

DOCKETED

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February 4, 2016

California Energy Commission
1516 Ninth Street, MS-4 (Dockets Unit)
Sacramento, CA 95814

Re: Docket No. 09-AFC-7C (Palen Solar Power Project) – Kings County
Community Development Agency Comments on Petition for Transfer of
Ownership and Petition for Extension of Deadline for Commencement of
Construction

Dear Commissioners:

I write on behalf of the Kings County Community Development Agency (the “Agency”) to express the Agency’s concerns in the above referenced matter. The Agency joins in the County of Riverside’s comments in a letter to the Commission from Deputy County Counsel Tiffany North, dated February 3, 2016. In particular, the Agency joins in the contention that the Commission does not have jurisdiction under the Warren-Alquist State Energy Resources Conservation and Development Act over photovoltaic solar generation facilities. In addition to the other reasons for this contention stated in the County of Riverside’s letter, the term “facility,” as used in Public Resources Code section 25502.3 is defined by Public Resources Code section 25110 to include only thermal generation facilities.

The Agency is interested in this matter because in recent years it has, in consultation with Kings County’s agricultural and environmental constituencies, developed and implemented a comprehensive scheme for permitting large scale photovoltaic solar generation facilities, as expressed in the County’s Development Code and Uniform Rules for Agricultural Preserves. This scheme encourages solar development in that part of the County identified by its Board of Supervisors as being uniquely suited for such development due to soil conditions and water availability, while protecting the current agricultural uses of productive farmland. The County’s scheme also requires environmental mitigation, including

soil reclamation plans and financial assurances to ensure that land used for solar development can be restored to agricultural uses in the future. The Agency's unique knowledge of the County makes it well suited to make land use decisions relating to photovoltaic solar facilities, and it is in the public's best interest not to inhibit the County's exercise of its land use authority in this regard.

Sincerely,

COLLEEN CARLSON,
County Counsel

By /s/ Erik Kaeding
ERIK KAEDING,
Deputy County Counsel