



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 9:00 a.m. Closed Session Informational

FROM: Inyo County Planning Department

FOR THE BOARD MEETING OF: March 24, 2015

SUBJECT: General Plan Amendment (GPA) No. 2013-02/Inyo County Renewable Energy

A. **DEPARTMENTAL RECOMMENDATION:** The Board of Supervisors conduct a public hearing and adopt a resolution entitled: "A Resolution of The Board of Supervisors of the County of Inyo, State of California, Certifying the Program Environmental Impact Report and Making Certain Findings with Respect to and Approving, General Plan Amendment No. 2013-02/Inyo County Renewable Energy." The resolution:

1. Certifies that the Final Program Environmental Impact Report (PEIR) was prepared in compliance with the California Environmental Quality Act (CEQA), was presented to and considered by the Board and that the FEIR reflects the independent judgment of the Board;
2. Adopts each of the mitigation measures identified in the FEIR;
3. Adopts a Mitigation Monitoring and Reporting Program;
4. Makes Findings of Fact as required by CEQA;
5. Adopts a Statement of Overriding Considerations; and
5. Approves the General Plan Amendment No. 2013-02/Inyo County Renewable Energy.

SUMMARY DISCUSSION: An update to the Inyo County General Plan is proposed to address renewable solar energy development. As part of this update, Solar Energy Development Areas (SEDA) are proposed where renewable energy solar projects may be developed, based on the PEIR prepared for the GPA, and based upon future site specific studies, additional environmental review, and permitting pursuant to the County's Renewable Energy Ordinance Title 21, and other applicable State, federal, and local laws. Other updates proposed for the General Plan include: capping solar development in each SEDA by megawatts based on potential transmission availability and corresponding acreages; identifying and defining appropriate scales and sizes of solar facility development; providing that social, cultural, visual, economic, and environmental impacts are minimized; requiring reclamation at the termination of solar facilities; minimizing water consumption; working to protect military readiness; and; discouraging conversions of lands utilized for agriculture, mining, and recreation (please see Attachment A: March 4, 2015 Planning Commission Staff Report for a full discussion).

On March 4, 2015 the Inyo County Planning Commission held a public hearing and took public comment on the proposed GPA. Nine people provided comments that included: support for the revised SEDA maps that support Mojave ground squirrel habitat connectivity and/or better align with the Desert Renewable Energy Conservation Plan, Development Focus Areas ; support for the Photo Voltaic only alternative; support for Commercial Scale (20 megawatts or less) only alternative; concerns about groundwater and potential development in Charleston View and Chicago Valley; concerns about the impacts of solar development on tourism; concerns about inconsistencies of the megawatt caps and concerns about limiting development to 20 megawatts or less based on the need for multiple intertie connections this

would cause (Attachment B: Errata Sheet #1: Public Comments and Responses from the March 4, 2015 Planning Commission hearing).

At the close of the March 4, 2015 hearing, the Planning Commission provided a recommendation to the Board of Supervisors to certify the PEIR and adopt GPA 2013-02/Inyo County Renewable Energy as presented by staff and with the recommended modifications presented by staff and with the additional recommendations to:

- use the Solar Photo Voltaic only alternative;
- use the Commercial Scale only alternative (20 megawatts or less);
- modify the Rose Valley and Pearsonville Solar Energy Development Areas to reflect the Desert Renewable Energy Conservation Plan Development Focus Area boundaries as presented by staff (Attachments 10 and 12 of Attachment A: Planning Commission Staff Report);
- modify the Owens Lake Solar Energy Development Area, by aligning the southern boundary at Highway-190, as presented by staff; eliminate the Chicago Valley Charleston View Solar Energy Development Areas;
- avoid Areas of Critical Environmental Concern and National Landscape Conservation System lands; and,
- emphasized keeping the staff recommendation to remove policies supporting Development Focus Areas and Variance lands as identified in the Desert Renewable Energy Conservation Plan.

With due respect to the recommendations from the Planning Commission, for the reasons presented below under the heading “Alternatives,” staff recommends that the Board approve GPA 2013-02/Inyo County Renewable Energy as described in March 4, 2015 Planning Commission Staff Report, which is Attachment A hereto.

ENVIRONMENTAL REVIEW

A PEIR was prepared for GPA 2013-02/Inyo County Renewable Energy. A Program Environmental Impact Report (PEIR) was chosen, pursuant to CEQA Guidelines Section 15168 as the GPA is a policy document that covers a large geographic area (please see pages 21-22, of Attachment A). It evaluated all of the required area issues of: Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems and the additional issue area of Socioeconomics (please see the Final PEIR).

Based on the analysis provided in the PEIR the project will: (1) have less than significant impacts on the issue areas of Land Use and Planning Population and Housing, Recreation, Utilities and Services Systems; (2) have Less than Significant Impacts After Mitigation on the issues of Agriculture and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Public Services, Socioeconomics, and Transportation; and (3) have Significant and Unavoidable impacts on the issues areas of Aesthetics, Biological Resources, and Cultural Resources.

Pursuant to the requirements of CEQA a Mitigation Monitoring and Reporting Program was prepared (please see Section E, Volume I of the PEIR). Project Findings pursuant to CEQA Guidelines 15091 and a Statement of Overriding Conditions for the issue areas with Significant and Unavoidable impacts has

been prepared pursuant to CEQA Guidelines Section 15093 (Attachment C hereto, Exhibit 1, Findings of Fact and Statement of Overriding Considerations).

Upon completion of the Board of Supervisors public comment hearing, staff will provide Errata Sheet #2: Public Comments and Responses from the March 24, 2015 Board of Supervisors hearing (Attachment D: Comments received post Planning Commission hearing March 4, 2015).

RECOMMENDED ACTIONS: Based on the on substantial evidence in the record and the Planning Commission's recommendation, adopt the resolution approving General Plan Amendment 2013-02/Inyo County Renewable Energy (which reflects the recommendations of staff) (Attachment C: Resolution).

ALTERNATIVES:

- 1) The Board could not adopt the PEIR prepared for General Plan Amendment No. 2013-02/Inyo County Renewable Energy, and not approve General Plan Amendment No. 2013-02/Inyo County Renewable Energy.

This is not advised as Inyo County has excellent solar energy development potential; the increased generation of renewable solar energy development is a goal of the State of California and the federal government; and, a land use type with the potential impacts that solar development has should be addressed by the County's General Plan.

- 2) The Board could consider using all or part of the Planning Commission Recommendation from March 4, 2015, including:

- Use the Solar Photo Voltaic only alternative.

This alternative would eliminate the more controversial types of solar energy development of solar thermal and power tower technologies that tend to be more water use intensive and cause more impacts to visual resources than photovoltaic. This alternative, would not however, meet the State's renewable energy objectives to the degree the other solar development types would. Solar thermal and power tower facilities could also still be approved by other agencies that manage land in the County or by the CEC for these types of facilities that generate 50-megawatts and over.

- Use the Commercial Scale only alternative (20 megawatts or less). This alternative would keep individual solar facilities at 20 megawatts or less and 120-acres or less.

This alternative would limit the size and scale of individual facilities, which is a preference of the public based on the comments received. However, it would not affect the overall megawatt and acreage caps provided for in the proposed GPA for each SEDA, and therefore, several smaller facilities could be built instead of one large one in the same area. If this alternative is selected it is recommended that a distance requirement be considered to separate individual facilities taking into account the size of each SEDA.

Laws is the only SEDA where this limitation on facility size matches the megawatt cap. For example on the other SEDAs: Chicago Valley could have two 20-megawatt facilities and one 10-megawatt facility; Rose Valley, Pearsonville, Trona and Sandy Valley could have five 20-megawatt facilities; the Owens lake SEDA could have twelve 20-megawatt facilities and one 10-megawatt facility; and Charleston View could have twenty 20-megawatt facilities. It could

also create the need for more intertie connections, meaning more transmission lines that could result in more visual impacts from transmission lines and poles. It would also result additional costs to developers who must pay for each intertie connection.

This alternative could also cause the unintended consequences of not allowing maximum development to occur in areas where it is the most appropriate, especially with regard to disturbed land, and thereby, create a refocus to areas not as appropriate or desirable. For example, in the Rose Valley SEDA the Coso Hay Ranch, an abandoned agriculture area that is considered disturbed, is approximately 800-900-acres and therefore could be used to produce up to about 150-megawatts, or only a 100-megawatts less than the 250-megawatt cap on the western group. To limit this area to 20-megawatt facilities would be in conflict with one of the projects goals to encourage siting of solar renewable energy facilities on previously disturbed land. Owens Lake also has vast expanses of disturbed land that could provide for a large amount of the megawatt cap for the western group and may have the potential to work as a dust mitigation measure for the lake. The Trona SEDA includes disturbed area around the airport that is close to 600-acres. This area could provide for the entire megawatt cap assigned to Trona. Each SEDA (with the exception of Laws) is larger than the acreage caps assigned to it. This allows for the ability to find the best area within each SEDA for development. In some cases there are areas within the SEDAs that make more sense to develop at a larger scale as it would reduce pressure to develop in areas of the SEDA that are less desirable based on the project objectives. As part of addressing this issue, the Board may also want to consider removing the megawatt caps per SEDA, but keep the acreage caps and maintain the megawatt caps per group. The megawatt caps are based on potential transmission availability and by keeping it on the groups it will allow the message that the County is opposed to any additional transmission capacity to continue. This would also allow flexibility in the case that more megawatts can be produced on less acreage. If a project can exceed the megawatt cap, but stay within the acreage cap, on an area that is more desirable, such as a disturbed site, it would be preferable.

- Modify the Rose Valley and Pearsonville Solar Energy Development Areas (DFA) to reflect the Desert Renewable Energy Conservation Plan Development Focus Area boundaries as presented by staff (Attachments 10 and 12 of Attachment A: Planning Commission Staff Report).

This alternative would shrink both the Rose Valley and Pearsonville SEDAs to match the DFAs in Alternative 2 of the DRECP. This alternative was created by working with the DRECP planning staff and would better align the two plans as well as provide for better habitat connectivity for the Mojave Ground Squirrel.

- Modify the Owens Lake Solar Energy Development Area, by aligning the southern boundary at Highway-190, as presented by staff (please see Attachment 8 of Attachment A: Planning Commission Staff Report).

This alternative is a correction to a change made by a recommendation from the May 6, 2014 Board meeting. It was suggested by environmental groups to put back in a section that was removed when the Centennial Flat REDA was removed. Upon further review this area was found to have potential cultural resources and the environmental groups have subsequently suggested it be re-removed.

- Eliminate the Chicago Valley and Charleston View Solar Energy Development Areas.

This alternative removes two controversial SEDAS. The Chicago Valley SEDA was requested in part by a property owner. This alternative could reduce the potential uses of this property contrary to the property owner's request. In the case of Charleston View, there has been a considerable amount of concern with regard to visual impacts on the Old Spanish Trail historic trade route and this recommendation could reduce concerns about visual impacts to the Trail with regard to solar energy development. Currently the Charleston View SEDA is zoned for a considerable amount of residential that could also result in impacts to visual resources. Also, a private property owner has requested that the Charleston View megawatt cap be increased to 500-megawatts. This alternative could reduce the potential uses of this property contrary to the property owner's request. Much of the concern relating to the Charleston View SEDA is based on groundwater issues. Currently, the zoning in Charleston View could support - at a maximum, around 4,000-housing units (counting accessory dwelling units). Residential development is a high water use type of development. An unintended consequence of removing the opportunity for renewable energy solar development in Charleston View could be leaving it with very limited development potential and for a use that is a higher water use type, which is completely contrary to the opposition of the Charleston View SEDA based on groundwater concerns. There could also be the unintended consequence of the Bright Source project being reactivated (a project that the County does not have permitting authority over) or a new similar project being applied for, and the County not having General Plan policy in place. By removing it as a SEDA it also removes some of the influence the County may have to help direct and/or negotiate during such project proposals.

- Avoid Areas of Critical Environmental Concern (ACEC) and National Landscape Conservation System lands (NLCS).

The DRECP includes new potential proposals for land to be designated as ACEC and NLCS. This alternative could help to prevent conflicting land designations between the County's REGPA and the DRECP. It would be difficult, however, to align with the proposed designations with any certainty as the ACEC and/ or NLCS designations must be enacted and at this point there are variations of the proposals so there is no way to which if any will be enacted. There is also uncertainty as to whether Renewable Energy development will be completely disallowed in these designations. This could also create inconsistencies between the REGPA and DRECP

- Emphasize keeping the staff recommendation to remove policies supporting Development Focus Areas and Variance lands as identified in the Desert Renewable Energy Conservation Plan.

This alternative is a recommended modification by staff. It encouraged renewable energy solar development to disturbed lands and to DRECP DFAs and Variance Areas identified in the Solar PEIS. Based on public input and the County's review of the Draft DRECP the direction to encourage on DRECP DFAs and Variance Areas was removed, while continuing to encourage development on disturbed lands.

- 3) The Board could consider any of the alternatives presented by staff in the March 4, 2015 Planning Commission Staff Report (please see Attachment A).
- 4) The Board could provide staff with new alternatives.


This alternative is not recommended as the deadline for this work, as provided for in the grant agreement with the CEC, is March 31, 2015 and the evaluation of new alternatives could cause the County to miss its deadline.

- 5) The Board could direct staff to provide additional information to consider at a later date.


This alternative is not recommended, as the deadline for this work as provided for in the grant agreement with the CEC is March 31, 2015, and asking staff to provide additional information could cause the County to miss its deadline.

OTHER AGENCY INVOLVEMENT: California Energy Commission (CEC)

FINANCING: Costs to prepare the REGPA and the subsequent PEIR Report are being funded through a grant from the CEC.

<u>APPROVALS</u>	
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>  03/18/15
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: 3/18/15

- Attachments:
- A. March 4, 2015 Planning Commission Staff Report.
 - B. Errata Sheet #1: Public Comments and Responses from the March 4, 2015 Planning Commission

hearing.

C. Resolution.

D. Comments received post Planning Commission hearing March 4, 2015.