

PLANNING DEPARTMENT

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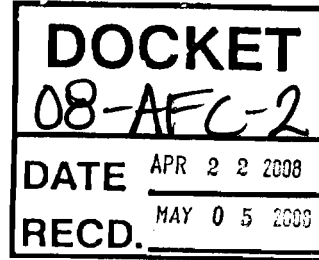
RESOURCE MANAGEMENT AGENCY

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

April 22, 2008

File: Beacon Solar Energy
FPL

California Energy Commission
Attn: Bill Pfanner
1516 9th Street MS-15
Sacramento, California 95814



**RE: Preliminary Agency Comments
Review of Beacon Solar Energy Application for Certification (08-AFC-2)**

Dear Mr. Pfanner,

The Kern County Planning Department appreciates the opportunity to provide preliminary comments 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 preliminary comments based on the first review:

Land Use

1. The project would be permitted with the processing of a Conditional Use permit in all zones applicable to the project with the exception of the Estate (E) zone district. The purpose of the Estate zone district is to designate areas suitable for larger lot residential uses. Uses are limited to those typical of and compatible with quiet residential neighborhoods. Commercial solar generator facilities are not permitted. Although commercial wind projects are permitted, wind turbines are site specific and can be accommodated with surrounding residential uses with appropriate setbacks. Commercial solar generator arrays cover all the area and have been determined to not be compatible. Staff recommends the project process a zone change for the Estate zoned lots to A (20 acre minimum) or A-1 for lots of less then 20 acres. The process would include a public hearing and consideration before the Planning Commission and Board of Supervisors.

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. Any required zone changes could be processed concurrently with the General Plan amendment.
4. The Board of Supervisors has established a policy that all impacts on county services for projects with Environmental Impact Reports will be coordinated and reviewed by the County Administrative Office. Staff will coordinate this review and provide comments to the Commission on any concerns or recommendations.

5. 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 than 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.

Staff has provided this document to other county departments and will provide further comments by June 2, 2008. 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
CAO – Adel Klein
Applicant – FPL