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January 27, 2010

California Energy Commission
Dockets Office, MS-4
Re: Docket No. 09-Renew EO-01
1516 Ninth Street
Sacramento, CA 95814-5512

DOCKET	
09- RENEW EO-1	
DATE	JAN 27 2010
RECD.	JAN 29 2010

**Re: Revised Draft Best Management Practices and Guidance Manual – Desert Renewable Energy Projects
Docket No. 09-Renew EO-01**

To Whom It May Concern:

Thank you for the opportunity to again provide input regarding the Best Management Practices (BMP) and Guidance Manual for Desert Renewable Energy Projects. The Inyo County Board of Supervisors provided comments on a previous draft of the BMPs on October 20, 2009.

The Energy Commission staff's efforts to revise the draft BMPs and incorporate some of the County's previous input are appreciated. However, one of the County's primary concerns – that references to it and other local government be included in the BMPs to a greater degree – has not been addressed adequately in the revised draft BMPs.

BMP Local Agency References

Inyo County has consistently expressed its support for appropriate renewable energy development. By including specific references to local jurisdictions' regulations and policies in the BMPs, the Energy Commission can work to improve the usefulness of the BMPs and expedite renewable energy projects, since local government will be integral to entitlement. It is recommended that references to specific local regulations and policies be included in the BMPs in the topical sections, by agency in the appendices, or otherwise. Following is a compilation of references relevant to Inyo County.

Zoning Ordinance: The County's zoning ordinance includes specific regulations that may apply to renewable energy development¹. As previously conveyed to Commission staff, these include the following:

- *Inyo County Code (ICC) Section 18.77 (Water Transfers)* – regulates water transfers between basins in the County, as well as out of the County, through a Conditional Use Permit (CUP) process; requires findings that the water transfer will not unreasonably the overall environment or economy of the County.
- *ICC Chapter 19 (Geothermal Resource Development)* – regulates geothermal resource development, including exploratory wells and production projects, through a CUP process; includes detailed standards regarding setbacks, noise, site restoration, etc.
- *ICC Chapter 15 (CEQA Procedures)* – guides the CEQA review procedures in the County, including providing a detailed list of exemptions.

Amendments to the zoning ordinance may be considered in the near future to address solar and wind energy facilities. Currently, these uses are not specifically mentioned, but would be conditionally permitted in the General Industrial and Extractive Zone (M-1 District), as indicated in ICC Chapter 18.57.

General Plan: The County's General Plan includes numerous sections that may be applicable to renewable energy development². These include the following:

- *Land Use Element* – the Land Use Designation that generally corresponds to the M-1 zoning district is General Industrial (GI). Amendments to the General Plan may be considered in the near future to determine the appropriateness of renewable energy development in other Land Use Designations.
- *Circulation Element* – the Roadways and Highways Chapter works towards a safe and efficient transportation system.
- *Conservation/Open Space Element* – the Water Resources Chapter works to protect and restore environmental resources from the effects of export and withdrawal of water resources. The Biological Resources Chapter works to maintain and enhance biological diversity and healthy ecosystems. The Cultural Resources Chapter works to preserve and promote the historic and prehistoric cultural heritage of the County. The Visual Resources Chapter works to preserve and protect unique visual experiences for visitors and residents.
- *Public Safety Element* – the Air Quality Chapter works to promote good air quality, including reducing impacts from dust from Owens Lake and other sources. The Flood Hazard Chapter works to provide adequate flood protection. The Noise Chapter works to limit noise levels from stationary sources, includes noise compatibility standards in Table 9-9, and limits construction near sensitive receptors.

¹ The County Code may be accessed online at the following website:
<http://www.qcode.us/codes/inyocounty/>.

² The General Plan may be accessed online at the following website:
http://inyoplanning.org/general_plan/index.htm.

The County is updating its General Plan Government Element, the draft of which includes goals and policies related to renewable energy development³. The draft updated Element includes, amongst others, goals to support renewable energy development and consider, account for, and mitigate ecological, cultural, economic, and social impacts, as well as benefits, from development of such resources.

Others: In addition to the previously discussed land use issues, other local development programs, regulations, and policies will apply to renewable energy development. For example, many local jurisdictions require minimum traffic operating conditions; in Inyo County, the General Plan works to maintain Levels of Service C on County roadways.

The following Inyo County agencies provide additional oversight that may be applicable to renewable energy development⁴:

- *Environmental Health Department* – regulates wells, wastewater disposal, and health and safety.
- *Water Department* – regulates water use, including groundwater withdrawal.
- *Public Works Department* – implements the building code, including reviewing and issuing building and grading permits; reviews projects relative to County facilities, such as traffic impacts.

Previous Comments

As indicated in the County's comments on the previous version of the draft BMPs, since local agencies will bear the burden of providing public services and utilities (such as fire and police protection, emergency response, schools, expanded utilities for employees and new facilities, etc.), these topics should be addressed specifically. Also, bonds or other financial sureties may be required to remove abandoned facilities.

One other comment the County provided on the previous draft BMPs has not been addressed regarding Figure 1 on page 9 (Line 6) – the map excludes areas of Inyo County that may be appropriate for renewable energy. As the map is a general location map, it should include the entire County.

³ Information regarding the Government Element update is available online at the following website: <http://inyoplanning.org/projects.htm>.

⁴ The Environmental Health Department may be reached at (760) 878-0238, the Water Department at (760) 878-0001, and the Public Works Department at (760) 878-0201.

Thank you for the opportunity to provide comments on the Revised Draft BMPs. Please call me at (760) 878-0263 or email me at mconklin@inyocounty.us if you have any questions.

Sincerely,



Mike Conklin
Planning Department Director

cc: Board of Supervisors; Kevin Carunchio, CAO; County Counsel; Doug Wilson, Willdan; Greg James; Water Department; Public Works Department; Environmental Health Department; Jim Abbott, Bureau of Land Management; Ren Lohefener, U.S. Fish and Wildlife Service; Kevin Hunting, California Department of Fish and Game; Terrence O'Brien, California Energy Commission (CEC); Roger Johnson, CEC; Paul Richins, CEC; Mignon Marks, CEC; Andy Horne, California State Association of Counties, Member of RETI Stakeholder Steering Committee; Joe Bertotti, Regional Council of Rural Counties, Member of RETI Stakeholder Steering Committee; file