



IMPERIAL COUNTY

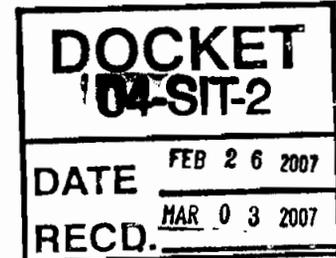
# PLANNING & DEVELOPMENT SERVICES

PLANNING / BUILDING INSPECTION / ECONOMIC DEVELOPMENT / PLANNING COMMISSION / A.L.U.C.

JURG HEUBERGER, AICP, CEP, CBO  
PLANNING & DEVELOPMENT SERVICES DIRECTOR

February 26, 2007

Roger E. Johnson  
Siting & Compliance Office Manager  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814-5512



**SUBJECT: Response to Revisions to Rules of Practice and Procedure and Power Plant Site Certification Regulations/04-SIT-2/08-29-06**

Dear Mr. Johnson:

The Imperial County Planning & Development Services Department received on February 21, 2007, the "Second Response to Comments from Interested Parties" for the above revisions our review. The final public hearing on the proposed rule changes is scheduled for **February 28, 2007**, by the California Energy Commission in Sacramento. After a review by the staff of the newly proposed changes to the "Rules of Practice and Procedure and Power Plant Site Certification Regulations", the following are some recommended changes to the proposed changes.

- 1) Page 39, Section (3) Land Use, last paragraph, it states:

"...The discussion shall identify the need, if any, for land use decisions by another public agency as part of the commission's decision that would be necessary to make the project conform to adopted federal, state, regional, or local coastal plans, land use plans, or zoning ordinances. Examples of land use decisions include: general plan amendments, zoning changes, lot line adjustments, parcel mergers, subdivision maps, Agricultural Land Conservation Act contracts cancellation, and Airport Land Use Plan consistency determinations..."

Please add to the above "Examples" the following: conditional use permits and variances. The rationale is that the majority of the CEC and County projects recently reviewed and jointly approved are those that involve the issuance of conditional use permits, e.g. recent geothermal power plants and natural gas power plants that have been reviewed, environmentally assessed and thereafter approved by both the California Energy Commission and the County's decision-makers.

Roger Johnson  
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Page Two

2) Page 61, Section (14) Water Resources, that discusses "permits", it states:

"...(A) All the information required to apply for the following permits, if applicable, including:..."

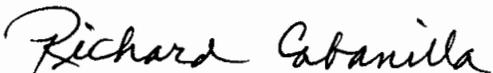
Please add to the above listing of "permits", a conditional use permit from the Imperial County Planning Commission for water wells that would supply water supplies for a power plant in the County. The rationale is that those power plants on all lands, including the federal, BLM-managed lands, which utilize ground water for cooling purposes, are required to obtain a conditional use permit for a water well supplying water to a power plant, from the County pursuant to the Land Use Ordinance, Division 22, Groundwater Ordinance, Chapters 1 through 9.

Thank you for the opportunity to review and respond to the proposed revisions of the Commission's "Rules of Practice and Procedure and Power Plant Site Certification Regulations".

If you have any questions, please contact me at (760) 482-4236, extension 4313.

Sincerely,

JURG HEUBERGER, AICP, CEP  
Planning & Development Services  
Department Director

By:   
Richard Cabanilla  
Planner IV

cc: Robertta Burns, County Executive Officer  
Ralph Cordova, County Counsel  
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Calif. Energy Commission Correspondence File  
File. 10.101, 10.102, 10.105, 10.109, 10.130, 10.133, 80.026