



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for: Closed Session Informational

FROM: Inyo County Planning Department

FOR THE BOARD MEETING OF: December 9th, 2014

SUBJECT: Resolution amending Board of Supervisors Resolution Number 2014-54 regarding General Plan Amendment #2013-01/Munro Valley Solar, LLC

DEPARTMENTAL RECOMMENDATION:

Request the Board of Supervisors review and adopt a Resolution Amending Resolution Number 2014-54 certifying and adopting the Mitigated Negative Declaration of Environmental Impact concerning, and making certain findings with respect to and approving, General Plan Amendment #2013-01/Munro Valley Solar, LLC.

SUMMARY DISCUSSION: On November 12, 2014¹, the Inyo County Board of Supervisors adopted Resolution Number 2014-54, "Certifying And Adopting the Mitigated Negative Declaration of Environmental Impact Concerning, and Making Certain Findings with Respect to and Approving, General Plan Amendment #2013-01/Munro Valley Solar, LLC" following a public hearing. Following review, public comment and discussion of the proposed Mitigated Negative Declaration, your Board enhanced the mitigation measures associated with the project's effects as identified in the Mitigated Negative Declaration, and provided the following two enhanced mitigation measures for cultural resources and aesthetics, and specified that required archeological studies shall be undertaken prior to issuance of a building permit:

1. Prior to subsurface ground disturbance within a square meter of the sites identified in the cultural survey prepared for the project (ECORP Consulting, May 2013), a subsurface test program will be undertaken by a qualified professional to assess the eligibility of the sites per the California Register of Historic Places. Any artifacts will be left undisturbed in place (this is the preferred method). If resources absolutely cannot be avoided, data recovery shall be performed by a qualified professional in conjunction with Tribal consultation for curation, or donation to a local tribe for reburial or other appropriate treatment. The Developer shall also allow a qualified professional monitor to be present during all on-site ground disturbing activities; if feasible, the monitor will be a Native American cultural monitor from the Owens Valley. In the unlikely event that unanticipated cultural resources are discovered, then Developer shall be required to cease all ground-disturbing activities in the immediate vicinity until a qualified archeologist and/or other appropriate specialist has evaluated the find and appropriate actions are undertaken such as avoidance, relocation, and/or curation. Although not anticipated, if human remains are discovered, the procedures required by CEQA Guidelines Section 15064.5(c) shall be followed; and
2. Development shall be setback from Highway 395 to the greatest extent possible, such that the solar facility occupies the eastern portion of the western project site and leaves the western edge of the site adjoining Highway 395 free from development; and

¹ For more information, please refer to the Board of Supervisors Meeting Agendas including Supporting Documentation for November 12th, 2014 at: http://www.inyocounty.us/Board_of_Supervisors/

3. The fixed-tilt solar photovoltaic panels shall be configured at the lowest angle feasible, such that the visual profile of the project is minimized to the greatest extent possible.

Staff is requesting the Board approve a Resolution amending Resolution Number 2014-54 to make it consistent with the Board directions on November 12, 2014 on which Project approval was conditioned: inclusion of the enhanced mitigation measures described above with particularized findings.

Further, the Amended Resolution includes a provision adopting the Mitigation Monitoring Program, as recommended by the Planning Commission, which was inadvertently omitted. In order to facilitate public oversight, the Mitigation Monitoring Program has been included separately from the Renewable Energy Permit, which also has provisions for monitoring.

The Amended Resolutions further orders that Resolution Number 2014-54 shall have no force nor effect following adoption of the Amendment. Finally the Amended Resolution directs staff to withdraw the Notice of Determination (NOD) filed with the State Clearinghouse and the Into County Clerk Recorder and submit an updated NOD to reflect adoption of the enhanced mitigation measures.

ALTERNATIVES: The Board may consider the following alternatives.

1. Do NOT approve the requested actions.
2. Return to staff with direction

OTHER AGENCY INVOLVEMENT: None.

FINANCING: No direct impact.

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i>

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

Date: _____

Exhibits: A Resolution amending Board of Supervisors Resolution Number 2014-54 regarding General Plan Amendment #2013-01/Munro Valley Solar, LLC September 24, 2014

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, AMENDING RESOLUTION NUMBER: 2014-54 CERTIFYING AND ADOPTING THE MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT CONCERNING, AND MAKING CERTAIN FINDINGS WITH RESPECT TO AND APPROVING, GENERAL PLAN AMENDMENT #2013-01/MUNRO VALLEY SOLAR, LLC

WHEREAS, on November 12, 2014, the Inyo County Board of Supervisors adopted Resolution Number: 2014-54, "CERTIFYING AND ADOPTING THE MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT CONCERNING, AND MAKING CERTAIN FINDINGS WITH RESPECT TO AND APPROVING, GENERAL PLAN AMENDMENT #2013-01/MUNRO VALLEY SOLAR, LLC" following public hearing; and

WHEREAS, prior to adopting Resolution No. 2014-54, and following review, public comment and discussion of the proposed Mitigated Negative Declaration, this Board enhanced the mitigation measures associated with the project's effects as identified in the proposed negative declaration; and

WHEREAS, the enhanced mitigation measures do not cause new avoidable significant effects that are not addressed in the Mitigated Negative Declaration; and

WHEREAS, a recommendation from the Planning Commission that the Board of Supervisors adopt a Mitigation Monitoring Program was inadvertently omitted from Resolution Number: 2014-54 and by this Resolution, this Board intends to adopt such a Mitigation Monitoring Program; and

WHEREAS, the purpose of this amendment of Resolution Number: 2014-54 is to ensure that the Resolution conforms with actions taken by this Board on November 12, 2014 in public meeting and with the recommendation of the Planning Commission concerning the adoption of the Mitigation Monitoring Program.

NOW THEREFORE, RESOLUTION NUMBER: 2014-54 IS AMENDED TO READ:

WHEREAS, the Inyo County Board of Supervisors, through Section 15.12.040 of Inyo County Code, has designated the Planning Commission as the Environmental Review Board pursuant to Section 15002 of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, pursuant to Section 15025 of the State CEQA Guidelines as implemented by Section 15.12.040 of the Inyo County Code (CEQA Procedures), the Planning Commission is responsible for the environmental review of all County projects; and

WHEREAS, under California law and Title 21 of the Inyo County Code ("ICC"), any person who proposes to construct a photovoltaic power plant in the County must first obtain

either a renewable energy permit from the County or must enter into a renewable energy development agreement with the County; and

WHEREAS, on July 22, 2013, Munro Valley Solar, LLC submitted an application for a renewable energy permit for the Project, a general plan amendment, zone reclassification and a tentative map; subsequently, on January 28, 2014, Munro Valley Solar, LLC submitted an application for a tentative map to allow the access easement on APN 033-460-08;

WHEREAS, on July 22nd, 2013, Munro Valley Solar, LLC submitted an application to the Inyo County Planning Department for General Plan Amendment #2013-01/Munro Valley Solar, LLC, Tentative Parcel Map No. 404, Zone Reclassification #2013-02/Munro Valley Solar, LLC and Renewable Energy Permit #2013-01/Munro Valley Solar, LLC for a 4.0 megawatt (MW) solar facility built over two parcels (APN 033-400-02 and APN 033-060-19), located south of Olancho, CA, and which are designated Rural Estate (RE) and Rural Protection (RP), respectively, and zoned Rural Residential (RR), Open Space (OS-40) and Open Space (OS-40), respectively.

WHEREAS, on August 16th, 2013, Inyo County issued correspondence to the California Native American Heritage Commission requesting a list of appropriate tribal contacts in order to initiate consultation pursuant to Senate Bill 18; and

WHEREAS, on August 19th, 2013 Inyo County issued correspondence to the Bishop Paiute Tribe, the Timbisha Shoshone Tribe, the Big Pine Band of Owens Valley, the Fort Independence Community of Paiute, and the Lone Pine Paiute Shoshone Reservation inviting the Tribes to initiate consultation pursuant to Senate Bill 18, and

WHEREAS, on November 25th, 2013, the Inyo County Planning Department deemed the application for a General Plan Amendment, Zone Reclassification, and Tentative Parcel Map No. 404 complete; and

WHEREAS, on January 28th, 2014, Ecos Energy submitted a subsequent application to the Inyo County Planning Department for Tentative Parcel Map No. 405 for APN 033-460-08 for provision of an access easement, which is designated Rural Protection (RP) and zoned Open Space (OS-40); and

WHEREAS, on February 13th, 2014, September 11th, 2014, and November 6th, 2014, Inyo County Planning staff met with the Big Pine Band of Owens Valley pursuant to Senate Bill 18 regarding the proposed Munro Valley Solar project; and

WHEREAS, on April 4th, 2014, the Inyo County Planning Department deemed the application for Tentative Parcel Map No. 405 complete; and

WHEREAS, General Plan Amendment #2013-01/Munro Valley Solar, LLC proposes to add a text amendment to the Inyo County General Plan adding a new policy LU 5.9 creating a site specific solar overlay designation wherein the proposed solar photovoltaic facilities may be permitted following application and review as required by Inyo County Code Title 21; and

WHEREAS, the Planning Department prepared the following proposed amendment to the General Plan creating a distributed solar overlay designation:

“Policy LU-5.9 Distributed Solar Photovoltaic Overlay: This overlay designation provides for distributed solar photovoltaic facilities of 20 megawatts or less pursuant to Inyo County Code Title 21. Site-specific studies and appropriate environmental review are required for consideration of distributed solar photovoltaic facilities of 20 megawatts or less, pursuant to Inyo County Code Title 21. Potential social, economic, visual and environmental impacts from distributed solar photovoltaic facilities must be avoided or minimized to the extent feasible. Minimum parcel size may be waived pursuant to Inyo County Code Section 10.20.020.”;

and

WHEREAS, the Distributed Solar Photovoltaic Overlay designation would apply to APN 033-400-02 described as: “Parcel 2 of Parcel Map No. 68, in the County of Inyo, State of California, as per map recorded in Book 1 Page 41 of parcel maps, in the Office of the County Recorder of said County;”

and

WHEREAS, the Distributed Solar Photovoltaic Overlay designation would apply to the 10.03 acre subdivided portion of APN 033-060-19 described as: “That certain lot, piece or parcel of land located in the Northwest Quarter of Section Twenty-One, Township Nineteen South, Range Thirty Severn East M.D.B. & M., County of Inyo, State of California, according to the official plat of said land filed In the District Land Office August 13, 1856, more particularly described as follows:

The Southerly 641.21 feet Of the Westerly 681.21 feet of said Northwest Quarter of Section Twenty One.

said parcel containing 10.03 acres, more or less;”

and

WHEREAS, the Distributed Solar Photovoltaic Overlay designation would apply to the 60 foot-wide Electric Distribution and Road Easement described as: “Commencing as a 1.5’ iron pipe tagged as LS 3426 per RSMB 11 Page 87, thence with a bearing of N 00°37’57” W a distance of 606.72 feet to a point to a point hereinafter referred to as point “A’, bring the true point of beginning of this description; thence with a bearing of N 00°37’57” W a distance of 60.00 feet to a point; thence with a bearing of 00°37’57” W a distance of 557.41 feet to a point; thence with a bearing of N 44°43’46” E a distance of 140.44 feet to a point; thence with a bearing of N 89°43’46” E a distance of 1208.11 feet to a point; thence with a bearing of N 44°43’46” E a distance of 14.1 feet to a point; thence with a bearing of S 00°43’40” W a distance of 70.00 feet to a point; thence with a bearing of N 89°43’46” W a distance of 1193.82

feet to a point; thence with a bearing of S 44°43'46" W a distance of 90.52 feet to a point; thence with a bearing of S 00°37'57" E a distance of 592.33 feet to a point; thence with a bearing of S 89°36'52" W a distance of 60.00 feet to point "A" the true point of beginning;"

and

WHEREAS, the Distributed Solar Photovoltaic Overlay designation would apply to the Electric Distribution and Road Easement, which consists of a 60 foot-wide access easement running parallel to the southern property line of the parcel described as: "the Southeast Quarter of the Southeast Quarter of Section 17 and the East half of the Northwest Quarter of Section 20. All in Township 19 South, Range 37 East, Mount Diablo Base and Meridian, in the County of Inyo, State of California, according to the official plat thereof.

Together with;

The Southwest Quarter of the Southeast Quarter of Section 17, Township 19 South, Range 37 East, Mount Diablo Base and Meridian, in the County of Inyo, State of California, according to the official plat thereof excepting therefrom that portion described as follows:

Commencing at the Southwest Corner of said Southwest Quarter of the Southeast Quarter and running thence North along the Westerly line of said Southwest Quarter of Southeast Quarter 600 feet; thence East and parallel to the Southerly line of said Southwest Quarter of the Southeast Quarter 560 feet; thence South and parallel to the Westerly line of said Southwest quarter of the Southeast Quarter 600 feet; thence West along the Southerly line of said Southwest Quarter of the Southeast Quarter of 560 feet to the point of beginning;"

and

WHEREAS, the Distributed Solar Photovoltaic Overlay designation would apply to the Electric Distribution and Road Easement described as: "Beginning at the SE Cor of SW 1/4 NE 1/4 Sec.20, T19S., R.37E; Thence with a bearing of N 89°43'46" E a distance of 84.85 feet to a point; Thence with a bearing of S 44°43'46" W a distance of 98.99 feet to a point; Thence with a bearing of S 89°43'46" W a distance of 14.29 feet to a point; thence with a bearing of N 00°43'40" W a distance of 70.00 feet to the point of beginning.; Containing 3470.14 square feet or 0.080 acres;"

and

WHEREAS, General Plan Amendment #2013/01 and Tentative Parcel Map No. 404, Tentative Parcel Map No. 405 and Renewable Energy Permit #2013-01/Munro Valley Solar, LLC will allow for development of a 4.0 MW solar facility over two parcels totaling 30.05 acres; and

WHEREAS, the proposed solar facility is consistent with Title 18 of the Inyo County Code pursuant to Title 21 of the Inyo County Code, which allows for the Inyo County Planning Commission to incorporate development standards as are deemed appropriate and mitigation

measures as deemed necessary in lieu of Inyo County Code Title 18 standards concerning permitted, conditional and accessory uses, distance between buildings, height, density and intensity, light and glare, noise and wireless communication facilities; and

WHEREAS, the proposed project is a passive land use that will not result in frequent activity or occupancy of the site during operation, and will not significantly increase use of County facilities, and is consistent with surrounding uses; and

WHEREAS, the proposed project will provide a public intersection with Highway 395 and offer irrevocable right-of-way easements to Inyo County and is properly related to transportation in the vicinity; and

WHEREAS, pursuant to Title 21, the Inyo County Planning Commission conditionally approved Renewable Energy Permit #2013-01/Munro Valley Solar, LLC on September 24th, 2014, which will ensure responsible development of solar energy generation by (1) protecting the health, safety and welfare of Inyo County citizens and its environment, including its public trust resources, by requiring that the adverse impacts of such development are avoided or acceptably mitigated; (2) recovering the county's costs of increased services resulting from such development; and (3) ensuring that the citizens of Inyo County equitably share in the benefits resulting from the use of such resources; and

WHEREAS, the Inyo County Planning Department completed an Initial Study/Environmental Checklist and Draft Mitigated Negative Declaration of Environmental Impact pursuant to CEQA concerning applications for General Plan Amendment #2013-01/Munro Valley Solar, LLC, Zone Reclassification #2014-02/Munro Valley Solar, LLC, Tentative Parcel Map No. 404, Tentative Parcel Map No. 405 and Renewable Energy Permit #2013-01/Munro Valley Solar, LLC; and

WHEREAS, the Inyo County Planning Department circulated said Initial Study and Draft Mitigated Negative Declaration of Environmental Impact for a 30-day public review period as required by Section 15.32.060 of Inyo County Code, commencing on December 19th, 2013, and ending on January 18th, 2014; and

WHEREAS, the Draft Mitigated Negative Declaration was posted for public review with the Inyo County Clerk-Recorder's Office on December 19th, 2013, and the California Office of Planning and Research State Clearinghouse on December 19th, 2013; and

WHEREAS, a Notice of Availability of the Draft Mitigated Negative Declaration was posted in the Inyo Register on December 21st, 2013; and

WHEREAS, the 30-day public comment period closed on January 18th, 2014, and three comments were received from (1) the Native American Heritage Commission, (2) the California Department of Fish and Wildlife, and (3) the California Department of Transportation, and responses to the comments were prepared; and

WHEREAS, the Inyo County Planning Commission is required to conduct a public hearing on proposed General Plan Amendments and to make a recommendation to the Board of Supervisors thereon on General Plan Amendments (Section 65855 of Government Code); and

WHEREAS, on September 17th, 2014, pursuant to Government Code Section 65352, Inyo County distributed the proposed General Plan Amendment to appropriate land management agencies and organizations for a 45- day comment period; and

WHEREAS, at a noticed public hearing September 24th, 2014, the Planning Commission considered the Draft Mitigated Negative Declaration of Environmental Impact, General Plan Amendment #2013-01/Munro Valley Solar, LLC, Tentative Parcel Map #404, Tentative Parcel Map #405, and Renewable Energy Permit #2013-01/Munro Valley Solar, LLC, report of staff, and all oral and written comments to date regarding this project; and

WHEREAS, following said public hearing the Planning Commission recommended that this Board of Supervisors find the following:

- 1.) That on the basis of the whole record before it (including the Initial Study and the comment received), that there is no substantial evidence that the project will have a significant effect on the environment; and
- 2.) That the Mitigated Negative Declaration reflects the County's independent judgment and analysis; and
- 3.) Specify that the Inyo County Planning Department is the custodian and location of the documents and other materials which constitute the record of proceedings upon which the decision is based; and
- 4.) Adopt the conditions of approval for the project required to avoid significant environmental impacts; and
- 5.) Adopt the Mitigated Negative Declaration of Environmental Impact; and
- 6.) Adopt the Mitigation Monitoring Program as a component of the conditions of approval ... [included in] the Renewable Energy Permit; and
- 7.) Certify that the provisions of the California Environmental Quality Act have been satisfied with respect to the General Plan Amendment; and
- 8.) Approve the General Plan Amendment application.

WHEREAS, the Planning Commission also conditionally approved Renewable Energy Permit #2013-01/Munro Valley Solar, LLC, Tentative Parcel Map#404, and Tentative Parcel Map #405, subject to the Conditions of Approval; and

WHEREAS, on November 6th, 2014, staff from the Inyo County Planning Department met with the Big Pine Paiute Tribe of the Owens Valley pursuant to SB-18, and the tribe requested that mitigation measures for cultural resources be enhanced, and that a cultural monitor from the Owens Valley be present for all ground disturbing activities; and

WHEREAS, pursuant to the recommendation of the Planning Commission, this Board of Supervisors held a public hearing on November 12th, 2014, and considered all written and oral testimony presented concerning the General Plan Amendment #2013-01/Munro Valley Solar, LLC; and

WHEREAS, at the Public Hearing held on November 12th, 2014, this Board of Supervisors adopted Resolution Number 2014-54, certifying and adopting the Mitigated Negative Declaration of Environmental Impact concerning, and making certain findings with respect to and approving, General Plan Amendment #2013-01/Munro Valley Solar, LLC; and

WHEREAS, on the basis of all written and oral comment and input received at the November 12th, 2014 public hearing, this Board of Supervisors provided enhanced mitigation measures for potential aesthetic and cultural resources impacts; and

WHEREAS, project approval is contingent upon meeting all conditions set forth by the Board of Supervisors;

NOW, THEREFORE, BE IT HEREBY RESOLVED that, based on all of the written and oral comment and input received at the November 12, 2014, hearing, including the Planning Department Staff Report and the Mitigated Negative Declaration of Environmental Impact concerning the above described proposed project:

- A. This Board makes the following findings regarding the Mitigated Negative Declaration:
 - 1.) A Draft Mitigated Negative Declaration of Environmental Impact was prepared and circulated in accordance with the California Environmental Quality Act and was completed in compliance with CEQA.
 - 2.) The Mitigated Negative Declaration of Environmental Impact was reviewed and considered by this Board of Supervisors.
 - 3.) On the basis of the whole record before it (including the Initial Study and the comments received), there is no substantial evidence that the project will have a significant effect on the environment.
 - 4.) The Mitigated Negative Declaration of Environmental Impact reflects the County's independent analysis and judgment.
 - 5.) The Inyo County Planning Department is the custodian and location of the documents and other materials which constitute the record of proceedings upon which the decision is based.

B. This Board approves and adopts:

- 1.) All conditions of approval for the project required to avoid significant environmental impacts.
- 2.) The proposed Mitigated Negative Declaration of Environmental Impact, with the following enhanced mitigation measures as a conditions of project approval:
 - a. An enhanced cultural resource mitigation measure which reads as follows:

“Prior to subsurface ground disturbance within a square meter of the sites identified in the cultural survey prepared for the project (ECORP Consulting, May 2013), a subsurface test program will be undertaken by a qualified professional to assess the eligibility of the sites per the California Register of Historic Places. Any artifacts will be left undisturbed in place (this is the preferred method). If resources absolutely cannot be avoided, data recovery shall be performed by a qualified professional in conjunction with Tribal consultation for curation, or donation to a local tribe for reburial or other appropriate treatment. The Developer shall also allow a qualified professional monitor to be present during all on-site ground disturbing activities; if feasible, the monitor will be a Native American cultural monitor from the Owens Valley. In the unlikely event that unanticipated cultural resources are discovered, then Developer shall be required to cease all ground-disturbing activities in the immediate vicinity until a qualified archeologist and/or other appropriate specialist has evaluated the find and appropriate actions are undertaken such as avoidance, relocation, and/or curation. Although not anticipated, if human remains are discovered, the procedures required by CEQA Guidelines Section 15064.5(c) shall be followed.”

This Board of Supervisors finds that this enhanced mitigation measure is equivalent to or more effective in mitigating or avoiding potentially significant effects than the previous cultural resource mitigation measure as it will ensure that appropriate archeological studies will occur prior to any ground disturbing activities and that if any cultural resources are discovered appropriate actions will be taken in consultation with Native American tribes of the Owens Valley. This Board of Supervisors finds this enhanced mitigation measure will not cause potentially significant effects on the environment in itself because it strengthens the previously identified mitigation measure and will ensure protection of cultural resources if such resources are identified. The addition of this mitigation measure does not require recirculation of the Mitigated Negative Declaration. This Board requires that this mitigation shall be completed prior to issuance of a building permit.

- b. Enhanced aesthetics mitigation measures which are insubstantial revisions and read as follows:

“Development shall be setback from Highway 395 to the greatest extent possible, such that the solar facility occupies the eastern portion of the western project site and leaves the western edge of the site adjoining Highway 395 free from development.

In addition, the fixed-tilt solar photovoltaic panels shall be configured at the lowest angle feasible, such that the visual profile of the project is minimized to the greatest extent possible.”

This Board of Supervisors finds that these enhanced aesthetic mitigation measures are responsive to project effects identified in the mitigated negative declaration which are not new avoidable significant effects. Such measures are equivalent to or more effective in mitigating or avoiding potentially significant effects than the previous aesthetics mitigation measure, because in coordination with visual screening, they will reduce the visual impacts for adjacent landowners and along the Highway 395 viewshed by requiring that the solar facility increase its setbacks from the adjacent highway and minimize the tilt and visual profile of solar panels to the greatest extent feasible.

This Board of Supervisors finds these enhanced mitigation measures will not cause potentially significant effects on the environment in themselves because the enhanced mitigation measures do not significantly alter the site, or the placement or location of the proposed solar facility. The addition of these mitigation measures do not require recirculation of the Mitigated Negative Declaration.

3.) Adopts the mitigation monitoring program which is attached to this Resolution.

- C. Certifies that the provisions of the California Environmental Quality Act have been satisfied with respect to the General Plan Amendment.

BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of Inyo, State of California, does hereby adopt the Mitigated Negative Declaration of Environmental Impact concerning General Plan Amendment #2013-01/Munro Valley Solar, LLC, Zone Reclassification #2013-02/Munro Valley Solar, LLC, Tentative Parcel Map No. 404, Tentative Parcel Map No. 405 and Renewable Energy Permit #2013-01/Munro Valley Solar, LLC.

BE IT FURTHER RESOLVED, that the proposed General Plan Amendment for the proposed solar facility project located south of Olancha is consistent with the following Inyo County General Plan Goals and Policies:

Goal GOV-10.0: Development of energy resources on both public and private lands be encouraged with the policies of the County to develop these energy resources within the bounds of economic reason and sound environmental health. Therefore, the Board supports the following policies.

- a. The sound development of any and all energy resources, including, but not limited to geothermal, wind, biomass, and solar.
- b. The use of peer-reviewed science in the assessment of impacts related to energy resource development.
- c. The development of adequate utility corridors necessary for the transmission of newly generated energy.
- d. Maintain energy opportunities on state and federal lands maintaining and expanding access
- e. Treat renewable energy sources as natural resources, subject to County planning and environmental jurisdiction. Consider, account for, and mitigate ecological, cultural, economic, and social impacts, as well as benefits, from development of renewable energy resources. Consider developing environmental and zoning permitting processes to ensure efficient permitting of renewable energy projects while mitigating negative impacts to county services and citizens, with a goal to ensuring that citizens of the County benefit from renewable energy development in the County.

Goal ED-4: Actively encourage the expansion of existing industry of all types (including resource industries, manufacturing and service industries), and actively recruit new businesses that will bring new jobs to the County.

BE IT FURTHER RESOLVED, that based on all of the written and oral comment and input received at the November 12, 2014, hearing, and upon correspondence received since the hearing, including the Planning Department Staff Report and the Mitigated Negative Declaration of Environmental Impact concerning the above described project, this Board makes the following findings regarding General Plan Amendment #2013-01/Munro Valley Solar, LLC:

- 1.) Based on substantial evidence in the record, the proposed General Plan Amendment is consistent with the Goals and Policies of the Inyo County General Plan.
- 2.) Based on substantial evidence in the record, the proposed General Plan Amendment is consistent with Title 18 (Zoning Ordinance).
- 3.) The proposed General Plan Amendment is properly related to other uses and transportation and service facilities in the vicinity.
- 4.) The proposed General Plan Amendment will not, under all the circumstances of this case, adversely affect the health or safety of persons living or working in the vicinity, or be materially detrimental to the public welfare.
- 5.) The proposed General Plan Amendment is necessary or desirable.

- 6.) Based on the cultural resource study for the project (ECORP, 2013), which was conducted prior to the Initial Study, due to their characteristics, the historic-period refuse, prehistoric lithic debitage, historic-period refuse deposit, and prehistoric lithic artifacts (flaked and ground stone tools) identified on or near the site are not historic resources or unique cultural resources as such resources are defined by law; however, the performance-based mitigation measures included in the Mitigated Negative Declaration which consist of avoidance and curation will preclude any significant effects to such resources.

BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of Inyo, State of California, does hereby approve General Plan Amendment Number 2013-01/Munro Valley Solar, LLC subject to the following Conditions of Approval:

1. Hold Harmless: The applicant, landowner, and/or operator shall defend, indemnify and hold harmless Inyo County, its agents, officers and employees from any claim, action, or proceeding against the County, its advisory agencies, appeal boards, or its legislative body concerning General Plan Amendment #2013-01/Munro Valley Solar, LLC, or applicant's failure to comply with conditions of approval.

BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of Inyo, State of California, does hereby order that on adoption of this Amendment to Resolution Number: 2014-54, Resolution Number: 2014-54 adopted on November 12, 2014 shall have no force and effect.

BE IT FURTHER RESOLVED, Staff is directed:

- A. To give notice to the State Clearing House and the Inyo County Clerk/Recorder that the Notice of Determination (NOD) filed on November 13, 2014 is withdrawn; and
- B. To file a new NOD in its stead consistent with this Amended Resolution, which shall be posted for thirty days by the Clerk/Recorder as required by law.

BE IT FURTHER RESOLVED, that General Plan Amendment #2013-01/Munro Valley Solar, LLC shall not take effect for thirty days after the date of this Resolution.

PASSED AND ADOPTED THIS __th DAY OF _____, 2014:

AYES:

NOES:

ABSTAIN:

ABSENT:

Richard Pucci, Chairperson
Inyo County Board of Supervisors

ATTEST:

KEVIN CARUNCHIO

Clerk of the Board

By _____
Pat Gunsolley, Assistant

**Mitigation Monitoring Program
Munro Valley Solar, LLC**

General Plan Amendment #2013-01, Renewable Energy Permit #2013-01, Tentative Parcel Map #404, Tentative Parcel Map #405

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Implementation and Verification	
			Action	Date Completed
Aesthetics				
MM-AES-1: The Developer shall submit a landscaping plan to the County Planning Department prior to implementation of the proposed project for approval by the Planning Department Director. The landscaping plan shall demonstrate sufficient landscaping or fencing to mitigate any visual impacts associated with the development as viewed by northbound and southbound traffic on Highway 395. The plan shall also identify which species will be planted, which shall be native and drought-tolerant to the greatest extent possible. Landscaping shall be installed prior to the issuance of the Certificate of Occupancy and maintained during operation.	Prior to issuance of a building permit, or a Certificate of Occupancy as appropriate; during operation	Inyo County Planning Department		
MM-AES-2 The Developer shall submit a lighting plan to the County Planning Department prior to implementation of the proposed project for approval by the Planning Department Director. Lighting at the transformers and surrounding project site area shall be designed such that lighting shall be directed toward the ground and away from adjacent structures and roadways, and shall of the lowest illumination practical. The lighting plan shall be implemented during operation. If no lighting is to be installed, the Developer shall not be required to submit a	Prior to issuance of a building permit; during operation	Inyo County Planning Department		

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Implementation and Verification	
			Action	Date Completed
lighting plan but rather shall indicate in writing to the County that no lighting is to be installed in connection with the project.				
MM-AES-3: Development shall be setback from Highway 395 to the greatest extent possible, such that the solar facility occupies the eastern portion of the western project site and leaves the western edge of the site adjoining Highway 395 free from development.	Prior to issuance of a building permit	Inyo County Planning Department		
MM-AES-4: The fixed-tilt solar photovoltaic panels shall be configured at the lowest angle feasible, such that the visual profile of the project is minimized to the greatest extent possible.	Plans will be reviewed prior to issuance of a building permit, and an inspection to ensure compliance will occur after project construction.			
Air Quality				
MM-AQ-1: The Developer shall submit a general dust mitigation plan to the County for implementation during construction activities, which includes potential use of palliatives to control dust. If the Developer elects to use palliatives for dust mitigation, a list of materials and a material safety data sheet must be provided to and approved by the County and California Department of Fish and Wildlife (CDFW), and a copy shall be kept on the Property. Dust will be controlled	Prior to issuance of a building permit and during construction	Inyo County Planning Department		

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Implementation and Verification	
			Action	Date Completed
during construction by Best Management Practices acceptable to the Great Basin Unified Air Pollution Control District.				
Biological Resources				
MM-BIO-1: If evidence of Desert Kit Fox is found on the site prior to or during construction, a qualified biologist must develop a passive relocation plan for the species to the satisfaction of the California Department of Fish and Wildlife (CDFW).	Prior to and during project construction	Developer, Inyo County Planning Department, CDFW		
MM-BIO-2: The Developer shall obtain an Incidental Take Permit (ITP) for Mojave Ground Squirrel and comply with the mitigation requirements set forth by CDFW for impacts to the Mojave Ground Squirrel. Any habitat conservation required for mitigation shall be located outside of Inyo County to the extent feasible.	Prior to issuance of a building permit	Developer, Inyo County Planning Department, CDFW		
MM-BIO-3: The Developer shall hire consultant biologists to survey and submit to CDFW any needed biological surveys, including regular monitoring by a qualified biologist of nesting birds during the period of February 15th through September 15th during construction of the project, and ongoing monitoring of impacts to migrating birds during construction and operation of the Project.	Project construction and operation	Developer, Inyo County Planning Department, CDFW		
MM-BIO-4 Prior to issuance of a building permit, the Developer shall provide the County with an Invasive Weed Management Plan utilizing Best Management Practices for review and approval for implementation during construction.	Prior to issuance of a building permit	Inyo County Planning Department		

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Implementation and Verification	
			Action	Date Completed
Cultural Resources				
MM-CUL-1: Prior to subsurface ground disturbance within a square meter of the sites identified in the cultural survey prepared for the project (ECORP Consulting, May 2013), a subsurface test program will be undertaken by a qualified professional to assess the eligibility of the sites per the California Register of Historic Places. Any artifacts will be left undisturbed in place (this is the preferred method). If resources absolutely cannot be avoided, data recovery shall be performed by a qualified professional in conjunction with Tribal consultation for curation, or donation to a local tribe for reburial or other appropriate treatment. The Developer shall also allow a qualified professional monitor to be present during all on-site ground disturbing activities; if feasible, the monitor will be a Native American cultural monitor from the Owens Valley. In the unlikely event that unanticipated cultural resources are discovered, then Developer shall be required to cease all ground-disturbing activities in the immediate vicinity until a qualified archeologist and/or other appropriate specialist has evaluated the find and appropriate actions are undertaken such as avoidance, relocation, and/or curation. Although not anticipated, if human remains are discovered, the procedures required by CEQA Guidelines Section 15064.5(c) shall be followed.	Prior to subsurface ground disturbance within a square meter of the sites identified in the cultural survey prepared for the project (ECORP Consulting, May 2013); prior to and continuing during construction	Inyo County Planning Department in consultation with Owens Valley Paiute Tribes		
Transportation and Traffic				
MM-TT-1: It is unlikely that there will be significant traffic impacts associated with the project; however, the project will supply traffic control during construction to mitigate any potential traffic impacts.	During project construction	Inyo County Planning Department		

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Implementation and Verification	
			Action	Date Completed
Utilities and Service Systems				
MM-USS-1: The Developer shall provide appropriate dumpsters from offsite to separate and recycle all of the cardboard, and any plastic and other packaging material, that can be recycled at the Lone Pine Landfill. Materials that cannot be recycled will not be mixed with recyclable materials and disposed of at the Lone Pine Landfill. Construction materials will be sorted on site for recycling.	During project construction	Inyo County Planning Department		
MM-USS-2 During decommissioning of the solar facility, to the extent economical and consistent with practices at the time, functioning solar modules will be stored for reuse and non-functioning modules and other material will be sent to a third party for recycling. Solar modules will not be disposed of in Inyo County. All construction and decommissioning waste shall be sorted prior to disposal, and disposal rates shall be higher for disposal of non-sorted materials at any Inyo County waste facility. This is not intended to be a substitute for the decommissioning plan/provisions found in the Renewable Energy Permit at paragraph 10 and Exhibit "C".	During project decommissioning	Inyo County Planning Department		

Note: This document incorporates by reference Renewable Energy Permit #2013-01/Munro Valley Solar, LLC