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**AGENDA ITEM NO.:** 6 (Public Hearing and Action Item)

**PLANNING COMMISSION  
MEETING DATE:** March 31, 2011

**SUBJECT:** Renewable Solar and Wind Energy General  
Plan Amendment (General Plan Amendment  
No. 2010-03/Inyo County)

#### **EXECUTIVE SUMMARY**

An update to the Inyo County General Plan is proposed to address renewable solar and wind energy development. As part of the update, a General Plan Land Use Designation Overlay is proposed in which renewable energy projects, specifically solar and wind, may be developed, based on site specific studies, environmental review, and permitting pursuant to the County's Renewable Energy Ordinance and other applicable State, federal, and local laws. Other updates proposed include the following: identifying appropriate means to develop renewable wind and solar energy resources, provided that social, economic, and environmental impacts are minimized; offsetting costs to the County and lost economic development potential, and mitigation of economic effects; working to protect military readiness, and; considering conversions of lands utilized for agriculture, mining, and recreation.

#### **PROJECT INFORMATION**

**Supervisory District:** County-wide

**Recommended Action:** Conduct a public hearing and adopt Resolution No. 2011-01 (Attachment 1) recommending that the Board of Supervisors certify and adopt the Mitigated Negative Declaration of Environmental Impact and make certain findings with respect to and adopt General Plan Amendment (GPA) No. 2010-03/Inyo County (Renewable Solar and Wind Energy)

**Alternatives:**

- 1.) Do not recommend that the Board of Supervisors adopt the GPA.
- 2.) Recommend modifications to the GPA.
- 2.) Continue the item to a future date, and provide specific direction to staff regarding additional information and analysis needed.

**Project Planner:**

Joshua Hart, AICP, Planning Director

**BACKGROUND**

Federal, State, and local governments have instituted goals for renewable energy, which has resulted in demand to develop renewable energy resources in Inyo County. A variety of renewable energy planning efforts have been proceeding to address renewable energy, including the Renewable Energy Transmission Initiative (RETI), the Bureau of Land Management's Transmission Corridor, Wind, Geothermal, and Solar Environmental Impact Statements, the Desert Renewable Energy Conservation Plan (DRECP), and the California Transmission Planning Group (CTPG), as well as a variety of renewable energy initiatives in the neighboring State of Nevada.<sup>1</sup>

Through the County's participating in these processes, and it has become apparent that the existing Inyo County General Plan<sup>2</sup> addresses renewable wind and solar energy haphazardly, as much of it was developed prior to the current efforts to develop renewable energy. Therefore, an update of the County's General Plan has been developed to guide appropriate renewable wind and solar energy development, direct renewable energy developers where to investigate solar and wind renewable energy development potential, and incorporate community input into where renewable wind and solar energy development might occur.

The County adopted Ordinance No. 1158 (i.e., the Renewable Energy Ordinance) on August 17, 2010.<sup>1</sup> This Ordinance encourages and regulates wind and solar renewable energy development, and requires that renewable energy developers apply for Renewable Energy Permit or Renewable Energy Impact Determination from or enter into a Renewable Energy Development Agreement with the County prior to commencing construction of renewable energy projects.

**ANALYSIS**

A draft GPA for commercial scale solar and wind energy development has been prepared based on staff review of the existing General Plan and public input, which is included in

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<sup>1</sup> Refer to <http://www.inyoplanning.org/RenewableNewPage.htm> for more information regarding renewable energy planning in general, background and history regarding the GPA, and the Renewable Energy Ordinance.

<sup>2</sup> The General Plan may be viewed online at [http://inyoplanning.org/general\\_plan/index.htm](http://inyoplanning.org/general_plan/index.htm).

Attachment 2.<sup>3</sup> Wind and solar energy development for individual homes and businesses may be developed through other existing County regulations, such as building permit issuance for solar installations intended primarily for on-site energy consumption and Inyo County Code (ICC) Chapter 18.79 (Regulation of Small Wind Energy Conversion Systems). The following describes the proposal for commercial scale facilities.

*Government Element:* the existing Government Element states the following:

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.

This language is adequate, and no update to the Government Element is proposed.

*Land Use Element:* the current General Plan Land Use Element provides for wind and solar renewable energy development in the following land use designations: State and Federal Lands (SFL), Public Service Facilities (PF), Agricultural (A), and General Industrial (GI). These land use designations encompass more than 90 percent of the County.

Through the County's renewable energy planning efforts, areas where renewable wind and solar energy development might and might not be appropriate have been developed and mapped based on a variety of criteria and public input (refer to the Resolution and Attachment 8 for a more detailed summary of development of the Overlay). The

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<sup>3</sup> The proposed draft GPA text for Land Use Implementation Measure No. 10.0 and Policy VIS-1.8 and the Overlays for Laws, Owens Lake, Death Valley Junction, and Panamint Valley have been modified relative to those presented in the environmental document.

corresponding proposed General Land Use Overlay is illustrated in Attachment 2. Commercial scale wind and solar renewable energy development in areas outside of the Overlay will not be permitted. The proposed Overlay will restrict the potential for renewable solar and wind energy development to about 15 percent of the County.

Within the proposed Solar and Wind Energy Land Use Designation Overlay, wind and solar renewable energy projects may be considered pursuant to appropriate environmental review, the County's Renewable Energy Ordinance, and other applicable local, State, and federal laws; potential social, economic, and environmental impacts must be minimized to the extent feasible. Language to address transmission, protect military readiness, and offset impacts to the County is also proposed.

*Public Services and Facilities Element:* the existing Public Services and Facilities Element does not address wind and solar renewable energy. The proposed update includes new policies to encourage appropriate development of renewable wind and solar energy resources and associated transmission, provided that social, economic, and environmental impacts are minimized.

*Economic Development Element:* the existing Economic Development Element does not specifically address renewable energy. A new policy is proposed to encourage offsetting costs to the County to accommodate renewable wind and solar energy development and lost economic development potential due to the opportunity cost of developing wind and solar renewable energy, as well as requiring mitigation of potential economic impacts from renewable wind and solar energy development.

*Housing Element:* the Existing Housing Element does not address specifically commercial-scale renewable wind and solar energy development, but addresses housing issues more broadly. The existing goals and policies are adequate to address housing needs that might arise from renewable wind and solar energy development, and no changes are proposed.

*Circulation Element:* the existing Circulation Element indicates that the County shall consider the visual and environmental impacts of regional conveyance corridors, encourage co-location of such corridors, benefits be provided to the County for such corridors, and transmission facilities will be designed and located to not impact the health, safety, or welfare of residents and visitors. No changes are proposed.

*Conservation/Open Space Element:* the Conservation/Open Space Element includes numerous policies, goals, and implementation measures to minimize impacts from development on the natural and open space environments that are applicable to wind and solar renewable energy development. New policies, goals, and implementation measures specific to renewable wind and solar energy development are proposed. These include but are not limited to the following: (1) minimize conversions of productive agricultural lands; (2) minimize impacts from renewable wind and solar energy development to the social, economic, and environmental resources of the County; (3) encourage minimizing water consumption and use of potable water; (4) provide siting and screening to minimize

significant changes to the visual environment, and; (5) minimize impacts to recreational access.

*Public Safety Element:* the existing Public Safety Element includes goals, policies, and implementation measures that may be relevant to renewable wind and solar energy development. New implementation measures for renewable wind and solar energy are proposed to encourage air quality enhancements and minimize noise.

### ***Outreach***

Significant outreach has occurred through the County's participation in local, regional, State, and federal renewable energy planning efforts since 2009, which is described in detail in the proposed resolution. Based on interest expressed in the Renewable Energy Ordinance, the County undertook a robust public outreach process for the GPA. In summary, the County identified interested parties, notified them, met with agencies, individuals, and groups that so requested, and held public meetings throughout 2010 (refer to Attachment 7). A preliminary GPA was prepared and distributed widely during this outreach. Based on the input received, the GPA has been updated appropriately (refer also to Attachment 8).

As specified by Senate Bill 18 and per Government Code Section 65352.3, the County invited local tribes to consult in May 2010 regarding the GPA. Subsequently, two consultation meetings were held with the Big Pine and one meeting was held with the Timbisha-Shoshone tribes. Staff attempted on numerous occasions to coordinate consultation meetings with the Bishop tribe, but has not been successful. No requests for consultation were received from other local tribes.

### ***Consistency***

The proposed GPA updates the General Plan to reflect current efforts to develop renewable energy resources. The updated Element is consistent with the General Plan, the Zoning Ordinance, the Renewable Energy Ordinance, and other applicable rules and regulations.

### ***Alternatives***

The following alternatives may be considered.

*Do not recommend that the Board of Supervisor adopt the GPA.* This alternative is not recommended since it would not (1) guide appropriate renewable wind and solar energy development, (2) direct renewable energy developers where to investigate solar and wind renewable energy development potential, or (3) incorporate community input into where renewable wind and solar energy development might occur. If this option is selected, the County would have reduced input into potential future development of renewable energy resources.

*Recommend modifications to the GPA.* Issues raised during the outreach process included the following:

- Eliminate Overlay areas. A range of concerns have been expressed regarding the Overlays, particularly for those in the southern Owens Valley, Laws, Death Valley Junction, Deep Springs, Panamint Valley, Chicago Valley, and Centennial Flat. Such concerns include, but are not limited to, character, viewshed, endangered species, water availability, and agricultural uses. Staff believes that these areas may be appropriate for renewable energy development, and if interest is expressed in development there, that site-specific studies should be conducted.
- Add areas to the Overlay. Interest has been expressed in adding areas to the Overlay. Specifically, additional areas could be identified within the Owens Valley, Santa Rita Flat, or along ridgelines for wind development.
  - *Owens Valley* – The City of Los Angeles has restricted its consideration of renewable energy development to the southern Owens Valley. Since much of the Owens Valley is owned by the City of Los Angeles, it is unlikely that renewable energy development will occur elsewhere in the Valley. Staff also worked to exclude areas west of Highway 395.
  - *Ridgelines for Wind Energy* – Wind energy potential in many cases is superior along ridgelines. Development of the proposed GPA began with solar in mind, and therefore the proposed Overlay is mostly in valley areas (with the exception of Centennial Flat). The Overlay could be expanded to encompass more ridgelines where wind development might be appropriate. However, most of the ridgelines in the County are designated Wilderness or within Death Valley National Park. There are ridgelines in northwest Inyo County that are not designated Wilderness, but these areas have aesthetic values that may not be compatible with wind development. Therefore, if this alternative is selected, staff recommends more in-depth study.
  - *Santa Rita Flat* – this area is located northeast of Independence approximately 10 miles up Mazourka Canyon in the Inyo National Forest. This location provides relatively gently lands sloping to the south, and may provide excellent solar development potential due to this optimized slope, high elevation, and climatic conditions. However, land use, biology, and cultural resource issues may be barriers to development for any projects and intertie facilities.
- Eliminate the Overlay – The Overlay has generated concern from certain groups and individuals, and could be eliminated. If this alternative is selected, renewable energy would continue to be permitted in the SFL, PF, A, and GI land use designations (or more than 90 percent of the County), and would not be restricted to about 15 percent of the County by the Overlay. This alternative would not direct renewable energy developers where to investigate solar or wind renewable energy development potential or incorporate community input into where renewable wind or solar energy development might occur.

- Provide a Threshold for Renewable Solar and Wind Energy Projects Subject to the Overlay – Several comments have been received that the County could stipulate a threshold under which renewable solar and/or wind energy projects would be permitted throughout the County. Under the current proposal, the following project types would not be restricted to the Overlay: solar energy systems (defined by Section 801.5 of the California Civil Code), small wind energy conversion systems (refer to ICC Chapter 18.79) or windmills that do not generate electricity, or pilot or proof of concept power plants (refer to ICC Section 21.08.080). Such an alternative would allow for and encourage development of smaller renewable solar and wind energy projects throughout the County.

*Prohibit Wind and/or Solar Energy Development.* The County could prohibit wind and/or solar energy development. This alternative is not recommended as both types of renewable energy development have potential benefits, including reducing greenhouse gas emissions and providing jobs and investment in the County. The County has excellent potential for renewable energy development, particularly in regards to solar. The County is in relative close proximity to large population centers where electricity demand is highest, and existing transmission corridors provide opportunities to transmit renewable energy to market.

Staff believes that the current proposal best balances the County's needs as well as the varying viewpoints expressed during the public outreach process.

## **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration/Initial Study (MND/IS) was distributed for public review between December 17, 2010 and February 14, 2011 (refer to Attachment 3). The review period was extended twice to a total of 60 days. The document was circulated through the State Clearinghouse to relevant agencies, and the Notice of Availability/Intent was posted with the Inyo County Recorder and published in the Inyo Register. Correspondence received during the public review period as of the date of publication of this report and responses are included in Attachment 5. If any additional comments are received prior to the Planning Commission hearing, they will be addressed under separate cover.

A public comment meeting for the MND/IS was held on January 6, 2011 in Independence in the Board of Supervisors' chambers. Staff has summarized the comments made and provided responses (refer to Attachment 4).

## **RECOMMENDATION**

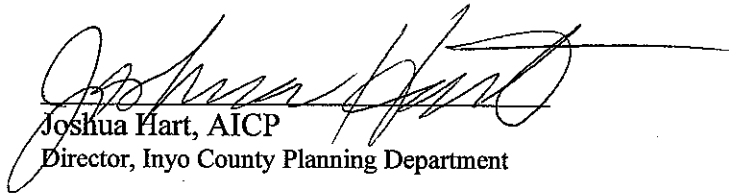
Staff recommends that the Commission conduct a public hearing and adopt Resolution No. 2011-01 recommending that the Board of Supervisors certify and adopt the MND

and make certain findings with respect to and adopt GPA No. 2010-03/Inyo County (Renewable Solar and Wind Energy).

**ATTACHMENTS**

1. Resolution No. 2011-01
2. Draft GPA
3. Draft MND
4. Public Comment Summary from January 6, 2011 Public Meeting and Responses
5. Responses to CEQA Correspondence
6. Other Correspondence
7. Public Meeting Summaries
8. Summary of Overlay Development

Prepared and Approved By:



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