

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 13, 2010

File: Hydrogen Energy
International (HEI)

U.S. Department of Energy,
National Technology Laboratory
c/o R. Paul Detwiler
626 Cochran's Mill Road
P.O. Box 10940
Pittsburg, PA 15236

DOCKET	
08-AFC-8	
DATE	APR 13 2010
RECD.	JUN 21 2010

RE: Kern County Planning Department Comments and Request for Conditions; Review of Hydrogen Energy International's (HEI) Integrated Gasification Combined Cycle Project

Dear Mr. Detwiler,

The Kern County Planning Department appreciates the opportunity to participate in the environmental review process and to provide comments and request conditions of approval on the Hydrogen Energy International's (HEI) proposed Integrated Gasification Combined Cycle power generating facility in unincorporated Kern County. The following are staff comments and requested for conditions:

Land Use

1. If processed by the County, the project would be permitted with a Conditional Use permit in the A Zone District. Therefore our requests are based on the conditions that would be normally required if Kern County had local permitting authority.
2. Adohr Road and Tupman Road are classified as Collector (Secondary) and Major (Arterial) Highways by the Kern County General Plan Circulation Element, respectively. These alignments require a dedication of 45' and 55' from the centerline of the roads. No facilities or structures can be constructed in this area. If a portion of the proposed facility needs to encroach into those dedications, then a General Plan Amendment would be required to delete or downgrade the alignment. This process requires a hearing before the Board of Supervisors and can only be heard once every 3 months at the scheduled General Plan Amendment window dates (i.e. April, June, September and December).
3. The land division action required to merge multiple parcels into one is either through a Lot Line Adjustment (LLA) or a Parcel Map (PM). Both are discretionary actions, however, they have different processing times. Processing time for a LLA could take up to 4 months to complete; whereas a PM could take up to 7 months to record. The timeframes are dependent on the familiarity of the licensed land surveyor and Title Company with the county's process. Compliance with the California Environmental Quality Act (CEQA) would be through use of the Categorical Exemption 15271 "Early Activities Related to Thermal Power Plants".
4. The project site is currently under a California State Williamson Act Contract. The proposed use is not considered compatible under the uniform rules adopted for Kern County. The proposed

project would need to either non-renew or cancel the contract. The nonrenewal process will require 10-years to be completely removed from the program. The cancellation process is effective immediately; however requires approval from the Board of Supervisors. As of the date of this letter, Planning Staff has received an application from the property owner requesting cancellation and has begun processing the request.

Recommended Conditions of Approval

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 San Joaquin Air Pollution Control District.
- e. All exterior lighting shall be directed away from adjacent properties and roads. The lighting standards shall be equipped with glare shields or baffles. Light fixtures shall be maintained in sound operating conditions at all times.
- f. 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 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.
- g. If the required parking area contains more than ten spaces, a minimum of 5 percent of the interior parking area shall be landscaped, with trees planted at a ratio of one tree per six parking spaces placed at a minimum of 65-foot intervals. Parking area landscaping, if necessary, shall be in accordance with Section 19.82.090 of the Zoning Ordinance and may be used in the calculation of total landscaping requirements. Landscaping shall be installed or bonded for prior to occupancy of the building or site. The required landscaping plan shall now projected tree canopies demonstrating that a minimum of 40 percent of the parking lot area will be shaded at maturity.
- 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.
- k. All vehicle parking and maneuvering areas, including any necessary off-site connections, shall be surfaced with a minimum of two inches of A.C. paving constructed over a minimum of three inches of compacted base material or material of higher quality.
- l. Standard vehicle parking spaces shall be 9 feet by 20 feet or larger in size and shall be

designated by white painted stripes. A maximum of 20 percent of the required parking spaces may be designated compact spaces and shall be 8 feet by 16 feet or larger in size.

- m. Concrete wheel blocks or a six-inch raised A.C. Curb shall be installed at each parking space that abuts a structure or property line.
- n. Minimum tree size shall be 15 gallon. Minimum shrub size shall be five gallon, and minimum size for small shrubs and groundcover shall gallon.

Kern County supports all forms of renewable energy, if appropriately sited, with mitigation that provides protection for existing property owners and Kern County interests. Thank you for your partnership and this opportunity for Kern County to contribute to development of alternative energy in California.

Sincerely,

Lorelei H. Oviatt, AICP
Planning Director

cc: Supervisor Watson
DSA
Roads Department
CAO – Adel Klein
Applicant – HEI