughly 108-acre parcel at 58641 Tipton Road; and

WHEREAS, on April 23, 2012, the Architectural Advisory Committee met and voted unanimously to recommend approval of the project to the Planning Commission; and

WHEREAS, a notice of public hearing for Case 5.1277 CUP was given in accordance with applicable law; and

WHEREAS, on October 24, 2012, a public meeting on Case 5.1277 CUP was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the subject project proposes a 3 megawatt photovoltaic solar energy production system on roughly 12 acres of a 108-acre parcel, and

WHERAS approximately 7.75 acres of the 12-acre project are proposed to be located in the Whitewater River Conservation Area as defined by the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), and

WHEREAS the proposed development requires the City to allocate 7.75 acres of "Take" from the Whitewater River Conservation Area, which would include 1 acre of Take of critical habitat for the Coachella Valley Round-tailed Ground Squirrel, 7.75 acres of Take of critical habitat for the Palm Springs Pocket Mouse, 7.75 acres of Take of critical habitat for the Le Conte's Thrasher, 7.75 acres of Take from the Whitewater River Sand Transport corridor, and 7.75 acres of Take from the Whitewater River corridor, and

WHEREAS, the Palm Springs Planning Commission shall review requests for Take under the CVMSHCP and make recommendations to the City Council on approval or denial of such requests, and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA") An Initial Study was conducted and the project was found to cause potentially significant impacts to the environment. Mitigation measures

have been proposed reducing any potentially significant impacts to less than significant. The applicant has agreed in writing to all proposed mitigation measures. A Notice of Intent to Adopt a Mitigated Negative Declaration was prepared and circulated for public comment for a period of 30 days. No new information was discovered that would require further analysis under 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: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the Planning Commission adopts a Mitigated Negative Declaration including mitigation measures that reduce any potentially significant impacts caused by the project to less than significant.

Section 2: Pursuant to PSZC Section 94.02.00 (Conditional Use Permit), the Planning Commission finds as follows:

That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code.

The applicant proposes solar collector uses (solar energy conversion systems or "SECS") on 12 acres of a roughly 108-acre site in the O-5 / W zones. Solar collector uses are permitted in these zones subject to a conditional use permit.

That the 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 or to future uses specifically permitted in the zone in which the proposed use is to be located.

The Open Space zone is intended to provide for areas of scenic beauty, areas reserved for parks, recreation, open space and governmental public uses, or in areas where a hazard to the public may exist. The Watercourse zone is used for areas designated as floodways, drainage channels, debris basins, and other flood protection facilities exist. The SECS array proposed will augment the production of electrical energy, similar to that of the existing WECS (Wind Energy Conversion Systems) on the site. The General Plan land use designation for the subject parcel is Regional Business Center (RBC). The RBC land use designation is a mixed use designation intended for uses that serve a more regional service area accessible by the proximity to the Interstate 10 freeway. The area is also immediately adjacent to major high voltage transmission lines that parallel the freeway. The proposed solar collector field will generate clean electricity for use throughout the Coachella Valley and the entire southwest region. As such, the proposed use is not detrimental to existing or future uses specifically permitted in the zone or the General Plan land use designation and is desirable for the development of the community's electrical generation capacity.

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

The proposed project area is comprised of a leasehold for 12 acres of an approximately 108-acre site. Service roads and utility panels and enclosures are proposed that support the solar panel installation. The project is proposed with perimeter security fencing. The project conforms to the development standards required for such projects in these zones.

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 project is designed to provide adequate access to the public streets via unpaved service roads that are accessed off Tipton Road. The only vehicular traffic to the site would be periodic maintenance vehicles that clean and service the solar panels. The project does not produce traffic impacts that would reduce the Level of Service (LOS) for the network of public roads in the vicinity. Therefore the project is consistent with this finding.

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. Mitigation measures outlined in an environmental assessment.

A draft set of conditions of approval necessary to ensure compliance with the Zoning Ordinance requirements and to ensure the public health, safety and welfare are proposed and included in Exhibit A of this staff report.

Section 3: Pursuant to the guidelines of the Coachella Valley Multiple Species Habitat Conservation Plan (MSHCP), the Planning Commission has evaluated the applicant's request and recommends that the City Council approve the request for 7.75 acres of Take to be allocated from the total authorized Take from the Whitewater River Conservation Area as follows: one (1) acre of Take from the critical habitat for the Coachella Valley Round-tailed Ground Squirrel, 7.75 acres of Take from the critical habitat for the Palm Springs Pocket Mouse, 7.75 acres of Take from the critical habitat for the Le Conte's Thrasher, 7.75 acres of Take from the sand transport area, and 7.75 acres of the Whitewater River Corridor. Furthermore it is recommended that the City Council require that the property owner dedicate 7.75 acres of undisturbed acreage on the parcel, within the conservation area, to be deeded to the Coachella Valley Conservation Commission for permanent conservation, to enable the City of Palm Springs to remain in "Rough Step" pursuant to the requirements of the MSHCP.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case 5.1277 - CUP for the establishment of a 3 Megawatt Solar Energy Production Facility on 12 acres of a roughly 108-acre parcel at 58641 Tipton Road (APN 511-080-065), subject to the attached conditions set forth in Exhibit A. Furthermore the Commission recommends that the City Council allocate 7.75 acres of Take from the Whitewater River Conservation Area, consistent with the guidelines of the Coachella Valley Multiple Species Habitat Conservation Plan and require 7.75 acres of undisturbed acreage on the parcel within the conservation area to be deeded to the Coachella Valley Conservation Commission for permanent conservation to assist the City in staying in Rough Step pursuant to the requirements of the MSHCP.

ADOPTED this 24th day of October 2012.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

_____
Craig A. Ewing, AICP
Director of Planning Services

RESOLUTION NO._____

EXHIBIT A

Case 5.1277 CUP
Whitewater Solar Farm 1, LLC. for a 3 MW Solar Energy Conversion System
At 58641 Tipton Road (APN 511-080-065

October 24, 2012

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 Services, the Director of Building and Safety, 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.

ADMINISTRATIVE CONDITIONS

ADM 1. Project Description. This approval is for the project described per Case 5.1277 CUP; except as modified with the approved Mitigation Monitoring Program and the conditions below;

ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped March 13, 2012, including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the approved Mitigation Measures and conditions below.

ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.

ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.

ADM 5. Indemnification. 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 5.1277 CUP 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 the indemnification herein, 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.

ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.

ADM 7. Time Limit on Approval. Approval of this Conditional Use Permit shall be valid for a period of two (2) years from the effective date of the approval. Once constructed, the Conditional Use Permit, provided the project has remained in compliance with all conditions of approval, does not have a time limit.

ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.

ADM 9. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be $4,000 per net acre. (For purposes of calculating the fee, net acreage is defined as the land area inclusive of all photo voltaic panels, inverters, transformers and other equipment enclosures, and service roads). Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.

ADM 10. Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).

ADM 11. Conditional Use Permit Availability. The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers (conditional use permits only)

ENVIRONMENTAL ASSESSMENT CONDITIONS

ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Mitigation Fee (LDMF) required. All projects within the City of Palm Springs, not within the Agua Caliente Band of Cahuilla Indians reservation are subject to payment of the CVMSHCP LDMF prior to the issuance of certificate of occupancy.

ENV 2. CVMSHCP Whitewater River Conservation Area. The project requires 7.75 acres of "Take" to be authorized by the City Council of the City of Palm Springs from the Whitewater River Conservation Area, including Take for three (3) covered species, the process of sand transport and from the Whitewater River corridor itself. The project shall conform to all requirements of Section 4.4 "Avoidance, Minimization, and Mitigation Measures" and Section 4.5 "Land Use Adjacency Guidelines" of the MSHCP as outlined in the Final Report of the Joint Project Review dated August 16, 2012.

ENV 3. California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination.

Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at www.dfg.ca.gov for more information.

ENV 4. Mitigation Monitoring. The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the negative declaration or EIR will be included in the plans prior to Planning Commission consideration of the environmental assessment.

ENV 5. Long Term Soil Stabilization and Dust Control. Those portions of the site that are to be graded, cleared, and grubbed of natural vegetation for the installation of the solar panel structures shall be provided with a long term soil stabilization program acceptable to the City of Palm Springs to control wind borne dust and particulates. This may be either an overlay of gravel at sizes of 3/4" or larger or other equivalent means as approved by the Dust Control Management Division of the City Public Works Department.

ENV 6. Cultural Resource Survey Required. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.

ENV 7. Cultural Resource Site Monitoring. There is a possibility of buried cultural or Native American tribal resources on the site. A Native American Monitor shall be present during all ground-disturbing activities. (check for duplication in engineering conditions)

a). A Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning. After consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to further investigate the site. If necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.

b). Two copies of any cultural resource documentation generated in connection with this project, including reports of investigations, record search results and site records/updates shall be forwarded to the Tribal

Planning, Building, and Engineering Department and one copy to the City Planning Department prior to final inspection.

PLANNING DEPARTMENT CONDITIONS

PLN 1. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.

PLN 2. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00.

PLN 3. Flat Roof Requirements. Roof materials on flat roofs must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 and minimum initial solar reflectance of 0.70. Only matte (non-specular) roofing is allowed in colors such as off-white, beige or tan.

PLN 4. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.

PLN 5. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.

PLN 6. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.

PLN 7. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.

PLN 8. (add any additional conditions imposed by the Planning Commission or City Council here)

POLICE DEPARTMENT CONDITIONS

POL 1. Developer shall comply with Section II of Chapter 8.04 "Building Security Codes" of the Palm Springs Municipal Code.

BUILDING DEPARTMENT CONDITIONS

BLD 1. Prior to any construction on-site, all appropriate permits must be secured.

ENGINEERING DEPARTMENT CONDITIONS

Engineering Conditions will be presented at the Planning Commission meeting.

FIRE DEPARTMENT CONDITIONS

FID 1. These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan dated and received on 03/26/12. Additional requirements may be required at that time based on revisions to site plans.

FID 2. Fire Department Conditions were based on the 2010 California Fire Code. Four complete sets of plans for fire alarm and fire protection systems must be submitted at time of the building plan submittal.

FID 3. Access During Construction (CFC 503): Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6". Fire Department access roads shall have an all weather driving surface and support a minimum weight of 73,000 lbs.

FID 4. Buildings and Facilities (CFC 503.1.1): Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

FID 5. Fire Department Access: Minimum width of 24' Fire Department Access Roads shall be provided and maintained in accordance with (Sections 503 CFC) along the perimeter and interior roadways.

FID 6. Surface (CFC 503.2.3): Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.

FID 7. Premises Identification (CFC 505.1): New and existing buildings shall have approved address numbers, building numbers or approved building

identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4" high with a minimum stroke width of 0.5".

FID 8. Turning radius (CFC 503.2.4): The required turning radius of a fire apparatus access road shall be determined by the fire code official. Fire access road turns and corners shall be designed with a minimum inner radius of 25 feet and an outer radius of 43 feet. Radius must be concentric.

FID 9. Security Gates (CFC 503.6): The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained at all times. Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position. Secured automated vehicle gates or entries shall utilize approved Knox access switches as required by the fire code official. Secured non-automated vehicle gates or entries shall utilize an approved padlock or chain (maximum link or lock shackle size of ¼ inch) when required by the fire code official.

FID 10. Key Box Required to be Installed (CFC 506.1): Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location.

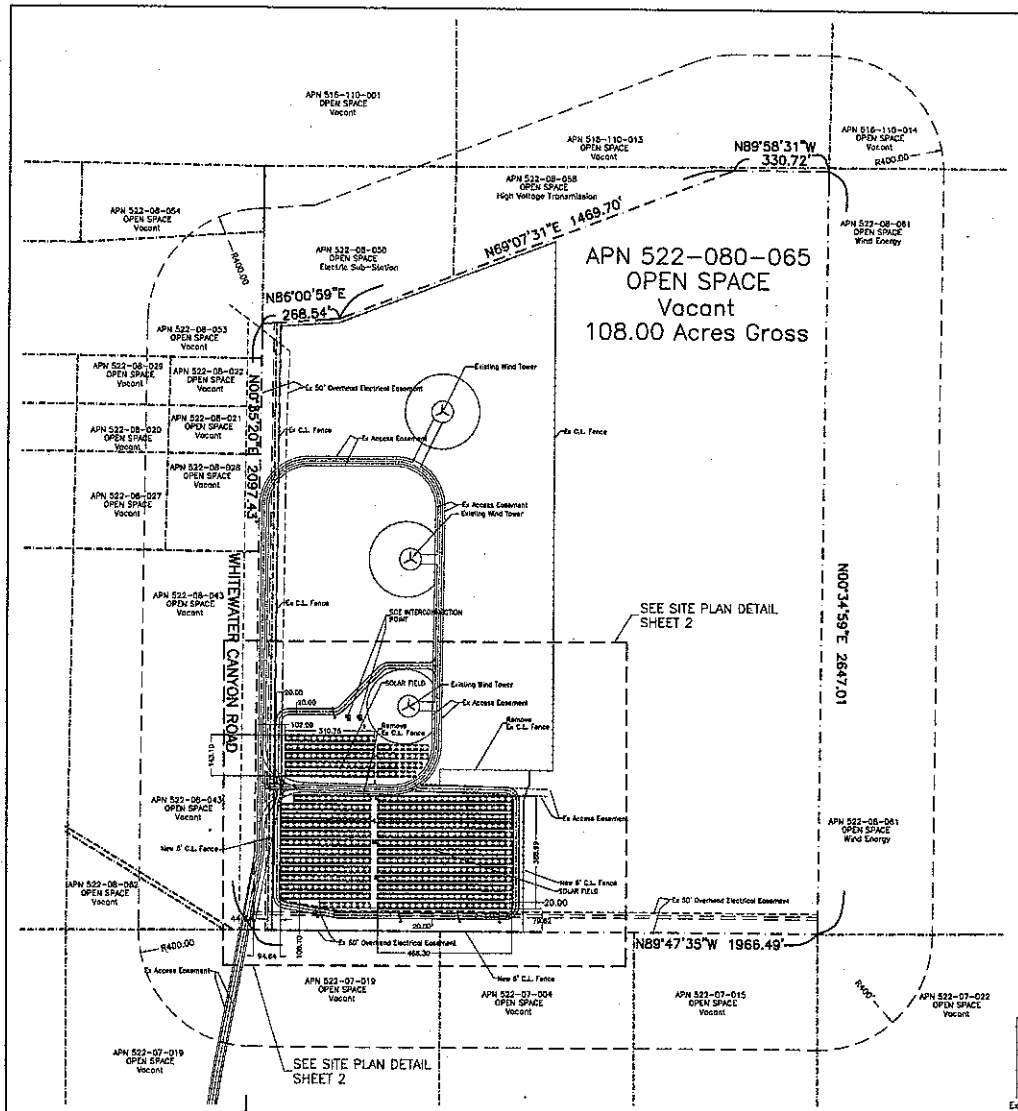
FID 11. Location of Knox boxes: A Knox box shall be installed at every locked gate. Boxes shall be mounted at 5 feet above grade. Show location of boxes on plan elevation views. Show requirement in plan notes.

END OF CONDITIONS

C.U.P. #_____

For SYBAC White Water 3 MW Solar Park
APN 522-080-065

PORTION OF SECTION 14, T3S, R3E S.B.B.&M.



PROJECT SITE AREA:
TOTAL PARCEL GROSS AREA: 108.20 ACRES
DEVELOPMENT AREA: 12.00 ACRES APPROX.

PROJECT DESCRIPTION:
DEVELOP APPROX 12.00 ACRES OF LAND TO GENERATE APPROXIMATELY 3 MW OF ELECTRICITY USING SOLAR PANELS
NUMBER OF PANELS: 13,008 PANELS
NUMBER OF TABLES (24 PANELS EA): 542 TABLES

AREAS OF GRADING DISTURBANCE:
ACCESS ROADWAYS: 2.85 ACRES
PIER INSTALLATION: 3168 PIERS x 3. SF/PIER = 6504 SF= 0.15 ACRES
TOTAL DISTURBANCE= 2.80 ACRES

EARTHWORK:
CUT= 800 CY
FILL = 800 CY
IMPORT/EXPORT= 0 CY

LEGAL DESCRIPTION:
PORTION OF SECT 14 TOWNSHIP 3 SOUTH, RANGE 3 EAST SAN BERNARDINO BASE MERIDIAN

APN: 522-080-065

ZONING INFORMATION:
EXISTING LAND USE: OPEN SPACE/ WIND ENERGY
PROPOSED LAND USE: SOLAR ENERGY PARK

PROPERTY LOCATED:
SCHOOL DISTRICT: BANNING UNIFIED
SPECIFIC PLAN: NOT WITHIN SPECIFIC PLAN
FAULT ZONE: NOT WITHIN A FAULT ZONE
WATERSHED: WHITEWATER

LIQUEFACTION POTENTIAL:
MODERATE

SUBSIDENCE:
SUSCEPTIBLE

PALEONTOLOGICAL SENSITIVITY:
LOW POTENTIAL

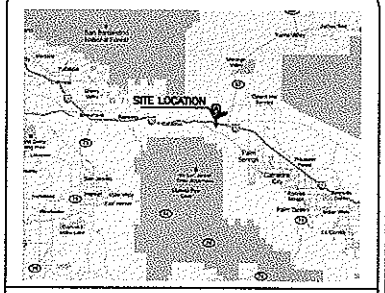
UTILITY PROVIDERS:
WATER: D.W.A.
ELECTRICITY: So. Cal. Edison Co.
TELEPHONE: Verizon
GAS: Propane
SEWER: Septic
CABLE: N/A

DATE MAP PREPARED:
FEBRUARY, 2012
Source of topography:
Limited Topographic survey by: Lamda Engineering & Development and FLOOD CONTROL DISTRICT MAP dated 2011

BENCH MARK: ELEVATION:1577.52 FT
NGS POINT DX 0832

LOCATION
NORTH 0.96 MILES ALONG STATE HWY 62 FROM THE INTERSECTION OF PIERSON BLVD AND HWY 62, 56 FEET EAST OF THE HWY CENTERLINE AND 3 FEET EAST OF A BRACED FENCE POST IN THE R.O.W. FENCE MARK IS 2 FEET SOUTH OF A WITNESS POST AND 6.50' BELOW HWY.

CITY OF PALM SPRINGS



VICINITY MAP — Thomas Bros Map. 725 GRID: B3, B4, C3, C4
T3S R3E SECT 14

PROJECT INFORMATION

APPLICANT and PROJECT OWNER:
White Water Solar Farm 1 LLC
41858 Ivy Street, Suite 210
Murrieta, CA. 92562
951-461-7555

LPROJECT DEVELOPER:
SYBAC Photovoltaics, LLC.
41858 Ivy Street, Suite 210
Murrieta, CA. 92562
951-461-7555

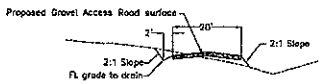
MAP PREPARER:
LAMDA ENGINEERING AND DEVELOPMENT
33175 Temecula Parkway A-505
TEMECULA, CA. 92592
951-676-7688, 951-676-5150 FAX
Email: lamdadev@yahoo.com
LAMDADEV.COM

LEGAL DESCRIPTION:
PORTION OF SECT 14 TOWNSHIP 3 SOUTH, RANGE 3 EAST
SAN BERNARDINO BASE MERIDIAN

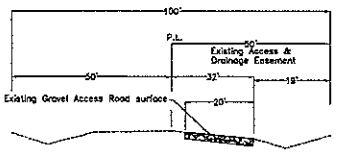
APN: 522-080-065

INDEX:

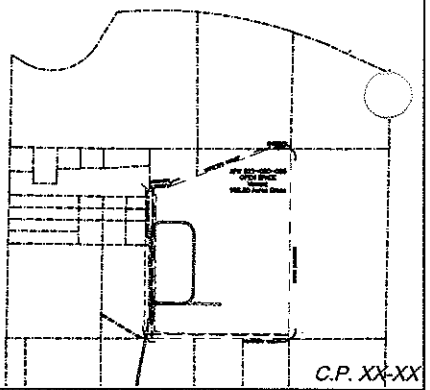
SHEET 1: TITLE SHEET
SHEET 2: SITE PLAN, PRELIMINARY GRADING AND DETAILS
SHEET 3: PHOTO EXHIBIT



TYPICAL PRIVATE GRADED ACCESS ROAD



WHITEWATER CANYON ROAD
TYPICAL STREET SECTION



Vicinity Map
Scale 1"=800'

C.P. XX-XX

Underground Service Alert
Call: TOLL FREE 1-800 227-2600
(Two working days before you dig)

Site Plan
Scale 1"=200'
200 400 800 1000

REGISTERED PROFESSIONAL ENGINEER — HECTOR A. LARA — NO. C-049312 — EXP. 09-30-12 — CIVIL — STATE OF CALIFORNIA

PREPARED UNDER THE DIRECT SUPERVISION OF:
Hector A. Lara, P.E.
R.C.E. NO. C 049312 EXP. DATE 9/30/2012

NO.	REVISION	APPROVED	DATE

BENCH MARK: NGS POINT DX 0832 — ELEV. 1577.52 FT
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LAMDA ENGINEERING & DEVELOPMENT
Solar/ wind/ Geo
33175 Temecula Parkway, Suite "A-505"
TEMECULA, CA 92592
E-mail: lamdadev@yahoo.com
(951) 676-7688
FAX (951) 676-5150
LAMDADEV.COM

DESIGN BY:	CITY CHECK	RIGHT-OF-WAY	INITIAL	DATE
HL				
DRAWN BY:		TRAFFIC ENG'G		
WBW				
REVIEWED BY:	DATE	FIELD ENG'G		
HL	07/3/2012			

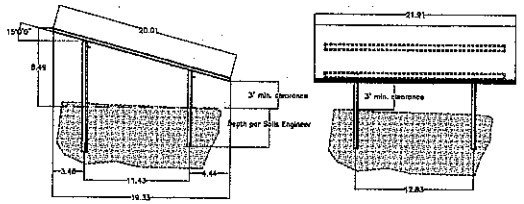
REVIEWED BY: ASSISTANT CITY ENGINEER — R.C.E. NO. — DATE
APPROVED BY: CITY ENGINEER — R.C.E. NO. — DATE

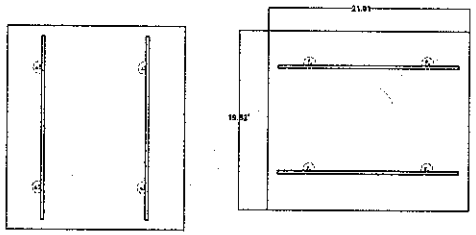
CITY OF PALM SPRINGS, CALIFORNIA
C.U.P. # _____
Sybac White Water- 3 MW Solar Park
PORTION OF SECTION 14, T3S, R3E S.B.B.&M.
APN 522-080-065

Title Sheet/ Site Plan

FILE NO.
DWG. NO.
CADD FILE NAME: 02126675

SHEET 1 of 3 SHTS.





TYPICAL (24) PANEL TABLE DETAIL
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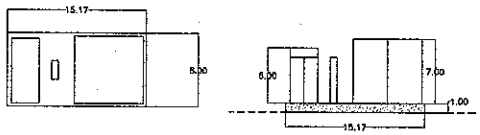

TYPICAL INTERCONNECTION PAD DETAIL
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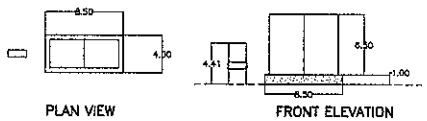

TYPICAL TRANSFORMER/ INVERTER PAD DETAIL
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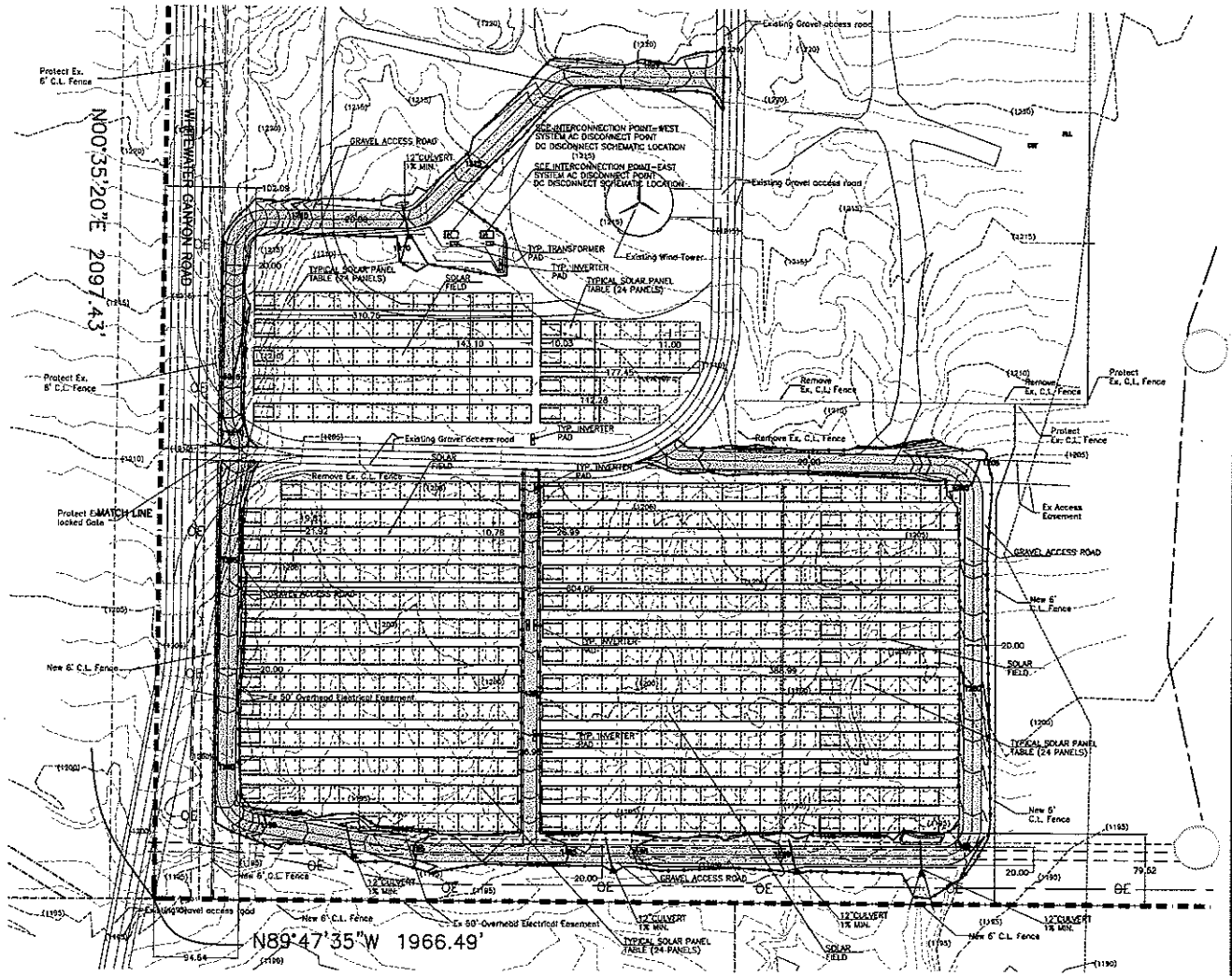

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TWO WORKING DAYS BEFORE YOU DIG

PREPARED UNDER THE DIRECT SUPERVISION OF:
Hector A. Lara, P.E.
R.C.E. NO. C 049312 EXP. DATE 9/30/2012

Site Plan
Scale 1"=60'

C.P. XX-XX

NO.	REVISION	APPROVED	DATE

BENCH MARK: MDS POINT DX 0832 ELEV. 1577.62 FT
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E-mail: lamdadev@yahoo.com LAMDADEV.COM

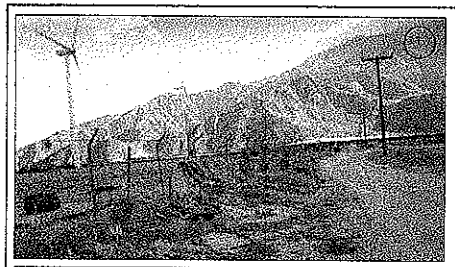
DESIGN BY:	CITY CHECK	WAY
HL		
DRAWN BY:		TRAFFIC ENG'G
WBW		
REVIEWED BY:	DATE	FIELD ENG'G
HL	07/3/2012	

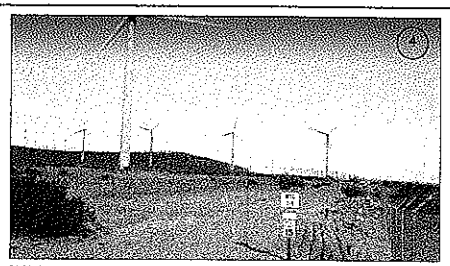
ASSISTANT CITY ENGINEER — R.C.E. NO. — DATE
CITY ENGINEER — R.C.E. NO. — DATE

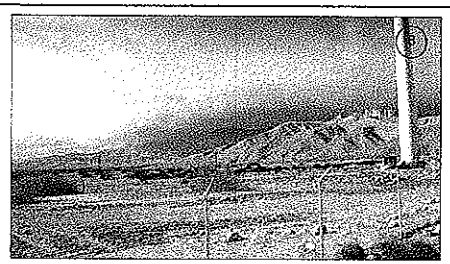
CITY OF PALM SPRINGS, CALIFORNIA
C.U.P. #
Sybac White Water- 3 MW Solar Park
PORTION OF SECTION 14, T3S, R3E S.B.B.&M.
APN 522-060-005

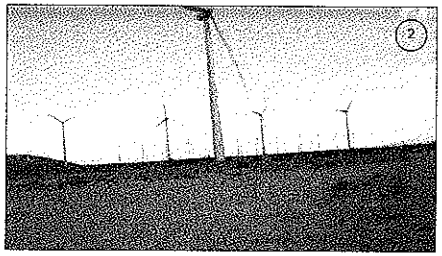
Site Plan Detail

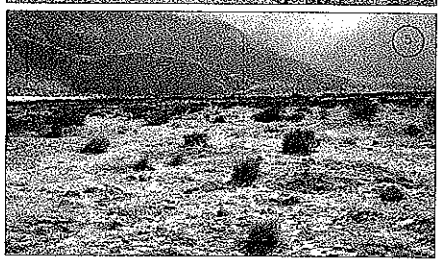
FILE NO. 0212C675
DWG NO.
SHEET 2 OF 3 SHTS.

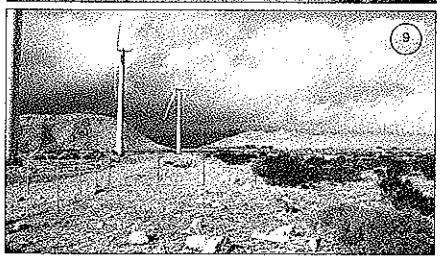


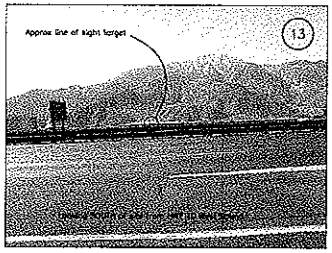


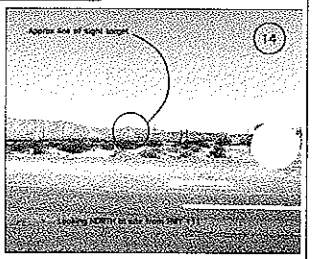


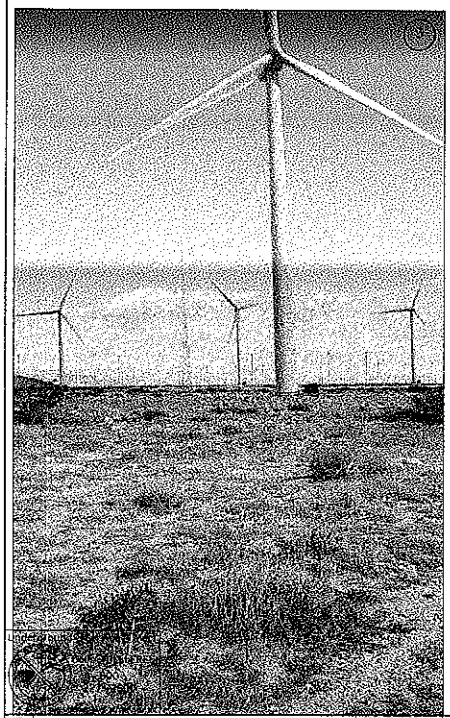


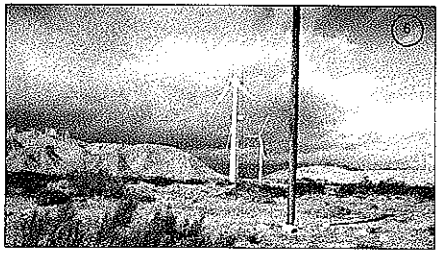


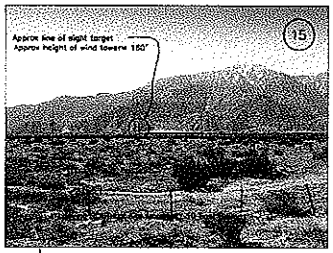


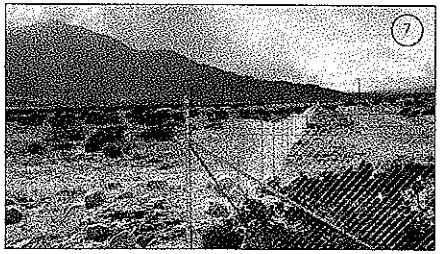












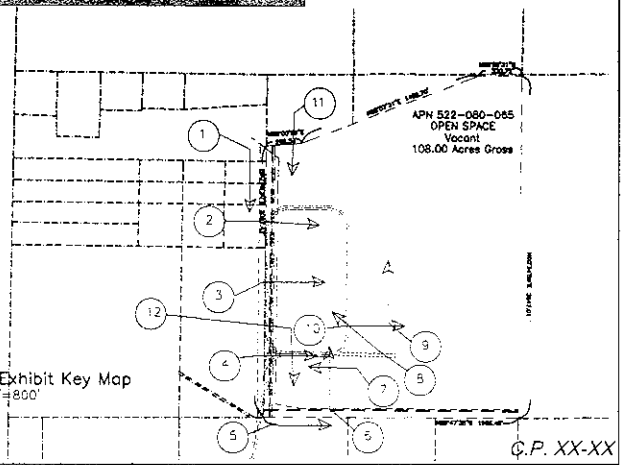


Photo Exhibit Key Map
Scale 1"=800'

INDICATES PICTURE NUMBER

#

ARROW INDICATES DIRECTION PICTURE WAS TAKEN

C.P. XX-XX

REGISTERED PROFESSIONAL ENGINEER
HECTOR A. LARA
NO. C-049312
EXP. 09-30-12
CIVIL
STATE OF CALIFORNIA

PREPARED UNDER THE DIRECT SUPERVISION OF:

Hector A. Lara, P.E.
R.C.E. NO. C 049312 EXP. DATE 9/30/2012

NO.	REVISION	APPROVED	DATE

BENCH MARK: NGS POINT DX 0832 | ELEV. 1577.52 FT

LOCATION: NORTH 0.06 MILES ALONG STATE HWY 62 FROM THE INTERSECTION OF INDIAN (S.V.) AND HWY 62, 34 FEET EAST OF THE HWY CENTERLINE AND 3 FEET EAST OF A BRACED FENCE POST IN THE R.O.W. FENCE MARK IS 2 FEET SOUTH OF A WITNESS POST AND 0.30' BELOW HWY

LAMDA ENGINEERING & DEVELOPMENT
Solar/ wind/ Geo
33175 Temecula Parkway, Suite "A-505"
TEMECULA, CA 92592
(951) 676-7858
FAX (951) 676-5150
E-mail: lamdadev@yahoo.com
LAMDADEV.COM

DESIGN BY:	CITY CHECK	MAP				
HL						
DRAWN BY:		TRAFFIC ENG'G	ASSISTANT CITY ENGINEER		CITY ENGINEER	
WEW						
REVIEWED BY:	DATE	FIELD ENG'G	R.C.E. NO.	DATE	R.C.E. NO.	DATE
HL	07/3/2012					

CITY OF PALM SPRINGS, CALIFORNIA

C.U.P. # _____
Sybac White Water- 3 MW Solar Park
PORTION OF SECTION 14, T3S, R3E S.B.B.&M.
APN 523-080-065

Photo Exhibit

FILE NO.	SHEET
DWG. NO.	3
CASE FILE NAME: 02120575	of 3 sheets

DESCRIPTION OF PROJECT:

The proposed Solar Generating Facility (Whitewater Solar Farm) will have a combined generating capacity of 3.145 megawatts (MWDC) located on a total of approximately 12-acres of land that is currently being utilized for generating electrical power via wind turbines. For further site information, see Appendix A for location maps, site photographs, and site plans. The proposed solar project would operate year-round producing electric power during the daytime hours. The proposed construction would begin with site preparation and construction of the facility in 2012. Construction would take about three months and would be completed in 2012. No permanent on-site operations & maintenance facilities would be constructed on the property, and no portions of the site will be paved.

The project will employ photovoltaic (PV) modules that convert sunlight directly into electrical energy without the use of heat transfer fluid or cooling water. There will be an array of 546 mounting tables. Each table will utilize four 4" x 4" steel tubing which will be driven into the ground for a depth of 4'-6". The transformer and switchgear used to support the solar P.V. system will be mounted on concrete pads with a maximum area 15' long x 8' wide with a maximum depth of two feet. Three 3'-6" wide x 12' long x 2' deep concrete pads to support the inverters will be placed along the side of the arrays. The solar panels that will be utilized will be Phono Solar 240w Model number PS-240P-2OU or equivalent Phono Solar modules. There will be 13,104 modules. Project construction will consist of three phases including (1) site preparation; (2) Solar system installation and testing, and (3) site cleanup. The specific activities associated with these three phases are summarized below:

Site Preparation: The staging areas will be initially cleared and graded as necessary and the existing access roads will be improved to appropriate construction standards to allow for the movement of heavy construction vehicles. The staging area will include construction offices, a first aid station, temporary buildings, worker parking, truck loading and unloading facilities, and an area for assembling the solar array equipment. Road corridors on-site will be surveyed, cleared, and graded in order to move equipment, materials, and workers on the site as needed. Flagging will be utilized to denote the location of buried electrical lines, array locations, and the location of various facilities. The site will be fenced with a security fence (i.e., chain-link) and at least two gates will be installed. Initial erosion and sedimentation controls will be installed as per best management practices, and water truck reloading stations will be established for dust control.

PV Installation and Testing: Installation of the solar system will require minimal earthwork, grading, and erosion control. Plant substations will be constructed and the modules, supports, and associated electrical equipment will be installed. The mounting and support structures will be constructed of steel/concrete and the design will be finalized pending final analysis of the soil conditions. Concrete used for the footings, foundations, pads, and substation equipment will be produced at an off-site by a local provider and transported to the site via truck. The final specifications for the concrete will be determined during detailed design engineering; however, production will meet applicable building codes. Waste generated during the construction phase will be non-hazardous and will include cardboard, wood pallets, copper wire, scrap steel, common trash, and wood wire spool. No hazardous materials will be generated during the construction phase; although, construction equipment will contain various hazardous substances such as hydraulic oil, diesel fuel, grease, lubricants, solvents, adhesives, paints, and other petroleum based products. No permanent buildings will be constructed on the property.

Site Cleanup: Once construction has been completed, site cleanup will occur including the removal of construction wastes and materials from the site, which will be placed at a local waste

Collection center. The proponent will implement "best practices" during the construction phases. The construction of the project through commencement of commercial operations will require approximately 12 to 16 weeks. Approximately 30 workers will be required during peak construction and will include both full-time and part-time workers.

No staff will be present on the site during the operation phase and the site will be monitored remotely. Regular on-site visits will be conducted for security, maintenance, and system monitoring. Planned maintenance of the solar modules and systems will be conducted during the evening and site maintenance (e.g., mowing of grasses and shrubs) will be conducted during the daylight hours. The solar panels will be washed twice yearly. The proponent does not anticipate requesting any variances from the City at the present time.

SURROUNDING LAND USES AND SETTING:

The site is located south of Interstate 10 in Section 14, Township 3 South, Range 3 East in Palm Springs, California. The site currently supports wind turbines directly north of the proposed solar facilities as depicted in Figures 3 and 4 (Appendix A). There are no structures within the areas proposed for the Whitewater Solar Farms facility, and there are no single-family dwellings within one mile of the area. Elevations range from approximately 1,175 to 1,280 feet (MSL).

COACHELLA VALLEY CONSERVATION COMMISSION

CVCC

Cathedral City • Coachella • Desert Hot Springs •Indian Wells • Indio • La Quinta • Palm Desert • Palm Springs
Rancho Mirage • County of Riverside • Coachella Valley Water District • Imperial Irrigation District

August 16, 2012

Ken Lyon
Associate Planner
City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

RE: Joint Project Review 12-003a, Whitewater Solar Farm 1

Dear Mr. Lyon:

The Coachella Valley Conservation Commission (CVCC) has completed the Joint Project Review (JPR) for Whitewater Solar Farm 1, a 3 Megawatt solar farm on 12 acres using ground mounted racking. The draft JPR was sent to U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), the City of Palm Springs and the applicant for comment on July 9, 2012. No comments on the draft JPR were received.

A copy of the Final JPR (CVCC ID 12-003a) is enclosed. If you have questions on this JPR, please do not hesitate to contact Jim Sullivan or me at 760-346-1127.

Sincerely,

Katie Barrows

Katie Barrows
Director of Environmental Resources

Cc: David Allen, Whitewater Solar Farm 1, LLC
Michael Flores, California Department of Fish and Game
Jenness McBride, U.S. Fish and Wildlife Service

Enclosure

73-710 Fred Waring Drive, Suite 200 • Palm Desert, CA 92260 • (760) 346-1127 • FAX (760) 340-5949

Coachella Valley Conservation Commission
Joint Project Review (JPR)

Date: August 16, 2012

Project Information

Permittee: City of Palm Springs

Applicant/Project Name: David Allen, Whitewater Solar Farm 1, LLC

CVCC ID: 12-003a

Conservation Area: Whitewater Floodplain Conservation Area

Total Project Acreage: 108 acres (parcel)

Project Acreage within Conservation Area: 90.5 acres

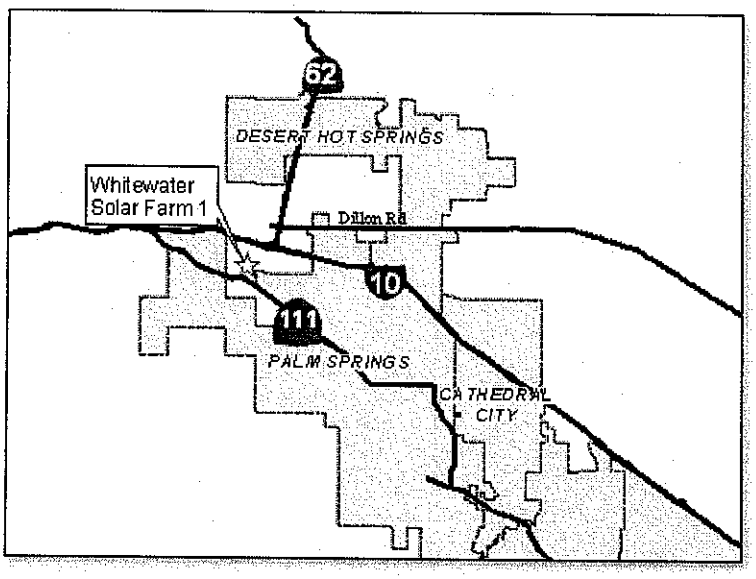
APNs within Conservation Area: 522-080-065

Project Description: Project seeks to develop a 3 Megawatt solar farm on 12 acres using ground mounted racking. There are existing wind turbines on the parcel. A portion of the project disturbance occurs outside the Conservation Area or is existing disturbance.

Proposed New Disturbance: 7.75 acres

Existing Disturbance in 1996 within Project Area: 10.5 acres

Proposed Conservation: 0 acres



Conservation Objectives Review:

The Conservation Objectives for the Whitewater Floodplain Conservation Area are described in Section 4.3 of the CVMSHCP. These Conservation Objectives are summarized in the tables below.

Table 1: Whitewater Solar Farm 1 Conservation Objectives Analysis – Whitewater Floodplain Conservation Area

Conservation Objective	Total Acres of Proposed Disturbance	Current Acres of Authorized Disturbance	Proposed Disturbance as a Percentage of Current Authorized Disturbance	Rough Step (Acres of Disturbance Currently Available)	Total Acres of Proposed Conservation	Current Acres Remaining to be Conserved	Proposed Conservation as a Percentage of Current Remaining Conservation
Coachella Valley Round-tailed Ground Squirrel - Core Habitat	1.00	328	0.3%	86	0.00	2427	0%
Palm Springs Pocket Mouse - Core Habitat	7.75	347	2.2%	89	0.00	2577	0%
Le Conte's Thrasher - Other Conserved Habitat	7.75	381	2.0%	94	0.00	2874	0%
Sand Transport	7.75	387	2.0%	95	0.00	2925	0%
Whitewater River Corridor	7.75	90	8.6%	14	0.00	759	0%

Required Measures for the Conservation Area Applicable to this Proposed Project

Required Measure 4

The Permittees shall comply with applicable avoidance, minimization, and mitigation measures described in Section 4.4 and the Land Use Adjacency Guidelines as described in Section 4.5.

Section 4.4: Avoidance, Minimization, and Mitigation Measures

Biological Corridors. Specific roads in Conservation Areas, where culverts or undercrossings are required to maintain Biological Corridors, are delineated in the Section 4.3 subsections on individual Conservation Areas.

Burrowing Owl. This measure does not apply to single-family residences and any non-commercial accessory uses and structures including but not limited to second units on an existing legal lot, or to O&M of Covered Activities other than levees, berms, dikes, and similar features that are known to contain burrowing owl burrows. O&M of roads is not subject to this requirement. For other projects that are subject to CEQA, the Permittees will require burrowing owl surveys in the Conservation Areas using an accepted protocol (as determined by the CVCC in coordination with the Permittees and the Wildlife Agencies). Prior to Development, the construction area and adjacent areas within 500 feet of the Development site, or to the edge of the property if less than 500 feet, will be surveyed by an Acceptable Biologist for burrows that could be used by burrowing owl. If a burrow is located, the biologist will determine if an owl is present in the burrow. If the burrow is determined to be occupied, the burrow will be flagged and a 160-foot buffer during the non-breeding season and a 250-foot buffer during the breeding season, or a buffer to the edge of the property boundary if less than 500 feet, will be established around the burrow. The buffer will be staked and flagged. No Development or O&M activities will be permitted within the buffer until the young are no longer dependent on the burrow.

If the burrow is unoccupied, the burrow will be made inaccessible to owls, and the Covered Activity may proceed. If either a nesting or escape burrow is occupied, owls shall be relocated pursuant to accepted Wildlife Agency protocols. A burrow is assumed occupied if records indicate that, based on surveys conducted following protocol, at least one burrowing owl has been observed occupying a burrow on site during the past three years. If there are no records for the site, surveys must be conducted to determine, prior to construction, if burrowing owls are present. Determination of the appropriate method of relocation, such as eviction/passive relocation or active relocation, shall be based on the specific site conditions (e.g., distance to nearest suitable habitat and presence of burrows within that habitat) in coordination with the Wildlife Agencies. Active relocation and eviction/passive relocation require the preservation and maintenance of suitable burrowing owl habitat determined through coordination with the Wildlife Agencies.

Desert tortoise. This measure does not apply to single-family residences and any non-commercial accessory uses and structures, including but not limited to second units on an existing legal lot, or to O&M of Covered Activities for Permittee infrastructure facilities. Within Conservation Areas, the Permittees will require surveys for desert tortoise for Development in modeled desert tortoise Habitat. Prior to Development, an Acceptable Biologist will conduct a presence/absence survey of the Development area and adjacent areas within 200 feet of the

Development area, or to the property boundary if less than 200 feet and permission from the adjacent landowner cannot be obtained, for fresh sign of desert tortoise, including live tortoises, tortoise remains, burrows, tracks, scat, or egg shells. The presence/absence survey must be conducted during the window between February 15 and October 31. Presence/absence surveys require 100% coverage of the survey area. If no sign is found, a clearance survey is not required. A presence/absence survey is valid for 90 days or indefinitely if tortoise-proof fencing is installed around the Development site.

If fresh sign is located, the Development area must be fenced with tortoise-proof fencing and a clearance survey conducted during the clearance window. Desert tortoise clearance surveys shall be conducted during the clearance window from February 15 to June 15 and September 1 to October 31 or in accordance with the most recent Wildlife Agency protocols. Clearance surveys must cover 100% of the Development area. A clearance survey must be conducted during different tortoise activity periods (morning and afternoon). All tortoises encountered will be moved from the Development site to a specified location. Prior to issuance of the Permits, CVCC will either use the *Permit Statement Pertaining to High Temperatures for Handling Desert Tortoises* and *Guidelines for Handling Desert Tortoises During Construction Projects*, revised July 1999, or develop a similar protocol for relocation and monitoring of desert tortoise, to be reviewed and approved by the Wildlife Agencies. Thereafter, the protocol will be revised as needed based on the results of monitoring and other information that becomes available.

Inactive Season Protocol. This protocol is applicable to pre-construction and construction phases of utility Covered Activity projects occurring between November 1 and February 14. These protocols apply only to the site preparation and construction phases of projects. The project proponent must follow the eight pre-construction protocol requirements listed below.

1. A person from the entity contracting the construction shall act as the contact person with the representative of the appropriate RMUC. He/she will be responsible for overseeing compliance with the protective stipulations as stated in this protocol.
2. Prior to any construction activity within the Conservation Areas, the contact person will meet with the representative of the appropriate RMUC to review the plans for the project. The representative of the appropriate RMUC will review alignment, pole spacing, clearing limits, burrow locations, and other specific project plans which have the potential to affect the desert tortoise. He or she may recommend modifications to the contact person to further avoid or minimize potential impacts to desert tortoise.
3. The construction area shall be clearly fenced, marked, or flagged at the outer boundaries to define the limits of construction activities. The construction right of- way shall normally not exceed 50 feet in width for standard pipeline corridors, access roads and transmission corridors, and shall be minimized to the maximum extent Feasible. Existing access roads shall be used when available, and rights-of way for new and existing access roads shall not exceed 20 feet in width unless topographic obstacles require greater road width. Other construction areas including well sites, storage tank sites, substation sites, turnarounds, and laydown/staging sites which require larger areas will be determined in the preconstruction phase. All construction workers shall be instructed that their activities shall be confined to locations within the fenced, flagged, or marked areas.
4. An Acceptable Biologist shall conduct pre-construction clearance surveys of all areas potentially disturbed by the proposed project. Any winter burrows discovered in the Conservation Areas during the pre-construction survey shall be avoided or mitigated. The survey shall be submitted to the representative of the appropriate RMUC as part of plan review.

5. All site mitigation criteria shall be determined in the pre-construction phase, including but not limited to seeding, barrier fences, leveling, and laydown/staging areas, and will be reviewed by the representative of the appropriate RMUC prior to implementation.
6. A worker education program shall be implemented prior to the onset of each construction project. All construction employees shall be required to read an educational brochure prepared by the representative of the appropriate RMUC and/or the RMOC and attends a tortoise education class prior to the onset of construction or site entry. The class will describe the sensitive species which may be found in the area, the purpose of the MSHCP Reserve System, and the appropriate measures to take upon discovery of a sensitive species. It will also cover construction techniques to minimize potential adverse impacts.
7. All pre-construction activities which could Take tortoises in any manner (e.g., driving off an established road, clearing vegetation, etc.) shall occur under the supervision of an Acceptable Biologist.
8. If there are unresolvable conflicts between the representative of the appropriate RMUC and the contact person, then the matter will be arbitrated by the RMOC and, if necessary, by CVCC.

The following terms are established to protect the desert tortoise during utility related construction activities in the Conservation Areas and are to be conducted by an Acceptable Biologist.

- An Acceptable Biologist shall oversee construction activities to ensure compliance with the protective stipulations for the desert tortoise.
- Desert tortoises found above ground inside the project area during construction shall be moved by an Acceptable Biologist out of harm's way and placed in a winter den (at a distance no greater than 250 feet). If a winter den cannot be located, the USFWS or CDFG shall determine appropriate action with respect to the tortoise. Tortoises found above ground shall be turned over to the Acceptable Biologist
- No handling of tortoises will occur when the air temperature at 15 centimeters above ground exceeds 90 degrees Fahrenheit.
- Desert tortoise burrows shall be avoided to the maximum extent Feasible. An Acceptable Biologist shall excavate any burrows which cannot be avoided and will be disturbed by construction. Burrow excavation shall be conducted with the use of hand tools only, unless the Acceptable Biologist determines that the burrow is unoccupied immediately prior to burrow destruction.
- Only burrows within the limits of clearing and surface disturbance shall be excavated. Burrows outside these limits, but at risk from accidental crushing, shall be protected by the placement of deterrent barrier fencing between the burrow and the construction area. Installation and removal of such barrier fencing shall be under the direction and supervision of an Acceptable Biologist.
- For electrical transmission line and road construction projects, only burrows within the right-of-way shall be excavated. Burrows outside the right-of-way, but at risk from accidental crushing, shall be protected by the placement of deterrent barrier fencing between the burrow and the right-of-way. Installation and removal of such barrier fencing shall be under the direction and supervision of an Acceptable Biologist.
- Tortoises in the Conservation Areas are not to be removed from burrows until appropriate action is determined by USFWS or CDFG with respect to the tortoise. The response shall be carried out within 72 hours.
- Blasting is not permissible within 100 feet of an occupied tortoise burrow.

During construction, contractors will comply with the mitigation and minimization measures contained within this protocol. These measures are:

- All trenches, pits, or other excavations shall be inspected for tortoises by an Acceptable Biologist prior to filling.
- All pipes and culverts stored within desert tortoise Habitat shall have both ends capped to prevent entry by desert tortoises. During construction, all open ended pipeline segments that are welded in place shall be capped during periods of construction inactivity to prevent entry by desert tortoises.
- Topsoil removed during trenching shall be re-spread on the pipeline construction area following compaction of the backfill. The area shall be restored as determined during the environmental review.
- All test pump water will be routed to the nearest wash or natural drainage. The route will be surveyed by an Acceptable Biologist. If tortoises are found in the drainage area the Acceptable Biologist will remove the tortoises.
- Powerlines associated with water development, such as to provide power for pumps, should be buried underground adjacent to the pipe. All above ground structures deemed to be necessary shall be equipped with functional anti-perching devices that would prevent their use by ravens and other predatory birds, and shall adhere to the electrical distribution protocol which follows.
- In order to perform routine O&M of the water systems such as wells, pumps, water lines and storage tanks, etc., employees are to be trained in the area of desert tortoise education. This training will be performed on a regular basis by an Acceptable Biologist for those personnel not previously trained. The training will include at a minimum the following: identification of tortoises, burrows, and other sign; and instructions on installing tortoise barrier fencing. During the course of basic O&M, desert tortoise will be avoided. Untrained employees shall not perform maintenance operations within the reserve.
- All disturbance areas around poles or concrete pads will be reduced to a size just large enough for the construction activity.
- Areas disturbed around poles or construction pads will be restored as determined during the pre-construction process.
- Poles or other above ground structures necessary for electrical distribution development shall be minimized as much as possible. All above ground structures shall be equipped with functional anti-perching devices that would prevent their use by ravens and other predatory birds.
- In order to perform routine O&M of the electrical distribution systems such as transmission lines and poles, substations, etc., employees are to be trained in the area of desert tortoise education. This training will be performed on a regular basis by a qualified biologist for those personnel not previously trained. The training will include at a minimum the following: identification of tortoises, burrows, and other sign; and instructions on installing tortoise barrier fencing. During the course of basic O&M, desert tortoise will be avoided. Untrained employees shall not perform maintenance operations within the non-Take areas.
- All trash and food items shall be promptly contained and removed daily from the project site to reduce the attractiveness of the area to common ravens and other desert tortoise predators.
- Construction activities which occur between dusk and dawn shall be limited to areas which have already been cleared of desert tortoises by the Acceptable Biologist and graded or located in a fenced right-of-way. Construction activities shall not be permitted between dusk and dawn in areas not previously graded. ***Active Season Protocol.*** This protocol is applicable to pre-construction and construction phases of

utility development projects occurring between February 15 and November 1. It is identical to the Inactive Season Protocol with the following additions:

- Work areas shall be inspected for desert tortoises within 24 hours of the onset of construction. To facilitate implementation of this condition, burrow inspection and excavation may begin no more than seven (7) days in advance of construction activities, as long as a final check for desert tortoises is conducted at the time of construction.
- All pre-construction activities which could Take tortoises in any manner (e.g., driving off an established road, clearing vegetation, etc.) shall occur under the overall supervision of an Acceptable Biologist. Any hazards to tortoises created by this activity, such as drill holes, open trenches, pits, other excavations, or any steep-sided depressions, shall be checked three times a day for desert tortoises. These hazards shall be eliminated each day prior to the work crew leaving the site, which may include installing a barrier that will preclude entry by tortoises. Open trenches, pits or other excavations will be backfilled within 72 hours, whenever possible. A 3:1 slope shall be left at the end of every open trench to allow trapped desert tortoises to escape. Trenches not backfilled within 72 hours shall have a barrier installed around them to preclude entry by desert tortoises. All trenches, pits, or other excavations shall be inspected for tortoises by a biological monitor trained and approved by the Acceptable Biologist prior to filling.
- If a desert tortoise is found, the biological monitor shall notify the Acceptable Biologist who will remove the animal as soon as possible.
- Only burrows within the limits of clearing and surface disturbance shall be excavated. Burrows outside these limits, but at risk from accidental crushing, shall be protected by the placement of deterrent barrier fencing between the burrow and the construction area. The barrier fence shall be at least 20 feet long and shall be installed to direct the tortoise leaving the burrow away from the construction area. Installation and removal of such barrier fencing shall be under the direction and supervision of the biological monitor.
- If blasting is necessary for construction, all tortoises shall be removed from burrows within 100 feet of the blast area.

Disposition of Sick, Injured, or Dead Specimens. Upon locating dead, injured, or sick desert tortoises under any utility or road project, initial notification by the contact representative or Acceptable Biologist must be made to the USFWS or CDFG within three (3) working days of its finding. Written notification must be made within five (5) calendar days with the following information: date; time; location of the carcass; photograph of the carcass; and any other pertinent information. Care must be taken in handling sick or injured animals to ensure effective treatment and care. Injured animals shall be taken care of by the Acceptable Biologist or an appropriately trained veterinarian. Should any treated tortoises survive, USFWS or CDFG should be contacted regarding the final disposition of the animals.

Fluvial Sand Transport. Activities, including O&M of facilities and construction of permitted new projects, in fluvial sand transport areas in the Cabazon, Stubbe and Cottonwood Canyons, Snow Creek/Windy Point, Whitewater Canyon, Whitewater Floodplain, Upper Mission Creek/Big Morongo Canyon, Mission Creek/Morongo Wash, Willow Hole, Long Canyon, Edom Hill, Thousand Palms, West Deception Canyon, and Indio Hills/Joshua Tree

National Park Linkage Conservation Areas will be conducted in a manner to maintain the fluvial sand transport capacity of the system.

Le Conte's Thrasher. This measure does not apply to single-family residences and any non-commercial accessory uses and structures including but not limited to second units on an existing legal lot, or to O&M of Covered Activities. In modeled Le Conte's thrasher Habitat in all the Conservation Areas, during the nesting season, January 15 - June 15, prior to the start of construction activities, surveys will be conducted by an Acceptable Biologist on the construction site and within 500 feet of the construction site, or to the property boundary if less than 500 feet. If nesting Le Conte's thrashers are found, a 500 foot buffer, or to the property boundary if less than 500 feet, will be established around the nest site. The buffer will be staked and flagged. No construction will be permitted within the buffer during the breeding season of January 15 - June 15 or until the young have fledged.

Triple-ribbed milkvetch. This measure does not apply to single-family residences and any non-commercial accessory uses and structures including but not limited to second units on an existing legal lot, or to O&M of Covered Activities. It is understood that O&M for infrastructure developed as part of a private development approved in compliance with the MSHCP that is later transferred to a public entity is included as a Covered Activity. For Covered Activities within modeled triple-ribbed milkvetch Habitat in the Whitewater Canyon, Whitewater Floodplain, Upper Mission Creek/Big Morongo Canyon, and Santa Rosa and San Jacinto Mountains Conservation Areas, surveys by an Acceptable Biologist will be required for activities during the growing and flowering period from February 1 - May 15. Any occurrences of the species will be flagged and public infrastructure projects shall avoid impacts to the plants to the maximum extent Feasible. In particular, known occurrences on a map maintained by CVCC shall not be disturbed.

Section 4.5 Land Use Adjacency Guidelines

The purpose of Land Use Adjacency Guidelines is to avoid or minimize indirect effects from Development adjacent to or within the Conservation Areas. Adjacent means sharing a common boundary with any parcel in a Conservation Area. Such indirect effects are commonly referred to as edge effects, and may include noise, lighting, drainage, intrusion of people, and the introduction of non-native plants and non-native predators such as dogs and cats. Edge effects will also be addressed through reserve management activities such as fencing. The following Land Use Adjacency Guidelines shall be considered by the Permittees in their review of individual public and private Development projects adjacent to or within the Conservation Areas to minimize edge effects, and shall be implemented where applicable.

4.5.1 Drainage

Proposed Development adjacent to or within a Conservation Area shall incorporate plans to ensure that the quantity and quality of runoff discharged to the adjacent Conservation Area is not altered in an adverse way when compared with existing conditions. Stormwater systems shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials or other elements that might degrade or harm biological resources or ecosystem processes within the adjacent Conservation Area.

4.5.2 Toxics

Land uses proposed adjacent to or within a Conservation Area that use chemicals or generate bioproducts such as manure that are potentially toxic or may adversely affect wildlife and plant species, Habitat, or water quality shall incorporate measures to ensure that application of such chemicals does not result in any discharge to the adjacent Conservation Area.

4.5. Lighting

Numerous studies have shown artificial light to negatively impact a variety of wildlife species (see, for example, Ecological consequences of artificial night lighting 2006, Rich, C. and Longcore, T. (eds.). Island Press: Washington, D.C.). The purpose of this guideline is to minimize the impact of artificial light on wildlife within Conservation Areas. For proposed Development adjacent to or within a Conservation Area, lighting shall be shielded and directed toward the developed area. Landscape shielding or other appropriate methods shall be incorporated in project designs to minimize the effects of lighting adjacent to or within the adjacent Conservation Area. Projects requiring discretionary approval shall provide the permitting jurisdiction with a light study showing the proposed methods to minimize escape of light from the project into Conservation Areas. This study shall include all exterior lighting including street lights and security lighting.

4.5.4 Noise

Noise has been shown to negatively impact numerous species of wildlife (see, for example, Bowles, **A.E. 1995. Responses of wildlife to noise. pp. 109-156. In: Knight, R.L. and K.J. Gutzwiller. (eds.) Wildlife and Recreationists: Coexistence through Management and Research. Island Press: Washington, D.C.**). The purpose of this guideline is to minimize the impact the noise on wildlife within Conservation Areas. Proposed Development adjacent to or within a Conservation Area that generates noise in excess of 75 dBA L_{eq} hourly, as measured at the property line, shall incorporate setbacks, berms, or walls, as appropriate, to minimize the effects of noise on the adjacent Conservation Area. Required Measures in any Conservation Area that preclude or limit berms or walls shall have precedence over this guideline. This guideline is intended to apply to land uses that generate noise on a permanent basis such as race tracks, night clubs and shooting ranges and does not apply to temporary noise due to construction or special events. Public safety activities are exempt from this guideline.

4.5.5 Invasives

Invasive species are a known threat to native wildlife and wildlife habitat in the Coachella Valley. Impacts of invasive species on wildlife in the Coachella Valley have been documented in research conducted by the Center for Conservation Biology at the University of California, Riverside. Invasive, non-native plant species shall not be incorporated in the landscape for land uses adjacent to or within a Conservation Area. Landscape treatments within or adjacent to a Conservation Area shall incorporate native plant materials to the maximum extent Feasible; recommended native species are listed in Table 4-112. The plants listed in Table 4-113 shall not be used within or adjacent to a Conservation Area. This list may be amended from time to time through a Minor Amendment with Wildlife Agencies' concurrence.

Table 4-112: Coachella Valley Native Plants Recommended for Landscaping[1]

BOTANICAL NAME	COMMON NAME
Trees	
Washingtonia filifera	California Fan Palm
Cercidium floridum	Blue Palo Verde
Chilopsis linearis	Desert Willow
Olneya tesota	Ironwood Tree
Prosopis glandulosa var. torreyana	Honey Mesquite
Shrubs	
Acacia greggii	Cat's Claw Acacia
Ambrosia dumosa	Burro Bush
Atriplex canescens	Four Wing Saltbush
Atriplex lentiformis	Quailbush
Atriplex polycarpa	Cattle Spinach
Baccharis sergiloides	Squaw Water-weed
Bebia juncea	Sweet Bush
Cassia (Senna) covesii	Desert Senna

BOTANICAL NAME	COMMON NAME
Condalia parryi	Crucilllo
Crossosoma bigelovii	Crossosoma
Dalea emoryi	Dye Weed
Dalea (Psorothamnus) schottii	Indigo Bush
Datura meteloides	Jimson Weed
Encelia farinosa	Brittle Bush
Ephedra aspera	Mormon Tea
Eriogonum fasciculatum	California Buckwheat
Eriogonum wrightii membranaceum	Wright's Buckwheat
Fagonia laevis	(No Common Name)
Gutierrezia sarothrae	Matchweed
Haplopappus acradenius	Goldenbush
Hibiscus denudatus	Desert Hibiscus
Hoffmannseggia microphylla	Rush Pea
Hymenoclea salsola	Cheesebush
Hyptis emoryi	Desert Lavender
Isomeris arborea	Bladder Pod
Juniperus californica	California Juniper
Krameria grayi	Ratany
Krameria parvifolia	Little-leaved Ratany
Larrea tridentate	Creosote Bush
Lotus rigidus	Desert Rock Pea
Lycium andersonii	Box Thorn
Petalonyx linearis	Long-leaved Sandpaper Plant
Petalonyx thurberi	Sandpaper Plant
Peucephyllum schottii	Pygmy Cedar
Prunus fremontii	Desert Apricot
Rhus ovata	Sugar-bush
Salazaria mexicana	Paper-bag Bush
Salvia apiana	White Sage
Salvia eremostachya	Santa Rosa Sage
Salvia vaseyi	Wand Sage
Simmondsia chinensis	Jojoba
Sphaeralcia ambigua	Globemallow (Desert Mallow)
Sphaeralcia ambigua rosacea	Apricot Mallow
Trixis californica	Trixis
Zauschneria californica	California Fuchsia
Groundcovers	
Mirabilis bigelovii	Wishbone Bush (Four O'Clock)
Mirabilis tenuiloba	White Four O'Clock (Thin-lobed)
Vines	
Vitis girdiana	Desert Grape
Accent	
Muhlenbergia rigens	Deer Grass
Herbaceous Perennials[2]	
Adiantum capillus-veneris	Maiden-hair Fern (w)
Carex alma	Sedge (w)
Dalea parryi	Parry Dalea
Eleocharis montevidensis	Spike Rush (w)

BOTANICAL NAME	COMMON NAME
Equisetum laevigatum	Horsetail (w)
Juncus bufonis	Toad Rush (w)
Juncus effuses	Juncus (w)
Juncus macrophyllus	Juncus (w)
Juncus mexicanus	Mexican Rush (w)
Juncus xiphioides	Juncus (w)
Notholaena parryi	Parry Cloak Fern
Pallaea mucronata	Bird-foot Fern
Cacti and Succulents	
Agave deserti	Desert Agave
Asclepias albicans	Desert Milkweed (Buggy-whip)
Asclepias subulata	Ajamete
Dudleya arizonica	Live-forever
Dudleya saxosa	Rock Dudleya
Echinocereus engelmannii	Calico Hedgehog Cactus
Ferocactus acanthodes	Barrel Cactus
Fouquieria splendens	Ocotillo
Mamillaria dioica	Nipple Cactus
Mamillaria tetrancistra	Corkseed Cactus
Nolina parryi	Parry Nolina
Opuntia acanthocarpa	Stag-horn or Deer-horn Cholla
Opuntia bigelovii	Teddy Bear or Jumping Cholla
Opuntia basilaris	Beavertail Cactus
Opuntia echinocarpa	Silver or Golden Cholla
Opuntia ramosissima	Pencil Cholla, Darning Needle Cholla
Yucca schidigera	Mojave Yucca, Spanish Dagger
Yucca whipplei	Our Lord's Candle

[1] Source: "Coachella Valley Native Plants, Excluding Annuals (0 ft. to approximately 3,000 ft. elevation)." Compiled by Dave Heveron, Garden Collections Manager, and Kirk Anderson, Horticulturist, The Living Desert, May, 2000, for the Coachella Valley Mountains Conservancy.

[2] Common names for herbaceous perennials that are followed by "(w)" indicate a water or riparian species.

Table 4-113: Prohibited Invasive Ornamental Plants[1]

BOTANICAL NAME	COMMON NAME
Acacia spp. (all species except A. greggii)	Acacia (all species except native catclaw acacia)
Arundo donax (✓)	Giant Reed or Arundo Grass
Atriplex semibaccata (✓)	Australian Saltbush
Avena barbata	Slender Wild Oat
Avena fatua	Wild Oat
Brassica tournefortii (✓✓)	African or Saharan Mustard
Bromus madritensis ssp. *rubens* (✓)	Red Brome
Bromus tectorum (✓✓)	Cheat Grass or Downy Brome
Cortaderia jubata [syn.*C. atacamensis*]	Jubata Grass or Andean Pampas Grass
Cortaderia dioica [syn. *C. selloana*]	Pampas Grass
Descurainia sophia	Tansy Mustard
Eichhornia crassipes	Water Hyacinth
Elaegnus angustifolia	Russian Olive
Foeniculum vulgare	Sweet Fennel

BOTANICAL NAME	COMMON NAME
Hirschfeldia incana	Mediterranean or Short-pod Mustard
Lepidium latifolium	Perennial Pepperweed
Lolium multiflorum	Italian Ryegrass
Nerium oleander	Oleander
Nicotiana glauca (✓)	Tree Tobacco
Oenothera berlandieri (#)	Mexican Evening Primrose
Olea europea	European Olive Tree
Parkinsonia aculeata (✓)	Mexican Palo Verde
Pennisetum clandestinum	Kikuyu Grass
Pennisetum setaceum (✓✓)	Fountain Grass
Phoenix canariensis (#)	Canary Island Date Palm
Phoenix dactylifera (#)	Date Palm
Ricinus communis (✓)	Castorbean
Salsola tragus (✓)	Russian Thistle
Schinus molle	Peruvian Pepper Tree or California Pepper
Schinus terebinthifolius	Brazilian Pepper Tree
Schismus arabicus	Mediterranean Grass
Schismus barbatus (✓✓)	Saharan Grass, Abu Mashi
Stipa capensis (✓✓)	No Common Name
Tamarix spp. (all species) (✓✓)	Tamarisk or Salt Cedar
Taeniatherum caput-medusae	Medusa-head
Tribulus terrestris	Puncturevine
Vinca major	Periwinkle
Washingtonia robusta	Mexican fan palm
Yucca gloriosa (#)	Spanish Dagger

[1] Sources: California Exotic Pest Plant Council, United States Department of Agriculture-Division of Plant Health and Pest Prevention Services, California Native Plant Society, Fremontia Vol. 26 No. 4, October 1998, The Jepson Manual; Higher Plants of California, and County of San Diego Department of Agriculture.

Key to Table 4-113:

# indicates species not on CalEPPC October 1999 "Exotic Pest Plants of Greatest Ecological Concern in California" list

✓ indicates species known to be invasive in the Plan Area

✓✓ indicates particularly troublesome invasive species

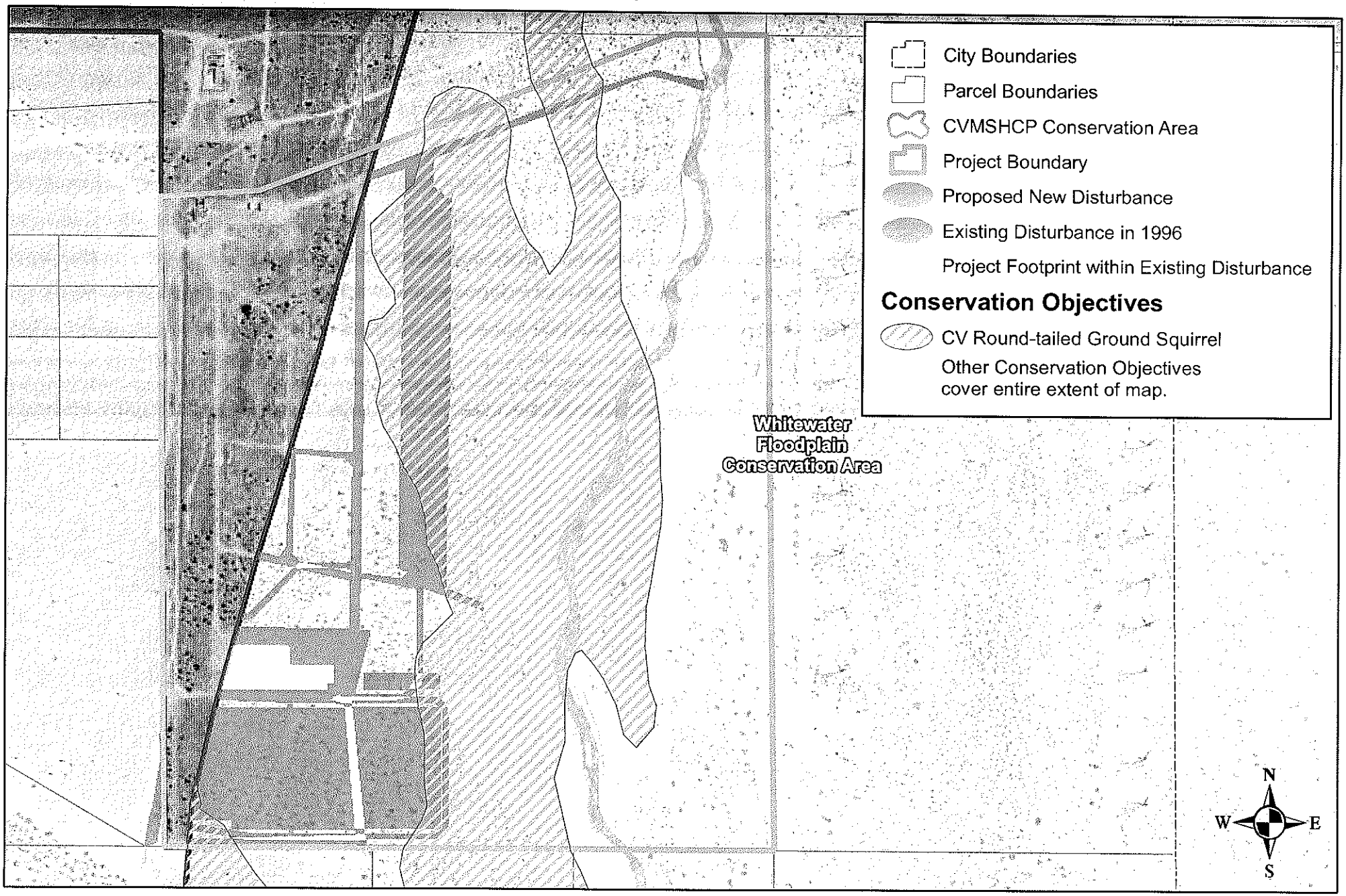
4.5.6 Barriers

Land uses adjacent to or within a Conservation Area shall incorporate barriers inindividual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping in a Conservation Area. Such barriers may include native landscaping, rocks/boulders, fencing, walls and/or signage.

4.5.7 Grading/Land Development

Manufactured slopes associated with site Development shall not extend into adjacent land in a Conservation Area.

Whitewater Solar Farm 1 - Conservation Objectives
Whitewater Floodplain Conservation Area



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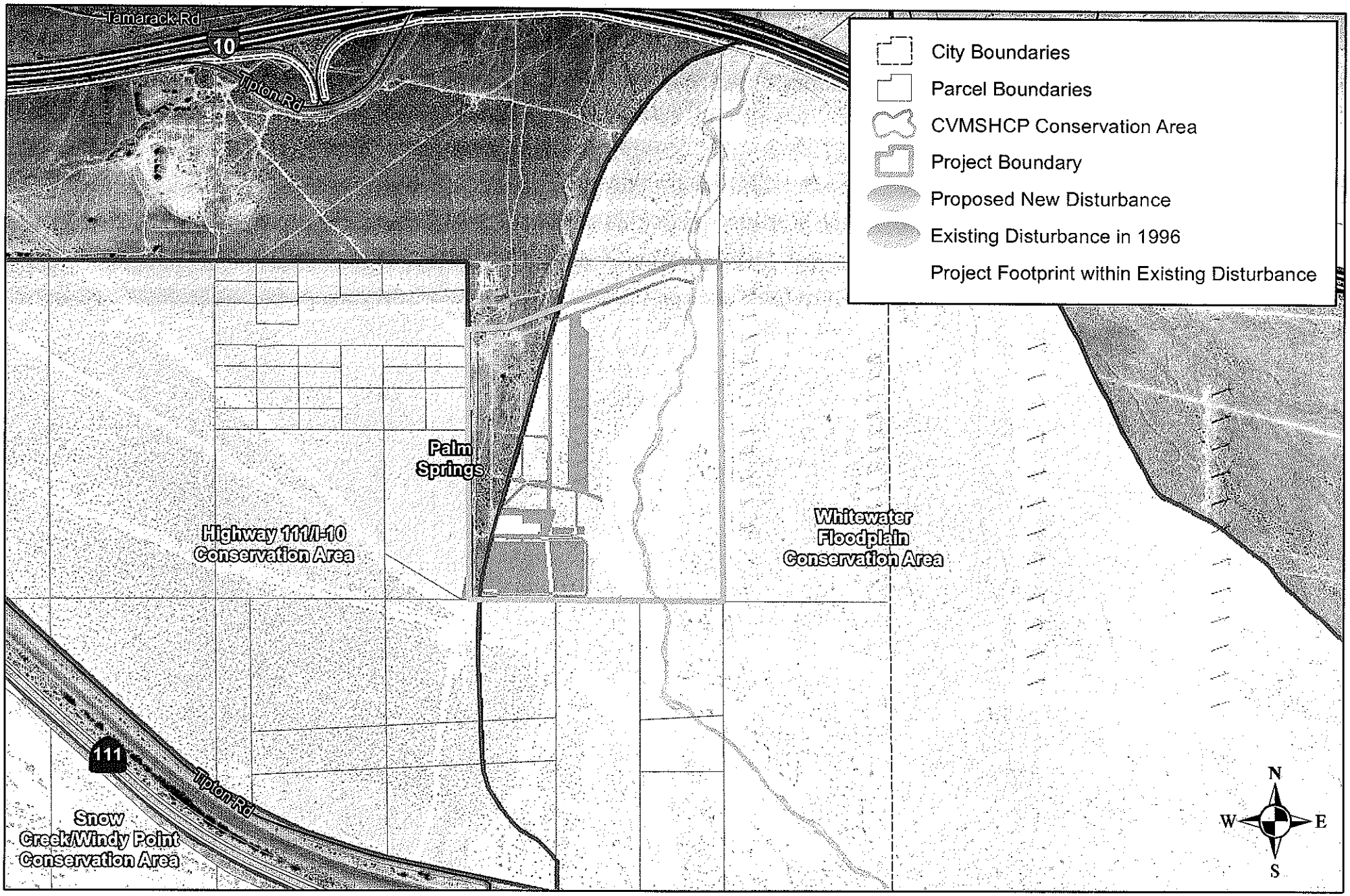
Whitewater Solar Farm 1 - Project Area
Whitewater Floodplain Conservation Area



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