**PLANNING DEPARTMENT**

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***RESOURCE MANAGEMENT AGENCY***

***DAVID PRICE III, RMA DIRECTOR***
Community & Economic Development Department
Engineering & Survey Services Department
Environmental Health Services Department
Planning Department
Roads Department

September 16, 2008

File: Beacon Solar Energy
FPL

DOCKET
08-AFC-2
DATE SEP 16 2008
RECD. SEP 22 2008

California Energy Commission
Attn: Shaelyn Strattan
1516 Ninth Street MS-15
Sacramento, California 95814

**RE: Kern County Planning Department Comments and Requests for Conditions Review of Beacon Solar Energy Application for Certification (08-AFC-2)**

Dear Ms. Strattan ,

The Kern County Planning Department appreciates the participate in the permitting process and to provide comments and request conditions of approval on the application for certification by Beacon Solar, LLC for a proposed 250 MW solar electric generating facility in unincorporated eastern Kern County. The following are staff comments and requested for conditions based on our review and attendance at the public workshops:

Land Use

1. The project would be permitted with the processing of a Conditional Use permit in all zones applicable to the project. Therefore our requests are based on the conditions that would be normally required if Kern County had local permitting authority.

2. This project is within the boundaries of the Joint Service Restricted R-2508 Airspace Complex. The R-2508 complex provides the largest single area of Special Use Airspace over land in the United States, covering a land area of 20,000 square miles, with 3000 square miles in Kern County. The Kern County Airport Land Use Compatibility Plan (ALUCP) is an alternative process that replaces an Airport Land Use Commission for land use compatibility issues and aviation countywide. To reflect the commitment of Kern County to military sustainability and in conformance with State Law, the ALUCP includes Section 4.17 – Military Aviation. This section provides guidance and information on compatibility with China Lake NAWS, Edwards Air Force Base and the Joint Service Restricted R-2508 Airspace Complex. Policy 1.7 c. states "

> Prior to approval of a proposal involving any type of land use development... specific findings shall be made that such development is compatible with the training and operational missions of the military aviation installations. Incompatible land uses that result in significant impacts to the military mission of Department of Defense installations or to the Joint Service Restricted R-2508 Complex that can not be mitigated, shall not be considered consistent with this plan.

Conformance with the ALUCP for all land use decisions is a requirement of State Law. Staff requests the CEC include a mitigation measure that consultation and written concurrence from the R-2508 Sustainability Officers.

3. The statement on page 5.7-6 that the required setbacks for circulation reservations can be "waived" is inaccurate. The process for deletion of the reservations is to process a General Plan amendment to the circulation element for consideration by the Planning Commission and Board of Supervisors. Amendments are heard four times a year in April, June, September and December. Changes to the circulation for the area could affect regional transportation goals and policies and surrounding property owners. Staff requests that the deletion of the alignments through the processing of a general plan amendment be made a mitigation measure to ensure the integrity of the Kern County General Plan circulation element. .

4. Water resources are limited in this area of eastern Kern County. The use of potable groundwater for this project should be discouraged and other sources required. The potential sale of the electricity from this facility exclusively to the Los Angeles Department of Water and Power could provide an opportunity to use LADWP water rather then native groundwater. In addition, the redirection of limited State Water Project Water (SWP) water from residential and commercial development through purchase of AVEK water could be a significant cumulative impact based on the serious water issues affecting the Antelope Valley, including adjudication of the basin further south. Staff recommends exploration of all possible sources of reclaimed water or degraded groundwater, before approving the use of significant potable groundwater supplies.

In the event the project proceeds with potable water mitigation measure should be imposed requiring the applicant to fund a Tamarisk Removal Program in the same basin that will provide for increased water recovery. Tamarisk or saltcedar is an invasive exotic bush that is widespread in floodplains throughout the desert. A mature tamarisk consumes a minimum of 200 gallons a year. It has been estimated that a single acre of tamarisk can transpire 2.8 million gallons of water a year. The Bureau of Land Management, Forest Service and State Parks, as well as other non-profit conservation groups, have ongoing Tamarisk Removal Programs. An annual fixed amount for funding should be determined and made a condition of approval for the life of the project. By removing Tamarisk the project will release water for beneficial use in the basin as well as contribute to riparian habitat restoration.

5. Kern County Engineering and Survey Services Flood plain Management has reviewed the document and provides the attached memo dated September 2, 2008. The memo confirms the County's concerns regarding the lack of an identified public entity to maintain the proposed new flood control channel.

6. The Roads Department has previously provided comments in an April 3, 2008 letter and these remain unchanged.

7. Off-Highway Vehicle (OHV) recreational uses are an important economic benefit to Kern County. The OHV community has indicated that a 10 foot access road along the east sides of the railroad tracks is an important linkage in the area ONV trail systems. The applicant should be encouraged to accommodate this established access road.

8. The following are recommended conditions of approval:

   a. All necessary building permits must be obtained
   b. The method of water supply and sewage disposal for any employees shall be as required and approved by the Kern County Environmental Health Services Department.
   c. Fire flows, access and fire protection facilities shall be as required and approved by the Kern County Fire Department
   d. The development shall comply with any requirements of the Kern County Air Pollution Control District.
   e. Due to the circumstances of the operation of this permit, the requirement for two 9-foot by 20-foot parking spaces shall be waived.
   f. All exterior lighting shall be directed away from adjacent properties and roads. The lighting standards shall be equipped with glare shields or baffles and shall not exceed 40 feet in height above grade. Light fixtures shall be maintained in sound operating conditions at all times.
   g. A comprehensive landscaping and irrigation plan shall be approved by the Planning Director in accordance with the requirements of Chapter 19.86 of the Zoning Ordinance. A minimum of 5 % of the developed area shall be landscaped with xeriscape or drought tolerant plantings and continuously maintained in good condition. Landscaping shall be installed or bonded for prior to occupancy of the building or site. Given the remote nature of the project site, as an alternative requirement the project may contribute the equivalent cost of the landscaping to the Kern County Parks and Recreation District, school or other non-profit organization in Kern County.
   h. All signs shall comply with the signage regulations of the applicable base zone district and with Chapter 19.84 of the Zoning Ordinance.
   i. All signs shall be approved by the Director of the Kern County Planning Department prior to installation.
   j. Any area devoted to outside storage shall be treated with a dust binder or other dust control measure, as approved by the Director of the Kern County Planning Department.

Kern County supports all forms of renewable energy if appropriately sited with mitigated that provided protection for existing property owners and Kern County interests. Thank you for your partnership on this opportunity for Kern County to be the center of solar development in California.

Sincerely,

Lorelei H. Oviatt, AICP
Special Projects Division Chief

cc: Ted James, Planning Director
Supervisor Maben
Supervisor McQuiston
RMA
Roads Department
CAO – Adel Klein
Applicant – FPL

# Office Memorandum

**KERN COUNTY**

To: Planning Department
Attn: Lorelei Oviatt

September 2, 2008

From: Engineering & Survey Services Dept.
Floodplain Management Section
Aaron Leicht

Phone: 862-5093

Subject: Beacon Solar Energy Project

This Section has reviewed the drainage and flood issues of proposed Beacon Solar Energy Project and has the following comments;

The proposed project has incorporated into its design a flood control channel which will re-route the flows from Pine Tree Creek around the solar energy plant site. Pine Tree Creek has been mapped by the Federal Emergency Management Agency (FEMA) as a Special Flood Hazard Area, Zone A. In order to construct the proposed flood control facility the applicant will be required to obtain a Conditional Letter of Map Revision (CLOMR) from FEMA prior to construction.

As part of the CLOMR application the applicant must identify a public entity which will be responsible for channel maintenance. Currently the County of Kern does not have a Flood Control District in place which could serve as the maintenance entity. The applicant would therefore be required to either form a District as part of the project or find an entity outside the County which would be willing to accept maintenance responsibilities.

**ROADS DEPARTMENT**
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**RESOURCE MANAGEMENT AGENCY**
**DAVID PRICE III, RMA DIRECTOR**
Community & Economic Development Department
Engineering & Surveying Services Department
Environmental Health Services Department
Planning Department
Roads Department

2.51

April 3, 2008

Ref.: 8-2.15 California Energy Commission

Bill Pfanner, Project Manager
California Energy Commission
1516 9th Street, MS-15
Sacrament, CA 95814

Subject: Beacon Solar Energy Application for Certification (08-AFC-2)

Dear Mr. Pfanner,

This department has reviewed the Traffic and Transportation section for the Beacon Solar project on 2012 acre site in eastern Kern County, and concurs with its findings.

As stated in the Traffic and Transportation section in Table 5.13-2 and under Mitigation Measure TR-2 – any work that takes place in the county road right of way will require any Encroachment Permit. Any oversized loads being trucked on the county roads will require a load permit. These permits may be obtained from our Permits Engineer.

Thank you for the opportunity to comment on this project. Should you have any questions please contact Brian Blacklock at (661) 862-8881.

Sincerely,

Barry D. Nienke, T.E.
Senior Engineering Manager