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DOCKET

09-AFC-10

DATE APR 27 2010

RECD. APR 27 2010

April 27, 2010

California Energy Commission
Docket Unit
1516 Ninth Street
Sacramento, CA 95814-5512

Subject: **RIVERSIDE COUNTY PLANNING DEPARTMENT CONSISTENCY LETTER
DOCKET NO. (09-AFC-10)**

Enclosed for filing with the California Energy Commission is the original copy of the **RIVERSIDE COUNTY PLANNING DEPARTMENT CONSISTENCY LETTER**, for the Rice Solar Energy Project (09-AFC-10).

Sincerely,

A handwritten signature in blue ink that reads "Marie Mills".

Marie Mills

COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

George A. Johnson · Agency Director

Planning Department

Ron Goldman · Planning Director

Ms. Julie Way
Director of Development, Solar Reserve
2525 Olympic Blvd., Suite 500 E
Santa Monica, CA 90404

Subject: General Plan and Zoning Consistency - Rice Solar Energy Project

Dear Ms. Way:

We received your letter requesting that we provide information concerning the consistency of the proposed Rice Solar Energy Project (the proposed project) with Riverside County's General Plan, Riverside County's zoning ordinance and any existing or expected land uses in the proposed project area. You have indicated that you need this information because the California Energy Commission (CEC) has permitting authority over the proposed project and will not initiate the permitting process until the County provides such information. You have further indicated that the proposed project would use solar energy to generate at least 50 megawatts of electricity and would be located in eastern Riverside County, approximately 20 miles west of the California-Arizona border, south of Highway 62, on assessor's parcel numbers 801-070-003, 801-070-004, 801-100-005, and 801-100-006.

The property underlying the proposed project is designated Open Space-Rural (OS-RUR) by the General Plan and is zoned Controlled Development Areas – 10 acre minimum (W-2-10). The OS-RUR General Plan land use designation is applied to remote, privately-owned open space areas with limited access and a lack of public services. While the OS-RUR General Plan land use designation does not specifically allow solar energy projects, we could find the proposed project consistent with the OS-RUR designation policies, as well as the General Plan Principals and Vision Statement which expressly encourage the development of renewable resources in Open Space designations. As stated in the General Plan Open Space Element Policies: "Energy conservation and the substitution of renewable resources should be encouraged if these resources are to be preserved for the County's future generations."

Pursuant to Section 15.1 of Riverside County's zoning ordinance (Ordinance No. 348), the W-2-10 zone allows a variety of public utility uses as a matter of right, including "structures and the pertinent facilities necessary and incidental to the development and transmission of electrical power and gas such as hydroelectric power plants, booster or conversion plants, transmission lines, pipe lines, and the like." These uses do not require the prior approval of a use permit. Although we would not consider the proposed project a public utility, it is substantially the same in character and intensity as these public utility uses. Accordingly, we could find the proposed project consistent with Ordinance No. 348. Because the current height limitation in the zone is 105 feet, however, we would first require the approval of a height variance for the proposed tower pursuant to Section 18.27 of Ordinance No. 348.

As for existing and expected land uses in the proposed project area, the majority of land surrounding this site is under Federal ownership and is designated Open Space-Rural on the County's General Plan and zoned

Natural Asset. Private land in the area is also designated Open Space-Rural by the General Plan and is zoned W-2-10, Controlled Development Area. There are no pending development applications on those privately owned parcels. I suggest that you contact the Bureau of Land Management to ascertain if there are development applications pending on the land under Federal Control.

We look forward to working with you and the CEC. Should you have any questions or concerns, please feel free to call me at the number below.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Goldman", written over a horizontal line.

Ron Goldman
Planning Director, Riverside County



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV**

**APPLICATION FOR CERTIFICATION
FOR THE *RICE SOLAR ENERGY POWER
PLANT PROJECT***

Docket No. 09-AFC-10

***PROOF OF SERVICE*
(Revised 3/4/2010)**

APPLICANT

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DECLARATION OF SERVICE

I, Marie Mills, declare that on April 27, 2010, I served and filed copies of the attached, **RIVERSIDE COUNTY PLANNING DEPARTMENT CONSISTENCY LETTER**. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [<http://www.energy.ca.gov/sitingcases/ricesolar>].

The documents have been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

☒ sent electronically to all email addresses on the Proof of Service list;

☐ by personal delivery;

☒ by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

☒ sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (*preferred method*);

OR

☐ depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. **09-AFC-10**

1516 Ninth Street, MS-4

Sacramento, CA 95814-5512

docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.



Marie Mills