

In the Rooms of the Board of Supervisors

County of Inyo, State of California

I, HEREBY CERTIFY, that at a meeting of the Board of Supervisor of the County of Inyo, State of California, held in their rooms at the County Administrative Center in Independence on the 26th day of *April*, 2011 an order was duly made and entered as follows:

Planning/Public
Hearing GPA
2010-03/Inyo County

The Chairperson opened the **PUBLIC HEARING** at 11:10 a.m., regarding the Renewable Solar and Wind Energy General Plan Amendment (General Plan Amendment No. 2010-03/Inyo County). The Planning Director, Mr. Josh Hart, requested that the staff report and all its attachments be entered into the record and it was Marked Exhibit A. He went on to submit the documents which were entered into the record as follows: Exhibit B – the amended Resolution approving the GPA; Exhibit C – the April 19, 2011 Board of Supervisors letter responding to the Big Pine Paiute Tribe; Exhibit D – the April 15, 2011 letter from the Big Pine Paiute Tribe to the Board; Exhibit E – the April 19, 2011 letter from the Death Valley Timbisha-Shoshone Tribe; Exhibit F – the April 25, 2011 email from Brian Adkins of the Bishop Paiute Tribe; Exhibit G – maps of the Timbisha-Shoshone lands that were excluded from the overlay; and Exhibit H – the April 26, 2011 letter from the Sierra Club's attorney Laurens H. Silver. The Planning Director went on to review the Staff report and recommendations. He explained the overlay maps showing the areas to be designated for renewable solar and wind energy developments under the General Plan Amendment and to confirm the County's consultation with the various Native American tribes throughout the Valley. Mr. Hart also confirmed that the Negative Mitigated Declaration was adequate to comply with CEQA. Mr. Andy Holmes of Triad Engineering addressed the Board to support the General Plan Amendment. Mr. Mark Bagley of the Sierra Club, Mr. Gary Bacock, Tribal Administrator Big Pine Paiute Tribe, and Mr. Bill Helmer, representing the Big Pine Paiute Tribe, addressed the Board to oppose adopting the General Plan Amendment. No one else came forward to address the Board and the Chairperson closed the public hearing at 12:10 p.m.

Resol. #2011-17/
Adopting General
Plan Amendment
2010-03/Inyo County

Moved by Supervisor Arcularius and seconded by Supervisor Cervantes to approve Resolution No. 2011-17, making certain findings with Respect to General Plan Amendment No. 2010-03/Inyo County (Renewable Solar and Wind energy); making certain findings with respect to and certifying and adopting a Mitigated Negative Declaration/Initial Study for General Plan Amendment No. 2010-03/Inyo County (Renewable Solar and Wind Energy); and adopting General Plan Amendment No. 2010-03/Inyo County (Renewable Solar and Wind Energy) with modifications as recommended by Staff. Motion carried unanimously.

WITNESS my hand and the seal of said Board this 26th

Day of April 2011



KEVIN D. CARUNCHIO
Clerk of the Board of Supervisors

By:

Patricia Gunsolley
Patricia Gunsolley, Assistant

Routing
CC _____
Purchasing _____
Personnel _____
Auditor _____
CAO _____
Other <u>Planning</u> _____
DATE: May 6, 2011

RESOLUTION NO. 2011-17

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO,
STATE OF CALIFORNIA, CERTIFYING AND ADOPTING THE MITIGATED
NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND MAKING CERTAIN
FINDINGS WITH RESPECT TO AND APPROVING, GENERAL PLAN AMENDMENT
NO. 2010-03/INYO COUNTY (SOLAR AND WIND RENEWABLE ENERGY)**

WHEREAS, California Government Code Section 65300 et seq. indicates that the legislative body of each county shall adopt a comprehensive, long-term general plan for its physical development, including the following seven required elements: (1) land use, (2) circulation, (3) housing, (4) conservation, (5) open space, (6) noise, and (7) safety; and

WHEREAS, the County adopted a comprehensive update to its General Plan in 2001, but the General Plan does not adequately address renewable wind and solar energy development, and the County wishes to update the General Plan to adequately address renewable wind and solar energy development; and

WHEREAS, Inyo County supports and encourages the responsible utilization of its natural resources, including the development of its solar and wind resources for the generation and transmission of clean, renewable electric energy; and

WHEREAS, Inyo County encourages the increased use of solar radiation and wind to generate and transmit clean, renewable electric energy as a benefit not only to the citizens of Inyo County, but also to citizens of California and the United States; and

WHEREAS, GOAL GOV-10 (Energy Resources) and Policy Gov-10.1 (Development) indicate that 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, and 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; (f) Consider, account for, and mitigate ecological, cultural, economic, and social impacts, as well as benefits, from development of renewable energy resources; (g) 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; and

WHEREAS, the County has been participating in a variety of renewable energy planning efforts, including but not limited to the Renewable Energy Transmission Initiative (RETI), the Bureau of Land Management's (BLM) Transmission Corridor, Wind, Geothermal, and Solar Environmental Impact Statements, the Desert Renewable Energy Transmission Plan (DRECP), the California Transmission Planning Group, a variety of renewable energy initiatives in the neighboring State of Nevada; and the Board of Supervisors and staff have transmitted correspondence regarding these and other efforts on June 24, 2009, July 1, 2009, July 28, 2009, October 20, 2009, November 4, 2009, November 16, 2009, January 27, 2010, March 2, 2010, March 31, 2010, April 20, 2010, April 21, 2010, April 23, 2010, August 17, 2010, and March 29, 2011; and County representatives have participated in meetings for the RETI on June 18, 2009, September 9, 2009, September 16, 2009, September 24, 2009, November 2, 2009, November 3, 2009, November 9, 2009, November 12, 2009, November 19, 2009, December 3, 2009, December 10, 2009, January 7, 2010, January 19, 2010, February 18, 2010, February 26, 2010, March 4, 2010, March 11, 2010, March 18, 2010, April 13, 2010, May 3, 2010, June 10, 2010, June 28, 2010, July 15, 2010, and August 11, 2010, the DRECP on June 18, 2009, August 24, 2009, October 13, 2009, March 23, 2010, April 22, 2010, April 27, 2010, May 27, 2010, July 14, 2010, June 9,

2010, September 8, 2010, September 27, 2010, October 13, 2010, November 12, 2010, November 17, 2010, December 20, 2010, January 7, 2011, January 12, 2011, January 13, 2011, January 25, 2011, February 14, 2011, February 16, 2011, March 9, 2011, and April 13, 2011, and the Solar PEIS on May 13, 2010, May 26, 2010, September 1, 2010, February 10, 2011, and February 23, 2011, and the County intends to continue its participation in these and other renewable energy planning efforts; and

WHEREAS, on July 28, 2009, the Board of Supervisors approved correspondence to California Energy Commission (CEC) representatives expressing concern about the RETI; and on August 24, 2009 CEC staff suggested that Inyo County identify areas appropriate for renewable energy development; and on October 6, 2009 and October 20, 2009, the Board of Supervisors reviewed correspondence and graphics identifying areas for appropriate renewable energy development in Inyo County, which were authorized and transmitted to Representative McKeon and Senator Boxer, and representatives the California State Association of Counties (CSAC) and the Regional Council of Rural Counties (RCRC), and the CEC, the Bureau of Land Management (BLM), United States Fish and Wildlife Service (USFWS), the California Department of Fish and Game (CDFG), and the DRECP; and on November 16, 2009, County staff transmitted correspondence with the graphics attached to representatives of the CEC, RCRC, CSAC, BLM, USFWS, and CDFG; and on November 19, 2009, staff presented a paper, including the graphics, to the RETI Phase 2A Update Subgroup describing the renewable energy potential in the County, which was subsequently posted on the CEC website; and on March 2, 2010, staff transmitted correspondence with the graphics attached to Governor Schwarzenegger and representatives of RCRC, CSAC, BLM, CEC, CDFG, USFWS, and BLM; and on June 1, 2010, June 15, 2010 and June 22, 2010, staff transmitted the graphics to representatives of the BLM; and on June 9, 2010, and July 28, 2010 staff transmitted the graphics to representatives of Senator Feinstein; and on June 30, 2010 staff presented the graphics to the Owens Lake Planning Committee; and

WHEREAS, on May 3, 2010 the County transmitted a request to the State of California Native American Heritage Commission (NAHC) requesting a list of appropriate tribal contacts for purposes of consultation pursuant to Government Code Section 65352.3; and

WHEREAS, on May 6, 2010, the NAHC transmitted a list of appropriate tribal contacts for purposes of consultation pursuant to Government Code Section 65352.3 to the County; and

WHEREAS, on May 24, 2010, the County transmitted by certified mail, return receipt requested, correspondence to the list of tribal contacts provided by the NAHC inviting consultation pursuant to Government Code Section 65352.3; and

WHEREAS, on July 23, 2010, and August 13, 2010 staff met with representatives of the Big Pine Tribe for purposes of consultation pursuant to Government Code Section 65352.3; and

WHEREAS, on December 21, 2010 staff met with representatives of the Timbisha Shoshone Tribe for purposes of consultation pursuant to Government Code Section 65352.3; and

WHEREAS, on July 23, staff transmitted courtesy notice regarding an Ordinance to encourage and regulate the development of renewable energy resources within Inyo County to interested parties; and

WHEREAS, the Inyo County Board of Supervisors held a public hearing on August 3, 2010 and a continued public hearing on August 10, 2010 to consider an Ordinance to encourage and regulate the development of renewable energy resources within Inyo County; and

WHEREAS, after considering and responding to public input received on August 3, 2010 and August 10, 2010, on August 17, 2010 the Inyo County Board of Supervisors adopted Ordinance No. 1158-Inyo County Renewable Energy Ordinance, to encourage and regulate the development of renewable energy resources within Inyo County; and

WHEREAS, based upon interest expressed during review of Ordinance No. 1158, the County undertook an extensive outreach effort for GPA No. 2010-03 (Renewable Wind and Solar Energy); and

WHEREAS, on September 8, 2010, the County transmitted correspondence to interested parties providing information regarding GPA No. 2010-03 (Renewable Wind and Solar Energy), requesting input, and discussing upcoming public outreach; and

WHEREAS, preliminary drafts of GPA No. 2010-03 (Renewable Wind and Solar Energy) was made available on several occasions in the fall of 2010 incorporating the map developed in 2009, as updated based on public input since; and interested parties were notified; and

WHEREAS, staff met or held conference calls with interested parties regarding GPA No. 2010-03 (Renewable Wind and Solar Energy) on numerous occasions, including on September 20, 2010, September 22, 2010, October 4, 2010, October 6, 2010, October 15, 2010, October 18, 2010, October 29, 2010, November 5, 2010, November 8, 2010, and December 21, 2010; and

WHEREAS, public meetings were held regarding GPA No. 2010-03 (Renewable Wind and Solar Energy) in Bishop on October 21, 2010, Lone Pine on November 4, 2010, Independence on November 18, 2010, and Tecopa on December 9, 2010; and courtesy notices regarding the meetings were transmitted to interested parties on October 11, 2010, October 25, 2010, November 10, 2010, and December 1, 2010 and published in the Inyo Register on October 16, 2010, October 30, 2010, November 13, 2010, December 4, 2010 and the Pahrump Times on December 3, 2010; and a variety of outreach occurred throughout this period to publicize these meetings and the GPA more generally, including creation of a website with a variety of information regarding renewable energy in general and the GPA specifically, distribution of notices through the website, email, and telephonic means; and

WHEREAS, Inyo County has conducted a thorough public process with stakeholder representatives including but not limited to: renewable energy developers, power companies, federal, state and local agencies, the U.S. Military, environmental groups, local Tribes, property owners and citizens of Inyo County, to influence the development of solar and wind renewable energy General Plan Policy and create mapped overlays that identify areas which may be appropriate for solar and wind renewable energy development; and

WHEREAS, Inyo County has prepared an update to its General Plan that amends the Land Use; Public Services and Facilities; Economic Development; Conservation/Open Space; and Public Safety General Plan Elements with policies directing solar and wind renewable energy development; and

WHEREAS, Inyo County has created General Plan policies for solar and wind renewable energy development that establishes definitions of solar and wind renewable energy facilities and mapped overlay areas that may be appropriate for solar and wind renewable energy facilities; and

WHEREAS, Inyo County has created General Plan policies for solar and wind renewable energy development that establishes guidance to: minimize the impacts to social, economic and environmental factors to Inyo County from solar and wind renewable energy development; off-set the costs of solar and wind renewable energy development to Inyo County; balance the conversion of productive agriculture land for solar and wind renewable energy development; coordinate with federal, military, state and local jurisdiction land managers to minimize impact on the use of lands they manage located within Inyo County, which may be used for solar and wind renewable energy development;

encourage solar and wind renewable energy development that utilizes technologies to minimize the use of potable water; site and screen solar and wind renewable energy facilities to minimize significant impacts to the visual environment; minimize impacts to accessing recreational opportunities; support efforts to combine air quality improvements with other social, cultural and environmental goals, including solar and wind renewable energy development; minimize noise from solar and wind renewable energy development; and others; and

WHEREAS, the Inyo County Board of Supervisors, through Section 15.12.040 of the Inyo County Code, has designated the Planning Commission to serve as the Environmental Review Board pursuant to Section 15022 of the California Environmental Quality Act (CEQA) Guidelines, which is responsible for the environmental review of all County projects; and

WHEREAS, GPA No. 2010-03 (Renewable Wind and Solar Energy) is a policy document that directs the responsible development of renewable energy projects within Inyo County and will not directly result in significant changes to the environment, and that the subsequent development of such projects may indirectly impact the environment, and that these impacts can be mitigated so as not to exceed thresholds of significance, individually or cumulatively; and therefore a Mitigated Negative Declaration/Initial Study (MND/IS) of Environmental Impact has been prepared and processed pursuant to the California Environmental Act (CEQA), and the Inyo County CEQA procedures and together with a draft of GPA No. 2010-03 (Renewable Wind and Solar Energy) circulated through the State Clearinghouse; posted on the County website, and made available upon request; and

WHEREAS, in compliance with CEQA, a Notice of Availability/Intent was recorded by the Inyo County Recorder on December 16, 2010 and published in the Inyo Register on December 18, 2010; and

WHEREAS, courtesy notices regarding the availability of the MND/IS were transmitted to a list of interested parties on December 16, 2010; and

WHEREAS, a courtesy public comment meeting regarding the MND/IS was held on January 6, 2011; and

WHEREAS, the public comment period for the draft MND/IS was extended twice and closed on February 14, 2011; and

WHEREAS, a notice of public hearing before the Inyo County Planning Commission for General Plan Amendment No. 2010-03 (Wind and Solar Energy) was published in the Inyo Register on March 19, 2011; and

WHEREAS, the Planning Commission held a noticed public hearing on March 31, 2011, for General Plan Amendment No. 2010-03 (Wind and Solar Energy), considered public testimony, the staff report, and all of the information in the record; made findings, and unanimously recommended that the Inyo County Board of Supervisors: (1) certify and adopt the Mitigated Negative Declaration of Environmental Impact and (2) make certain findings with respect to, and approve General Plan Amendment No. 2010-03/Inyo County Renewable Solar and Wind Energy, based on all of the information in the public record and on recommendation of the Planning Commission; and

WHEREAS, a notice of public hearing before the Inyo County Board of Supervisors for General Plan Amendment No. 2010-03 (Wind and Solar Energy) was published in the Inyo Register on April 16, 2011; and

WHEREAS, this Board does hereby find and declare adoption of General Plan Amendment No. 2010-03 (Wind and Solar Energy) to be in the public interest; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that, based on all of the written and oral comments and input received at the April 26, 2011 hearing, including the staff report for the project, this


Board of Supervisors makes the following findings regarding General Plan Amendment No. 2010-03 (Wind and Solar Energy):

- 1.) An MND/IS was prepared and circulated in accordance with CEQA and reflects the County's independent analysis and judgment. Together with the MND/IS, all comments received, the responses to those comments, and all other information in the record, the MND/IS demonstrates that there is no substantial evidence that the project will have a significant effect on the environment. The Planning Department shall be the custodian of all documents constituting the record of these proceedings. Mitigation measures for any individual future projects will be identified, implemented, and monitored/reported for such future projects.
- 2.) The County's zoning permits solar and wind renewable energy development throughout the County. The General Plan currently allows such development in the State and Federal Lands, Public Service Facilities, Agriculture, and General Industrial Land Use Designations. The proposed Solar and Wind Renewable Energy General Plan Amendment would limit such development to areas identified in the proposed overlay, which areas are most appropriate for solar and wind renewable energy development.
- 3.) The proposed Solar and Wind Renewable Energy General Plan Amendment identifies appropriate areas for solar and wind renewable energy development; it provides no authorization to construct any project and provides no assurances that any project will be approved. There is no practical possibility that any significant portion of the identified areas will be developed and there is no way to identify in advance what portions of the areas will be developed. The primary effect of the proposed Solar and Wind Renewable Energy General Plan Amendment is to allow persons to apply to construct renewable energy projects, subject to environmental analysis independent of the MND/IS, federal or state landowner approval, Inyo County Renewable Energy Ordinance and all other applicable local, state and federal laws. The effect of any future project is speculative and cannot be currently analyzed or mitigated.
- 4.) Based on substantial evidence in the record, the proposed Solar and Wind Renewable Energy General Plan Amendment is consistent with the Goals and Policies of the Inyo County General Plan.
- 5.) Based on substantial evidence in the record, the proposed Solar and Wind Renewable Energy General Plan Amendment is consistent with the purposes and intent of Title 18 (Zoning Ordinance) of the Inyo County Code.
- 6.) Based on substantial evidence in the record, the Solar and Wind Renewable Energy General Plan Amendment, complies with California Government Code Section 65300 et seq. (i.e., the State's regulations for the General Plan).

BE IT FURTHER RESOLVED, that the Inyo County Board of Supervisors hereby certifies and adopts the Mitigated Negative Declaration of Environmental Impact for General Plan Amendment No. 2010-03/Inyo County Renewable Solar and Wind Energy and approves General Plan Amendment No. 2010-03/Inyo County Renewable Solar and Wind Energy, based on all of the information in the public record and on recommendation of the Planning Commission.

PASSED AND ADOPTED this 26th day of April, 2011 by the following vote of the Inyo County Board of Supervisors:

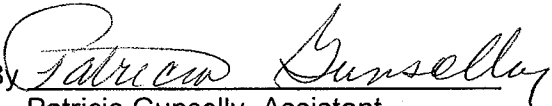
AYES: Supervisors Arcularius, Cash, Pucci, Fortney and Cervantes
NOES: -0-
ABSTAIN: -0-
ABSENT: -0-



Chair, Inyo County Board of Supervisors

ATTEST:

Kevin Carunchio
Clerk of the Board

By 

Patricia Gunsolly, Assistant