



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



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Director

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LOS ANGELES COUNTY DRAFT RENEWABLE ENERGY ORDINANCE – PROJECT NO. R2014-01160-(1-5) – APRIL 22, 2015 – AGENDA ITEM NO. 7 *SUPPLEMENTAL MATERIAL*

BACKGROUND

The Renewable Energy Ordinance (Ordinance) is a Countywide ordinance that amends Title 22 (Planning and Zoning) of the Los Angeles County (County) Code to establish a set of procedures and standards for review and permitting of solar and wind energy projects. These include solar and wind projects generating energy for on-site (small-scale) or off-site (utility-scale) use as well as temporary meteorological towers.

A public hearing was held before your Commission on March 18, 2015 and April 8, 2015. Your Commission continued the matter to April 22, 2015 and this memo provides supplemental information to the Commission for the April 22 hearing.

RESPONSE TO COMMENTS

During the March 18, 2015 and April 8, 2015 hearings, your Commission raised questions for staff and the public raised various issues and concerns. Staff also received comments regarding the Ordinance through written correspondence. The applicability of Community Standards Districts (CSDs) and size of small-scale solar and wind energy systems were evaluated in the Staff Memo submitted to your Commission dated April 9, 2015. Other issues related to the Ordinance in general, specific regulations, and the permitting process are discussed below (please see Attachment 1 for the more detailed response table).

General

Members of the public have expressed general concerns regarding the Ordinance and its overall impact on their communities. These include:

- Conservation of open space and natural habitats
- Cumulative impacts from projects

- Clear enforcement procedures
- Prohibition of utility-scale projects in the Antelope Valley

Conservation of Open Space and Natural Habitats

The Ordinance minimizes impacts to open space and natural habitats by directing ground-mounted utility-scale projects away from the County's most sensitive areas. These projects are prohibited in Significant Ecological Areas (SEAs) as well as O-S (Open Space) zone. Ground-mounted utility-scale projects are also subject to environmental analysis under the California Environmental Quality Act (CEQA), which identifies appropriate site-specific mitigation from impacts to natural habitats and open space areas.

Cumulative Impacts

The cumulative impacts of these projects are analyzed at a programmatic level in this ordinance's Draft Environmental Impact Report (EIR). The cumulative impacts of future projects will be analyzed at a project level through CEQA. Other concurrent efforts, such as the Desert Renewable Energy Conservation Plan (DRECP), also address cumulative impacts from an ecosystem approach to the Mojave and Colorado/Sonoran desert region from renewable energy projects. The DRECP encompasses 22 million acres within nine counties, including Los Angeles, Imperial, Inyo, Kern, Riverside, San Bernardino, and San Diego counties.

Enforcement

The County's general enforcement procedures are outlined in Part 6 of Title 22, and County Department of Regional Planning (DRP) staff conducts regular inspections and monitoring to verify compliance with project conditions and mitigation measures. The Ordinance establishes additional enforcement procedures specific to solar and wind energy projects to better regulate these projects. This is particularly important for certain zoning violations time-sensitive in nature, such as violations related to dust control that require a more efficient process.

Prohibition

Although DRP does not recommend any policy to prohibit all or certain utility-scale projects, the Ordinance encourages small-scale and structure-mounted projects through very specific development standards and limited permitting. Additionally, a Conditional Use Permit (CUP) is required for all ground-mounted utility-scale projects in zones where allowed, ensuring these projects are properly regulated.

The revised April 2015 Ordinance (see Attachment 2) also clarifies that concentrated solar thermal collectors that use mirror technology to generate electricity, are prohibited.

Specific Regulations

Members of the public have also expressed concern with specific Ordinance regulations, mostly related to ground-mounted utility-scale projects. These include:

- Aviation safety
- Impacts to birds and bats
- Decommissioning
- Dust
- Glare
- Landscaping
- Noise
- Ridgelines and scenic resources
- Water Use
- Wildlife corridors

The County Code currently has no regulations for utility-scale projects. The Ordinance will provide comprehensive and detailed regulations aimed at addressing specific issues raised from previous projects.

In addition to the regulations in the Ordinance, the CUP and California Environmental Quality Act (CEQA) processes will provide additional requirements to address site and context-sensitive concerns with individual development proposals.

All ground-mounted utility-scale projects require a CUP. Additional conditions beyond the requirements of the Ordinance can be applied on a case-by-case basis, and allows for public input for project-specific conditions that address community issues and site-specific considerations.

All ground-mounted utility-scale projects will also be subject to CEQA, with necessary project-specific mitigation measures applied as each development proposal is analyzed. Although the Ordinance provides regulations to minimize impacts, it cannot fully address issues that are regulated by other agencies, such as air quality under the applicable Air Quality Management District, and water quality under the Regional Water Quality Control Board. CEQA review addresses these issues through agency consultation, detailed analysis, and site-specific mitigation.

Aviation Safety

The Ordinance prohibits lights on wind towers except those required by the Federal Aviation Administration (FAA). The County cannot impose any requirements on FAA-required lights as they must comply with FAA requirements. Furthermore, consultation with the FAA and other aviation-related agencies will be required for utility-scale solar and wind energy projects to ensure that they will not adversely impact aviation and military operations. The revised April 2015 Ordinance also requires consideration of utility-scale projects that may affect fire-fighting operations based on public input.

Birds and Bats

Impacts to birds and bats are addressed in the Ordinance in several ways. For temporary meteorological towers, small-scale and wind energy projects, guy wires are prohibited and reflected in the revised April 2015 Ordinance. In addition, for small-scale wind energy projects, buffers are established from important resources such as bat roosting sites, recorded open space areas and preserves as well as riparian areas and wetlands that provide habitat, and known golden eagle nest sites. Larger buffers are established for ground-mounted utility-scale wind energy projects that also include separation from Significant Ecological Areas (SEAs).

Decommissioning

The Ordinance requires the submittal and approval of a decommissioning plan for all utility-scale projects. The decommissioning plan includes performance and financial guarantees to ensure that funds are available for decommissioning. As entitlements such as CUPs are associated, or run with the land, if a permittee becomes bankrupt the property owner would still be liable for compliance.

Dust

The Ordinance includes many provisions to address the dust control issues seen in past projects. These include severely limited grading and vegetation removal prohibitions in certain areas of the project, and requirement of other ground-protection methods during construction, which is when dust issues are most prominent. As the Ordinance establishes the baseline for minimum requirements, additional site-specific conditions and mitigation measures would be imposed through the CUP and CEQA processes.

Glare

The Ordinance requires ground-mounted utility-scale projects to minimize glare, and requires a glare study as part of the application materials to consider potential glare impacts as part of the CEQA process. Glare is also analyzed as part of consultation with aviation-related and military operations to ensure safety. Furthermore, additional site-specific conditions related to screening, siting, and reflectance can be imposed through the CUP and CEQA processes to minimize glare and mitigate glare impacts.

Landscaping

Members of the public have expressed concern over the regulations regarding landscaped buffering, which is required for ground-mounted utility-scale projects, between perimeter fencing and public right-of-way or adjacent residential use. It has been a challenge for past projects to provide landscape buffering to the satisfaction of surrounding communities.

The Ordinance provides detailed regulations to ensure that landscaping provides buffering to soften the appearance of ground-mounted utility-scale projects, and provide a natural transition between the project and surrounding communities. As a result of experience with previous utility-scale solar projects, these regulations clearly establish and emphasize quick growth, use of suitable plants, use of softscape and hardscape, variable placement, and maintenance throughout the life of the project. Use of water, including recycled water for landscaping, is subject to review by the County Staff Biologist. The Ordinance also establishes a CUP finding for ground-mounted utility-scale projects regarding the landscaped buffers that must be made to allow approval. Furthermore, a detailed landscaping plan, reviewed and approved by the County Staff Biologist, will allow DRP to enforce these regulations and ensure that adequate water is allotted and proper water sources are used to ensure plant survival.

Noise

The Ordinance establishes regulations regarding noise associated with small-scale wind energy systems, which reflect current adopted standards under the County's Non-Commercial Wind Energy Conversion Systems (WECS-N). The maximum noise condition has been updated in the revised April 2015 Ordinance to reflect that this noise is measured at the closest existing neighboring inhabited dwelling at the time of approval.

Ridgelines and Scenic Resources

The Ordinance provides various regulations such as required setbacks and height to reduce visual impacts. The Ordinance also states that additional conditions can be imposed to minimize visual impacts from ground-mounted utility-scale solar energy facilities and wind energy projects. These projects will also be subject to CEQA, which analyzes and establishes mitigation measures for visual impacts. Ridgeline and view protection is also reflected in setbacks from scenic drives, scenic highways, and scenic routes as adopted in the General

Plan, applicable Area or Community Plan, or applicable Community Standards District (CSDs). While certain CSDs such as the Agua Dulce CSD establish ridgeline protection measures, small-scale wind projects are exempt from these ridgeline provisions along with chimneys and roof-mounted solar panels. The Ordinance includes more stringent setbacks from ridgelines that work in conjunction with CSDs and other applicable policies to protect ridgelines and views.

Water Use

The Ordinance provides regulations that limit the water use of ground-mounted utility-scale projects during construction and operation, and to prioritize the use of recycled water. Based on Commission and public comments during the March 18 public hearing, the revised April 2015 Ordinance also adds language clarifying that recycled water use be deemed appropriate by the County Staff Biologist when used, and that when necessary potable water should be used to supplemental allowed recycled water. Extensive information as part of the application materials, and monitoring and reporting of water use allows DRP to enforce these regulations.

Wildlife Corridors

Perimeter fencing for ground-mounted utility-scale projects must incorporate small animal-permeable design. Furthermore, wildlife corridors will be accounted for, designed around, and protected on a case-by-case basis through the CUP and CEQA processes to account for site-specific considerations.

Other

Other concerns include emissions, setbacks, time limit on meteorological towers, height, electric and magnetic fields, and water quality.

Air quality, including emissions, are analyzed for the Ordinance in the Draft EIR, and the impact of future discretionary utility-scale projects requiring a discretionary permit will be analyzed through CEQA. Additionally, DRP is not the primary agency to regulate and monitor air quality.

The Ordinance also provides setback requirements generally more restrictive than ordinances of other rural communities across the country. Furthermore, greater setbacks could be required on a case-by-case basis through the CUP and CEQA processes to address site-specific design.

The length of time for temporary meteorological towers is established through the Minor CUP, and the height limits for various uses are consistent with the height limits found in California County Planning Directors' Association's Model Ordinance. In addition, the height limits for small-scale wind, which reflect adopted standards under current Part 15 of Chapter 22.52 of the County Code, are lower than established by more recent State legislation.

Although the Ordinance does not include provisions regarding electric and magnetic fields or shadow flicker, there is currently no peer-reviewed evidence to positively link electric and magnetic fields and shadow flicker to adverse health impacts. CEQA does not require the analysis of electric and magnetic fields and shadow flicker, but the Draft EIR for the Ordinance provides additional information regarding these concerns.

The Ordinance also establishes requirements to protect groundwater and surface water from waste discharge, as appropriate, and comply with Regional Water Quality Control Board

(RWQCB) requirements. The RWQCB, not DRP, is the primary agency responsible for regulating and monitoring water quality.

Permitting

Members of the public have also expressed concern over issues related to the permitting process. These include:

- Application materials
- Consultation
- Minor CUP
- Modifications to Ordinance standards

As the County Code currently does not provide a specific permitting process for small-scale solar energy systems and utility-scale projects, this Ordinance establishes a clear and detailed permitting process for each type of project in the appropriate zones.

Application Materials

The revised April 2015 Ordinance requires additional suitable application materials, including more detailed information on site plans for wind projects.

Consultation

DRP consults other County departments and other local, State, and federal agencies for projects requiring a discretionary permit. The revised April 2015 Ordinance now explicitly identifies consultation related to aviation fire-fighting operations.

Minor CUP

The Ordinance amends the Minor CUP process to require a public hearing, and updates other related County Code sections that address the Minor CUP process. Solar and wind uses reviewed through a Minor CUP include certain utility-scale structure-mounted solar in the Single Family Residence zone, and all temporary meteorological towers and small-scale wind energy projects. Minor CUPs are considered by the Hearing Officer, and may be appealed to the Regional Planning Commission.

Modifications

The Ordinance establishes a process for modifying its requirements. Generally the permitting is elevated to allow for more review and public input on requested modifications. Ministerial plot plan reviews, such as ground-mounted small-scale solar projects, require a Minor CUP when it exceeds lot coverage standards. The project must justify its modifications will minimize impacts on the environment in compliance with the Ordinance Purpose section. A Minor CUP use that cannot comply with all applicable requirements are elevated for full CUP review.

ORDINANCE REVISIONS

Additional revisions discussed to address the above concerns and to provide further clarification, are reflected in the revised April 2015 Ordinance attached. Tracked changes from the Ordinance distributed for the March 18 hearing are depicted with additions shown as double

underline, and deletions as ~~double-strikethrough~~. These include changes such as clarifying the relationship between this Ordinance and CSDs, and how this Ordinance applies to projects regulated under the California Public Utilities Commission. These changes are also discussed in more detail in the Revised April 2015 Ordinance Changes Matrix attached as Attachment 3.

ADDITIONAL CORRESPONDENCE AND MATERIALS

Since the April 9, 2015 memo to your Commission, additional correspondence has been received from the Los Angeles Department of Water and Power (LADWP) and Land Veritas Corp. LADWP provides comments that cite their Barren Ridge Renewable Transmission Project with transmission lines and a switching station within the County and the effects of the Ordinance related to undergrounding. Land Veritas has also submitted comments citing certain Town Council recommendations for the use of mitigation banks for renewable energy projects, and their recommendation for the County to require projects to use mitigation banks or mitigate with permanent conservation easements and endowment. Please see Attachment 4.

An updated draft Commission resolution has also been prepared and is attached, reflecting information from the March 18 and April 8, 2015 public hearings. Please see Attachment 4.

SUMMARY

DRP recognizes that the Ordinance needs to set a high standard for environmental and community stewardship within the County.

First and foremost, the Ordinance accomplishes this by limiting the overall development of ground-mounted utility-scale projects in the County. Through minimal permitting, the Ordinance promotes small-scale and structure-mounted projects, which reduces dependence on ground-mounted utility-scale projects. The Ordinance also directs these projects away from the County's most sensitive areas.

Second, the Ordinance provides extensive regulations for ground-mounted utility-scale projects, which reflect the need for careful review of these projects for environmental and community impacts. These detailed and implementable regulations are specifically aimed at addressing the issues and concerns raised from previous projects where enforcement was difficult. These regulations along with existing processes and policies will give DRP the tools to effectively regulate these projects and provide clear expectations for applicants and the public on project outcomes.

Additionally, ground-mounted utility-scale projects would follow a discretionary review process, which requires compliance with CEQA. The CEQA process requires detailed, site-specific environmental analysis. This would be applied to all ground-mounted utility-scale solar energy projects and all wind energy projects, which have the greatest impacts on the environment. The Ordinance will apply Countywide and provides the minimum requirements for these projects. The CEQA process provides for future projects a more detailed site-specific level of review that is necessary, but outside the scope of an Ordinance. The CEQA process also allows for

extensive public review and input, which helps ensure that all concerns are heard and accounted for.

Furthermore, this Ordinance is only one of the many efforts underway that support a distributed generation model for renewable energy and acknowledge the need to address impacts associated with ground-mounted utility-scale projects. The County's Community Climate Action Plan, which was recently considered and approved by the County Board of Supervisors as part of the General Plan Update, includes actions that prioritize solar installations on structures and for on-site use. The County as a public agency is also engaging in efforts to install solar panels to address its electricity needs on County buildings and at facilities.

Other efforts are also underway that address renewable energy development and its potential cumulative impacts at a larger scale. The Antelope Valley is home to many unique and valuable resources which must be protected. In recognition of this, the Antelope Valley Area Plan Update includes updated policies specifically aimed at protecting natural resources such as SEAs, and prioritizing renewable energy generation for on-site use and minimizing impacts from projects that generate energy for off-site use. The County is also a member of the DRECP Stakeholder Committee, and has been meeting with California Energy Commission staff to ensure that the DRECP's strategy for land conservation considers the County's needs. In addition to the California Energy Commission, the California Department of Fish and Wildlife, the U.S. Bureau of Land Management, and the U.S. Fish and Wildlife Service have been involved in the development of the DRECP for an ecosystem approach to the California Mojave and Colorado/Sonoran desert region, and consider renewable energy cumulatively within nine counties, including the County.

The Ordinance along with these other efforts establishes the County as a leader in promoting renewable energy development in a responsible, balanced, and efficient manner.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends that your Commission close the public hearing, consider the Draft EIR, recommend approval of the Ordinance, and recommend the Los Angeles County Board of Supervisors hold a public hearing on the Ordinance, and consider Project No. R2014-01660-(1-5) as considered by the Commission and any other necessary updates to regulate solar and wind projects in compliance with State law.

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING, CONSIDER THE DRAFT EIR, RECOMMEND APPROVAL OF THE EIR, AND RECOMMEND THE LOS ANGELES COUNTY BOARD OF SUPERVISORS HOLD A PUBLIC HEARING TO CONSIDER PROJECT NO. R2014-01660-(1-5) AS CONSIDERED BY THE REGIONAL PLANNING COMMISSION AND PRESENTED BY STAFF.

MC:SMT:JL
04/16/15

Regional Planning Commission
Project No. R2014-01160-(1-5)
Renewable Energy Ordinance
April 16, 2015

Attachments: 1: Table of Response to Comments
2: Revised April 2015 Renewable Energy Ordinance
3: Revised April 2015 Ordinance Changes Matrix
4: Additional Correspondence
5: Updated Draft RPC Resolution

**ATTACHMENT 1: TABLE OF
RESPONSE TO COMMENTS**

RESPONSE TO COMMENTS MATRIX

ISSUE	COMMENTS	RESPONSES
<p>Conservation of Open Space & Natural Habitats</p>	<p style="text-align: center;">General</p> <p>Mitigation land is not required for utility-scale projects while it is required for minor land divisions that create large residential lots</p> <p>Utility-scale wind energy facilities will destroy natural habitats and lead to habitat fragmentation</p> <p>Utility-scale projects will have a detrimental impact on the Poppy Reserve</p>	<p>Mitigation land can be required for land divisions when appropriate but is not required at all times. Appropriate conditions and mitigation measures will be applied on a case-by-case basis for projects requiring a discretionary permit and is subject to CEQA.</p> <p>The REO prohibits ground-mounted utility-scale projects in all residential zones and the light agricultural, open space, and watershed zones. The REO also prohibits these projects in SEAs and EOAs. This will help protect the County's most sensitive lands. Furthermore, the REO strongly encourages small-scale and structure-mounted projects, which are primarily located in already disturbed areas and require little or no site disturbance.</p> <p>All utility-scale wind energy facilities and ground-mounted utility-scale solar energy facilities are subject to CEQA. Impacts to the Poppy Reserve will be considered through the CEQA process and mitigation measures can be implemented to reduce impacts.</p>
<p>Cumulative Impacts</p>	<p>The cumulative effect of small-scale wind energy systems and ground-mounted utility-scale projects has not been adequately addressed</p> <p>The REO should have zoning requirements that consider the possibility of oversaturating an area with ground-mounted utility-scale projects, which would make that area virtually unlivable</p>	<p>The EIR for the REO analyzes cumulative impacts. Furthermore, all ground-mounted utility-scale projects are subject to CEQA and the cumulative impacts of each project will be analyzed if an EIR is required.</p> <p>The REO prohibits ground-mounted utility-scale projects in all residential zones and the light agricultural, open space, and watershed zones. The REO also prohibits these projects in SEAs and EOAs.</p> <p>Furthermore, the REO strongly encourages small-scale and structure-mounted projects. CEQA will also analyze cumulative impacts, which consider other nearby projects.</p>
<p>Definitions</p>	<p>A temporary meteorological tower should not be described as a wind tower and have its own designation</p>	<p>"Wind tower" is not synonymous with "temporary meteorological tower". A wind tower is only the vertical component, including blades if any, of a small-scale wind energy system, utility-scale wind energy facility, or temporary meteorological tower.</p>
<p>Enforcement</p>	<p>The Ordinance should specify the maximum number of violations that may be issued before a Final Zoning Enforcement Order is issued</p>	<p>The issuance of a Final Zoning Enforcement Order without prior issuance of a Notice of Violation will be applied on a case-by-case basis for especially problematic permittees depending on a number of factors related to the enforcement history. Enforcement procedures are also subject to equal protection laws.</p>
<p>Prohibition</p>	<p>Utility-scale projects should be prohibited in the Antelope Valley</p>	<p>It is not feasible to prohibit utility-scale projects in all zones in the Antelope Valley. Ground-mounted utility-scale projects are prohibited in certain areas to protect the County's most valuable lands.</p>

RESPONSE TO COMMENTS MATRIX

ISSUE	COMMENTS	RESPONSES
	The Ordinance does not clearly prohibit concentrated solar thermal collectors	The definition of each type of solar project has been revised to clarify that it does not include concentrated solar thermal collectors
Aviation Safety	The REO requires safety lights required by the FAA	The REO does not require FAA-required safety lights. It only states that FAA-required safety lights must comply with FAA standards and does not allow any other lights to be installed on wind towers.
	Utility-scale wind energy facility developers state that the safety lights they install are FAA-required when they are not	Consultation with the FAA will be required for utility-scale wind energy projects located within an MIOA or AIA as identified by the County General Plan or applicable Airport Land Use Compatibility Plan
	FAA-required safety lights should not be visible from any area that is at or below the elevation of such lights	The County cannot impose any requirements on FAA-required safety lights as they must comply with FAA standards. All other outdoor lights within the Rural Outdoor Lighting District must comply with the Rural Dark Skies Ordinance.
Birds & Bats	The setbacks for bats and eagles and SEAs need to be increased	These setbacks have been developed through consultation with biological experts. Furthermore, these are the minimum required setbacks and greater setbacks could be implemented when necessary through the permitting process and CEQA.
	Setbacks should be required for all eagles and not just Golden Eagles	USFWS has given special attention to the Golden Eagle in its Eagle Conservation Plan regarding strikes from turbines. Golden Eagles are less maneuverable than other species and fly close to the ground. Setbacks for other eagle species and other avian species can be imposed through CEQA.
	The REO should require utility-scale wind energy systems to comply with the CA Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development	Requiring compliance with guidelines is not feasible because guidelines do not contain specific development standards to apply to projects. DRP would not be able to determine whether an applicant is complying with these guidelines. However, DRP will use these guidelines to help develop an implementation manual for the REO. The implementation manual will help ensure that development standards to reduce impacts to birds and bats are properly enforced and that DRP's permitting process incorporates many of the policies in these guidelines.
	Guy wires should also be prohibited for temporary meteorological towers and small-scale wind energy systems	The Ordinance has been revised to prohibit guy wires for temporary meteorological towers and small-scale wind energy systems
	Regrowth of vegetation at the base of wind towers should be prohibited	The Ordinance has been revised to prohibit regrowth of vegetation at the base of wind towers

RESPONSE TO COMMENTS MATRIX

ISSUE	COMMENTS	RESPONSES
Decommissioning	Taxpayers need to be protected from the potential financial problems of utility-scale projects	The REO requires performance and financial guarantees in an amount sufficient to ensure the performance of the decommissioning plan. The amount must be posted prior to any ground disturbance or the issuance of any grading or building permit. Furthermore, all subsequent permittees must comply with the project conditions throughout the duration of the grant.
	There needs to be criteria for how many extensions to resume operation a permittee can apply for	Decisions regarding extensions to resume operation should be made on a case-by-case basis, depending on a variety of factors such as the situation and responsiveness of the applicant
	Decommissioning should be required for small-scale wind energy systems	The REO requires a discretionary permit for small-scale wind energy systems, and requirement for decommissioning may be imposed by the Hearing Officer on a case by case basis.
Dust	The use of soil binders on disturbed areas is not appropriate for ground-mounted utility-scale projects	The REO allows for other methods to control dust on access roads. Soil binders is only mentioned as one of the possible methods.
	The REO does not include any provisions to prevent existing vegetation under solar panels from dying out for ground-mounted utility-scale projects	The REO requires that vegetation root systems remain in place, which help keep the soil stable. REO encourages minimizing water usage, particularly during operation of facilities, but project-specific conditions and mitigation measures such as maintaining vegetation under the panels, may be imposed on a case by case basis.
	The REO should detail the suitable methods that DRP and DPW could require to mitigate fugitive dust	The REO lists possible fugitive dust mitigation measures and provides DRP and DPH flexibility in requiring measures to ensure that the measures will be suitable for the site
	The REO does not address Valley Fever	The REO addresses Valley Fever by minimizing site disturbance and fugitive dust. DPH and DPW will help with this effort and AQMD is the primary agency responsible for monitoring and regulating fugitive dust.
Electric & Magnetic Fields & Shadow Flicker	The electric and magnetic fields and shadow flicker associated with utility-scale projects may have harmful effects on human health	There is currently no peer-reviewed scientific evidence to positively link electric and magnetic fields and impacts to human health. Additionally, there is currently no published scientific evidence to positively link shadow flicker with adverse health effects.
Emissions	Diesel emissions associated with the construction and maintenance of utility-scale projects release harmful particulates into the air	The impacts of the REO on air quality are analyzed in the associated Draft EIR. The impact of future utility-scale projects requiring a discretionary permit will be analyzed through CEQA. Additionally, DRP is not the primary agency to regulate and monitor air quality.
Generation Tie Lines & Transmission Lines	Generation tie lines should be depicted on site plans for ground-mounted utility-scale projects	The REO requires project infrastructure, such as transmission lines, be shown on site plans. The REO also gives the Director authority to request additional materials, including the depiction of generation-tie lines, when part of a project.

RESPONSE TO COMMENTS MATRIX

ISSUE	COMMENTS	RESPONSES
	<p>The REO should require generation tie lines to be placed underground</p> <p>Transmission lines for small-scale wind energy systems should also be undergrounded</p>	<p>The REO allows for project-specific conditions and mitigation measures to be imposed on projects on a case by case basis, including projects where generation-tie lines are part of the project infrastructure.</p> <p>Requiring the undergrounding of transmission lines for small-scale wind energy systems, which are for on-site use, may impose an unreasonably harsh burden on a property owner and contradict a major objective of the REO, which is to encourage distributed generation</p>
Glare	<p>The condition regarding glare is too vague and imprecise</p>	<p>Glare may be minimized through screening, siting, and maximum reflectance allowed. DRP can propose additional conditions to further minimize glare. The REO requires a glare study for ground-mounted utility-scale projects, which will analyze glare impacts to potential receptors.</p>
	<p>Glare impacts to properties far away from utility-scale projects are not addressed</p>	<p>The required glare study for ground-mounted utility-scale projects will analyze impacts to potential receptors, including those that are further away from the project. DRP can propose suitable conditions and CEQA requires an analysis of glare impacts.</p>
Height	<p>The height limit for ground-mounted utility-scale solar energy facilities should be 12 feet</p>	<p>The height limit for ground-mounted utility-scale solar energy facilities was taken from CCPDA's Model SEF Permit Streamlining Ordinance. A maximum height limit of 12 feet would be too restrictive and does not account for the various positions of solar panels. Furthermore, a lower height limit can be imposed through the CUP process if suitable.</p>
Landscaping	<p>A landscaped contractor registered with the County shall maintain all perimeter fencing landscaping for ground-mounted utility-scale projects</p>	<p>The County Biologist will review the detailed landscaping plan, which is required for ground-mounted utility-scale projects, to determine whether the proposed landscaping will grow and can be maintained. Detailed landscaping plans are typically developed by landscape architects. The landscaped buffer area must be maintained throughout the life of the project and the permittee is responsible for maintaining it.</p>
	<p>Permanent irrigation should be installed and functioning prior to approval and throughout operation for ground-mounted utility-scale projects</p>	<p>Temporary irrigation is required to establish the landscaped buffer area. The landscaped buffer area should require minimal water use and not require permanent irrigation.</p>

RESPONSE TO COMMENTS MATRIX

ISSUE	COMMENTS	RESPONSES
	<p>The REO should require vegetation that will grow fast, be attractive, and provide adequate screening</p>	<p>The REO requires a finding regarding the landscaped buffer area for ground-mounted utility-scale projects, which requires sufficient buffering and ground cover in a timely manner. The REO also includes many specific provisions to accomplish these goals. Non-invasive, drought-tolerant vegetation must be used and the landscaped area must also incorporate a variety of design elements, including hardscape and softscape, appropriate for the surrounding area. A detailed landscaping plan, which the County Biologist will review, will allow DRP to enforce these landscaping provisions.</p>
	<p>The use of recycled water is not suitable for native plants</p>	<p>The REO has been updated to require County Staff Biologist consultation to ensure that recycled water is appropriate for the project.</p>
	<p>Landscaped buffer areas will require a lot of water</p>	<p>The REO requires vegetation in landscaped buffer areas to be drought-tolerant. The detailed landscaping plan must indicate how much water will be used for landscaping. Furthermore, the applicant may propose hardscape elements to provide buffering, which would not require water.</p>
	<p>Native vegetation does not grow very tall and would not provide much screening</p>	<p>The REO emphasizes non-invasive vegetation over native vegetation to allow the applicant to plant taller vegetation that will also grow more quickly. The required finding and detailed landscaping plan will ensure that the proposed landscaped buffer area will provide adequate buffering.</p>
	<p>The landscaped buffer area section does not detail whether its purpose is to provide flat landscaping or actually screening</p>	<p>The provisions and finding emphasize the need for adequate buffering. The planting of flat vegetation alone will not fulfill this requirement and the requirement of a detailed landscaping plan will ensure that this requirement is fulfilled.</p>
Noise	<p>There are no noise requirements for utility-scale wind energy facilities</p>	<p>Utility-scale wind energy facilities are subject to the same noise requirement for small-scale wind energy systems</p>
	<p>The REO does not consider noise impacts to non-residential uses</p>	<p>The REO has been revised to indicate that the noise maximum is measured at the nearest property line instead of the closest existing neighboring inhabited dwelling at the time of approval of the project</p>
	<p>The noise limit of 60 dBA SEL (single event noise level) is too high for rural areas and the use of SEL is not appropriate because wind energy projects produce noise on a continuous basis</p>	<p>DRP conducts regular inspections to ensure that projects are in compliance with the conditions of approval</p>
	<p>The REO should require applicants to submit noise data, require a followup assessment to confirm that noise limits are met, and ensure that permittees will continue to comply with noise limits</p>	<p>DRP conducts regular inspections to ensure that projects are in compliance with the conditions of approval. Permittees must comply with conditions throughout the duration of the grant term.</p>
Ridgelines	<p>There is no ridgeline protection for utility-scale wind energy projects</p>	<p>Utility-scale wind energy facilities are subject to the ridgeline protection requirements for small-scale wind energy systems</p>

RESPONSE TO COMMENTS MATRIX

ISSUE	COMMENTS	RESPONSES
	<p>It is not clear that the ridgeline protection requirements for utility-scale wind energy facilities and small-scale wind energy systems apply to "significant ridgelines" identified in the Acton CSD</p> <p>The setback requirements from significant ridgelines are too small</p> <p>There are no setback requirements from biologically significant ridgelines that are not identified in the General Plan, in an applicable Area of Community Plan, or within an applicable CSD</p> <p>The requirements regarding scenic resources should be the same for the Coastal Zone and desert areas</p> <p>The REO should require visual impacts for utility-scale projects to be eliminated</p> <p>The REO should indicate that small-scale wind energy systems may be completely restricted due to visual impacts</p>	<p>Setbacks are required from any significant ridgelines identified in the General Plan, in an applicable Area or Community Plan, or within an applicable CSD</p> <p>The setback requirements from significant ridgelines were increased</p> <p>The REO has been revised to include a setback requirement from maximum elevations in Hillside Management Areas</p> <p>All projects within the Coastal Zone must comply with the applicable Local Coastal Plan. However, there are no such designations for desert areas within the County.</p> <p>All utility-scale wind energy facilities and ground-mounted utility-scale solar energy facilities will be subject to CEQA, which will analyze visual impacts. It is not feasible for visual impacts to be completely eliminated, but appropriate conditions and mitigation measure can be applied to reduce impacts.</p> <p>All small-scale wind energy systems will require a Minor CUP in zones they are permitted and applications can be denied if the required burden of proof is not met. Small-scale wind energy systems are also subject to CEQA, which will analyze visual impacts.</p>
Setbacks	<p>The setback requirements for ground-mounted utility-scale wind energy facilities needs to be increased to one to two miles</p>	<p>The American Planning Association's Planning Advisory Service provides examples of rural communities with regulations for large wind energy systems. The REO provides setback requirements that are generally more restrictive than those found in this report. Greater setbacks could be required through the permitting process and CEQA.</p>
Time Limit for Temp. MET Towers	<p>The REO should impose a time limit of two years for the operation of temporary meteorological towers</p>	<p>Through the Minor CUP process, the time limit for temporary meteorological towers is established. As each project may have different testing needs, a time limit was not included in the REO. However, staff has noted the recommendation and will incorporate as part of template documents that can be updated on a case by case basis.</p>
Water Quality	<p>The REO should require water testing for discharge to surface water and groundwater available for public view for ground-mounted utility-scale projects</p>	<p>The Regional Water Quality Control Board is responsible for ensuring water quality. DRP is not the primary agency to regulate and monitor water quality.</p>

RESPONSE TO COMMENTS MATRIX

ISSUE	COMMENTS	RESPONSES
Water Use	The REO does not address the enormous quantities of water that are required to operate utility-scale solar energy facilities	All ground-mounted utility-scale projects will be subject to a condition that limits the water use during construction and operation. The permittee will also be required to maintain a daily log that indicates the water use by activity and source, which must be made available to DRP upon demand. A detailed landscaping plan that indicates the proposed water usage to plant and maintain proposed landscaping will be required.
Utility-scale projects	Utility-scale projects should solely rely on the use of recycled water	The REO has been updated to require County Staff Biologist consultation to ensure that recycled water is appropriate for the project.
Wildlife Corridors	Wildlife corridors need to be incorporated into the design of ground-mounted utility-scale projects	All perimeter fencing for ground-mounted utility-scale projects must incorporate small animal-permeable design. Wildlife corridors will also be considered on a case-by-case basis through CEQA as not all ground-mounted utility-scale projects are located near a wildlife corridor.
Permitting		
Application Materials	The applications materials required for ground-mounted utility-scale wind energy facilities are not sufficient Aquatic, riparian, ephemeral, and wetland habitats should be delineated on site plans submitted for ground-mounted utility-scale projects A concrete rather than conceptual dust control plan should be required for ground-mounted utility-scale projects	The REO has been revised to require site plans for ground-mounted wind energy projects to depict wind tower footprints and heights Site plans for ground-mounted utility-scale projects must depict all watercourses. Additionally, all watercourses and associated habitats will be identified and protected through CEQA. A conceptual dust control plan is a draft of the dust control plan and will not be theoretical in nature. It will be made available to the appropriate Air Quality Management District for review and approval. DRP cannot require a final dust control plan because it is not the primary agency regulating air quality. The REO has been revised to require review from the County Fire Department
Consultation	Aviation review should include the evaluation of impacts to aviation fire fighting capabilities	The REO seeks to encourage small-scale and structure-mounted projects. Requiring a CUP would be contrary to this objective
Minor CUP	Ground-mounted small-scale solar energy systems in the O-S and W zones, small-scale wind energy systems, temporary meteorological towers, and structure-mounted utility-scale wind energy facilities should not be eligible for approval through a Minor CUP	
	The noticing requirements for Minor CUPs in the Antelope Valley should at least match the noticing requirements for CUPs	The noticing requirement for small-scale wind energy systems cannot be stricter than the noticing requirement outlined in Government Code Section 65896, which indicates that the notice of an application for installation of a small-scale wind energy system shall be provided to property owners within 300 feet of the property on which the project is to be located

RESPONSE TO COMMENTS MATRIX

ISSUE	COMMENTS	RESPONSES
	<p>The modification of significant ridgeline protection provisions should not be eligible for a Minor CUP</p> <p>Minor CUPs should be able to be appealed to the Board of Supervisors</p>	<p>The current County Code allows for the modification of significant ridgeline protection provisions through a Minor CUP. The REO is not proposing any changes regarding this language.</p> <p>The Minor CUP is intended to require less review than a CUP. Therefore, Minor CUPs can only be appealed to the Commission and no the Board of Supervisors.</p>
Modifications	It is too easy for applicants to modify the development standards	<p>The REO requires a discretionary approval for an otherwise by-right use when lot coverage standards are modified. As part of the discretionary approval, required findings need to be made that include how the modification meets the purpose of the Ordinance to minimize environmental impacts. Discretionary Minor CUPs require a full CUP and full CUPs may request modifications as part of the project. All modifications go through a public hearing process where notice, public hearing and community input are included.</p>
	No exceptions shall be given for topographic or physical features and wind towers higher than 500 feet should not be allowed through a variance	<p>The variance procedure has been established to permit modification of development standards. Eliminating the only procedure to modify the maximum height requirement for utility-scale wind energy facilities may violate due process.</p>

**ATTACHMENT 2: REVISED
APRIL 2015
RENEWABLE ENERGY ORDINANCE**

ORDINANCE NO. _____

An ordinance amending Title 22 . Planning and Zoning . of the Los Angeles County Code related to the establishment or amendment 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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-- %Decommissioning+ 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.

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

22.08.070 G

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

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

22.08.190 S

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-- ~~%Small-scale solar energy system+ 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 system's 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. A small-scale solar energy system shall not use concentrated solar thermal collectors, which use lenses or mirrors to focus or reflect a large area of sunlight onto a small area.~~

-- ~~%Small-scale wind energy system+ 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 system's 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.~~

-- ~~%Solar array+ 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, 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. %Ground-mounted utility-scale solar energy facility+ 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. A ground-mounted utility-scale solar energy facility shall not use concentrated solar thermal collectors, which use lenses or mirrors to focus or reflect a large area of sunlight onto a small area.~~

~~-- Utility-scale solar energy facility, structure-mounted. %Structure-mounted utility-scale solar energy facility+ means a facility affixed to a structure that is separate from the facility's 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. A structure-mounted utility-scale solar energy facility shall not use concentrated solar thermal collectors, which use lenses or mirrors to focus or reflect a large area of sunlight onto a small area.

-- Utility-scale wind energy facility, ground-mounted. %Ground-mounted utility-scale wind energy facility+ 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. %Structure-mounted utility-scale wind energy facility+ means a facility affixed to a structure that is separate from the facility; 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.

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

22.08.230 W

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

~~-- Wind tower 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.~~

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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:

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-- 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, and as may be amended from time to time, and the Los Angeles County Building Code, as amended, in accordance with Part 15 of Chapter 22.52.

SECTION 8. 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:

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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 9. 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:

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-- 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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-- 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, and as may be amended from time to time, and the Los Angeles County Building Code, and as may be amended from time to time, 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 10. 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:

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-- Small family homes, children.

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

SECTION 11. 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:

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

SECTION 12. 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:

ō

-- 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 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 13. 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:

ō

-- Townhouses.

~~-- Utility-scale solar energy facility, structure-mounted, in accordance with~~

Part 15 of Chapter 22.52.

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

22.20.270 Accessory Uses.

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

22.52.

SECTION 15. 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:

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

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

ō

-- 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 16. 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:

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-- Townhouses.

-- Utility-scale solar energy facility, structure-mounted, in accordance with

Part 15 of Chapter 22.52.

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

22.20.350 Accessory Uses.

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

22.52.

SECTION 18. 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:

ō

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

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

Chapter 22.52.

ō

-- 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. 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:

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-- Small family homes, children.

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

SECTION 20. Section 22.20.420 is hereby amended to read as follows:

22.20.420 Accessory Uses.

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

SECTION 21. 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:

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

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

Chapter 22.52.

ō

-- 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.~~

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SECTION 22. 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:

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-- Small family homes, children.

-- Utility-scale solar energy facility, structure-mounted, in accordance

with Part 15 of Chapter 22.52.

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SECTION 23. 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:

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

22.52.

SECTION 24. 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:

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

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

Chapter 22.52.

ō

-- Telephone repeater stations.

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

o

-- 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.

o

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:

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

SECTION 25. 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:

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D. The following additional uses:

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-- 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.

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SECTION 26. 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:

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

SECTION 27. 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:

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

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

õ

-- Telephone repeater stations.

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

õ

-- 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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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:

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

SECTION 28. 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.

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-- Stations . Bus, railroad, and taxi.

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

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SECTION 29. 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:

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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 30. 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:

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

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

õ

-- Telephone repeater stations.

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

õ

-- 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 31. 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:

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2. Services.

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-- Union halls.

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

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SECTION 32. 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:

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B. The following additional 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.

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SECTION 33. 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:

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-- 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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-- 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.

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-- 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 34. 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:

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2. Services.

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-- Union halls.

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

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SECTION 35. 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:

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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 36. 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:

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

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

Chapter 22.52.

õ

-- 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.

õ

-- 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. 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:

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2. Services.

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- Union halls.

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

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SECTION 38. 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:

ō

C. The following additional accessory uses:

ō

-- 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 39. 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:

ō

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

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

Chapter 22.52.

ō

-- Tattoo parlor.

-- Temporary meteorological tower, in accordance with Part 15 of

Chapter 22.52.

ō

-- 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. 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:

õ

2. Services.

õ

-- Union halls.

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

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SECTION 41. Section 22.28.~~090~~240 is hereby amended to read as follows:

22.28.240 Accessory Uses.

Premises in Zone C-M may be used for:

õ

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. 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:

ō

-- Skating rinks, ice or roller.

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

ō

-- Tattoo parlor.

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

ō

-- 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.

ō

SECTION 43. 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.

ō

-- Tourist information centers.

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

ō

SECTION 44. 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:

ō

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

SECTION 45. 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:

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

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

Chapter 22.52.

ō

-- 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.

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SECTION 46. 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:

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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 47. 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.

ō

-- 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. 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. 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:

ō

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 50. 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 51. 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.

o

-- Tourist information centers.

-- Utility-scale solar energy facility, structure-mounted, in

accordance with Part 15 of Chapter 22.52.

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SECTION 52. 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.

o

SECTION 53. 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.

ō

-- 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. 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. 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. 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. 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:

ō

-- 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. 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.

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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 59. Section 22.44.127 is hereby amended to read as follows:

22.44.127 Altadena Community Standards District.

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C. Community-wide Development Standards.

õ

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 ~~conversion~~ systems.

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SECTION 60. 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.

õ

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.

o

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

22.44.143 Elizabeth Lake and Lake Hughes Community Standards

District.

o

D. Community-Wide Development Standards.

o

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.

o

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 ~~conversion~~-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. Section 22.44.144 is hereby amended to read as follows:

22.44.144 San Francisquito Canyon Community Standards

District.

o

D. Community-wide Development Standards.

o

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.** Part 15 of Chapter 22.52 is hereby repealed in its entirety.~~

SECTION 634. Part 15 of Chapter 22.52 is hereby ~~added~~ amended to read as follows:

PART 15

~~NON-COMMERCIAL WIND ENERGY CONVERSION SYSTEMS AND TEMPORARY
METEOROLOGICAL TOWERS~~
RENEWABLE ENERGY

SECTIONS:

- 22.52.1600 Purpose.
- 22.52.1605 Applicability.
- 22.52.1610 DefinitionsApplication Materials.
- 22.52.1615 Standards for Small-Scale Solar Energy Systems.
- 22.52.1620 ~~Development~~ Standards for Utility-Scale Solar Energy Facilities.
- 22.52.1625 Standards for Temporary Meteorological Towers.
- 22.52.1630 ~~Director's Review . Temporary meteorological towers (Temp Met Towers)~~ Standards for Small-Scale Wind Energy Systems.
- 22.52.1635 Standards for Utility-Scale Wind Energy Facilities.
- 22.52.1640 ~~Conditional use permit . Non-commercial wind energy conversion system (WECS-N)~~ Modifications.
- 22.52.1645 Uses Subject to Permits . Minor Conditional Use Permit.
- 22.52.1650 Uses Subject to Permits . Aviation Review.
- 22.52.1655 Uses Subject to Permits . Findings.
- 22.52.1660 Uses Subject to Permits . Conditions of Approval.
- 22.52.1665 Enforcement Procedures.
- 22.52.1600 Purpose.**

~~The purpose of Part 15 is to provide a uniform and comprehensive set of standards, conditions, and procedures for the placement of non-commercial wind energy conversion systems (WECS-N) and temporary meteorological towers (Temp Met Towers) on agriculturally and residentially zoned lots in unincorporated areas of Los Angeles County to encourage the generation of electricity for on-site use, thereby reducing the consumption of electrical power supplied by utility companies. It is the intent of these regulations to assure that such facilities are designed and located in a manner that minimizes visual and safety impacts on the surrounding community, while reducing significant regulatory barriers to the construction of WECS-N and Temp Met Towers. The provisions of this Part 15 shall not apply to WECS-N and Temp Met Towers that were lawfully established prior to the effective date of the ordinance codified in Part 15.~~

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 as follows: 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.

1. For a small-scale solar energy system or small-scale wind energy system, 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.

2. For a utility-scale solar energy facility, utility-scale wind energy facility, or temporary meteorological tower, where a provision of the zone or supplemental district regulates the same matter as this Part 15, the more restrictive provision shall apply, except for wind tower height, height for structure-mounted facilities, and perimeter fence height, as established in this Part 15.

C. Exemption. The provisions of this Part 15 shall not apply to:

1. The provisions of this Part 15 shall not apply to aAny 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 legally established or permitted prior to the effective date of the ordinance establishing this Part 15.

2. Those provisions preempted by regulation under the jurisdiction of the California Public Utilities Commission.

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. The provisions of this Part 15 shall apply to:

1. Any modification(s) that would substantially increase the physical size, height, or footprint of a previously approved legally established or permitted small-scale solar energy system, small-scale wind energy system, utility-scale solar energy facility, utility-scale wind energy facility, or temporary meteorological tower;

2. Any modification(s) that would substantially change the type of equipment used by the previously approved legally established or permitted 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 Definitions Application Materials.

~~As used in Part 15, the following definitions shall apply:~~

~~A. Guy wires. Wire or cable used in tension to support a tower.~~

~~B. Tower. The vertical component of a WECS-N that elevates the wind turbine generator and attached blades above the ground, or the vertical component of a Temp Met Tower that elevates the wind measuring devices above the ground.~~

~~C. Wind Turbine Generator. The component of a WECS-N that transforms mechanical energy from the wind into electrical energy.~~

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

1. All materials and information ~~required by~~ as listed in Section 22.56.1680;

2. A site plan that in addition to the features ~~required by~~ as listed in 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, displaying various angles illustrative 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 22.52.4650~~1650~~1655;

2. A minimum of six ~~different~~ color photographs, displaying various angles illustrative 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, ground-mounted. 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, if any,
- viii. ~~Required lighting, if any,~~
- 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~~for planting and maintaining proposed landscaping,

iv. Proposed timing and phasing of proposed landscaping.

c. ~~Draft e~~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 g~~Ground-mounted temporary meteorological towers additionally depicts:

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

(B) ~~Guy wires and e~~Climbing apparatus, if any;

b. An elevation plan 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. ~~A site plan that in addition to the materials~~ features required by subsection A.7 of Section 22.56.030, ~~a site plan that~~ depicts:

i. FAA-required safety lights, if any,

ii. Manual and automatic wind tower blade overspeed controls,

iii. For ~~g~~Ground-mounted small-scale wind energy systems, additionally depicts:

(A) Required aviation-related paint markings, if any,

(B) Climbing apparatus, if any,

(C) Blade clearance from the finished grade and required signage, if any;

b. An elevation plan 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. ~~A site plan that in addition to the materials features required by subsection A.7 of Section 22.56.030, a site plan that depicts:~~

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

b.ii. Manual and automatic wind tower blade overspeed controls,

c. Wind tower footprint and height,

d.iii. ~~For s~~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 additionally depicts wind tower setbacks from the perimeter of a roof,

eiv. For ~~g~~Ground-mounted utility-scale wind energy facilities. A site plan that, in addition to the ~~materials~~ features required by subsection B.4 of this Section, ~~a site plan that additionally~~ depicts:

i(A). Climbing apparatus, if any,

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

iii(C). Blade clearance from the finished grade,

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

v(G). 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 and County requirements. A small-scale solar energy system shall be in conformance with the California Solar Rights Act (California Civil Code Sections 714 et seq. and as may be amended from time to time), ~~and~~ the California Solar Shade Control Act (California Public Resources Code Sections 25980-~~25986~~ et seq. and as may be amended from time to time), and any other applicable State or County Code requirements.

B. 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.

BC. 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 solar or wind~~ 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 Development Standards for Utility-Scale Solar Energy Facilities.

~~WECS-N and Temp Met Towers shall be subject to all applicable regulations of the zone in which they are proposed, except that the following standards shall take precedence over regulations of the zone to the extent that they differ from the regulations of the zone.~~

~~A. The following shall be deemed to be conditions of approval of every Temp Met Tower and every WECS-N unless specifically modified pursuant to Section 22.52.1640.~~

1. ~~Minimum lot size. The minimum lot or parcel size shall be 0.5 acres.~~

2. ~~Maximum tower height. Tower height shall be measured from the ground to the top of the tower, excluding the wind turbine generator, blades, and wind-measuring devices, as applicable.~~

a. ~~The tower shall not exceed a height of 35 feet above grade for lots or parcels less than one acre in size.~~

~~b. The tower shall not exceed a height of 65 feet above grade for lots or parcels from one acre to less than two acres in size.~~

~~c. The tower shall not exceed a height of 85 feet above grade for lots or parcels two acres or greater in size.~~

~~3. Location.~~

~~a. The minimum distance between a WECS-N or Temp Met Tower, excluding guy wires and their anchors, and any property line or road right-of-way, shall be the distance which is the equivalent to the height of the facility, including any wind turbine generator, wind-measuring devices, and the highest vertical extent of any blades, provided that the required distance shall also comply with any applicable fire setback requirements pursuant to section 4290 of the Public Resources Code.~~

~~b. No part of a WECS-N or Temp Met Tower shall be located within or over drainage, utility, or other established easements, or on or over property lines.~~

~~c. Safe clearance shall be provided between a WECS-N or Temp Met Tower and all structures and trees.~~

~~4. Design. A WECS-N or Temp Met Tower must be designed and constructed in accordance with the following:~~

~~a. Colors. The colors used in the construction materials or finished surface shall be muted and visually compatible with surrounding development.~~

~~b. Lighting. A safety light that meets FAA standards shall be required for all facilities exceeding 50 feet in height, including any wind turbine generator, wind-measuring devices, and the highest vertical extent of any blades. A~~

~~safety light may also be required on shorter towers. All required lights shall be shielded from adjacent properties, and no other lights shall be placed upon the tower.~~

~~c. Climbing Apparatus. All climbing apparatus must be located at least 12 feet above the ground, and the tower must be designed to prevent climbing within the first 12 feet.~~

~~5. Signs. One sign, limited to 18 inches in length and one foot in height, shall be posted at the base of the tower; the sign shall include a notice of no trespassing, a warning of high voltage, and the phone number of the property owner to call in the event of an emergency.~~

~~6. Compliance with aviation safety standards. The director shall distribute copies of the proposed site plan, elevation plan, and location map to aviation-related regulatory agencies and facilities with flight operations in the vicinity, as determined by the director, such as the Federal Aviation Administration (FAA), County Forester and Fire Warden, County Sheriff, Edwards Air Force Base, and Air Force Plant 42, as applicable. Any comments received within 30 days of distribution will be considered in establishing conditions, as appropriate.~~

~~7. Displacement of parking prohibited. The location of a WECS-N or Temp Met Tower shall not result in the displacement of required parking as specified in Part 11 of Chapter 22.52.~~

~~8. Maintenance. Facilities shall be maintained in operational condition that poses no potential safety hazards.~~

~~9. Removal. Within six (6) months after the operation of a WECS-N or Temp Met Tower has ceased or the permit therefor has expired, whichever occurs first,~~

~~the permittee shall remove the facility, clear the site of all equipment, and restore the site as nearly as practicable to its condition prior to the installation of the facility. Failure to remove such facility as required above shall constitute a public nuisance. Prior to installation of any such facility, the permittee shall post a performance security, satisfactory to the director of public works, in an amount and form sufficient to cover the cost of the removal of the facility as provided herein. In the event the facility is not so removed within 90 days after the permittee's receipt of notice requiring removal, the county may itself cause the facility to be removed, and the permittee shall be required to pay the county's costs of removal.~~

~~B. In addition to the development standards specified in subsection A of this section, the following standards shall be deemed to be conditions of approval of every WECS-N, unless specifically modified pursuant to Section 22.52.1640.~~

~~1. Clearance of blade above ground level. No portion of a WECS-N blade shall extend within 20 feet of the ground.~~

~~2. Automatic overspeed controls. A WECS-N shall be equipped with manual and automatic overspeed controls to limit the blade rotation speed to within the design limits of the WECS-N.~~

~~3. Safety Wires. Safety wires shall be installed on the turnbuckles on guy wires of guyed towers.~~

~~4. Noise. Noise from a WECS-N shall not exceed 60 dBA SEL (single event noise level), as measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe windstorms.~~

~~5. Visual Effects.~~

~~a. No WECS-N shall be placed or constructed in such a way that it silhouettes against the skyline above any major ridgeline when viewed from any designated major, secondary, or limited secondary highway on the County Highway Plan, from any designated scenic highway, or from any significantly inhabited area, as determined by the director. As used in Part 15, major ridgeline shall mean any ridgeline that surrounds or visually dominates the landscape, as determined by the director, due to its:~~

~~i. Size in relation to the hillside or mountain terrain of which it is a part;~~

~~ii. Silhouetting appearance against the sky, or appearance as a significant natural backdrop;~~

~~iii. Proximity to and visibility from existing development or major transportation corridors; or~~

~~iv. Significance as an ecological, historical or cultural resources, including a ridgeline that provides a natural buffer between communities or is part of a park or trails system.~~

~~b. The top of a WECS-N, including the wind turbine generator and the highest vertical extent of the blades, shall be located at least 25 vertical feet below the top of any adjacent major ridgeline, and a WECS-N shall be located at least 100 horizontal feet from any adjacent major ridgeline.~~

~~c. Any WECS-N that is placed within the viewshed of a designated Major, Secondary, Limited Secondary, or Scenic Highway shall be assessed~~

for its visual effects, and appropriate conditions relating to siting, buffers, and design of the facility shall be applied.

d. ~~The placement of a WECS-N shall not obstruct views of the ocean from any residence or highway, and shall otherwise conform to the policies and standards of any applicable Local Coastal Plan.~~

6. ~~Restriction on use of electricity generated by a WECS-N. A WECS-N shall be used exclusively to supply electrical power for on-site consumption, except that when a parcel on which a WECS-N is installed also receives 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.~~

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 additional 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. ~~If mounted to a building,~~ 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 additional standards:

1. Coastal Zone. Within the Coastal Zone, the placement of any utility-scale solar energy facility shall comply with the applicable Local Coastal Plan.

2. Fencing. Fencing shall be required around the perimeter of the project facility. 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. ~~NO~~ Opaque and 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~~ Facility perimeter fencing shall incorporate small animal-permeable design, unless otherwise modified by the Hearing Officer.

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

4. 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.

5. 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.

6. 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.

7. 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 ~~information~~. No other signs shall be ~~installed for~~ posted at the facility other than safety, directional, and required warning signs as outlined in Part 10 of Section 22.52.

22.52.1625 Standards for Temporary Meteorological Towers.

A. Conformance with State and County Requirements. Temporary meteorological towers shall be in compliance with Government Code sections 65893 through 65899 as may be amended from time to time, and any other applicable State and County requirements.

AB. 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.~~ Wind tower lighting shall be prohibited unless required by the Federal Aviation Administration or other applicable law. 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**



BC. ~~Structure-mounted.~~ ~~Structure-mounted temporary meteorological towers shall be subject to the additional standard that 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.~~

CD. Ground-mounted. Ground-mounted temporary meteorological towers shall be subject to the following additional 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. Impact to birds and bats. The use of guy wires shall be prohibited for all ground-mounted temporary meteorological towers.

34. Location Setback. The minimum setback for a wind tower shall be as depicted in Table 22.52.1625-A. The required distance shall also, unless a greater setback is necessary to 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	1,000 feet

Routes as identified in the General Plan, or applicable Area or Community Plan, <u>or</u> <u>applicable CSD</u>	
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45. 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.

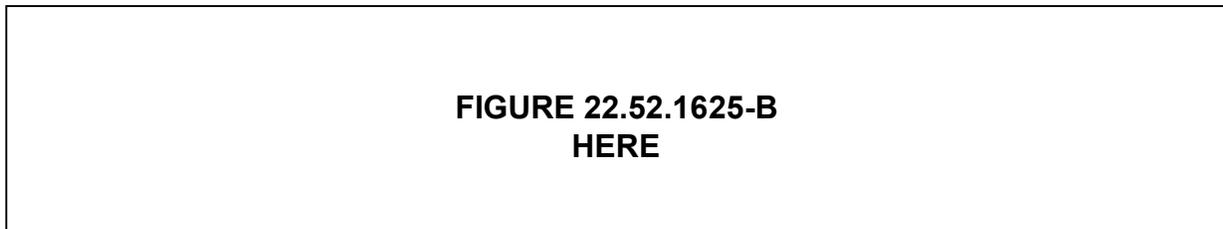
56. Maximum wind tower height. The maximum wind tower height shall not exceed the height limit as depicted in Figure 22.52.1625-B below:

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



**22.52.1630 ~~Director's Review – Temporary meteorological towers~~
(Temp Met Towers) Standards for Small-Scale Wind Energy Systems.**

~~A. Applicability. The provisions of Part 12 of Chapter 22.56 shall apply to an application for a director's review of a Temp Met Tower, except as may be modified by Part 15.~~

~~B. Application . Filing information and documents required. In addition to the information, documents, and fee specified in Section 22.56.1680, an application for director's review of a Temp Met Tower shall include:~~

~~1. Drawings to scale of the structure, including the tower, base, wind-measuring devices, footings, and guy wires, if any.~~

~~2. Six copies of the proposed site plan, elevation plan, and location map depicting the project location on USGS topographic sheets. Additional copies of these materials may be required by the director. On each set of the required site plan and elevation plan, the applicant shall depict the type and location of any safety lights and energy storage devices.~~

~~C. Approval by Director. The director shall approve an application for a director's review of a Temp Met Tower where the director makes the findings required by Section 22.56.1690 and also finds that the proposed project complies with all of the development standards for Temp Met Towers specified in Section 22.52.1620.~~

~~D. Conditions of Approval. In approving an application for director's review of a Temp Met Tower, the director shall impose as conditions all applicable development standards specified in Section 22.52.1620 and any additional conditions the director determines to be necessary to insure that such use will be in accord with the findings specified in subsection C.~~

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. Coastal Zone. Within the Coastal Zone, the placement of any small-scale wind energy system shall comply with the applicable Local Coastal Plan.

3. Significant ridgelines. The highest point of a small-scale wind energy system shall be located at least 50 vertical feet and 300 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~~ 22.08.080, located within a 500-foot radius of any proposed small-scale wind energy system ~~which rises over~~ where the system exceeds 50 vertical feet in elevation as measured from the ~~start of the~~ base of the slope where it equals or exceeds 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. ~~¶~~Structure-mounted small-scale wind energy systems shall be subject to the additional standard that 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.~~ Ground-mounted small-scale wind energy systems shall be subject to the additional standards:

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. 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.~~

eb. ~~Setbacks Buffers.~~ The following ~~setback requirements~~ buffers shall apply to reduce impacts to birds and bats:

i. No part of the ~~ground-mounted~~ 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 ground-mounted 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 County's 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 additional 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. ~~If mounted to a building,~~ 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 additional 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. ~~NO~~opaque and non-opaque fences may be permitted.

b. Fencing up to eight feet in height ~~may be~~ is 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~~ Facility 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.~~

cb. ~~Setbacks~~ Buffers. The following ~~setback requirements~~ buffers 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. In addition to Part 9 of Chapter 22.42, for facilities within the Rural Outdoor Lighting District, light-sensor or motion-sensor lighting is shall be 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 Setback. The minimum distance and safe clearances setback for a utility-scale wind energy facility shall be as depicted in Table 22.52.1635-A. The required distance shall also unless a greater setback is required to 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, <u>Scenic Highways</u> and Scenic Routes as identified in the General Plan, or in <u>an applicable Area or Community Plan or applicable CSD</u>	2 x tallest wind tower height
Railway	2 x tallest wind tower height

8. Maxium 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 ~~Conditional use permit – Non-commercial wind energy conversion system (WECS-N) Modifications.~~

~~A. Applicability. The provisions of Part 1 of Chapter 22.56 shall apply to an application for a conditional use permit for a WECS-N, except as may be modified by this Part 15.~~

~~B. Application . Filing information and documents required. An application for a conditional use permit for a WECS-N shall contain the following:~~

~~1. The information and documents specified in subsection A of Section 22.56.030, including ownership information, mailing labels, and land use maps as specified, except that the applicable radius for the maps and list specified in subsections A.10.a, b, and c shall be 300 feet.~~

~~2. Drawings to scale of the structure, including the tower, base, wind turbine generator, blades, footings, guy wires, and associated equipment.~~

~~3. Six copies of the proposed site plan, elevation plan, and location map depicting the project location on USGS topographic sheets. Additional copies of these materials may be required by the director. On each set of the required site plan and elevation plan, the applicant shall depict the type and location of any safety lights and energy storage devices.~~

~~4. Evidence satisfactory to the director that the proposed wind turbine generator meets the following standards:~~

~~a. The wind turbine generator is certified by a qualified, licensed engineer as meeting the requirements of wind turbine-specific safety and/or performance standards adopted by a national or international standards-setting body, including, but not limited to IEC (International Electric Code) standard 61400-2.~~

~~b. The wind turbine generator has a manufacturer's warranty with at least five years remaining from the date the application is filed.~~

~~c. The model of equipment proposed has a documented record of at least one year of reliable operation at a site with average wind speeds of at least 12 mph.~~

~~5. Where modification of any development standard specified in Section 22.52.1620 is requested, the applicant shall identify the requested modifications and substantiate to the satisfaction of the hearing officer that strict compliance with all required development standards would substantially and unreasonably interfere with~~

~~establishment of the proposed WECS-N on the subject property and the requested modifications would not be contrary to the intent and purpose of Part 15.~~

~~C. Findings. In approving an application for a conditional use permit for a WECS-N, the hearing officer shall make the following findings:~~

~~1. The findings specified in Section 22.56.090~~

~~2. That the proposed use complies with all applicable development standards specified in Section 22.52.1620, unless specifically modified as provided herein.~~

~~3. If the hearing officer modifies any development standard specified in Section 22.52.1620 at the request of the applicant, that the applicant has substantiated to the satisfaction of the hearing officer that strict compliance with all of the required development standards would substantially and unreasonably interfere with the establishment of any proposed WECS-N on the subject property, and the requested modifications would not be contrary to the intent and purpose of Part 15.~~

~~D. Conditions. In approving an application for a conditional use permit for a WECS-N, the hearing officer:~~

~~1. Shall impose as conditions all of the applicable development standards specified in Section 22.52.1620, unless specifically modified as provided herein;~~

~~2. May impose any additional conditions deemed necessary to insure that such use will be in accord with the findings specified in subsection C.~~

~~E. Appeal. Any person dissatisfied with the action of the hearing officer may file an appeal of such action with the commission within the time period set forth in, and subject to all 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 decision and shall not be subject to further administrative appeal.~~

A. When a site plan review is otherwise 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 findings required by Section 22.52.4650/1655, 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 22.52.4650/1655 and Part 1 of Chapter 22.56.

C. ~~A~~When a ground-mounted small-scale solar energy system ~~that~~ exceeds the maximum lot coverage ~~required~~ established under subsection B.2 of Section

22.56.1615, requires and requests approval of a Minor Conditional Use Permit pursuant to Part 1 of Chapter 22.56, and is the system shall be subject to the development standards specified in subsections A and C.1 of Section 22.52.1615 and A.2 and C.75 of Section 22.52.1620 and conditions specified in subsections A.2.d and A.2.g of Section 22.52.1655.1660.

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 – Minor Conditional Use Permit.

For any use subject to a permit, a Minor Conditional Use Permit may filed pursuant to Section 22.56.085.

22.52.16450 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 use 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 . 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; ~~and~~

5. Uses, such as utility-scale solar and wind energy facilities, that may affect aviation fire fighting operations.

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

22.52.16550 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~~ use 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 use 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 facility 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 use penetrates the lower floor elevation of any MIOA, that the military operator of that MIOA has determined that the proposed development use is not detrimental to the function of that MIOA and would not pose a health or safety hazard to military personnel or the public.

22.52.165560 Uses Subject to Permits – Conditions of Approval.

If a Minor Conditional Use Permit or Conditional Use Permit is required, In addition to the provisions of Section 22.56.100, 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 by the permittee 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 ceases operation 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 abandoned. Upon written notice from the Department Director to the permittee advising of the discontinued abandoned use, the use shall be renewed or removed from the site property within the time period specified below:

(A) Within six months after the written notice of discontinued use abandonment is sent mailed to the permittee, the permittee shall commence decommissioning of the use shall commence in accordance with the decommissioning plan, unless renewal is granted pursuant to subsection B of this Section.

(B) Within the six months after written notice of abandonment is mailed to the permittee period specified by subsection d.i above, the permittee may provide the Department Director 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 facility 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 within the time frames specified in the permit conditions.

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~~ permit conditions.

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

d. Scenic resources. Any utility-scale solar energy facility 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,~~ or Community Standards District shall be analyzed for any associated negative impacts,

including but not limited to visual impacts. Appropriate conditions relating to siting, buffering, height, and design of the facility may be imposed to minimize significant effects on the viewshed.

e. 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, and the following additional conditions shall apply.

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~~ property. 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 consistent with application materials required under Section 22.52.1610 shall depict the extent of grading and/or 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 by the permittee 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 by the permittee if determined by the Department and Department of Public Works applicable agencies to be suitable methods to adequately control dust in a safe manner during construction, operations, and removal and restoration activities.

(B) Vegetation. Work where the facility components are being installed in areas within the existing vegetation, where the facility components are being proposed shall be conducted with minimal disturbance, and the operator permittee 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~~ ~~permittee~~ 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~~ ~~facility~~ shall be permanently stabilized with an earth-stabilizing product or other measure that is acceptable to the ~~Department and Departments of Public Works, Regional Planning, and Public Health~~ to prevent fugitive dust.

f. 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~~ A.2.d of this Section to ensure dust control and minimal soil erosion.

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

h. Water use.

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

iii. The ~~project~~ facility shall use piped recycled water if it is available from the public right-of-way within one mile from the ~~project site~~ property at fair market value and suitable for use, and if deemed appropriate by the staff biologist. If such piped recycled water does not meet all of the ~~facility's~~ water demand, the ~~project~~ facility shall use piped potable water to supplement piped recycled water if it is available from the public right-of-way within one mile from the ~~project site~~ property 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~~ property used for the following, which includes, but is not limited to: construction, operation, maintenance, landscaping, and irrigation, ~~and maintenance~~. The permittee shall complete the record of monthly water usage by source within five working days following the conclusion of each calendar 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. 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, or Community Standards District shall be analyzed for any associated negative impacts, including but not limited

to visual impacts. Appropriate conditions relating to siting, buffering, 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 a 10~~ feet foot radius 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. ~~In addition to the conditions of approval required under subsections B and C of this section, shall also apply to utility-scale wind energy facilities and subsections A.2.a, b, d, e and f of this Section shall also~~ apply to ground-mounted utility-scale wind energy facilities.

22.52.1665 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~~ permittee to enforcement actions pursuant to Section 22.60.390, ~~and~~ In addition, the non-compliant permittee may be subject 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 645. 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 656. 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 667. 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 678. Section 22.56.070030 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 689. 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 6970. 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 solar energy facility, structure-mounted, in the Single-Family Residence zone, except for small residential rooftop solar energy system, as defined and regulated by Government Code Section 65850.5, as may be amended from time to time, and the Los Angeles County Building Code, as may be amended from time to time, 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 ~~director~~~~s~~ ~~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.~~

~~DC.~~ 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.

~~ED. The director shall notify the applicant and any persons who filed a timely request for a hearing of his decision. Any appeal from the director's decision shall be filed with the hearing officer within 14 days following the date on the notice of director's 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 704. 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 712. 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.

**ATTACHMENT 3: REVISED APRIL
2015 ORDINANCE CHANGES MATRIX**

REVISED APRIL 2015 ORDINANCE MATRIX

Page(s)	Reference	Revisions
2-4	Sections 4 and 5	The definitions of "small-scale solar energy system", "solar array", "utility-scale solar energy facility, ground-mounted", and "utility-scale solar energy system, structure-mounted" were revised to more clearly prohibit concentrated solar energy collectors
42	Subsection B of Section 22.52.1605	The language was revised to clarify that where a provision of the zone or supplemental district regulates the same matter as the REO, the provision of the REO shall apply for small-scale projects and the more restrictive provision shall apply (except for wind tower height, height for structure-mounted facilities, and perimeter fence height) for utility-scale projects and temporary meteorological towers
42	Subsection C.2 of Section 22.52.1605	Language was added to clarify that the provisions of the REO that are preempted by regulation under the California Public Utilities Commission shall not apply
47	Subsection B.7 of Section 22.52.1610	A site plan for a utility-scale wind energy facility must now depict wind tower footprint and height
57	Subsection B.1 of Section 22.52.1625	The language was revised to clarify that lights on wind towers are prohibited unless required by the Federal Aviation Administration
58	Subsection D.3 of Section 22.52.1625	Guy wires are now prohibited for temporary meteorological towers, small-scale wind energy systems, and utility-scale wind energy facilities
59	Subsection D.4 of Section 22.52.1625	Table 22.52.1625-A was revised to clarify that
67	Subsection C.7 of Section 22.52.1635	Table 22.52.1635-A was revised to clarify that
73	Subsection A.5 of Section 22.52.1650	Language was added to clarify that consultation review for uses subject to permits shall consider uses that may affect aviation fire fighting operations
77	Subsection A.2 of Section 22.52.1660	The language was revised to clarify that utility-scale projects placed within the viewshed of a Scenic Drive, Scenic Highway or Scenic Route identified in an applicable Community Standards District shall also be analyzed for any associated negative impacts
80	Subsection A.2 of Section 22.52.1660	The language was revised to clarify that the use of piped recycled water shall be required if it also is deemed appropriate by the staff biologist because recycled water may not be suitable for all types of landscaping
N/A	N/A	Various revisions were made to clarify that the REO is amending and not replacing the existing Part 15 of Title 22
N/A	N/A	Various edits, formatting changes, and revisions to provide further clarification were made throughout the REO

**ATTACHMENT 4: ADDITIONAL
CORRESPONDENCE**

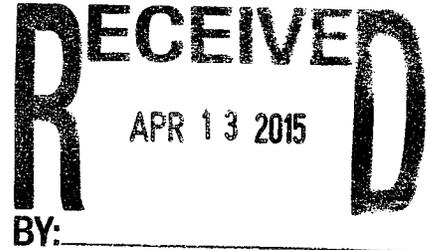
Los Angeles  Department of Water & Power

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MARCIE L. EDWARDS
General Manager

April 6, 2015



Mr. Jay Lee
Department of Regional Planning
Los Angeles County
320 West Temple Street, Room 1354
Los Angeles, CA 90012

Subject: Los Angeles County Renewable Energy Ordinance Draft Environmental
Impact Report (DEIR)

The Los Angeles Department of Water and Power (LADWP) appreciates the opportunity to provide comments on the Los Angeles County Renewable Energy Ordinance DEIR. The mission of the LADWP is to provide clean, reliable water and power to the City of Los Angeles. To do so, the LADWP owns land throughout the City of Los Angeles and beyond. The LADWP would like to provide comments on the DEIR regarding issues related to undergrounding transmission lines, a requirement of the aforementioned ordinance.

Barren Ridge Renewable Transmission Project

The LADWP is in the process of building the 60-mile long Barren Ridge Renewable Transmission Project (BR RTP) which includes a double circuit 230kV transmission lines between the newly upgraded Barren Ridge Switching Station (BRSS) in Kern County, to new Haskell Canyon Switching Station (HCSS) in LA County. To take advantage of this new transmission project, a conceptual plan to provide two (2) additional regional switching stations (hubs) which would provide 230kV Points of Interconnections to developers building new renewable projects along this corridor near those regions. One

Los Angeles Aqueduct Centennial Celebrating 100 Years of Water 1913-2013

111 N. Hope Street, Los Angeles, California 90012-2607 Mailing address: Box 51111, Los Angeles, CA 90051-5700
Telephone: (213) 367-4211 www.LADWP.com

hub would be located in Kern County and the other in LA County equidistantly separated approximately 20 miles apart from each other and between the BRSS and HCSS.

These switching station hubs are proposed to accommodate multiple renewable project's interconnection at each site, to the LADWP 230kV transmission grid along this corridor. The proposed LA County Renewable Energy Ordinance would require developer's generation tie lines to the LA County hub be undergrounded at a much greater expense versus overhead construction. This would indirectly affect the LADWP in that these projects' Interconnection Customer (IC) costs would be prohibitively expensive, costs of which would eventually be passed onto the LADWP if a Power Purchase Agreement (PPA) is executed with said IC. If interconnection costs and PPA terms are unfavorable, then the LADWP would not enter into such agreements, thus discouraging development of these renewable projects.

If few or no developers build near the vicinity of the proposed LA County switching station hub as a result of inordinately high IC generation tie line costs, the LADWP may then decide to relocate the LA County hub to the Kern County area to avoid this undergrounding regulatory requirement. However, the effect of that is then the two planned hubs would be unacceptably close (within 10 miles of each other) to each other, thus the LADWP may then subsequently cancel the second hub. This may have the effect of requesting developers to build much longer transmission interconnection generation tie lines to a singular hub located in Kern County and again would also request that developers in LA County build longer generation tie lines thereby further discouraging renewable development.

In summary, any proposed LADWP plan to build an interconnecting switching station hub in LA County may be cancelled as a result of this LA County proposed ordinance requiring undergrounding of transmission generation tie lines for renewable projects.

Reliability

Undergrounding transmission lines raises a number of technical concerns, which affect reliability. Additionally, underground transmission lines require more maintenance than overhead transmission lines, and cannot be inspected as easily.

Flexibility

The LADWP feels that undergrounding of transmission lines should be a requirement on a project by project basis. There may be some instances where undergrounding is feasible and beneficial to the community and the environment. However, as mentioned above in our discussion about the BR RTP, this is not the case for all projects.

Other Environmental Impacts

The DEIR fails to properly analyze the potential impacts that would result from undergrounding transmission lines. While the requirement to underground transmission lines mitigates visual impacts, the negative impacts outweigh the benefits. For instance, undergrounding would require more ground disturbance than the construction of overhead transmission lines, which would result in more impacts to archaeological, cultural, and biological resources.

Thank you again, for this opportunity to review and comment on the Los Angeles County Renewable Energy Ordinance Draft Environmental Impact Report. Please direct all questions and concerns regarding these matters to Ms. Stephanie Eatinger of my staff at (213) 367-0968 or at Stephanie.Eatinger@ladwp.com.

Sincerely,



Charles C. Holloway
Manager of Environmental Planning and Assessment

SE:mg
c: Ms. Stephanie E. Eatinger



April 13, 2015

Mr. Richard Bruckner
Director of Planning
Los Angeles County Department of Regional Planning
320 W Temple Street, 13th Floor
Los Angeles CA 90012

RE: Los Angeles County Renewable Energy Ordinance

Dear Richard,

It was a pleasure seeing you at the Planning Commission meeting last week where the Conditional Use Permit (CUP) for our proposed grading activities was discussed. As you know, Land Veritas owns two large properties in Los Angeles County where it is processing an environmental mitigation bank: a 317-acre site adjacent to Elizabeth Lake and the 3,852-acre Petersen Ranch, collectively the Petersen Ranch Mitigation Bank ("Bank"). Attached is a flyer describing the Bank; it will be the first full service mitigation bank in Los Angeles County upon its approval in mid-2015, providing mitigation for impacts to waters of the US and State as well as a wide range of endangered species and habitats. Bank approval requires review by US Army Corps of Engineers, CA Department of Fish and Game, Environmental Protection Agency and the Regional Water Quality Control Board. A CUP from Los Angeles County is required due to the site grading activities associated with the Bank. Consumers of mitigation and conservation credits generated at the Bank include utility-scale renewable energy developments in the Antelope Valley.

Mitigation banks provide superior environmental protection over other forms of mitigation because they are landscape scale and require a recorded conservation easement, fully funded perpetual endowment, long term management and maintenance plans and professional oversight. Further, for applicants the procurement of mitigation from a bank is a one-stop solution that avoids temporal loss and permitting delays, per the attached comparison of applicant-sponsored mitigation versus the purchase of credits from a bank. Finally, the Bank will be the largest mitigation bank in the State and second largest in the US and will protect significant aquatic resources, given its location in the San Andreas Significant Ecological Area at the headwaters of two large watersheds serving both the Los Angeles Basin and Antelope Valley.

The County is lead agency under CEQA and as such has the ability to enforce durable mitigation solutions for renewable energy projects. We provided a comment letter (attached) encouraging the County to require renewable energy projects to either utilize regulatory agency approved mitigation banks or require the applicant to protect the mitigation lands with a conservation easement and perpetual endowment. With the landscape of the Antelope Valley changed forever with the influx of renewable energy projects, the Petersen Ranch Bank can provide over 4,200 acres of fully conserved and endowed lands in perpetuity.

In addition, we met with the local town councils in Leona Valley and Lake Hughes to describe our proposed Bank. As seen in the attached comment letter, the Leona Valley Town Council has recommended that mitigation banks be used for renewable projects.



April 9, 2015
Mr. Richard Bruckner
Page 2 of 2

We feel the adoption of a comprehensive countywide Renewable Energy Ordinance presents an opportunity to reinforce the regulatory efficiency and conservation impact of mitigation banks. Banks are uniquely positioned to protect substantial contiguous ecological resources with long-term management structures. Therefore, we respectfully request that the Ordinance include specific guidance on satisfying mitigation requirements using approved banks. Such language might read:

Renewable energy projects that require habitat or waters of the U.S. or State and/or CEQA mitigation are encouraged to utilize approved mitigation banks in Los Angeles County that have conservation easements and endowments in place to fund long-term habitat management in perpetuity. If a bank is not utilized, the applicant shall record a conservation easement on the mitigation lands and fund a conservation easement compliance and long term management endowment through a non-profit third party entity approved by the State of California to hold endowments.

Thank you for the opportunity to provide these comments. Please do not hesitate to contact me with any questions.

Sincerely,

Tracey Brownfield
President

Cc: Norm Hickling
Edel Vizcarra
Julie Vandermost Beeman
Mitch Glaser



January 14, 2014

Thuy Hua
LA County Department of Regional Planning
320 W Temple Street, 13th Floor
Los Angeles CA 90012

Dear Ms. Hua,

Land Veritas Corp. has reviewed the presentation materials and draft Renewable Energy Ordinance dated October 26, 2013 and offers this letter in response to your request for public comment, although we note that the comment period has passed.

Land Veritas owns two large properties where it is processing mitigation/conservation banks in Los Angeles County: a 317-acre site adjacent to Elizabeth Lake and the 3,852-acre Petersen Ranch. Likely consumers of the mitigation and conservation credits generated on these properties include utility-scale renewable energy developments within the banks' service areas.

As you know, Land Veritas has been working with the California Energy Commission and the DRECP on establishing mitigation standards for renewable energy projects. Attached please find a document produced for the DRECP regarding the preference for established mitigation banks.

The adoption of a comprehensive countywide Renewable Energy Ordinance presents an opportunity to reinforce the regulatory efficiency and conservation impact of mitigation banks. Banks are uniquely positioned to protect substantial contiguous ecological resources with long-term management structures. Therefore, we respectfully request that the Draft Ordinance include specific guidance on mitigation requirements via established banks. Such language might read:

Renewable energy projects that require habitat or waters of the U.S. or State and/or CEQA mitigation should utilize mitigation banks in Los Angeles County that have conservation easements and endowments in place to fund long-term habitat management in perpetuity.

Thank you for the opportunity to provide these comments. Please do not hesitate to contact me with any questions.

Sincerely,

Tracey Brownfield
President

Cc: Norm Hickling
Julie Vandermost
Terry Watt



DRECP Mitigation: Preference for Established Mitigation Banks

- In 2008, the U.S. Army Corps of Engineers released a Mitigation Rule that continues to serve as the template for environmental impact offsets in California. The Rule articulates a clear preference for established mitigation banks and provides incentives for private and public developers who utilize these banks.
- Statewide procedures for processing mitigation banks are identified in California State Senate Bill 1148. The bill requires all mitigation banks to establish conservation easements and secure bank approval in writing from the California Department of Fish and Wildlife (CDFW).
- Pursuant to the bill, all California mitigation banks are now subject to a rigorous review and approval process by an Internal Review Team (IRT) made up of state and federal regulatory agency representatives.
- The IRT process ensures that approved mitigation banks provide full protection, enhancement, and restoration of native habitat by requiring all mitigation banks to establish long-term perpetual management plans and/or conservation easements.
- Detailed plans for long-term resource management provide mitigation credit purchasers with assurance that environmental offset resources are protected and managed in perpetuity with appropriate funding mechanisms. Due to the complexity and vulnerability of environmentally sensitive resources, such planning is essential to the sustainability of lands set aside for mitigation.
- The assembly of larger tracts of protected land offered by the mitigation bank model is strongly preferred by regulatory agencies both for its institutional efficiency and its conservation effectiveness. According to the CDFW, "Mitigation banking helps to consolidate small, fragmented wetland mitigation projects into large contiguous sites which have much higher wildlife habitat value."
- Creating new or customized structures for offset credits will require significant time and cost in resource identification, regulatory approval, and long-term management, without the assurance of support from federal and state agencies.
- **Utilizing established mitigation banks offers a *streamlined, reliable, and credible* means for the DRECP to offset large-scale environmental impacts.**



LAND VERITAS

Contact

Phone (877) 445.8699

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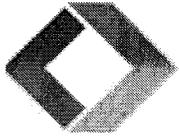
Web <http://landveritasmitigationbanks.com>

Mitigation Banking vs. Applicant-Sponsored Mitigation

Need a clearer understanding of your mitigation options? Our comparison table highlights the major differences between applicant-sponsored mitigation and mitigation banking.

	Applicant-Sponsored	Mitigation Banking
1. Requires purchase and/or dedication of land for mitigation.	✓	
2. Requires approved Habitat Mitigation and Monitoring Plan (HMMP) prior to permit issuance.	✓	
3. Requires applicant to post letters of credits or bonds for permit issuance.	✓	
4. Requires conservation easement approved by Corps' legal counsel, often prior to grading.	✓	
5. Requires long-term management plan prior to grading.	✓	
6. Requires 3 rd party non-profit for CE compliance and long-term management plan.	✓	
7. Requires non-wasting endowments for CE compliance and long-term management, reporting, and maintenance.	✓	
8. Requires plant installation; five years of monitoring, maintenance; and reporting and compliance with performance standards, including CRAM report.	✓	
9. Requires purchase of credits from an approved mitigation bank only.		✓

All documents require review and approval by resource agencies. Estimated timing for items 1 through 6 above: 12 to 24+ months.



LAND VERITAS

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Petersen Ranch Mitigation Bank



Property Size and Location

4,229 Acres in Leona Valley and Elizabeth Lake, within unincorporated Los Angeles County.

Land Features

The Bank consists of two sites in unincorporated Los Angeles County: the 3,912 acre Petersen Ranch near Leona Valley and the 317 acre Elizabeth Lake site on the shores of Elizabeth Lake. The Bank property is within the boundaries of both the proposed San Andreas Rift Zone Significant Ecological Area and the Desert Renewable Energy

Conservation Plan Area. The bank sites are topographically and biologically diverse.

Target Resources

Wetland & Riparian Habitats, Desert Wash, Alluvial Floodplain, Oak & Juniper Woodlands, Native Grasslands, Mixed Chaparral & Scrub Communities.

Habitat

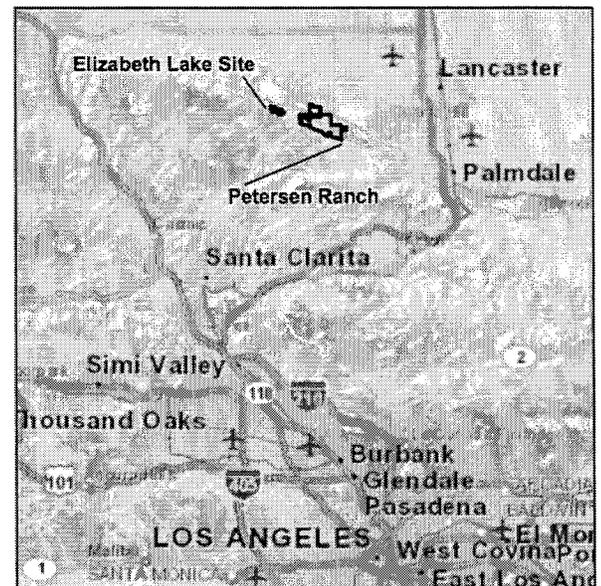
Swainson's Hawk, California Red-Legged Frog, Burrowing Owl, Coast Horned Lizard, Loggerhead Shrike, Western Pond Turtle, Tri-Colored Blackbird, Willow Flycatcher, Golden & Bald Eagle.

Timing

The Bank approval process is underway and expected to be completed by the second quarter of 2015.

Service Area

The Bank property drains to both the Santa Clara River and Antelope-Fremont Valley watersheds, resulting in a service area covering 3.9 million acres. It offers mitigation for numerous special status species and habitats and for impacts to wetlands/waters, providing mitigation for several regulatory programs including the Army Corps, Regional Water Quality Control Board, CA Department of Fish & Wildlife, and CEQA.





June 3, 2014

Leona Valley Town Council
P.O. Box 795 • Leona Valley • CA 93551

Thuy Hua
LA County Department of Regional Planning
320 W Temple St 13th Floor
Los Angeles CA 90012

Re: Renewable Energy Ordinance – May 2014 Draft

Dear Ms. Hua:

Thank you for giving us the opportunity to submit comments on the proposed Renewable Energy Ordinance as part of the scoping process. The Ordinance will dramatically impact uses, health and development in the North County area. Because of the dynamic proposed changes, it is important to provide input in order to retain our rural communities while prudently addressing how such projects shall be integrated into the existing land use framework. We held the submission of our comments until after your presentation to our community, input from residents and completion of your most recent draft. The Leona Valley Town Council reserves the right for additional review and commentary should further changes to the draft Renewable Energy Ordinance occur.

Our concerns are addressed on the pages that follow.

Respectfully,



Alice Wollman
Vice President
Leona Valley Town Council

Cc: Supervisor Michael D. Antonovich
Norm Hickling, Deputy to Supervisor Antonovich

LEONA VALLEY TOWN COUNCIL-RENEWABLE ENERGY ORDINANCE COMMENTS

The following is for your consideration

Section 22.08.040 D

Under definition for "decommissioning": "Decommissioning" means the removal of a use from service, which includes safe storage, dismantling, disposal, recycling, removal of concrete pads, and/or site restoration. We object to the use of the word "or" for site restoration. With respect to site restoration, how will a site be "restored"? Does this include the replanting of native plant species? How long or how many attempts shall be made to perform "site restoration"? What if the project becomes bankrupt? Will there be some sort of an escrow account? Or stipend set aside for future decommissioning?

22.52.1610 Applicability:

- A. Other technologies should include solar and wind energy too.
- D. (2) Replacement for maintenance purposes should specify that replacement of equipment should be of the same or lesser size/height. The size/height and footprint may not be increased.

Section 1. Section 22.08.040:

"Decommissioning": Please describe how and what is to be restored on the site once the project is decommissioned? Does this mean the 500-1,000+ year old Joshua trees that were removed or destroyed are to be replanted? What level of restoration is going to occur? We request a performance bond requirement for all renewable energy projects.

Section 3. Section 22.08.190:

With respect to a "small scale" solar energy system: How will the County determine what the necessary demand is for a single-family dwelling? How is the 150% calculated? What is the formula that determines how much energy is required to support a dwelling? Does this include secondary structures? An entire site? All of the ancillary improvements? If demand is to be used "off-site" does this mean a private residential property can develop enough energy to sell privately to adjacent properties? The sentence "Any energy generated by a wind energy system that exceeds the on-site energy demand may be used offsite" is vague. Specificity is required for this ordinance and this should not be left open to interpretation. Does this mean we can all start our own mini energy businesses on our private residential sites?

Section 4. Section 22.08.210

Utility-scale renewable energy facility, structure mounted: If each utility scale energy facility is comprised of pedestals on which the energy device is placed, does this constitute structure mounted? The definition of "structure" needs to be expanded to what it is likely intended to be: office building, apartment complex, school or other public facility.

LEONA VALLEY TOWN COUNCIL-RENEWABLE ENERGY ORDINANCE COMMENTS

22.52.1620 Permit Requirements

With respect to Utility-Scale Renewable Energy Facilities, Structure Mounted: All systems are a combination of structure and ground mounts.

Small-Scale Renewable Energy System: The permit process requires a minor conditional use permit for a small scale wind energy system. Will this type of CUP address protected views-capes and ridgelines? Or, will anyone and everyone be able to place these towers on a ridge or within an adjacent property's prime view? Is it permissible to place a small scale solar array on top of a ridgeline, blighting a protected ridge? What is the criteria for the site plan review? Is it merely to ascertain setback requirements?

Utility Scale Renewable Energy Facility: Because "structure mounted" has not been adequately explained, it appears that a minor site plan review is all that is required, even if some low structure is built by a developer to circumvent the conditional use permit process in A1, A2, Commercial and Manufacturing zones. While the intent of the County may be for placement on existing buildings, does this also mean if an energy Developer installs rudimentary carports that will never be used, that the CUP process is then circumvented?

Based upon a review of the chart, large scale utility projects with ground mounting systems will be supported only by those sufficiently large sites in heavy agricultural zones (A-2), commercial or industrial zones. Where in the County of Los Angeles are there sites that are sufficiently large to accommodate a large scale project? Did the County of Los Angeles determine where such sites are located? There are sites that are sufficient in size in the Santa Monica Mountains; however, most are exempt because of the coastal zone limitation as well as a scenic drive restriction. While we support these limitations, it truly is for the benefit of the coastal areas while further directing any and nearly all potential renewable energy projects to the Antelope Valley. We further assert that the majority of those lots sufficient in size to support a large scale renewable energy project (outside scenic or coastal areas) are in the Antelope Valley. This appears to be a fact rather than a statement as the County of Los Angeles Planning Department has emphasized outreach for the Renewable Energy portion of the County Plan to the Antelope Valley. While we understand that the County is under an obligation to produce a certain amount of renewable energy, it appears District 5 of Los Angeles County is shouldering, by percentage, nearly the entire burden.

The Antelope Valley has a very high unemployment rate and family incomes are already below the state average. The Antelope Valley, as a whole, is an economically disadvantaged area and renewable energy projects do not produce permanent, high paying jobs. Furthermore, the increased amount of dust produced by these projects increases the risk of Valley fever in an already economically disadvantaged area. "A review by the CDC (Goodman, 1994) of the

LEONA VALLEY TOWN COUNCIL-RENEWABLE ENERGY ORDINANCE COMMENTS

medical records in Kern County, California showed that coccidioidomycosis accounted for approximately \$66 million in direct costs of hospitalization and outpatient care during the period 1991-1993." (USGS report) The large scale utility projects will not provide energy to the Antelope Valley, but will service more affluent areas in the Bay area, Los Angeles and beyond. With respect to CEQA and NEPA, the Antelope Valley will receive disparate impacts in the form of socioeconomic discrimination on low income communities. These communities already bear the brunt of disproportionately high environmental burdens, and will continue to do so based on how the County Renewable Energy Plan inadvertently or purposely directs by statute the large scale utility projects to the Antelope Valley. This Plan makes it easier to build harmful projects in low-income areas. There is a pervasive pattern of siting the most dangerous, environmentally degrading facilities in communities with predominantly low-income residents and minorities. This trend is driven in large part by zoning requirements, low property costs, and the fact that many low-income communities lack the political clout and/or education to effectively oppose these projects.

22.52.1630, Standards for Small Scale Solar Energy Systems

Item "B" states that the height shall not exceed the zone by more than 5 feet. Please address where and how this measurement is applied, even if contained elsewhere in the County code.

22.52.1640. Standards for Temporary Meteorological Towers

Access Roads: Please provide a standard for temporary access roads with ingress/egress points. Does this mean that these roads will require temporary grading? A grading permit? Please address the issue of runoff, land/mudslide and dust. Will such facilities be permitted in a landslide or liquefaction zone?

Setback Requirements: there is a failure to consider the bounce and/or roll of the tower apparatus, which will exceed the 1.25 system height;

Maintenance: Please identify a minimum schedule for maintenance. What is "regularly scheduled"? Is that weekly, monthly, yearly?

22.52.1650 Standards for Small-Scale Wind Energy Systems

During the Plan presentation before the Leona Valley Town Council meeting we discussed the noise of a small scale system. According to our own environmental expert, 60 dBA SEL is the equivalent noise level of a heavy traffic street. This figure has not been reduced, although discussion and facts were presented to the County at our Town Council meeting. If there are multiple towers contained in one small community, the noise will be overwhelming, particularly in a town with hillsides bordering a valley on multiple sides (like Leona Valley) which will exacerbate the high noise levels.

LEONA VALLEY TOWN COUNCIL-RENEWABLE ENERGY ORDINANCE COMMENTS

22.52.1660. Standards for Ground Mounted Utility-Scale Renewable Energy Facilities

Access Roads: Please provide a standard for temporary access roads with ingress/egress points. Does this mean that these roads will require temporary grading? A grading permit? Please address the issue of runoff, land/mud slide and dust. Will such facilities be permitted in a landslide or liquefaction zone?

Fencing: Non-opaque fencing is permitted; as is fencing of eight feet in height "regardless of any other fencing standards." Many Community Standards Districts have fencing guidelines in order to create an open, non-view obscuring environment. This standard now trumps what is considered a community value.

Fencing of solar facilities, building roads and transmission lines will transect enormous portions of habitat, and impede movement of wildlife who travel through "wildlife corridors" that, according to the Western Governors Association, have never been adequately mapped. There is concern that this transection will further isolate interconnected habitats, and create "islands" of parkland and protected areas that will reduce biodiversity.

Drought tolerant native or non-native vegetation: How is it determined to be infeasible? Is insufficient water supply a cause for not requiring vegetation? By the way, if water is insufficient, then the project should not be placed in the location. Please explain how or why plantings would be infeasible.

Light sensor or motion sensor lighting for the main facility: Should comply with the Dark Sky standard of unincorporated Los Angeles County.

Setbacks: 30 feet in agricultural zones is insufficient to allow for bounce and roll.

Signs: Please state minimum and maximum size of the signs.

Site disturbance: It is stated that existing vegetation may be removed (except for root systems), but sensitive or unique plant species are not addressed. Existing policy resulted in the clear cutting of a Joshua tree grove off of West Avenue "M" as this industrially zoned site had no environmental restrictions as a result of the County policy. If this were a grove of oak trees, there would be permits pulled and mitigation for the removal of each oak tree, yet in the world, Joshua trees are rarer and a unique species only found in the Mojave Desert. It is impossible to replace a grove of Joshua trees by the nature of the species, which grows only one to three inches per year. A fifty foot tall tree is minimally 200 years old, yet the County has failed to implement

LEONA VALLEY TOWN COUNCIL-RENEWABLE ENERGY ORDINANCE COMMENTS

a strategy to protect Joshua woodlands and the lack of policy to protect these indigenous species will further degrade an already at risk environment.

An additional issue with site disturbance is that clearing of desert vegetation can invite invasive species that can escape developed areas and spread and further disturb sensitive desert species. A mitigation requirement should be in place to prevent invasive plant species from spreading off site.

Fugitive Dust Emission: The Plan addressed fugitive dust during construction, but not after construction is completed. Dust storms emitting from renewable projects in the West Antelope Valley off of Highway (138) have resulted in blindness to drivers and put the general public at risk due to the increased risk of transmission of Valley Fever, asthma and other ailments.

C. immitis grows in the upper (5 - 20 cm) horizons of soils in endemic areas" Although some growth sites have been identified, their distribution and recognition throughout the entire endemic area of the southwestern U.S. is poorly known.

Water Quality Protection: Shall the projects be permitted to use herbicides? How will weeds be cleared? What efforts will be made to protect the ground water as the result of use of potential herbicides?

Impacts to Birds and Bats: The County of Los Angeles is relying exclusively on the State guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development; however, the "guidelines" have not satisfied issues at other facilities, including one facility (Kern County/DWP) that has the highest song bird kill rate in the United States. Furthermore, the County has failed to address any plan to protect migratory birds from solar facilities.

In February 2014, the Wall Street Journal published an article regarding solar arrays catching migratory birds on fire. There are two large issues that will be difficult, if not impossible to mitigate and the County should address in advance of any policy from the State of California. The large collection of mirrored solar arrays has resulted in bird wings getting singed or catching fire. "U.S. Fish and Wildlife Service told state regulators that they were concerned that heat produced by the project could kill golden eagles and other protected species. The agency also is investigating the deaths of birds, possibly from colliding with structures, found at two other, unrelated solar farms. One of those projects relies on solar panels and the other one uses mirrored troughs. Biologists think some birds may have mistaken the vast shimmering solar arrays at all three installations for a lake and become trapped on the ground after landing." The article refers to solar farms located here, in the Mojave Desert. The Antelope Valley is classified as an internationally recognized Important Bird Area. The solar developments are now hop-

LEONA VALLEY TOWN COUNCIL-RENEWABLE ENERGY ORDINANCE COMMENTS

scotching across the West Antelope Valley (rather than clustering) in such a manner that there will be no safe migratory areas, even with suitable nesting habitat, thereby creating eco-traps in which birds are encouraged to breed and flourish but will most assuredly reach death as a result of the renewable energy contiguous location. This will have a ripple affect across the animal food chain.

Set Back for Facilities Using Wind Resources: the chart recommends two times the facility height. On multiple occasions, wind turbines have fallen off of high towers, and have had accelerated rolls and over-turns onto Highway 58, where the largest wind energy plants are located. Two times the height does not address bounce or a potential defect in the wind turbines and can result in danger, if not death, to members of the general public.

NOT ADDRESSED IN DRAFT

Environmental Mitigation

We have observed that mitigation is required on large scale solar projects. In fact, a most recent approval required a mitigation of 2 acres for every 1 acre destroyed. However, the County failed to address how and in what time frame this is to be mitigated. The mitigation was required over a period of 40 years, but it did not state the mitigation should be done in advance of the permit. The solar company took this to mean that they could mitigate a couple acres each year until the end of forty years. There is specific LEGAL language that is required for mitigation in the environmental permitting process. The County Planning Department does not appear to have obtained legal input from an expert in environmental law. This language should be prepared in advance of the approval of the Renewable Energy plan. Language such as "fully endowed", "in advance" are all pertinent features. Often, there is a risk of bankruptcy on these projects, therefore, performance bonds and an endowment must be required. Additionally, with mitigation on a per acre basis, the mitigation should take place in the area in which the environmental degradation has occurred.

Because the majority of renewable energy projects will require mitigation, it is important to incorporate a mitigation banking standard as part of the proposed Renewable Energy Ordinance. It is recommended that all renewable energy projects that require habitat or waters of the Federal or State and/or CEQA mitigation should utilize mitigation banks in Los Angeles County that have conservation easements and endowments in place to fund long-term habitat management in perpetuity.

The County should be mindful that allowing utility-scale solar facilities on thousands of acres of land primarily in one area (Antelope Valley) is akin to scraping clean and fencing thousands of acres of desert habitats that can never be restored, much like primeval forest once cut can never be "primeval" again.

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Significant Ecological Areas

The document does not address the development of renewable facilities in Significant Ecological Areas. While it is unlikely to prohibit such development, there should be an additional layer of protection for those significant areas through a conditional use permit process, including an environmental study, regardless of the zoning. Utility scale Renewable Energy production is an industrial use.

Conversion of Prime Farmland

The proposed plan encourages the conversion of prime farmland into renewable energy development. What is important is we don't allow this 21st century 'Gold Rush' to get out of hand and jeopardize our food security, our watersheds, habitat areas and health to future generations. We don't have to put large-scale solar on prime farmland just because it is close to a substation. Presently, many farmers in the West Antelope Valley have allowed their land to go fallow in order to join the 21st Century gold rush for renewable energy. This is resulting in the conversion of a rural lifestyle into a temporary financial gain for a handful. Once other, more reliable, energy producers are created at a lower cost, the large footprint of renewable energy will place a permanent scar on the Antelope Valley, regardless of decommissioning rules. The rich rural history of the Antelope Valley will become just that, history.

Fire

The County proposal fails to address issues pertaining to renewable energy development in areas classified for High Fire (Class IV) Severity Area or a High Wind Severity Area. For example, should an area with High Fire and Wind Severity be developed with 500 foot tall wind energy towers, the surrounding communities will be put at risk as emergency aircraft will not be able to access the area and exit routes for communities will be hampered if not blocked, putting the public at extreme risk.

Ground Water Depletion

Desert wildlife is dependent on surface water, springs, seeps, creeks, wetlands, and seasonal streams. Little, if any, rainfall percolates downward to reach the water table. Pumping on utility scale or by cumulative numbers of smaller operations will cause groundwater depletion and loss of surface water that would be devastating to fish, plants, riparian communities, birds, reptiles, mammals, and microscopic organisms living in the desert soil, causing collapse to ecosystems that depend on these resources. Please address preventative measures with respect to this issue.

Structure Testing

Wind energy tower structures should be engineered and tested to withstand the strongest of historical wind events.

LEONA VALLEY TOWN COUNCIL-RENEWABLE ENERGY ORDINANCE COMMENTS

Placement Restriction

Restrict placement of solar facilities to areas directly adjacent to sources of water that are transported from outside the area via aqueduct or pipeline, so no groundwater pumping need occur, or require water to be hauled via truck tanker. (This can offset the benefit of renewable energy, when truck trips are factored in.)

Installation Types

In the rush to meet the high demand for renewable energy projects at a low cost, some Developers are obtaining solar panels from foreign manufacturers. Due to the demand for solar panels, manufacturers in China are reportedly cutting corners, and as a result, are seeing high failure rates. It is feasible that with a high failure rate due to a lower quality work product, a Developer could walk away from a project, particularly if government subsidies are eliminated. Furthermore, some foreign manufacturers are using lead components that leach into the soil. Therefore, it is most important to obtain a bond or some other means of guaranteeing decommissioning a project; second, it is also important to complete soil studies for those Developers using foreign components, both for testing for lead deposits that could leach into the ground water; and to ascertain if on site pesticides have leached into the soil.

Air Quality

Studies indicate that the desert is valuable as a carbon sink. Will the large-scale removal of vegetation required for solar plants seriously reduce this value? Evaluation of the cost/benefit of this loss should be weighed against the value of the so called renewable energy produced. Assure that loss of a project's carbon dioxide sink's capability will be completely offset and produce a clear net carbon dioxide reduction benefit. Monitor, and review in an ongoing way, a solar plant's carbon footprint.

Nearly all of the areas included in the West Mojave Plan (which includes the Antelope Valley) have recorded concentrations of pollutants in excess of national and state ambient air quality standards for PM10 and a variety of others. In addition, the presence of numerous new dirt roads invites vehicle trespass that would compound the problem of particulates in the air. Construction and maintenance activities will cause serious air quality issues for wildlife and human inhabitants of the desert. Vast amounts of water will be required to subdue dust. Water, as a dust mitigation measure, could have a reverse impact and subsequent consequences as it helps in the propagation of the arthroconidia (spores) of *Coccidioides immitis*. This plan should include a mechanism to prevent off-road use; and trip/travel reductions during and after projects have been constructed.

LEONA VALLEY TOWN COUNCIL-RENEWABLE ENERGY ORDINANCE COMMENTS

Consider all impacts of air pollution, including drift from other areas as total to that area, regardless of the source, when evaluating solar projects. Do not allow subtraction of transported ozone in determining attainment and non-attainment areas.

Refuse multisource projects that use a small portion of solar energy production to facilitate approval and then use natural gas or some other greenhouse gas producing fuel to make electricity. Solar plants should be one hundred percent solar-only, and should only be considered for facilitated permit processes.

Separately Analyzing Aspects of the Total Project is Piecemealing

The County of Los Angeles is creating this Renewable Energy Plan as part of the General Plan, which is presently being updated. At community meetings throughout the Antelope Valley we were also told that the "plan" was being created due to the need, the high demand and creation of renewable energy projects in the County of Los Angeles as part of the mandated and established Renewable Portfolio Standard (RPS) by the State of California.

During the September 29, 2011 LADWP Barren Ridge scoping meeting in Leona Valley, the community was informed of other potential projects by energy developers that are presently in the LADWP "queue", waiting in line in the event this project is approved. A similar circumstance had arisen with Southern California Edison's Tehachapi Renewable Energy Project. Wind and solar renewable energy projects were in Edison's "queue" and are now being executed with plans to connect to the new Edison 500kv transmission lines. The cumulative impacts were never assessed or addressed. Upon the Record of Decision, these projects began a permit process and were therefore, a foreseeable event in violation of the California Environmental Quality Act. Based upon immediate past events we believe those projects in the County "queue" as well as solicitations not yet in the system, should also be considered as part of the whole project, with plans to connect to the LADWP/Edison transmission lines. The projects in the "queue" as well as this proposed County Renewable Energy Plan are in fact part of the whole action.

The Los Angeles County Renewable Energy Plan proposal, the LADWP Barren Ridge Project and the Tehachapi Renewable Transmission Project are part of the same mandated and established Renewable Portfolio Standard (RPS) by the State of California. As such, all of these projects are part of the same cumulative impacts of the same action. When completing an environmental study of all of these issues, the County planning department must address the cumulative impacts to the Antelope Valley as the result of their "plan" which coincides and, in fact, helps implement all of these renewable energy projects in one specific area in the County of Los Angeles. These projects need to fall under review of a separate environmental impact report that should be undertaken specifically for the Antelope Valley.

LEONA VALLEY TOWN COUNCIL-RENEWABLE ENERGY ORDINANCE COMMENTS

CEQA defines "project" as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonable foreseeable indirect physical change in the environment...." (CEQA Guidelines, § 15378, subd. (a); see also CEQA Guidelines, §15063, subd. (a)(1) {the lead agency must consider "all phases of project planning, implementation and operation.}). NEPA similarly requires that the DEIS succinctly describe the environment affected. (40 C.F.R. § 1502.15) An Agency cannot treat one project as a succession of smaller projects, none of which, by itself, causes significant impacts. (Burbank-Glendale-Pasadena Airport Authority v. Hensier (1991) 233 Cal. App. 3d 577, 592 {"CEQA mandates environmental considerations do not become submerged by chopping a large project into little ones"}; see also NEPA mandate that connected projects be included in the DEIS, 40 C.F.R. § 1508.25, subd. (a); Blue Ocean Preservation Society v Walkins (D. HI.1991) 754 F. Supp. 1450.)

A project description must include all relevant parts of a project, including reasonably foreseeable future expansion or other activities that are part of the project. (Laurel Heights I, 47 Cal. 3d at 396.). The California Supreme Court in Laurel Heights I stated that "an EIR must include an analysis of the environmental effects of future expansion or other action if "(1) it is a reasonably foreseeable consequence of the entire project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects." (Id.). The lack of one concrete project description violates CEQA in that it precludes the public from intelligent participation in the analysis of the project (County of Inyo v. City of Los Angeles (1977) 71 Cal. App. 3d 185, 197). (See also NEPA requirements regarding connected actions, 40 C.F.R. §§ 1508.7, 1508.8, 1508.23, 1508.25, subd. (a)(2) and subd (c).) The proposed Renewable Energy Plan is, in fact, incorporating and part of several projects, including proposed renewable energy projects. The "Plan" is being created as a result of the TRTP and Barren Ridge projects. Thereby, this Renewable Energy Plan is part of a larger project, and as such, is a reasonably foreseeable consequence of the initial project, the mandated and established Renewable Portfolio Standard (RPS) by the State of California.

Further, piecemealing results in an inaccurate project description because essential pieces of the project(s) are not included. "An accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." (Burbank-Glendale-Pasadena Airport Authority, 233 Cal. App. 3d at 592.) "A curtailed, enigmatic or unstable project description draws a red herring across the path of public input" (County of Inyo. 71 Cal. App. 3d 185 at 193; McQueen v Board of Directors (1988) 202 Cal. App. 3d 1136, 1143 overruled on another point in Western States Petroleum Associates v. Superior Court (1995) 9 13 Cal. 4th 559, 570, fn 2; Mira Monte Homeowner's Association v County of Ventura (1985) 165 Cal. App. 3d 357, 365.). Because the project description is limited by piecemealing, the public and decision makers are being deprived of the ability to understand impacts from the synergistic

LEONA VALLEY TOWN COUNCIL-RENEWABLE ENERGY ORDINANCE COMMENTS

effects, conflicts and cumulative impacts of all of the collective projects associated with the renewable energy plans that were created as a result of Barren Ridge and the Tehachapi Renewable Energy projects. This includes the proposed Renewable Energy Plan for the County of Los Angeles.

**ATTACHMENT 5: UPDATED DRAFT
RPC RESOLUTION**

**A RESOLUTION OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. R2014-01160-(1-5)
ADVANCE PLANNING NO. 201400004
RENEWABLE ENERGY ORDINANCE**

WHEREAS, Article 6 of Chapter 3 of Division 1 of Title 7 of the California Government Code (~~%Government Code+~~)(commencing with section 65350) provides for the adoption and amendment of a jurisdiction~~g~~ general plan; and

WHEREAS, the County of Los Angeles (~~%County+~~) adopted a Countywide General Plan (~~%General Plan+~~) in November 1980, which has been periodically updated and amended since that time; and

WHEREAS, pursuant to Article 1 of Chapter 4 of Division 1 of Title 7 of the Government Code (commencing with section 65800), the County is authorized to adopt amendments to Title 22 of the County Code (~~%Zoning Code+~~); and

WHEREAS, the County proposes the adoption of Project No. R2014-01160-(1-5), which includes Advance Planning No. 201400004, which amends the Zoning Code to establish and amend Part 15 of the Zoning Code as the Renewable Energy Ordinance (~~%Zoning Ordinance+~~); and

WHEREAS, the County has proposed Environmental Assessment No. 201400096 to consider a Draft Environmental Impact Report (~~%EIR+~~) which has been prepared examining the potential significant environmental impacts associated with the proposed Zoning Ordinance pursuant to California Environmental Quality Act (~~%CEQA+~~) reporting requirements; and

WHEREAS, the Regional Planning Commission of the County ("Commission") conducted a public hearing in the matter of Advance Planning No. 201400004 and Environmental Assessment No. 201400096 on March 18, 2015, April 8, 2015, and April 22, 2015; and

WHEREAS, the Commission finds as follows:

1. The proposed Zoning Ordinance is a countywide ordinance, and includes all unincorporated portions of the County over which the County has land use jurisdiction (~~%Project Area+~~). The proposed Project Area is bordered by Kern County to the north, Orange County to the south, San Bernardino County to the east, and Ventura County to the west, and excludes 88 incorporated cities within these boundaries. The proposed Project Area comprises approximately 2,656 square miles and includes more than 100 unincorporated communities as well as the Angeles National Forest and part of the Los Padres National Forest. The proposed Project Area also includes federal, state and County parks and recreational areas.
2. The intent of the proposed Zoning Ordinance is to facilitate the development of solar and wind renewable energy projects to help meet state and federal goals for renewable energy production while minimizing public health and safety hazards and significant environmental impacts. Specifically, the Zoning Ordinance encourages projects generating energy from on-site use (small-scale) and mounted to structures, and better regulates ground-mounted projects generating energy for off-site (utility-scale) use. The California Renewables Portfolio Standard program, as established in 2002 and modified in 2006 and 2011, requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 33 percent of total procurement by 2020. In addition, the California Solar Rights Act promotes the widespread use of solar energy by

protecting access to sunlight and limiting the local regulation of solar energy systems. Government Code section 66015 also encourages the development of rooftop solar energy systems by limiting the local permit fee.

3. To achieve these objectives, the Zoning Ordinance will amend the Zoning Code for a set of procedures and standards for review and permitting of solar and wind renewable energy projects. These include structure-mounted and ground-mounted solar and wind projects generating energy for on-site (small-scale) or off-site (utility-scale) use as well as temporary meteorological towers.
4. The Zoning Ordinance does not propose any physical development within the Project Area, but through procedures and standards encourages the development of solar and wind energy projects that generate energy for on-site use and those that are mounted on structures, which have less impact on the environment than those that generate energy for off-site use and those that are mounted to the ground. The proposed Zoning Ordinance will also establish or amend existing provisions for ground-mounted utility-scale solar and wind energy projects that allow the County to better regulate these projects in a manner that minimizes public health and safety hazards and impacts to the environment and surrounding communities, including but not limited to those related to dust control, water use, aesthetics, security and aviation safety, and biological resources. Therefore, the proposed Zoning Ordinance will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the Project Area; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.
5. The Zoning Ordinance supports various goals, objectives, and policies of the adopted 1980 General Plan related to conservation of resources and the environment, land use compatibility and protection of scenic resources. The Zoning Ordinance will facilitate and support the development of solar and wind energy projects, which will develop alternative energy sources while conserving non-renewable resources. The Zoning Ordinance also includes provisions to minimize water use; protect Significant Ecological Areas (~~SEAs~~); reduce impacts to birds and bats through setback, height, and design requirements; and minimize impacts to scenic resources through setbacks, fencing, landscaped buffer, and lighting requirements. Therefore, the Zoning Ordinance is consistent with the adopted 1980 General Plan.
6. The Minor Conditional Use Permit (~~CUP~~) fee of \$1,494.00 will be required for rooftop solar energy systems in the R-1 (Single-Family Residence) Zone that are not considered a small residential solar energy system as defined and regulated by Government Code section 65850.5, as amended. Government Code section 66015 establishes limits on the permit fee a local jurisdiction can charge for rooftop solar energy systems but allows higher permit fees if the local jurisdiction provides substantial evidence of the reasonable cost to issue the permit. The Minor CUP application cost is reasonable because the Zoning Ordinance first, streamlines the permitting process pursuant to the authorities cited in Finding 2 and relevant model ordinances. Generally, a Minor CUP is required for certain rooftop solar energy systems in the R-1 Zone to provide a quick and streamlined approval process while minimizing impacts to the surrounding neighborhood. A Minor CUP is required for these projects because they could have a specific, adverse impact upon the public health and safety, pursuant to Government Code section 65850.5. Although the R-1 Zone is intended for single-family residences, it also allows more intensive uses and large buildings. In addition, there are many such existing uses and buildings in the R-1 Zone that are considered legally nonconforming. Rooftop solar energy systems mounted to such uses and buildings may be much larger in scale and have significant impacts on the sensitive uses nearby. Accordingly, a Minor CUP required by the Zoning Ordinance will

allow the County to better regulate these projects while providing a permitting process that is quicker and less expensive than CUPs. The Minor CUP fee of \$1,494.00 required by County Code section 22.60.100 was calculated by the fee rates and fee study conducted in 2010 and 2015 that examined the number of hours it takes to process Minor CUPs as amended in the Zoning Ordinance.

7. The proposed Zoning Ordinance also includes other amendments to the Zoning Code to comply with Government Code provisions related to the Minor CUP.
8. Staff of the County Department of Regional Planning (~~%Department+~~) began developing the Zoning Ordinance in 2011. Since then, the Department has conducted extensive outreach across a wide and diverse range of stakeholders. These include the rural Town Councils in the Antelope Valley, community groups, industry groups, individual property owners, and environmental advocates. Department staff has made themselves accessible to all interested parties in order to provide information and receive comments and feedback, which were incorporated into the Zoning Ordinance as feasible. In November 2011, Department staff conducted three focus group sessions+one each for renewable energy developers, residents, and environmental organizations. In October 2013, Department staff released the first draft of the Zoning Ordinance for public review and comment and conducted a community meeting on October 26, 2013 to provide an overview of the Zoning Ordinance and receive feedback. In May 2014, Department staff released the second draft of the Zoning Ordinance for public review and comment. From September 2014 to January 2015, Department staff met with various rural Town Councils in the Antelope Valley, including the Three Points-Liebre Mountain Town Council, Antelope Acres Town Councils, Oso Town Council, and Fairmont Town Council, and the Association of Rural Town Councils to receive feedback on the second draft of the Zoning Ordinance. In addition, from 2012 until present Department staff has met with various stakeholders including the military, aerospace industry, private property owners, energy advocates, and environmental organizations. County Departments also consulted throughout the process also include the Chief Executive Office, Department of Public Works, Fire Department, Department of Parks and Recreation, and Department of Public Health.
9. A Notice of Public Hearing regarding the project in the form of a legal advertisement was published in the L.A. Times (full run) on February 16, 2015; Acton Agua Dulce Weekly News and Glendale News-Press on February 18, 2015; and Los Angeles Daily Journal, Antelope Valley Press, La Opinion, and The Signal Newspaper on February 19, 2015. A Notice of Completion and Availability of a Draft EIR was concurrently published, pursuant to Public Resources Code Section 21092.
10. On March 18, 2015, the Commission conducted a field trip to view solar and wind energy projects in and near unincorporated Antelope Valley. The field trip included views of approved ground-mounted utility-scale solar energy facilities within the unincorporated County and City of Lancaster, and utility-scale wind energy facilities within Kern County. Other points of interest included small-scale wind energy systems, Joshua Tree Woodlands within an approved SEA, the Antelope Valley California Poppy Preserve, and a concentrated solar thermal collector facility within the City of Lancaster.
11. On March 18, 2015, the Commission held a duly-noticed public hearing for the project at the Antelope Valley Transit Authority Community Room in Lancaster, California. Department staff presented an overview of the Zoning Ordinance. An updated Zoning Ordinance was provided for consideration at the March 18 public hearing. The Commission heard testimony from 12 members of the public. Issues and concerns raised during the March 18 hearing include the applicability of Community Standards Districts (~~%CSDs+~~), the potential size of small-scale solar

and wind energy systems, dust control, water use, landscaping, noise, impacts to birds and bats, glare inadequate setbacks, open space conservation, and other issues related to impacts, permitting, and general concerns. The Commission also discussed landscaping, use of recycled water, clarification on County authority to regulate solar and wind projects, and the Zoning Ordinance's relationship to CSDs. The Commission also discussed the County's ability to prioritize structure-mounted over ground-mounted facilities. The Commission continued the matter to April 8, 2015 to allow time for staff to address questions and concerns.

12. For the April 8, 2015 hearing, staff prepared a report that identified the regulatory context in which the Zoning Ordinance has been developed; its intended role in promoting certain types of renewable energy that have little or no environmental effect; and its ability to carefully regulate more environmentally resource-demanding types of projects, such as ground-mounted utility-scale solar and wind energy projects. The report also described other State and County efforts related to renewable energy, including the Desert Renewable Energy Conservation Plan, which streamlines permitting and plans for conservation of threatened and sensitive species and other resources on more than 22 million acres of the California Mojave Desert and Colorado/Sonoran desert region within nine counties (of which Los Angeles County is one). County efforts include the Community Climate Action Plan which is part of the General Plan Update and establishes policy for reducing greenhouse gas emissions through removing regulatory or procedural barriers for solar energy and adoption of this Zoning Ordinance; the County Board of Supervisors' motion to develop a pilot project for more solar panels on County buildings to reduce energy consumption; and proposed amendments to the County Building Code concurrently but separately proposed from this proposed Zoning Ordinance, that adopt a simplified procedure for residential rooftop solar energy systems.
13. On April 8, 2015, the Commission conducted a continued public hearing in downtown Los Angeles. Following a brief presentation by staff, the Commission heard testimony from two members of public via remote testimony from the Department Antelope Valley Field Office in Lancaster, California. The testimony included additional comments regarding wind projects and its effects on birds as well as impact to viewsheds. The Commission continued the matter to April 22, 2015.
14. On April 22, 2015, the Commission conducted a continued public hearing in downtown Los Angeles. Following a presentation by staff, the Commission heard testimony from the public via remote testimony from the Lancaster Library in Lancaster, California. [To be updated after public hearing.]
15. On April 22, 2015, the Commission closed the public hearing for the proposed Zoning Ordinance; considered the EIR; and recommended to the County Board of Supervisors that the Board conduct a public hearing, approve the EIR, and approve the proposed Zoning Ordinance as considered by the Commission and any other necessary updates to regulate solar and wind energy projects in compliance with State law.
16. A Notice of Preparation (NOP) was prepared pursuant to CEQA, providing notice that a Draft EIR will be prepared for the Zoning Ordinance. The NOP was available for public review from May 5, 2014 to June 4, 2014. On May 20, 2014 and May 22, 2014, the Department held scoping meetings to receive public comments related to the potential environmental impacts of the proposed Zoning Ordinance. The May 20, 2014 scoping meeting was held in the Antelope Valley Transit Authority Community Room. Approximately 30 members of the public attended. There was a summary presentation of the proposed Zoning Ordinance as well as a discussion of the EIR process and scope, including the environmental topics that would be analyzed in the EIR. The May 22, 2014 scoping meeting was held in downtown Los Angeles, and also included

a summary presentation of the proposed Zoning Ordinance and EIR process and scope. Various verbal and written comments were received during the NOP period and at the scoping meetings, which included potential impacts to ridgelines, recommended review by state park and recreation agencies, analysis of air quality impacts, and concerns regarding fugitive dust, Valley Fever, air and emergency personnel safety, biota resources and impact specifically to birds, and preservation of rural community character.

17. A Draft EIR was prepared in accordance with CEQA and the County's environmental reporting procedures. Written and verbal comments on the NOP were addressed in the Draft EIR.
18. On February 20, 2015, a Notice of Public Hearing and Notice of Completion and Availability of a Draft EIR was mailed to approximately 300 stakeholder individuals and organizations including those who requested the notice, adjacent jurisdictions, and responsible trustee agencies including the State Clearinghouse. The notice was also emailed to approximately 2,300 addresses on February 20, 2015.
19. The public comment period for the Draft EIR was from February 20, 2015 to April 6, 2015 (45 days). A total of X comment letters were received during the review period for the Draft EIR. A Final EIR will include response to comments received during the public comment period. The Final EIR will also contain a summary of the potential environmental effects of the proposed Zoning Ordinance, the recommended mitigation measures that would reduce or avoid those effects, and the level of significance after mitigation and responses to comments on the Draft EIR. Even with implementation of the mitigation measures, the Project would result in significant and unavoidable impacts for the following: aesthetics, agriculture and forestry, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, mineral resources, traffic and circulation, and utilities and service systems.
20. The Commission has reviewed and considered the Draft EIR for the Zoning Ordinance.
21. The Commission finds that the proposed Zoning Ordinance is necessary to facilitate the development of solar and wind energy projects to help meet state and federal goals for renewable energy production through encouraging small-scale and structure-mounted projects which have fewer environmental impacts on the environment and surrounding communities, while minimizing public health and safety hazards and environmental impacts through better regulation of ground-mounted utility-scale projects. The Zoning Ordinance establishes appropriate permitting for solar and wind energy projects that are either small-scale or utility-scale, and either structure-mounted or ground-mounted. The Zoning Ordinance also establishes necessary regulations that establish minimum requirements for utility-scale and ground-mounted projects regarding dust control, water use, aesthetics, safety, biota impacts, and other related issues, and requires discretionary review to ensure that site-specific considerations are addressed through project conditions, necessary mitigation measures, and a public hearing process for community input.

NOW, THEREFORE BE IT RESOLVED that the Regional Planning Commission recommends to the Board of Supervisors of the County of Los Angeles:

1. Hold a public hearing to consider Project No. R2014-01160-(1-5), which includes Advance Planning No. 201400004;

2. That the Board review, consider and certify the Final EIR in compliance with the California Environmental Quality Act and the State and Lead Agency guidelines related thereto and reflects the independent judgment of the Board;
3. That the Board review and consider the information contained in the Final EIR prior to approving the proposed project;
4. Determine that the significant adverse effects of the project, as described in the EIR, have either been reduced to an acceptable level or are outweighed by specific social, economic, legal, technological or other considerations of the project as stated in required CEQA Findings of Fact and Statement of Overriding Considerations for the project;
5. That the Board determine that the proposed Zoning Ordinance is consistent with the 1980 General Plan with the adoption of Advance Planning No. 201400004;
6. Adopt Advance Planning No. 201400004 which amends Title 22 of the County Code which establishes a set of procedures and standards for review and permitting of solar and wind energy projects.

I hereby certify that the foregoing was adopted by a majority of the voting members of the Regional Planning Commission of the County of Los Angeles on April 22, 2015.

ROSIE O. RUIZ, Secretary
County of Los Angeles
Regional Planning Commission

APPROVED AS TO FORM:
OFFICE OF THE COUNTY COUNSEL

By _____
CASEY YOURN
Deputy County Counsel

VOTE:

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date: April 22, 2015

MC:SMT:JL