

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

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DEVELOPMENT SERVICES AGENCY

Ted James, AICP, DSA DIRECTOR

Administrative Operations
Engineering, Surveying and Permit Services
Planning and Community Development
Roads

July 22, 2011

File: Ridgecrest Solar Project
Solar Trust of America

California Energy Commission
Attn: Eric Solorio, Project Manager
1516 Ninth Street MS-15
Sacramento, California 95814

Bureau of Land Management
California Desert District Office
Attn: Hector Villablobos
c/o Ridgecrest Solar Power Project
22835 Calle San Juan de Los Lagos
Moreno Valley, CA 92553

DOCKET	
09-AFC-9	
DATE	<u>JUL 22 2011</u>
RECD.	<u>JUL 22 2011</u>

RE: Kern County Planning and Community Development Department Objection to Motion for Order Affirming Application of Jurisdictional Waiver for the Ridgecrest Solar Power Project. (09-AFC-9)

Dear Mr. Solorio,

The Kern County Planning and Community Development Department objects strongly to the request by Solar Trust of America (formerly Solar Millennium, LLC) for a determination that the California Energy Commission has jurisdiction over any portion of the Ridgecrest Solar Power Project that would be considered on private land for solar photovoltaic. Solar photovoltaic project, regardless of size, are under the local land use control of counties and cities if proposed on private land. The Applicant's interpretation of section 25502.3 to allow an applicant to voluntarily ask the CEC to assume jurisdiction is without merit. Solar PV, unlike solar thermal, is primarily a land use issue of compatibility and does not require the technical engineering expertise of the CEC regarding complicated operations and cooling systems. Land use on private property is the sole jurisdiction of the Kern County Board of Supervisors and all solar PV projects on private land are the jurisdiction of those elected officials.

Kern County is at the forefront of renewable energy, both wind and solar with over 3800 MW of such projects in production with another 1200 MW approved and moving into construction. An additional 6250 MW of wind and solar PV projects are moving through the CEQA process in 11 to 12 month timeframes towards decisions and permitting. All these projects have been successful processed with full Environmental Impact Reports on strict timelines and full public input. Local land use issues around preservation of agricultural land, viewshed, access and adjacent property owner concerns need to be heard at hearings in Kern County, not in Sacramento. Kern County appreciates the excellent relationship we have with the Commission and staff and agree that solar thermal and other natural gas power plants should be processed at the State level but not wind or solar PV.

Kern County has demonstrated our ability to process these types of project efficiently on aggressive timeframes. Solar Trust of America has had no discussions with the County on the processing of a solar PV project anywhere in Kern County and this attempt to subvert local zoning processes and responsibilities should be completely rejected. Kern County is a full stakeholder participant in the DRECP and will retain authority for private land Solar PV if we elect to become a permit holder and we will object to any change to that status for this or any other project.

Thank you for your support of renewable energy and your continued interest in ensuring that local government concerns are addressed.

Sincerely,



Lorelei H. Oviatt, AICP
Director

cc: Ted James, DSA
Kern County Board of Supervisors
County Counsel
CAO
Senator Michael Rubio
Senator Jean Fuller
Assemblywoman Shannon Grove