

COUNTY OF INYO PLANNING COMMISSION

MINUTES OF DECEMBER 1, 2010 MEETING

COMMISSIONERS:

WILLIAM STOLL
CYNTHIA LITTLE
SAM WASSON
RICHARD WHITE
PAUL PAYNE

FIRST DISTRICT (CHAIR)
SECOND DISTRICT
THIRD DISTRICT (VICE-CHAIR)
FOURTH DISTRICT
FIFTH DISTRICT

Inyo County Planning Commission
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STAFF:

JOSHUA HART
TED PEDERSEN
KEVIN CARUNCHIO
TANDA GRETZ
ADENA FANSLER
CATHREEN RICHARDS
DAN STEWART
DANA CROM

PLANNING DIRECTOR
PUBLIC WORKS DIRECTOR
COUNTY ADMINISTRATOR
SENIOR PLANNER
ASSOCIATE PLANNER
ASSOCIATE PLANNER
PLANNING COORDINATOR
COUNTY COUNSEL

The Inyo County Planning Commission met in regular session on Wednesday, December 1, 2010, in the Board of Supervisors Room, Administrative Center, in Independence, California. Commissioner Wasson opened the meeting at 10:00 a.m. These minutes are to be considered for approval by the Planning Commission at their next regularly scheduled meeting.

ITEM 1: PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by Commissioner Wasson at 10:03.

ITEM 2: ROLL CALL - Commissioners: Paul Payne, Sam Wasson, Cynthia Little, and Richard White.

Also present were: Josh Hart, Planning Director; Dana Crom, County Counsel; Tanda Gretz, Senior Planner; Cathreen Richards, Associate Planner; and Dan Stewart, Planning Coordinator.

Absent: William Stoll, 1st District Commissioner and Chair
Kevin Carunchio, County Administrator
Ted Pedersen, Public Works Director
Adena Fansler, Associate Planner

ITEM 3: PUBLIC COMMENT PERIOD – This is the opportunity to address the Planning Commission on any planning subject that is not scheduled on the Agenda.

There was no one from the audience wishing to comment.

ITEM 4: APPROVAL OF MINUTES (Action Item) – Approval of Minutes from October 27, 2010.

MOTION: Moved by Commissioner White and seconded by Commissioner Payne to approve the Minutes from October 27, 2010.

The Motion passed unanimously with Commissioner Stoll absent.

ITEM 5: **CONDITIONAL USE PERMIT #2010-07/ BRIGHTSOURCE ENERGY AND VARIANCE 2010-03/ BRIGHTSOURCE ENERGY (Public Hearing & Action Item)** – This project involves placing a temporary weather monitoring station on the property. The weather station will be in use for no more than six months. It will be 8’ in height with an additional 35’ wind pole, and will have a temporary 40’x40’x6’1” standard chain link fence around it. The weather station will be used to generate data for the area to see if it is viable for solar energy production. If the resulting data shows that the area has adequate solar resources, the applicant will be interested in developing a solar renewable energy project on the property.

Tanda Gretz, Senior Planner, from the Inyo County Planning Department presented the Staff Report to the Commission.

Commissioner Payne inquired about the proximity of the nearest residential neighbor to the proposed meteorological monitoring site. Commissioner White explained that the nearest residential neighbor to the site is approximately a mile and a half away.

Commissioner Wasson opened the public hearing at 10:08.

Clay Jensen, a representative from Brightsource Energy, thanked staff. Mr. Jensen explained that the proposed meteorological monitoring site is intended to monitor and record meteorological data with the intent to construct a solar energy generation plant in the near future. If the meteorological data gleaned from the proposed meteorological monitoring site supports the feasible construction of a solar plant, Brightsource plans to tie into a transmission lines located in Nevada.

Commissioner Payne inquired about the timeline for the project. Mr. Jensen stated that data will be gathered during 2011, and Brightsource hopes to obtain permits and start construction by the spring of 2012.

Commissioner Wasson closed the public hearing at 10:11.

MOTION: Moved by Commissioner White and seconded by Commissioner Payne to: Make certain Findings with respect to, and approve, Conditional Use Permit #2010-07, and Variance 2010-03, subject to the Conditions of Approval as recommended in the Staff Report.

The Motion passed unanimously with Commissioner Stoll absent.

ITEM 6: **CONDITIONAL USE PERMIT #2010-06 / LITTLE LAKE SOUTH WIND PROJECT AND VARIANCE #2010-02 (Public Hearing & Action Item)** – This project consists of three meteorological towers placed over 4,500 acres of BLM lands for a period not to exceed three years. The project area is located near the Pearsonville area. The towers will be used to evaluate the wind resources of the area in order to determine if the area could support a future wind energy project.

Josh Hart, Inyo County Planning Director, made a correction to the Agenda Item #6 Little Lake Wind Project Variance #2010-02 instead of #2010-01.

Tanda Gretz, Senior Planner, from the Inyo County Planning Department presented Comment Letter #2 and revised Conditions of Approval, based on Comment Letter #2, to the Commissioners.

Commissioner Wasson suggested a recess to review the additional comments presented in Comment Letter #2 and the revised Conditions of Approval. Commissioner Wasson scheduled a recess until 10:30 to review the comments.

Commissioner Wasson re-opened the Planning Commissioner's meeting at 10:33. Tanda Gretz, Senior Planner, from the Inyo County Planning Department presented the Staff Report.

Commissioner Little expressed concern about the costs associated with the revised conditions of approval, and who will bear those costs. Ms. Gretz answered that the applicant will bear the cost of the additional conditions of approval.

Commissioner Little inquired about the existing users of the BLM land proposed for this project. Commissioner Little went on to express concern about the possible effects that the project will have on the existing users of the BLM public lands.

Josh Hart, Inyo County Planning Director, clarified that the Conditional Use Permit # 2010-06 is for the placement of meteorological monitoring towers and not for the actual windmills. Mr. Hart went on to state that any biological concerns will be mitigated with Conditions of Approval.

Commissioner Wasson opened the public hearing at 10:46.

Mr. James Diven, a representative of RES Americas, gave a brief description of RES America and current energy production as well as their plans for future energy production.

Commissioner Payne inquired about the process for reclamation if RES America finds the wind to be insufficient for economical wind energy production. Mr. Diven explained that RES America has three years to collect and analyze the data from the proposed meteorological monitoring sites, after that period RES America can apply for a two-year extension. If the wind resources prove to be insufficient for economical wind energy production the towers will be decommissioned and the land will be rehabilitated. RES America has purchased a bond to ensure this decommissioning and rehabilitation takes place.

Commissioner Payne inquired about the quality of the wind resource. Mr. Diven explained the meteorological monitoring stations will collect the data and then RES America will analyze the data before construction take place. This will ensure that there is sufficient wind at the site for economical wind energy production.

Commissioner Payne inquired if Mr. Diven was aware of the Conditions of Approval contained in the Staff Report. Mr. Diven replied that he, and RES America is adjusting their plans accordingly.

Commissioner Little inquired about the access to the 1,800 acres of the BLM land once the towers are put into place. Mr. Diven replied that access to these public lands will not change. Mr. Diven went on to explain that the meteorological monitoring towers will be placed far

enough away from the roads so that in the unlikely event a tower is to fall, the tower will not fall on the road. Orange construction hazard fencing will be used around all guy wires and bases of the temporary towers.

Commissioner Little inquired about the economic feasibility of wind energy production. Mr. Diven replied that in the short-term wind energy is about 20% more expensive, however long-term wind energy may be cheaper.

Dr. Patricia Brown, former BLM employee and UCLA biologist, inquired about data collection for birds and bats in the area. Mr. Diven replied that bat and bird counts will be taken in the area, including counts of species and frequencies. This bird and bat data can then be used to mitigate negative any effects, if the data supports the construction of the windmills.

Dr. Brown further inquired about why RES America wants to proceed with a project that has such negative effects. Mr. Diven explained that RES America is applying for the meteorological monitoring towers to collect and analyze data. He continued by stating that every area has issues, RES America's business is to research these issues and determine if they can be economically mitigated.

Commissioner Little inquired about whether these issues could stop the construction of the windmills in Inyo County. Mr. Diven replied yes there is that potential.

Mick Gleason, former Navy Commander of NAWS China Lake and China Lake Alliance member, thanked staff for their efforts. Mr. Gleason stated that the Navy can not object to the meteorological monitoring towers. Mr. Gleason also very clearly stated that the Navy will object to the construction of all "wind farms" in the area, and that wind mills will have an adverse effect on the Navy's mission.

Commissioner Wasson inquired about the size of the area of which the Navy would object to wind mills. Mr. Gleason declined to comment.

Earl Wilson, Lone Pine resident and China Lake Astronomical Society member, inquired about the use of infra red light on the towers. Mr. Gleason stated that FAA and Air Force regulations require lighting on all structures over 200 feet from the ground. Mr. Wilson requested that no white strobe lights be used, due to light pollution.

Hector Villalobos, Field Manager from the BLM Ridgecrest Office, stated that the temporary towers must be placed far enough away from existing roads, so that in the unlikely event that a tower is to fall the tower will not fall on the existing roads. Mr. Villalobos went on to inquire about the planning process after the three-year monitoring period. Commissioner Payne replied that RES America would have to apply for another land use permit.

Commissioner Wasson closed the public hearing at 11:27.

Commissioners White, Wasson, and Payne questioned whether the wind resources in the area are sufficient for economical wind energy production, based on their previous experiences.

MOTION: Moved by Commissioner Payne and seconded by White to: Make certain Findings with respect to, and approve, Conditional Use Permit #2010-06 and Variance #2010-02/ Little

Lake South Wind Project, subject to the Conditions of Approval as recommended in this staff report.

The Motion passed unanimously with Commissioner Stoll absent.

ITEM 7: **CONDITIONAL USE PERMIT #2010-05 / LITTLE LAKE NORTH WIND PROJECT AND VARIANCE #2010-01 (Public Hearing & Action Item)** – This project consists of five meteorological towers placed over 14,200 acres of BLM lands for a period not to exceed three years. The project area ranges from Haiwee Reservoir to Coso Junction. The towers will be used to evaluate the wind resources of the area in order to determine if the area could support a future wind energy project.

Commissioner Wasson opened the public hearing at 11:33.

There was no one from the audience wishing to comment on any issues different from Item #6.

Commissioner Wasson closed the public hearing at 11:33.

MOTION: Moved by Commissioner Payne and seconded by White to: Make certain Findings with respect to, and approve, Conditional Use Permit #2010-05 and Variance #2010-01/ Little Lake North Wind Project, subject to the Conditions of Approval as recommended in this staff report.

The Motion passed unanimously with Commissioner Stoll absent.

ITEM 8: **COMMISSIONERS' REPORT/COMMENTS-** There was no one from the Planning Commission wishing to comment.

ITEM 9: **PLANNING DIRECTOR'S REPORT-** Mr. Josh Hart, Planning Director, informed the Planning Commissioners that the Renewable Energy General Plan Amendment is in the process.

ADJOURNMENT - With no further business, Commissioner Wasson adjourned the meeting at 11:37 A.M. to reconvene in regular session on Wednesday, January 26th at 10:00 a.m. in the Board of Supervisors Room, Administrative Center, Independence, California.

Prepared by:
Dan Stewart, Temporary Planning Coordinator
Inyo County Planning Department