This is the third draft of this ordinance. The first draft was released on October 3, 2013 and the second draft was released in April, 2014. This third draft includes some revisions based on the feedback received on the second draft. Revisions from the second draft are shown in track changes with strikethrough for deleted items and underline for added items. This draft ordinance is intended to provide baseline standards for solar and wind energy projects. Where a discretionary permit is required, project conditions and/or mitigation measures will be required to address site specific needs.

Please send your questions and comments regarding this draft ordinance via email or postal mail to:

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Comments on this draft are due _____.

ORDINANCE NO. _____

An ordinance amending Title 22 ï Planning and Zoning ï of the Los Angeles County Code related to the establishment of regulations for small-scale solar energy systems, small-scale wind energy systems, utility-scale solar energy facilities, utility-scale wind energy facilities, and temporary meteorological towers; and other related amendments.

SECTION 1. Section 22.08.040 D is hereby amended to read as follows:

22.08.040 D

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-- ñDecommissioningò means the discontinuance of a permitted use and removal of all structures, equipment, footings, and fencing associated therewith from a property, which includes safe storage, dismantling, disposal, and/or recycling; and site restoration.

é

SECTION 2. Section 22.08.070 G is hereby amended to read as follows:

22.08.070 G

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-- ñGuy wiresò means wires or cables used to support a wind tower as defined by Section 22.08.230, or other structures that require the use of such wires or cables for support.

SECTION 3. Section 22.08.130 M is hereby amended to read as follows:

22.08.070 M

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-- ñMeteorological tower, temporary (Temp Met Tower)ò means a facility consisting of a tower and related wind-measuring devices, which is used ~~solely~~ to measure winds preliminary to construction of a ~~non-commercial~~small-scale wind energy ~~conversion~~ system or utility-scale wind energy facility.

é

SECTION 4. Section 22.08.190 S, is hereby amended to read as follows:

22.08.190 S

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-- ñSmall-scale solar energy systemò means a system where solar energy is used to generate direct electrical or thermal energy primarily for on-site use. Such system may be affixed either to the ground or to a structure other than the systemôs mechanical support structure, such as a building or carport. . Any energy generated by such system that exceeds the on-site energy demand may be used off-site.

-- ñSmall-scale wind energy systemò means a system where wind energy is used to generate direct electrical energy primarily for on-site use. Such system may be affixed to either the ground or to a structure other than the systemôs mechanical support structure, such as a building or carport. Such system has a rated capacity of 50 kilowatts or fewer. Any energy generated by such system that exceeds the on-site energy demand may be used off-site.

-- ñSolar arrayò means the mechanically integrated assembly of modules or panels with a support structure and foundation, tracker, and other components, as required to generate direct electrical or thermal energy using solar energy. Solar arrays

do not include concentrated solar thermal collectors~~devices~~, which use lenses or mirrors to focus or reflect a large area of sunlight onto a small area.

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SECTION 5. Section 22.08.210 U is hereby amended to read as follows:

22.08.210 U

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-- Utility-scale solar energy facility, ground-mounted. ñGround-mounted utility-scale solar energy facilityò means a facility affixed to the ground where solar energy is used to generate direct electrical or thermal energy primarily for off-site use. This definition includes all on-site and off-site equipment and accessory structures related to the facility, including but not limited to solar arrays, mounting posts, substations, electrical infrastructure, transmission lines, operations and maintenance buildings, and other accessory structures.

-- Utility-scale solar energy facility, structure-mounted. ñStructure-mounted utility-scale solar energy facilityò means a facility affixed to a structure that is separate from the facilityôs mechanical support structure, such as a building or carport, where solar energy is used to generate direct electrical or thermal energy primarily for off-site use. This definition includes all on-site and off-site equipment and accessory structures related to the facility, including but not limited to solar arrays, mounting posts, substations, electrical infrastructure, transmission lines, operations and maintenance buildings, and other accessory structures.

-- Utility-scale wind energy facility, ground-mounted. ñGround-mounted utility-scale wind energy facilityò means a facility affixed to the ground where wind

energy is used to generate direct electrical energy primarily for off-site use. This definition includes all on-site and off-site equipment and accessory structures related to the facility, including but not limited to wind towers, mounting posts, substations, electrical infrastructure, transmission lines, operations and maintenance buildings, and other accessory structures.

-- Utility-scale wind energy facility, structure-mounted. ñStructure-mounted utility-scale wind energy facilityò means a facility affixed to a structure that is separate from the facilityôs mechanical support structure, such as a building or carport, where wind energy is used to generate direct electrical energy primarily for off-site use. This definition includes all on-site and off-site equipment and accessory structures related to the facility, including but not limited to wind towers, mounting posts, substations, electrical infrastructure, transmission lines, operations and maintenance buildings, and other accessory structures.

…

SECTION 6. Section 22.08.230 W is hereby amended to read as follows:

22.08.230 W

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~~-- ñWind energy conversion system, non-commercial (WECS-N)ò means a facility consisting of a tower, wind turbine generator with blades, guy wires and anchors, and associated control and conversion electronic equipment to convert wind movement into electricity, with a rated capacity of not more than 50 kW; and that is incidental and subordinate to another use on the same parcel. A facility shall be considered a WECS-N only if it supplies electrical power solely for on-site use, except that when a parcel on~~

~~which a WECS-N is installed also received electrical power supplied by a utility company, excess electrical power generated by the WECS-N and not presently needed for on-site use may be used by the utility company in exchange for a reduction in the cost of electrical power supplied by that company to the parcel for on-site use, as long as no net revenue is produced by such excess electrical power.~~

-- ñWind towerò means the vertical component, including blades if any, of a small-scale wind energy system, a utility-scale wind energy facility, or a temporary meteorological tower that elevates the wind turbine generator and attached blades above the ground.

é

SECTION 7 Section 22.20.070 is hereby amended to read as follows:

22.20.070 Permitted Uses.

Property in Zone R-1 may be used for:

é

-- Small family homes, children.

-- Utility-scale solar energy facility, structure-mounted, which is limited to small residential rooftop solar energy system, as defined and regulated by Government Code Section 65850.5, as amended, and the Los Angeles County Building Code, as amended, in accordance with Part 15 of Chapter 22.52.

SECTION 8~~7~~. Section 22.20.080 is hereby amended to read as follows:

22.20.080 Accessory Uses.

Property in Zone R-1 may be used for the following accessory uses:

é

-- Signs as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 9~~8~~. Section 22.20.100 is hereby amended to read as follows:

22.20.100 Uses Subject to Permits.

Property in Zone R-1 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Subdivision directional signs subject to the limitations and conditions of Part 8 of Chapter 22.56.

-- Meteorological tower, temporary, in accordance with Part 15 of Chapter 22.52.

-- Townhouses, subject to the conditions of Section 22.56.255.

-- Utility-scale solar energy facility, structure-mounted, except for small residential rooftop solar energy system, as defined and regulated by Government Code Section 65850.5, as amended, and the Los Angeles County Building Code, as amended, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

-- Water reservoirs, dams, treatment plants, gaging stations, pump stations, wells and tanks, except those wells and tanks related to a shared water well, and any other use normal and appurtenant to the storage and distribution of water.

~~-- Wind energy conversion systems, non-commercial, in conformance with the standards and requirements specified in Part 15 of Chapter 22.52.~~

é

SECTION 10~~9~~. Section 22.20.170 is hereby amended to read as follows:

22.20.170 Permitted Uses.

Property in Zone R-2 may be used for:

é

-- Small family homes, children.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

SECTION 11~~0~~. Section 22.20.180 is hereby amended to read as follows:

22.20.180 Accessory Uses.

Property in Zone R-2 may be used for:

é

C. Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 12~~1~~. Section 22.20.200 is hereby amended to read as follows:

22.20.200 Uses Subject to Permits.

Property in Zone R-2 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

-- Townhouses, subject to the conditions of Section 22.56.255.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

-- Water reservoirs, dams, treatment plants, gaging stations, pump stations, wells and tanks, except those wells and tanks related to a shared water well, and any other use normal and appurtenant to the storage and distribution of water.

~~-- Wind energy conversion systems, non-commercial, in conformance with the standards and requirements specified in Part 15 of Chapter 22.52.~~

é

SECTION 13~~2~~. Section 22.20.260 is hereby amended to read as follows:

22.20.260 Permitted Uses.

Property in Zone R-3-( )U may be used for:

é

-- Townhouses.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

SECTION 14~~3~~. Section 22.20.270 is hereby amended to read as follows:

22.20.270 Accessory Uses.

é

C. Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 15~~4~~. Section 22.20.290 is hereby amended to read as follows:

22.20.290 Uses Subject to Permits.

Property in Zone R-3-( )U may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

-- Water reservoirs, dams, treatment plants, gaging stations, pump stations, wells and tanks, except those wells and tanks related to a shared water well, and any other use normal and appurtenant to the storage and distribution of water.

~~-- Wind energy conversion systems, non-commercial, in conformance with the standards and requirements specified in Part 15 of Chapter 22.52.~~

é

SECTION 16~~5~~. Section 22.20.340 is hereby amended to read as follows:

22.20.340 Permitted Uses.

Property in Zone R-4-( )U may be used for:

é

-- Townhouses.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

SECTION 17~~6~~. Section 22.20.350 is hereby amended to read as follows:

22.20.350 Accessory Uses.

é

C. Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 18~~7~~. Section 22.20.370 is hereby amended to read as follows:

22.20.370 Uses Subject to Permits.

Property in Zone R-4-( )U may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

-- Water reservoirs, dams, treatment plants, gaging stations, pump stations, wells and tanks, except those wells and tanks related to a shared water well, and any other use normal and appurtenant to the storage and distribution of water.

~~-- Wind energy conversion systems, non-commercial, in conformance with the standards and requirements specified in Part 15 of Chapter 22.52.~~

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SECTION 19~~8~~. Section 22.20.410 is hereby amended to read as follows:

22.20.410 Permitted Uses.

Property in Zone R-A may be used for:

é

-- Small family homes, children.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

SECTION 2019. Section 22.20.420 is hereby amended to read as follows:

22.20.420 Accessory Uses.

é

C. Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 210. Section 22.20.440 is hereby amended to read as follows:

22.20.440 Uses Subject to Permits.

Property in Zone R-A may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

-- Townhouses, subject to the conditions of Section 22.56.255.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

-- Water reservoirs, dams, treatment plants, gaging stations, pump stations, wells and tanks, except those wells and tanks related to a shared water well, and any other use normal and appurtenant to the storage and distribution of water.

~~-- Wind energy conversion systems, non-commercial, in conformance with the standards and requirements specified in Part 15 of Chapter 22.52.~~

é

SECTION 22~~1~~. Section 22.24.070 is hereby amended to read as follows:

22.24.070 Permitted Uses.

Premises in Zone A-1 may be used for:

A. The following uses:

é

-- Small family homes, children.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 23~~2~~. Section 22.24.080 is hereby amended to read as follows:

22.24.080 Accessory Uses.

Property in Zone A-1 may be used for:

é

D. Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 24~~3~~. Section 22.24.100 is hereby amended to read as follows:

22.24.100 Uses Subject to Permits.

Property in Zone A-1 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

é

-- Townhouses, subject to the conditions of Section 22.56.255.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

B. The following uses, provided the specified permit has first been obtained, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

~~-- Wind energy conversion systems, non-commercial, in conformance with the standards and requirements specified in Part 15 of Chapter 22.52.~~

SECTION 25~~4~~. Section 22.24.120 is hereby amended to read as follows:

22.24.120 Permitted Uses.

Premises in Zone A-2 may be used for:

é

D. The following additional uses:

é

-- Parks, playgrounds and beaches, with all appurtenant facilities customarily found in conjunction therewith.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 26~~5~~. Section 22.24.130 is hereby amended to read as follows:

22.24.130 Accessory Uses.

Property in Zone A-2 may be used for:

é

D. Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 27~~6~~. Section 22.24.150 is hereby amended to read as follows:

22.24.150 Uses Subject to Permits.

Property in Zone A-2 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

é

-- Townhouses, subject to the conditions of Section 22.56.255.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

B. The following uses, provided the specified permit has first been obtained, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

~~-- Wind energy conversion systems, non-commercial, in conformance with the standards and requirements specified in Part 15 of Chapter 22.52.~~

SECTION 28~~7~~. Section 22.28.030 is hereby amended to read as follows:

22.28.030 Permitted Uses.

Premises in Zone C-H may be used for the following:

A. Services.

é

-- Stations ï Bus, railroad, and taxi.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 29~~8~~. Section 22.28.040 is hereby amended to read as follows:

22.28.040 Accessory Uses.

Premises in Zone C-H may be used for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 30~~29~~. Section 22.28.060 is hereby amended to read as follows:

22.28.060 Uses Subject to Permits.

Premises in Zone C-H may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

é

-- Travel trailer parks as provided in Part 6 of Chapter 22.52.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 31~~0~~. Section 22.28.080 is hereby amended to read as follows:

22.28.080 Permitted Uses.

Premises in Zone C-1 may be used for:

A. The following commercial uses, provided all sales are retail and all goods sold except genuine antiques are new:

é

2. Services.

é

-- Union halls.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 32~~1~~. Section 22.28.090 is hereby amended to read as follows:

22.28.090 Accessory Uses.

Premises in Zone C-1 may be used for:

é

B. The following additional accessory uses:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

é

SECTION 33~~2~~. Section 22.28.110 is hereby amended to read as follows:

22.28.110 Uses Subject to Permits.

Premises in Zone C-1 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Tasting rooms, remote, subject to the applicable provisions of Part 23 of Chapter 22.52.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

é

-- Travel trailer parks as provided in Part 6 of Chapter 22.52.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 34~~3~~. Section 22.28.130 is hereby amended to read as follows:

22.28.130 Permitted Uses.

Premises in Zone C-2 may be used for:

A. The following commercial uses, provided all sales are retail and all goods sold except genuine antiques are new:

é

2. Services.

é

-- Union halls.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 354. Section 22.28.140 is hereby amended to read as follows:

22.28.140 Accessory Uses.

Premises in Zone C-2 may be used for:

é

C. The following additional accessory uses:

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 365. Section 22.28.160 is hereby amended to read as follows:

22.28.160 Uses Subject to Permits.

Premises in Zone C-2 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Tasting rooms, remote, subject to the applicable provisions of Part 23 of Chapter 22.52.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

é

-- Travel trailer parks as provided in Part 6 of Chapter 22.52.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

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SECTION 37~~6~~. Section 22.28.180 is hereby amended to read as follows:

22.28.180 Permitted Uses.

Premises in Zone C-3 may be used for:

A. The following commercial uses, provided a commercial appearance is maintained by office or window display:

é

2. Services.

é

-- Union halls.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 387. Section 22.28.190 is hereby amended to read as follows:

22.28.190 Accessory Uses.

Premises in Zone C-3 may be used for:

é

C. The following additional accessory uses:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 398. Section 22.28.210 is hereby amended to read as follows:

22.28.210 Uses Subject to Permits.

Premises in Zone C-3 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Tattoo parlor.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

é

-- Travel trailer parks as provided in Part 6 of Chapter 22.52.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

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SECTION 40~~39~~. Section 22.28.230 is hereby amended to read as follows:

22.28.230 Permitted Uses.

Premises in Zone C-M may be used for:

A. The following commercial uses:

é

2. Services.

é

-- Union halls.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 41~~0~~. Section 22.28.090 is hereby amended to read as follows:

22.28.240 Accessory Uses.

Premises in Zone C-M may be used for:

é

C. The following additional accessory uses:

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 42~~1~~. Section 22.28.260 is hereby amended to read as follows:

22.28.260 Uses Subject to Permits.

Premises in Zone C-M may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Skating rinks, ice or roller.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Tattoo parlor.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

é

-- Travel trailer parks as provided in Part 6 of Chapter 22.52.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

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SECTION 43~~2~~. Section 22.28.290 is hereby amended to read as follows:

22.28.290 Permitted Uses.

A. Premises in Zone C-R may be used for:

1. Services.

é

-- Tourist information centers.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 44~~3~~. Section 22.28.300 is hereby amended to read as follows:

22.28.300 Accessory Uses.

Premises in Zone C-R may be used for:

é

C. Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 45~~4~~. Section 22.28.320 is hereby amended to read as follows:

22.28.320 Uses Subject to Permits.

Premises in Zone C-R may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Ski lifts, tows, runs, and warming huts.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

-- Theaters, drive-in.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 46~~5~~. Section 22.32.110 is hereby amended to read as follows:

22.32.110 Accessory Uses.

Premises in Zone M-1 1/2 may be used for the following accessory uses:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 47~~6~~. Section 22.32.130 is hereby amended to read as follows:

22.32.130 Uses Subject to Permits.

Premises in Zone M-1 1/2 may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit:

...

-- Signs, outdoor advertising, subject to the provisions of Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Tattoo parlor.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

-- Theaters and other auditoriums having a seating capacity exceeding 3,000 seats.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

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SECTION 48~~7~~. Section 22.32.170 is hereby amended to read as follows:

22.32.170 Accessory Uses.

Premises in Zone M-2 or Zone M-4 may be used for the following accessory uses:

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-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 49~~8~~. Section 22.32.190 is hereby amended to read as follows:

22.32.190 Uses Subject to Permits.

A. The following uses, provided that a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit, except that in Zone M-4 a conditional use permit is required for uses in subdivisions 1, 2, and 3 of this subsection A only where the use listed is located within 300 feet of a public school, public park or a residential or A-1 Zone:

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6. Uses.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

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SECTION 5049. Section 22.32.280 is hereby amended to read as follows:

22.32.280 Accessory Uses.

Premises in Zone M-2 1/2 may be used for the following accessory uses:

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-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 510. Section 22.40.190 is hereby amended to read as follows:

22.40.190 Permitted Uses.

Premises in Zone R-R may be used for:

A. The following commercial uses:

...

2. Services.

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-- Tourist information centers.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

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SECTION 521. Section 22.40.200 is hereby amended to read as follows:

22.40.200 Accessory Uses.

Premises in Zone R-R may be used for:

A. The following accessory uses:

...

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

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SECTION 53~~2~~. Section 22.40.220 is hereby amended to read as follows:

22.40.220 Uses Subject to Permits.

Premises in Zone R-R may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit:

...

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

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-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

-- Townhouses, subject to the conditions of Section 22.56.255.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

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SECTION 54~~3~~. Section 22.40.260 is hereby amended to read as follows:

22.40.260 Accessory Uses.

Premises in Zone W may be used for the following accessory uses:

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-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, structure-mounted, in accordance with Part 15 of Chapter 22.52.

SECTION 55~~4~~. Section 22.40.280 is hereby amended to read as follows:

22.40.280 Uses Subject to Permits.

Premise in Zone W may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit:

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-- Restaurants and other eating establishments, including food take-out.

-- Small-scale solar energy system, ground-mounted, in accordance with Part 15 of Chapter 22.52.

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SECTION 56~~5~~. Section 22.40.410 is hereby amended to read as follows:

22.40.410 Permitted Uses.

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C. Permitted uses in Zone O-S, accessory to a principal use listed under Subsection B of this section, Section 22.40.420.B, Section 22.40.430.A, and Section 22.40.430.B: Small-scale solar energy system, structure-mounted, in accordance with Part 15 of Chapter 22.52.

SECTION 57~~6~~. Section 22.40.430 is hereby amended to read as follows:

22.40.430 Uses Subject to Permits.

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit:

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-- Energy generating or storage devices, including but not limited to geothermal devices.

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-- Ski lifts, tows, runs, and warming huts on a lot or parcel of land having as a condition of use an area of not less than five acres.

-- Small-scale solar energy system, ground-mounted, in accordance with Part 15 of Chapter 22.52.

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SECTION 58~~7~~. Section 22.44.113 is hereby amended to read as follows:

22.44.113 Agua Dulce Community Standards District.

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D. Community-wide Development Standards.

é

8. Significant Ridgeline Protection. For purposes of this section, ridgelines are defined as the line formed by meeting the tops of sloping surfaces of land, and significant ridgelines are defined as ridgelines which are highly visible and dominate the landscape. The locations of the significant ridgelines within this CSD are shown on the map following this section and the criteria used for their designation are provided in the appendix following this section.

a. The highest point of any structure, excluding chimneys, rooftop antennas, amateur radio antennas, roof-mounted solar panels, and small-scale wind energy ~~conversion~~ systems, shall be located at least 50 vertical feet and 50 horizontal feet from a significant ridgeline; and

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SECTION 5~~9~~8. Section 22.44.127~~13~~ is hereby amended to read as follows:

22.44.127~~13~~ Altadena Community Standards District.

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C. Community-wide Development Standards.

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2. Hillside Management.

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d. Significant Ridgeline Protection. Ridgelines are defined as the line formed by the meeting of the tops of sloping surfaces of land. Significant

Ridgelines are highly visible ridgelines that dominate the landscape. The locations of the significant ridgelines within the CSD are shown on the map following this Section.

i. The highest point of any structure shall be located at least 50 vertical feet and 50 horizontal feet from a significant ridgeline, excluding chimneys, rooftop antennas, amateur radio antennas, roof-mounted solar panels, and small-scale wind energy ~~conversion~~ systems.

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SECTION 60~~59~~. Section 22.44.133 is hereby amended to read as follows:

22.44.133 Santa Monica Mountains North Area Community Standards District.

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D. Community-wide Development Standards.

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5. Significant Ridgeline Protection.

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b. The highest point of a structure that requires any permit shall be located at least 50 vertical feet and 50 horizontal feet from a significant ridgeline, excluding chimneys, rooftop antennas, small-scale wind energy ~~conversion~~ systems, and amateur radio antennas.

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SECTION 61~~0~~. Section 22.44.143 is hereby amended to read as follows:

22.44.143 Elizabeth Lake and Lake Hughes Community Standards District.

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D. Community-Wide Development Standards.

é

4. Utilities.

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b. Utility Devices.

i. Small-Scale Solar Energy Systems~~Utility Devices~~.

(A) Ground-~~-~~mounted small-scale solar energy systems shall be placed at least five (5) feet from the nearest property line; and

(B) Ground-~~-~~mounted small-scale solar energy systems less than ten (10) feet in height shall be set back an additional three (3) feet from the nearest property line for every one foot less than ten (10) feet in height.

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10. Significant Ridgeline Protection.

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b. The highest point of a structure shall be located at least one hundred-fifty (150) vertical feet and one hundred-fifty (150) horizontal feet in a southerly direction from a significant ridgeline, excluding chimneys, rooftop antennas, amateur radios, and small-scale wind energy ~~conversation~~ systems.

c. No portion of any structure shall be located less than fifty (50) horizontal feet in a northerly direction from a significant ridgeline, excluding amateur radio antennas, chimneys, rooftop antennas, and small-scale wind energy ~~conversion~~ systems.

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SECTION 62~~1~~. Section 22.44.144 is hereby amended to read as follows:

22.44.144 San Francisquito Canyon Community Standards District.

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D. Community-wide Development Standards.

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10. Significant Ridgeline Protection.

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b. The highest point of a structure shall be located at fifty (50) vertical feet and fifty (50) horizontal feet from a significant ridgeline, excluding chimneys, rooftop antennas, amateur radio antennas, and small-scale wind energy ~~conversion~~ systems.

c. Any modification to subsection D.10.b. shall require a minor conditional use permit, as provided in Section 22.56.085. In approving such permit, the ~~Director,~~ Hearing Officer, or Commission shall make the following findings in addition to those required by Section 22.56.090:

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SECTION 63~~2~~. Part 15 of Chapter 22.52 is hereby repealed in its entirety.

SECTION 64~~3~~. Part 15 of Chapter 22.52 is hereby added to read as follows:

PART 15

RENEWABLE ENERGY

SECTIONS:

22.52.1600 Purpose.

22.52.1605 Applicability.

22.52.1610 Application Materials.

22.52.1615 Standards for Small-Scale Solar Energy Systems.

22.52.1620 Standards for Utility-Scale Solar Energy Facilities.

22.52.1625 Standards for Temporary Meteorological Towers.

22.52.1630 Standards for Small-Scale Wind Energy Systems.

22.52.1635 Standards for Utility-Scale Wind Energy Facilities.

22.52.1640 Modifications.

22.52.1645 Uses Subject to Permits ï Aviation Review.

22.52.1650 Uses Subject to Permits ï Findings.

22.52.1655 Uses Subject to Permits ï Conditions of Approval.

22.52.1660 Enforcement Procedures.

22.52.1600 Purpose.

This Part 15 establishes regulations and permit requirements that support and facilitate the development of small-scale solar energy systems, small-scale wind energy systems, utility-scale solar energy facilities, utility-scale wind energy facilities, and temporary meteorological towers in a manner that protects public health, safety, and welfare and minimizes significant impacts to the environment.

22.52.1605 Applicability.

A. Applicability of this Part 15. The provisions of this Part 15 shall apply to the development of any small-scale solar energy system, small-scale wind energy system, utility-scale solar energy facility, utility-scale wind energy facility, or temporary meteorological tower.

B. Applicability of zone and supplemental district regulations. All provisions of the zone and any supplemental district in which a small-scale solar energy system, small-scale wind energy system, utility-scale solar energy facility, utility-scale wind energy facility, or temporary meteorological tower is located shall also apply. Where a provision of the zone or supplemental district regulates the same matter as this Part 15, the provision of this Part 15 shall apply.

C. Exemption. The provisions of this Part 15 shall not apply to any small-scale solar energy system, small-scale wind energy system, utility-scale solar energy facility, utility-scale wind energy facility, or temporary meteorological tower approved prior to the effective date of the ordinance establishing this Part 15.

D. Prohibition. Ground-mounted utility-scale solar energy facilities and ground-mounted utility-scale wind energy facilities shall be prohibited within adopted Significant Ecological Areas designated in the General Plan, and Economic Opportunity Areas designated in the Antelope Valley Area Plan.

E. Existing projects~~Subsequent application~~. The provisions of this Part 15 shall apply to:

1. Any modification(s) that would increase the physical size, height, or footprint of a previously approved small-scale solar energy system, small-scale wind

energy system, utility-scale solar energy facility, utility-scale wind energy facility, or temporary meteorological tower; ~~and~~

2. Any modification(s) that would change the type of equipment used by the previously approved small-scale solar energy system, small-scale wind energy system, utility-scale solar energy facility, utility-scale wind energy facility, or temporary meteorological tower, except for replacement of equipment for maintenance purposes; ~~.~~ and

3. Any modification(s) that would convert a project generating energy primarily for on-site use into a project generating energy primarily for off-site use or a project generating energy primarily for off-site use into a project generating energy primarily for on-site use.

22.52.1610 Application Materials.

A. If a site plan review is required, the applicant shall submit the following:

1. All materials and information required by Section 22.56.1680;

2. A site plan that in addition to the features required by subsection F of Section 22.56.1680 depicts:

a. Solar array footprint and height,

b. Solar array setbacks from the perimeter of a roof for solar arrays that are mounted to the roof of a building;

3. A minimum of six different color photographs of the project area with a photo-key map.

B. If a Minor Conditional Use Permit or Conditional Use Permit is required, the applicant shall submit the following:

1. All materials and information required by Section 22.56.030 and a Burden of Proof statement that substantiates the findings required by Section 22.52.1650;

2. A minimum of six different color photographs of the project area with a photo-key map;

3. Color photo simulations of the project area before construction of the project and after construction of the project;

4. Utility-scale solar energy facilities. The following additional materials shall be required for ground-mounted utility-scale solar energy facilities:

a. A site plan that in addition to the features required by subsection A.7 of Section 22.56.030 depicts:

i. Solar array footprint and height,

ii. Solar array setbacks from all property lines,

iii. Area and amount of grading and site disturbance,

iv. Topography of the property,

v. Watercourses on the property, if any

vi. Access roads,

vii. Required fencing,

viii. Required signage,

viii. Lighting,

ix. Transmission lines,

x. Significant ridgelines on the property, if any

b. Detailed landscaping plan that depicts:

i. Required perimeter fencing, if any

ii. Proposed plant species palette, including number and size,

iii. Proposed water usage to plant and maintain proposed landscaping,

iv. Proposed timing and phasing of proposed landscaping,

c. Draft decommissioning plan,

d. Hydrology study,

e. Conceptual dust control plan,

f. Glare study,

g. Description of amount and source of water necessary for the construction and operation of the project;

5. Temporary meteorological towers. The following additional materials shall be required for temporary meteorological towers:

a. A site plan that in addition to the features required by subsection A.7 of Section 22.56.030 depicts:

i. FAA-required safety lights, if any,

ii. For ground-mounted temporary meteorological towers:

(A) Required aviation-related paint markings and high visibility sleeves for ground-mounted temporary meteorological towers,

(B)~~iii. For ground-mounted temporary meteorological towers, G~~guy wires and climbing apparatus, if any;

b. An elevation that depicts wind tower height;

6. Small-scale wind energy systems. The following additional materials shall be required for small-scale wind energy systems:

a. In addition to the materials required by subsection A~~B~~.7~~5~~ of ~~this~~ Section 22.56.030, a site plan that depicts:

i. FAA-required safety lights, if any,

ii~~a~~. Manual and automatic wind tower blade overspeed controls,

iii~~b~~. For ground-mounted small-scale wind energy systems~~,~~

(A) Required aviation-related paint markings,

(B) Climbing apparatus, if any,

(C) B~~b~~lade clearance from the finished grade and required signage, if any;

b. An elevation that depicts wind tower height(s);

7. Utility-scale wind energy facilities. The following additional materials shall be required for utility-scale wind energy facilities:

a. In addition to the materials required by subsection A.7 of Section 22.56.030, a site plan that depicts:

i~~a~~. FAA-required safety lights, if any,

ii~~b~~. Manual and automatic wind tower blade overspeed controls;

~~c. An elevation that depicts wind tower height;~~

iii~~d~~. For structure-mounted utility-scale wind energy facilities with wind towers that are mounted to the roof of a building, a site plan that in addition to the features required by subsection A.7 of Section 22.56.030 depicts wind tower setbacks from the perimeter of a roof;

iv~~b~~. For ground-mounted utility-scale wind energy facilities, in addition to the materials required by subsection B.4 of this Section, a site plan that depicts:

(A)~~i.~~ Climbing apparatus, if any,

(B)~~ii.~~ Required aviation-related paint markings and high visibility sleeves for ground-mounted temporary meteorological towers,

(C) Blade clearance from the finished grade,

(D)~~iii.~~ Runway Protection Zones on the property, if any,

(C)~~iv.~~ Airport Influence Areas on the property, if any;

8. Additional Materials. The Director may request additional materials at the time of application submission or during review by the Department if the Director determines such materials are necessary for adequate evaluation.

22.52.1615 Standards for Small-Scale Solar Energy Systems.

A. Conformance with State requirements. A small-scale solar energy system shall be in conformance with the California Solar Rights Act (California Civil Code

Section 714 et seq.) and the California Solar Shade Control Act (California Public Resources Code 25980-25986).

B. Ground-mounted.

1. Height. The height of the solar array shall not exceed 15 feet.

2. Maximum lot coverage. The maximum lot coverage for solar arrays and any renewable energy accessory structures, shall be 25 percent of the lot or parcel of land or 2.5 acres, whichever is lesser.

C. Structure-mounted. The combined height of a structure and structure-mounted small-scale solar energy system shall not exceed the height limit of the zone by more than five feet.

22.52.1620 Standards for Utility-Scale Solar Energy Facilities.

A. Accessory structures. Accessory structures constructed for the purposes of operating and maintaining the utility-scale solar energy facility must meet all applicable development standards of the zone.

B. Structure-mounted. Structure-mounted utility-scale solar energy facilities shall be subject to the following standards:

1. Height. The combined height of a structure and structure-mounted utility-scale solar energy facility shall not exceed the height limit of the zone by more than five feet.

2. Setbacks. Setbacks from the perimeter of the roof shall be:

a. Three feet on residential buildings; or

b. Four feet on non-residential or mixed use buildings.

C. Ground-mounted. Ground-mounted utility-scale solar energy facilities shall be subject to the following standards:

1~~7~~. Coastal Zone. Within the Coastal Zone, the placement of any utility-scale solar energy facility shall comply with~~not obstruct public views of the ocean from a Scenic or Visual Resource (e.g., Significant Ridgeline, Scenic Route, Scenic Element, and Scenic Viewshed) identified in~~ the applicable Local Coastal Plan~~ unless specific provisions for such siting are provided for in the applicable Cocal Coastal Plan and Coastal Development Permit or long-range development plan~~.

2~~1~~. Fencing. Fencing shall be required around the perimeter of the project. In addition to the California Public Utilities Commission and United States Occupational Safety and Health Administration fencing guidelines for substations, all fencing shall comply with the following, except as otherwise required by Public Works to maintain minimum corner sight distance:

a. Non-opaque fences may be permitted.

b. Fencing up to eight feet in height may be permitted regardless of any other fencing standards.

c. Fencing shall not be located within 15 feet of a public right-of-way but may be located within the required setback area.

d. Project perimeter fencing shall incorporate small animal-permeable design, unless otherwise modified by the Hearing Officer.

3~~2~~. Height. Height of the solar array shall not exceed 25 feet.

4~~3~~. Lighting. In addition to Part 9 of Chapter 22.44, outdoor lighting within the Rural Outdoor Lighting District, which is limited to that required for safety and

security, shall be shielded and directed downward to avoid light trespass, and shall consist of:

a. Motion sensors for entry-lighting to the on-site equipment structures and buildings; and

b. Light-sensor or motion-sensor lighting for the main facility access gate, operations and maintenance building doorways, and any parking areas of facilities with operation and maintenance buildings.

54. Setbacks. Setbacks from the property line shall be:

a. A minimum of 30 feet in agricultural zones; or

b. As provided in the base zone for all non-agricultural zones.

65. Signs. One ground-mounted or pole-mounted project identification sign shall be located at each temporary and permanent ingress and egress point. Signs shall include owner information and emergency contact. No other signs shall be installed for the facility other than safety, directional, and required warning signs as outlined in Part 10 of Section 22.52.

76. Significant ridgelines The highest point of a utility-scale solar energy facility shall be located at least 50 vertical feet and 50 horizontal feet from a significant ridgeline identified in the General Plan, in an applicable Area or Community Plan, or in an applicable Community Standards District;

22.52.1625 Standards for Temporary Meteorological Towers.

A. All temporary meteorological towers shall be subject to the following standards:

1. Aviation safety. All safety lights required by the Federal Aviation Administration for any wind tower, shall comply with applicable Federal Aviation Administration standards. Any aviation-related agency or the Department may impose additional requirements as deemed necessary. No other lights shall be placed on the wind tower.

2. Maximum separation. Wind towers must be separated from each other by the safe industry practice depicted in Figure 22.52.1625-A, below.

FIGURE 22.52.1625-A – SEPARATION STANDARDS FOR TEMPORARY METEOROLOGICAL TOWERS

FIGURE 22.52.1625-A
HERE

B. Structure-mounted. The combined height of a structure and structure-mounted wind tower shall not exceed the height limit of the zone by more than five feet.

C. Ground-mounted. Ground-mounted temporary meteorological towers shall be subject to the following standards:

1. Aviation Safety. Wind towers of less than 200 feet in height, measured from finished grade shall be marked with alternating bands of aviation orange and white paint. High visibility sleeves shall be installed on the outer guy wires with high spherical marker balls of aviation orange color.

2. Climbing apparatus. All climbing apparatus shall be located at least 12 feet above the finished grade, and all wind towers shall be designed to prevent climbing within the first 12 feet of the wind tower height, as measured from finished grade.

3. Location. The minimum setback for a wind tower shall be as depicted in Table 22.52.1625-A. The required distance shall also comply with any applicable fire setback requirements pursuant to California Public Resources Code Section 4290.

TABLE 22.52.1625-A – SETBACK REQUIREMENTS FOR TEMPORARY METEOROLOGICAL TOWERS	
SETBACK FROM	MINIMUM DISTANCE
On-site or Off-site Residence or Habitable Structure	1.5 x tallest wind tower height
Public Road or Highway	As required by Public Works to meet sight distance and minimum setback requirements from traveled lanes
Above Ground Transmission Line, Public Access Easement, or Public Trail	1.25 x tallest wind tower height
Property Line	1.25 x tallest wind tower height
On-site or Off-site Buildings Other Than a Residential Structure	1 x tallest wind tower height
Trees	As required by the Fire Department
Scenic Drives, Scenic Highways and Scenic Routes as identified in the General Plan or applicable Area or Community Plan	1,000 feet

4. Maximum number. More than one wind tower may be located on the same property if all of the location requirements and standards of this Part 15 are met for each wind tower. A maximum of two wind towers are permitted for each five gross acres of land.

5. Maximum wind tower height. The maximum wind tower height shall not exceed the height limit as depicted in Figure 22.52.1625-B below:

a. A total of 35 feet measured from the finished grade to the top of the blade in the vertical position for parcels of less than one gross acre in size;

b. A total of 65 feet measured from the finished grade to the top of the blade in the vertical position for parcels from one gross acre to less than two gross acres in size; and

c. A total of 85 feet measured from the finished grade to the top of the blade in the vertical position for parcels of two gross acres or greater in size.

FIGURE 22.52.1625-B – HEIGHT STANDARDS FOR TEMPORARY METEOROLOGICAL TOWERS

FIGURE 22.52.1625-B **HERE**

22.52.1630 Standards for Small-Scale Wind Energy Systems.

A. In addition to the standards required under subsection A of Section 22.52.1625, the following standards shall also apply to all small-scale wind energy systems:

1. Automatic overspeed controls. A small-scale wind energy system shall be equipped with manual and automatic overspeed controls to limit the blade rotation speed to within the design limits of such system.

2~~3~~. Coastal Zone. Within the Coastal Zone, the placement of any small-scale wind energy system shall comply with~~not obstruct public views of the ocean from a Scenic or Visual Resource (e.g., Significant Ridgeline, Scenic Route, Scenic Element, and Scenic Viewshed) identified in the applicable Local Coastal Program,~~

~~unless specific provisions for such siting are provided for in~~ the applicable Local Coastal Plan~~Program and Coastal Development Permit or long-range development plan~~.

3~~2~~. Significant ridgelines. The highest point of a small-scale wind energy system shall be located at least 50 vertical feet and 305~~5~~0 horizontal feet from a significant ridgeline identified in the General Plan, in an applicable Area or Community Plan, or within an applicable Community Standards District.

4. Slope setbacks in Hillside Management Areas. The project shall map the location of any Hillside Management Area, as defined in Sections 22.25.215.a and b, located within a 500-foot radius of any proposed small-scale wind energy system which rises over 50 vertical feet in elevation as measured from the start of the 25% slopes. For any of these mapped areas, all small-scale wind energy systems shall be located at least 300 horizontal feet from the maximum elevations, which are the highest points where the land slopes away, and the highest point of the small-scale wind energy system shall not protrude above these maximum elevations.

B. Structure-mounted. The combined height of a structure and structure-mounted wind tower shall not exceed the height limit of the zone by more than five feet.

C. Ground-mounted. In addition to the standards required under subsection C of Section 22.52.1625, the following standards shall also apply to ground-mounted small-scale wind energy systems:

1. Blade clearance. No portion of a blade shall extend within 20 feet of the finished grade.

2. Impacts to birds and bats.

a. Design. Use of trellis-style towers is prohibited.

b. Guy wires. The use of guy wires shall be prohibited for all ground-mounted small-scale wind energy systems~~Safety wires shall be installed on the turnbuckles of guy wires. Anchor points for any guy wires shall be located within the same property as the system, and located in such a manner so as not to be on or across any above-ground electric transmission or distribution lines~~.

c. Setbacks. The following setback requirements shall apply to reduce impacts to birds and bats:

i. No part of the small-scale wind energy system shall be closer than 300 feet or five times the tallest wind tower height, whichever is greater, from the following:

(A) Bat roosting sites;

(B) Recorded open space easements and publicly designated preserve areas; and

(C) Riparian areas and wetlands.

ii. No part of the small-scale wind energy system shall be closer than one mile from a known golden eagle nest site.

3. Signs. One sign, limited to 18 inches in length and 12 inches in height, shall be posted at the base of each wind tower. The sign shall include a note of no trespassing, a warning of high voltage, and the phone number of the property owner to call in the event of an emergency.

22.52.1635 Standards for Utility-Scale Wind Energy Facilities.

A. In addition to the standards required under subsection A of Section 22.52.1625 and subsection A of Section 22.52.1630, the following standards shall also apply to all utility-scale wind energy facilities:

1. Accessory structures. Accessory structures constructed for the purposes of operating and maintaining the utility-scale wind energy facility must meet all applicable development standards of the zone.

2. Aviation safety.

a. A utility-scale wind energy facility shall not be located within the Runway Protection Zone of any airport, as depicted in the Countyôs airport land use compatibility plans.

b. A utility-scale wind energy facility shall not penetrate the imaginary surfaces (primary, approach, transitional, horizontal, and conical surfaces) as defined by the Federal Aviation Administration Federal Aviation Regulations Part 77 to protect the use of navigable airspace.

3. Lighting. In addition to Part 9 of Chapter 22.44, outdoor lighting within the Rural Outdoor Lighting District, which is limited to that required for safety and security, shall be shielded and directed downward to avoid light trespass, and shall consist of motion sensors for entry-lighting to the on-site equipment structures and buildings.

B. Structure-mounted. Structure-mounted utility-scale wind energy facilities shall be subject to the following standards:

1. Height. The combined height of a structure and structure-mounted utility-scale wind energy facility shall not exceed the height limit of the zone by more than five feet.

2. Setbacks. Setbacks from the perimeter of the roof shall be:

a. Three feet on residential buildings; or

b. Four feet on non-residential or mixed use buildings.

C. Ground-mounted. Ground-mounted utility-scale wind energy facilities shall be subject to the following standards:

1. Aviation safety. Wind towers of less than 200 feet in height, measured from finished grade shall be marked with alternating bands of aviation orange and white paint. ~~High visibility sleeves shall be installed on the outer guy wires with high spherical marker balls of aviation orange color.~~

2. Blade clearance. No portion of a utility-scale wind energy facility blade shall extend within 30 feet from the finished grade.

3. Climbing apparatus. All climbing apparatus shall be located at least 12 feet above the finished grade, and all wind towers shall be designed to prevent climbing within the first 12 feet of the wind tower height, measured from finished grade.

4. Fencing. In addition to the California Public Utilities Commission and United States Occupational Safety and Health Administration fencing guidelines for substations, all fencing shall comply with the following, except as otherwise required by Public Works to maintain minimum corner sight distance:

a. Non-opaque fences may be permitted.

b. Fencing up to eight feet in height may be permitted regardless of any other fencing standards.

c. Fencing shall not be located within 15 feet of a public right-of-way but may be located within the required setback area.

d. Project perimeter fencing shall incorporate small animal-permeable design.

5. Impacts to birds and bats.

a. Design. Use of trellis-style towers is prohibited.

b. Guy wires. The use of guy wires shall be prohibited for all utility-scale wind energy facilities.

c. Setbacks. The following setback requirements shall apply to reduce impacts to birds and bats:

i. No part of a ground-mounted utility-scale wind energy facility shall be closer than 0.25 miles from the following:

(A) Adopted Significant Ecological Areas;

(B) Recorded open space easements and publicly designated preserve areas; and

(C) Riparian areas and wetlands.

ii. No part of a ground-mounted utility-scale wind energy facility shall be closer than 0.5 miles from bat roosting sites.

iii. No part of a ground-mounted utility-scale wind energy facility shall be closer than one mile from a known golden eagle nest site.

6. Lighting. Light-sensor or motion-sensor lighting is required for the main facility access gate, operations and maintenance building doorways, and any parking areas of facilities with operation and maintenance buildings for projects within the Rural Outdoor Lighting District.

7. Location. The minimum distance and safe clearances for a utility-scale wind energy facility shall be as depicted in Table 22.52.1635-A. The required distance shall also comply with any applicable fire setback requirements pursuant to the California Public Resources Code Section 4290.

TABLE 22.52.1635-A – SETBACK REQUIREMENTS FOR GROUND-MOUNTED UTILITY-SCALE WIND ENERGY FACILITY	
Setback from	**Minimum Distance**
On-site or Off-site Residence or Habitable Structure	2 x tallest wind tower height
Public Road or Highway	As required by Public Works to meet sight distance and minimum setback requirements from traveled lanes.
Above Ground Transmission Line, Public Access Easement, or Public Trail	2 x tallest wind tower height
Property Line	2 x tallest wind tower height
On-site or Off-site Buildings Other Than a Residential Structure	1 x tallest wind tower height
Trees	As required by the Fire Department
Scenic Drives and Scenic Routes as identified in the General Plan or in an applicable Area or Community Plan	2 x tallest wind tower height
Railway	2 x tallest wind tower height

8. Maximum height. Wind tower height shall not exceed 500 feet above finished grade.

9. Signs. One ground-mounted or pole-mounted project identification sign shall be located at each temporary and permanent ingress and egress point. Signs shall include owner information and emergency contact. No other signs shall be installed for the facility other than safety, directional, and required warning signs as outlined in Part 10 of Section 22.52.

22.52.1640 Modifications.

A. When a site plan review is required, a Conditional Use Permit in compliance with Part 1 of Chapter 22.56, is required for any modification to the applicable standards in this Part 15, except as otherwise provided herein. In addition to those required by Section 22.52.1650, the applicant for such Conditional Use Permit shall substantiate the following findings:

1. Due to topographic or physical features of the site, strict compliance with all of the required standards would substantially and unreasonably interfere with the establishment of the proposed development on the subject property; and

2. The requested modification(s) would not be contrary to the purpose of this Part 15.

B. When a Minor Conditional Use Permit or Conditional Use Permit is required, any modification of the applicable standards in this Part 15 may be requested as part of said permit, except as otherwise provided herein. The applicant shall substantiate the findings provided in subsection A above in addition to those required by Section 22.52.1650 and Part 1 of Chapter 22.56.

C. A small-scale solar energy system that exceeds the maximum lot coverage required under subsection B.2 of Section 22.56.1615, requires approval of a Minor Conditional Use Permit pursuant to Part 1 of Chapter 22.56 and is subject to the development standards specified in subsections A and B.1 of Section 22.52.1615 and A.2 and C.5 of Section 22.52.1620 and conditions specified in subsections A.2.d and A.2.g of Section 22.52.1655.

D. A wind tower greater than 500 feet in height requires approval of a variance pursuant to Part 2 of Chapter 22.56.

22.52.1645 Uses Subject to Permits – Aviation Review.

For any use subject to a Minor Conditional Use Permit or Conditional Use Permit and located within a Military Installations and Operations Area (MIOA) or Airport Influence Areas (AIAs) as identified by the General Plan or applicable Airport Land Use Compatibility Plan(s), the following provisions apply:

A. Consultation. Aviation-related agencies shall be consulted for review of the proposed project for any potential impacts to ensure the safety of residents and continued viability of military training and testing operations. The Department shall distribute copies of the proposed site plan, elevation plan, and location map to the aviation-related agencies and shall request comments within a minimum 30-day period. Applicable aviation-related agencies to be consulted include, but are not limited to, the Federal Aviation Administration, United States Navy, Edwards Air Force Base, Air Force Plant 42, United States Forest Service, California Department of Transportation Division of Aeronautics, Public Works ï Aviation Division, Department of Regional Planning

Airport Land Use Commission, County Forester and Fire Warden, and County Sheriff. The consultation review shall request consideration of the following:

1. Uses that produce electromagnetic and frequency spectrum interference, which could impact military operations;

2. Uses that release into the air any substances that may impair visibility such as steam, dust, or smoke;

3. Uses that produce light emissions that could interfere with pilot vision or be mistaken for airfield lighting such as glare or distracting lights; and

4. Uses that physically obstruct any portion of the MIOA due to relative height above ground level.

B. Any comments received through consultation shall be considered by the Department and provided to the Hearing Officer.

22.52.1650 Uses Subject to Permits – Findings.

In addition to the findings required under Part 1 of Chapter 22.56, the Hearing Officer shall approve a Minor Conditional Use Permit or Conditional Use Permit if he or she finds that:

A. The proposed development is sited and designed and will be constructed in such a way to minimize significant impacts to the environment including impacts to birds and bats, through appropriate measures including minimizing proximity to perch sites such as transmission lines and towers;

B. The proposed development is sited in such a way to minimize site disturbance (i.e., grading, brush clearance, and other forms of earthwork);

C. For ground-mounted utility-scale solar energy facilities and utility-scale wind energy facilities, the proposed vegetation along project perimeter fencing will:

1. Sufficiently provide buffer from adjacent residential and agricultural uses through variable placement and muting of frontage or other sensitive viewsheds so as to provide a natural visual transition between the project and its surroundings,

2. Sufficiently provide ground cover to the satisfaction of the staff biologist, and

3. Provide such buffer and ground cover in a timely manner to the satisfaction of the staff biologist; and

D. If the proposed development penetrates the lower floor elevation of any MIOA, the military operator of that MIOA has determined that the proposed development is not detrimental to the function of that MIOA and would not pose a health or safety hazard to military personnel or the public.

22.52.1655 Uses Subject to Permits – Conditions of Approval.

If a Minor Conditional Use Permit or Conditional Use Permit is required, the following conditions of approval shall apply:

A. Utility-scale solar energy facilities.

1. Glare. All utility-scale solar energy facilities shall be designed and located in such a way to minimize reflective glare toward any habitable structure on adjacent properties as well as adjacent street rights-of-way.

2. Ground-mounted.

a. Access roads. All temporary and permanent ingress and egress points to the ground-mounted utility-scale solar energy facility shall be designed

and sited to the satisfaction of Public Works and the Fire Department, and shall consider adequate spacing from intersections and maintain adequate sight distances. Dirt access roads shall be treated with a suitable non-toxic long-term soil binder, or application of similarly effective material to control dust such as use of gravel.

b. Decommissioning.

i. The draft decommissioning plan shall be prepared to the satisfaction of the Director and the Director of Public Works.

ii. Prior to any ground disturbance or the issuance of any grading or building permit, performance and financial guarantees in an amount sufficient to ensure the performance of the decommissioning plan shall be determined to the satisfaction of the Director and the Director of Public Works, and incorporated into a final decommissioning plan. The amount shall be posted prior to any ground disturbance or the issuance of any grading or building permit.

iii. Prior to any ground disturbance or the issuance of any grading or building permit, the permittee shall record an easement granting access to the County for activities related to decommissioning. A draft easement document shall be submitted prior to easement recordation, for review and approval by the Director and the Director of Public Works.

iv. In the event that any portion of a ground-mounted utility-scale solar energy facility is not in operational condition for a consecutive period of six months, ceased operation, or the permit for the use has expired, operations for that use shall be deemed to have been discontinued. Upon written notice from the

Department to the permittee advising of the discontinued use, the use shall be renewed or removed from the site within the time period specified below:

(A) Within six months after the written notice of discontinued use is sent to the permittee, decommissioning of the use shall commence in accordance with the decommissioning plan.

(B) Within the six month period specified by subsection d.i above, the permittee may provide the Department with a written request and justification for an extension to resume operations of the system, facility, or portions thereof.

c. Landscaped buffer. The following conditions shall apply:

i. A landscaped area at least 10 feet in depth shall be maintained along any project perimeter fencing, between such fencing and any public right-of-way or adjacent property with an existing residential or agricultural use.

ii. Existing non-invasive, drought-tolerant vegetation approved by the staff biologist shall be retained, and/or new non-invasive, drought-tolerant vegetation approved by the staff biologist shall be planted within the landscaped area.

iii. The landscaped area shall incorporate a variety of design elements appropriate for the surrounding area, including but not limited to hardscape, such as decorative rocks, boulders, berms, and fencing; and softscape, such as trees, shrubs, vines, and succulents. In no way shall the hardscape or softscape features adversely affect drainage patterns.

iv. The landscaped area shall be established in such manner that adequate corner sight distance is maintained from all access roads to the public right of way to the satisfaction of the Director of Public Works.

v. The landscaped area shall be planted and temporary irrigation system installed prior to final permit inspection of the project or project phase to the satisfaction of the Director. Establishment of the plantings shall be verified at the time of regular inspections according to inspection time frames in the project conditions.

vi. The landscaped area shall be maintained throughout the life of the project.

d. Site disturbance. The measures found in this subsection shall in no way be construed as a substitute for compliance with State requirements imposed by the applicable Air Quality Management District.

i. Soil erosion. To ensure dust control and minimal soil erosion, existing vegetation may be mowed, but removal of existing vegetation root systems shall be prohibited, except where necessary for construction of access roads, substations and related underground transmission lines, tanks, basins, inverter pads, or other areas required by the County.

ii. Hydrology. The facility shall be designed to minimize erosion, sedimentation, or other impacts to the natural hydrology and drainage patterns of the site. Existing topography and watercourses shall be retained or restored to pre-development conditions following construction and during operations, except for drainage features specifically designed to mitigate drainage impacts. Prior to any discretionary approval, a hydrology study shall be prepared in compliance with the most

recent County standards for addressing drainage impacts to the satisfaction of Public Works.

iii. Grading. To control fugitive dust and preserve the natural topography, the facility shall be designed in such a way that the ground disturbance or grading is limited to only the access roads, substations and related underground transmission lines, tanks, basins, inverter pads, or other areas required by the County. A site plan shall depict the extent of grading and ground disturbance, and the facility shall comply with all applicable grading standards.

iv. Fugitive dust control plan. A fugitive dust control plan including a dust plume response plan shall be prepared for review and approval by applicable agencies prior to any earthwork activities.

v. Construction practices.

(A) Fugitive dust. Fugitive dust emission shall be controlled by phased earthwork, site watering, use of clean gravel not to exceed a depth of six inches where applicable, application of non-toxic soil stabilizers, limiting public access on unpaved areas, posting private roadways with reduced speeds, and/or re-vegetation. Use of other fugitive dust mitigation measures may be implemented if determined by the Department and Department of Public Works to be suitable methods to adequately control dust during construction, operations, and removal and restoration activities.

(B) Vegetation. Work within the existing vegetation where the facility components are being proposed shall be conducted with minimal disturbance, and the operator shall take all necessary precautions to not use

vehicles or machinery for grading or alter the existing grade in these areas. When vehicles or machinery are deemed necessary for utility scale solar energy installation work, appropriate ground-protection practices (such as construction mats, stabilizers, or established vegetation) shall be utilized for both dust suppression and to ensure that the use of vehicles or machinery is compatible with continued and future vegetation growth. The facility shall retain a biologist to confirm that construction practices are compatible with continued and future vegetation growth. Any grading, disking, scraping, or other ground disturbance proposed as part of the project shall be permanently stabilized with an earth-stabilizing product or other measure that is acceptable to the Departments of Public Works, Regional Planning, and Public Health to prevent fugitive dust.

e. Transmission lines. On-site and off-site transmission lines shall be placed underground to the satisfaction of the Department and Department of Public Works, except where above-ground crossings are otherwise required (such as over the California Aqueduct). A franchise agreement shall be required for distribution/transmission facilities within the public right of way. Disturbed areas shall comply with subsection B.8 of this Section to ensure dust control and minimal soil erosion.

f. Scenic resources~~Visual impact~~. Any utility-scale solar energy facility ~~that is~~ placed within the viewshed of a Scenic Drive, Scenic Highway or Scenic Route identified in the General Plan or in an applicable Area ~~Plan~~ or Community Plan shall be analyzed for any associated negative impacts, including but not limited to~~its~~ visual impacts. Appropriate conditions relating to siting, buffering, height, and

design of the facility may be imposed to minimize significant effects on the viewshed.~~; and~~

g. Water quality protection. Measures to protect groundwater and surface water from waste discharge shall be incorporated into the project design, as appropriate, and shall meet the requirements of the Regional Water Quality Control Board.

h. Water use.

i. The project shall use the minimum amount of water required during the construction period. The project shall be limited to the maximum use of water as established by the Hearing Officer for the duration of the construction period.

ii. The project shall use the minimum amount of water required during the operation of the project. The project shall be limited to the maximum use of water as established by the Hearing Officer for the operation of the project for the duration of this grant.

iii. The project shall use piped recycled water if it is available from the public right-of-way within one mile from the project site at fair market value and suitable for use. If such piped recycled water does not meet the water demand, the project shall use piped potable water if it is available from the public right-of-way within one mile from the project site at fair market value and suitable for use.

iv. The permittee shall maintain a daily log, which shall include the number of gallons and acre feet of water used on the project site used for the following, which includes, but is not limited to: construction, operation, maintenance,

landscaping, irrigation, and maintenance. The permittee shall record monthly water usage by source within five working days following the conclusion of each month. The log shall be made available to the Department upon demand.

B. Temporary meteorological towers.

1. Colors. Except as otherwise required in this Section, the colors used in the construction materials or finished surface shall be muted and visually compatible with the surrounding development or environment.

2. Maintenance. All equipment and wind towers shall be maintained in an operational condition that poses no potential safety hazards. Maintenance shall include, but not be limited to, painting, regularly scheduled cleaning, routine mechanical and/or electrical repairs, structural repairs, and security measures.

3. Ground-mounted. All temporary and permanent ingress and egress points to the wind tower shall be designed, sited and maintained to the satisfaction of the Public Works and the Fire Department, and shall consider adequate spacing from intersections and maintain adequate sight distances. Dirt access roads shall be treated with a suitable non-toxic long-term soil binder, or application of similarly effective material to control dust such as use of gravel.

C. Small-scale wind energy systems. In addition to the conditions of approval required under subsection B of this Section, the following conditions of approval shall also apply to small-scale wind energy systems:

1. Noise. Noise from a small-scale wind energy system shall not exceed 60 dBA SEL (single event noise level), as measured at the closest existing neighboring inhabited dwelling at the time of approval.

2. Scenic resources~~Visual Impact~~. Any small-scale wind energy system placed within the viewshed of a Scenic Drive, Scenic Highway or Scenic Route identified in the General Plan or in an applicable Area or Community Plan shall be analyzed~~assessed~~ for any associated negative impacts, including but not limited to~~its~~ visual impacts.~~, and~~ A~~a~~ppropriate conditions ~~shall be applied~~ relating to siting, buffering~~s~~, height, and design of the system may be imposed to minimize significant impacts on the viewshed.

3. Ground-mounted. The vegetation within the entire area within 10 feet of the base of a wind tower shall be mowed and appropriate measures shall be applied to prevent re-growth, but removal of existing vegetation root systems shall be prohibited.

D. Utility-scale wind energy facilities. The conditions of approval required under subsections B and C of this section shall also apply to utility-scale wind energy facilities and subsection A.2 of this Section shall also apply to ground-mounted utility-scale wind energy facilities.

22.52.1660 Enforcement Procedures.

A. Pursuant to subsection A of Section 22.60.390, the Director or designee is authorized to issue a Final Zoning Enforcement Order, without prior issuance of a Notice of Violation, to any permittee operating a small-scale solar energy system, small-scale wind energy system, utility-scale solar energy facility, utility-scale wind energy facility, or temporary meteorological tower not in compliance with the provisions of this Part 15. The Final Zoning Enforcement Order shall subject the non-compliant operator

to enforcement actions pursuant to Section 22.60.390, and to any civil and criminal remedies.

B. Nothing in this Section shall preclude the Director or designee from issuing a warning, field notice of violation, Notice of Violation, or citation prior to issuing a Final Zoning Enforcement Order for a non-compliant small-scale solar energy system, small-scale wind energy system, utility-scale solar energy facility, utility-scale wind energy facility or temporary meteorological tower**.**

SECTION 654. Section 22.52.2430 is hereby amended to read as follows:

22.52.2430 Wineries–Permit requirements.

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C. Conditions of approval. In addition to any other condition imposed by the ~~Director~~Hearing Officer or the Commission, the development standards and operating regulations set forth in Sections 22.52.2410 and 22.52.2420 of this Part 23 shall be made conditions of approval for any winery CUP, except where modified by the Hearing Officer or the Commission.

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SECTION 665. Section 22.52.2460 is hereby amended to read as follows:

22.52.2460 Tasting rooms–Permit requirements.

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B. Conditions of approval. In addition to any other condition imposed by the ~~Director~~Hearing Officer or the Commission, the development standards and operating regulations set forth in Sections 22.52.2440 and 22.52.2450 of this Part 23 shall be made conditions of approval for any tasting room CUP, except where modified by the Hearing Officer or the Commission.

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SECTION 676. Section 22.52.2490 is hereby amended to read as follows:

22.52.2490 Remote tasting rooms–Permit requirements.

...

B. Conditions of approval. In addition to any other condition imposed by the ~~Director~~Hearing Officer or the Commission, the development standards and operating

regulations set forth in Sections 22.52.2470 and 22.52.2480 of this Part 23 shall be made conditions of approval for any remote tasting room CUP, except where modified by the Hearing Officer or the Commission.

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SECTION 687. Section 22.56.070 is hereby amended to read as follows:

22.56.030 Application–Information Required.

A. An application for a conditional use permit shall contain the following information:

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10. With each application, the applicant shall also file:

a. Maps in the number prescribed, and drawn to a scale specified by the director, showing the location of all property included in the request, the location of all highways, streets, alleys and the location and dimensions of all lots or parcels of land within a distance of 500 feet from the exterior boundaries of the subject parcel of land. If the application is for a minor conditional use permit in accordance with Section 22.56.085, a distance of 300 feet from the exterior boundaries of the subject parcel of land shall be provided in lieu of 500 feet,

b. One copy of said map shall indicate the uses established on every lot and parcel of land shown within said 500-foot radius or within said 300-foot radius if the application is for a minor conditional use permit in accordance with Section 22.56.085,

c. A list, certified to be correct by affidavit or by a statement under penalty of perjury pursuant to Section 2015.5 of the Code of Civil Procedure, of

the names and addresses of all persons who are shown on the latest available assessment roll of the county of Los Angeles as owners of the subject parcel of land and as owning property within a distance of 500 feet from the exterior boundaries of the parcel of land to be occupied by the use. If the application is for a minor conditional use permit in accordance with Section 22.56.085, a distance of 300 feet from the exterior boundaries of the parcel of land to be occupied by the use shall be provided in lieu of 500 feet. One copy of said map shall indicate where such ownerships are located,

d. Proof satisfactory to the director that water will be available in quantities and pressures required by the Water Ordinance, set out at Division 1 of Title 20 of this code, or by a variance granted pursuant to said Division 1. The director may accept as such proof a certificate from the person who is to supply water that he can supply water as required by said Division 1 of Title 20, also stating the amount and pressure, which certificate also shall be signed by the forester and fire warden, or a certificate from the county engineer that such water will be available;

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SECTION 6~~8~~9. Section 22.56.070 is hereby amended to read as follows:

22.56.070 Application–Public Hearing Required–~~Exception~~

In all cases where an application for a conditional use permit is filed, ~~except where the Director grants the permit pursuant to section 22.56.085,~~ the public hearing shall be held pursuant to the procedure provided in Part 4 of Chapter 22.60, except where an application for a minor conditional use permit is filed. A public hearing for a minor conditional use permit shall not be subject to the provisions of Section 22.60.175.

SECTION 70~~69~~. Section 22.56.085 is hereby amended to read as follows:

22.56.085 ~~Grant or Denial of~~ Minor Conditional Use Permit.

A. ~~Any person filing a~~An application for a minor conditional use permit may ~~request the Director to consider the application in accordance with the section~~be filed for the following uses:

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-- Modification of significant ridgeline protection provisions as provided in Sections 22.44.143.D.10.b., 22.44.143.D.10.c. or 22.44.144.D.10.b.

-- Small-scale solar energy system, ground-mounted, in the Open Space and Watershed zones, in accordance with Part 15 of Chapter 22.52.

-- Small-scale wind energy system in accordance with Part 15 of Chapter 22.52.

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-- Tasting rooms, remote, subject to the applicable provisions of Part 23 of Chapter 22.52.

-- Temporary meteorological towers in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in all zones except the Single-Family Residence zone, in accordance with Part 15 of Chapter 22.52.

~~-- Wind energy conversion systems, non-commercial (WECS-N).~~

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B. The purpose of this section is to authorize the ~~directorâs ex parte~~ consideration of minor conditional use permit applications that by their nature are limited in scope and impacts.

~~C. The director shall cause notice of the application to be mailed by first-class mail, postage pre-paid, to all those addresses on the list required by subsection A.10.c of Section 22.56.030 that are within a distance of 300 feet from the exterior boundaries of the parcel of land to be occupied by the requested use, and to such other persons whose property or interests might, in the director's judgment, be affected by the request. The notice shall describe the project and also indicate that any individual may request a public hearing on the application by filing a written request with the director within 14 calendar days following the date on the notice.~~

~~D~~C. ~~Unless at least two requests for a public hearing have been filed with the director as provided in subsection C of this section, the director~~The Hearing Officer may grant such permit ~~without a public hearing~~ if ~~the director~~ he or she finds that the use requested, subject to such conditions deemed necessary, will comply with the findings required by Section 22.56.090 and with any applicable requirements of Chapter 22.52, and if he or she further finds that the impacts of the use requested on safety, facilities and services, and natural resources are minor in nature.

~~E~~D. ~~The director shall notify the applicant and any persons who filed a timely request for a hearing of his decision. Any appeal from the directorâs decision shall be filed with the hearing officer within 14 days following the date on the notice of directorâs decision.~~ The decision of the Hearing Officer may be appealed to the commission. All appeals shall be filed within the time period set forth in, and shall be subject to all of the

other provisions of Part 5 of Chapter 22.60 except that the decision of the commission shall be final and effective on the date of the decision and shall not be subject to further administrative appeal, unless the permit was considered by the commission concurrently with a decision on a general plan or specific plan amendment, zone change, development agreement or other legislative action.

SECTION 71. Section 22.60.100 is hereby amended to read as follows:

22.60.100 Filing Fees and Deposits.

A. For the purposes of defraying the expense involved in connection with any application or petition required or authorized by this Title 22, the following fees shall accompany the application or petition:

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-- Minor Conditional Use Permits -- $1,494.00~~, except that where a public hearing is requested pursuant to Section 22.56.075, an additional fee of $7,230.00 shall be paid.~~

SECTION 72~~0~~. Section 22.60.176 is hereby amended to read as follows:

22.60.176 Conduct of Hearings-Hearing Officer duty.

When a verified application is filed for a permit or variance and a hearing is required by Title 21 or this Title 22, the hearing officer shall hold such hearing unless the hearing examiner and/or commission conduct hearings pursuant to Section 22.60.171. The hearing officer shall hold a hearing for a minor conditional use permit application unless the minor conditional use permit is filed concurrently with an application for a general plan or specific plan amendment, zone change, development agreement or other legislative action.

Three Points-Liebre Mountain Town Council
P. O. Box 76
Lake Hughes, CA 93532

14 March 2015

SENT VIA EMAIL

Ms. Susan Tae, Supervising Regional Planner, Section Head
Community Studies North Area
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Mr. Jay Lee, Planner
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Dear Ms. Tae and Mr. Lee,

Subject: Renewable Energy Ordinance, Draft 3

Our town council appreciates the opportunity to comment on the Renewable Energy Ordinance, Draft 3 (REO3). This ordinance will have far-reaching effects on rural communities across the county; many of them have already experienced ill-effects of utility-scale renewable energy development covering thousands of acres in the Antelope Valley. Several aspects of the ordinance including, but not limited to, the time-frame to comment, water issues, noise, dust and Valley Fever concerns, nighttime lighting, Minor Conditional Use Permits (MCUP), Conditional Use Permits (CUP), small-scale and utility-scale renewable energy uses, protection of ridgelines, and biological considerations of development necessitate response, and the councils represented here request changes to the REO3 that would not only clarify existing language, but offer protections to not only town council areas, but the county at large.

While the Renewable Energy Ordinance Team visited our town council during January of 2015, only a working draft document was available. The REO3 was not available for viewing until February 20th, and the comment period is actually cut short by "ideally" sending comments prior to the submission of the planning package that goes to planning commissioners. For some councils, approval of comments or letters is not possible because of how meeting dates fall in relation to the comment deadline, which is <u>not</u> listed on the released draft REO3. Two or three weeks is not enough time to thoroughly review this document, and its importance to rural communities is without question. We find it reasonable to request additional time for our concerns to be heard, and our suggestions implemented.

DEFINITIONS

Section 5, 22.08.210, U, page 4/79. Utility-Scale Solar Renewable Energy facility, ground-mounted. "Ground-mounted utility-scale solar renewable energy facility" means a facility affixed to the ground where renewable solar energy resources are used to generate direct electrical or thermal energy primarily for off-site use. This definition includes all on-site and off-site equipment and accessory structures related to the facility, including but not limited to solar collector arrays, wind turbines, mounting posts, substations, electrical infrastructure, transmission lines, operations and maintenance buildings, and other accessory structures." *The definition, here, does not adequately address the exclusion of parabolic "boiler" type solar arrays or power "concentrating" towers, although the previous definition of "Solar Arrays" (Section 4, 22.08.190, S) "do not include concentrated solar thermal devices, which use lenses or mirrors to focus or reflect a large area of sunlight onto a small area." Part U's "including, but not limited to solar arrays" does not go on to define what other types of solar equipment are allowed. This opens the statement to include, essentially, everything. Please provide more specific language that excludes parabolic trough boiler and power tower type renewable energy systems from the ordinance. They also use tremendous amounts of water—precious in our high desert areas. Not only that, but well documented massive killing of birds at the Ivanpah plants at Primm, Nevada, and unprecedented glare beyond that of panels and FAA lighting on wind towers would render visual distraction to scenic areas and render useless the Rural Outdoor Lighting Ordinance, further imposing destruction of dark night sky views, and daytime views, too. Moreover, Part U also states structure mounted utility-scale solar energy facility that is "used to generate direct electrical or thermal energy primarily for off-site use, also contains more "including, but not limited to" language. There is no definition of thermal energy for off-site use. This should be more specifically described to assure solar concentrating "thermal" energy is not allowed.*

Section 6, 22.08.230, W, page 6/79. "Wind tower" means the vertical component, including blades if any, of a small-scale wind energy system, a utility-scale energy facility using wind resources, or a temporary meteorological tower that elevates the wind turbine generator and attached blades above the ground." *This statement is confusing. Why not describe a meteorological tower as a "met tower" and a wind turbine with blades, meant to generate electricity, as a wind tower?*

LAND USE ZONES

As the document lists "Permitted Uses," "Accessory Uses," and "Uses Subject to Permits," through particular land use zones, for each zone, all utility-scale solar and wind energy facilities, structure mounted, are a permitted use (Sections 7-48, 22.20.080 through 22.25.320, pages 6-31). *When we reach Zone C-R, Commercial Recreation, the ordinance allows ground mounted utility-scale solar and wind energy that is incompatible with recreational areas and should not be permitted (page 29/79).*

In Zone M-4, Section 48, 22.32.190, a CUP is needed for "use listed is located within 300 feet of a public school, public park, or a residential or A-1 Zone." The three hundred foot distance should be extended to two miles, since children, especially, are sensitive receptors, and according to Arline Bronzaft, B.A., M.A., Ph.D., who spoke at the Oct. 30 [2010] International Symposium on Adverse Health Effects from Wind Turbines, many other studies have demonstrated that intrusive noises, such as passing traffic or overhead aircraft, adversely affect children's cardiovascular systems, memory,

language development and ability to learn. The abstract of her article in Bulletin of Science Technology Society August 2011 vol. 31 no. 4 291-295 states, "Furthermore, based on our knowledge of the harmful effects of noise on children's health and the growing body of evidence to suggest the potential harmful effects of industrial wind turbine noise, it is strongly urged that further studies be conducted on the impacts of industrial wind turbines on their health, as well as the health of their parents, before forging ahead in siting industrial wind turbines."

Section 56, 22.40.430, page 35/79, A, Uses Subject to Permits, in O-S Zone, "Energy generating or storage devices, including but not limited to geothermal devices" are allowed with a CUP. *Energy generating or storage devices are not appropriate use in open space lands that Regional Planning deems appropriate for "campgrounds, crops, grazing of animals, [and] resource management (22.40.410). The term "energy generation devices" is unclear, and if open space lands are appropriate places for them, they need to be described in detail and their purpose stated, justifying their placement.*

COMMUNITY STANDARDS DISTRICTS

Section 57, 22.44.113, Sec. 58, 22.44.113, Sec. 59, 22.44.133 page 35/79. *According to* Section 22.52.1605 *of the REO3, supplemental district regulations (such as Community Standards District provisions) apply to all renewable energy projects. However, in instances where the REO3 regulates matters that are also addressed by CSD provisions, the REO3 prevails, and CSD provisions are subordinated. This untenable arrangement has never been explained, and Planning Staff have never provided any reasons for including such provisions. This portion of the REO3 must be revised to ensure that CSD provisions prevail, particularly in regard to utility scale wind and solar generation projects, unless the ordinance stipulates a more stringent or protective requirement, with regard to renewable energy. The reasons are obvious. CSDs are established for, constrained to, and address, developed residential uses, and they include provisions that are intended to protect these residential uses from incompatible industrial development such as that associated with utility-scale RE generation projects. Granting industrial uses the ability to sidestep community protection provisions of any CSD "by right" and without reason or justification undermines the entire CSD structure. If a renewable energy proponent wishes to develop a project that violates a CSD provision, then they should be required to go through the variance process just like any other project proponent that wishes to avoid CSD requirements. Above all, RE developers should not be granted a perfunctory "pass" that allows them to completely ignore the very development standards that communities have fought hard for and which protects residents from incompatible development.*

PART 15

Section 22.52.1600, Purpose, page 40/79. "This Part 15 establishes regulations and permit requirements that support and facilitate the development of small-scale solar energy systems, small scale wind energy systems, [Add: *Industrial*] utility-scale solar renewable energy facilities, [*Industrial*] utility-scale wind energy facilities, and temporary meteorological towers in a manner that protects public health, safety, and welfare, and minimizes significant safety hazards and impacts to the environment." *The ordinance, as written, does not apply sufficient regulations that would protect rural residents against visual impacts—many of the roads in rural areas access considerable viewshed, with ridgelines not protected by CSDs, which are, then, not protected by this ordinance; air quality and threat of Valley Fever are not well addressed; safety is a concern of rural residents, who, during times*

of wildfire, rely heavily on aircraft water and retardant drops, which are impeded by 5oo foot tall wind turbines; there are environmental considerations pertaining to wildlife, conservation areas, and public trust lands.

Section 22.52.1605, B, page 41/79. "Applicability of zone and supplemental district regulations. All provisions of the zone and any supplemental district in which a small-scale solar renewable energy system, small-scale wind energy system, utility-scale solar renewable energy facility, utility-scale wind energy facility, or temporary meteorological tower is located shall also apply. Where a provision of the zone or supplemental district regulates the same matter as this Part 15, whichever provision of this Part 15 is more restrictive shall apply." *Please see above for reference to Community Standards Districts.*

Part E. 1., 2., Subsequent Application, page 42/79. "1. Any subsequent application modification(s) that would increase the physical size, height, or footprint of a previously approved small-scale solar renewable energy system, small-scale wind energy system, utility-scale solar renewable energy facility, utility-scale wind energy facility, or temporary meteorological tower; and 2. Any subsequent application modification(s) that would change the type of equipment used by the previously approved small-scale solar renewable energy system, small-scale wind energy system, utility-scale solar renewable energy facility, utility-scale wind energy facility, or temporary meteorological tower, except for replacement of equipment for maintenance purposes." *Please assure us that any modifications that change a previously approved small-scale, or utility-scale renewable energy system would be required to submit a CUP or a Minor CUP, and both permitting processes fulfill a public notice process.*

22.52.1610, Application Materials, B, 4. a., v., page 43/79. "Watercourses." "The Project Area," [unincorporated Los Angeles County] a*ccording to California Department of Fish and Wildlife (CDFW), "supports aquatic, riparian, ephemeral and wetland habitats; therefore, a jusidictional delineation of the creeks and their associated habitats should be a requirement of the Renewable Energy Ordinance for future projects"(June 2, 2014 REO2 Letter). The application materials should include those specific types of water related areas listed above.*

22.52.1610, B., 4. ix, page 43/79 "Transmission Lines." *Please add Generation Tie lines. This is important for visual impacts evaluation.*

22.52.1610, B, 4. e, page 44/79. "Conceptual dust control plan." Conceptual means "not concrete." *The REO3 needs to hold projects to a solid, not theoretical dust plan that will actually mitigate dust. So far, Best Management Practices, and Rule 403 of the Antelope Valley Air Quality Management District, which include soil stabilizers, have proven unsuccessful in stopping wind driven dust events. Provide amendments that actually require more stringent control without polluting or damaging the environment.*

22.52.1610, B., 5., a., iii., page 45/79. Discussion of guy wires. *The CDFW, in their response letter June 2, 2014 to REO2, request that no guy wires or non-strobe lighting be allowed on RE met towers and other structures, due to the fact that the wires pose a significant threat of mortality to avian wild life. "Guy wires supporting communications and meteorological towers can kill birds at high rates, including birds protected by Fish and Game Code (Kerlinger et al. 2008, Longcore et al. 2008). Both the CEC [California Energy Commission]-CDFG Guidelines (2007) and the U.S. Fish and Wildlife Service (2000) recommend using freestanding tower designs due to avian mortality impacts from*

guywires. The Department recommends the Lead Agency require the use of mono-pole structures (when feasible), or otherwise utilize other technologies that do not use guy wires." Eliminate the use of guywires in REO3. It is possible to set met towers without guywires.

22.52.1615, C. 1.d., page 48/79. "Project perimeter fencing shall incorporate small animal permeable design, unless otherwise modified by the Hearing Officer." *Please define criteria by which modification of small animal permeable fencing be changed. Require assessment by CDFW and/or USFWS, in documented consultation with the Hearing Officer.*

22.52.1615, C. 2., page 48/79. Standards for Utility-scale Solar Energy Facilities. "Height of the solar array shall not exceed 25 feet." *Solar arrays that reach up to 25 feet in height would be intrusive visually to flat or hilly landscapes and rural residential areas. Restrict height to 12 feet maximum.*

22.52.1615, C. 3.a., b., page 48/79. Lighting. "a. Motion sensors for entry-lighting to the on-site equipment structures and buildings; and b. Light-sensor or motion-sensor lighting for the main facility access gate, operations and maintenance building doorways, and any parking areas of facilities with operation and maintenance buildings." *Motion-sensor lighting is obtrusive in dark areas, since it is constantly tripped by insects, animals, bats, birds, and blowing trash, so lights go off and on all night. This is not an appropriate requirement for all areas, nor does it comport with dark skies preservation. Lighting should remain off unless emergency maintenance is required, and only for the duration of the emergency activity.*

22.52.1615, C. 6., Significant Ridgelines, Page 49/79. "The highest point of a utility scale solar renewable energy facility shall be located at least 50 vertical feet and 50 horizontal feet from a significant ridgeline identified in the General Plan, in an applicable Area or Community Plan, or in an applicable Community Standards District." *In order to address visual impacts to ALL ridgelines, impose the setback requirement recommended by CDFW, again, in their June 2, 2014 REO2 letter: "The Department [CDFW] recommends the Lead Agency [Regional Planning] consider a requirement for setbacks for all wind energy facilities and meteorological towers from significant ridgelines and Significant Environmental Areas at a minimum of twice the height of the proposed facility to reduce the potential impacts to migratory birds and other avifauna." This would ensure compliance with all CSDs, ensure less visual impact and allow adequate clearance to reduce potential impacts to birds and avifauna. Please amend to "The highest point of a utility-scale wind energy facility shall be located a minimum of twice the height of the proposed facility."*

22.52.1625., A. 1., Standards for Temporary Meteorological Towers. Aviation Safety. All safety lights required by the Federal Aviation Administration that meets FAA standards shall be required for any wind tower, shall comply with applicable Federal Aviation Administration (FAA) standards. Any aviation-related agency or the Department may impose additional requirements as deemed necessary." *Sections of the REO3 requires the addition of "FAA-required safety lights" on all utility scale wind energy facilities. This poses a problem in that utility companies frequently state that FAA lights are required when in fact they are not. Take for example the transmission lines recently constructed through Acton and the Angeles National Forest. SCE informed the California Public Utilities Commission (CPUC) that FAA required lights on the new towers, so the CPUC authorized them. However, the US Forest Service clarified that FAA lights were not actually required on such transmission tower structures, so SCE did not install lights on any of the 60+ miles of towers located in several utility corridors along ridgelines and hilltops throughout the Angeles National Forest. In fact,*

these "FAA-required" lights were only installed in residential areas located in valleys (specifically where aircraft do not fly). The point is, the County must take every possible action to avoid the installation of FAA lights and diligently confirm any applicant claim that "FAA-required" lights are indeed required. The County must also seek alternatives to such lights, and ensure that any lights which are installed shine light only in an upward direction and are not visible from any area that is at or below the elevation of the lights. Otherwise, the entire point of the County's recently adopted Rural Outdoor Lighting Ordinance is completely lost.

22.52.1625, C. 1., page 50/79. Standards for Temporary Meteorological Towers. Aviation Safety. "Wind towers" usage here is confusing when the title of the section refers to Temporary Met Towers. The language is used interchangeably and misleads the reader. There should be a separate section for Met Towers and one for Wind Towers. *Table 22.52.1625 A--Again, no guy wires, please. Make all met towers free standing, according to recommendation by the CDFW, due to high avian mortality rates at guywired towers. Also, alternating bands of aviation orange and white paint, with visibility marker spheres may be necessary for aviation safety, but a time period for their permitted operation should be instituted, of not more than two years, otherwise the removal of the "temporary" met towers could take years, or never happen at all. The orange and white painted towers are obtrusive to scenic areas and rural communities, and this obtrusion should be limited with a proscribed time limit for their operation, and should follow decommissioning requirements that include complete removal of foundation and tower apparatus, and restoration of the site.*

Table 22.52.1625, page 51/79. Setback Requirements for Temporary Meteorological Towers. *The table seems to mix wind tower setbacks and met tower setbacks, even though, as previously mentioned, the section applies to "Temporary Meteorological Towers."*

22.52.1630, A., 2., page 52/79. Standards for Small-scale Wind Energy Systems. Significant Ridgelines. See above comment at 22.52.1615, C. 6., which requests twice the height of the wind tower below the ridgeline.

22.52.1630, C.2.a., page 53/79. Small-scale Wind Energy Systems. Impacts to birds and bats. Design. "Use of trellis towers prohibited." *Trellis towers are not the only threat to birds and bats. This would prevent perching and nest building dangerously near spinning blades, but blades do their own damage atop monopoles. Barotrauma (injury by rapid air pressure reduction) is the cause of death in a high proportion of bats found at wind energy facilities; 90% of bat fatalities involved internal hemorrhaging consistent with barotrauma. Institute a data base that identifies locations of small-scale wind energy systems, that includes review by independent biologists of the effects of numbers of small-scale turbines. Cumulatively, several in one area could lead to adverse effects on birds, bats, avifauna, and sensitive habitats in Significant Ecological Areas, near parks, public and private conservation lands, open-space areas, and rural communities. There needs to be criteria for limiting small-scale wind energy systems when their cumulative effects exert measurable harm to wildlife, cause noise-related effects, shadow flicker, and impinge on viewshed. How would CEQA be applied to cumulative impacts of numbers of individually placed small-scale wind energy systems?*

22.52.1630, C, 2, c., ii., page 54/79. "No part of the small-scale wind energy system shall be closer than one mile from a known golden eagle nest site." *How is adherence to the Migratory Bird Treaty*

Act and Bald and Golden Eagle Protection Act applied to small-scale wind individually and cumulatively? How does the County propose to comply with those acts through this REO3?

According to the National Wind Coordinating Collaborative, Wind Turbine Interactions with Birds, Bats, and their Habitats: A Summary of Research Results and Priority Questions, Spring 2010, "Siting turbines away from where raptors concentrate may reduce raptor collision rates at wind facilities. Raptors are known to concentrate along ridge tops, upwind sides of slopes, and canyons (See CDFW recommendations ,above, June 2014 REO2 letter.) to take advantage of wind currents that are favorable for hunting and traveling, as well as for migratory flights" (Bednarz et al. 1990; Curry and Kerlinger 1998; Barrios and Rodriguez 2004; Hoover and Morrison 2005; Manville 2009)). Eagles' territory comprises one to six square miles. It would be reasonable to extend the range of nest site distance to small-scale wind turbines to five miles.

22.52.1635, C., 5. page 57/79. Standards for Utility-Scale Wind Energy (USWE). Impacts to Birds and Bats. *The California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development, published by the California Energy Commission (CEC) has been removed from the ordinance. If the County wishes to take a proactive approach to protection of birds and bats that has the CEC's approval, the guidelines would be a reasonable addition to requirement for a CUP. Please reinstate this requirement. Also see above comment for small-scale wind energy systems*

22.52.1635, C., 5, c.,i., (A)(B)(C), page 57/79. Setbacks. "No part of a ground-mounted utility-scale wind energy facility shall be closer than 0.25 miles from the following: (A) Adopted Significant Ecological Areas; (B) Recorded open space easements and publicly designated preserve areas; and (C) Riparian areas and wetlands." *One quarter of a mile 1,320 feet is not adequate setback for USWE. As noted previously, riparian areas attract birds; "significant" wildlife exists in SEAs. Noise, shadowflicker, ice throw, wind turbine collapse, and fire danger posed by turbines would indicate a minimum of one mile from sensitive areas. Also, there is no updated SEA map that shows final boundaries that would define setbacks.*

22.52.1635, C., 7, Table 22.52.1635-A, Location. Setbacks listed for onsite or offsite residence or habitable structure, above ground transmission line, public access easement or public trail, or property line, scenic drives and routes, and railways indicate 2X the tallest wind tower. Buildings other than a residential structure, 1X the tallest wind tower height. *Domestic wind turbine project setbacks can be as much as 2 miles from residences, and projects are also measured for the distance of sound travel, and are required to provide a sound study as proof of adequate distance from towns and residences, with a reasonable expectation of a 30dcb in rural areas. This also protects residents, to a degree, from experiencing low-frequency tones, gear noise, and shadowflicker. Scenic viewshed from public trails, conservation easements with viewpoints, need to be considered. If preservation of safety, public health, and viewshed related to conservation and open-space lands is a priority for RP, extension of setbacks to one mile and two miles to replace 1X and 2X tower heights in the Table. Note: There is no discussion of reducing impacts to viewshed with regard to Utility-Scale Wind Energy projects, and for good reason. They cannot be disguised with screens or landscaping. That is why larger setbacks are so important to implement.*

22.52.1640, A., 1., 2., page 59/79. Modifications. "1. Due to topographic or physical features of the site, strict compliance with all of the required standards would substantially and unreasonably interfere with the establishment of the proposed development on the subject property; and 2. The requested

modifications would not be contrary to the purpose of this Part 15." *The REO3 allows energy developers to sidestep the few protections that do exist by simply requesting a "modification" to the requirements based on a claim that they "unreasonably interfere" with development. The only basis for denying such requests is if the County finds them to be "contrary to the purpose" of the REO. However, the County will* ***never*** *be able to make such a finding because the entire purpose of the Ordinance is to "support and facilitate" the development of RE projects (See Section 22.52.1600). The circular structure of these ordinance provisions ensures that large-scale energy projects will proceed quickly, with little or no community input, and without regard for community impacts. This is completely unacceptable, and the REO must be revised to strengthen (rather than decimate) protections for established rural residential communities. Please eliminate this Section A, items 1 and 2.*

22.52.1640, C., page 60/79. "A small-scale solar energy system that exceeds the maximum lot coverage required under subsection B.2 of Section 22.56.1615, requires approval of a Minor Conditional Use Permit pursuant to Part 1 of Chapter 22.56 and is subject to the development standards specified in subsections A and B.1 of Section 22.52.1615 and A.2 and C.5 of Section 22.52.1620 and conditions specified in subsections A.2.d and A.2.g of Section 22.52.1655." *Section 22.52.1615 of the REO3 allows "Small-Scale Solar Energy Systems" to occupy up to 2.5 acres of land (on a five acre parcel), and 22.52.1640 B even provides a "Minor Conditional use Permit" pathway to increase this limit even further. However, the amount of energy generated by 2.5 acres of solar arrays is so substantial that it could never be deemed "primarily for on-site use" on rural residential and agricultural lots, as evidenced by data recently provided by the National Renewable Energy Laboratory ("NREL"). According to NREL's data, 2.5 acres of "tilt" photovoltaic solar panels will provide more than enough energy to support 55 homes, which greatly exceeds the on-site energy "need" of* ***any*** *residential parcel. Obviously, a 2.5 acre "solar array" that is constructed on rural residential/agricultural land is* ***clearly*** *not intended to "generate direct electrical or thermal energy primarily for on-site use" because no rural residential use is equivalent to 55 homes. In other words, the intent of placing 2.5 acres of PV panels on any land other than industrially or commercially zoned property is clearly to generate energy for off-site use, and therefore solar generation plants of this size intrinsically fail to meet the definition of "Small-Scale Solar Energy System" found in 22.08.190 of the Ordinance. For this reason, the size limit for "small-scale solar energy systems" installed on parcels zoned for rural residential/agricultural use must be much less than 2.5 acres. The ARTC recommends that the size limit be constrained to less than one quarter of an acre, which is still sufficient to supply more than 5 homes according to NREL.*

*The California Energy Commission describes utility-scale turbines as 50-500 kilowatts or more, and distributed use, or small-scale systems as 1-25 kilowatts. From the CEC Overview of Wind Energy: "The components of a utility-scale "wind farm" include wind turbines, an underground power transmission system, control and maintenance facilities, and a substation that connects the farm with the utility power grid. Utility-scale wind turbines are classified by size as follows: small (less than 50 kilowatts [kW]); intermediate (50 to 500 kW); and large (above 500 kW). . . . Another application of wind is in distributed use systems, which provide on-site power in either stand-alone or grid-connected configurations. Most such systems range in size from one to 25 kW. Distributed wind systems are applicable to industry, water districts, rural residences, agricultural use, and a wide variety of isolated power uses located in good wind resource areas" (*http://www.energy.ca.gov/wind/overview.html*). A 50kW small-scale wind system would power between 8 and 23 homes. This is not "primarily" onsite*

use. This may work for multiple family homes, or unlimited residence zones, but The ordinances also allows 2 turbines on a gross acre of land. According to definition of small-scale wind, a limit of 16 -32 kW wind systems would be more than adequate for personal use.

22.52.1645, A., page 61/79. Uses Subject to Permits-Aviation Review. *Please add an item 5. "Evaluate aviation fire fighting capabilities in vicinity of local airports surrounded by wind towers and utility-scale solar energy projects."*

Part 15, DUST CONTROL, AIR QUALITY

22.52.1655, A., 2., a., page 63/79. Uses Subject to Permits, Access roads, "Dirt access roads shall be treated with a suitable non-toxic long-term soil binder, or application of similarly effective material to control dust such as use of gravel." *The REO3 authorizes the use of "soil binders" to control dust on access roads and other disturbed areas. However, the Commission is advised that soil binders in this application are not appropriate for the following reasons (cited in the California Stormwater BMP Handbook): 1) Soil Binders do not hold up to pedestrian or vehicular traffic, therefore authorizing their use on access roads will provide ineffective (and non-existent) dust control. 2) Soil binders often do not penetrate compacted soils, and are therefore ineffective. 3) The performance of soil binders are soil-texture specific; some do not work on sandy soils, and others do not work on silty soils. Both soil types can be colocated within the Antelope Valley, therefore it is unlikely that an effective soil binder will be found. 4) Soil binders do not perform well in low humidity areas. The Antelope Valley is located in the high desert and typically has very low relative humidity, therefore authorizing the use of soil binders in the Antelope Valley will provide ineffective dust control. 5) The use of soil binders may have water quality impacts due to their chemical makeup. Throughout the Antelope Valley, residents rely on wells for drinking water, therefore authorizing the use of soil binders in the Antelope Valley without first documenting the potential impacts of such materials on drinking water quality is wholly inappropriate.*

There are also problems with the dust control provisions that address non-access road areas and other portions of RE projects (see for example page 64 of 75). The REO3 appears to rely on existing vegetation to control dust levels, in that it authorizes mowing of such vegetation, but prohibits root system removal. This presumes that existing vegetation which thrives on the full sunlight of the Antelope Valley and perhaps relies on dew condensation for survival will continue to survive when covered over entirely by solar panels which eliminate both light and condensation. Worse yet, the Ordinance contains no "back up" dust control provisions detailed that must be implemented if (or rather when) the native vegetation dies out. This serious deficiency must be addressed before any renewable energy ordinance is adopted.

22.52.1655, 2., d., page 65/79, Site Disturbance. " The measures found in this subsection shall in no way be construed as a substitute for compliance with State requirements imposed by the applicable Air Quality Management District."Add: *or air (and water) quality standards set forth by the Environmental Protection Agency.*

22.52.1655, 2., d., v. (A), Fugitive Dust. "Fugitive dust emission shall be controlled by phased earthwork, site watering, use of clean gravel not to exceed a depth of six inches where applicable, application of non-toxic soil stabilizers, limiting public access on unpaved areas, posting private roadways with reduced speeds, and/or re-vegetation. Use of other fugitive dust mitigation measures

may be implemented if determined by the Department of Regional Planning and Department of Public Works to be suitable methods to adequately control dust during construction, operations, and removal and restoration activities." *Detail other "suitable" methods of proposed alternative dust control. The residents of the Antelope Valley deserve protection, in place, before this ordinance is approved. Also, please add: Suitable methods of dust control shall not be toxic or polluting, and shall not cause further diminishment of air and surface water quality after becoming airborne, or waterborne.*

The REO3 makes no mention of Valley Fever, or its prevention. It presumes well managed dust control through the use of soil stabilizers and water during construction. Water causes the fungus to bloom, further exacerbating the problem of controlling its proliferation and stabilization during high wind events in the Antelope Valley.

County Department of Public Health Epidemiologist, "Dr. Ramon Guevara, has made it a personal mission to educate people about the emergent issue of cocci in his territory. In L.A. County, we have so many cases, and we have a potentially large problem, because the population is growing. . . The highest rate of infection is in Antelope Valley, a rapidly developing outpost of the county that adjoins the southern edge of the San Joaquin Valley. In the past decade, the number of cases there has increased five hundred and forty-five percent. . . In addition to vacant land, Antelope Valley has abundant sunshine and regular high winds, which make it a logical place to build alternative-energy infrastructure. With California pledging to get a third of its electricity from renewable sources by 2020, the region is pitching itself as a hub for the industry. There are some thirty solar projects in development. . . The construction of the solar facilities could have unintended consequences for the environment, though, releasing hazardous dust into the air. "In the afternoon, when the kids come out of school, it's always windy,"[Dr.]Lauer [Phd., Environmental Microbiology at California State University, Bakersfield] says. "When they walk home, they all get exposed" ("Death Dust", New Yorker Magazine, January 20th, 2014).

Additionally, Dr. Guevara's response letter to the REO2 states, "There are no standards of criteria here for what is acceptable in terms of amount and duration of resultant dust, measurements of dusts, and rules for feasibility and appropriateness of vegetation preservation, planting, and maintenance. These should be put forth with processes to involve the surrounding communities." This has not appeared in the REO3. Residents of the Antelope Valley deserve concrete, detailed dust monitoring and control plans in place and these should include air quality monitoring stations provided in the permitting process that will determine the levels of particulate matter in the air, reflecting the success or failure of vegetation-based dust control techniques, as well as soil binding products, to protect the population from Coccidioidomycosis.

22.52.1655. 2., e., page 68/79. Transmission Lines. "On-site and off-site transmission lines shall be placed underground to the satisfaction of the Department and Department of Public Works, except where above-ground crossings are otherwise required (such as over the California Aqueduct)." *Please add: Generation Tie Lines shall be placed underground to minimize effects to the viewshed.*

22.52.1655. 2., f., page 68/79. Visual Impact. "Any utility-scale solar renewable energy facility that is placed within the viewshed of a Scenic Drive, Scenic Highway or Scenic Route identified in the General Plan or in an applicable Area Plan or Community Plan shall be analyzed for its visual impacts,

and appropriate conditions relating to siting, buffering, height, and design of the facility may be imposed to minimize significant effects on the viewshed;" *Please add more certain language: "design of the facility will be imposed to eliminate effects on the viewshed."*

22.52.1655. 2., g., h., iii. page 69/79. Water Quality protection. Water Use. "Measures to protect groundwater and surface water from waste discharge shall be incorporated into the project design, as appropriate, and shall meet the requirements of the Regional Water Quality Control Board. *To guarantee projects' compliance with water quality protection, add: Water testing for waste and pollutant discharge to surface water and ground water shall be instituted, and results available for public view.*

22.52.1655. 2., iii. "The project shall use piped recycled water if it is available from the public right-of-way within one mile from the project site at fair market value and suitable for use. If such piped recycled water does not meet the water demand, the project shall use piped potable water if it is available from the public right of-way within one mile from the project site at fair market value and suitable for use. *The REO3 does not address the enormous quantities of water that are required to operate solar RE projects. Allowing RE developers to obtain water from any source that they find convenient without regard for the impacts that such water withdrawals may have on the water table and domestic water wells is a substantial deficiency of the REO3. This deficiency is best addressed by requiring RE projects to rely solely on the use of recycled water (obtained from the "purple" hydrants that dot the Antelope Valley). To affect this purpose and eliminate the possibility of using potable water on RE infrastructure, the recycled water must be trucked in via suitably marked trucks* (perhaps *painted purple to match the fire hydrants) so that observers can monitor for compliance.*

Also, projects in the Antelope Valley eill have longer distances to travel to and from a tertiary treated water source, so the requirement of "within one mile" would render this a wasted point. If RE developers are allowed to use potable water available within one mile of their projects, then a concentration of projects in one area would cause a more rapid loss of ground water. Local residents are also concerned that small water districts that serve them, as well as agricultural interests with large wells are selling water to the huge developments inside and outside their communities. In this time of serious drought there may not be enough water to serve RE development. Requiring the use of recycled water would help protect water sources for residents.

NOISE

22.52.1655, C., 1., page 70/79. Small-Scale wind energy systems. Noise. " Noise from a small-scale wind energy system shall not exceed 60 dBA SEL (single event noise level), as measured at the closest neighboring inhabited dwelling." *The treatment of Noise Pollution in the REO3 is deficient in a number of ways. 1) It applies only to small-scale wind energy facilities and ignores the substantially louder noise potential of utility-scale wind generation facilities (both structure- and ground-mounted). The noise limit application is too narrowly constrained in the REO3, and must be expanded to address all utility-scale generation projects. 2) It constrains the consideration of noise impacts to only existing inhabited dwellings, and ignores businesses and outdoor uses such as equestrian facilities (barns, corrals, trails), animal rescue facilities, agricultural uses, etc. It also ignores impacts to adjacent land that has not yet been developed for residential or agricultural use; it is likely that such land will be rendered worthless given the high noise threshold that the draft ordinance allows. This must be rectified by imposing a fence-line noise limit. 3) It establishes a very high (60 dB) noise threshold that*

Is entirely unsuitable for rural areas. Ambient noise levels in such areas are typically less than 45 dBA, (quiet rural areas ambient level is 24dBA) and an increase of 10 dBA results in an approximate doubling of the sound, while an increase of 20 dBA results in an approximate quadrupling of the sound. The draft ordinance establishes a 60 dBA threshold, which essentially triples the ambient noise level in rural areas. To frame the issue in more understandable terms, 60 dBA is approximately the noise level one experiences 3 feet from an operating clothes washer or air conditioner. As it currently stands, the ordinance authorizes this continuous and exceptionally loud "noise overlay" in rural areas where the existing noise profile is virtually non-existent. The Commission is reminded that rural communities exist because rural residents seek the peace and quiet afforded by such communities. All of this is threatened by the high noise threshold established by theREO3. To address this concern, the threshold value must be reduced to 50 dBA. 4) It relies on a "Single Event Level" parameter which does not properly or accurately represent the continuous noise profile generated by wind energy facilities. While uses which occasionally create single noise events of 60 dBA or more may be reasonable in rural areas, uses which generate such noise levels on a continuous basis (such as wind turbines) are not. 5) Nowhere does the ordinance require any project proponent to provide noise data as part of the application process, nor does it require a "follow up" assessment at the site to confirm this noise provision is met. Worse yet, it provides no backstop protections to ensure compliance with this noise limit over time and after the wind turbine bearings and contact surfaces are worn down and no longer "true". A multilevel chart of allowable noise generation that depends on zoning and location would be a more democratic approach to noise levels that differ so much across the county. This currently proposed ordinance would essentially hold rural residents hostage to an urban noise level.

22.52.1655., C., 2., page70/79. Visual Impact. "2. Visual Impact. Any small-scale wind energy system placed within the viewshed of a Scenic Drive, Scenic Highway or Scenic Route identified in the General Plan or in an applicable Area or Community Plan shall be assessed for its visual impacts, and appropriate conditions shall be applied relating to siting, buffers, and design of the system, Add: *and may result in complete restriction. This should apply to utility-scale wind RE.*

22.52.1660, Enforcement procedures. B., page 71/79. Nothing in this Section shall preclude the Director or designee from issuing a warning, field notice of violation, Notice of Violation, or citation prior to issuing a Final Zoning Enforcement Order for a non-compliant small-scale solar energy system, small-scale wind energy system, utility-scale solar energy facility, utility-scale wind energy facility or temporary meteorological tower. *Please add a maximum number of violations that may be issued before a final notice of non-compliance is ordered. We understand a final notice can be issued any time, but this item B would allow an infinite number of violations, and the project could subsequently avoid a final order without an enumeration of process and ultimate action.*

MINOR CONDITIONAL USE PERMITS

Section 67, 22.56.030., 10., a., page 74/79. Application Information Required. "Maps in the number prescribed, and drawn to a scale specified by the director, showing the location of all property included in the request, the location of all highways, streets, alleys and the location and dimensions of all lots or parcels of land within a distance of 500 feet from the exterior boundaries of the subject parcel of land. If the application is for a minor conditional use permit in accordance with Section 22.56.085, a distance of 300 feet from the exterior boundaries of the subject parcel of land shall be provided in lieu of 500 feet." *A minor CUP, which allows accessory uses of a substantial nature, as currently*

unamended in this REO3; such as so-called small scale solar energy system covering 2.5 acres of a 5 acre parcel, Modification of a Significant Ridgeline, structure mounted utility-scale wind energy facilities, and temporary met towers. In the Antelope Valley, noticing requirements should include a further distance or at least match that required for a CUP (500 ft.). Without signage, a Minor CUP may go unnoticed. Include signage for North County Projects, or consider written and email notification to town councils and land owners within 1000 feet.

Section 69., 22.56.085, page 76/79, Minor Conditional Use Permit. An application for a minor conditional use permit may be filed for the following uses:

1. **MODIFICATION OF SIGNIFICANT RIDGELINE PROTECTION PROVISIONS AS PROVIDED IN SECTIONS 22.44.143 D. 10. b; 22.44.143 D.10.c.; or 22.44.144 D. b.

2. **SMALL SCALE SOLAR ENERGY SYSTEMS, GROUND MOUNTED, IN THE OPEN SPACE AND WATERSHED ZONE, IN ACCORDANCE WITH PART 15 OF CHAPTER 22.52.

3. **SMALL SCALE WIND ENERGY SYSTEM IN ACCORDANCE WITH PART 15 OF CHAPTER 22.52.

4. **UTILITY-SCALE WIND ENERGY FACILITY, STRUCTURE MOUNTED, IN ALL ZONES EXCEPT SINGLE FAMILY RESIDENCE ZONE, IN ACCORDANCE WITH PART 15 OF CHAPTER 22.52.

Remove item 1 as an item approved to file for a minor conditional use permit. Communities with significant ridgelines identified in CSDs have obviously identified them as "significant." To allow modification and variance from a CSD is counter to the purpose of that document, meant to protect rural communities from inappropriate development. This requires a CUP, with appeal to the board of supervisors.

Remove item 2 as an item approved to file for a minor conditional use permit. As discussed previously, the 2.5 acre allowance on 5 acre plus properties need more stringent review, since it qualifies as a "utility-scale" RE project, capable of powering 55-78 homes, and according to definitions provided in this unamended document. A CUP is required. See comments, page 8, above.

Remove item 3 as an item approved to file for a minor conditional use permit. In 22.52.1625, the REO3 allows 2 small-scale wind energy systems for 5 gross acres of land. For the same reasons listed above, the so-called small-scale wind energy system, as indicated in the ordinance is 50kW; enough to power 8-23 homes. Two turbines would power 16-46 homes. The California Energy Commission describes utility-scale turbines as 50-500 kilowatts or more, and distributed use, or small-scale systems as 1-25 kilowatts. From the CEC Overview of Wind Energy: "The components of a utility-scale "wind farm" include wind turbines, an underground power transmission system, control and maintenance facilities, and a substation that connects the farm with the utility power grid. Utility-scale wind turbines are classified by size as follows: small (less than 50 kilowatts [kW]); intermediate (50 to 500 kW); and large (above 500 kW). . . . Another application of wind is in distributed use systems, which provide on-site power in either stand-alone or grid-connected configurations. Most such systems range in size from one to 25 kW. Distributed wind systems are applicable to industry, water districts, rural residences, agricultural use, and a wide variety of isolated power uses located in good wind resource

areas" (http://www.energy.ca.gov/wind/overview.html). A 50kW small-scale wind system would power between 8 and 23 homes. This is not "primarily" onsite use. This may work for multiple family homes, or unlimited residence zones, but The ordinances also allows 2 turbines on a gross acre of land. According to definitions of s A limit of 16 -32 kW wind systems would be more than adequate for personal use. This is not small-scale, this is utility scale, and meant for offsite use, and should fall under a CUP.

Remove item 4 as an item approved for a minor conditional use permit. Utility-scale, by its nature would be hard pressed to be classified as "minor" in nature, especially from a noise impact, visual impact, and biological impact. This requires a CUP.

Section 69., 22.56.085, D., page 78/79. The decision of the Hearing Officer may be appealed to the commission. All appeals shall be filed within the time period set forth in, and shall be subject to all of the other provisions of Part 5 of Chapter 22.60 except that the decision of the commission shall be final and effective on the date of the decision and shall not be subject to further administrative appeal, unless the permit was considered by the commission concurrently with a decision on a general plan or specific plan amendment, zone change, development agreement or other legislative action. ***The underlined sentence should be stricken from this ordinance and kept as it is recorded in Part 5, 22.60.200, A: "Appeals. To avoid results inconsistent with the purposes of this Title 22, unless otherwise specified or limited by specific provisions of this title, decisions of the director or hearing officer may be appealed to the commission; and decisions of the commission may be appealed to the board of supervisors." As the ordinance is written now, there is no appeal for a Minor CUP. As you can see above, there are problems with what is considered a minor modification with insignificant effect. This is an affront to the political process, by which constituents may request a decision be made by their elected officials. The part D would eliminate that possibility. In this REO3, that has the potential to substantially impact rural communities, we urge RP in the strongest possible way, to preserve residents' right to appeal to the board of supervisors regarding any permit approved by the planning commission.*

Again, we appreciate the opportunity to work toward the best version of this Renewable Energy Ordinance. We respectfully request the changes enumerated in this letter, and believe our best interests lie in protecting our communities from inappropriate renewable energy development, while encouraging distributed generation that will contribute greatly to the preservation of not only our rural lifestyle, but the environment that makes that available to us.

Yours truly,

Chris Wangsgard
President

Susan Zahnter
Vice President

Karen Plemmons

Karen Plemmons
Secretary

Diane Phillips
Treasurer

Richard Zahnter
Member at Large-scale

Copies to: Supervisor Michael D. Antonovich, Field Deputy Norm Hickling, Planning Deputy Edel Vizcarra

Association of Rural Town Councils
C/O Three Points-Liebre Mountain Town Council
P.O. Box 76
Lake Hughes, CA 93532

16 March 2015

SENT VIA EMAIL

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Dear Ms. Tae and Mr. Lee,

Subject: Renewable Energy Ordinance, Draft 3

On behalf of the Association of Rural Town Councils (ARTC), I appreciate the opportunity to comment on the Renewable Energy Ordinance, Draft 3 (REO3). This ordinance will have far-reaching effects on rural communities across the county; many of them have already experienced ill-effects of utility-scale renewable energy development covering thousands of acres in the Antelope Valley. Several aspects of the ordinance including, but not limited to, the time-frame to comment, water issues, noise, dust and Valley Fever concerns, nighttime lighting, Minor Conditional Use Permits (MCUP), Conditional Use Permits (CUP), small-scale and utility-scale renewable energy uses, protection of ridgelines, and biological considerations of development necessitate response, and the councils represented here request changes to the REO3 that would not only clarify existing language, but offer protections to not only town council areas, but the county at large.

While the Renewable Energy Ordinance Team visited town councils and ARTC meetings during the fall and early winter of 2014, only a working draft document was available. The REO3 was not available for viewing until February 20th, and the comment period is actually cut short by "ideally" sending comments prior to the submission of the planning package that goes to planning commissioners. For some councils, approval of comments or letters is not possible because of how meeting dates fall in relation to the comment deadline, which is <u>not</u> listed on the released draft REO3. Two or three weeks is not enough time to thoroughly review this document, and its importance to rural communities is without question. We find it reasonable to request additional time for our concerns to be heard, and our suggestions implemented.

DEFINITIONS

Section 5, 22.08.210, U, page 4/79. Utility-Scale Solar Renewable Energy facility, ground-mounted. "Ground-mounted utility-scale solar renewable energy facility" means a facility affixed to the ground where renewable solar energy resources are used to generate direct electrical or thermal energy primarily for off-site use. This definition includes all on-site and off-site equipment and accessory structures related to the facility, including but not limited to solar collector arrays, wind turbines, mounting posts, substations, electrical infrastructure, transmission lines, operations and maintenance buildings, and other accessory structures." ***The definition, here, does not adequately address the exclusion of parabolic "boiler" type solar arrays or power "concentrating" towers, although the previous definition of "Solar Arrays" (Section 4, 22.08.190, S) "do not include concentrated solar thermal devices, which use lenses or mirrors to focus or reflect a large area of sunlight onto a small area." Part U's "including, but not limited to solar arrays" does not go on to define what other types of solar equipment are allowed. This opens the statement to include, essentially, everything. Please provide more specific language that excludes parabolic trough boiler and power tower type renewable energy systems from the ordinance. They also use tremendous amounts of water—precious in our high desert areas. Not only that, but well documented massive killing of birds at the Ivanpah plants at Primm, Nevada, and unprecedented glare beyond that of panels and FAA lighting on wind towers would render visual distraction to scenic areas and render useless the Rural Outdoor Lighting Ordinance, further imposing destruction of dark night sky views, and daytime views, too. Moreover, Part U also states structure mounted utility-scale solar energy facility that is "used to generate direct electrical or thermal energy primarily for off-site use, also contains more "including, but not limited to" language. There is no definition of thermal energy for off-site use. This should be more specifically described to assure solar concentrating "thermal" energy is not allowed.***

Section 6, 22.08.230, W, page 6/79. "Wind tower" means the vertical component, including blades if any, of a small-scale wind energy system, a utility-scale energy facility using wind resources, or a temporary meteorological tower that elevates the wind turbine generator and attached blades above the ground." ***This statement is confusing. Why not describe a meteorological tower as a "met tower" and a wind turbine with blades, meant to generate electricity, as a wind tower?***

LAND USE ZONES

As the document lists "Permitted Uses," "Accessory Uses," and "Uses Subject to Permits," through particular land use zones, for each zone, all utility-scale solar and wind energy facilities, structure mounted, are a permitted use (Sections 7-48, 22.20.080 through 22.25.320, pages 6-31). ***When we reach Zone C-R, Commercial Recreation, the ordinance allows ground mounted utility-scale solar and wind energy that is incompatible with recreational areas and should not be permitted (page 29/79).***

In Zone M-4, Section 48, 22.32.190, a CUP is needed for "use listed is located within 300 feet of a public school, public park, or a residential or A-1 Zone." The three hundred foot distance should be extended to two miles, since children, especially, are sensitive receptors, and according to Arline Bronzaft, B.A., M.A., Ph.D., who spoke at the Oct. 30 [2010] International Symposium on Adverse Health Effects from Wind Turbines, many other studies have demonstrated that intrusive noises, such as passing traffic or overhead aircraft, adversely affect children's cardiovascular systems,

memory, language development and ability to learn. The abstract of her article in Bulletin of Science Technology Society August 2011 vol. 31 no. 4 291-295 states, "Furthermore, based on our knowledge of the harmful effects of noise on children's health and the growing body of evidence to suggest the potential harmful effects of industrial wind turbine noise, it is strongly urged that further studies be conducted on the impacts of industrial wind turbines on their health, as well as the health of their parents, before forging ahead in siting industrial wind turbines."

Section 56, 22.40.430, page 35/79, A, Uses Subject to Permits, in O-S Zone, "Energy generating or storage devices, including but not limited to geothermal devices" are allowed with a CUP. ***Energy generating or storage devices are not appropriate use in open space lands that Regional Planning deems appropriate for "campgrounds, crops, grazing of animals, [and] resource management (22.40.410). The term "energy generation devices" is unclear, and if open space lands are appropriate places for them, they need to be described in detail and their purpose stated, justifying their placement.***

COMMUNITY STANDARDS DISTRICTS

Section 57, 22.44.113, Sec. 58, 22.44.113, Sec. 59, 22.44.133 page 35/79. ***According to*** Section 22.52.1605 *of the REO3,* ***supplemental district regulations (such as Community Standards District provisions) apply to all renewable energy projects. However, in instances where the REO3 regulates matters that are also addressed by CSD provisions, the REO3 prevails, and CSD provisions are subordinated. This untenable arrangement has never been explained, and Planning Staff have never provided any reasons for including such provisions. This portion of the REO3 must be revised to ensure that CSD provisions prevail, particularly in regard to utility scale wind and solar generation projects, unless the ordinance stipulates a more stringent or protective requirement, with regard to renewable energy. The reasons are obvious. CSDs are established for, constrained to, and address, developed residential uses, and they include provisions that are intended to protect these residential uses from incompatible industrial development such as that associated with utility-scale RE generation projects. Granting industrial uses the ability to sidestep community protection provisions of any CSD "by right" and without reason or justification undermines the entire CSD structure. If a renewable energy proponent wishes to develop a project that violates a CSD provision, then they should be required to go through the variance process just like any other project proponent that wishes to avoid CSD requirements. Above all, RE developers should not be granted a perfunctory "pass" that allows them to completely ignore the very development standards that communities have fought hard for and which protects residents from incompatible development.***

PART 15

Section 22.52.1600, Purpose, page 40/79. "This Part 15 establishes regulations and permit requirements that support and facilitate the development of small-scale solar energy systems, small scale wind energy systems, [Add: *Industrial*] utility-scale solar renewable energy facilities, [*Industrial*] utility-scale wind energy facilities, and temporary meteorological towers in a manner that protects public health, safety, and welfare, and minimizes significant safety hazards and impacts to the environment." ***The ordinance, as written, does not apply sufficient regulations that would protect rural residents against visual impacts—many of the roads in rural areas access considerable viewshed, with ridgelines not protected by CSDs, which are, then, not protected by this ordinance;***

air quality and threat of Valley Fever are not well addressed; safety is a concern of rural residents, who, during times of wildfire, rely heavily on aircraft water and retardant drops, which are impeded by 5oo foot tall wind turbines. There are also environmental considerations pertaining to wildlife, conservation areas, and public trust lands.

Section 22.52.1605, B, page 41/79. "Applicability of zone and supplemental district regulations. All provisions of the zone and any supplemental district in which a small-scale solar renewable energy system, small-scale wind energy system, utility-scale solar renewable energy facility, utility-scale wind energy facility, or temporary meteorological tower is located shall also apply. Where a provision of the zone or supplemental district regulates the same matter as this Part 15, whichever provision of this Part 15 is more restrictive shall apply." ***Please see above for reference to Community Standards Districts, and the last page of this letter, which details modifications that will require only a MCUP to change CSDs regarding placement of wind towers.***

Part E. 1., 2., Subsequent Application, page 42/79. "1. Any subsequent application modification(s) that would increase the physical size, height, or footprint of a previously approved small-scale solar renewable energy system, small-scale wind energy system, utility-scale solar renewable energy facility, utility-scale wind energy facility, or temporary meteorological tower; and 2. Any subsequent application modification(s) that would change the type of equipment used by the previously approved small-scale solar renewable energy system, small-scale wind energy system, utility-scale solar renewable energy facility, utility-scale wind energy facility, or temporary meteorological tower, except for replacement of equipment for maintenance purposes." ***Please assure us that any modifications that change a previously approved small-scale, or utility-scale renewable energy system would be required to submit a CUP or a Minor CUP, and both permitting processes fulfill a public notice process.***

22.52.1610, Application Materials, B, 4. a., v., page 43/79. "Watercourses." "The Project Area," **[unincorporated Los Angeles County] a*cording to California Department of Fish and Wildlife (CDFW), "supports aquatic, riparian, ephemeral and wetland habitats; therefore, a jurisdictional delineation of the creeks and their associated habitats should be a requirement of the Renewable Energy Ordinance for future projects"(June 2, 2014 REO2 Letter). The application materials should include those specific types of water related areas listed above.***

22.52.1610, B., 4. ix, page 43/79 "Transmission Lines." ***Please add Generation Tie lines. This is important for visual impacts evaluation.***

22.52.1610, B, 4. e, page 44/79. "Conceptual dust control plan." ***Conceptual means "not concrete." The REO3 needs to hold projects to a solid, not theoretical, dust plan that will actually mitigate dust. So far, Best Management Practices, and Rule 403 of the Antelope Valley Air Quality Management District, which include soil stabilizers, have proven unsuccessful in stopping wind driven dust events. Provide amendments that actually require more stringent control without polluting or damaging the environment.***

22.52.1610, B., 5., a., iii., page 45/79. Discussion of guy wires. ***The CDFW, in their response letter June 2, 2014 to REO2, request that no guy wires or non-strobe lighting be allowed on RE met towers and other structures, due to the fact that the wires pose a significant threat of mortality to avian***

wildlife. "Guy wires supporting communications and meteorological towers can kill birds at high rates, including birds protected by Fish and Game Code (Kerlinger et al. 2008, Longcore et al. 2008). Both the CEC [California Energy Commission]-CDFG Guidelines (2007) and the U.S. Fish and Wildlife Service (2000) recommend using freestanding tower designs due to avian mortality impacts from guywires. The Department recommends the Lead Agency require the use of mono-pole structures (when feasible), or otherwise utilize other technologies that do not use guy wires." Eliminate the use of guywires in REO3, and require monopole construction of met towers and small-scale wind energy systems.

22.52.1615, C. 1.d., page 48/79. "Project perimeter fencing shall incorporate small animal permeable design, unless otherwise modified by the Hearing Officer." ***Please define criteria by which modification of small animal permeable fencing be changed. Require assessment by CDFW and/or USFWS, in documented consultation with the Hearing Officer.***

22.52.1615, C. 2., page 48/79. Standards for Utility-scale Solar Energy Facilities. "Height of the solar array shall not exceed 25 feet." ***Solar arrays that reach up to 25 feet in height would be intrusive visually to flat or hilly landscapes and rural residential areas. Restrict height to 12 feet maximum.***

22.52.1615, C. 3.a., b., page 48/79. Lighting. "a. Motion sensors for entry-lighting to the on-site equipment structures and buildings; and b. Light-sensor or motion-sensor lighting for the main facility access gate, operations and maintenance building doorways, and any parking areas of facilities with operation and maintenance buildings." ***Motion-sensor lighting is obtrusive in dark areas, since it is constantly tripped by insects, animals, bats, birds, and blowing trash, so lights go off and on all night. This is not an appropriate requirement for all areas, nor does it comport with dark skies preservation. Lighting should remain off unless emergency maintenance is required, and only for the duration of the emergency activity.***

22.52.1615, C. 6., Significant Ridgelines, Page 49/79. "The highest point of a utility scale solar renewable energy facility shall be located at least 50 vertical feet and 50 horizontal feet from a significant ridgeline identified in the General Plan, in an applicable Area or Community Plan, or in an applicable Community Standards District." ***In order to address visual impacts to ALL ridgelines, impose the setback requirement recommended by CDFW, again, in their June 2, 2014 REO2 letter: "The Department [CDFW] recommends the Lead Agency [Regional Planning] consider a requirement for setbacks for all wind energy facilities and meteorological towers from significant ridgelines and Significant Environmental Areas at a minimum of twice the height of the proposed facility to reduce the potential impacts to migratory birds and other avifauna." This would ensure compliance with all CSDs, ensure less visual impact and allow adequate clearance to reduce potential impacts to birds and avifauna. Please amend to "The highest point of a utility-scale wind energy facility shall be located a minimum of twice the height of the proposed facility, or the most restrictive CSD which ever is greater."***

22.52.1625., A. 1., Standards for Temporary Meteorological Towers. Aviation Safety. All safety lights required by the Federal Aviation Administration that meets FAA standards shall be required for any wind tower, shall comply with applicable Federal Aviation Administration (FAA) standards. Any aviation-related agency or the Department may impose additional requirements as deemed necessary." ***Sections of the REO3 require the addition of "FAA-required safety lights" on all utility scale wind***

energy facilities. This poses a problem in that utility companies frequently state that FAA lights are required when, in fact, they are not. Take for example, the transmission lines recently constructed through Acton and the Angeles National Forest. SCE informed the California Public Utilities Commission (CPUC) that FAA required lights on the new towers, so the CPUC authorized them. However, the US Forest Service clarified that FAA lights were not actually required on such transmission tower structures, so SCE did not install lights on any of the 60+ miles of towers located in several utility corridors along ridgelines and hilltops throughout the Angeles National Forest. In fact, these "FAA-required" lights were only installed in residential areas located in valleys (specifically where aircraft do not fly). The point is, the County must take every possible action to avoid the installation of FAA lights and diligently confirm any applicant claim that "FAA-required" lights are indeed required. The County must also seek alternatives to such lights, and ensure that any lights which are installed shine light only in an upward direction and are not visible from any area that is at or below the elevation of the lights. Otherwise, the entire point of the County's recently adopted Rural Outdoor Lighting Ordinance is completely lost.

22.52.1625, C. 1., page 50/79. Standards for Temporary Meteorological Towers. Aviation Safety. ***"Wind towers" usage here is confusing when the title of the section refers to Temporary Met Towers. The language is used interchangeably and misleads the reader. There should be a separate section for Met Towers and one for Wind Towers. Table 22.52.1625 A--Again, no guy wires, please. Make all met towers free standing, according to recommendation by the CDFW, due to high avian mortality rates at guywired towers. Also, alternating bands of aviation orange and white paint, with visibility marker spheres may be necessary for aviation safety, but a time period for their permitted operation should be instituted, of not more than two years, otherwise the removal of the "temporary" met towers could take years, or never happen at all. The orange and white painted towers are obtrusive to scenic areas and rural communities, and this obtrusion should be limited with a proscribed time limit for their operation, and should follow decommissioning requirements that include complete removal of foundation and tower apparatus, and restoration of the site.***

Table 22.52.1625, page 51/79. Setback Requirements for Temporary Meteorological Towers. ***The table seems to mix wind tower setbacks and met tower setbacks, even though, as previously mentioned, the section applies to "Temporary Meteorological Towers."***

22.52.1630, A., 2., page 52/79. Standards for Small-scale Wind Energy Systems. Significant Ridgelines. ***See above comment at 22.52.1615, C. 6., which requests twice the height of the wind tower below the ridgeline, or the most restrictive CSD which ever is greater.***

22.52.1630, C.2.a., page 53/79. Small-scale Wind Energy Systems. Impacts to birds and bats. Design. "Use of trellis towers prohibited." ***Trellis towers are not the only threat to birds and bats. This would prevent perching and nest building dangerously near spinning blades, but blades do their own damage atop monopoles. Barotrauma (injury by rapid air pressure reduction) is the cause of death in a high proportion of bats found at wind energy facilities; 90% of bat fatalities involved internal hemorrhaging consistent with barotrauma. Institute a data base that identifies locations of small-scale wind energy systems, that includes review by independent biologists of the effects of numbers of small-scale turbines. Cumulatively, several in one area could lead to adverse effects on birds, bats, avifauna, and sensitive habitats in Significant Ecological Areas, near parks, public and private conservation lands, open-space areas, and rural communities. There needs to be criteria for limiting small-scale wind energy systems when their***

cumulative effects exert measurable harm to wildlife, cause noise-related effects, shadow flicker, and impinge on viewshed. How would CEQA be applied to cumulative impacts of numbers of individually placed small-scale wind energy systems?

22.52.1630, C, 2, c., ii., page 54/79. "No part of the small-scale wind energy system shall be closer than one mile from a known golden eagle nest site." ***How is adherence to the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act applied to small-scale wind individually and cumulatively? How does the County propose to comply with those acts through this REO3? According to the National Wind Coordinating Collaborative, Wind Turbine Interactions with Birds, Bats, and their Habitats: A Summary of Research Results and Priority Questions, Spring 2010, "Siting turbines away from where raptors concentrate may reduce raptor collision rates at wind facilities. Raptors are known to concentrate along ridge tops, upwind sides of slopes, and canyons (See CDFW recommendations, above, June 2014 REO2 letter) to take advantage of wind currents that are favorable for hunting and traveling, as well as for migratory flights" (Bednarz et al. 1990; Curry and Kerlinger 1998; Barrios and Rodriguez 2004; Hoover and Morrison 2005; Manville 2009)). Eagles' territory typically comprises one to six square miles. It would be reasonable to extend the range of nest site distance to small-scale wind turbines to five miles in all directions.***

22.52.1635, C., 5. page 57/79. Standards for Utility-Scale Wind Energy (USWE). Impacts to Birds and Bats. ***The California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development, published by the California Energy Commission (CEC) has been removed from the ordinance. If the County wishes to take a proactive approach to protection of birds and bats that has the CEC's approval, the guidelines would be a reasonable addition to requirement for a CUP. Please reinstate this requirement. Also, see above comment for small-scale wind energy systems.***

22.52.1635, C., 5, c.,i., (A)(B)(C), page 57/79. Setbacks. "No part of a ground-mounted utility-scale wind energy facility shall be closer than 0.25 miles from the following: (A) Adopted Significant Ecological Areas; (B) Recorded open space easements and publicly designated preserve areas; and , (C) Riparian areas and wetlands." ***One quarter of a mile 1,320 feet is not adequate setback for USWE. As noted previously, riparian areas attract birds; "significant" wildlife exists in SEAs. Noise,***
shadow flicker, ice throw, wind turbine collapse, and fire danger posed by turbines would indicate a minimum of one mile from sensitive areas. Also, there is no updated SEA map that shows final boundaries that would define setbacks.

22.52.1635, C., 7, Table 22.52.1635-A, Location. Setbacks listed for onsite or offsite residence or habitable structure, above ground transmission line, public access easement or public trail, or property line, scenic drives and routes, and railways indicate 2X the tallest wind tower. Buildings other than a residential structure, 1X the tallest wind tower height. ***United States wind turbine project setbacks can be as much as 2 miles from residences, and projects are also measured for the distance of sound travel, and are required to provide a sound study as proof of adequate distance from towns and residences, with a reasonable expectation of a 30dcb in rural areas. This also protects residents, to a degree, from experiencing low-frequency tones, gear noise, and shadow flicker. Scenic viewshed from public trails, conservation easements with viewpoints, need to be considered. If preservation of safety, public health, and viewshed related to conservation and open-space lands is a priority for RP,***

extension of setbacks to one mile and two miles to replace 1X and 2X tower heights in the Table. Note: There is no discussion of reducing impacts to viewshed with regard to Utility-Scale Wind Energy projects, and for good reason. They cannot be disguised with screens or landscaping. That is why larger setbacks <u>or completed restriction (preferred)</u> are so important to implement.

22.52.1640, A., 1., 2., page 59/79. <u>Modifications</u>. "1. Due to topographic or physical features of the site, strict compliance with all of the required standards would substantially and unreasonably interfere with the establishment of the proposed development on the subject property; and 2. The requested modifications would not be contrary to the purpose of this Part 15." ***The REO3 allows energy developers to sidestep the few protections that do exist by simply requesting a "modification" to the requirements based on a claim that they "unreasonably interfere" with development. The only basis for denying such requests is if the County finds them to be "contrary to the purpose" of the REO. However, the County will never be able to make such a finding because the entire purpose of the Ordinance is to "support and facilitate" the development of RE projects (See Section 22.52.1600). The circular structure of these ordinance provisions ensures that large-scale energy projects will proceed quickly, with little or no community input, and without regard for community impacts. This is completely unacceptable, and the REO must be revised to strengthen (rather than decimate) protections for established rural residential communities. <u>Please eliminate this Section A, items 1 and 2.</u>***

22.52.1640, C., page 60/79. "<u>A small-scale solar energy system that exceeds the maximum lot coverage</u> required under subsection B.2 of Section 22.56.1615, requires approval of a Minor Conditional Use Permit pursuant to Part 1 of Chapter 22.56 and is subject to the development standards specified in subsections A and B.1 of Section 22.52.1615 and A.2 and C.5 of Section 22.52.1620 and conditions specified in subsections A.2.d and A.2.g of Section 22.52.1655." ***Section 22.52.1615 of the REO3 allows "Small-Scale Solar Energy Systems" to occupy up to 2.5 acres of land (on a five acre parcel), and 22.52.1640 B even provides a "Minor Conditional use Permit" pathway to increase this limit even further. However, the amount of energy generated by 2.5 acres of solar arrays is so substantial that it could never be deemed "primarily for on-site use" on rural residential and agricultural lots, as evidenced by data recently provided by the National Renewable Energy Laboratory (NREL). According to NREL's data, 2.5 acres of "tilt" photovoltaic solar panels will provide more than enough energy to support 55 homes, which greatly exceeds the on-site energy "need" of any residential parcel. Obviously, a 2.5 acre "solar array" that is constructed on rural residential/agricultural land is clearly not intended to "generate direct electrical or thermal energy primarily for on-site use" because no rural residential use is equivalent to 55 homes. In other words, the intent of placing 2.5 acres of PV panels on any land other than industrially or commercially zoned property is clearly to generate energy for off-site use, and therefore solar generation plants of this size intrinsically fail to meet the definition of "Small-Scale Solar Energy System" found in 22.08.190 of the Ordinance. For this reason, the size limit for "small-scale solar energy systems" installed on parcels zoned for rural residential/agricultural use must be much less than 2.5 acres. The ARTC recommends that the size limit be constrained to less than one quarter of an acre, which is still sufficient to supply more than 5 homes according to NREL.***

Also, the California Energy Commission describes utility-scale turbines as 50-500 kilowatts or more, and distributed use, or small-scale systems as 1-25 kilowatts. From the CEC Overview of Wind Energy: "The components of a utility-scale "wind farm" include wind turbines, an underground

power transmission system, control and maintenance facilities, and a substation that connects the farm with the utility power grid. Utility-scale wind turbines are classified by size as follows: small (less than 50 kilowatts [kW]); intermediate (50 to 500 kW); and large (above 500 kW). . . . Another application of wind is in distributed use systems, which provide on-site power in either stand-alone or grid-connected configurations. Most such systems range in size from one to 25 kW. Distributed wind systems are applicable to industry, water districts, rural residences, agricultural use, and a wide variety of isolated power uses located in good wind resource areas" (http://www.energy.ca.gov/wind/overview.html). A 50kW small-scale wind system would power between 8 and 23 homes. This is not "primarily" onsite use. This may work for multiple family homes, or unlimited residence zones, but The ordinances also allows 2 turbines on a gross acre of land. According to definition of small-scale wind, a limit of 16 -32 kW wind systems would be more than adequate for personal use.

22.52.1645, A., page 61/79. Uses Subject to Permits-Aviation Review. ***Please add an item 5. "Evaluate aviation fire fighting capabilities in the vicinity of rural areas and local airports surrounded by wind towers and utility-scale solar energy projects."***

Part 15, DUST CONTROL, AIR QUALITY, HEALTH EFFECTS

22.52.1655, A., 2., a., page 63/79. Uses Subject to Permits, Access roads, "Dirt access roads shall be treated with a suitable non-toxic long-term soil binder, or application of similarly effective material to control dust such as use of gravel." ***The REO3 authorizes the use of "soil binders" to control dust on access roads and other disturbed areas. However, the Commission is advised that soil binders in this application are not appropriate for the following reasons (cited in the California Stormwater BMP Handbook): 1) Soil Binders do not hold up to pedestrian or vehicular traffic, therefore authorizing their use on access roads will provide ineffective (and non-existent) dust control. 2) Soil binders often do not penetrate compacted soils, and are therefore ineffective. 3) The performance of soil binders are soil-texture specific; some do not work on sandy soils, and others do not work on silty soils. Both soil types can be collocated within the Antelope Valley, therefore it is unlikely that an effective soil binder will be found. 4) Soil binders do not perform well in low humidity areas. The Antelope Valley is located in the high desert and typically has very low relative humidity, therefore authorizing the use of soil binders in the Antelope Valley will provide ineffective dust control. 5) The use of soil binders may have water quality impacts due to their chemical makeup. Throughout the Antelope Valley, residents rely on wells for drinking water, therefore authorizing the use of soil binders in the Antelope Valley without first documenting the potential impacts of such materials on drinking water quality is wholly inappropriate.***

There are also problems with the dust control provisions that address non-access road areas and other portions of RE projects (see for example page 64 of 75). The REO3 appears to rely on existing vegetation to control dust levels, in that it authorizes mowing of such vegetation, but prohibits root system removal. This presumes that existing vegetation which thrives on the full sunlight of the Antelope Valley and perhaps relies on dew condensation for survival will continue to survive when covered over entirely by solar panels which eliminate both light and condensation. Worse yet, the Ordinance contains no "back up" dust control provisions detailed that must be implemented if (or rather when) the native vegetation dies out. This serious deficiency must be addressed before any renewable energy ordinance is adopted.

22.52.1655, 2., d., page 65/79, Site Disturbance. " The measures found in this subsection shall in no way be construed as a substitute for compliance with State requirements imposed by the applicable Air Quality Management District." **Add:** ***or air (and water) quality standards set forth by the Environmental Protection Agency.***

22.52.1655, 2., d., v. (A), Fugitive Dust. "Fugitive dust emission shall be controlled by phased earthwork, site watering, use of clean gravel not to exceed a depth of six inches where applicable, application of non-toxic soil stabilizers, limiting public access on unpaved areas, posting private roadways with reduced speeds, and/or re-vegetation. Use of other fugitive dust mitigation measures may be implemented if determined by the Department of Regional Planning and Department of Public Works to be suitable methods to adequately control dust during construction, operations, and removal and restoration activities." ***Detail other "suitable" methods of proposed alternative dust control that "may" be implemented. The residents of the Antelope Valley deserve protection in place before this ordinance is approved. Also, please add: Suitable methods of dust control shall not be toxic or polluting, and shall not cause further diminishment of air, surface water, or ground water quality after becoming airborne, or waterborne.***

The REO3 makes no mention of Valley Fever, or its prevention. It presumes well managed dust control through the use of soil stabilizers and water during construction. Water causes the fungus to bloom, further exacerbating the problem of controlling its proliferation and stabilization during high wind events in the Antelope Valley.

In the New Yorker Magazine, "Death Dust," January 20, 2014, "County Department of Public Health Epidemiologist, "Dr. Ramon Guevara, has made it a personal mission to educate people about the emergent issue of cocci in his territory. In L.A. County, we have so many cases, and we have a potentially large problem, because the population is growing. . . The highest rate of infection is in Antelope Valley, a rapidly developing outpost of the county that adjoins the southern edge of the San Joaquin Valley. In the past decade, the number of cases there has increased five hundred and forty-five percent. . . In addition to vacant land, Antelope Valley has abundant sunshine and regular high winds, which make it a logical place to build alternative-energy infrastructure. With California pledging to get a third of its electricity from renewable sources by 2020, the region is pitching itself as a hub for the industry. There are some thirty solar projects in development. . . The construction of the solar facilities could have unintended consequences for the environment, though, releasing hazardous dust into the air. "In the afternoon, when the kids come out of school, it's always windy,"[Dr.]Lauer [Phd., Environmental Microbiology at California State University, Bakersfield] says, "When they walk home, they all get exposed." (http://www.newyorker.com/magazine/2014/01/20/death-dust).

Additionally, Dr. Guevara's response letter to the REO2 states, "There are no standards of criteria here for what is acceptable in terms of amount and duration of resultant dust, measurements of dusts, and rules for feasibility and appropriateness of vegetation preservation, planting, and maintenance. These should be put forth with processes to involve the surrounding communities." This has not appeared in the REO3. Residents of the Antelope Valley deserve concrete, detailed dust monitoring and control plans in place and these should include air quality monitoring stations provided in the permitting process that will determine the levels of particulate matter in the air, r

eflecting the success or failure of vegetation-based dust control techniques, as well as soil binding products, to protect the population from Coccidioidomycosis.

Diesel Emissions. ***Council members have also expressed concern regarding diesel emissions releasing harmful particulates into the air during construction and maintenance of utility-scale RE projects.***

Moratorium. ***There have been previous requests by citizens, councils and other groups for a moratorium on utility-scale RE projects, until suitable protections and monitoring systems are in place for protection of air quality and human health.***

Electromagnetic Frequency. ***Some council members have expressed concerns regarding the effects of eletromagnetic fields produced by utility-scale RE, and possible effects on human health. This is an area of controversy, much like the complaints of residents near wind turbines because of the low-frequency hum and vibration, shadow flicker. Setbacks suggested for wind turbines and electrical substations from residences would work toward addressing this concern.***

22.52.1655. 2., e., page 68/79. Transmission Lines. "On-site and off-site transmission lines shall be placed underground to the satisfaction of the Department and Department of Public Works, except where above-ground crossings are otherwise required (such as over the California Aqueduct)." ***Please add: Generation Tie Lines shall be placed underground to minimize effects to the viewshed.***

22.52.1655. 2., f., page 68/79. Visual Impact. "Any utility-scale solar renewable energy facility that is placed within the viewshed of a Scenic Drive, Scenic Highway or Scenic Route identified in the General Plan or in an applicable Area Plan or Community Plan shall be analyzed for its visual impacts, and appropriate conditions relating to siting, buffering, height, and design of the facility may be imposed to minimize significant effects on the viewshed;" ***Please add more certain language: "design of the facility will be imposed to eliminate effects on the viewshed."***

22.52.1655. 2., g., h., iii. page 69/79. Water Quality protection. Water Use. "Measures to protect groundwater and surface water from waste discharge shall be incorporated into the project design, as appropriate, and shall meet the requirements of the Regional Water Quality Control Board. ***To guarantee projects' compliance with water quality protection, add: Water testing for waste and pollutant discharge to surface water and ground water shall be instituted, and results available for public view.***

22.52.1655. 2., iii. "The project shall use piped recycled water if it is available from the public right-of-way within one mile from the project site at fair market value and suitable for use. If such piped recycled water does not meet the water demand, the project shall use piped potable water if it is available from the public right of-way within one mile from the project site at fair market value and suitable for use. ***The REO3 does not address the enormous quantities of water that are required to operate solar RE projects. Allowing RE developers to obtain water from any source that they find convenient without regard for the impacts that such water withdrawals may have on the water table and domestic water wells is a substantial deficiency of the REO3. This deficiency is best addressed by requiring RE projects to rely solely on the use of recycled water (obtained from the "purple" hydrants that dot the Antelope Valley). To affect this purpose and eliminate the possibility of using***

potable water on RE infrastructure, the recycled water must be trucked in via suitably marked trucks* (perhaps *painted purple to match the fire hydrants) so that observers can monitor for compliance.

Also, projects in the Antelope Valley will have longer distances to travel to and from a tertiary treated water source, so the requirement of "within one mile" would render this a wasted point. If RE developers are allowed or required to use potable water available within one mile of their projects, then a concentration of projects in one area would cause a more rapid loss of ground water, or loss of aqueduct water designated to local purveyors. Local residents are also concerned that small water districts that serve them, as well as agricultural interests with large wells are selling water to the huge developments inside and outside their communities. In this time of serious drought there may not be enough water to serve RE development. Requiring the use of recycled water would help protect water sources for residents.

NOISE

22.52.1655, C., 1., page 70/79. Small-Scale wind energy systems. Noise. " Noise from a small-scale wind energy system shall not exceed 60 dBA SEL (single event noise level), as measured at the closest neighboring inhabited dwelling." ***The treatment of Noise Pollution in the REO3 is deficient in a number of ways. 1) It applies only to small-scale wind energy facilities and ignores the substantially louder noise potential of utility-scale wind generation facilities (both structure- and ground-mounted). The noise limit application is too narrowly constrained in the REO3, and must be expanded to address all utility-scale generation projects. 2) It constrains the consideration of noise impacts to only existing inhabited dwellings, and ignores businesses and outdoor uses such as equestrian facilities (barns, corrals, trails), animal rescue facilities, agricultural uses, etc. It also ignores impacts to adjacent land that has not yet been developed for residential or agricultural use; it is likely that such land will be rendered worthless given the high noise threshold that the draft ordinance allows. This must be rectified by imposing a fence-line noise limit. 3) It establishes a very high (60 dB) noise threshold that is entirely unsuitable for rural areas. Ambient noise levels in such areas are typically less than 45 dBA,(quiet rural areas ambient level is 24dBA) and an increase of 10 dBA results in an approximate doubling of the sound, while an increase of 20 dBA results in an approximate quadrupling of the sound. The draft ordinance establishes a 60 dBA threshold, which essentially triples the ambient noise level in rural areas.***

To frame the issue in more understandable terms, 60 dBA is approximately the noise level one experiences 3 feet from an operating clothes washer or air conditioner. As it currently stands, the ordinance authorizes this continuous and exceptionally loud "noise overlay" in rural areas where the existing noise profile is virtually non-existent. The Commission is reminded that rural communities exist because rural residents seek the peace and quiet afforded by such communities. All of this is threatened by the high noise threshold established by theREO3. To address this concern, the threshold value must be reduced to 50 dBA. 4) It relies on a "Single Event Level" parameter which does not properly or accurately represent the continuous noise profile generated by wind energy facilities. While uses which occasionally create single noise events of 60 dBA or more may be reasonable in rural areas, uses which generate such noise levels on a continuous basis (such as wind turbines) are not. 5) Nowhere does the ordinance require any project proponent to provide noise data as part of the application process, nor does it require a "follow up" assessment at the site

to confirm this noise provision is met. Worse yet, it provides no backstop protections to ensure compliance with this noise limit over time and after the wind turbine bearings and contact surfaces are worn down and no longer "true". A multilevel chart of allowable noise generation that depends on zoning and location would be a more democratic approach to noise levels that differ so much across the county. This currently proposed ordinance would essentially hold rural residents hostage to an urban noise level.

22.52.1655., C., 2., page70/79. Visual Impact. "2. Visual Impact. Any small-scale wind energy system placed within the viewshed of a Scenic Drive, Scenic Highway or Scenic Route identified in the General Plan or in an applicable Area or Community Plan shall be assessed for its visual impacts, and appropriate conditions shall be applied relating to siting, buffers, and design of the system, ***Add: and may result in complete restriction. This should apply to utility-scale wind RE.***

22.52.1660, Enforcement procedures. B., page 71/79. Nothing in this Section shall preclude the Director or designee from issuing a warning, field notice of violation, Notice of Violation, or citation prior to issuing a Final Zoning Enforcement Order for a non-compliant small-scale solar energy system, small-scale wind energy system, utility-scale solar energy facility, utility-scale wind energy facility or temporary meteorological tower***. Please add a maximum number of violations that may be issued before a final notice of non-compliance is ordered. We understand a final notice can be issued any time, but this item B would allow an infinite number of violations, and the project could subsequently avoid a final order without an enumeration of process and ultimate action.***

MINOR CONDITIONAL USE PERMITS

Section 67, 22.56.030., 10., a., page 74/79. Application Information Required. "Maps in the number prescribed, and drawn to a scale specified by the director, showing the location of all property included in the request, the location of all highways, streets, alleys and the location and dimensions of all lots or parcels of land within a distance of 500 feet from the exterior boundaries of the subject parcel of land. If the application is for a minor conditional use permit in accordance with Section 22.56.085, a distance of 300 feet from the exterior boundaries of the subject parcel of land shall be provided in lieu of 500 feet." ***A minor CUP, which allows accessory uses of a substantial nature, as currently unamended in this REO3; such as so-called small scale solar energy system covering 2.5 acres of a 5 acre parcel, Modification of a Significant Ridgeline, structure mounted utility-scale wind energy facilities, and temporary met towers. In the Antelope Valley, noticing requirements should include a further distance or at least match that required for a CUP (500 ft.). Without signage, a Minor CUP may go unnoticed. Include signage for North County Projects, or consider written and email notification to town councils and land owners within 1000 feet.***

Section 69., 22.56.085, page 76/79, Minor Conditional Use Permit. An application for a minor conditional use permit may be filed for the following uses:

1. Modification of significant ridgeline protection provisions as provided in sections 22.44.143 D. 10. b; 22.44.143 D.10.c.; or 22.44.144 D. b.
2. Small-Scale solar energy systems, ground mounted, in the open space and watershed zone, in accordance with Part 15 of Chapter 22.52.
3. Small-Scale wind energy system in accordance with Part 15 of Chapter 22.52.

4. Utility-Scale wind Energy Facility, structure mounted, in all zones except single family residence zone, in accordance with Part 15 of Chapter 22.52.

Remove item 1 as an item approved to file for a minor conditional use permit. Communities with significant ridgelines identified in CSDs have obviously identified them as "significant." To allow modification and variance from a CSD is counter to the purpose of that document, meant to protect rural communities from inappropriate development. This requires a CUP, with appeal to the board of supervisors.

Remove item 2 as an item approved to file for a minor conditional use permit. As discussed previously, the 2.5 acre allowance on 5 acre plus properties need more stringent review, since it qualifies as a "utility-scale" RE project, capable of powering 55-78 homes, and according to definitions provided in this unamended document. Also watershed zones need particular consideration because of their innate function supplying drinking water, recreation and respite, and sustaining life. See comments, page 8, above, regarding the discrepancy in definitions between utility-scale and small-scale RE.

Remove item 3 as an item approved to file for a minor conditional use permit. In 22.52.1625, the REO3 allows 2 small-scale wind energy systems for 5 gross acres of land. For the same reasons listed above, and on page 8, the so-called small-scale wind energy system, as indicated in the ordinance, is 50kW; enough to power 8-23 homes. Two turbines would power 16-46 homes. The California Energy Commission describes utility-scale turbines as 50-500 kilowatts or more, and distributed use, or small-scale systems as 1-25 kilowatts. From the CEC Overview of Wind Energy: "The components of a utility-scale "wind farm" include wind turbines, an underground power transmission system, control and maintenance facilities, and a substation that connects the farm with the utility power grid. Utility-scale wind turbines are classified by size as follows: small (less than 50 kilowatts [kW]); intermediate (50 to 500 kW); and large (above 500 kW). . . . Another application of wind is in distributed use systems, which provide on-site power in either stand-alone or grid-connected configurations. Most such systems range in size from one to 25 kW. Distributed wind systems are applicable to industry, water districts, rural residences, agricultural use, and a wide variety of isolated power uses located in good wind resource areas" (http://www.energy.ca.gov/wind/overview.html). A 50kW small-scale wind system would power between 8 and 23 homes. This is not "primarily" onsite use. This may work for multiple family homes, or unlimited residence zones, but The ordinances also allows 2 turbines on a gross five acre acre parcel. According to definitions of a small-scale system, A limit of 16 -32 kW wind systems would be more than adequate for personal use. Anything more than this is not small-scale, this is utility scale, meant for offsite use, and should fall under a CUP.

Remove item 4 as an item approved for a minor conditional use permit. Utility-scale, by its nature would be hard pressed to be classified as "minor" in nature, especially from a noise impact, visual impact, and biological impact. This requires a CUP.

Section 69., 22.56.085, D., page 78/79. The decision of the Hearing Officer may be appealed to the commission. All appeals shall be filed within the time period set forth in, and shall be subject to all of the other provisions of Part 5 of Chapter 22.60 <u>except that the decision of the commission shall be final</u>

and effective on the date of the decision and shall not be subject to further administrative appeal, unless the permit was considered by the commission concurrently with a decision on a general plan or specific plan amendment, zone change, development agreement or other legislative action. ***The underlined sentence should be stricken from this ordinance and kept as it is currently recorded in Part 5, 22.60.200, A: "Appeals. To avoid results inconsistent with the purposes of this*** Title 22***, unless otherwise specified or limited by specific provisions of this title, decisions of the director or hearing officer may be appealed to the commission; and decisions of the commission may be appealed to the board of supervisors." As the ordinance is written now, there is no appeal for a Minor CUP. As you can see above, there are problems with what is considered a minor modification with insignificant effect. This is an affront to the political process, by which constituents may request a decision be made by their elected officials. The part D would eliminate that possibility. In this REO3, that has the potential to substantially impact rural communities, we urge RP in the strongest possible way, to preserve residents' right to appeal to the board of supervisors regarding any permit approved by the planning commission.***

Again, we appreciate the opportunity to work toward the best version of this Renewable Energy Ordinance. We respectfully request the changes enumerated in this letter, and believe our best interests lie in protecting our communities from inappropriate renewable energy development, while encouraging distributed generation that will contribute greatly to the preservation of not only our rural lifestyle, but the environment that makes that available to us.

Councils and Community Groups as signatories: Acton Town Council, Lake Los Angeles Rural Town Council, Leona Valley Town Council, Oso Town Council, Three Points-Liebre Mountain Town Council, Concerned Citizens of the West Antelope Valley.

Yours truly,

Susan Zahnter
Interim Director

Enclosures: 3

CC: Supervisor Michael D. Antonovich, Field Deputy Norm Hickling, Planning Deputy Edel Vizcarra

BEFORE SOLAR INSTALLATION (4/18/14 @ 110TH STREET WEST & AVENUE "J")

AFTER SOLAR INSTALLATION(3/16/15 @ 110TH STREET WEST & AVENUE "J")

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AFTER SOLAR INSTALLATION (3/16/15 @ 110TH STREET WEST & AVENUE "J")

In 2014, the Antelope Valley was the only Southern California region with successful breeding of the Tricolored Blackbird, representing **100%** of all of the breeding for the region.

Species Status:

As of 2014, the State of California has classified the Tricolored Blackbird as "Endangered".

In February 2015, the Center for Biological Diversity submitted an application to reclassify this species as Federally Endangered, which is anticipated to be approved.

Antelope Valley Breeding Locations (Foraging occurs in a 5 mile radius of breeding sites):

Holiday Lake	Fairmont Reservoir	Gorman Post Road/Sag Ponds
Lake Elizabeth	Ritter Pond	Leona Pond
Petersen Ranch (Leona Valley)	Branch Pond (Edwards AFB)	Piute Ponds (Edwards AFB)

Photograph utilized with permission from Dave Collins Images. Photo taken March 2015, contiguous to a solar facility and adjacent to the Antelope Valley California Poppy Reserve.

Species Status:

The Burrowing Owl is native to the Antelope Valley. These owls are found on fallow farm land and open fields in the West Antelope Valley. The burrowing owl is federally protected by the Migratory Bird Treaty Act in the U.S. and Mexico, and is listed as endangered, threatened, or as a Species of Concern in nine states, including California, where it is considered a Species of Special Concern by the California Department of Fish and Game.

Several now completed renewable energy projects, including the project at 110th Street and West Avenue "J", were home to the Burrowing Owl. The Burrowing Owl habitat is disappearing. This species has been observed in the Antelope Valley for decades.

MINOR CUP WITH PUBLIC HEARING				
TASK	STAFF	HOURS	Per Hour	Total Cost
Case intake meeting, application review, ordinance and plan review, Kiva data entry, document and file maintenance, process payment, notes to file.	PRPA,SRPA & RPAII	0.50	99.5	49.75
	CLERICAL, LDCC	0.50	49.22	24.61
Conduct initial review, initial CEQA review, prepare incomplete letter, notes to file.	PRPA,SRPA & RPAII	0.50	99.5	49.75
Prepare agency consultations, notes to file.	PRPA,SRPA & RPAII	0.50	99.5	49.75
Route agency consultations, mail, data entry, notes to file.	CLERICAL	0.50	49.22	24.61
Review plan revisions, agency consultation letters, consultations with applicants, notes to file.	PRPA,SRPA & RPAII	0.50	99.5	49.75
Assign case, conference with case planner, notes to file.	SUPV	0.25	127.87	31.97
	PRPA,SRPA & RPAII	0.25	99.5	24.88
Conduct field investigation, travel coordination, travel time, site visit and analysis, neighborhood analysis, photography/video, meeting with applicant.	PRPA,SRPA & RPAII	0.50	99.5	49.75
Research and in-depth evaluation, review prior case history, code and plan analysis, zoning enforcement consultation; coordination with ABC, sheriff, forester, animal control, health services, public works; applicant, architect consultations, review revised plans/documents, studies, file retrievals, etc. Notes to files.	PRPA,SRPA & RPAII	0.75	99.5	74.63
Prepare draft staff report, findings and conditions. Prepare CE memo. Consultation with supervisor, applicant.	PRPA,SRPA & RPAII	0.50	99.5	49.75
Prepare final findings and conditions.	PRPA,SRPA & RPAII	0.50	99.5	49.75
	SUPV	0.50	127.87	63.94
Prepare public hearing notice	PRPA,SRPA & RPAII	0.25	99.5	24.88
Communication/Coordination: Respond to general public inquiries, phone calls, e-mails, mail, faxes, meetings, notes to file, etc.	PRPA,SRPA & RPAII	0.25	99.5	24.88
	CLERICAL	0.25	49.22	12.31
Conference with applicant, pre-hearing (planner, supervisor, applicant, revisions, notes to file).	PRPA,SRPA & RPAII	0.50	99.5	49.75
Final review of staff report and hearing package.	PRPA,SRPA & RPAII	0.50	99.5	49.75
	SUPV	0.50	127.87	63.94
Review of project by Hearing Officer, site visit, prepare for hearing, notes to file.	HEARING OFFICER	0.50	127.87	63.94
Prepare public hearing presentation.	PRPA,SRPA & RPAII	0.50	99.5	49.75
Attend and conduct public hearing. (One hour assumed for avg. hearing.)	PRPA,SRPA & RPAII	1.00	99.5	99.50
	SUPV	1.00	127.87	127.87
	HO	1.00	127.87	127.87
Prepare final letter package (draft, review, revisions, notes to file).	PRPA,SRPA & RPAII	0.25	99.5	24.88
Review final letter package for signature.	SUPV	0.50	127.87	63.94
Transmit final letter package (copy, distribute, data entry, enforcement file, notes to file)	CLERICAL	0.50	49.22	24.61
		13.75		1,400.71

PRPA, SRPA & RPAII	7.75	99.5	771.13
CLERICAL	1.75	49.22	86.14
SUPV	2.75	127.87	351.64
HEARING OFFICER	1.50	127.87	191.81
2010 Fee	**13.75**		**1,400.71**

2011 CPI	**1.3396%**	**18.76**
2012 CPI	**2.1744%**	**30.46**
2013 CPI	**1.9325%**	**27.07**
2014 CPI	**1.1438%**	**16.02**
2015 TOTAL FEE		**1493.02**