Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

July 14, 2015

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

HEARING ON THE RENEWABLE ENERGY ORDINANCE
PROJECT NO. R2014-01160-(1-5)
ADVANCE PLANNING NO. 201400004-(1-5)
(ALL SUPERVISORIAL DISTRICTS) (3-VOTES)

SUBJECT

This action is to amend 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.

IT IS RECOMMENDED THAT THE BOARD, AFTER THE PUBLIC HEARING:

1. Consider the attached Final Environmental Impact Report (EIR); find on the basis of the whole record before the Board of Supervisors (Board) that the significant adverse effects of the project, as described in the Final 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 California Environmental Quality Act Findings of Fact and Statement of Overriding Considerations for the project; find that the Final EIR reflects the independent judgment and analysis of the Board; and certify the Final EIR, and adopt the Findings of Fact and Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program;

2. Approve the recommendation of the Regional Planning Commission (RPC) to amend Title 22 of the County Code as reflected in the draft Renewable Energy Ordinance (Ordinance) and as recommended by staff; and

3. Instruct County Counsel to prepare the final Ordinance amending Title 22 of the County Code as recommended by the RPC and bring them back to the Board for your consideration.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The State has enacted legislation to promote renewable energy development, which includes tasking local agencies to improve their review and permit processes for such development.

The technology associated with renewable energy systems, such as utility-scale photovoltaic and large turbine wind systems has advanced considerably in recent years. The County's Zoning Code (Title 22), has not been updated accordingly. Due to legislative mandates and market conditions, the County experienced a large influx of applications for utility-scale solar energy facilities. As these projects were reviewed and constructed, the County learned that these uses raise unique issues that warrant more specific permitting and development standards than presently exists in the County Code.

County Department of Regional Planning (DRP) staff started developing the proposed Ordinance. In June 2013, the County received a grant from the California Energy Commission to complete the Ordinance and associated EIR.

DRP recognizes that the Ordinance needs to set a high standard for environmental and community stewardship within the County. Therefore, the Ordinance has been developed to:

1. Encourage small-scale and structure-mounted projects, thereby reducing dependence on ground-mounted utility-scale projects; and

2. Better regulate ground-mounted utility-scale projects to minimize the associated impacts and address community concerns.

First, the Ordinance encourages small-scale projects for on-site use, and structure-mounted projects such as solar facilities over parking lots. The Ordinance accomplishes this by establishing a streamlined permitting process, and including minimal regulations to incentivize these types of projects. The permitting process and regulations are much simpler for these types of projects than ground-mounted utility-scale solar and wind energy facilities. Encouraging distributed generation[1] reduces dependence on ground-mounted utility-scale projects as sources for renewable energy.

Second, the Ordinance will better regulate ground-mounted utility-scale projects. The proposed Ordinance provides extensive regulations for ground-mounted utility-scale

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[1] Distributed generation is a term commonly used in the renewable energy field. It refers to smaller scale systems with the focus on providing for the energy needs for the use on site. This model creates a dispersed systems of small installations.

projects, which reflect the need for careful review of these projects for environmental and community impacts. These regulations along with existing processes and policies will give the County the tools to effectively regulate these projects and provide clear expectations for applicants and the public on project outcomes. The Ordinance also limits the overall development of ground-mounted utility-scale projects in the County. In addition to reducing dependence on ground-mounted utility-scale projects by encouraging distributed generation, the Ordinance directs ground-mounted utility-scale projects away from the County's most sensitive areas.

The Ordinance establishes the County as a leader in promoting renewable energy development in a responsible and balanced manner.

Existing Zoning Regulations

Currently, Title 22 only provides a definition for temporary meteorological towers and small-scale wind energy systems, which is called a "wind energy conversion system, non-commercial (WECS-N)." No definitions exist for the other types of solar and wind energy projects.

As such, small-scale solar energy systems, and utility-scale solar and wind energy facilities are not listed as uses in Title 22. Small-scale solar energy systems are considered an accessory use and are permitted. Utility-scale solar and wind energy facilities are considered an "electric generating plant" and are generally processed through a Conditional Use Permit (CUP). Temporary meteorological towers and small-scale wind energy systems are listed as uses within Title 22, with temporary meteorological towers as a Director's Review and small-scale wind energy systems as a CUP in zones that allow them.

Title 22 only regulates temporary meteorological towers and small-scale wind energy systems. No specific regulations exist for small-scale solar energy systems and utility-scale solar and wind energy facilities.

Draft Ordinance

In summary, the Ordinance will accomplish the following:

- Revise and add definitions related to solar and wind energy projects;
- Provide the permitting process for each type of solar and wind energy project in each zone; and
- Establish regulations for each type of solar and wind energy project.

The Ordinance will revise and add definitions related to solar and wind energy projects. This is necessary as renewable energy is a relatively new technology, and Title 22 has not been updated accordingly. Establishing a clear and updated definition of each type of solar and wind energy project will provide clarity to DRP staff, applicants, and the public regarding the nature and scope of these projects.

The Ordinance will also establish the permitting process for each type of solar and wind energy project in each zone. The Ordinance will amend Title 22 so that the types of solar and wind energy systems and facilities are listed as uses in zones that allow them. Therefore, the permitting process for each type of solar and wind energy project in each zone will be clearer.

The Ordinance will also establish regulations for each type of solar and wind energy project. In addition to establishing limited standards for small-scale solar energy projects, the Ordinance will provide a more consistent approach for processing utility-scale solar and wind energy facilities by establishing development standards and conditions of approval that will give more guidance to DRP staff, applicants and the public. Based on past utility-scale projects and concerns heard from the community, DRP staff identified several key areas of focus for the utility-scale portion of the Ordinance, which include dust control, water use, aesthetics, safety, and biota impacts. Providing specific and enforceable provisions for each type of solar and wind energy project will help the County regulate these projects in a manner that minimizes impacts to the environment and surrounding communities.

Lastly, the Ordinance will amend other chapters in the County Code to update the Minor CUP process to require a public hearing in compliance with State law.

Consistency with the Countywide General Plan

The proposed Ordinance must be consistent with the County's General Plan. During the March 24, 2015, public hearing, the Board considered the 2035 General Plan, which will replace the 1980 General Plan. The Board indicated its intent to approve the 2035 General Plan and it is presently being reviewed by County Counsel and will return on consent shortly. The Ordinance has been analyzed for its consistency with the 2035 General Plan. The Ordinance supports and implements the following goals and policies of the 2035 General Plan:

- **Goal Land Use 6:** Compatible land uses that complement neighborhood character and the natural environment.
    - **Policy Land Use (LU) 6.1:** Reduce and mitigate the impacts of incompatible land uses, where feasible, using buffers and other design techniques.

  - **Policy LU 6.4:** Ensure land use compatibility in areas adjacent to military installations and where military operations, testing, and training activities occur.
  - **Policy LU 6.6:** Ensure airport operation compatibility with adjacent land uses through airport land use plans.
  - **Policy LU 6.7:** Protect rural communities from the encroachment of incompatible development.
  - **Policy LU 6.8:** Encourage land uses and developments that are compatible with the natural environment and landscape.
  - **Policy LU 6.9:** Encourage development in rural areas that is compatible with rural community character, preserves open space, conserves agricultural land, and promotes efficiencies in services and infrastructure.
- **Goal Air Quality 1:** Protection from exposure to harmful air pollutants.
  - **Policy Air Quality 1.3:** Reduce particulate inorganic and biological emissions from construction, grading, excavation, and demolition to the maximum extent feasible.
- **Goal Conservation/Natural Resources 12:** Sustainable management of renewable and non-renewable energy resources.
  - **Policy Conservation/Natural Resources 12.1:** Expand the production and use of renewable energy resources.
- **Goal Parks and Recreation 6:** A sustainable parks and recreation system.
  - **Policy Parks and Recreation 6.2:** Support the use of alternative sources of energy, such as wind and solar sources to reduce the use of energy at existing parks.
- **Goal Public Services and Facilities 6:** A County with adequate public utilities.
  - **Policy Public Services and Facilities (PS/F) 6.5:** Encourage the use of renewable energy sources in utility and telecommunications networks.
  - **Policy PS/F 6.6:** Encourage the construction of utilities underground, where feasible.
  - **Policy PS/F 6.7:** Encourage projects that incorporate onsite renewable energy systems.
- **Goal Economic Development 1:** An economic base and fiscal structures that attract and retain valuable industries and businesses.
  - **Policy Economic Development 1.2:** Encourage and foster the development of the renewable energy economic sectors.

In addition, the proposed Ordinance is also consistent with other policies of the 2035 General Plan, including but not limited to:

- **Goal Conservation/Natural Resources 3:** Permanent, sustainable preservation of genetically and physically diverse biological resources and ecological systems including: habitat linkages, forests, coastal zone, riparian habitats, streambeds, wetlands, woodlands and SEAs.

  - **Policy C/NR 3.8:** Discourage development in areas with identified significant biological resources, such as SEAs.
- **Goal Conservation/Natural Resources 5:** Protected and usable local surface water resources.
  - **Policy C/NR 5.1:** Support the Low Impact Development philosophy, which seeks to plan and design public and private development with hydrologic sensitivity, including limits to straightening and channelizing natural flow paths, removal of vegetative cover, compaction of soils, and distribution of naturalistic BMPs at regional, neighborhood, and parcel-level scales.
- **Goal Conservation/Natural Resources 13:** Protected visual and scenic resources.
  - **Policy C/NR 13.1:** Protect scenic resources through land use regulations that mitigate development impacts.
  - **Policy C/NR 13.2:** Protect ridgelines from incompatible development that diminishes their scenic value.
  - **Policy C/NR 13.3:** Reduce light trespass, light pollution and other threats to scenic resources.
  - **Policy C/NR 13.4:** Encourage developments to be designed to create a consistent visual relationship with the natural terrain and vegetation.
  - **Policy C/NR 13.5:** Encourage required grading to be compatible with the existing terrain.
- **Goal Public Services and Facilities:** Increased water conservation efforts.
  - **Policy PS/F 2.1:** Implement water conservation measures, such as drought tolerant landscaping and restrictions on water used for landscaping.

Consistency with Airport Land Use Plans (ALUP) or Airport Land Use Compatibility Plans (ALUCP)

The proposed Ordinance is also required to be consistent the adopted County ALUP, County Airport Land Use Commission (ALUC) Review Procedures, and General William J. Fox ALUCP. On April 22, 2015, the County ALUC found that the Ordinance was consistent with these plans and procedures.

Implementation of Strategic Plan Goals

The proposed Ordinance promotes Goal 1 of the County's Strategic Plan (Operational Effectiveness/Fiscal Sustainability) by establishing reasonable regulations and a clear permitting process for renewable energy projects, which will improve County's permitting processes and services. The Ordinance promotes Goal 2 (Community Support and Responsiveness) by effectively planning for and responding to the economic, social, and environmental challenges related to renewable energy. The proposed Ordinance strikes a balance between supporting renewable energy and

minimizing associated environmental impacts. Finally, the Ordinance promotes Goal 3 (Integrated Service Delivery) by establishing comprehensive and specific regulations aimed at addressing community concerns, which results in improved service delivery in the County. The Ordinance promotes the County's vision for improving the quality of life of its communities.

Ordinance Revisions

DRP staff is recommending additional revisions to the Ordinance.

The new provisions for temporary meteorological towers and small-scale wind energy systems that were originally proposed in the Ordinance are recommended to be replaced with the existing provisions in Part 15 (Non-Commercial Wind Energy Conversion Systems and Temporary Meteorological Towers) of the County Code.

This is necessary because of changes in State law, that now dictate that ordinances related to the installation of small wind energy systems must comply with Government Code §65893 et seq, which limits a local jurisdiction's ability to regulate small wind energy systems. A local jurisdiction's ordinance cannot impose regulations that are more restrictive than those listed in Government Code §65896. However, ordinances adopted prior to January 1, 2011, are exempt from Government Code §65893 et seq. Therefore, by retaining the existing small-wind energy systems provisions in Part 15 of the County Code, the County can better regulate small wind energy systems through its existing provisions. As the provisions related to impacts to birds and bats are silent in the State legislation, these proposed provisions will remain in the Ordinance.

Other sections of the Ordinance have also been revised as a result:

1. The permitting process for small-scale wind energy systems will remain as outlined in the existing County Code. The required permit has changed in certain zones. For example, small-scale wind energy systems are not allowed in any of the commercial zones. Previously, the Ordinance allowed these projects in all the commercial zones through a Minor CUP.
2. The organization of the Ordinance has changed to clarify that the Ordinance will amend, rather than replace Part 15 of the County Code. The existing sections will remain and new sections will be added where appropriate.
3. Some regulations for utility-scale wind energy facilities have been edited to provide consistency within the Ordinance. For example, the climbing apparatus requirement was removed because the regulations for small-scale wind energy systems, which include the same climbing apparatus requirement, apply to utility-scale wind energy facilities as well.
4. Other sections of the Ordinance have been revised to clarify that the existing applicability, application materials, modifications, findings, conditions of approval,

and enforcement provisions in the existing County Code apply for temporary meteorological towers and small-scale wind energy systems. For example, the application materials for small-scale wind energy systems and temporary meteorological towers were removed because they are already provided in Part 15 of the County Code.

5. Other minor revisions were made as well. For example, the definition of "guy wires" and "wind tower" were removed because they are already provided in Part 15 of the County Code.

Other minor edits have been made to correct errors such as incorrect references.

FISCAL IMPACT/FINANCING

Implementation of this Ordinance will not result in any loss of revenue to the County or result in significant new costs to DRP or other County departments. Adoption of the Ordinance will not result in the need for additional departmental staffing. Therefore, no request for financing is being made at this time.

However, the County must adopt a written finding justifying the permit fee for a particular type of project. State legislation 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.

In general, solar energy systems mounted to structures are allowed by right with permits issued by the County Department of Public Works Building and Safety. However, the Minor CUP fee of $1,494 is associated with rooftop solar energy systems in the R-1 (Single-Family Residence) Zone that are for off-site use, are not mounted to a single-family residence or duplex, and do not exceed the kilowatt thresholds as defined in State legislation for a small residential rooftop solar system. A Minor CUP 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 required by County Code Section 22.60.100 was calculated by the fee rates and fee study conducted in 2010 that examined the number of hours it takes to process Minor CUPs, and the study was updated based on updated internal procedures for processing Minor CUPs that will offset the difference.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

A public hearing is required pursuant to Section 22.16.200 of the County Code and Section 65856 of the Government Code. Required notice must be given pursuant to the procedures and requirements set forth in Section 22.60.174 of the County Code. These

procedures exceed the minimum standards of Sections 6061, 65090, and 65856 of the Government Code related to public hearing noticing.

- On **March 18, 2015**, the RPC held a duly-noticed public hearing at the Antelope Valley Transit Authority Headquarters in the City of Lancaster. Thirteen members of the public testified and raised various concerns regarding the Ordinance. The RPC also raised questions for DRP staff, and continued the matter to April 8, 2015.
- On **April 8, 2015**, the RPC held a continued public hearing in downtown Los Angeles. Two members of the public testified via remote testimony from the DRP Antelope Valley Field Office and raised additional concerns regarding the Ordinance. The RPC continued the matter to April 22, 2015 as recommended by DRP staff.
- On **April 22, 2015**, the RPC held a continued public hearing in downtown Los Angeles. Eleven members of the public testified and raised additional concerns regarding the Ordinance. The RPC closed the public hearing and adopted a Resolution recommending that the Board adopt the proposed amendments to Title 22.

During these hearings, members of the public raised concerns regarding the applicability of Community Standards Districts, size of small-scale solar and wind energy systems, landscaped buffer areas, water usage, dust control, noise, impacts to birds and bats, glare, inadequate setbacks, open space conservation, and other concerns. DRP staff has evaluated these concerns and revised the proposed Ordinance when appropriate.

Prior to these public hearings, DRP conducted extensive outreach across a wide and diverse range of stakeholders since the start of this effort in 2011. These include the rural Town Councils in the Antelope Valley, community groups, industry groups, individual property owners and environmental advocates. DRP staff has made themselves accessible to all interested parties in order to provide information and receive comments and feedback, which were incorporated into the Ordinance when appropriate.

Key meetings and important milestones during the development of the Ordinance include:

- November 2011: DRP staff conducted three focus group sessions, one each for renewable energy developers, residents, and environmental organizations.
- October 2013: DRP staff released the first draft of the Ordinance for public review and comment and conducted a community meeting to provide an overview of the Ordinance and receive feedback.

- May 2014: DRP staff released the second draft of the Ordinance for public review and comment.
- September 2014 to January 2015: DRP 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 Ordinance.
- June 2015 to July 2015: DRP staff met with additional various community groups, including the East Los Angeles Advisory Committee, Sunshine Park Neighborhood Watch, Walnut Park Chamber of Commerce, Walnut Park Residents, South San Gabriel MASH, Workman Mill Association and Maravilla Community Advisory Board.

Additional correspondence received after the close of the RPC public hearing on April 22, 2015, is also provided for the Board's consideration.

ENVIRONMENTAL DOCUMENTATION

DRP staff has determined that an EIR is the appropriate environmental document for this project.

On April 30, 2014, the County released a Notice of Preparation of an EIR in relation to the Ordinance. Two scoping meetings were held, on May 20, 2014, in the Antelope Valley and another on May 22, 2014, in downtown Los Angeles, to provide a brief presentation on the project and to solicit comments regarding the scope of the EIR.

A Draft EIR was then subsequently released on February 20, 2015. A Notice of Completion and Availability of an EIR and Notice of Public Hearing was mailed to approximately 300 stakeholder individuals and organizations as well as emailed to approximately 2,300 addresses. Furthermore, the Draft EIR and draft Ordinance were made available on the DRP website, in 14 County libraries, at DRP's main office, and all DRP field offices. The Notice of Availability of the EIR and Notice of Public Hearing were published in the Los Angeles 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.

The formal comment period for the Draft EIR was from February 20, 2015, to April 6, 2015. A complete set of comments received and response to comments are included in the Final EIR that is before the Board for certification. The Significant Unavoidable Impacts identified in the EIR include aesthetics, agricultural and forestry resources, air quality, biological resources, cultural resources, geology and soils, hazards and

hazardous materials, hydrology and water quality, noise, transportation and traffic, and utilities and service systems.

IMPACT ON CURRENT SERVICES OR PROJECTS

Approval of the Ordinance will not significantly impact County services or projects.

Should you have any questions, please contact Mr. Jay Lee at (213) 974-6476 or by e-mail at jalee@planning.lacounty.gov.

Respectfully submitted,

Richard J. Bruckner
Director

RJB:MC:SMT:JL:jl:ems

Attachments:

1. RPC Project Summary
2. Summary of RPC Proceedings
3. RPC Hearing Packages
4. RPC Resolution
5. Recommended Ordinance for Board Adoption
6. Board Notice of Public Hearing
7. Public Comments received after RPC Hearing
8. Final Environmental Impact Report

c: Executive Office, Board of Supervisors
County Counsel
Assessor
Chief Executive Office
Public Works

S_BL_071415_RENEWABLE ENERGY ORDINANCE

ATTACHMENT 1: RPC PROJECT SUMMARY

COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING

PROJECT SUMMARY

PROJECT DESCRIPTION: Renewable Energy Ordinance (Ordinance)

REQUEST: 1) Adopt Advance Planning No. 2014-00004-(1-5);

2) Certify the Final Environmental Impact Report (EIR) for the Project - Environmental Assessment No. 2014-00096-(1-5), and adopt the Findings of Fact and Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program.

LOCATION: Unincorporated Los Angeles County

STAFF CONTACT: Jay Lee (213) 974-6476

RPC HEARING DATES: March 18, 2015, April 8, 2015, and April 22, 2015

RPC RECOMMENDATION: Board public hearing to consider adoption of the proposed Renewable Energy Ordinance and certification of the Final EIR for the Project.

MEMBERS VOTING AYE: Commissioners Modugno, Valadez, Louie and Pedersen

MEMBERS VOTING NAY: None

MEMBERS ABSENT: Commissioner Pincetl

MEMBERS ABSTAINING: None

KEY ISSUES:

- The Ordinanceôs impact on the future development and regulation of utility-scale projects
- Cumulative impacts associated with utility-scale projects
- Adequacy of standards in addressing environmental and community concerns including water use, dust control, aesthetics, safety, biota impacts, and other concerns
- Conversion of small-scale projects to utility-scale projects in residential areas

MAJOR POINTS FOR:

- Provides clarity to Department of Regional Planning staff, applicants, and the public regarding the processing of solar and wind energy projects
- Achieves a balance between supporting Californiaôs

renewable energy policy and minimizing associated environmental impacts

- Prioritizes and streamlines small-scale and structure-mounted projects, which have the least impacts on the environment and surrounding communities
- Better regulates utility-scale projects with development standards, which do not exist in the current County Code
- Guides development of utility-scale projects into appropriate areas and away from areas that are environmentally sensitive, or have safety hazards and other constraints
- Extensive community outreach has been conducted in development of the Ordinance

MAJOR POINTS AGAINST:

- Greater regulation of solar and wind energy projects may discourage renewable energy development
- The Ordinance is countywide, and therefore only establishes baseline regulations for utility-scale projects that are not property-specific
- The Ordinance may encourage utility-scale projects in residential or rural areas where none or few exist, or result in unpermitted conversions from small-scale to utility-scale

ATTACHMENT 2: SUMMARY OF RPC PROCEEDINGS

REGIONAL PLANNING COMMISSION
SUMMARY OF PUBLIC HEARING PROCEEDINGS

RENEWABLE ENERGY ORDINANCE

On March 18, 2015, the Regional Planning Commission (Commission) conducted a public hearing at the Antelope Valley Transit Authority Headquarters in the City of Lancaster to consider the Renewable Energy Ordinance (Ordinance). Department of Regional Planning (DRP) staff presented on the Ordinance, which 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. Thirteen (13) members of the public testified and raised various concerns regarding the applicability of Community Standards Districts to renewable energy projects, size of small-scale solar and wind energy systems, adequacy of the landscaped buffer and water usage requirements, cumulative impacts of utility-scale projects on the Antelope Valley, and other concerns. Many members of the public also requested that utility-scale projects be prohibited. The Commission also raised questions for DRP staff regarding these concerns, and continued the matter to April 8, 2015.

On April 8, 2015, the Commission held a continued public hearing in downtown Los Angeles. DRP staff requested the Commission continue the matter to April 22, 2015 to allow more time to address the concerns raised at the March 18, 2015 hearing as well as provide any update Ordinance language. Two (2) members of the public testified via remote testimony from the DRP Antelope Valley Field Office and raised additional concerns regarding the impacts of wind turbines on natural wildlife, inadequacy of setbacks in protecting viewsheds, and other concerns. The Commission continued the matter to April 22, 2015 as recommended by DRP staff.

On April 22, 2015, the Commission held a continued public hearing in downtown Los Angeles. DRP staff presented on the revisions to the Ordinance and how the Ordinance addresses the concerns raised by the public. Eleven (11) members of the public testified and raised additional concerns regarding the size of small-scale solar and wind energy systems, impacts to natural resources, concentration of utility-scale projects in the Antelope Valley, Minor Conditional Use Permit (CUP) process, and other concerns. The Commission indicated that many of the concerns raised by the public have been addressed, and clarified that ground-mounted utility-scale projects will require a full CUP, not a Minor CUP, and that the Ordinance would require small-scale projects to be properly sized. The Commission then closed the public hearing and adopted a Resolution recommending that the Board of Supervisors (Board) adopt the proposed amendments to Title 22 (Advance Planning No. 2014-00004-(1-5)). Commissioners Modugno, Valadez, Louie and Pedersen voted aye. Commissioner Pincetl was absent.

On April 22, 2015, the Airport Land Use Commission (ALUC) conducted a public hearing relating to the Ordinance for consistency with the adopted County Airport Land Use Plan (ALUP), County Airport Land Use Commission Review Procedures (Review Procedures), and General William J. Fox Airfield Land Use Compatibility Plan (Fox ALUCP). The ALUC found the Ordinance consistent with the ALUP, Review Procedures, and Fox ALUCP.

RPC_Summary_042215

ATTACHMENT 3: RPC HEARING PACKAGES

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

March 5, 2015

TO: Pat Modugno, Vice-Chair
Esther L. Valadez, Commissioner
David W. Louie, Commissioner
Curt Pedersen, Commissioner

FROM: Jay Lee, AICP
Community Studies North Section

LOS ANGELES COUNTY DRAFT RENEWABLE ENERGY ORDINANCE – PROJECT NO. R2014-01160-(1-5) – MARCH 18, 2015 – AGENDA ITEM NO. 5

INTRODUCTION

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.

Background

Steps are being taken at the federal and state level to increase renewable energy production. At the federal level, the Energy Policy Act of 2005 requires the U.S. Department of Energy to study and report on existing natural energy resources, in support of renewable energy production. At the state level, 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 regulation of solar energy systems.

Within the County, utility-scale solar and wind energy facilities have been proposed since 2010, and specifically within the Antelope Valley. In late 2010 the AV Solar Ranch One project became the first utility-scale solar energy facility to be approved in the County, and 11 other applications for utility-scale solar energy facilities have since been approved. In 2011, after hearing concerns from the community including fugitive dust, water usage, and aesthetics, County Department of Regional Planning (DRP) staff developed a draft suitability map for renewable energy development as part of the draft Antelope Valley Areawide General Plan (AV Area Plan) Update.

Based on concerns raised from various stakeholders regarding the map, DRP staff subsequently determined that an ordinance, separate from the AV Area Plan Update, was necessary to address their concerns. In June 2013 the County received a grant from the

California Energy Commission to complete the Ordinance and associated Environmental Impact Report (EIR).

Purpose

The purpose of the Ordinance is to facilitate the development of solar and wind energy projects to help meet state and federal goals for renewable energy production while minimizing safety hazards and environmental impacts. This is necessary as the State relies increasingly on renewable energy, and yet renewable energy projects raise unique issues that warrant more specific permitting and development standards than exist today.

The specific objectives of the Ordinance are as follows:

- Facilitate the use of renewable energy within the County pursuant to existing and future statewide goals;
- Assist the County in furthering federal goals under the Energy Policy Act of 2005;
- Reduce the potential for energy shortages and outages by facilitating local energy supply;
- Clarify the approval process for the development and operation of solar and wind energy systems and facilities;
- Minimize the potential for land use conflicts and environmental impacts that may arise through the development of solar and wind energy systems and facilities;
- Encourage the development of small-scale and structure-mounted solar and wind energy systems and facilities through a streamlined and standardized permit review process; and
- Allow temporary meteorological towers with a Minor Conditional Use Permit (CUP) for the purposes of collecting data to determine appropriate locations for wind energy.

GENERAL PLAN/COMMUNITY PLAN CONSISTENCY

1980 General Plan

The 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. Please see Attachment 3 for a list of these goals, objectives, and policies.

Also, the adopted Economic Development Element cites the availability of energy as essential to economic growth and all sectors of the economy, the County is in an advantageous position to utilize solar energy, and that maintaining a strong economy is dependent upon the greater utilization of solar energy and other sources for meeting energy needs.

The Ordinance will facilitate and support the development of solar and wind energy projects, which will help develop alternative energy sources while conserving non-renewable resources. The 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 fencing, landscaped buffer,

and lighting requirements. Therefore, the Ordinance is consistent with the adopted 1980 General Plan.

Draft 2035 General Plan

The Draft 2035 General Plan, which will replace the 1980 General Plan, has been recommended for approval by the Commission, and is awaiting public hearing before the County Board of Supervisors. The Ordinance has also been analyzed for its consistency with the Draft 2035 General Plan in anticipation of its upcoming approval.

In addition to goals and policies related to reduction of noise impacts, the Ordinance supports various goals and policies of the Draft 2035 General Plan related to:

- Land use compatibility with rural communities, military operations, and airport operations;
  The Ordinance includes provisions to minimize land use conflicts through landscaped buffer areas, fencing, setbacks, and other requirements. The Ordinance also includes provisions to minimize disruptions of military and airport operations through consultation requirements, visual markers, and other requirements.

- Protection from exposure to harmful air pollutants;
  The Ordinance includes provisions to minimize exposure to harmful air pollutants through grading and erosion requirements, and other measures to reduce ground disturbance during construction and operation of the project.

- Conservation of open space, biological resources, and natural habitats; and
  The Ordinance includes provisions to conserve open space, biological resources, and natural habitats through setback requirements, prohibition of ground-mounted utility-scale energy projects in SEAs, water use requirements, and other measures. The Ordinance also includes provisions to protect scenic resources through setback, siting, height, and lighting requirements.

- Use of renewable energy, provision of adequate public utilities, and economic development.
  The Ordinance will facilitate and support the development of solar and wind energy projects, which will encourage the use of renewable energy and the development of the renewable energy economic sectors.

Please see Attachment 3 for a list of these goals and policies. Therefore, the Ordinance is consistent with the Draft 2035 General Plan.

1986 Antelope Valley Areawide General Plan

As many utility-scale energy projects are located in the Antelope Valley, the Ordinance has also been analyzed for consistency with the adopted 1986 Antelope Valley Areawide General Plan.

The Ordinance supports various policies of the 1986 Antelope Valley Areawide General Plan related to protection of environmentally sensitive areas, conservation of natural resources, land

use compatibility, use of alternative energy sources, and air quality. Please see Attachment 3 for a list of these policies.

The Ordinance will facilitate and support the use of alternative energy sources, namely solar and wind. The Ordinance includes provisions to protect environmentally sensitive areas and conserve natural resources through setback requirements, protection of SEAs, and other measures. The Ordinance also includes provisions to promote land use compatibility through landscaped buffer areas, fencing, setbacks, noise limits, and other requirements. The Ordinance also includes provisions to maintain air quality through minimization of ground disturbance. Therefore, the Ordinance is consistent with the 1986 Antelope Valley Areawide General Plan.

Draft Antelope Valley Areawide General Plan Update

The draft AV Area Plan Update, which will replace the 1986 Antelope Valley Areawide General Plan, has been heard by the County Board of Supervisors in November 2014, and the Board indicated their intent to approve the project. The draft AV Area Plan Update has not been adopted as of time of writing. However, adoption is expected soon and the draft AV Area Plan Update proposes several goals and policies specifically related to renewable energy. Please see Attachment 3 for a list of these goals and policies.

The Ordinance encourages projects that generate energy for on-site use and those that are mounted to structures, which will reduce dependence on utility-scale energy projects. The Ordinance includes provisions to minimize disruptions of military and airport operations through consultation requirements, visual markers, and other requirements. The Ordinance also includes provisions to reduce environmental impacts associated with utility-scale energy projects through measures related to water use, impacts to birds and bats, protection of SEAs, and other measures. The Ordinance also includes provisions to minimize impacts on surrounding communities through height, setback, decommissioning procedures, and buffering requirements, and other measures. Therefore, the Ordinance is consistent with the draft AV Area Plan Update.

PROPOSED ORDINANCE

In summary, the Ordinance will accomplish the following:

- Revise and add definitions related to solar and wind energy projects;
- Establish the permitting process for each type of solar and wind energy project in each zone; and
- Provide regulations for each type of solar and wind energy project.

In addition, the Ordinance includes amendments to the Minor CUP provisions of the County Code.

Definitions

The Ordinance will add and revise definitions related to solar and wind energy projects by amending Chapter 22.08 (Definitions) of the County Code. These amendments are necessary

as renewable energy is a relatively new technology, and Title 22 has not been updated accordingly. Currently, Title 22 only provides a definition for temporary meteorological towers and small-scale wind energy systems, which is called a "wind energy conversion system, non-commercial (WECS-N)". No definitions exist for the other types of solar and wind energy projects.

The Ordinance adds a definition for:

- Small-scale solar energy systems,
- Small-scale wind energy systems,
- Structure-mounted utility-scale solar energy facilities,
- Ground-mounted utility-scale solar energy facilities,
- Structure-mounted utility-scale wind energy facilities, and
- Ground-mounted utility-scale wind energy facilities.

The Ordinance will also define terms related to these projects including "decommissioning", "guy wires", "solar array", and "wind tower". Lastly, the definition of "meteorological tower, temporary (Temp MET Tower)" will be revised and replace the definition of WECS-N.

Establishing a clear and updated definition of each type of solar and wind energy project will provide clarity to DRP staff, applicants, and the public regarding the nature and scope of these projects.

Permitting

The Ordinance will also establish the permitting process for each type of solar and wind energy project in each zone by amending Chapters 22.20 (Residential Zones), 22.24 (Agricultural Zones), 22.28 (Commercial Zones), 22.32 (Industrial Zones), and 22.40 (Special Purpose and Combining Zones) of the County Code.

Currently, small-scale solar energy systems, and utility-scale solar and wind energy facilities are not listed as uses in Title 22. Small-scale solar energy systems are considered an accessory use and are permitted. Utility-scale solar and wind energy facilities are considered an "electric generating plant" and are generally processed through a CUP. Temporary meteorological towers and small-scale wind energy systems are listed as uses within Title 22, with temporary meteorological towers as a Director's review and small-scale wind energy systems as a CUP in zones that allow them.

The Ordinance will amend these chapters so that the types of solar and wind energy systems and facilities are listed as uses in zones that allow them. Therefore, the permitting process for each type of solar and wind energy project in each zone will be clearer. Please see Attachment 2 for a table of the proposed permit requirements of each type of project by zone.

Through the permitting process, the Ordinance encourages the development of solar and wind energy projects that generate energy for on-site use as well as those mounted on structures such as rooftops and vehicle shade covers. The permitting process is generally easier and quicker for these types of projects. Projects that generate energy for off-site use as well as – ground-mounted require a higher level of review. The Ordinance recognizes that there is great potential throughout the County for solar and wind energy projects to generate energy using

existing structures and built areas, which has less impact on the surrounding environment, and is reflected within the permitting structure of the Ordinance.

Part 15 – Renewable Energy

The Ordinance will also establish regulations for each type of solar and wind energy project by amending Part 15 (Non-Commercial Wind Energy Conversion Systems and Temporary Meteorological Towers) of Chapter 22.52 (General Regulations) of the County Code. Currently, Part 15 only regulates temporary meteorological towers and small-scale wind energy systems. No specific regulations exist for small-scale solar energy systems and utility-scale solar and wind energy facilities. As mentioned previously, utility-scale solar and wind energy facilities are generally processed through a CUP. The County uses project conditions to minimize impacts to the surrounding environment on a project-by-project basis, which has resulted in a wide range of outcomes for utility-scale projects. Some projects have done a better job than others in minimizing impacts to the environment and surrounding communities.

In addition to establishing limited standards for small-scale solar energy projects, the Ordinance will provide a more consistent approach for processing utility-scale solar and wind energy facilities by establishing development standards and conditions of approval that will give more guidance to DRP staff, applicants and the public. Based on past utility-scale projects and concerns heard from the community, DRP staff identified several key areas of focus for the utility-scale portion of the Ordinance:

- **Dust control:** The Ordinance includes provisions related to dust control, such as prohibiting removal of vegetation root systems except where necessary, and using ground-protection practices such as construction mats and soil stabilizers. These minimize site disturbance and fugitive dust.

- **Water use:** The Ordinance includes provisions related to water use, such as regulating the amount and source of water used during construction and operation. These minimize excessive water use and encourage conservation of valuable water resources.

- **Aesthetics:** The Ordinance includes provisions to minimize visual impacts to local communities, such as minimum setbacks, height limit requirements, fencing and landscaped buffer requirements, and the undergrounding of transmission lines. These help preserve scenic resources and the visual character of the surrounding area.

- **Safety:** The Ordinance includes provisions to minimize safety hazards associated with utility-scale projects, such as requirements related to aviation safety, decommissioning, and lighting.

- **Biota impacts:** The Ordinance includes provisions to minimize biota impacts to the surrounding environment, such as wildlife-permeable fencing and measures to reduce impacts to birds and bats. Additionally, the Ordinance will prohibit ground-mounted utility-scale solar and wind energy facilities within Significant Ecological Areas as they are where the County's most valuable resources have been identified.

Providing specific and enforceable provisions for each type of solar and wind energy project will help the County regulate these projects in a manner that minimizes impacts to the environment and surrounding communities.

Other Zoning Code Amendments

The Ordinance will also amend other chapters in the County Code to update the Minor CUP process to require a public hearing in compliance with State law, and ensure that all references to solar and wind energy are consistent with the terminology used in Part 15.

ENVIRONMENTAL DOCUMENT

A Draft Environmental Impact Report (EIR) has been prepared for this project and is attached as Attachment 4. The Draft EIR assessed the direct, indirect and cumulative environmental effects of the proposed project in those areas listed below, both at a project level for uses permitted by right, and at a programmatic level for uses subject to further discretionary action. The Draft EIR analyzed the following areas:

- Aesthetics
- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation and Traffic
- Utilities and Service Systems

The Draft EIR concludes that impacts listed below are potentially significant and unavoidable after mitigation, or cumulatively significant:

- Aesthetics
- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise
- Transportation and Traffic
- Utilities and Service Systems

The Draft EIR also identifies three alternatives as required by CEQA. These are:

- No Project Alternative
- Reduced Small-Scale Solar Energy Systems Alternative
- Reduced Utility-Scale Solar and Wind Energy Facilities Alternative

The Reduced Utility-Scale Solar and Wind Energy Alternative, which requires a higher level of review for structure-mounted utility-scale solar and wind energy facilities and greater setbacks for ground-mounted utility-scale wind and solar energy facilities, was identified as the environmentally superior alternative.

This Draft EIR along with the Mitigation Monitoring and Reporting Program was made available to the public on February 20, 2015. Pursuant to California Environmental Quality Act (CEQA), the public review period is currently ongoing, and will end on April 6, 2015. DRP has received one comment on the Draft EIR so far. A Final EIR will be prepared that includes responses to all public comments received during the public comment period. The Final EIR will be before the County Board of Supervisors for their consideration as part of the public hearing for this proposed project (anticipated in May 2015).

COMMENTS AND RECOMMENDATIONS

DRP staff has received many comments and recommendations regarding previous drafts of the Ordinance that were made available for public review.

DRP staff has received extensive comments and recommendations for the Ordinance, including concerns with concentration of utility-scale energy projects in the Antelope Valley, fencing, landscaping, siting, ground disturbance, fugitive dust and Valley Fever, impacts to birds and bats, glare, lighting, guy wires, setbacks, migratory pathways, and conservation of habitat. Comments were also received regarding decommissioning, undergrounding of transmission lines, preference for small-scale energy projects, water usage, noise, height, safety hazards and hazardous materials, visual impacts, maintenance and enforcement, low-frequency vibration and shadow flicker, electromagnetic radiation, and other concerns.

The Ordinance has been revised from previous drafts to address many of these concerns. For example, the fencing and perimeter landscaping requirements have been strengthened to provide better buffering and ground coverage. Additional setback and project design requirements have been included to better protect biological resources, namely bird and bat species. The decommissioning requirements have been strengthened to ensure that projects are adequately decommissioned when necessary. Water usage requirements have been included to better monitor the use of water. Definitions of types of projects have also been revised to provide greater clarity on the scope of these projects, and additional findings have been included to better address certain areas of concern. Provisions related to enforcement procedures and a list of application materials have been included to ensure better implementation of the Ordinance.

The latest draft of the Ordinance (and as analyzed in the Draft EIR) was made available to the public on February 20, 2015. As of time of writing, DRP has received two comments and requests for amendments to the Ordinance. This correspondence will be reviewed, and any additional evaluation will be provided in a supplemental memo to your Commission.

OUTREACH AND NOTIFICATION

DRP staff began this effort 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. DRP staff has made themselves accessible to all interested parties in order to provide information and receive comments and feedback, which were incorporated into the Ordinance when appropriate.

Key meetings and important milestones during the development of the Ordinance include:

- November 2011: DRP staff conducted three focus group sessions, one each for renewable energy developers, residents, and environmental organizations.
- October 2013: DRP staff released the first draft of the Ordinance for public review and comment and conducted a community meeting to provide an overview of the Ordinance and receive feedback.
- May 2014: DRP staff released the second draft of the Ordinance for public review and comment.
- September 2014 to January 2015: DRP 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 Ordinance.

In addition, from 2012 until present DRP 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 include the Chief Executive Office, Department of Public Works, Fire Department, Department of Parks and Recreation, and Department of Public Health.

On February 20, 2015, a notice of public hearing and availability of the Draft EIR was mailed to approximately 300 stakeholder individuals and organizations as well as emailed to approximately 2,300 addresses. Furthermore, the Draft EIR and draft Ordinance were made available on the DRP web site, in 14 County libraries, at DRP's main office, and all DRP field offices. The Notice of Availability of the EIR and the Notice of Public Hearing were 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.

STAFF SUMMARY

In conclusion, the Ordinance establishes provisions regulating solar and wind energy projects in a manner that supports and facilitates these projects to help the State meet its established renewable energy goals while minimizing impacts to the environment and addressing community concerns. The Ordinance defines each type of solar and wind energy project and establishes regulations for each type to provide a more consistent approach for processing them and greater clarity for DRP staff, applicants, and the public. The Ordinance also establishes a comprehensive permitting process that encourages projects generating energy for on-site use and those that are mounted to structures, which have fewer impacts on the environment. Lastly, the Ordinance amends the County Code to comply with state requirements regarding hearing procedures.

As of time of writing, there are additional modifications staff is recommending for the Ordinance. These modifications further clarify the Ordinance provisions, and include changes such as

clarifying certain definitions, and amending the Minor CUP fee. A further discussion of these modifications, as well as any proposed after consideration of the correspondence received, will be included in a supplemental memo to your Commission.

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; and recommend the Ordinance be recommended for approval and adoption by the Los Angeles County Board of Supervisors.

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING, AND RECOMMEND TO THE LOS ANGELES COUNTY BOARD OF SUPERVISORS APPROVAL AND ADOPTION OF PROJECT NO. R2014-01660-(1-5).

MC:SMT:JL

Attachments: 1: Draft Renewable Energy Ordinance
2: Permitting Summary Table
3: General Plan/Community Plan Policies
4: Draft Environmental Impact Report (CD)
5: Comments on the Draft Renewable Energy Ordinance
6: Comments on the Draft Environmental Impact Report

ATTACHMENT 1: DRAFT RENEWABLE ENERGY ORDINANCE

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

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

Contact: Jay Lee
Email: jalee@planning.lacounty.gov
Postal Mail: LA County Department of Regional Planning
Attn: Jay Lee
320 W Temple St 13th Flr
Los Angeles CA 90012

Comments on this draft are due _____.

ORDINANCE NO. _____

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

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

22.08.040 D

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

é

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

22.08.070 G

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

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

22.08.070 M

é

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

é

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

22.08.190 S

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

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

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

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

é

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

22.08.210 U

é

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

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

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

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

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

…

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

22.08.230 W

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

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

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

é

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

22.20.080 Accessory Uses.

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

é

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

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

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

22.20.100 Uses Subject to Permits.

Property in Zone R-1 may be used for:

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

é

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

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

é

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

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

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

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

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

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

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

é

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

22.20.170 Permitted Uses.

Property in Zone R-2 may be used for:

é

-- Small family homes, children.

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

SECTION 10. Section 22.20.180 is hereby amended to read as follows:

22.20.180 Accessory Uses.

Property in Zone R-2 may be used for:

é

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

SECTION 11. Section 22.20.200 is hereby amended to read as follows:

22.20.200 Uses Subject to Permits.

Property in Zone R-2 may be used for:

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

é

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

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

é

-- Telephone repeater stations.

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

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

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

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

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

é

SECTION 12. Section 22.20.260 is hereby amended to read as follows:

22.20.260 Permitted Uses.

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

é

-- Townhouses.

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

SECTION 13. Section 22.20.270 is hereby amended to read as follows:

22.20.270 Accessory Uses.

é

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

SECTION 14. Section 22.20.290 is hereby amended to read as follows:

22.20.290 Uses Subject to Permits.

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

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

é

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

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

é

-- Telephone repeater stations.

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

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

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

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

é

SECTION 15. Section 22.20.340 is hereby amended to read as follows:

22.20.340 Permitted Uses.

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

é

-- Townhouses.

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

SECTION 16. Section 22.20.350 is hereby amended to read as follows:

22.20.350 Accessory Uses.

é

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

SECTION 17. Section 22.20.370 is hereby amended to read as follows:

22.20.370 Uses Subject to Permits.

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

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

é

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

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

é

-- Telephone repeater stations.

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

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

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

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

é

SECTION 18. Section 22.20.410 is hereby amended to read as follows:

22.20.410 Permitted Uses.

Property in Zone R-A may be used for:

é

-- Small family homes, children.

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

SECTION 19. Section 22.20.420 is hereby amended to read as follows:

22.20.420 Accessory Uses.

é

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

SECTION 20. Section 22.20.440 is hereby amended to read as follows:

22.20.440 Uses Subject to Permits.

Property in Zone R-A may be used for:

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

é

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

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

é

-- Telephone repeater stations.

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

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

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

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

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

é

SECTION 21. Section 22.24.070 is hereby amended to read as follows:

22.24.070 Permitted Uses.

Premises in Zone A-1 may be used for:

A. The following uses:

é

-- Small family homes, children.

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

é

SECTION 22. Section 22.24.080 is hereby amended to read as follows:

22.24.080 Accessory Uses.

Property in Zone A-1 may be used for:

é

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

SECTION 23. Section 22.24.100 is hereby amended to read as follows:

22.24.100 Uses Subject to Permits.

Property in Zone A-1 may be used for:

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

é

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

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

é

-- Telephone repeater stations.

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

é

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

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

é

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

é

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

SECTION 24. Section 22.24.120 is hereby amended to read as follows:

22.24.120 Permitted Uses.

Premises in Zone A-2 may be used for:

é

D. The following additional uses:

é

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

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

é

SECTION 25. Section 22.24.130 is hereby amended to read as follows:

22.24.130 Accessory Uses.

Property in Zone A-2 may be used for:

é

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

SECTION 26. Section 22.24.150 is hereby amended to read as follows:

22.24.150 Uses Subject to Permits.

Property in Zone A-2 may be used for:

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

é

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

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

é

-- Telephone repeater stations.

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

é

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

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

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

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

é

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

é

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

SECTION 27. Section 22.28.030 is hereby amended to read as follows:

22.28.030 Permitted Uses.

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

A. Services.

é

-- Stations ï Bus, railroad, and taxi.

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

é

SECTION 28. Section 22.28.040 is hereby amended to read as follows:

22.28.040 Accessory Uses.

Premises in Zone C-H may be used for:

é

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

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

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

22.28.060 Uses Subject to Permits.

Premises in Zone C-H may be used for:

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

é

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

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

é

-- Telephone repeater stations.

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

é

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

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

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

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

é

SECTION 30. Section 22.28.080 is hereby amended to read as follows:

22.28.080 Permitted Uses.

Premises in Zone C-1 may be used for:

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

é

2. Services.

é

-- Union halls.

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

é

SECTION 31. Section 22.28.090 is hereby amended to read as follows:

22.28.090 Accessory Uses.

Premises in Zone C-1 may be used for:

é

B. The following additional accessory uses:

é

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

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

é

SECTION 32. Section 22.28.110 is hereby amended to read as follows:

22.28.110 Uses Subject to Permits.

Premises in Zone C-1 may be used for:

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

é

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

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

é

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

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

é

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

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

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

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

é

SECTION 33. Section 22.28.130 is hereby amended to read as follows:

22.28.130 Permitted Uses.

Premises in Zone C-2 may be used for:

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

é

2. Services.

é

-- Union halls.

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

é

SECTION 34. Section 22.28.140 is hereby amended to read as follows:

22.28.140 Accessory Uses.

Premises in Zone C-2 may be used for:

é

C. The following additional accessory uses:

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

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

SECTION 35. Section 22.28.160 is hereby amended to read as follows:

22.28.160 Uses Subject to Permits.

Premises in Zone C-2 may be used for:

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

é

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

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

é

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

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

é

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

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

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

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

é

SECTION 36. Section 22.28.180 is hereby amended to read as follows:

22.28.180 Permitted Uses.

Premises in Zone C-3 may be used for:

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

é

2. Services.

é

-- Union halls.

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

é

SECTION 37. Section 22.28.190 is hereby amended to read as follows:

22.28.190 Accessory Uses.

Premises in Zone C-3 may be used for:

é

C. The following additional accessory uses:

é

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

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

SECTION 38. Section 22.28.210 is hereby amended to read as follows:

22.28.210 Uses Subject to Permits.

Premises in Zone C-3 may be used for:

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

é

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

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

é

-- Tattoo parlor.

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

é

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

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

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

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

é

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

22.28.230 Permitted Uses.

Premises in Zone C-M may be used for:

A. The following commercial uses:

é

2. Services.

é

-- Union halls.

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

é

SECTION 40. Section 22.28.090 is hereby amended to read as follows:

22.28.240 Accessory Uses.

Premises in Zone C-M may be used for:

é

C. The following additional accessory uses:

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

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

SECTION 41. Section 22.28.260 is hereby amended to read as follows:

22.28.260 Uses Subject to Permits.

Premises in Zone C-M may be used for:

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

é

-- Skating rinks, ice or roller.

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

é

-- Tattoo parlor.

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

é

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

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

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

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

é

SECTION 42. Section 22.28.290 is hereby amended to read as follows:

22.28.290 Permitted Uses.

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

1. Services.

é

-- Tourist information centers.

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

é

SECTION 43. Section 22.28.300 is hereby amended to read as follows:

22.28.300 Accessory Uses.

Premises in Zone C-R may be used for:

é

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

SECTION 44. Section 22.28.320 is hereby amended to read as follows:

22.28.320 Uses Subject to Permits.

Premises in Zone C-R may be used for:

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

é

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

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

é

-- Telephone repeater stations.

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

-- Theaters, drive-in.

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

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

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

é

SECTION 45. Section 22.32.110 is hereby amended to read as follows:

22.32.110 Accessory Uses.

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

é

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

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

SECTION 46. Section 22.32.130 is hereby amended to read as follows:

22.32.130 Uses Subject to Permits.

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

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

...

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

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

é

-- Tattoo parlor.

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

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

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

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

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

é

SECTION 47. 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:

é

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

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

SECTION 48. 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:

é

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.

é

SECTION 49. 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:

é

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

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

SECTION 50. 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.

é

-- Tourist information centers.

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

é

SECTION 51. 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.

é

SECTION 52. 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.

é

-- Telephone repeater stations.

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

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

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

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

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

é

SECTION 53. 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:

é

-- 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 54. 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:

é

-- 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.

é

SECTION 55. Section 22.40.410 is hereby amended to read as follows:

22.40.410 Permitted Uses.

é

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 56. 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:

é

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

é

-- 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.

é

SECTION 57. Section 22.44.113 is hereby amended to read as follows:

22.44.113 Agua Dulce Community Standards District.

é

D. Community-wide Development Standards.

é

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

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

é

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

22.44.113 Altadena Community Standards District.

é

C. Community-wide Development Standards.

é

2. Hillside Management.

é

d. Significant Ridgeline Protection. Ridgelines are defined as the line formed by the meeting of the tops of sloping surfaces of land. Significant Ridgelines are highly visible ridgelines that dominate the landscape. The locations of the significant ridgelines within the CSD are shown on the map following this Section.

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

é

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

22.44.133 Santa Monica Mountains North Area Community Standards District.

é

D. Community-wide Development Standards.

é

5. Significant Ridgeline Protection.

é

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.

é

SECTION 60. Section 22.44.143 is hereby amended to read as follows:

22.44.143 Elizabeth Lake and Lake Hughes Community Standards District.

é

D. Community-Wide Development Standards.

é

4. Utilities.

é

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.

é

10. Significant Ridgeline Protection.

é

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

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

é

SECTION 61. Section 22.44.144 is hereby amended to read as follows:

22.44.144 San Francisquito Canyon Community Standards District.

é

D. Community-wide Development Standards.

é

10. Significant Ridgeline Protection.

é

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:

é

SECTION 62. Part 15 of Chapter 22.52 is hereby repealed in its entirety.

SECTION 63. Part 15 of Chapter 22.52 is hereby added to read as follows:

PART 15

RENEWABLE ENERGY

SECTIONS:

22.52.1600 Purpose.

22.52.1605 Applicability.

22.52.1610 Application Materials.

22.52.1615 Standards for Small-Scale Solar Energy Systems.

22.52.1620 Standards for Utility-Scale Solar Energy Facilities.

22.52.1625 Standards for Temporary Meteorological Towers.

22.52.1630 Standards for Small-Scale Wind Energy Systems.

22.52.1635 Standards for Utility-Scale Wind Energy Facilities.

22.52.1640 Modifications.

22.52.1645 Uses Subject to Permits ï Aviation Review.

22.52.1650 Uses Subject to Permits ï Findings.

22.52.1655 Uses Subject to Permits ï Conditions of Approval.

22.52.1660 Enforcement Procedures.

22.52.1600 Purpose.

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

22.52.1605 Applicability.

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

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

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

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

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

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

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

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

22.52.1610 Application Materials.

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

1. All materials and information required by Section 22.56.1680;

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

a. Solar array footprint and height,

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

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

B. If a Minor Conditional Use Permit or Conditional Use Permit is required, the applicant shall submit the following: 1. All materials and information required by Section 22.56.030 and a Burden of Proof statement that substantiates the findings required by Section 22.52.1650;

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

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

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

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

i. Solar array footprint and height,

ii. Solar array setbacks from all property lines,

iii. Area and amount of grading and site disturbance,

iv. Topography of the property,

v. Watercourses on the property, if any

vi. Access roads,

vii. Required fencing,

viii. Required signage,

viii. Lighting,

ix. Transmission lines,

x. Significant ridgelines on the property, if any

b. Detailed landscaping plan that depicts:

i. Required perimeter fencing, if any

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

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

iv. Proposed timing and phasing of proposed landscaping,

c. Draft decommissioning plan,

d. Hydrology study,

e. Conceptual dust control plan,

f. Glare study,

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

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

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

i. FAA-required safety lights, if any,

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

iii. For ground-mounted temporary meteorological towers, guy wires and climbing apparatus, if any;

b. An elevation that depicts wind tower height;

6. Small-scale wind energy systems. In addition to the materials required by subsection B.5 of this Section, a site plan that depicts:

a. Manual and automatic wind tower blade overspeed controls,

b. For ground-mounted small-scale wind energy systems, blade clearance from the finished grade and required signage, if any;

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

a. FAA-required safety lights, if any,

b. Manual and automatic wind tower blade overspeed controls;

c. An elevation that depicts wind tower height;

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

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

i. Climbing apparatus, if any,

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

iii. Runway Protection Zones on the property, if any,

iv. Airport Influence Areas on the property, if any;

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

22.52.1615 Standards for Small-Scale Solar Energy Systems.

A. Conformance with State requirements. A small-scale solar energy system shall be in conformance with the California Solar Rights Act (California Civil Code Section 714 et seq.).

B. Ground-mounted.

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

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

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

22.52.1620 Standards for Utility-Scale Solar Energy Facilities.

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

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

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

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

a. Three feet on residential buildings; or

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

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

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

a. Non-opaque fences may be permitted.

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

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

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

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

3. Lighting. In addition to Part 9 of Chapter 22.44, outdoor lighting within the Rural Outdoor Lighting District, which is limited to that required for safety and security, shall be shielded and directed downward to avoid light trespass, and shall consist of:

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

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

4. 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.

5. 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.

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

22.52.1625 Standards for Temporary Meteorological Towers.

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

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

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

FIGURE 22.52.1625-A – SEPARATION STANDARDS FOR TEMPORARY METEOROLOGICAL TOWERS

FIGURE 22.52.1625-A
HERE

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

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

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

2. Climbing apparatus. All climbing apparatus shall be located at least 12 feet above the finished grade, and all wind towers shall be designed to prevent

climbing within the first 12 feet of the wind tower height, as measured from finished grade.

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

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

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

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

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

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

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

FIGURE 22.52.1625-B – HEIGHT STANDARDS FOR TEMPORARY METEOROLOGICAL TOWERS

FIGURE 22.52.1625-B
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22.52.1630 Standards for Small-Scale Wind Energy Systems.

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

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

2. Significant ridgelines. The highest point of a small-scale wind energy system 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 within an applicable Community Standards District.

3. Coastal Zone. Within the Coastal Zone, the placement of any small-scale wind energy system shall not obstruct public views of the ocean from a Scenic or Visual Resource (e.g., Significant Ridgeline, Scenic Route, Scenic Element, and Scenic Viewshed) identified in the applicable Local Coastal Program, unless specific provisions for such siting are provided for in the applicable Local Coastal Program and Coastal Development Permit or long-range development plan.

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

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

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

2. Impacts to birds and bats.

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

b. Guy wires. Safety wires shall be installed on the turnbuckles of guy wires. Anchor points for any guy wires shall be located within the same property as the system, and located in such a manner so as not to be on or across any above-ground electric transmission or distribution lines.

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

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

(A) Bat roosting sites;

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

(C) Riparian areas and wetlands.

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

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

22.52.1635 Standards for Utility-Scale Wind Energy Facilities.

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

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

2. Aviation safety.

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

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

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

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

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

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

a. Three feet on residential buildings; or

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

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

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

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

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

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

a. Non-opaque fences may be permitted.

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

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

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

5. Impacts to birds and bats.

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

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

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

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

(A) Adopted Significant Ecological Areas;

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

(C) Riparian areas and wetlands.

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

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

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

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

TABLE 22.52.1635-A – SETBACK REQUIREMENTS FOR GROUND-MOUNTED UTILITY-SCALE WIND ENERGY FACILITY

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

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

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

22.52.1640 Modifications.

A. When a site plan review is required, a Conditional Use Permit in compliance with Part 1 of Chapter 22.56, is required for any modification to the applicable standards in this Part 15, except as otherwise provided herein. In addition to

those required by Section 22.52.1650, the applicant for such Conditional Use Permit shall substantiate the following findings:

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

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

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

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

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

22.52.1645 Uses Subject to Permits – Aviation Review.

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

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

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

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

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

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

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

22.52.1650 Uses Subject to Permits – Findings.

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

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

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

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

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

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

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

D. If the proposed development penetrates the lower floor elevation of any MIOA, the military operator of that MIOA has determined that the proposed

development is not detrimental to the function of that MIOA and would not pose a health or safety hazard to military personnel or the public.

22.52.1655 Uses Subject to Permits – Conditions of Approval.

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

A. Utility-scale solar energy facilities.

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

2. Ground-mounted.

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

b. Decommissioning.

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

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

a final decommissioning plan. The amount shall be posted prior to any ground disturbance or the issuance of any grading or building permit.

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

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

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

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

c. Landscaped buffer. The following conditions shall apply:

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

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

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

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

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

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

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

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

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

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

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

v. Construction practices.

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

(B) Vegetation. Work within the existing vegetation where the facility components are being proposed shall be conducted with minimal disturbance, and the operator shall take all necessary precautions to not use vehicles or machinery for grading or alter the existing grade in these areas. When vehicles or machinery are deemed necessary for utility scale solar energy installation work, appropriate ground-protection practices (such as construction mats, stabilizers, or established vegetation) shall be utilized for both dust suppression and to ensure that the use of vehicles or machinery is compatible with continued and future vegetation growth. The facility shall retain a biologist to confirm that construction practices are compatible with continued and future vegetation growth. Any grading, disking, scraping, or other ground disturbance proposed as part of the project shall be permanently stabilized with

an earth-stabilizing product or other measure that is acceptable to the Departments of Public Works, Regional Planning, and Public Health to prevent fugitive dust.

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

f. Visual impact. Any utility-scale solar energy facility that is placed within the viewshed of a Scenic Drive, Scenic Highway or Scenic Route identified in the General Plan or in an applicable Area Plan or Community Plan shall be analyzed for its visual impacts. Appropriate conditions relating to siting, buffering, height, and design of the facility may be imposed to minimize significant effects on the viewshed; and

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

h. Water use.

i. The project shall use the minimum amount of water required during the construction period. The project shall be limited to the maximum

use of water as established by the Hearing Officer for the duration of the construction period.

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

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

iv. The permittee shall maintain a daily log, which shall include the number of gallons and acre feet of water used on the project site used for the following, which includes, but is not limited to: construction, operation, maintenance, landscaping, irrigation, and maintenance. The permittee shall record monthly water usage by source within five working days following the conclusion of each month. The log shall be made available to the Department upon demand.

B. Temporary meteorological towers.

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

2. Maintenance. All equipment and wind towers shall be maintained in an operational condition that poses no potential safety hazards. Maintenance shall

include, but not be limited to, painting, regularly scheduled cleaning, routine mechanical and/or electrical repairs, structural repairs, and security measures.

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

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

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

2. Visual Impact. Any small-scale wind energy system placed within the viewshed of a Scenic Drive, Scenic Highway or Scenic Route identified in the General Plan or in an applicable Area or Community Plan shall be assessed for its visual impacts, and appropriate conditions shall be applied relating to siting, buffers, and design of the system.

3. Ground-mounted. The vegetation within the entire area within 10 feet of the base of a wind tower shall be mowed, but removal of existing vegetation root systems shall be prohibited.

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

22.52.1660 Enforcement Procedures.

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

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

SECTION 64. 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 65. 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 66. Section 22.52.2490 is hereby amended to read as follows:

22.52.2490 Remote 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 22.52.2470 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 67. Section 22.56.070 is hereby amended to read as follows:

22.56.030 Application–Information Required.

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

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

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

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

c. A list, certified to be correct by affidavit or by a statement under penalty of perjury pursuant to Section 2015.5 of the Code of Civil Procedure, of the names and addresses of all persons who are shown on the latest available assessment roll of the county of Los Angeles as owners of the subject parcel of land and as owning property within a distance of 500 feet from the exterior boundaries of the parcel of land to be occupied by the use. If the application is for a minor conditional use permit in accordance with Section 22.56.085, a distance of 300 feet from the exterior boundaries of the parcel of land to be occupied by the use shall be provided in lieu of 500 feet. One copy of said map shall indicate where such ownerships are located,

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

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SECTION 68. 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 69. Section 22.56.085 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 70. 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 2: PERMITTING SUMMARY TABLE

PERMITS REQUIRED BY ZONE						
	Light Agricultural	Heavy Agricultural	Open Space & Watershed	Residential	Commercial	Industrial
Solar						
On-Site						
Structure-Mounted	P	P	P	P	P	P
Ground-Mounted	PP	PP	MCUP	PP	PP	PP
Off-Site						
Structure-Mounted	PP	PP	N/A	PP (CUP in R-1)	PP	PP
Ground-Mounted	N/A	CUP	N/A	N/A	CUP	CUP
Wind						
Temp. MET Tower	MCUP	MCUP	N/A	MCUP	MCUP	MCUP
On-Site	MCUP	MCUP	N/A	MCUP	MCUP	MCUP
Off-Site						
Structure-Mounted	MCUP	MCUP	N/A	MCUP (CUP in R-1)	MCUP	MCUP
Ground-Mounted	N/A	CUP	N/A	N/A	CUP	CUP

Legend

P = Permitted

PP = Plot Plan

MCUP = Minor Conditional Use Permit

CUP = Conditional Use Permit

ATTACHMENT 3: GENERAL PLAN/COMMUNITY PLAN POLICIES

1980 GENERAL PLAN

General Goals and Policies Chapter	
Policy 10	Protect areas that have significant natural resources and scenic values, including significant ecological areas, the coastal zone and prime agricultural lands.
Policy 12	Conserve energy to ensure adequate supplies for future use.
Policy 13	Conserve the available supply of water and protect water quality.
Policy 23	Ensure that development in non-urban areas is compatible with rural life styles, does not necessitate the expansion of urban service systems, and does not cause significant negative environmental impacts or subject people and property to serious hazards.
Conservation and Open Space Element	
Policy 2	Support the conservation of energy and encourage the development and utilization of new energy sources including geothermal, thermal waste, solar, wind and ocean-related sources.
Policy 3	Promote the use of solar energy to the maximum extent possible.
Policy 7	Preserve significant ecological areas and habitat management areas by appropriate measures, including preservation, mitigation and enhancement.
Policy 16	Protect the visual quality of scenic areas including ridgelines and scenic views from public roads, trails and key vantage points.
Land Use Element	
Policy 7	Assure that new development is compatible with the natural and manmade environments by implementing appropriate location controls and high quality design standards.
Policy 8	Protect the character of residential neighborhoods by preventing the intrusion of incompatible uses that would cause environmental degradation such as excessive noise, noxious fumes, glare, shadowing, and traffic.
Policy 13	Prevent inappropriate development in areas that are environmentally sensitive or subject to severe natural hazards, and in areas where essential services and facilities do not exist and are not planned.
Policy 20	Establish land use controls that afford effective protection for significant ecological and habitat resources, and lands of major scenic value.
Economic Development Element	
Policy 24	Encourage industries that utilize energy most efficiently or that manufacture products that contribute to the efficient use of energy, including renewable energy sources, to locate or remain in the County.

DRAFT 2035 GENERAL PLAN

Goal LU 6: Compatible land uses that complement neighborhood character and the natural environment.	
Policy LU 6.1	Reduce and mitigate the impacts of incompatible land uses, where feasible, using buffers and other design techniques.
Policy LU 6.4	Ensure land use compatibility in areas adjacent to military installations and where military operations, testing, and training activities occur.
Policy LU 6.6	Ensure airport operation compatibility with adjacent land uses through airport land use plans.
Policy LU 6.7	Protect rural communities from the encroachment of incompatible development.
Policy LU 6.8	Encourage land uses and developments that are compatible with the natural environment and landscape.
Policy LU 6.9	Encourage development in rural areas that is compatible with rural community character, preserves open space, conserves agricultural land, and promotes efficiencies in services and infrastructure.
Goal LU 7: Land uses that are compatible with military operations and military readiness, and enhance safety for military personnel and persons on the ground.	
Policy LU 7.1	Facilitate the early exchange of project-related information that is pertinent to military operations with the military for proposed actions within MOAs and within 1,000 ft. of a military installation.
Policy LU 7.2	Evaluate the potential impact of new structures within MOAs to ensure the safety of the residents on the ground and continued viability of military operations within the MOAs. In the review of development within MOAs, consider the following: • Uses that produce electromagnetic and frequency spectrum interference, which should impact military operations; • Uses that release in to the air any substance such as steam, dust and smoke, which impair pilot visibility; • Uses that produce light emissions, glare or distracting lights, which could interfere with pilot vision or be mistaken for airfield lighting; and • Uses that physically obstruct any portion of the MOA due to relative height above ground level.
Goal AQ 1: Protection from exposure to harmful air pollutants.	
Policy AQ 1.3	Reduce particulate inorganic and biological emissions from construction, grading, excavation, and demolition to the maximum extent feasible.
Goal C/NR 1: Open space areas that meet the diverse needs of Los Angeles County.	
Policy C/NR 1.1	Implement programs and policies that enforce the responsible stewardship and preservation of dedicated open space areas.
Goal C/NR 3: Permanent, sustainable preservation of genetically and physically diverse biological resources and ecological systems including: habitat linkages, forests, coastal zone, riparian habitats, streambeds, wetlands, woodlands and SEAs.	
Policy C/NR 3.8	Discourage development in areas with identified significant biological resources, such as SEAs.

Policy C/NR 3.9	Consider the following in the design of a project that is located within an SEA, to the greatest extent feasible: • Preservation of biologically valuable habitats, species, wildlife corridors and linkages; • Protection of sensitive resources on the site within open space; • Protection of water sources from hydromodification to maintain the ecological function of riparian habitats; • Placement of the development in the least biologically sensitive areas on the site; and • Watershed sensitivity by capturing, treating, retaining, and/or infiltrating storm water flows on site.
Goal C/NR 5: Protected and usable local surface water resources.	
Policy C/NR 5.1	Support the LID philosophy, which seeks to plan and design public and private development with hydrologic sensitivity, including limits to straightening and channelizing natural flow paths, removal of vegetative cover, compaction of soils, and distribution of naturalistic BMPs at regional, neighborhood, and parcel-level scales.
Goal C/NR 6: Protected and usable local groundwater resources.	
Goal C/NR 12: Sustainable management of renewable and non-renewable energy resources.	
Policy C/NR 12.1	Expand the production and use of renewable energy resources.
Goal C/NR 13: Protected visual and scenic resources.	
Policy C/NR 13.1	Protect scenic resources through land use regulations that mitigate development impacts.
Policy C/NR 13.2	Protect ridgelines from incompatible development that diminishes their scenic value.
Policy C/NR 13.3	Reduce light trespass, light pollution and other threats to scenic resources.
Policy C/NR 13.4	Encourage developments to be designed to create a consistent visual relationship with the natural terrain and vegetation.
Policy C/NR 13.5	Encourage required grading to be compatible with the existing terrain.
Goal P/R 6: A sustainable parks and recreation system.	
Policy P/R 6.2	Support the use of alternative sources of energy, such as wind and solar sources to reduce the use of energy at existing parks.
Goal N 1: The reduction of excessive noise impacts.	
Policy N 1.3	Minimize impacts to noise-sensitive land uses by ensuring adequate site design, acoustical construction, and use of barriers, berms, or additional engineering controls through Best Available Technologies.
Goal PS/F 2: Increased water conservation efforts.	
Policy PS/F 2.1	Implement water conservation measures, such as drought tolerant landscaping and restrictions on water used for landscaping.
Goal PS/F 6: A County with adequate public utilities.	
Policy PS/F 6.5	Encourage the use of renewable energy sources in utility and telecommunications networks.
Policy PS/F 6.6	Encourage the construction of utilities underground, where feasible.
Policy PS/F 6.7	Encourage projects that incorporate onsite renewable energy systems.
Goal ED 1: An economic base and fiscal structures that attract and retain valuable industries and businesses.	
Policy ED 1.2	Encourage and foster the development of the renewable energy economic sectors.

1986 ANTELOPE VALLEY AREAWIDE GENERAL PLAN

Policy 18	Direct future growth away from areas exhibiting high environmental sensitivity to land use development unless appropriate mitigating measures can be implemented.
Policy 19	Minimize disruption and degradation of the environment as land use development occurs, integrating land uses so that they are compatible with natural environmental systems.
Policy 22	Minimize environmental degradation by enforcing controls on sources of pollutants (including visual pollution) and noise.
Policy 39	Ensure conservation of natural resources through the establishment of public programs to encourage continued agricultural production and to control energy consumption, mineral extraction, groundwater recharge, construction, and other public and private activities which affect the future availability and quality of such resources.
Policy 62	Mitigate where possible undesirable impacts of adjacent land uses (i.e., noise interruption, visual intrusion, and airborne emissions) through utilization of appropriate buffers, building codes and standards.
Policy 65	Encourage the locating of new power distribution networks, communication lines, and other service network facilities underground in urban areas. Transmission lines should be located underground where feasible.
Policy 101	Develop and use groundwater sources to their safe yield limits.
Policy 102	Use imported water, when available, to relieve overdrafted groundwater basins and maintain their safe yield for domestic uses outside of urban areas.
Policy 123	Preserve the Antelope Valleyôs S.E.A.s in as viable and natural a condition as possible, recognizing the resource values at stake and the constraints imposed by competing priorities and objectives.
Policy 140	Promote air quality that is compatible with health, well-being, and enjoyment of life. The public nuisance, property and vegetative damage, and deterioration of aesthetic qualities that result from air pollution contaminants should be prevented to the greatest degree possible.
Policy 146	Protect and conserve valuable water resources by discouraging the use of high water consumptive, non-native plants for landscaping purposes.
Policy 176	Encourage the reduction of the present and future impact of excessive noise from all major sources by the judicious use of technology, planning, and regulatory measures.
Policy 217	Promote use of alternative energy sources (including solar and wind) for heating and cooling purposes.

Goal COS 10: Diverse energy systems that utilize existing renewable or waste resources to meet future energy demands.	
Policy COS 10.2	Ensure that all individual renewable energy systems and all utility-scale renewable energy production facilities do not interfere with commercial and military flight operations or communication facilities. Consult with Edwards Air Force Base and U.S. Air Force Plant 42 on all proposed renewable energy projects that require discretionary approval.
Goal COS 11: Energy systems for use in public facilities that reduce consumption of non-renewable resources while maintaining public safety.	
Policy COS 11.1	Promote energy retrofits of existing public facilities throughout the County to complement and reduce dependence upon utility-scale renewable energy production facilities.
Policy COS 11.3	Promote the use of renewable energy systems in public facilities, such as hospitals, libraries, and schools, to ensure access to power in the case of major disasters.
Goal COS 12: Individual energy systems for onsite use that reduce consumption of non-renewable resources and dependence on utility-scale energy production facilities.	
Policy COS 12.1	Promote the use of individual renewable energy systems throughout the County to complement and reduce dependence upon utility-scale renewable energy facilities.
Policy COS 12.2	Require appropriate development standards for individual renewable energy systems to minimize potential impacts to surrounding properties. Simplify the permitting process for individual renewable energy systems that meet these development standards.
Goal COS 13: Utility-scale energy production facilities for offsite use that reduce consumption of non-renewable resources while minimizing potential impacts on natural resources and existing communities.	
Policy COS 13.1	Direct utility-scale renewable energy production facilities, such as solar facilities, to locations where environmental, noise, and visual impacts will be minimized.
Policy COS 13.2	Restrict development of utility-scale wind energy production facilities within the vicinity of Edwards Air Force Base to limit interference with military operations.
Policy COS 13.3	Require all utility-scale renewable energy production facilities to develop and implement a decommissioning plan, with full and appropriate financial guarantee instruments that will restore the full site to its natural state upon complete discontinuance of operations and will restore non-operational portions of the site while the remainder continues operating.
Policy COS 13.4	Promote the use of recycled water in utility-scale renewable energy production facilities to limit impacts on the available fresh water supply.
Policy COS 13.6	Ensure that all utility-scale renewable energy production facilities, such as solar facilities, do not create land use conflicts with adjacent agricultural lands or existing residential areas in the vicinity. Require buffering and appropriate development standards to minimize potential conflicts.
Policy COS 13.7	Limit the aesthetic impacts of utility-scale renewable energy production facilities to preserve rural character.

Goal COS 14: Energy infrastructure that is sensitive to the scenic qualities of the Antelope Valley and minimizes potential environmental impacts.	
Policy COS 14.1	Require that new transmission lines be place underground whenever physically feasible.
Goal ED 1: A healthy and balanced economic base in the Antelope Valley that attracts a wide range of industries and businesses and provides high-paying jobs for local residents.	
Policy ED 1.10	Promote small-scale, household based renewable energy systems to enable Antelope Valley residents to become energy independent.
Policy ED 1.11	Encourage the development of utility-scale renewable energy projects at appropriate locations and with appropriate standards to ensure that any negative impacts to local residents are sufficiently mitigated.
Policy ED 1.13	Ensure early discussions with Edwards Air Force Base and U.S. Air Force Plant 42 regarding new industries, such as utility-scale renewable energy production facilities, to limit potential impacts on mission capabilities.

ATTACHMENT 4: DRAFT ENVIRONMENTAL IMPACT REPORT (CD)

ATTACHMENT 5: COMMENTS ON THE DRAFT RENEWABLE ENERGY ORDINANCE

From: aadnews@joycemediainc.com
To: Jay Lee
Subject: Re: Response to renewable energy ordinance.
Date: Monday, February 23, 2015 9:56:49 AM

Hi Jay,

Yes I appreciate your response but many people here are not moving ahead with renewables because they fear LA County inspectors coming on their properties telling them that previous inspectors were not thorough enough when they inspected 20 or 30 years ago! Doesn't that sound a little bit ridiculous?

John

On Feb 23, 2015, at 8:18 AM, Jay Lee <jlee2@planning.lacounty.gov> wrote:

> Hello John,
>
> The Draft Renewable Energy Ordinance only amends Title 22 (Planning and Zoning) of the County Code and does not regulate the enforcement processes of Department of Public Works Building and Safety inspectors. If you are referring to Department of Regional Planning inspectors, our general enforcement procedures are outlined in Part 6 of Chapter 22.60 of the County Code. The regulation and inspection of other structures on the property not related to solar and wind projects is not within the scope of the Ordinance.
>
> Please feel free to express your concerns to our Code Enforcement Section, as they are better suited to address them.
>
> Thank you.
>
> ---
>
> **From:** aadnews@joycemediainc.com [mailto:aadnews@joycemediainc.com]
> **Sent:** Friday, February 20, 2015 1:49 PM
> **To:** Jay Lee
> **Subject:** Response to renewable energy ordinance.
>
> Jay,
>
> Double jeopardy has to go.
>
> A building & safety inspector coming onto a home site to inspect new solar or wind should not be allowed to cite infractions to other structures that previous inspectors have either approved or ignored in the past.
>
> John
> jj@aadnews.com
>
> www.aadnews.com

Phone 661 269 1169
Fax 661 269 2139
3413 Soledad Canyon Rd • PO Box 57 • Acton, CA 93510

John Joyce, Publisher

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Attn: Jay Lee

Subject: Energy Ord. Response

From: Virginia Stout

Pages including cover: 4

Antelope Acres Town Council
P. O. Box 6708
Lancaster, California 93539

March 3, 2015

Los Angeles County Department of
Regional Planning
Attention: Jay Lee
320 W. Temple Street, 13th Floor
Los Angeles, CA 90012

Comments for Renewable Energy Ordinance

The Antelope Acres Town Council has many concerns about the Draft Renewable Energy Ordinance providing baseline standards for solar and wind energy projects.

1. Glare: At certain times of the day, glare from utility solar is an unavoidable danger and an incredible distraction to drivers. A more accurate way to mitigate glare must be formulated.

2. The utility solar and wind projects are sold and resold so many times that it is conceivable that the end person can claim bankruptcy or dispute the original agreement or ordinance. How can the taxpayer be protected from a project's financial problems?

If the permittee can receives a six month extension, how many six month extension can a permittee apply for? What are the criteria to be used?

3. Since all project perimeter fencing is contiguous or nearly contiguous, how are the larger desert dwellers, such as coyotes, kit foxes, and badgers going to access a more extended foraging area?

Although mitigation land is required, why are there no wildlife corridors incorporated into the design of the renewable energy projects? Foraging habitat is immediately removed for animals to get to and from their traditional hunting grounds.

4. The cumulative effect of utility scale industrial facilities has not been adequately addressed by the Renewable Energy Ordinance. Why has this been disregarded? We ask that this be included in the report.

.5. Why differentiate the coastal zone with the desert zone? Why do these zones have different standards for preservation of scenic views? Why is scenic defined differently in a coastal zone than the desert?

6. Why was renewable energy excluded from Economic Opportunity Areas?

7. Landscape area: A landscape contractor, registered with the County and posted as the responsible entity, shall maintain, in perpetuity, all project perimeter fencing landscaping. Proof of this service shall be posted at the facility and a check list shall be kept for immediate reference.

Why have temporary irrigation installed when it may take up to ten years for some roots to establish themselves and the plants to grow large enough to survive? If there is extreme heat or drought, which is predicted, the plants will need supplemental water, not just intermittent water truck dousing.

An permanent irrigation system shall be installed and functioning at the establishment of site approval and throughout the duration of the project.

8. Setbacks: The setbacks for bats and eagles need to be extended. Why is a golden eagle nest site stipulated in the ordinance and not eagles in general or eagles sitings by residents, as that could mean they are searching for nesting and foraging sites as populations spread?

Why, for renewable wind energy facilities, is there not a County appointed biologist available for counting bird kill, instead of a project self-monitoring itself? It is well known that you cannot completely mitigate bird kill.

9. Noise: A single event noise level of 60 dBA SEL is more audible in a very quiet rural environment. A consistent, unlimited sound and vibration travels further distances in unpopulated areas than in built up residential areas. Why, since the ordinance affects a sizeable rural area with many inhabitants, is the ability of sound to travel not addressed in the Renewable Energy Ordinance?

10. If sensitive receptors within a 5-mile radius will be affected by utility scale renewable energy facilities, permits should not be granted without an agreement with those receptors.

11. Modifications: All applicants shall follow the same rules. No exceptions shall be given for topographic or physical features. Please remove the exceptions provided for Section 22.52.1640. Wind towers higher than 500 feet should not be allowed and should never be granted a variance. (Chapter22.56).

Is there a height limit which would require the County to deny?

12. Uses Subject to Permits - Findings: The Hearing Officer should be able to deny a CUP for the problems mentioned in Chapter 22.52.1650, A through C. '

13. Water Use: The project shall use piped recycled water or trucked recycled water. The use of potable water from the public right-of-way or on-site groundwater shall not be used under any condition.

14. Uses Subject to Permits. All Conditional Use Permits and Minor Use Permits shall require a public hearing. All language that says a Hearing Officer shall approve CUPs if he or she agrees with the changes proposed should be changed from shall to "may". The government needs to be more transparent.

Thank you for taking public comments seriously. We look forward to your responses to our concerns.

Sincerely,

Virginia Stout

Antelope Acres Town Council

ATTACHMENT 6: COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT

From: Mark Distaso
To: Jay Lee
Subject: Wind Turbines: DEIR SCH#2014051016
Date: Monday, March 02, 2015 9:25:14 AM

Mr. Lee,

I have become aware of the proposed effort to place wind turbines in the mountains north of Crown and Shannon Valleys and Pelona Canyon for renewable energy purposes. I have lived near the top of Red Rover Canyon Rd in Acton for 18 years. I chose the location in part because of the view of the very mountains that the proposed windfarm is to be located. From my own professional and personal experience, I know that while wind turbines can provide cleaner energy production - it takes a large number of turbines to generate enough electricity for the power grid to make any difference in energy production. As such, the placement of large numbers of turbines can degrade the aesthetic and visual quality of the areas where they are placed. This will have a direct negative impact on the entire valley and canyon areas mentioned above. Furthermore, the entire area where the proposed turbines are proposed to be located have a signifigant red tail hawk population. Although some studies will suggest that wind turbines can help bird populations, I believe they are substantially without merit. The more convincing studies reflect that bird popluations of all kinds are negatively impacted by such turbines - and hopefully such studies will be strongly considered.

In summary, I am opposed to the proposed wind turbine farm and believe there are other more suitable locations for them.

Mark Distaso
Acton Resident
4403 Pelona Cyn Rd
Acton, Ca
m.distaso@att.net

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

March 12, 2015

TO: Pat Modugno, Vice-Chair
Esther L. Valadez, Commissioner
David W. Louie, Commissioner
Curt Pedersen, Commissioner

FROM: Jay Lee, AICP
Community Studies North Section

LOS ANGELES COUNTY DRAFT RENEWABLE ENERGY ORDINANCE – PROJECT NO. R2014-01160-(1-5) – MARCH 18, 2015 – AGENDA ITEM NO. 5 * SUPPLEMENTAL MATERIAL *

Please find the attached additional materials and information from the Staff Memo submitted to you dated March 5, 2015:

1. Revised Renewable Energy Ordinance ("Ordinance") with minor updated language
2. Revised Permitting Summary Table
3. Additional correspondence received
4. Draft resolution for the Regional Planning Commission

COMMENTS

DRP staff has evaluated the comments and recommendations that were included in the Staff Memo submitted to you on March 5, 2015. Since then DRP staff has received additional comments and recommendations, which have been evaluated as well. These comments and recommendations express concerns related to impacts to birds and bats, noise, ridgelines, lighting, project mitigation, glare, water use, dust control, scale and scope of projects, decommissioning, cumulative impacts, landscaping, setbacks, permitting, and other concerns. Please see Attachment 3 for the additional correspondence.

RECOMMENDATIONS

The Ordinance addresses many of the concerns raised in the comments and recommendations received.

The Ordinance includes various design requirements such as the prohibition of guy wires and trellis-style towers and setback requirements from biological resources to help reduce impacts to birds and bats. Noise requirements were taken from the existing Part 15 (Non-Commercial Wind Energy Conversion Systems and Temporary Meteorological Towers) of Chapter 22.52 of the Los Angeles County ("County") Code and are consistent with Chapter 12.08 (Noise Control) of the County Code. Setbacks are required from significant ridgelines identified in the General Plan, in an applicable Area or Community Plan, or in an applicable Community Standards District. The Ordinance also includes various lighting requirements and all outdoor lighting must

comply with the Rural Outdoor Lighting District Ordinance. Water use requirements will help monitor water use by limiting the amount and source of water used. The Ordinance requires the minimization of reflective glare and includes many requirements related to grading and erosion to minimize site disturbance and fugitive dust. The Ordinance also includes a landscaped buffer requirement to provide ground cover and a natural transition between utility-scale projects and adjacent uses. A decommissioning plan is required for utility-scale projects and the Ordinance includes detailed requirements to ensure that inoperable projects are adequately decommissioned.

These Code provisions only establish the minimum requirements for solar and wind energy projects. Additional requirements may be imposed through the Minor CUP or CUP process that further addresses these concerns.

In addition to these specific requirements, the Ordinance also requires findings to be made that are unique to solar and wind energy projects and their associated impacts. The Ordinance also defines each type of solar and wind energy project to provide clarity on the scope and scale of these projects. The Ordinance limits the size of small-scale projects and prohibits concentrated solar thermal collectors, which use lenses or mirrors to focus or reflect a large area of sunlight onto a small area and have harmful effects on the environment, namely avian populations.

Furthermore, solar and wind projects that have a greater impact on the environment and surrounding communities are subject to the California Environmental Quality Act (CEQA). Projects subject to CEQA must undergo environmental review, which will analyze the impacts associated with these projects and require mitigation measures as necessary to reduce impacts. Any impacts that are not adequately addressed through the Ordinance and Minor CUP or CUP process will be further addressed through the CEQA process.

In addition, the Ordinance has been revised from the draft submitted to you on March 5, 2015 to address the comments and recommendations received. These revisions are as follows:

- Increased setbacks from significant ridgelines and other ridgelines (pgs. 53-54)
- Revised subsection C.3 of Section 22.56.1655 to clarify a requirement related to vegetation within the base of a wind tower (pg. 70)
- Prohibited guy wires for small-scale solar energy systems (pg. 53)

REVISED ORDINANCE

DRP staff is recommending additional revisions to the Ordinance to further clarify its provisions.

These revisions are as follows:

1. Changed the definition of "solar array" (pg. 4)
2. Exempted certain utility-scale solar energy facilities mounted onto a single-family residence or duplex in the R-1 Zone from the Minor CUP requirement pursuant to Government Code Section 65850.5 (pg. 7)
3. Revised subsection E of Section 22.56.1605 to clarify the applicability of Part 15 (pg. 42)

4. Stated that small-scale solar energy systems must comply with the California Solar Shade Control Act (pg. 47)
5. Revised subsection C.1 of Section 22.52.1620 and subsection A.2 of Section 22.52.1630 to clarify Coastal Zone requirements (pgs. 48 and 52-53)
6. Revised subsection C.1 of Section 22.52.1655 to clarify the noise requirements (pg. 69)
7. Revised Section 22.60.100 to update the fee for Minor CUPs, including those specific to certain utility-scale solar energy facilities mounted onto a single-family residence or duplex in the R-1 Zone (pg. 76)
8. Formatted and edited various sections to correct minor errors (pgs. 36 and 42-46)

REQUIRED FEE FOR CERTAIN ROOFTOP SOLAR ENERGY SYSTEMS

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, which must include the following:

1. A determination that the municipality has adopted appropriate ordinances, permit fees, and processes to streamline the submittal and approval of permits for solar energy systems pursuant to the practices and policies in state guidelines and model ordinances.
2. A calculation related to the administrative cost of issuing a solar rooftop permit.
3. A description of how the higher fee will result in a quick and streamlined approval process.

The proposed Ordinance will establish a permitting process that streamlines the submittal and approval of permits for solar energy systems pursuant to state guidelines and model ordinances. In general, solar energy systems generating energy for on-site use and those mounted to structures are allowed by right with permits issued by the County Department of Public Works Building and Safety.

The Minor CUP fee of $1,494.00 is associated with rooftop solar energy systems in the R-1 (Single-Family Residence) Zone that are for off-site use, are not mounted to a single-family residence or duplex, and do not exceed the kilowatt thresholds as defined in the Government Code for a small residential rooftop solar system. 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 that examined the number of hours it takes to process Minor CUPs.

A Minor CUP is required in the R-1 Zone for certain rooftop solar energy systems that are not mounted to a single-family residence or duplex 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(b). 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 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. The Minor CUP process is quicker

and less expensive than the CUP process but still allows the County to better address the impacts associated with these projects.

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; and recommend the Ordinance with recommended modifications be recommended for approval and adoption by the Los Angeles County Board of Supervisors.

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING, AND RECOMMEND TO THE LOS ANGELES COUNTY BOARD OF SUPERVISORS APPROVAL AND ADOPTION OF PROJECT NO. R2014-01160-(1-5).

MC:SMT:JL

Attachments: 1: Revised Draft Renewable Energy Ordinance
2: Revised Permitting Summary Table
3: Additional Correspondence
4: Draft Commission Resolution

ATTACHMENT 1: REVISED DRAFT RENEWABLE ENERGY ORDINANCE

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

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

Contact: Jay Lee
Email: jalee@planning.lacounty.gov
Postal Mail: LA County Department of Regional Planning
Attn: Jay Lee
320 W Temple St 13th Flr
Los Angeles CA 90012

Comments on this draft are due _____.

ORDINANCE NO. _____

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

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

22.08.040 D

é

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

é

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

22.08.070 G

é

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

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

22.08.070 M

é

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

é

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

22.08.190 S

é

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

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

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

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

é

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

22.08.210 U

é

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

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

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

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

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

…

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

22.08.230 W

é

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

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

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

é

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

22.20.070 Permitted Uses.

Property in Zone R-1 may be used for:

é

-- Small family homes, children.

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

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

22.20.080 Accessory Uses.

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

é

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

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

SECTION 98. Section 22.20.100 is hereby amended to read as follows:

22.20.100 Uses Subject to Permits.

Property in Zone R-1 may be used for:

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

é

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

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

é

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

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

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

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

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

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

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

é

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

22.20.170 Permitted Uses.

Property in Zone R-2 may be used for:

é

-- Small family homes, children.

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

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

22.20.180 Accessory Uses.

Property in Zone R-2 may be used for:

é

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

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

22.20.200 Uses Subject to Permits.

Property in Zone R-2 may be used for:

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

é

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

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

é

-- Telephone repeater stations.

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

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

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

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

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

é

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

22.20.260 Permitted Uses.

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

é

-- Townhouses.

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

SECTION 143. Section 22.20.270 is hereby amended to read as follows:

22.20.270 Accessory Uses.

é

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

SECTION 154. Section 22.20.290 is hereby amended to read as follows:

22.20.290 Uses Subject to Permits.

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

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

é

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

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

é

-- Telephone repeater stations.

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

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

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

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

é

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

22.20.340 Permitted Uses.

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

é

-- Townhouses.

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

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

22.20.350 Accessory Uses.

é

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

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

22.20.370 Uses Subject to Permits.

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

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

é

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

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

é

-- Telephone repeater stations.

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

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

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

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

é

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

22.20.410 Permitted Uses.

Property in Zone R-A may be used for:

é

-- Small family homes, children.

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

SECTION 20~~19~~. Section 22.20.420 is hereby amended to read as follows:

22.20.420 Accessory Uses.

é

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

SECTION 21~~0~~. Section 22.20.440 is hereby amended to read as follows:

22.20.440 Uses Subject to Permits.

Property in Zone R-A may be used for:

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

é

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

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

é

-- Telephone repeater stations.

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

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

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

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

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

é

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

22.24.070 Permitted Uses.

Premises in Zone A-1 may be used for:

A. The following uses:

é

-- Small family homes, children.

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

é

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

22.24.080 Accessory Uses.

Property in Zone A-1 may be used for:

é

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

SECTION 243. Section 22.24.100 is hereby amended to read as follows:

22.24.100 Uses Subject to Permits.

Property in Zone A-1 may be used for:

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

é

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

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

é

-- Telephone repeater stations.

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

é

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

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

é

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

é

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

SECTION 254. Section 22.24.120 is hereby amended to read as follows:

22.24.120 Permitted Uses.

Premises in Zone A-2 may be used for:

é

D. The following additional uses:

é

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

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

é

SECTION 265. Section 22.24.130 is hereby amended to read as follows:

22.24.130 Accessory Uses.

Property in Zone A-2 may be used for:

é

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

SECTION 276. Section 22.24.150 is hereby amended to read as follows:

22.24.150 Uses Subject to Permits.

Property in Zone A-2 may be used for:

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

é

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

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

é

-- Telephone repeater stations.

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

é

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

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

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

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

é

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

é

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

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

22.28.030 Permitted Uses.

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

A. Services.

é

-- Stations ï Bus, railroad, and taxi.

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

é

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

22.28.040 Accessory Uses.

Premises in Zone C-H may be used for:

é

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

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

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

22.28.060 Uses Subject to Permits.

Premises in Zone C-H may be used for:

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

é

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

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

é

-- Telephone repeater stations.

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

é

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

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

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

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

é

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

22.28.080 Permitted Uses.

Premises in Zone C-1 may be used for:

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

é

2. Services.

é

-- Union halls.

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

é

SECTION 321. Section 22.28.090 is hereby amended to read as follows:

22.28.090 Accessory Uses.

Premises in Zone C-1 may be used for:

é

B. The following additional accessory uses:

é

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

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

é

SECTION 332. Section 22.28.110 is hereby amended to read as follows:

22.28.110 Uses Subject to Permits.

Premises in Zone C-1 may be used for:

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

é

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

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

é

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

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

é

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

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

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

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

é

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

22.28.130 Permitted Uses.

Premises in Zone C-2 may be used for:

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

é

2. Services.

é

-- Union halls.

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

é

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

22.28.140 Accessory Uses.

Premises in Zone C-2 may be used for:

é

C. The following additional accessory uses:

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

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

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

22.28.160 Uses Subject to Permits.

Premises in Zone C-2 may be used for:

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

é

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

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

é

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

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

é

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

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

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

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

é

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

22.28.180 Permitted Uses.

Premises in Zone C-3 may be used for:

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

é

2. Services.

é

-- Union halls.

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

é

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

22.28.190 Accessory Uses.

Premises in Zone C-3 may be used for:

é

C. The following additional accessory uses:

é

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

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

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

22.28.210 Uses Subject to Permits.

Premises in Zone C-3 may be used for:

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

é

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

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

é

-- Tattoo parlor.

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

é

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

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

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

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

é

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

22.28.230 Permitted Uses.

Premises in Zone C-M may be used for:

A. The following commercial uses:

é

2. Services.

é

-- Union halls.

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

é

SECTION 410. Section 22.28.090 is hereby amended to read as follows:

22.28.240 Accessory Uses.

Premises in Zone C-M may be used for:

é

C. The following additional accessory uses:

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

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

SECTION 421. Section 22.28.260 is hereby amended to read as follows:

22.28.260 Uses Subject to Permits.

Premises in Zone C-M may be used for:

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

é

-- Skating rinks, ice or roller.

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

é

-- Tattoo parlor.

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

é

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

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

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

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

é

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

22.28.290 Permitted Uses.

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

1. Services.

é

-- Tourist information centers.

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

é

SECTION 443. Section 22.28.300 is hereby amended to read as follows:

22.28.300 Accessory Uses.

Premises in Zone C-R may be used for:

é

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

SECTION 454. Section 22.28.320 is hereby amended to read as follows:

22.28.320 Uses Subject to Permits.

Premises in Zone C-R may be used for:

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

é

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

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

é

-- Telephone repeater stations.

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

-- Theaters, drive-in.

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

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

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

é

SECTION 465. Section 22.32.110 is hereby amended to read as follows:

22.32.110 Accessory Uses.

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

é

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

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

SECTION 476. Section 22.32.130 is hereby amended to read as follows:

22.32.130 Uses Subject to Permits.

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

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

...

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

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

é

-- Tattoo parlor.

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

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

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

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

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

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

22.32.170 Accessory Uses.

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

é

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

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

SECTION 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:

é

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.

é

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

22.32.280 Accessory Uses.

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

é

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

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

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

22.40.190 Permitted Uses.

Premises in Zone R-R may be used for:

A. The following commercial uses:

...

2. Services.

é

-- Tourist information centers.

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

é

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

22.40.200 Accessory Uses.

Premises in Zone R-R may be used for:

A. The following accessory uses:

...

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

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

é

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

22.40.220 Uses Subject to Permits.

Premises in Zone R-R may be used for:

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

...

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

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

é

-- Telephone repeater stations.

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

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

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

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

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

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

22.40.260 Accessory Uses.

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

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

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

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

22.40.280 Uses Subject to Permits.

Premise in Zone W may be used for:

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

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

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

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

22.40.410 Permitted Uses.

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

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

22.40.430 Uses Subject to Permits.

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

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

é

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

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

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

22.44.113 Agua Dulce Community Standards District.

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D. Community-wide Development Standards.

é

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

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

é

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

22.44.127~~13~~ Altadena Community Standards District.

é

C. Community-wide Development Standards.

é

2. Hillside Management.

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

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

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

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

22.44.133 Santa Monica Mountains North Area Community Standards District.

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D. Community-wide Development Standards.

é

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.

é

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

22.44.143 Elizabeth Lake and Lake Hughes Community Standards District.

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D. Community-Wide Development Standards.

é

4. Utilities.

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b. Utility Devices.

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

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

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

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10. Significant Ridgeline Protection.

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

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

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SECTION 6~~1~~2. Section 22.44.144 is hereby amended to read as follows:

22.44.144 San Francisquito Canyon Community Standards District.

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D. Community-wide Development Standards.

é

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 6~~2~~3. Part 15 of Chapter 22.52 is hereby repealed in its entirety.

SECTION 6~~3~~4. Part 15 of Chapter 22.52 is hereby added to read as follows:

PART 15

RENEWABLE ENERGY

SECTIONS:

22.52.1600 Purpose.

22.52.1605 Applicability.

22.52.1610 Application Materials.

22.52.1615 Standards for Small-Scale Solar Energy Systems.

22.52.1620 Standards for Utility-Scale Solar Energy Facilities.

22.52.1625 Standards for Temporary Meteorological Towers.

22.52.1630 Standards for Small-Scale Wind Energy Systems.

22.52.1635 Standards for Utility-Scale Wind Energy Facilities.

22.52.1640 Modifications.

22.52.1645 Uses Subject to Permits ï Aviation Review.

22.52.1650 Uses Subject to Permits ï Findings.

22.52.1655 Uses Subject to Permits ï Conditions of Approval.

22.52.1660 Enforcement Procedures.

22.52.1600 Purpose.

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

22.52.1605 Applicability.

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

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

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

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

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

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

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

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

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

22.52.1610 Application Materials.

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

1. All materials and information required by Section 22.56.1680;

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

a. Solar array footprint and height,

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

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

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

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

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

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

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

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

i. Solar array footprint and height,

ii. Solar array setbacks from all property lines,

iii. Area and amount of grading and site disturbance,

iv. Topography of the property,

v. Watercourses on the property, if any

vi. Access roads,

vii. Required fencing,

viii. Required signage,

viii. Lighting,

ix. Transmission lines,

x. Significant ridgelines on the property, if any

b. Detailed landscaping plan that depicts:

i. Required perimeter fencing, if any

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

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

iv. Proposed timing and phasing of proposed landscaping,

c. Draft decommissioning plan,

d. Hydrology study,

e. Conceptual dust control plan,

f. Glare study,

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

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

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

i. FAA-required safety lights, if any,

ii. For ground-mounted temporary meteorological towers:

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

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

b. An elevation that depicts wind tower height;

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

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

i. FAA-required safety lights, if any,

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

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

(A) Required aviation-related paint markings,

(B) Climbing apparatus, if any,

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

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

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

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

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

iib. Manual and automatic wind tower blade overspeed controls;

c. An elevation that depicts wind tower height;

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

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

(A)i. Climbing apparatus, if any,

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

(C) Blade clearance from the finished grade,

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

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

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

22.52.1615 Standards for Small-Scale Solar Energy Systems.

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

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

B. Ground-mounted.

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

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

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

22.52.1620 Standards for Utility-Scale Solar Energy Facilities.

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

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

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

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

a. Three feet on residential buildings; or

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

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

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

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

a. Non-opaque fences may be permitted.

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

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

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

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

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

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

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

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

5~~4~~. 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~~5~~. 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.

7~~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;

22.52.1625 Standards for Temporary Meteorological Towers.

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

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

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

FIGURE 22.52.1625-A – SEPARATION STANDARDS FOR TEMPORARY METEOROLOGICAL TOWERS

FIGURE 22.52.1625-A
HERE

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

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

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

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

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

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

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

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

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

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

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

FIGURE 22.52.1625-B – HEIGHT STANDARDS FOR TEMPORARY METEOROLOGICAL TOWERS

FIGURE 22.52.1625-B **HERE**

22.52.1630 Standards for Small-Scale Wind Energy Systems.

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

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

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

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

3~~2~~. R~~Significant r~~idgelines.

a. Significant ridgelines. The highest point of a small-scale wind energy system shall be located at least 50 vertical feet and 30~~5~~0 horizontal feet from a significant ridgeline identified in the General Plan, in an applicable Area or Community Plan, or within an applicable Community Standards District.

b. Other ridgelines. The highest point of a small-scale wind energy system shall be located at least 50 vertical feet and 150 horizontal feet from other ridgelines in Hillside Management Areas that _____.

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

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

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

2. Impacts to birds and bats.

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

b. Guy wires. The use of guy wires shall be prohibited for all ground-mounted small-scale wind energy systems~~Safety wires shall be installed on the turnbuckles of guy wires. Anchor points for any guy wires shall be located within the~~

~~same property as the system, and located in such a manner so as not to be on or across any above-ground electric transmission or distribution lines~~.

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

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

(A) Bat roosting sites;

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

(C) Riparian areas and wetlands.

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

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

22.52.1635 Standards for Utility-Scale Wind Energy Facilities.

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

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

2. Aviation safety.

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

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

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

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

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

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

a. Three feet on residential buildings; or

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

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

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

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

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

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

a. Non-opaque fences may be permitted.

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

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

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

5. Impacts to birds and bats.

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

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

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

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

(A) Adopted Significant Ecological Areas;

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

(C) Riparian areas and wetlands.

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

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

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

7. Location. The minimum distance and safe clearances for a utility-scale wind energy facility shall be as depicted in Table 22.52.1635-A. The required

distance shall also comply with any applicable fire setback requirements pursuant to the California Public Resources Code Section 4290.

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

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

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

22.52.1640 Modifications.

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

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

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

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

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

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

22.52.1645 Uses Subject to Permits – Aviation Review.

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

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

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

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

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

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

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

22.52.1650 Uses Subject to Permits – Findings.

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

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

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

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

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

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

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

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

22.52.1655 Uses Subject to Permits – Conditions of Approval.

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

A. Utility-scale solar energy facilities.

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

2. Ground-mounted.

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

b. Decommissioning.

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

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

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

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

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

(B) Within the six month period specified by subsection d.i above, the permittee may provide the Department with a written request

and justification for an extension to resume operations of the system, facility, or portions thereof.

c. Landscaped buffer. The following conditions shall apply:

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

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

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

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

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

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

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

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

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

iii. Grading. To control fugitive dust and preserve the natural topography, the facility shall be designed in such a way that the ground disturbance or grading is limited to only the access roads, substations and related underground transmission lines, tanks, basins, inverter pads, or other areas required by

the County. A site plan shall depict the extent of grading and ground disturbance, and the facility shall comply with all applicable grading standards.

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

v. Construction practices.

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

(B) Vegetation. Work within the existing vegetation where the facility components are being proposed shall be conducted with minimal disturbance, and the operator shall take all necessary precautions to not use vehicles or machinery for grading or alter the existing grade in these areas. When vehicles or machinery are deemed necessary for utility scale solar energy installation work, appropriate ground-protection practices (such as construction mats, stabilizers, or established vegetation) shall be utilized for both dust suppression and to ensure that the use of vehicles or machinery is compatible with continued and future vegetation growth. The facility shall retain a biologist to confirm that construction practices are compatible

with continued and future vegetation growth. Any grading, disking, scraping, or other ground disturbance proposed as part of the project shall be permanently stabilized with an earth-stabilizing product or other measure that is acceptable to the Departments of Public Works, Regional Planning, and Public Health to prevent fugitive dust.

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

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

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

h. Water use.

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

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

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

iv. The permittee shall maintain a daily log, which shall include the number of gallons and acre feet of water used on the project site used for the following, which includes, but is not limited to: construction, operation, maintenance, landscaping, irrigation, and maintenance. The permittee shall record monthly water usage by source within five working days following the conclusion of each month. The log shall be made available to the Department upon demand.

B. Temporary meteorological towers.

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

2. Maintenance. All equipment and wind towers shall be maintained in an operational condition that poses no potential safety hazards. Maintenance shall include, but not be limited to, painting, regularly scheduled cleaning, routine mechanical and/or electrical repairs, structural repairs, and security measures.

3. Ground-mounted. All temporary and permanent ingress and egress points to the wind tower shall be designed, sited and maintained to the satisfaction of the Public Works and the Fire Department, and shall consider adequate spacing from intersections and maintain adequate sight distances. Dirt access roads shall be treated with a suitable non-toxic long-term soil binder, or application of similarly effective material to control dust such as use of gravel.

C. Small-scale wind energy systems. In addition to the conditions of approval required under subsection B of this Section, the following conditions of approval shall also apply to small-scale wind energy systems:

1. Noise. Noise from a small-scale wind energy system shall not exceed 60 dBA SEL (single event noise level), as measured at the closest existing neighboring inhabited dwelling at the time of approval.

2. Scenic resources~~Visual Impact~~. Any small-scale wind energy system placed within the viewshed of a Scenic Drive, Scenic Highway or Scenic Route identified in the General Plan or in an applicable Area or Community Plan shall be analyzed~~assessed~~ for any associated negative impacts, including but not limited to~~its~~ visual impacts.~~, and~~ A~~a~~ppropriate conditions ~~shall be applied~~ relating to siting, buffering~~s~~, height, and design of the system may be imposed to minimize significant impacts on the viewshed.

3. Ground-mounted. The vegetation within the entire area within 10 feet of the base of a wind tower shall be mowed and appropriate measures shall be applied to prevent re-growth, but removal of existing vegetation root systems shall be prohibited.

D. Utility-scale wind energy facilities. The conditions of approval required under subsections B and C of this section shall also apply to utility-scale wind energy facilities and subsection A.2 of this Section shall also apply to ground-mounted utility-scale wind energy facilities.

22.52.1660 Enforcement Procedures.

A. Pursuant to subsection A of Section 22.60.390, the Director or designee is authorized to issue a Final Zoning Enforcement Order, without prior issuance of a Notice of Violation, to any permittee operating a small-scale solar energy system, small-scale wind energy system, utility-scale solar energy facility, utility-scale wind energy facility, or temporary meteorological tower not in compliance with the provisions of this Part 15. The Final Zoning Enforcement Order shall subject the non-compliant operator to enforcement actions pursuant to Section 22.60.390, and to any civil and criminal remedies.

B. Nothing in this Section shall preclude the Director or designee from issuing a warning, field notice of violation, Notice of Violation, or citation prior to issuing a Final Zoning Enforcement Order for a non-compliant small-scale solar energy system, small-scale wind energy system, utility-scale solar energy facility, utility-scale wind energy facility or temporary meteorological tower.

SECTION 654. Section 22.52.2430 is hereby amended to read as follows:

22.52.2430 Wineries–Permit requirements.

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C. Conditions of approval. In addition to any other condition imposed by the ~~Director~~Hearing Officer or the Commission, the development standards and operating regulations set forth in Sections 22.52.2410 and 22.52.2420 of this Part 23 shall be made conditions of approval for any winery CUP, except where modified by the Hearing Officer or the Commission.

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SECTION 665. Section 22.52.2460 is hereby amended to read as follows:

22.52.2460 Tasting rooms–Permit requirements.

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B. Conditions of approval. In addition to any other condition imposed by the ~~Director~~Hearing Officer or the Commission, the development standards and operating regulations set forth in Sections 22.52.2440 and 22.52.2450 of this Part 23 shall be made conditions of approval for any tasting room CUP, except where modified by the Hearing Officer or the Commission.

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SECTION 676. Section 22.52.2490 is hereby amended to read as follows:

22.52.2490 Remote tasting rooms–Permit requirements.

...

B. Conditions of approval. In addition to any other condition imposed by the ~~Director~~Hearing Officer or the Commission, the development standards and operating

regulations set forth in Sections 22.52.2470 and 22.52.2480 of this Part 23 shall be made conditions of approval for any remote tasting room CUP, except where modified by the Hearing Officer or the Commission.

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SECTION 68~~7~~. Section 22.56.070 is hereby amended to read as follows:

22.56.030 Application–Information Required.

A. An application for a conditional use permit shall contain the following information:

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10. With each application, the applicant shall also file:

a. Maps in the number prescribed, and drawn to a scale specified by the director, showing the location of all property included in the request, the location of all highways, streets, alleys and the location and dimensions of all lots or parcels of land within a distance of 500 feet from the exterior boundaries of the subject parcel of land. If the application is for a minor conditional use permit in accordance with Section 22.56.085, a distance of 300 feet from the exterior boundaries of the subject parcel of land shall be provided in lieu of 500 feet,

b. One copy of said map shall indicate the uses established on every lot and parcel of land shown within said 500-foot radius or within said 300-foot radius if the application is for a minor conditional use permit in accordance with Section 22.56.085,

c. A list, certified to be correct by affidavit or by a statement under penalty of perjury pursuant to Section 2015.5 of the Code of Civil Procedure, of

the names and addresses of all persons who are shown on the latest available assessment roll of the county of Los Angeles as owners of the subject parcel of land and as owning property within a distance of 500 feet from the exterior boundaries of the parcel of land to be occupied by the use. If the application is for a minor conditional use permit in accordance with Section 22.56.085, a distance of 300 feet from the exterior boundaries of the parcel of land to be occupied by the use shall be provided in lieu of 500 feet. One copy of said map shall indicate where such ownerships are located,

d. Proof satisfactory to the director that water will be available in quantities and pressures required by the Water Ordinance, set out at Division 1 of Title 20 of this code, or by a variance granted pursuant to said Division 1. The director may accept as such proof a certificate from the person who is to supply water that he can supply water as required by said Division 1 of Title 20, also stating the amount and pressure, which certificate also shall be signed by the forester and fire warden, or a certificate from the county engineer that such water will be available;

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SECTION 6~~8~~9. Section 22.56.070 is hereby amended to read as follows:

22.56.070 Application–Public Hearing Required–~~Exception~~

In all cases where an application for a conditional use permit is filed, ~~except where the Director grants the permit pursuant to section 22.56.085,~~ the public hearing shall be held pursuant to the procedure provided in Part 4 of Chapter 22.60, except where an application for a minor conditional use permit is filed. A public hearing for a minor conditional use permit shall not be subject to the provisions of Section 22.60.175.

SECTION 70~~69~~. Section 22.56.085 is hereby amended to read as follows:

22.56.085 ~~Grant or Denial of~~ Minor Conditional Use Permit.

A. ~~Any person filing a~~An application for a minor conditional use permit may ~~request the Director to consider the application in accordance with the section~~be filed for the following uses:

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-- Modification of significant ridgeline protection provisions as provided in Sections 22.44.143.D.10.b., 22.44.143.D.10.c. or 22.44.144.D.10.b.

-- Small-scale solar energy system, ground-mounted, in the Open Space and Watershed zones, in accordance with Part 15 of Chapter 22.52.

-- Small-scale wind energy system in accordance with Part 15 of Chapter 22.52.

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-- Tasting rooms, remote, subject to the applicable provisions of Part 23 of Chapter 22.52.

-- Temporary meteorological towers in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in all zones except the Single-Family Residence zone, in accordance with Part 15 of Chapter 22.52.

~~-- Wind energy conversion systems, non-commercial (WECS-N).~~

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B. The purpose of this section is to authorize the ~~directorâs ex parte~~ consideration of minor conditional use permit applications that by their nature are limited in scope and impacts.

~~C. The director shall cause notice of the application to be mailed by first-class mail, postage pre-paid, to all those addresses on the list required by subsection A.10.c of Section 22.56.030 that are within a distance of 300 feet from the exterior boundaries of the parcel of land to be occupied by the requested use, and to such other persons whose property or interests might, in the director's judgment, be affected by the request. The notice shall describe the project and also indicate that any individual may request a public hearing on the application by filing a written request with the director within 14 calendar days following the date on the notice.~~

~~D~~C. ~~Unless at least two requests for a public hearing have been filed with the director as provided in subsection C of this section, the director~~The Hearing Officer may grant such permit ~~without a public hearing~~ if ~~the director~~ he or she finds that the use requested, subject to such conditions deemed necessary, will comply with the findings required by Section 22.56.090 and with any applicable requirements of Chapter 22.52, and if he or she further finds that the impacts of the use requested on safety, facilities and services, and natural resources are minor in nature.

~~E~~D. ~~The director shall notify the applicant and any persons who filed a timely request for a hearing of his decision. Any appeal from the directorâs decision shall be filed with the hearing officer within 14 days following the date on the notice of directorâs decision.~~ The decision of the Hearing Officer may be appealed to the commission. All appeals shall be filed within the time period set forth in, and shall be subject to all of the

other provisions of Part 5 of Chapter 22.60 except that the decision of the commission shall be final and effective on the date of the decision and shall not be subject to further administrative appeal, unless the permit was considered by the commission concurrently with a decision on a general plan or specific plan amendment, zone change, development agreement or other legislative action.

SECTION 71. Section 22.60.100 is hereby amended to read as follows:

22.60.100 Filing Fees and Deposits.

A. For the purposes of defraying the expense involved in connection with any application or petition required or authorized by this Title 22, the following fees shall accompany the application or petition:

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-- Minor Conditional Use Permits -- $1,494.00~~, except that where a public hearing is requested pursuant to Section 22.56.075, an additional fee of $7,230.00 shall be paid.~~

SECTION 72~~0~~. Section 22.60.176 is hereby amended to read as follows:

22.60.176 Conduct of Hearings-Hearing Officer duty.

When a verified application is filed for a permit or variance and a hearing is required by Title 21 or this Title 22, the hearing officer shall hold such hearing unless the hearing examiner and/or commission conduct hearings pursuant to Section 22.60.171. The hearing officer shall hold a hearing for a minor conditional use permit application unless the minor conditional use permit is filed concurrently with an application for a general plan or specific plan amendment, zone change, development agreement or other legislative action.

ATTACHMENT 2: REVISED PERMITTING SUMMARY TABLE

PERMITS REQUIRED BY ZONE						
	Light Agricultural	Heavy Agricultural	Open Space & Watershed	Residential	Commercial	Industrial
Solar						
On-Site Structure-Mounted Ground-Mounted	 P PP	 P PP	 P MCUP	 P PP	 P PP	 P PP
Off-Site Structure-Mounted Ground-Mounted	 P~~P~~ N/A	 P~~P~~ CUP	 N/A N/A	 P~~P~~ (MCUP in R-1*) N/A	 P~~P~~ CUP	 P~~P~~ CUP
Wind						
Temp. MET Tower	MCUP	MCUP	N/A	MCUP	MCUP	MCUP
On-Site	MCUP	MCUP	N/A	MCUP	MCUP	MCUP
Off-Site Structure-Mounted Ground-Mounted	 MCUP N/A	 MCUP CUP	 N/A N/A	 MCUP (CUP in R-1) N/A	 MCUP CUP	 MCUP CUP

Legend

P = Permitted

PP = Plot Plan

MCUP = Minor Conditional Use Permit

CUP = Conditional Use Permit

* Except for projects mounted to the rooftop of a single-family residence or duplex that produce less than 10 kW of electrical energy or 30 kW of thermal energy pursuant to Government Code Section 65850.5

ATTACHMENT 3: ADDITIONAL CORRESPONDENCE

From:	Jacki Ayer
To:	Susan Tae; Jay Lee
Cc:	3pointsliebremountain@gmail.com; mr.croisdale@sbcglobal.net; m_r_hughes@earthlink.net; desertchurros@icloud.com; wolterpam@aol.com; tom@quality-visual.com; thorx655@earthlink.net; blumranch@aol.com; ktrinity46@gmail.com; bh33605@aol.com; maryjohnson@canyonwave.com
Subject:	Comments on Draft Renewable Energy Ordinance
Date:	Monday, March 09, 2015 11:59:14 AM
Attachments:	renewable energy ordinance comments.pdf

Hello Suzie;

I have attached my comments on the Draft Renewable Energy Ordinance to this email, and have also forwarded them to the ATC, the ARTC, and others who may be interested in them as well.

I understood from our conversation last week that the Draft Ordinance includes ridgeline protection provisions, however my examination of the Draft Ordinance indicates that utility-scale ground-mounted wind energy projects are not subject to either the ridgeline protection provisions contained in the ordinance or ridgeline protection provisions contained in adopted CSDs. Perhaps I misunderstood what you said, and perhaps I have misinterpreted the Draft Ordinance. If not, then I think it is reasonable to ask Regional Planning to explain

1) Why 500 foot high wind tower structures (described on page 57) on significant ridgelines are deemed acceptable by the County, but 25 foot high homes are not.

2) Why only very low density residential development is permitted in hillside areas, but wind turbine densities are not limited at all.

Finally, I wish to point out that many studies on wind turbine noise and appropriate separation distances from homes have been conducted (both domestically and internationally) and generally turbines are not allowed within 500 meters (or more) of residential properties. In the case of Acton, this distance should be measured from any adjacent parcel zoned for residential use whether developed or not.

I look forward to working with you and other staff members on addressing these concerns before the ordinance is adopted.

Thank you for your time

Jacqueline Ayer

March 9, 2015

Jay Lee
Los Angeles County Department of Regional Planning
320 W Temple St 13th Floor
Los Angeles CA 90012
jalee@planning.lacounty.gov
Electronic Transmission of eight (8) pages

Subject: Comments on the Draft Renewable Energy Ordinance.

Reference: Draft Renewable Energy Ordinance Issued February 20, 2015.

Dear Mr. Lee;

In the paragraphs below, please find comments on the Draft Renewable Energy ("RenEng") Ordinance submitted in preparation for the Regional Planning Commission hearing scheduled for March 18, 2015. I have several concerns regarding this ordinance, and respectfully requests that the changes enumerated below be incorporated in the version of the ordinance that is adopted by the County of Los Angeles.

THE THRESHOLD FOR AVOIDING COMPLIANCE IS TOO LOW

As indicated below, I am concerned that the RenEng Ordinance does not adequately protect rural communities from the glare, noise, dust, lights, and water resource impacts of RenEng projects, and it facilitates the industrialization of rural communities, the ruination of significant ridgelines, and the violation of Community Standards District ("CSD") protections. Even more alarming is the fact that the RenEng Ordinance allows energy developers to sidestep the few protections that do exist by simply requesting a "modification" to the requirements based on a claim that they "unreasonably interfere" with development. (See 22.52.1640). The only basis for denying such requests is if the County finds them to be "contrary to the purpose" of the RenEng Ordinance. However, the County will ***never*** be able to make such a finding because the entire purpose of the RenEng Ordinance is to "support and facilitate" the development of RenEng projects (See Section 22.52.1600). The circular structure of these ordinance provisions ensures that large-scale energy projects will proceed quickly, with little or no community input, and without regard for community impacts. This is completely unacceptable, and the RenEng Ordinance must be revised to strengthen (rather than decimate) protections for established rural residential communities like Acton.

NOISE

The treatment of Noise Pollution in the RenEng Ordinance is deficient in a number of ways.

1) It applies only to small-scale wind energy facilities and ignores the substantially louder noise potential of utility-scale wind generation facilities (both structure- and ground-mounted). The noise limit application is too narrowly constrained in the RenEng Ordinance, and must be expanded to address all utility-scale generation projects.

2) It constrains the consideration of noise impacts to only existing inhabited dwellings, and ignores businesses and outdoor uses such as equestrian facilities (barns, corrals, trails), animal rescue facilities, agricultural uses, etc. It also ignores impacts to adjacent land that has not yet been developed for residential or agricultural use; it is likely that such land will be rendered worthless given the high noise threshold that the draft ordinance allows. This must be rectified by imposing a fence-line noise limit.

3) It establishes a very high (60 dB) noise threshold that is entirely unsuitable for rural areas. Ambient noise levels in such areas are typically less than 45 dBA, and an increase of 10 dBA results in an approximate doubling of the sound, while an increase of 20 dBA results in an approximate quadrupling of the sound. The draft ordinance establishes a 60 dBA threshold, which essentially triples the ambient noise level in rural areas. To frame the issue in more understandable terms, 60 dBA is approximately the noise level one experiences 3 feet from an operating clothes dryer, and 10 dBA more (at 70 dBA) is the noise made by a vacuum cleaner. As it currently stands, the RenEng Ordinance authorizes this continuous and exceptionally loud "noise overlay" in rural areas where the existing noise profile is virtually non-existent. The Commission is reminded that rural communities exist because rural residents seek the peace and quiet afforded by such communities. All of this is threatened by the high noise threshold established by the RenEng ordinance. To address this concern, the threshold value must be reduced to 45 dBA.

4) It relies on a "Single Event Level" parameter which does not properly or accurately represent the continuous noise profile generated by wind energy facilities. While uses which occasionally create single noise events of 60 dBA or more may be reasonable in rural areas, uses which generate such noise levels on a continuous basis (such as wind turbines) are not.

5) Nowhere does the RenEng Ordinance require any project proponent to provide noise data as part of the application process, nor does it require a "followup" assessment at the site to confirm that noise limits are met. Worse yet, it provides no backstop protections to ensure compliance with this noise limit over time and after the wind turbine bearings and contact surfaces are worn down and no longer "true".

RIDGELINES

The Acton CSD contains specific provisions that protect "significant ridgelines" and it clearly defines what constitutes a "significant ridgeline" within the Community of Acton. I

am concerned that the RenEng Ordinance only imposes ridgeline protection provisions for utility scale solar energy and small scale wind energy developments (Sections 22.52.1620 and 22.52.1630, respectively), but not utility scale wind energy developments. I am also concerned that the community of Acton will not benefit from even the minimal ridgeline protection provisions provided in the RenEng Ordinance because the significant ridgelines within the community of Acton are not "mapped" in the CSD, rather they are clearly defined by description. Therefore, I make this two-part request: 1) The RenEng Ordinance be revised to subject utility scale wind energy projects to the same ridgeline protection provisions that apply to utility scale solar and small scale wind energy projects; and 2) The Department of Regional Planning provide written clarification that the ridgeline protection provisions provided in the RenEng Ordinance do indeed apply to Acton's "Significant Ridgelines" as that term is defined in the Acton CSD.

CSD PROVISIONS MUST PREVAIL

According to Section 22.52.1605 of the RenEng Ordinance, supplemental district regulations (such as Community Standards District provisions) apply to all RenEng projects. However, in instances where the RenEng Ordinance regulates matters that are also addressed by CSD provisions, the RenEng Ordinance prevails, and CSD provisions are subordinated. This untenable arrangement has never been explained, and Planning Staff have never provided any reasons for including such provisions. This portion of the RenEng Ordinance must be revised to ensure that CSD provisions prevail, particularly in regards to utility scale wind and solar generation projects. The reasons are obvious; CSDs are established for, constrained to, and address, developed residential uses, and they include provisions that are intended to protect these residential uses from incompatible industrial development such as utility-scale generation projects. Granting industrial uses the ability to sidestep community protection provisions of any CSD "by right" and without reason or justification undermines the entire CSD structure. Any renewable energy proponent wishing to develop a project that does not comply with a CSD provision should be required to go through the variance process just like any other project proponent that wishes to avoid CSD requirements. Above all, RenEng developers should not be granted a perfunctory "pass" that allows them to completely ignore the very development standards that communities have fought hard for and which protects residents from incompatible development.

FAA LIGHTS

Section 22.52.1610 of the RenEng Ordinance requires the addition of "FAA-required safety lights" on all utility scale wind energy facilities. This poses a problem in that utility companies frequently state that FAA lights are required when in fact they are not. Take for example the transmission lines recently constructed through Acton and the Angeles National Forest. SCE informed the CPUC that FAA required lights on the new towers, so the CPUC authorized them. However, the US Forest Service clarified that FAA lights were not actually required on such transmission tower structures, so SCE did not install lights on any of the 60+ miles of towers located in several utility corridors along ridgelines and hilltops throughout the Angeles National Forest. In fact, these "FAA-required" lights were only

installed in residential areas located in valleys (specifically where aircraft do not fly). These lights (which the FAA supposedly "required" but really did not) have created terrible problems for the surrounding homes by beaming bright red lights into living and sleeping spaces, eliminating night vision capabilities, and simply destroying the homeowners' ability to enjoy the out-of-doors in the evening and at night. The point is, the County must take every possible action to avoid the installation of FAA lights and diligently confirm any applicant claim that "FAA-required" lights are indeed required. The County must also seek alternatives to such lights, and ensure that any lights which are installed shine light only in an upward direction and are not visible from any area that is at or below the elevation of the lights. Otherwise, the entire point of the County's recently adopted "Dark Sky" rural lighting ordinance is completely lost.

THE RENENG ORDINANCE FAILS TO IMPOSE EVEN THE MINIMUM OFFSET REQUIREMENTS THAT ARE CURRENTLY IMPOSED ON SINGLE HOME DEVELOPMENTS

Currently, the County requires the acquisition of open space "mitigation land" at ratios of up to 2:1 by property owners that seek to create large (>5 acre) residential lots through the minor land division process[1] . Yet, incredibly, no such mitigation requirements are imposed on any RenEng projects, even though such projects result in the wholesale destruction of thousands of acres of pristine open space areas! The irony of this lopsided application of "mitigation land" requirements is magnified by the fact that large portions of rural residential parcels generally remain untouched, while RenEng projects result in the utter decimation of the ***entire*** land area that they occupy. This double standard (which is applied under the guise of "resource protection") is simply ***unacceptable.*** The County cannot have it both ways. If the County is going to impose stringent open space "mitigation land" requirements to offset the negligible impact of large lot minor land divisions, then it must impose equally stringent open space "mitigation land" requirements to offset the astoundingly devastating impacts of RenEng Projects. These "mitigation land" requirements must be included in, and clearly established by, the RenEng Ordinance.

2.5 ACRES FOR A "SMALL SCALE SOLAR ENERGY SYSTEM" IS ENTIRELY TOO LARGE

Section 22.52.1615 of the RenEng Ordinance allows "Small-Scale Solar Energy Systems" to occupy up to 2.5 acres of land, and Section 22.52.1640B even provides a "Minor Conditional use Permit" pathway that can be used to further increase this limit. However, the amount of energy generated by 2.5 acres of solar arrays is so substantial that it could never be deemed "primarily for on-site use" on rural residential and agricultural lots, as evidenced by data recently provided by the National Renewable Energy Laboratory ("NREL")[2]. According to NREL's data, 2.5 acres of "tilt" photovoltaic solar panels will provide nearly 1 gigawatt-hr of solar energy per year, which is .more than enough energy to support 75 homes annually. Obviously, the energy produced by a 2.5 acre residential solar system

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1 See for example the Mitigated Negative Declaration prepared by the County for Vesting Tentative Parcel Map Number 68736.

2 http://www.energymanagertoday.com/it-takes-2-8-acres-of-land-to-generate-1gwh-of-solar-energy-per-year-says-nrel-094185/

would greatly exceed the on-site energy "need" of ***any*** residential parcel, and the intent of constructing such a system on rural residential/agricultural land would ***clearly*** not be to "generate direct electrical or thermal energy primarily for on-site use" because no rural residential use is equivalent to 75 homes. Therefore, solar generation plants of this size on residential/agricultural lots intrinsically fail to meet the definition of "Small-Scale Solar Energy System" found in 22.08.190 of the RenEng Ordinance. For this reason, the size limit for "small-scale solar energy" systems installed on rural residential and agricultural zoned properties must be much less than 2.5 acres. I recommend that these systems be limited to 15 kW (which is approximately 75 solar panels) which is more than sufficient to power 3 homes, or one home with accessory uses that impose significant energy demands.

50 kW FOR A "SMALL SCALE WIND ENERGY SYSTEM" IS ENTIRELY TOO LARGE

According to Section 22.08.190 of the RenEng Ordinance "Small-Scale Wind Energy Systems" are intended to provide electricity primarily for on-site use, and are permitted to have a capacity as high as 50 kW. For the record, the California Energy Commission classifies 50 kW wind energy systems as "Intermediate Utility Scale" systems[3], therefore 50 kW is hardly an appropriate limit for a "Small Scale" RenEng System. Moreover, a 50 kW wind system produces enough energy to support 10 homes, thus it is obvious that the primary purpose of installing such a large system on residential or agricultural properties would not be to generate power for "on-site use", rather it would be to sell power to the grid for "off-site use", which is explicitly contrary to the definition and stated intent of "small scale wind energy systems" provided in Section 22.08.190. To address this glaring inconsistency, I recommend that the size of "Small-Scale Wind Energy Systems" that are permitted on residential/agricultural properties be limited to 15 kW or less, which is more than sufficient to power 3 homes, or one home with accessory uses that impose significant energy demands.

DUST

The RenEng Ordinance authorizes the use of "soil binders" to control dust on access roads and other disturbed areas. However, the Commission is advised that soil binders in this application are not appropriate for the following reasons (cited in the California Stormwater BMP Handbook):

- Soil Binders do not hold up to pedestrian or vehicular traffic, therefore authorizing their use on access roads will provide ineffective (and non-existent) dust control.

- Soil binders often do not penetrate compacted soils, and are therefore ineffective.

- The performance of soil binders are soil-texture specific; some do not work on sandy soils, and others do not work on silty soils. Both soil types can be collocated within the Antelope Valley, therefore it is unlikely that an effective soil binder will be found.

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3 See http://www.energy.ca.gov/wind/overview.html

- Soil binders do not perform well in low humidity areas. The Antelope Valley is located in the high desert and typically has very low relative humidity, therefore authorizing the use of soil binders in the Antelope Valley will provide ineffective dust control.

- The use of soil binders may have water quality impacts due to their chemical makeup. Throughout the Antelope Valley, residents rely on wells for drinking water, therefore authorizing the use of soil binders in the Antelope Valley without first documenting the potential impacts of such materials on drinking water quality is wholly inappropriate.

There are also problems with the dust control provisions that address non-access road areas and other portions of RenEng projects (see for example page 64 of 75). The RenEng Ordinance appears to rely on existing vegetation to control dust levels, in that it authorizes mowing of such vegetation, but prohibits root system removal. This presumes that existing vegetation which thrives on the full sunlight of the Antelope Valley and perhaps relies on dew condensation for survival will continue to survive when covered over entirely by solar panels which eliminate both light and condensation. Worse yet, the RenEng Ordinance contains no "back up" dust control provisions that must be implemented if (or rather when) the native vegetation dies out. This serious deficiency must be addressed before any RenEng ordinance is adopted.

GLARE

The RenEng Ordinance states:

> "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."

This language is too vague and imprecise. What does it mean to "minimize" glare? Glare either exists or it does not. And how do you minimize it anyway? What steps will the County require as proof that glare has indeed been "minimized? There is no point in imposing a condition that cannot be effectively assessed to establish compliance. And why does this provision apply only to "habitable structures" on adjacent properties? What about undeveloped adjacent lands that may be rendered undevelopable because of glare problems? What does "adjacent" mean, anyway, and how far away must property be to not qualify as "adjacent"? Given the fact that glare impacts often occur at considerable distances from a source (and not merely "adjacent" to it), why does this ordinance consider and address only glare impacts that occur adjacent to the RenEng facilities? And above all, why does this ordinance allow any glare at all?

WATER

The RenEng Ordinance does not address the ***enormous*** quantities of water that are required to operate solar RenEng projects. Allowing RenEng developers to obtain water from any source that they find convenient without regard for the impacts that such

significant water withdrawals may have on the water table and domestic water wells is a substantial deficiency of the RenEng Ordinance. This deficiency is best addressed by requiring RenEng projects to rely solely on the use of recycled water (obtained from the "purple" hydrants that dot the Antelope Valley). To affect this purpose and eliminate the possibility of using potable water on RenEng infrastructure, the recycled water must be trucked in via suitably marked trucks (perhaps painted purple to match the fire hydrants) so that observers can monitor for compliance.

CONCENTRATOR SYSTEMS

The RenEng Ordinance omits concentrator systems from the definition of "solar array", but it does not preclude such systems from the spectrum of renewable generation systems that are addressed by the ordinance. This ordinance must only address and authorize photovoltaic-based solar generation facilities and must specifically preclude all mirror-based "concentrator" solar-thermal systems (which range from small micro-concentrator and dish/stirling engine systems to long, linear parabolic trough systems to large, concentrically arranged, heliostat mirrors that concentrate light onto a single "power tower"). The impacts of these systems are so substantial and unmitigable that they should not be allowed anywhere in the Antelope Valley.

SITE PLAN AND SUBMITTAL REQUIREMENTS FOR UTILITY-SCALE WIND PROJECTS

Section 22.52.1610 A of the RenEng Ordinance appears to only addresses solar facilities. It should be expanded to address wind facility footprints, require location and height information for all wind generators, and include layout "plan" views and topographic "side" views for wind generation projects. Furthermore, it is noted that the Section 7 portion of 22.52.1610 B (re: projects that require a CUP) which addresses utility-scale wind projects fails to require topography data, rather it just requires a figure depicting tower height. This is unacceptable, given the significant visual impact that such towers create, especially if they include "FAA-required" lights.

CUP VS MINOR CUP REVIEW FOR UTILITY SCALE RENENG PROJECTS.

Section 22.56.085 The RenEng Ordinance appears to establish which projects may be subject to the County's "Minor Conditional Use Permit" process, and it specifically identifies small scale solar, small scale wind, temporary met towers, and utility-scale structure-mounted wind projects as being eligible uses that "may" file for a Minor Conditional Use Permit. First of all, I would like to clarify whether or not these are the only types of RenEng Projects are eligible to undergo the "Minor" CUP process, and would appreciate confirmation of this fact. Secondly, I wish to register my ***strident*** objection to making any utility scale RenEng project eligible for the "Minor" CUP process, especially given that the noise levels generated by such projects are specifically **not** regulated (see comments re Noise Pollution above). I would also like to point out that the nature of utility generation project are, by definition, ***never*** "limited in scope and impacts", therefore allowing them to undergo the "Minor" CUP process ***is explicitly contrary*** to the stated intent of 22.56.085, which is:

> "The purpose of this section is to authorize the consideration of minor conditional use permit applications *that by their nature are limited in scope and impacts*." (Emphasis added)

For this reason, I ask that all utility scale renewable generation systems be subject to the full and complete Conditional Use Permit process rather than the "Minor" Conditional Use Permit Process.

CONCLUSION

Given the substantial concerns identified above, I respectfully requests that the RenEng Ordinance be revised as requested before it is approved. I have provided a copy of my comments to the Acton Town Council and the Association of Rural Town Councils so that these groups are aware of the position that I have taken on the RenEng Ordinance.

Thank you for your time and consideration on this matter.

Sincerely,

/S/ Jacqueline Ayer
Jacqueline Ayer

2010 West Avenue K, #701
Lancaster, CA 93536
AirSpecial@aol.com

ENDANGERED HABITATS LEAGUE
DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE

March 10, 2015

VIA ELECTRONIC MAIL

Jay Lee
Department of Regional Planning
320 West Temple St, Room 1354
Los Angeles, CA 90012
Email: jalee@planning.lacounty.gov

RE: Renewable Energy Ordinance, Third Draft, and Draft Environmental Impact Report

Dear Mr. Lee:

The Endangered Habitats League (EHL) appreciates the opportunity to comment on this latest iteration of the draft Ordinance. For your reference, EHL is Southern California's only regional conservation group. Our primary concern is with the adverse effects of utility-scale solar and of utility and small-scale wind turbines on birds and bats. Small-scale wind turbines are up to 85 feet in height.

Wind turbines pose unavoidable risks to birds and bats flying into the moving blades, with monitoring studies often reporting gruesome mortality figures. Crucially, however, the propensity of a particular turbine to strike birds and bats – the amount of harm – is directly related to the *siting* of the turbine. And this location is more important than the turbine's size[1]. Therefore, it is a moral imperative for this Ordinance to, at a minimum, rigorously regulate the siting of all turbines.

In providing these comments, EHL is attempting to reduce harm, but as a matter of policy, we recommend that, if possible, Los Angeles County *prohibit* small-scale wind turbines. It should instead prioritize, incentivize, and facilitate rooftop solar as the renewable energy source of choice for small properties, farms, businesses, and individuals. We know of no economic or other evidence that solar is not a perfectly viable or indeed preferable substitute.

We note that the DEIR for this project acknowledges fifteen areas of significant and unavoidable impact to biological resources, most due to wind turbines. However, the

[1] See Hunt WG. 2002. Golden eagles in a perilous landscape: Predicting the effects of mitigation for energy-related mortality. California Energy Commission Report P500-02- 043F; and Committee on Environmental Impacts of Wind Energy Projects, National Research Council. 2007. Environmental Impacts of Wind-Energy Projects. National Academies Press, Washington (DC). 394 pp.

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proposed mitigation consists of *deferral* to subsequent discretionary processes, e.g., project level CUP or CEQA review, along with a few examples. However, under CEQA, specific mitigation measures or at least measurable performance standards must be developed and identified at this time. Moreover, the DEIR *fails* to identify many simple and effective mitigation measures whose feasibility is demonstrated by their adoption by the County of San Diego in its 2012 Wind Energy Ordinance[2]. Nevertheless, we recognize and appreciate that input on previous drafts has resulted in inclusion of some of these measures, and our comments will highlight the remaining gaps.

Wind

Utility-Scale

We are deeply concerned that the requirement for compliance with the *California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development* for utility-scale turbines was removed from this latest draft[3]. Its absence creates a glaring defect in the Ordinance, as *initial site selection* is not otherwise regulated by the Ordinance, while it is a major feature of the Guidelines. And the Guidelines are *voluntary* with no mechanism to guarantee compliance.

For this reason, either:

1) the Ordinance or its implementation program should cite the Guidelines for use by projects seeking permits, ensure County staff's evaluation of compliance with them, and establish *substantial compliance* with the Guidelines or their equivalent as a prerequisite for project approval, or

2) the Ordinance should incorporate its own equivalent standards for rigorous initial site selection on both the macro and micro scales, and require the requisite bird and bat studies as baseline data.

Also, see below for comments on ridgelines, which are also applicable to utility-scale turbines.

Small-Scale

Setbacks and siting

We acknowledge and support the provisions for setbacks from biological resources (preserves, SEAs, roosts, riparian areas and wetlands, etc.). We also acknowledge and support this critically important *finding* for siting:

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[2] See EHL comment letter of May 22, 2014 to Department of Regional Planning, *Renewable Energy Ordinance, Second Draft*, for a listing of these feasible mitigation measures.

[3] Although the DEIR states that *small* turbines would also be subject to the Guidelines, we did not find such a provision in the strikethrough text of Draft 2.

A. The proposed development is sited and designed and will be constructed in such a way to minimize significant impacts to the environment including impacts to birds and bats, through appropriate measures including minimizing proximity to perch sites such as transmission lines and towers;

However, one very important aspect of siting is inadequately addressed, that regarding ridgelines. Avoidance of ridgelines is a key factor in siting, as birds follow the updrafts provided by slopes and ridgelines as they fly and migrate. It is essential to keep these "bird highways" free of rotating turbine blades. The following language is the operable provision for small-scale turbines in the draft:

2. Significant ridgelines impact. The highest point of a small-scale wind energy system 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 within an applicable Community Standards District.

"Significant ridgelines" are defined elsewhere in the document as follows:

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.

The flaw in this draft is the *limitation* to "significant" ridgelines. This flaw arises from the fact that the ridgeline protection language was developed to protect *visual* rather than *biological* resources (see redline version). A review of County ridgelines maps shows that these are indeed limited to major landforms. However, birds and bats will use ridgeline updrafts for travel and migration *irrespective* of whether the ridgeline is "highly visible and dominates the landscape." While the mapped ridgelines currently covered by the Ordinance are indeed important, setback standards must be applied to other biologically significant ridgelines, and also refined in terms of distance. We note that as the draft Ordinance also applies the same ridgeline limitation to *utility-scale* turbines, that section is also flawed and should be improved.

As an example of a different approach, the San Diego County Wind Energy Ordinance defines ridgelines of concerns in the context of *degree of slope*. This appropriately narrows the scope of the ordinance to locations where slopes are steep and where updrafts are likely to be present. The San Diego setback standard and accompanying definitions are as follows:

Ridgelines. A small wind turbine tower shall not be located on a ridgeline, and the turbine blades shall not exceed the height of the ridgeline in an area within 150 feet of the ridgeline.

Ridgeline. The plateau or maximum elevation which extends along the top of Steep Slope Lands. A Ridgeline may increase or decrease in elevation as it extends along the top of Steep Slope Lands.

"Steep Slope Lands": All lands having a slope with natural gradient of 25% or greater and a minimum rise of 50 feet, unless said land has been substantially disturbed by previous legal grading. The minimum rise shall be measured vertically from the toe of slope to the top of slope within the project boundary. (From Resource Protection Ordinance)

Based upon our consultation with experts, we recommend the following changes to address ridgelines:

1) For the major ridgelines already specified in the Ordinance, the setback should be increased to 300 - 500 feet horizontal (depending on site characteristics) and 50 feet vertical. A setback of 150 feet is simply not enough for large flight paths.
2) A provision should be added to capture *other* biologically significant ridgelines. This would apply to slopes of 25% or greater, as long as a minimum rise of 50 feet was present. The San Diego County metric of 150 feet horizontal and the Los Angeles County metric of 50 feet vertical is a reasonable combination. Where 50 feet vertical is not topographically feasible for the site, or would compromise other setback requirements, the top of the turbine blade should not rise *above* the level of the ridgeline for a horizontal distance of 150 feet.

Attractors and miscellaneous

Turbine design and construction should eliminate features that *attract* birds or bats to the vicinity of the blades. We acknowledge and support the requirement for mowing vegetation at the base of the turbine, *although a requirement for covering the mowed area with gravel to prevent regrowth should be added.* We also acknowledge and support the prohibition of trellis designs.

However, improvement is needed to eliminate or reduce other potential perch sites near a turbine. Guy wires are such perch sites, and as in San Diego County, guy wires for small turbines should be prohibited. We note that exemptions in the case of technical infeasibility could still be made through normal County procedures.

A similar concern applies to transmission lines that may connect the small turbine to the grid, to batteries, or to whatever device that is going to be powered by the turbine. These potential perch sites should be undergrounded, which also reduces electrocution risk.

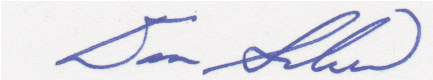
Finally, there should be an explicit provision for small turbines that are not operable to be removed and decommissioned, as spinning blades without producing useable electricity can only do harm.

Solar

The Ordinance should contain siting standards for large scale solar when not part of the DRECP master plan. Such standards should identify already disturbed areas like fallowed fields or agricultural land for siting. Also, solar facilities that mimic water bodies through reflections should be prohibited.

In conclusion, we appreciate the progress made in reducing harm to birds and bats. We have also noted important areas for additional improvement that constitute *feasible mitigation measures* under CEQA to reduce acknowledged significant biological impacts. Thank you very much for considering our recommendations and we once again appreciate the chance to participate in this process.

Yours truly,



Dan Silver
Executive Director

ATTACHMENT 4: DRAFT COMMISSION 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 (ñGovernment Codeò)(commencing with section 65350) provides for the adoption and amendment of a jurisdictionôs general plan; and

WHEREAS, the County of Los Angeles (ñCountyò) adopted a Countywide General Plan (ñGeneral Planò) 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 of Los Angeles (ñCountyò) is authorized to adopt amendments to Title 22 of the County Code (ñZoning Codeò); 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 the Renewable Energy Ordinance (ñZoning Ordinanceò); and

WHEREAS, the County has proposed Environmental Assessment No. 201400096 to consider a Draft Environmental Impact Report (ñEIRò) which has been prepared examining the potential significant environmental impacts associated with the proposed Zoning Ordinance pursuant to California Environmental Quality Act (ñCEQAò) 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; and

WHEREAS, the Commission finds as follows:

1. The proposed Zoning Ordinance includes all unincorporated portions of the County over which the County has land use jurisdiction as it is a countywide ordinance. The proposed Zoning Ordinance 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 Zoning Ordinance 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 Zoning Ordinance 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. 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 establish 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 proposed Zoning Ordinance generally 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 provisions for solar and wind energy projects that will help the County Department of Regional Planning (ñDepartmentò) 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 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 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 Permit 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 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 required by County Code section 22.60.100 was calculated by the fee rates and fee study conducted in 2010 that examined the number of hours it takes to process Minor CUPs.

7. The proposed Zoning Ordinance also includes other amendments to the Zoning Code to comply with Government Code provisions related to Minor CUP.

8. DRP staff 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. DRP 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, DRP staff conducted three focus group sessions, one each for renewable energy developers, residents, and environmental organizations. In October 2013, DRP 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, DRP staff released the second draft of the Zoning Ordinance for public review and comment. From September 2014 to January 2015, DRP 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 DRP 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 held a duly-noticed public hearing for the project. The Commission heard testimony from members of the public.

11. On March 18, 2015, the Commission closed the public hearing for the proposed Zoning Ordinance, and recommended approval to the County Board of Supervisors that the Board conduct a public hearing and approve the proposed Zoning Ordinance.

12. 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 quallity 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.

13. 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.

14. The public comment period for the Draft EIR began on February 20, 2015 and will end on April 6, 2015 (45 days). After the public comment period ends, a Final EIR will be prepared with response to comments received during the public comment period. The Final EIR will 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.

15. The Commission has reviewed and considered the Draft EIR for the Project.

16. 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 while minimizing public health and safety hazards and environmental impacts by encouraging projects generating energy for on-site use and those that are mounted to structures and establishing regulations addressing dust control, water use, aesthetics, safety, biota impacts, and other related issues for those projects that generate energy for off-site use and those that are ground-mounted.

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 March 18, 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: March 18, 2015

MC:SMT:JL

This is the third draft of this ordinance. The first draft was released on October 3, 2013 and the second draft was released in April, 2014. This third draft includes some revisions based on the feedback received on the second draft. Revisions from the second draft are shown in track changes with strikethrough for deleted items and underline for added items. This draft ordinance is intended to provide baseline standards for solar and wind energy projects. Where a discretionary permit is required, project conditions and/or mitigation measures will be required to address site specific needs.

Please send your questions and comments regarding this draft ordinance via email or postal mail to:

Contact: Jay Lee
Email: jalee@planning.lacounty.gov
Postal Mail: LA County Department of Regional Planning
Attn: Jay Lee
320 W Temple St 13th Flr
Los Angeles CA 90012

Comments on this draft are due _____.

ORDINANCE NO. _____

An ordinance amending Title 22 ï Planning and Zoning ï of the Los Angeles County Code related to the establishment of regulations for small-scale solar energy systems, small-scale wind energy systems, utility-scale solar energy facilities, utility-scale wind energy facilities, and temporary meteorological towers; and other related amendments.

SECTION 1. Section 22.08.040 D is hereby amended to read as follows:

22.08.040 D

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-- ñDecommissioningò means the discontinuance of a permitted use and removal of all structures, equipment, footings, and fencing associated therewith from a property, which includes safe storage, dismantling, disposal, and/or recycling; and site restoration.

é

SECTION 2. Section 22.08.070 G is hereby amended to read as follows:

22.08.070 G

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-- ñGuy wiresò means wires or cables used to support a wind tower as defined by Section 22.08.230, or other structures that require the use of such wires or cables for support.

SECTION 3. Section 22.08.130 M is hereby amended to read as follows:

22.08.070 M

é

-- ñMeteorological tower, temporary (Temp Met Tower)ò means a facility consisting of a tower and related wind-measuring devices, which is used ~~solely~~ to measure winds preliminary to construction of a ~~non-commercial~~small-scale wind energy ~~conversion~~ system or utility-scale wind energy facility.

é

SECTION 4. Section 22.08.190 S, is hereby amended to read as follows:

22.08.190 S

é

-- ñSmall-scale solar energy systemò means a system where solar energy is used to generate direct electrical or thermal energy primarily for on-site use. Such system may be affixed either to the ground or to a structure other than the systemôs mechanical support structure, such as a building or carport. . Any energy generated by such system that exceeds the on-site energy demand may be used off-site.

-- ñSmall-scale wind energy systemò means a system where wind energy is used to generate direct electrical energy primarily for on-site use. Such system may be affixed to either the ground or to a structure other than the systemôs mechanical support structure, such as a building or carport. Such system has a rated capacity of 50 kilowatts or fewer. Any energy generated by such system that exceeds the on-site energy demand may be used off-site.

-- ñSolar arrayò means the mechanically integrated assembly of modules or panels with a support structure and foundation, tracker, and other components, as required to generate direct electrical or thermal energy using solar energy. Solar arrays

do not include concentrated solar thermal collectors~~devices~~, which use lenses or mirrors to focus or reflect a large area of sunlight onto a small area.

é

SECTION 5. Section 22.08.210 U is hereby amended to read as follows:

22.08.210 U

é

-- Utility-scale solar energy facility, ground-mounted. ñGround-mounted utility-scale solar energy facilityò means a facility affixed to the ground where solar energy is used to generate direct electrical or thermal energy primarily for off-site use. This definition includes all on-site and off-site equipment and accessory structures related to the facility, including but not limited to solar arrays, mounting posts, substations, electrical infrastructure, transmission lines, operations and maintenance buildings, and other accessory structures.

-- Utility-scale solar energy facility, structure-mounted. ñStructure-mounted utility-scale solar energy facilityò means a facility affixed to a structure that is separate from the facilityôs mechanical support structure, such as a building or carport, where solar energy is used to generate direct electrical or thermal energy primarily for off-site use. This definition includes all on-site and off-site equipment and accessory structures related to the facility, including but not limited to solar arrays, mounting posts, substations, electrical infrastructure, transmission lines, operations and maintenance buildings, and other accessory structures.

-- Utility-scale wind energy facility, ground-mounted. ñGround-mounted utility-scale wind energy facilityò means a facility affixed to the ground where wind

energy is used to generate direct electrical energy primarily for off-site use. This definition includes all on-site and off-site equipment and accessory structures related to the facility, including but not limited to wind towers, mounting posts, substations, electrical infrastructure, transmission lines, operations and maintenance buildings, and other accessory structures.

-- Utility-scale wind energy facility, structure-mounted. ñStructure-mounted utility-scale wind energy facilityò means a facility affixed to a structure that is separate from the facilityôs mechanical support structure, such as a building or carport, where wind energy is used to generate direct electrical energy primarily for off-site use. This definition includes all on-site and off-site equipment and accessory structures related to the facility, including but not limited to wind towers, mounting posts, substations, electrical infrastructure, transmission lines, operations and maintenance buildings, and other accessory structures.

…

SECTION 6. Section 22.08.230 W is hereby amended to read as follows:

22.08.230 W

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~~-- ñWind energy conversion system, non-commercial (WECS-N)ò means a facility consisting of a tower, wind turbine generator with blades, guy wires and anchors, and associated control and conversion electronic equipment to convert wind movement into electricity, with a rated capacity of not more than 50 kW; and that is incidental and subordinate to another use on the same parcel. A facility shall be considered a WECS-N only if it supplies electrical power solely for on-site use, except that when a parcel on~~

~~which a WECS-N is installed also received electrical power supplied by a utility company, excess electrical power generated by the WECS-N and not presently needed for on-site use may be used by the utility company in exchange for a reduction in the cost of electrical power supplied by that company to the parcel for on-site use, as long as no net revenue is produced by such excess electrical power.~~

-- ñWind towerò means the vertical component, including blades if any, of a small-scale wind energy system, a utility-scale wind energy facility, or a temporary meteorological tower that elevates the wind turbine generator and attached blades above the ground.

é

SECTION 7 Section 22.20.070 is hereby amended to read as follows:

22.20.070 Permitted Uses.

Property in Zone R-1 may be used for:

é

-- Small family homes, children.

-- Utility-scale solar energy facility, structure-mounted, which is limited to small residential rooftop solar energy system, as defined and regulated by Government Code Section 65850.5, as amended, and the Los Angeles County Building Code, as amended, in accordance with Part 15 of Chapter 22.52.

SECTION 8~~7~~. Section 22.20.080 is hereby amended to read as follows:

22.20.080 Accessory Uses.

Property in Zone R-1 may be used for the following accessory uses:

é

-- Signs as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 9~~8~~. Section 22.20.100 is hereby amended to read as follows:

22.20.100 Uses Subject to Permits.

Property in Zone R-1 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Subdivision directional signs subject to the limitations and conditions of Part 8 of Chapter 22.56.

-- Meteorological tower, temporary, in accordance with Part 15 of Chapter 22.52.

-- Townhouses, subject to the conditions of Section 22.56.255.

-- Utility-scale solar energy facility, structure-mounted, except for small residential rooftop solar energy system, as defined and regulated by Government Code Section 65850.5, as amended, and the Los Angeles County Building Code, as amended, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

-- Water reservoirs, dams, treatment plants, gaging stations, pump stations, wells and tanks, except those wells and tanks related to a shared water well, and any other use normal and appurtenant to the storage and distribution of water.

~~-- Wind energy conversion systems, non-commercial, in conformance with the standards and requirements specified in Part 15 of Chapter 22.52.~~

é

SECTION 10~~9~~. Section 22.20.170 is hereby amended to read as follows:

22.20.170 Permitted Uses.

Property in Zone R-2 may be used for:

é

-- Small family homes, children.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

SECTION 11~~0~~. Section 22.20.180 is hereby amended to read as follows:

22.20.180 Accessory Uses.

Property in Zone R-2 may be used for:

é

C. Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 12~~1~~. Section 22.20.200 is hereby amended to read as follows:

22.20.200 Uses Subject to Permits.

Property in Zone R-2 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

-- Townhouses, subject to the conditions of Section 22.56.255.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

-- Water reservoirs, dams, treatment plants, gaging stations, pump stations, wells and tanks, except those wells and tanks related to a shared water well, and any other use normal and appurtenant to the storage and distribution of water.

~~-- Wind energy conversion systems, non-commercial, in conformance with the standards and requirements specified in Part 15 of Chapter 22.52.~~

é

SECTION 13~~2~~. Section 22.20.260 is hereby amended to read as follows:

22.20.260 Permitted Uses.

Property in Zone R-3-( )U may be used for:

é

-- Townhouses.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

SECTION 14~~3~~. Section 22.20.270 is hereby amended to read as follows:

22.20.270 Accessory Uses.

é

C. Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 15~~4~~. Section 22.20.290 is hereby amended to read as follows:

22.20.290 Uses Subject to Permits.

Property in Zone R-3-( )U may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

-- Water reservoirs, dams, treatment plants, gaging stations, pump stations, wells and tanks, except those wells and tanks related to a shared water well, and any other use normal and appurtenant to the storage and distribution of water.

~~-- Wind energy conversion systems, non-commercial, in conformance with the standards and requirements specified in Part 15 of Chapter 22.52.~~

é

SECTION 16~~5~~. Section 22.20.340 is hereby amended to read as follows:

22.20.340 Permitted Uses.

Property in Zone R-4-( )U may be used for:

é

-- Townhouses.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

SECTION 17~~6~~. Section 22.20.350 is hereby amended to read as follows:

22.20.350 Accessory Uses.

é

C. Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 18~~7~~. Section 22.20.370 is hereby amended to read as follows:

22.20.370 Uses Subject to Permits.

Property in Zone R-4-( )U may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

-- Water reservoirs, dams, treatment plants, gaging stations, pump stations, wells and tanks, except those wells and tanks related to a shared water well, and any other use normal and appurtenant to the storage and distribution of water.

~~-- Wind energy conversion systems, non-commercial, in conformance with the standards and requirements specified in Part 15 of Chapter 22.52.~~

é

SECTION 19~~8~~. Section 22.20.410 is hereby amended to read as follows:

22.20.410 Permitted Uses.

Property in Zone R-A may be used for:

é

-- Small family homes, children.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

SECTION 2019. Section 22.20.420 is hereby amended to read as follows:

22.20.420 Accessory Uses.

é

C. Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 210. Section 22.20.440 is hereby amended to read as follows:

22.20.440 Uses Subject to Permits.

Property in Zone R-A may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

-- Townhouses, subject to the conditions of Section 22.56.255.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

-- Water reservoirs, dams, treatment plants, gaging stations, pump stations, wells and tanks, except those wells and tanks related to a shared water well, and any other use normal and appurtenant to the storage and distribution of water.

~~-- Wind energy conversion systems, non-commercial, in conformance with the standards and requirements specified in Part 15 of Chapter 22.52.~~

é

SECTION 22~~1~~. Section 22.24.070 is hereby amended to read as follows:

22.24.070 Permitted Uses.

Premises in Zone A-1 may be used for:

A. The following uses:

é

-- Small family homes, children.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 23~~2~~. Section 22.24.080 is hereby amended to read as follows:

22.24.080 Accessory Uses.

Property in Zone A-1 may be used for:

é

D. Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 24~~3~~. Section 22.24.100 is hereby amended to read as follows:

22.24.100 Uses Subject to Permits.

Property in Zone A-1 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

é

-- Townhouses, subject to the conditions of Section 22.56.255.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

B. The following uses, provided the specified permit has first been obtained, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

~~-- Wind energy conversion systems, non-commercial, in conformance with the standards and requirements specified in Part 15 of Chapter 22.52.~~

SECTION 25~~4~~. Section 22.24.120 is hereby amended to read as follows:

22.24.120 Permitted Uses.

Premises in Zone A-2 may be used for:

é

D. The following additional uses:

é

-- Parks, playgrounds and beaches, with all appurtenant facilities customarily found in conjunction therewith.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 26~~5~~. Section 22.24.130 is hereby amended to read as follows:

22.24.130 Accessory Uses.

Property in Zone A-2 may be used for:

é

D. Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 27~~6~~. Section 22.24.150 is hereby amended to read as follows:

22.24.150 Uses Subject to Permits.

Property in Zone A-2 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

é

-- Townhouses, subject to the conditions of Section 22.56.255.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

B. The following uses, provided the specified permit has first been obtained, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

~~-- Wind energy conversion systems, non-commercial, in conformance with the standards and requirements specified in Part 15 of Chapter 22.52.~~

SECTION 28~~7~~. Section 22.28.030 is hereby amended to read as follows:

22.28.030 Permitted Uses.

Premises in Zone C-H may be used for the following:

A. Services.

é

-- Stations ï Bus, railroad, and taxi.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 29~~8~~. Section 22.28.040 is hereby amended to read as follows:

22.28.040 Accessory Uses.

Premises in Zone C-H may be used for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 30~~29~~. Section 22.28.060 is hereby amended to read as follows:

22.28.060 Uses Subject to Permits.

Premises in Zone C-H may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

é

-- Travel trailer parks as provided in Part 6 of Chapter 22.52.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 31~~0~~. Section 22.28.080 is hereby amended to read as follows:

22.28.080 Permitted Uses.

Premises in Zone C-1 may be used for:

A. The following commercial uses, provided all sales are retail and all goods sold except genuine antiques are new:

é

2. Services.

é

-- Union halls.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 32~~1~~. Section 22.28.090 is hereby amended to read as follows:

22.28.090 Accessory Uses.

Premises in Zone C-1 may be used for:

é

B. The following additional accessory uses:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

é

SECTION 33~~2~~. Section 22.28.110 is hereby amended to read as follows:

22.28.110 Uses Subject to Permits.

Premises in Zone C-1 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Tasting rooms, remote, subject to the applicable provisions of Part 23 of Chapter 22.52.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

é

-- Travel trailer parks as provided in Part 6 of Chapter 22.52.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 34~~3~~. Section 22.28.130 is hereby amended to read as follows:

22.28.130 Permitted Uses.

Premises in Zone C-2 may be used for:

A. The following commercial uses, provided all sales are retail and all goods sold except genuine antiques are new:

é

2. Services.

é

-- Union halls.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 354. Section 22.28.140 is hereby amended to read as follows:

22.28.140 Accessory Uses.

Premises in Zone C-2 may be used for:

é

C. The following additional accessory uses:

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 365. Section 22.28.160 is hereby amended to read as follows:

22.28.160 Uses Subject to Permits.

Premises in Zone C-2 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Tasting rooms, remote, subject to the applicable provisions of Part 23 of Chapter 22.52.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

é

-- Travel trailer parks as provided in Part 6 of Chapter 22.52.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 37~~6~~. Section 22.28.180 is hereby amended to read as follows:

22.28.180 Permitted Uses.

Premises in Zone C-3 may be used for:

A. The following commercial uses, provided a commercial appearance is maintained by office or window display:

é

2. Services.

é

-- Union halls.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 387. Section 22.28.190 is hereby amended to read as follows:

22.28.190 Accessory Uses.

Premises in Zone C-3 may be used for:

é

C. The following additional accessory uses:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 398. Section 22.28.210 is hereby amended to read as follows:

22.28.210 Uses Subject to Permits.

Premises in Zone C-3 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Tattoo parlor.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

é

-- Travel trailer parks as provided in Part 6 of Chapter 22.52.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 40~~39~~. Section 22.28.230 is hereby amended to read as follows:

22.28.230 Permitted Uses.

Premises in Zone C-M may be used for:

A. The following commercial uses:

é

2. Services.

é

-- Union halls.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 41~~0~~. Section 22.28.090 is hereby amended to read as follows:

22.28.240 Accessory Uses.

Premises in Zone C-M may be used for:

é

C. The following additional accessory uses:

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 42~~1~~. Section 22.28.260 is hereby amended to read as follows:

22.28.260 Uses Subject to Permits.

Premises in Zone C-M may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Skating rinks, ice or roller.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Tattoo parlor.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

é

-- Travel trailer parks as provided in Part 6 of Chapter 22.52.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 43~~2~~. Section 22.28.290 is hereby amended to read as follows:

22.28.290 Permitted Uses.

A. Premises in Zone C-R may be used for:

1. Services.

é

-- Tourist information centers.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 44~~3~~. Section 22.28.300 is hereby amended to read as follows:

22.28.300 Accessory Uses.

Premises in Zone C-R may be used for:

é

C. Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 45~~4~~. Section 22.28.320 is hereby amended to read as follows:

22.28.320 Uses Subject to Permits.

Premises in Zone C-R may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Ski lifts, tows, runs, and warming huts.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

-- Theaters, drive-in.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 46~~5~~. Section 22.32.110 is hereby amended to read as follows:

22.32.110 Accessory Uses.

Premises in Zone M-1 1/2 may be used for the following accessory uses:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 47~~6~~. Section 22.32.130 is hereby amended to read as follows:

22.32.130 Uses Subject to Permits.

Premises in Zone M-1 1/2 may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit:

...

-- Signs, outdoor advertising, subject to the provisions of Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Tattoo parlor.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

-- Theaters and other auditoriums having a seating capacity exceeding 3,000 seats.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 48~~7~~. Section 22.32.170 is hereby amended to read as follows:

22.32.170 Accessory Uses.

Premises in Zone M-2 or Zone M-4 may be used for the following accessory uses:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 49~~8~~. Section 22.32.190 is hereby amended to read as follows:

22.32.190 Uses Subject to Permits.

A. The following uses, provided that a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit, except that in Zone M-4 a conditional use permit is required for uses in subdivisions 1, 2, and 3 of this subsection A only where the use listed is located within 300 feet of a public school, public park or a residential or A-1 Zone:

é

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.

é

SECTION 5049. Section 22.32.280 is hereby amended to read as follows:

22.32.280 Accessory Uses.

Premises in Zone M-2 1/2 may be used for the following accessory uses:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 510. Section 22.40.190 is hereby amended to read as follows:

22.40.190 Permitted Uses.

Premises in Zone R-R may be used for:

A. The following commercial uses:

...

2. Services.

é

-- Tourist information centers.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 521. Section 22.40.200 is hereby amended to read as follows:

22.40.200 Accessory Uses.

Premises in Zone R-R may be used for:

A. The following accessory uses:

...

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

é

SECTION 53~~2~~. Section 22.40.220 is hereby amended to read as follows:

22.40.220 Uses Subject to Permits.

Premises in Zone R-R may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit:

...

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

-- Townhouses, subject to the conditions of Section 22.56.255.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 54~~3~~. Section 22.40.260 is hereby amended to read as follows:

22.40.260 Accessory Uses.

Premises in Zone W may be used for the following accessory uses:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, structure-mounted, in accordance with Part 15 of Chapter 22.52.

SECTION 55~~4~~. Section 22.40.280 is hereby amended to read as follows:

22.40.280 Uses Subject to Permits.

Premise in Zone W may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit:

é

-- 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.

é

SECTION 56~~5~~. Section 22.40.410 is hereby amended to read as follows:

22.40.410 Permitted Uses.

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C. Permitted uses in Zone O-S, accessory to a principal use listed under Subsection B of this section, Section 22.40.420.B, Section 22.40.430.A, and Section 22.40.430.B: Small-scale solar energy system, structure-mounted, in accordance with Part 15 of Chapter 22.52.

SECTION 57~~6~~. Section 22.40.430 is hereby amended to read as follows:

22.40.430 Uses Subject to Permits.

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit:

é

-- Energy generating or storage devices, including but not limited to geothermal devices.

é

-- 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.

é

SECTION 58~~7~~. Section 22.44.113 is hereby amended to read as follows:

22.44.113 Agua Dulce Community Standards District.

é

D. Community-wide Development Standards.

é

8. Significant Ridgeline Protection. For purposes of this section, ridgelines are defined as the line formed by meeting the tops of sloping surfaces of land, and significant ridgelines are defined as ridgelines which are highly visible and dominate the landscape. The locations of the significant ridgelines within this CSD are shown on the map following this section and the criteria used for their designation are provided in the appendix following this section.

a. The highest point of any structure, excluding chimneys, rooftop antennas, amateur radio antennas, roof-mounted solar panels, and small-scale wind energy ~~conversion~~ systems, shall be located at least 50 vertical feet and 50 horizontal feet from a significant ridgeline; and

é

SECTION 5~~9~~8. Section 22.44.127~~13~~ is hereby amended to read as follows:

22.44.127~~13~~ Altadena Community Standards District.

é

C. Community-wide Development Standards.

é

2. Hillside Management.

é

d. Significant Ridgeline Protection. Ridgelines are defined as the line formed by the meeting of the tops of sloping surfaces of land. Significant

Ridgelines are highly visible ridgelines that dominate the landscape. The locations of the significant ridgelines within the CSD are shown on the map following this Section.

i. The highest point of any structure shall be located at least 50 vertical feet and 50 horizontal feet from a significant ridgeline, excluding chimneys, rooftop antennas, amateur radio antennas, roof-mounted solar panels, and small-scale wind energy ~~conversion~~ systems.

é

SECTION 60~~59~~. Section 22.44.133 is hereby amended to read as follows:

22.44.133 Santa Monica Mountains North Area Community Standards District.

é

D. Community-wide Development Standards.

é

5. Significant Ridgeline Protection.

é

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.

é

SECTION 61~~0~~. Section 22.44.143 is hereby amended to read as follows:

22.44.143 Elizabeth Lake and Lake Hughes Community Standards District.

é

D. Community-Wide Development Standards.

é

4. Utilities.

é

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.

é

10. Significant Ridgeline Protection.

é

b. The highest point of a structure shall be located at least one hundred-fifty (150) vertical feet and one hundred-fifty (150) horizontal feet in a southerly direction from a significant ridgeline, excluding chimneys, rooftop antennas, amateur radios, and small-scale wind energy ~~conversation~~ systems.

c. No portion of any structure shall be located less than fifty (50) horizontal feet in a northerly direction from a significant ridgeline, excluding amateur radio antennas, chimneys, rooftop antennas, and small-scale wind energy ~~conversion~~ systems.

é

SECTION 62~~1~~. Section 22.44.144 is hereby amended to read as follows:

22.44.144 San Francisquito Canyon Community Standards District.

é

D. Community-wide Development Standards.

é

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:

é

SECTION 63~~2~~. Part 15 of Chapter 22.52 is hereby repealed in its entirety.

SECTION 64~~3~~. Part 15 of Chapter 22.52 is hereby added to read as follows:

PART 15

RENEWABLE ENERGY

SECTIONS:

22.52.1600 Purpose.

22.52.1605 Applicability.

22.52.1610 Application Materials.

22.52.1615 Standards for Small-Scale Solar Energy Systems.

22.52.1620 Standards for Utility-Scale Solar Energy Facilities.

22.52.1625 Standards for Temporary Meteorological Towers.

22.52.1630 Standards for Small-Scale Wind Energy Systems.

22.52.1635 Standards for Utility-Scale Wind Energy Facilities.

22.52.1640 Modifications.

22.52.1645 Uses Subject to Permits ï Aviation Review.

22.52.1650 Uses Subject to Permits ï Findings.

22.52.1655 Uses Subject to Permits ï Conditions of Approval.

22.52.1660 Enforcement Procedures.

22.52.1600 Purpose.

This Part 15 establishes regulations and permit requirements that support and facilitate the development of small-scale solar energy systems, small-scale wind energy systems, utility-scale solar energy facilities, utility-scale wind energy facilities, and temporary meteorological towers in a manner that protects public health, safety, and welfare and minimizes significant impacts to the environment.

22.52.1605 Applicability.

A. Applicability of this Part 15. The provisions of this Part 15 shall apply to the development of any small-scale solar energy system, small-scale wind energy system, utility-scale solar energy facility, utility-scale wind energy facility, or temporary meteorological tower.

B. Applicability of zone and supplemental district regulations. All provisions of the zone and any supplemental district in which a small-scale solar energy system, small-scale wind energy system, utility-scale solar energy facility, utility-scale wind energy facility, or temporary meteorological tower is located shall also apply. Where a provision of the zone or supplemental district regulates the same matter as this Part 15, the provision of this Part 15 shall apply.

C. Exemption. The provisions of this Part 15 shall not apply to any small-scale solar energy system, small-scale wind energy system, utility-scale solar energy facility, utility-scale wind energy facility, or temporary meteorological tower approved prior to the effective date of the ordinance establishing this Part 15.

D. Prohibition. Ground-mounted utility-scale solar energy facilities and ground-mounted utility-scale wind energy facilities shall be prohibited within adopted Significant Ecological Areas designated in the General Plan, and Economic Opportunity Areas designated in the Antelope Valley Area Plan.

E. Existing projects~~Subsequent application~~. The provisions of this Part 15 shall apply to:

1. Any modification(s) that would increase the physical size, height, or footprint of a previously approved small-scale solar energy system, small-scale wind

energy system, utility-scale solar energy facility, utility-scale wind energy facility, or temporary meteorological tower; ~~and~~

2. Any modification(s) that would change the type of equipment used by the previously approved small-scale solar energy system, small-scale wind energy system, utility-scale solar energy facility, utility-scale wind energy facility, or temporary meteorological tower, except for replacement of equipment for maintenance purposes; ~~.~~ and

3. Any modification(s) that would convert a project generating energy primarily for on-site use into a project generating energy primarily for off-site use or a project generating energy primarily for off-site use into a project generating energy primarily for on-site use.

22.52.1610 Application Materials.

A. If a site plan review is required, the applicant shall submit the following:

1. All materials and information required by Section 22.56.1680;

2. A site plan that in addition to the features required by subsection F of Section 22.56.1680 depicts:

a. Solar array footprint and height,

b. Solar array setbacks from the perimeter of a roof for solar arrays that are mounted to the roof of a building;

3. A minimum of six different color photographs of the project area with a photo-key map.

B. If a Minor Conditional Use Permit or Conditional Use Permit is required, the applicant shall submit the following:

1. All materials and information required by Section 22.56.030 and a Burden of Proof statement that substantiates the findings required by Section 22.52.1650;

2. A minimum of six different color photographs of the project area with a photo-key map;

3. Color photo simulations of the project area before construction of the project and after construction of the project;

4. Utility-scale solar energy facilities. The following additional materials shall be required for ground-mounted utility-scale solar energy facilities:

a. A site plan that in addition to the features required by subsection A.7 of Section 22.56.030 depicts:

i. Solar array footprint and height,

ii. Solar array setbacks from all property lines,

iii. Area and amount of grading and site disturbance,

iv. Topography of the property,

v. Watercourses on the property, if any

vi. Access roads,

vii. Required fencing,

viii. Required signage,

viii. Lighting,

ix. Transmission lines,

x. Significant ridgelines on the property, if any

b. Detailed landscaping plan that depicts:

i. Required perimeter fencing, if any

ii. Proposed plant species palette, including number and size,

iii. Proposed water usage to plant and maintain proposed landscaping,

iv. Proposed timing and phasing of proposed landscaping,

c. Draft decommissioning plan,

d. Hydrology study,

e. Conceptual dust control plan,

f. Glare study,

g. Description of amount and source of water necessary for the construction and operation of the project;

5. Temporary meteorological towers. The following additional materials shall be required for temporary meteorological towers:

a. A site plan that in addition to the features required by subsection A.7 of Section 22.56.030 depicts:

i. FAA-required safety lights, if any,

ii. For ground-mounted temporary meteorological towers:

(A) Required aviation-related paint markings and high visibility sleeves for ground-mounted temporary meteorological towers,

(B)~~iii. For ground-mounted temporary meteorological towers, G~~guy wires and climbing apparatus, if any;

b. An elevation that depicts wind tower height;

6. Small-scale wind energy systems. The following additional materials shall be required for small-scale wind energy systems:

a. In addition to the materials required by subsection A~~B~~.7~~5~~ of ~~this~~ Section 22.56.030, a site plan that depicts:

i. FAA-required safety lights, if any,

ii~~a~~. Manual and automatic wind tower blade overspeed controls,

iii~~b~~. For ground-mounted small-scale wind energy systems~~,~~

(A) Required aviation-related paint markings,

(B) Climbing apparatus, if any,

(C) B~~b~~lade clearance from the finished grade and required signage, if any;

b. An elevation that depicts wind tower height(s);

7. Utility-scale wind energy facilities. The following additional materials shall be required for utility-scale wind energy facilities:

a. In addition to the materials required by subsection A.7 of Section 22.56.030, a site plan that depicts:

i~~a~~. FAA-required safety lights, if any,

ii~~b~~. Manual and automatic wind tower blade overspeed controls;

~~c. An elevation that depicts wind tower height;~~

iii~~d~~. For structure-mounted utility-scale wind energy facilities with wind towers that are mounted to the roof of a building, a site plan that in addition to the features required by subsection A.7 of Section 22.56.030 depicts wind tower setbacks from the perimeter of a roof;

iv~~b~~. For ground-mounted utility-scale wind energy facilities, in addition to the materials required by subsection B.4 of this Section, a site plan that depicts:

(A)~~i.~~ Climbing apparatus, if any,

(B)~~ii.~~ Required aviation-related paint markings and high visibility sleeves for ground-mounted temporary meteorological towers,

(C) Blade clearance from the finished grade,

(D)~~iii.~~ Runway Protection Zones on the property, if any,

(C)~~iv.~~ Airport Influence Areas on the property, if any;

8. Additional Materials. The Director may request additional materials at the time of application submission or during review by the Department if the Director determines such materials are necessary for adequate evaluation.

22.52.1615 Standards for Small-Scale Solar Energy Systems.

A. Conformance with State requirements. A small-scale solar energy system shall be in conformance with the California Solar Rights Act (California Civil Code

Section 714 et seq.) and the California Solar Shade Control Act (California Public Resources Code 25980-25986).

B. Ground-mounted.

1. Height. The height of the solar array shall not exceed 15 feet.

2. Maximum lot coverage. The maximum lot coverage for solar arrays and any renewable energy accessory structures, shall be 25 percent of the lot or parcel of land or 2.5 acres, whichever is lesser.

C. Structure-mounted. The combined height of a structure and structure-mounted small-scale solar energy system shall not exceed the height limit of the zone by more than five feet.

22.52.1620 Standards for Utility-Scale Solar Energy Facilities.

A. Accessory structures. Accessory structures constructed for the purposes of operating and maintaining the utility-scale solar energy facility must meet all applicable development standards of the zone.

B. Structure-mounted. Structure-mounted utility-scale solar energy facilities shall be subject to the following standards:

1. Height. The combined height of a structure and structure-mounted utility-scale solar energy facility shall not exceed the height limit of the zone by more than five feet.

2. Setbacks. Setbacks from the perimeter of the roof shall be:

a. Three feet on residential buildings; or

b. Four feet on non-residential or mixed use buildings.

C. Ground-mounted. Ground-mounted utility-scale solar energy facilities shall be subject to the following standards:

1~~7~~. Coastal Zone. Within the Coastal Zone, the placement of any utility-scale solar energy facility shall comply with~~not obstruct public views of the ocean from a Scenic or Visual Resource (e.g., Significant Ridgeline, Scenic Route, Scenic Element, and Scenic Viewshed) identified in~~ the applicable Local Coastal Plan~~ unless specific provisions for such siting are provided for in the applicable Cocal Coastal Plan and Coastal Development Permit or long-range development plan~~.

2~~1~~. Fencing. Fencing shall be required around the perimeter of the project. In addition to the California Public Utilities Commission and United States Occupational Safety and Health Administration fencing guidelines for substations, all fencing shall comply with the following, except as otherwise required by Public Works to maintain minimum corner sight distance:

a. Non-opaque fences may be permitted.

b. Fencing up to eight feet in height may be permitted regardless of any other fencing standards.

c. Fencing shall not be located within 15 feet of a public right-of-way but may be located within the required setback area.

d. Project perimeter fencing shall incorporate small animal-permeable design, unless otherwise modified by the Hearing Officer.

3~~2~~. Height. Height of the solar array shall not exceed 25 feet.

4~~3~~. Lighting. In addition to Part 9 of Chapter 22.44, outdoor lighting within the Rural Outdoor Lighting District, which is limited to that required for safety and

security, shall be shielded and directed downward to avoid light trespass, and shall consist of:

a. Motion sensors for entry-lighting to the on-site equipment structures and buildings; and

b. Light-sensor or motion-sensor lighting for the main facility access gate, operations and maintenance building doorways, and any parking areas of facilities with operation and maintenance buildings.

54. Setbacks. Setbacks from the property line shall be:

a. A minimum of 30 feet in agricultural zones; or

b. As provided in the base zone for all non-agricultural zones.

65. Signs. One ground-mounted or pole-mounted project identification sign shall be located at each temporary and permanent ingress and egress point. Signs shall include owner information and emergency contact. No other signs shall be installed for the facility other than safety, directional, and required warning signs as outlined in Part 10 of Section 22.52.

76. Significant ridgelines The highest point of a utility-scale solar energy facility shall be located at least 50 vertical feet and 50 horizontal feet from a significant ridgeline identified in the General Plan, in an applicable Area or Community Plan, or in an applicable Community Standards District;

22.52.1625 Standards for Temporary Meteorological Towers.

A. All temporary meteorological towers shall be subject to the following standards:

1. Aviation safety. All safety lights required by the Federal Aviation Administration for any wind tower, shall comply with applicable Federal Aviation Administration standards. Any aviation-related agency or the Department may impose additional requirements as deemed necessary. No other lights shall be placed on the wind tower.

2. Maximum separation. Wind towers must be separated from each other by the safe industry practice depicted in Figure 22.52.1625-A, below.

FIGURE 22.52.1625-A – SEPARATION STANDARDS FOR TEMPORARY METEOROLOGICAL TOWERS

FIGURE 22.52.1625-A
HERE

B. Structure-mounted. The combined height of a structure and structure-mounted wind tower shall not exceed the height limit of the zone by more than five feet.

C. Ground-mounted. Ground-mounted temporary meteorological towers shall be subject to the following standards:

1. Aviation Safety. Wind towers of less than 200 feet in height, measured from finished grade shall be marked with alternating bands of aviation orange and white paint. High visibility sleeves shall be installed on the outer guy wires with high spherical marker balls of aviation orange color.

2. Climbing apparatus. All climbing apparatus shall be located at least 12 feet above the finished grade, and all wind towers shall be designed to prevent climbing within the first 12 feet of the wind tower height, as measured from finished grade.

3. Location. The minimum setback for a wind tower shall be as depicted in Table 22.52.1625-A. The required distance shall also comply with any applicable fire setback requirements pursuant to California Public Resources Code Section 4290.

TABLE 22.52.1625-A – SETBACK REQUIREMENTS FOR TEMPORARY METEOROLOGICAL TOWERS	
SETBACK FROM	MINIMUM DISTANCE
On-site or Off-site Residence or Habitable Structure	1.5 x tallest wind tower height
Public Road or Highway	As required by Public Works to meet sight distance and minimum setback requirements from traveled lanes
Above Ground Transmission Line, Public Access Easement, or Public Trail	1.25 x tallest wind tower height
Property Line	1.25 x tallest wind tower height
On-site or Off-site Buildings Other Than a Residential Structure	1 x tallest wind tower height
Trees	As required by the Fire Department
Scenic Drives, Scenic Highways and Scenic Routes as identified in the General Plan or applicable Area or Community Plan	1,000 feet

4. Maximum number. More than one wind tower may be located on the same property if all of the location requirements and standards of this Part 15 are met for each wind tower. A maximum of two wind towers are permitted for each five gross acres of land.

5. Maximum wind tower height. The maximum wind tower height shall not exceed the height limit as depicted in Figure 22.52.1625-B below:

a. A total of 35 feet measured from the finished grade to the top of the blade in the vertical position for parcels of less than one gross acre in size;

b. A total of 65 feet measured from the finished grade to the top of the blade in the vertical position for parcels from one gross acre to less than two gross acres in size; and

c. A total of 85 feet measured from the finished grade to the top of the blade in the vertical position for parcels of two gross acres or greater in size.

FIGURE 22.52.1625-B – HEIGHT STANDARDS FOR TEMPORARY METEOROLOGICAL TOWERS

FIGURE 22.52.1625-B **HERE**

22.52.1630 Standards for Small-Scale Wind Energy Systems.

A. In addition to the standards required under subsection A of Section 22.52.1625, the following standards shall also apply to all small-scale wind energy systems:

1. Automatic overspeed controls. A small-scale wind energy system shall be equipped with manual and automatic overspeed controls to limit the blade rotation speed to within the design limits of such system.

2~~3~~. Coastal Zone. Within the Coastal Zone, the placement of any small-scale wind energy system shall comply with~~not obstruct public views of the ocean from a Scenic or Visual Resource (e.g., Significant Ridgeline, Scenic Route, Scenic Element, and Scenic Viewshed) identified in the applicable Local Coastal Program,~~

~~unless specific provisions for such siting are provided for in~~ the applicable Local Coastal Plan~~Program and Coastal Development Permit or long-range development plan~~.

3~~2~~. Significant ridgelines. The highest point of a small-scale wind energy system shall be located at least 50 vertical feet and 305~~5~~0 horizontal feet from a significant ridgeline identified in the General Plan, in an applicable Area or Community Plan, or within an applicable Community Standards District.

4. Slope setbacks in Hillside Management Areas. The project shall map the location of any Hillside Management Area, as defined in Sections 22.25.215.a and b, located within a 500-foot radius of any proposed small-scale wind energy system which rises over 50 vertical feet in elevation as measured from the start of the 25% slopes. For any of these mapped areas, all small-scale wind energy systems shall be located at least 300 horizontal feet from the maximum elevations, which are the highest points where the land slopes away, and the highest point of the small-scale wind energy system shall not protrude above these maximum elevations.

B. Structure-mounted. The combined height of a structure and structure-mounted wind tower shall not exceed the height limit of the zone by more than five feet.

C. Ground-mounted. In addition to the standards required under subsection C of Section 22.52.1625, the following standards shall also apply to ground-mounted small-scale wind energy systems:

1. Blade clearance. No portion of a blade shall extend within 20 feet of the finished grade.

2. Impacts to birds and bats.

a. Design. Use of trellis-style towers is prohibited.

b. Guy wires. The use of guy wires shall be prohibited for all ground-mounted small-scale wind energy systems~~Safety wires shall be installed on the turnbuckles of guy wires. Anchor points for any guy wires shall be located within the same property as the system, and located in such a manner so as not to be on or across any above-ground electric transmission or distribution lines~~.

c. Setbacks. The following setback requirements shall apply to reduce impacts to birds and bats:

i. No part of the small-scale wind energy system shall be closer than 300 feet or five times the tallest wind tower height, whichever is greater, from the following:

(A) Bat roosting sites;

(B) Recorded open space easements and publicly designated preserve areas; and

(C) Riparian areas and wetlands.

ii. No part of the small-scale wind energy system shall be closer than one mile from a known golden eagle nest site.

3. Signs. One sign, limited to 18 inches in length and 12 inches in height, shall be posted at the base of each wind tower. The sign shall include a note of no trespassing, a warning of high voltage, and the phone number of the property owner to call in the event of an emergency.

22.52.1635 Standards for Utility-Scale Wind Energy Facilities.

A. In addition to the standards required under subsection A of Section 22.52.1625 and subsection A of Section 22.52.1630, the following standards shall also apply to all utility-scale wind energy facilities:

1. Accessory structures. Accessory structures constructed for the purposes of operating and maintaining the utility-scale wind energy facility must meet all applicable development standards of the zone.

2. Aviation safety.

a. A utility-scale wind energy facility shall not be located within the Runway Protection Zone of any airport, as depicted in the Countyôs airport land use compatibility plans.

b. A utility-scale wind energy facility shall not penetrate the imaginary surfaces (primary, approach, transitional, horizontal, and conical surfaces) as defined by the Federal Aviation Administration Federal Aviation Regulations Part 77 to protect the use of navigable airspace.

3. Lighting. In addition to Part 9 of Chapter 22.44, outdoor lighting within the Rural Outdoor Lighting District, which is limited to that required for safety and security, shall be shielded and directed downward to avoid light trespass, and shall consist of motion sensors for entry-lighting to the on-site equipment structures and buildings.

B. Structure-mounted. Structure-mounted utility-scale wind energy facilities shall be subject to the following standards:

1. Height. The combined height of a structure and structure-mounted utility-scale wind energy facility shall not exceed the height limit of the zone by more than five feet.

2. Setbacks. Setbacks from the perimeter of the roof shall be:

a. Three feet on residential buildings; or

b. Four feet on non-residential or mixed use buildings.

C. Ground-mounted. Ground-mounted utility-scale wind energy facilities shall be subject to the following standards:

1. Aviation safety. Wind towers of less than 200 feet in height, measured from finished grade shall be marked with alternating bands of aviation orange and white paint. ~~High visibility sleeves shall be installed on the outer guy wires with high spherical marker balls of aviation orange color.~~

2. Blade clearance. No portion of a utility-scale wind energy facility blade shall extend within 30 feet from the finished grade.

3. Climbing apparatus. All climbing apparatus shall be located at least 12 feet above the finished grade, and all wind towers shall be designed to prevent climbing within the first 12 feet of the wind tower height, measured from finished grade.

4. Fencing. In addition to the California Public Utilities Commission and United States Occupational Safety and Health Administration fencing guidelines for substations, all fencing shall comply with the following, except as otherwise required by Public Works to maintain minimum corner sight distance:

a. Non-opaque fences may be permitted.

b. Fencing up to eight feet in height may be permitted regardless of any other fencing standards.

c. Fencing shall not be located within 15 feet of a public right-of-way but may be located within the required setback area.

d. Project perimeter fencing shall incorporate small animal-permeable design.

5. Impacts to birds and bats.

a. Design. Use of trellis-style towers is prohibited.

b. Guy wires. The use of guy wires shall be prohibited for all utility-scale wind energy facilities.

c. Setbacks. The following setback requirements shall apply to reduce impacts to birds and bats:

i. No part of a ground-mounted utility-scale wind energy facility shall be closer than 0.25 miles from the following:

(A) Adopted Significant Ecological Areas;

(B) Recorded open space easements and publicly designated preserve areas; and

(C) Riparian areas and wetlands.

ii. No part of a ground-mounted utility-scale wind energy facility shall be closer than 0.5 miles from bat roosting sites.

iii. No part of a ground-mounted utility-scale wind energy facility shall be closer than one mile from a known golden eagle nest site.

6. Lighting. Light-sensor or motion-sensor lighting is required for the main facility access gate, operations and maintenance building doorways, and any parking areas of facilities with operation and maintenance buildings for projects within the Rural Outdoor Lighting District.

7. Location. The minimum distance and safe clearances for a utility-scale wind energy facility shall be as depicted in Table 22.52.1635-A. The required distance shall also comply with any applicable fire setback requirements pursuant to the California Public Resources Code Section 4290.

TABLE 22.52.1635-A – SETBACK REQUIREMENTS FOR GROUND-MOUNTED UTILITY-SCALE WIND ENERGY FACILITY	
Setback from	**Minimum Distance**
On-site or Off-site Residence or Habitable Structure	2 x tallest wind tower height
Public Road or Highway	As required by Public Works to meet sight distance and minimum setback requirements from traveled lanes.
Above Ground Transmission Line, Public Access Easement, or Public Trail	2 x tallest wind tower height
Property Line	2 x tallest wind tower height
On-site or Off-site Buildings Other Than a Residential Structure	1 x tallest wind tower height
Trees	As required by the Fire Department
Scenic Drives and Scenic Routes as identified in the General Plan or in an applicable Area or Community Plan	2 x tallest wind tower height
Railway	2 x tallest wind tower height

8. Maximum height. Wind tower height shall not exceed 500 feet above finished grade.

9. Signs. One ground-mounted or pole-mounted project identification sign shall be located at each temporary and permanent ingress and egress point. Signs shall include owner information and emergency contact. No other signs shall be installed for the facility other than safety, directional, and required warning signs as outlined in Part 10 of Section 22.52.

22.52.1640 Modifications.

A. When a site plan review is required, a Conditional Use Permit in compliance with Part 1 of Chapter 22.56, is required for any modification to the applicable standards in this Part 15, except as otherwise provided herein. In addition to those required by Section 22.52.1650, the applicant for such Conditional Use Permit shall substantiate the following findings:

1. Due to topographic or physical features of the site, strict compliance with all of the required standards would substantially and unreasonably interfere with the establishment of the proposed development on the subject property; and

2. The requested modification(s) would not be contrary to the purpose of this Part 15.

B. When a Minor Conditional Use Permit or Conditional Use Permit is required, any modification of the applicable standards in this Part 15 may be requested as part of said permit, except as otherwise provided herein. The applicant shall substantiate the findings provided in subsection A above in addition to those required by Section 22.52.1650 and Part 1 of Chapter 22.56.

C. A small-scale solar energy system that exceeds the maximum lot coverage required under subsection B.2 of Section 22.56.1615, requires approval of a Minor Conditional Use Permit pursuant to Part 1 of Chapter 22.56 and is subject to the development standards specified in subsections A and B.1 of Section 22.52.1615 and A.2 and C.5 of Section 22.52.1620 and conditions specified in subsections A.2.d and A.2.g of Section 22.52.1655.

D. A wind tower greater than 500 feet in height requires approval of a variance pursuant to Part 2 of Chapter 22.56.

22.52.1645 Uses Subject to Permits – Aviation Review.

For any use subject to a Minor Conditional Use Permit or Conditional Use Permit and located within a Military Installations and Operations Area (MIOA) or Airport Influence Areas (AIAs) as identified by the General Plan or applicable Airport Land Use Compatibility Plan(s), the following provisions apply:

A. Consultation. Aviation-related agencies shall be consulted for review of the proposed project for any potential impacts to ensure the safety of residents and continued viability of military training and testing operations. The Department shall distribute copies of the proposed site plan, elevation plan, and location map to the aviation-related agencies and shall request comments within a minimum 30-day period. Applicable aviation-related agencies to be consulted include, but are not limited to, the Federal Aviation Administration, United States Navy, Edwards Air Force Base, Air Force Plant 42, United States Forest Service, California Department of Transportation Division of Aeronautics, Public Works ï Aviation Division, Department of Regional Planning

Airport Land Use Commission, County Forester and Fire Warden, and County Sheriff. The consultation review shall request consideration of the following:

1. Uses that produce electromagnetic and frequency spectrum interference, which could impact military operations;

2. Uses that release into the air any substances that may impair visibility such as steam, dust, or smoke;

3. Uses that produce light emissions that could interfere with pilot vision or be mistaken for airfield lighting such as glare or distracting lights; and

4. Uses that physically obstruct any portion of the MIOA due to relative height above ground level.

B. Any comments received through consultation shall be considered by the Department and provided to the Hearing Officer.

22.52.1650 Uses Subject to Permits – Findings.

In addition to the findings required under Part 1 of Chapter 22.56, the Hearing Officer shall approve a Minor Conditional Use Permit or Conditional Use Permit if he or she finds that:

A. The proposed development is sited and designed and will be constructed in such a way to minimize significant impacts to the environment including impacts to birds and bats, through appropriate measures including minimizing proximity to perch sites such as transmission lines and towers;

B. The proposed development is sited in such a way to minimize site disturbance (i.e., grading, brush clearance, and other forms of earthwork);

C. For ground-mounted utility-scale solar energy facilities and utility-scale wind energy facilities, the proposed vegetation along project perimeter fencing will:

1. Sufficiently provide buffer from adjacent residential and agricultural uses through variable placement and muting of frontage or other sensitive viewsheds so as to provide a natural visual transition between the project and its surroundings,

2. Sufficiently provide ground cover to the satisfaction of the staff biologist, and

3. Provide such buffer and ground cover in a timely manner to the satisfaction of the staff biologist; and

D. If the proposed development penetrates the lower floor elevation of any MIOA, the military operator of that MIOA has determined that the proposed development is not detrimental to the function of that MIOA and would not pose a health or safety hazard to military personnel or the public.

22.52.1655 Uses Subject to Permits – Conditions of Approval.

If a Minor Conditional Use Permit or Conditional Use Permit is required, the following conditions of approval shall apply:

A. Utility-scale solar energy facilities.

1. Glare. All utility-scale solar energy facilities shall be designed and located in such a way to minimize reflective glare toward any habitable structure on adjacent properties as well as adjacent street rights-of-way.

2. Ground-mounted.

a. Access roads. All temporary and permanent ingress and egress points to the ground-mounted utility-scale solar energy facility shall be designed

and sited to the satisfaction of Public Works and the Fire Department, and shall consider adequate spacing from intersections and maintain adequate sight distances. Dirt access roads shall be treated with a suitable non-toxic long-term soil binder, or application of similarly effective material to control dust such as use of gravel.

b. Decommissioning.

i. The draft decommissioning plan shall be prepared to the satisfaction of the Director and the Director of Public Works.

ii. Prior to any ground disturbance or the issuance of any grading or building permit, performance and financial guarantees in an amount sufficient to ensure the performance of the decommissioning plan shall be determined to the satisfaction of the Director and the Director of Public Works, and incorporated into a final decommissioning plan. The amount shall be posted prior to any ground disturbance or the issuance of any grading or building permit.

iii. Prior to any ground disturbance or the issuance of any grading or building permit, the permittee shall record an easement granting access to the County for activities related to decommissioning. A draft easement document shall be submitted prior to easement recordation, for review and approval by the Director and the Director of Public Works.

iv. In the event that any portion of a ground-mounted utility-scale solar energy facility is not in operational condition for a consecutive period of six months, ceased operation, or the permit for the use has expired, operations for that use shall be deemed to have been discontinued. Upon written notice from the

Department to the permittee advising of the discontinued use, the use shall be renewed or removed from the site within the time period specified below:

(A) Within six months after the written notice of discontinued use is sent to the permittee, decommissioning of the use shall commence in accordance with the decommissioning plan.

(B) Within the six month period specified by subsection d.i above, the permittee may provide the Department with a written request and justification for an extension to resume operations of the system, facility, or portions thereof.

c. Landscaped buffer. The following conditions shall apply:

i. A landscaped area at least 10 feet in depth shall be maintained along any project perimeter fencing, between such fencing and any public right-of-way or adjacent property with an existing residential or agricultural use.

ii. Existing non-invasive, drought-tolerant vegetation approved by the staff biologist shall be retained, and/or new non-invasive, drought-tolerant vegetation approved by the staff biologist shall be planted within the landscaped area.

iii. The landscaped area shall incorporate a variety of design elements appropriate for the surrounding area, including but not limited to hardscape, such as decorative rocks, boulders, berms, and fencing; and softscape, such as trees, shrubs, vines, and succulents. In no way shall the hardscape or softscape features adversely affect drainage patterns.

iv. The landscaped area shall be established in such manner that adequate corner sight distance is maintained from all access roads to the public right of way to the satisfaction of the Director of Public Works.

v. The landscaped area shall be planted and temporary irrigation system installed prior to final permit inspection of the project or project phase to the satisfaction of the Director. Establishment of the plantings shall be verified at the time of regular inspections according to inspection time frames in the project conditions.

vi. The landscaped area shall be maintained throughout the life of the project.

d. Site disturbance. The measures found in this subsection shall in no way be construed as a substitute for compliance with State requirements imposed by the applicable Air Quality Management District.

i. Soil erosion. To ensure dust control and minimal soil erosion, existing vegetation may be mowed, but removal of existing vegetation root systems shall be prohibited, except where necessary for construction of access roads, substations and related underground transmission lines, tanks, basins, inverter pads, or other areas required by the County.

ii. Hydrology. The facility shall be designed to minimize erosion, sedimentation, or other impacts to the natural hydrology and drainage patterns of the site. Existing topography and watercourses shall be retained or restored to pre-development conditions following construction and during operations, except for drainage features specifically designed to mitigate drainage impacts. Prior to any discretionary approval, a hydrology study shall be prepared in compliance with the most

recent County standards for addressing drainage impacts to the satisfaction of Public Works.

iii. Grading. To control fugitive dust and preserve the natural topography, the facility shall be designed in such a way that the ground disturbance or grading is limited to only the access roads, substations and related underground transmission lines, tanks, basins, inverter pads, or other areas required by the County. A site plan shall depict the extent of grading and ground disturbance, and the facility shall comply with all applicable grading standards.

iv. Fugitive dust control plan. A fugitive dust control plan including a dust plume response plan shall be prepared for review and approval by applicable agencies prior to any earthwork activities.

v. Construction practices.

(A) Fugitive dust. Fugitive dust emission shall be controlled by phased earthwork, site watering, use of clean gravel not to exceed a depth of six inches where applicable, application of non-toxic soil stabilizers, limiting public access on unpaved areas, posting private roadways with reduced speeds, and/or re-vegetation. Use of other fugitive dust mitigation measures may be implemented if determined by the Department and Department of Public Works to be suitable methods to adequately control dust during construction, operations, and removal and restoration activities.

(B) Vegetation. Work within the existing vegetation where the facility components are being proposed shall be conducted with minimal disturbance, and the operator shall take all necessary precautions to not use

vehicles or machinery for grading or alter the existing grade in these areas. When vehicles or machinery are deemed necessary for utility scale solar energy installation work, appropriate ground-protection practices (such as construction mats, stabilizers, or established vegetation) shall be utilized for both dust suppression and to ensure that the use of vehicles or machinery is compatible with continued and future vegetation growth. The facility shall retain a biologist to confirm that construction practices are compatible with continued and future vegetation growth. Any grading, disking, scraping, or other ground disturbance proposed as part of the project shall be permanently stabilized with an earth-stabilizing product or other measure that is acceptable to the Departments of Public Works, Regional Planning, and Public Health to prevent fugitive dust.

e. Transmission lines. On-site and off-site transmission lines shall be placed underground to the satisfaction of the Department and Department of Public Works, except where above-ground crossings are otherwise required (such as over the California Aqueduct). A franchise agreement shall be required for distribution/transmission facilities within the public right of way. Disturbed areas shall comply with subsection B.8 of this Section to ensure dust control and minimal soil erosion.

f. Scenic resources~~Visual impact~~. Any utility-scale solar energy facility ~~that is~~ placed within the viewshed of a Scenic Drive, Scenic Highway or Scenic Route identified in the General Plan or in an applicable Area ~~Plan~~ or Community Plan shall be analyzed for any associated negative impacts, including but not limited to~~its~~ visual impacts. Appropriate conditions relating to siting, buffering, height, and

design of the facility may be imposed to minimize significant effects on the viewshed.~~; and~~

g. Water quality protection. Measures to protect groundwater and surface water from waste discharge shall be incorporated into the project design, as appropriate, and shall meet the requirements of the Regional Water Quality Control Board.

h. Water use.

i. The project shall use the minimum amount of water required during the construction period. The project shall be limited to the maximum use of water as established by the Hearing Officer for the duration of the construction period.

ii. The project shall use the minimum amount of water required during the operation of the project. The project shall be limited to the maximum use of water as established by the Hearing Officer for the operation of the project for the duration of this grant.

iii. The project shall use piped recycled water if it is available from the public right-of-way within one mile from the project site at fair market value and suitable for use. If such piped recycled water does not meet the water demand, the project shall use piped potable water if it is available from the public right-of-way within one mile from the project site at fair market value and suitable for use.

iv. The permittee shall maintain a daily log, which shall include the number of gallons and acre feet of water used on the project site used for the following, which includes, but is not limited to: construction, operation, maintenance,

landscaping, irrigation, and maintenance. The permittee shall record monthly water usage by source within five working days following the conclusion of each month. The log shall be made available to the Department upon demand.

B. Temporary meteorological towers.

1. Colors. Except as otherwise required in this Section, the colors used in the construction materials or finished surface shall be muted and visually compatible with the surrounding development or environment.

2. Maintenance. All equipment and wind towers shall be maintained in an operational condition that poses no potential safety hazards. Maintenance shall include, but not be limited to, painting, regularly scheduled cleaning, routine mechanical and/or electrical repairs, structural repairs, and security measures.

3. Ground-mounted. All temporary and permanent ingress and egress points to the wind tower shall be designed, sited and maintained to the satisfaction of the Public Works and the Fire Department, and shall consider adequate spacing from intersections and maintain adequate sight distances. Dirt access roads shall be treated with a suitable non-toxic long-term soil binder, or application of similarly effective material to control dust such as use of gravel.

C. Small-scale wind energy systems. In addition to the conditions of approval required under subsection B of this Section, the following conditions of approval shall also apply to small-scale wind energy systems:

1. Noise. Noise from a small-scale wind energy system shall not exceed 60 dBA SEL (single event noise level), as measured at the closest existing neighboring inhabited dwelling at the time of approval.

2. Scenic resources~~Visual Impact~~. Any small-scale wind energy system placed within the viewshed of a Scenic Drive, Scenic Highway or Scenic Route identified in the General Plan or in an applicable Area or Community Plan shall be analyzed~~assessed~~ for any associated negative impacts, including but not limited to~~its~~ visual impacts.~~, and~~ A~~a~~ppropriate conditions ~~shall be applied~~ relating to siting, buffering~~s~~, height, and design of the system may be imposed to minimize significant impacts on the viewshed.

3. Ground-mounted. The vegetation within the entire area within 10 feet of the base of a wind tower shall be mowed and appropriate measures shall be applied to prevent re-growth, but removal of existing vegetation root systems shall be prohibited.

D. Utility-scale wind energy facilities. The conditions of approval required under subsections B and C of this section shall also apply to utility-scale wind energy facilities and subsection A.2 of this Section shall also apply to ground-mounted utility-scale wind energy facilities.

22.52.1660 Enforcement Procedures.

A. Pursuant to subsection A of Section 22.60.390, the Director or designee is authorized to issue a Final Zoning Enforcement Order, without prior issuance of a Notice of Violation, to any permittee operating a small-scale solar energy system, small-scale wind energy system, utility-scale solar energy facility, utility-scale wind energy facility, or temporary meteorological tower not in compliance with the provisions of this Part 15. The Final Zoning Enforcement Order shall subject the non-compliant operator

to enforcement actions pursuant to Section 22.60.390, and to any civil and criminal remedies.

B. Nothing in this Section shall preclude the Director or designee from issuing a warning, field notice of violation, Notice of Violation, or citation prior to issuing a Final Zoning Enforcement Order for a non-compliant small-scale solar energy system, small-scale wind energy system, utility-scale solar energy facility, utility-scale wind energy facility or temporary meteorological tower**.**

SECTION 654. Section 22.52.2430 is hereby amended to read as follows:

22.52.2430 Wineries–Permit requirements.

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C. Conditions of approval. In addition to any other condition imposed by the ~~Director~~Hearing Officer or the Commission, the development standards and operating regulations set forth in Sections 22.52.2410 and 22.52.2420 of this Part 23 shall be made conditions of approval for any winery CUP, except where modified by the Hearing Officer or the Commission.

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SECTION 665. Section 22.52.2460 is hereby amended to read as follows:

22.52.2460 Tasting rooms–Permit requirements.

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B. Conditions of approval. In addition to any other condition imposed by the ~~Director~~Hearing Officer or the Commission, the development standards and operating regulations set forth in Sections 22.52.2440 and 22.52.2450 of this Part 23 shall be made conditions of approval for any tasting room CUP, except where modified by the Hearing Officer or the Commission.

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SECTION 676. Section 22.52.2490 is hereby amended to read as follows:

22.52.2490 Remote tasting rooms–Permit requirements.

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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 22.52.2470 and 22.52.2480 of this Part 23 shall be made conditions of approval for any remote tasting room CUP, except where modified by the Hearing Officer or the Commission.

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SECTION 687. Section 22.56.070 is hereby amended to read as follows:

22.56.030 Application–Information Required.

A. An application for a conditional use permit shall contain the following information:

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10. With each application, the applicant shall also file:

a. Maps in the number prescribed, and drawn to a scale specified by the director, showing the location of all property included in the request, the location of all highways, streets, alleys and the location and dimensions of all lots or parcels of land within a distance of 500 feet from the exterior boundaries of the subject parcel of land. If the application is for a minor conditional use permit in accordance with Section 22.56.085, a distance of 300 feet from the exterior boundaries of the subject parcel of land shall be provided in lieu of 500 feet,

b. One copy of said map shall indicate the uses established on every lot and parcel of land shown within said 500-foot radius or within said 300-foot radius if the application is for a minor conditional use permit in accordance with Section 22.56.085,

c. A list, certified to be correct by affidavit or by a statement under penalty of perjury pursuant to Section 2015.5 of the Code of Civil Procedure, of

the names and addresses of all persons who are shown on the latest available assessment roll of the county of Los Angeles as owners of the subject parcel of land and as owning property within a distance of 500 feet from the exterior boundaries of the parcel of land to be occupied by the use. If the application is for a minor conditional use permit in accordance with Section 22.56.085, a distance of 300 feet from the exterior boundaries of the parcel of land to be occupied by the use shall be provided in lieu of 500 feet. One copy of said map shall indicate where such ownerships are located,

d. Proof satisfactory to the director that water will be available in quantities and pressures required by the Water Ordinance, set out at Division 1 of Title 20 of this code, or by a variance granted pursuant to said Division 1. The director may accept as such proof a certificate from the person who is to supply water that he can supply water as required by said Division 1 of Title 20, also stating the amount and pressure, which certificate also shall be signed by the forester and fire warden, or a certificate from the county engineer that such water will be available;

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SECTION 6~~8~~9. Section 22.56.070 is hereby amended to read as follows:

22.56.070 Application–Public Hearing Required–~~Exception~~

In all cases where an application for a conditional use permit is filed, ~~except where the Director grants the permit pursuant to section 22.56.085,~~ the public hearing shall be held pursuant to the procedure provided in Part 4 of Chapter 22.60, except where an application for a minor conditional use permit is filed. A public hearing for a minor conditional use permit shall not be subject to the provisions of Section 22.60.175.

SECTION 70~~69~~. Section 22.56.085 is hereby amended to read as follows:

22.56.085 ~~Grant or Denial of~~ Minor Conditional Use Permit.

A. ~~Any person filing a~~An application for a minor conditional use permit may ~~request the Director to consider the application in accordance with the section~~be filed for the following uses:

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-- Modification of significant ridgeline protection provisions as provided in Sections 22.44.143.D.10.b., 22.44.143.D.10.c. or 22.44.144.D.10.b.

-- Small-scale solar energy system, ground-mounted, in the Open Space and Watershed zones, in accordance with Part 15 of Chapter 22.52.

-- Small-scale wind energy system in accordance with Part 15 of Chapter 22.52.

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-- Tasting rooms, remote, subject to the applicable provisions of Part 23 of Chapter 22.52.

-- Temporary meteorological towers in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in all zones except the Single-Family Residence zone, in accordance with Part 15 of Chapter 22.52.

~~-- Wind energy conversion systems, non-commercial (WECS-N).~~

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B. The purpose of this section is to authorize the ~~directorâs ex parte~~ consideration of minor conditional use permit applications that by their nature are limited in scope and impacts.

~~C. The director shall cause notice of the application to be mailed by first-class mail, postage pre-paid, to all those addresses on the list required by subsection A.10.c of Section 22.56.030 that are within a distance of 300 feet from the exterior boundaries of the parcel of land to be occupied by the requested use, and to such other persons whose property or interests might, in the director's judgment, be affected by the request. The notice shall describe the project and also indicate that any individual may request a public hearing on the application by filing a written request with the director within 14 calendar days following the date on the notice.~~

~~D~~C. ~~Unless at least two requests for a public hearing have been filed with the director as provided in subsection C of this section, the director~~The Hearing Officer may grant such permit ~~without a public hearing~~ if ~~the director~~ he or she finds that the use requested, subject to such conditions deemed necessary, will comply with the findings required by Section 22.56.090 and with any applicable requirements of Chapter 22.52, and if he or she further finds that the impacts of the use requested on safety, facilities and services, and natural resources are minor in nature.

~~E~~D. ~~The director shall notify the applicant and any persons who filed a timely request for a hearing of his decision. Any appeal from the directorâs decision shall be filed with the hearing officer within 14 days following the date on the notice of directorâs decision.~~ The decision of the Hearing Officer may be appealed to the commission. All appeals shall be filed within the time period set forth in, and shall be subject to all of the

other provisions of Part 5 of Chapter 22.60 except that the decision of the commission shall be final and effective on the date of the decision and shall not be subject to further administrative appeal, unless the permit was considered by the commission concurrently with a decision on a general plan or specific plan amendment, zone change, development agreement or other legislative action.

SECTION 71. Section 22.60.100 is hereby amended to read as follows:

22.60.100 Filing Fees and Deposits.

A. For the purposes of defraying the expense involved in connection with any application or petition required or authorized by this Title 22, the following fees shall accompany the application or petition:

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-- Minor Conditional Use Permits -- $1,494.00~~, except that where a public hearing is requested pursuant to Section 22.56.075, an additional fee of $7,230.00 shall be paid.~~

SECTION 72~~0~~. Section 22.60.176 is hereby amended to read as follows:

22.60.176 Conduct of Hearings-Hearing Officer duty.

When a verified application is filed for a permit or variance and a hearing is required by Title 21 or this Title 22, the hearing officer shall hold such hearing unless the hearing examiner and/or commission conduct hearings pursuant to Section 22.60.171. The hearing officer shall hold a hearing for a minor conditional use permit application unless the minor conditional use permit is filed concurrently with an application for a general plan or specific plan amendment, zone change, development agreement or other legislative action.

Three Points-Liebre Mountain Town Council
P. O. Box 76
Lake Hughes, CA 93532

14 March 2015

SENT VIA EMAIL

Ms. Susan Tae, Supervising Regional Planner, Section Head
Community Studies North Area
Department of Regional Planning
320 W. Temple Street, Room 1354
Los Angeles, CA 90012
stae@planning.lacounty.gov

Mr. Jay Lee, Planner
Renewable Energy Ordinance
Department of Regional Planning
320 W. Temple Street, Room 13th Floor
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Dear Ms. Tae and Mr. Lee,

Subject: Renewable Energy Ordinance, Draft 3

Our town council appreciates the opportunity to comment on the Renewable Energy Ordinance, Draft 3 (REO3). This ordinance will have far-reaching effects on rural communities across the county; many of them have already experienced ill-effects of utility-scale renewable energy development covering thousands of acres in the Antelope Valley. Several aspects of the ordinance including, but not limited to, the time-frame to comment, water issues, noise, dust and Valley Fever concerns, nighttime lighting, Minor Conditional Use Permits (MCUP), Conditional Use Permits (CUP), small-scale and utility-scale renewable energy uses, protection of ridgelines, and biological considerations of development necessitate response, and the councils represented here request changes to the REO3 that would not only clarify existing language, but offer protections to not only town council areas, but the county at large.

While the Renewable Energy Ordinance Team visited our town council during January of 2015, only a working draft document was available. The REO3 was not available for viewing until February 20th, and the comment period is actually cut short by "ideally" sending comments prior to the submission of the planning package that goes to planning commissioners. For some councils, approval of comments or letters is not possible because of how meeting dates fall in relation to the comment deadline, which is <u>not</u> listed on the released draft REO3. Two or three weeks is not enough time to thoroughly review this document, and its importance to rural communities is without question. We find it reasonable to request additional time for our concerns to be heard, and our suggestions implemented.

DEFINITIONS

Section 5, 22.08.210, U, page 4/79. Utility-Scale Solar Renewable Energy facility, ground-mounted. "Ground-mounted utility-scale solar renewable energy facility" means a facility affixed to the ground where renewable solar energy resources are used to generate direct electrical or thermal energy primarily for off-site use. This definition includes all on-site and off-site equipment and accessory structures related to the facility, including but not limited to solar collector arrays, wind turbines, mounting posts, substations, electrical infrastructure, transmission lines, operations and maintenance buildings, and other accessory structures." *The definition, here, does not adequately address the exclusion of parabolic "boiler" type solar arrays or power "concentrating" towers, although the previous definition of "Solar Arrays" (Section 4, 22.08.190, S) "do not include concentrated solar thermal devices, which use lenses or mirrors to focus or reflect a large area of sunlight onto a small area." Part U's "including, but not limited to solar arrays" does not go on to define what other types of solar equipment are allowed. This opens the statement to include, essentially, everything. Please provide more specific language that excludes parabolic trough boiler and power tower type renewable energy systems from the ordinance. They also use tremendous amounts of water—precious in our high desert areas. Not only that, but well documented massive killing of birds at the Ivanpah plants at Primm, Nevada, and unprecedented glare beyond that of panels and FAA lighting on wind towers would render visual distraction to scenic areas and render useless the Rural Outdoor Lighting Ordinance, further imposing destruction of dark night sky views, and daytime views, too. Moreover, Part U also states structure mounted utility-scale solar energy facility that is "used to generate direct electrical or thermal energy primarily for off-site use, also contains more "including, but not limited to" language. There is no definition of thermal energy for off-site use. This should be more specifically described to assure solar concentrating "thermal" energy is not allowed.*

Section 6, 22.08.230, W, page 6/79. "Wind tower" means the vertical component, including blades if any, of a small-scale wind energy system, a utility-scale energy facility using wind resources, or a temporary meteorological tower that elevates the wind turbine generator and attached blades above the ground." *This statement is confusing. Why not describe a meteorological tower as a "met tower" and a wind turbine with blades, meant to generate electricity, as a wind tower?*

LAND USE ZONES

As the document lists "Permitted Uses," "Accessory Uses," and "Uses Subject to Permits," through particular land use zones, for each zone, all utility-scale solar and wind energy facilities, structure mounted, are a permitted use (Sections 7-48, 22.20.080 through 22.25.320, pages 6-31). *When we reach Zone C-R, Commercial Recreation, the ordinance allows ground mounted utility-scale solar and wind energy that is incompatible with recreational areas and should not be permitted (page 29/79).*

In Zone M-4, Section 48, 22.32.190, a CUP is needed for "use listed is located within 300 feet of a public school, public park, or a residential or A-1 Zone." The three hundred foot distance should be extended to two miles, since children, especially, are sensitive receptors, and according to Arline Bronzaft, B.A., M.A., Ph.D., who spoke at the Oct. 30 [2010] International Symposium on Adverse Health Effects from Wind Turbines, many other studies have demonstrated that intrusive noises, such as passing traffic or overhead aircraft, adversely affect children's cardiovascular systems, memory,

language development and ability to learn. The abstract of her article in Bulletin of Science Technology Society August 2011 vol. 31 no. 4 291-295 states, "Furthermore, based on our knowledge of the harmful effects of noise on children's health and the growing body of evidence to suggest the potential harmful effects of industrial wind turbine noise, it is strongly urged that further studies be conducted on the impacts of industrial wind turbines on their health, as well as the health of their parents, before forging ahead in siting industrial wind turbines."

Section 56, 22.40.430, page 35/79, A, Uses Subject to Permits, in O-S Zone, "Energy generating or storage devices, including but not limited to geothermal devices" are allowed with a CUP. *Energy generating or storage devices are not appropriate use in open space lands that Regional Planning deems appropriate for "campgrounds, crops, grazing of animals, [and] resource management (22.40.410). The term "energy generation devices" is unclear, and if open space lands are appropriate places for them, they need to be described in detail and their purpose stated, justifying their placement.*

COMMUNITY STANDARDS DISTRICTS

Section 57, 22.44.113, Sec. 58, 22.44.113, Sec. 59, 22.44.133 page 35/79. *According to* Section 22.52.1605 *of the REO3, supplemental district regulations (such as Community Standards District provisions) apply to all renewable energy projects. However, in instances where the REO3 regulates matters that are also addressed by CSD provisions, the REO3 prevails, and CSD provisions are subordinated. This untenable arrangement has never been explained, and Planning Staff have never provided any reasons for including such provisions. This portion of the REO3 must be revised to ensure that CSD provisions prevail, particularly in regard to utility scale wind and solar generation projects, unless the ordinance stipulates a more stringent or protective requirement, with regard to renewable energy. The reasons are obvious. CSDs are established for, constrained to, and address, developed residential uses, and they include provisions that are intended to protect these residential uses from incompatible industrial development such as that associated with utility-scale RE generation projects. Granting industrial uses the ability to sidestep community protection provisions of any CSD "by right" and without reason or justification undermines the entire CSD structure. If a renewable energy proponent wishes to develop a project that violates a CSD provision, then they should be required to go through the variance process just like any other project proponent that wishes to avoid CSD requirements. Above all, RE developers should not be granted a perfunctory "pass" that allows them to completely ignore the very development standards that communities have fought hard for and which protects residents from incompatible development.*

PART 15

Section 22.52.1600, Purpose, page 40/79. "This Part 15 establishes regulations and permit requirements that support and facilitate the development of small-scale solar energy systems, small scale wind energy systems, [Add: *Industrial*] utility-scale solar renewable energy facilities, [*Industrial*] utility-scale wind energy facilities, and temporary meteorological towers in a manner that protects public health, safety, and welfare, and minimizes significant safety hazards and impacts to the environment." *The ordinance, as written, does not apply sufficient regulations that would protect rural residents against visual impacts—many of the roads in rural areas access considerable viewshed, with ridgelines not protected by CSDs, which are, then, not protected by this ordinance; air quality and threat of Valley Fever are not well addressed; safety is a concern of rural residents, who, during times*

of wildfire, rely heavily on aircraft water and retardant drops, which are impeded by 5oo foot tall wind turbines; there are environmental considerations pertaining to wildlife, conservation areas, and public trust lands.

Section 22.52.1605, B, page 41/79. "Applicability of zone and supplemental district regulations. All provisions of the zone and any supplemental district in which a small-scale solar renewable energy system, small-scale wind energy system, utility-scale solar renewable energy facility, utility-scale wind energy facility, or temporary meteorological tower is located shall also apply. Where a provision of the zone or supplemental district regulates the same matter as this Part 15, whichever provision of this Part 15 is more restrictive shall apply." *Please see above for reference to Community Standards Districts.*

Part E. 1., 2., Subsequent Application, page 42/79. "1. Any subsequent application modification(s) that would increase the physical size, height, or footprint of a previously approved small-scale solar renewable energy system, small-scale wind energy system, utility-scale solar renewable energy facility, utility-scale wind energy facility, or temporary meteorological tower; and 2. Any subsequent application modification(s) that would change the type of equipment used by the previously approved small-scale solar renewable energy system, small-scale wind energy system, utility-scale solar renewable energy facility, utility-scale wind energy facility, or temporary meteorological tower, except for replacement of equipment for maintenance purposes." *Please assure us that any modifications that change a previously approved small-scale, or utility-scale renewable energy system would be required to submit a CUP or a Minor CUP, and both permitting processes fulfill a public notice process.*

22.52.1610, Application Materials, B, 4. a., v., page 43/79. "Watercourses." "The Project Area," [unincorporated Los Angeles County] a*ccording to California Department of Fish and Wildlife (CDFW), "supports aquatic, riparian, ephemeral and wetland habitats; therefore, a jusidictional delineation of the creeks and their associated habitats should be a requirement of the Renewable Energy Ordinance for future projects"(June 2, 2014 REO2 Letter). The application materials should include those specific types of water related areas listed above.*

22.52.1610, B., 4. ix, page 43/79 "Transmission Lines." *Please add Generation Tie lines. This is important for visual impacts evaluation.*

22.52.1610, B, 4. e, page 44/79. "Conceptual dust control plan." Conceptual means "not concrete." *The REO3 needs to hold projects to a solid, not theoretical dust plan that will actually mitigate dust. So far, Best Management Practices, and Rule 403 of the Antelope Valley Air Quality Management District, which include soil stabilizers, have proven unsuccessful in stopping wind driven dust events. Provide amendments that actually require more stringent control without polluting or damaging the environment.*

22.52.1610, B., 5., a., iii., page 45/79. Discussion of guy wires. *The CDFW, in their response letter June 2, 2014 to REO2, request that no guy wires or non-strobe lighting be allowed on RE met towers and other structures, due to the fact that the wires pose a significant threat of mortality to avian wild life. "Guy wires supporting communications and meteorological towers can kill birds at high rates, including birds protected by Fish and Game Code (Kerlinger et al. 2008, Longcore et al. 2008). Both the CEC [California Energy Commission]-CDFG Guidelines (2007) and the U.S. Fish and Wildlife Service (2000) recommend using freestanding tower designs due to avian mortality impacts from*

guywires. The Department recommends the Lead Agency require the use of mono-pole structures (when feasible), or otherwise utilize other technologies that do not use guy wires." Eliminate the use of guywires in REO3. It is possible to set met towers without guywires.

22.52.1615, C. 1.d., page 48/79. "Project perimeter fencing shall incorporate small animal permeable design, unless otherwise modified by the Hearing Officer." *Please define criteria by which modification of small animal permeable fencing be changed. Require assessment by CDFW and/or USFWS, in documented consultation with the Hearing Officer.*

22.52.1615, C. 2., page 48/79. Standards for Utility-scale Solar Energy Facilities. "Height of the solar array shall not exceed 25 feet." *Solar arrays that reach up to 25 feet in height would be intrusive visually to flat or hilly landscapes and rural residential areas. Restrict height to 12 feet maximum.*

22.52.1615, C. 3.a., b., page 48/79. Lighting. "a. Motion sensors for entry-lighting to the on-site equipment structures and buildings; and b. Light-sensor or motion-sensor lighting for the main facility access gate, operations and maintenance building doorways, and any parking areas of facilities with operation and maintenance buildings." *Motion-sensor lighting is obtrusive in dark areas, since it is constantly tripped by insects, animals, bats, birds, and blowing trash, so lights go off and on all night. This is not an appropriate requirement for all areas, nor does it comport with dark skies preservation. Lighting should remain off unless emergency maintenance is required, and only for the duration of the emergency activity.*

22.52.1615, C. 6., Significant Ridgelines, Page 49/79. "The highest point of a utility scale solar renewable energy facility shall be located at least 50 vertical feet and 50 horizontal feet from a significant ridgeline identified in the General Plan, in an applicable Area or Community Plan, or in an applicable Community Standards District." *In order to address visual impacts to ALL ridgelines, impose the setback requirement recommended by CDFW, again, in their June 2, 2014 REO2 letter: "The Department [CDFW] recommends the Lead Agency [Regional Planning] consider a requirement for setbacks for all wind energy facilities and meteorological towers from significant ridgelines and Significant Environmental Areas at a minimum of twice the height of the proposed facility to reduce the potential impacts to migratory birds and other avifauna." This would ensure compliance with all CSDs, ensure less visual impact and allow adequate clearance to reduce potential impacts to birds and avifauna. Please amend to "The highest point of a utility-scale wind energy facility shall be located a minimum of twice the height of the proposed facility."*

22.52.1625., A. 1., Standards for Temporary Meteorological Towers. Aviation Safety. All safety lights required by the Federal Aviation Administration that meets FAA standards shall be required for any wind tower, shall comply with applicable Federal Aviation Administration (FAA) standards. Any aviation-related agency or the Department may impose additional requirements as deemed necessary." *Sections of the REO3 requires the addition of "FAA-required safety lights" on all utility scale wind energy facilities. This poses a problem in that utility companies frequently state that FAA lights are required when in fact they are not. Take for example the transmission lines recently constructed through Acton and the Angeles National Forest. SCE informed the California Public Utilities Commission (CPUC) that FAA required lights on the new towers, so the CPUC authorized them. However, the US Forest Service clarified that FAA lights were not actually required on such transmission tower structures, so SCE did not install lights on any of the 60+ miles of towers located in several utility corridors along ridgelines and hilltops throughout the Angeles National Forest. In fact,*

these "FAA-required" lights were only installed in residential areas located in valleys (specifically where aircraft do not fly). The point is, the County must take every possible action to avoid the installation of FAA lights and diligently confirm any applicant claim that "FAA-required" lights are indeed required. The County must also seek alternatives to such lights, and ensure that any lights which are installed shine light only in an upward direction and are not visible from any area that is at or below the elevation of the lights. Otherwise, the entire point of the County's recently adopted Rural Outdoor Lighting Ordinance is completely lost.

22.52.1625, C. 1., page 50/79. Standards for Temporary Meteorological Towers. Aviation Safety. "Wind towers" usage here is confusing when the title of the section refers to Temporary Met Towers. The language is used interchangeably and misleads the reader. There should be a separate section for Met Towers and one for Wind Towers. *Table 22.52.1625 A--Again, no guy wires, please. Make all met towers free standing, according to recommendation by the CDFW, due to high avian mortality rates at guywired towers. Also, alternating bands of aviation orange and white paint, with visibility marker spheres may be necessary for aviation safety, but a time period for their permitted operation should be instituted, of not more than two years, otherwise the removal of the "temporary" met towers could take years, or never happen at all. The orange and white painted towers are obtrusive to scenic areas and rural communities, and this obtrusion should be limited with a proscribed time limit for their operation, and should follow decommissioning requirements that include complete removal of foundation and tower apparatus, and restoration of the site.*

Table 22.52.1625, page 51/79. Setback Requirements for Temporary Meteorological Towers. *The table seems to mix wind tower setbacks and met tower setbacks, even though, as previously mentioned, the section applies to "Temporary Meteorological Towers."*

22.52.1630, A., 2., page 52/79. Standards for Small-scale Wind Energy Systems. Significant Ridgelines. See above comment at 22.52.1615, C. 6., which requests twice the height of the wind tower below the ridgeline.

22.52.1630, C.2.a., page 53/79. Small-scale Wind Energy Systems. Impacts to birds and bats. Design. "Use of trellis towers prohibited." *Trellis towers are not the only threat to birds and bats. This would prevent perching and nest building dangerously near spinning blades, but blades do their own damage atop monopoles. Barotrauma (injury by rapid air pressure reduction) is the cause of death in a high proportion of bats found at wind energy facilities; 90% of bat fatalities involved internal hemorrhaging consistent with barotrauma. Institute a data base that identifies locations of small-scale wind energy systems, that includes review by independent biologists of the effects of numbers of small-scale turbines. Cumulatively, several in one area could lead to adverse effects on birds, bats, avifauna, and sensitive habitats in Significant Ecological Areas, near parks, public and private conservation lands, open-space areas, and rural communities. There needs to be criteria for limiting small-scale wind energy systems when their cumulative effects exert measurable harm to wildlife, cause noise-related effects, shadow flicker, and impinge on viewshed. How would CEQA be applied to cumulative impacts of numbers of individually placed small-scale wind energy systems?*

22.52.1630, C, 2, c., ii., page 54/79. "No part of the small-scale wind energy system shall be closer than one mile from a known golden eagle nest site." *How is adherence to the Migratory Bird Treaty*

Act and Bald and Golden Eagle Protection Act applied to small-scale wind individually and cumulatively? How does the County propose to comply with those acts through this REO3?

According to the National Wind Coordinating Collaborative, Wind Turbine Interactions with Birds, Bats, and their Habitats: A Summary of Research Results and Priority Questions, Spring 2010, "Siting turbines away from where raptors concentrate may reduce raptor collision rates at wind facilities. Raptors are known to concentrate along ridge tops, upwind sides of slopes, and canyons (See CDFW recommendations ,above, June 2014 REO2 letter.) to take advantage of wind currents that are favorable for hunting and traveling, as well as for migratory flights" (Bednarz et al. 1990; Curry and Kerlinger 1998; Barrios and Rodriguez 2004; Hoover and Morrison 2005; Manville 2009)). Eagles' territory comprises one to six square miles. It would be reasonable to extend the range of nest site distance to small-scale wind turbines to five miles.

22.52.1635, C., 5. page 57/79. Standards for Utility-Scale Wind Energy (USWE). Impacts to Birds and Bats. *The California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development, published by the California Energy Commission (CEC) has been removed from the ordinance. If the County wishes to take a proactive approach to protection of birds and bats that has the CEC's approval, the guidelines would be a reasonable addition to requirement for a CUP. Please reinstate this requirement. Also see above comment for small-scale wind energy systems*

22.52.1635, C., 5, c.,i., (A)(B)(C), page 57/79. Setbacks. "No part of a ground-mounted utility-scale wind energy facility shall be closer than 0.25 miles from the following: (A) Adopted Significant Ecological Areas; (B) Recorded open space easements and publicly designated preserve areas; and (C) Riparian areas and wetlands." *One quarter of a mile 1,320 feet is not adequate setback for USWE. As noted previously, riparian areas attract birds; "significant" wildlife exists in SEAs. Noise, shadowflicker, ice throw, wind turbine collapse, and fire danger posed by turbines would indicate a minimum of one mile from sensitive areas. Also, there is no updated SEA map that shows final boundaries that would define setbacks.*

22.52.1635, C., 7, Table 22.52.1635-A, Location. Setbacks listed for onsite or offsite residence or habitable structure, above ground transmission line, public access easement or public trail, or property line, scenic drives and routes, and railways indicate 2X the tallest wind tower. Buildings other than a residential structure, 1X the tallest wind tower height. *Domestic wind turbine project setbacks can be as much as 2 miles from residences, and projects are also measured for the distance of sound travel, and are required to provide a sound study as proof of adequate distance from towns and residences, with a reasonable expectation of a 30dcb in rural areas. This also protects residents, to a degree, from experiencing low-frequency tones, gear noise, and shadowflicker. Scenic viewshed from public trails, conservation easements with viewpoints, need to be considered. If preservation of safety, public health, and viewshed related to conservation and open-space lands is a priority for RP, extension of setbacks to one mile and two miles to replace 1X and 2X tower heights in the Table. Note: There is no discussion of reducing impacts to viewshed with regard to Utility-Scale Wind Energy projects, and for good reason. They cannot be disguised with screens or landscaping. That is why larger setbacks are so important to implement.*

22.52.1640, A., 1., 2., page 59/79. Modifications. "1. Due to topographic or physical features of the site, strict compliance with all of the required standards would substantially and unreasonably interfere with the establishment of the proposed development on the subject property; and 2. The requested

modifications would not be contrary to the purpose of this Part 15." *The REO3 allows energy developers to sidestep the few protections that do exist by simply requesting a "modification" to the requirements based on a claim that they "unreasonably interfere" with development. The only basis for denying such requests is if the County finds them to be "contrary to the purpose" of the REO. However, the County will* ***never*** *be able to make such a finding because the entire purpose of the Ordinance is to "support and facilitate" the development of RE projects (See Section 22.52.1600). The circular structure of these ordinance provisions ensures that large-scale energy projects will proceed quickly, with little or no community input, and without regard for community impacts. This is completely unacceptable, and the REO must be revised to strengthen (rather than decimate) protections for established rural residential communities. Please eliminate this Section A, items 1 and 2.*

22.52.1640, C., page 60/79. "A small-scale solar energy system that exceeds the maximum lot coverage required under subsection B.2 of Section 22.56.1615, requires approval of a Minor Conditional Use Permit pursuant to Part 1 of Chapter 22.56 and is subject to the development standards specified in subsections A and B.1 of Section 22.52.1615 and A.2 and C.5 of Section 22.52.1620 and conditions specified in subsections A.2.d and A.2.g of Section 22.52.1655." *Section 22.52.1615 of the REO3 allows "Small-Scale Solar Energy Systems" to occupy up to 2.5 acres of land (on a five acre parcel), and 22.52.1640 B even provides a "Minor Conditional use Permit" pathway to increase this limit even further. However, the amount of energy generated by 2.5 acres of solar arrays is so substantial that it could never be deemed "primarily for on-site use" on rural residential and agricultural lots, as evidenced by data recently provided by the National Renewable Energy Laboratory ("NREL"). According to NREL's data, 2.5 acres of "tilt" photovoltaic solar panels will provide more than enough energy to support 55 homes, which greatly exceeds the on-site energy "need" of* ***any*** *residential parcel. Obviously, a 2.5 acre "solar array" that is constructed on rural residential/agricultural land is* ***clearly*** *not intended to "generate direct electrical or thermal energy primarily for on-site use" because no rural residential use is equivalent to 55 homes. In other words, the intent of placing 2.5 acres of PV panels on any land other than industrially or commercially zoned property is clearly to generate energy for off-site use, and therefore solar generation plants of this size intrinsically fail to meet the definition of "Small-Scale Solar Energy System" found in 22.08.190 of the Ordinance. For this reason, the size limit for "small-scale solar energy systems" installed on parcels zoned for rural residential/agricultural use must be much less than 2.5 acres. The ARTC recommends that the size limit be constrained to less than one quarter of an acre, which is still sufficient to supply more than 5 homes according to NREL.*

*The California Energy Commission describes utility-scale turbines as 50-500 kilowatts or more, and distributed use, or small-scale systems as 1-25 kilowatts. From the CEC Overview of Wind Energy: "The components of a utility-scale "wind farm" include wind turbines, an underground power transmission system, control and maintenance facilities, and a substation that connects the farm with the utility power grid. Utility-scale wind turbines are classified by size as follows: small (less than 50 kilowatts [kW]); intermediate (50 to 500 kW); and large (above 500 kW). . . . Another application of wind is in distributed use systems, which provide on-site power in either stand-alone or grid-connected configurations. Most such systems range in size from one to 25 kW. Distributed wind systems are applicable to industry, water districts, rural residences, agricultural use, and a wide variety of isolated power uses located in good wind resource areas" (*http://www.energy.ca.gov/wind/overview.html*). A 50kW small-scale wind system would power between 8 and 23 homes. This is not "primarily" onsite*

use. This may work for multiple family homes, or unlimited residence zones, but The ordinances also allows 2 turbines on a gross acre of land. According to definition of small-scale wind, a limit of 16 -32 kW wind systems would be more than adequate for personal use.

22.52.1645, A., page 61/79. Uses Subject to Permits-Aviation Review. *Please add an item 5. "Evaluate aviation fire fighting capabilities in vicinity of local airports surrounded by wind towers and utility-scale solar energy projects."*

Part 15, DUST CONTROL, AIR QUALITY

22.52.1655, A., 2., a., page 63/79. Uses Subject to Permits, Access roads, "Dirt access roads shall be treated with a suitable non-toxic long-term soil binder, or application of similarly effective material to control dust such as use of gravel." *The REO3 authorizes the use of "soil binders" to control dust on access roads and other disturbed areas. However, the Commission is advised that soil binders in this application are not appropriate for the following reasons (cited in the California Stormwater BMP Handbook): 1) Soil Binders do not hold up to pedestrian or vehicular traffic, therefore authorizing their use on access roads will provide ineffective (and non-existent) dust control. 2) Soil binders often do not penetrate compacted soils, and are therefore ineffective. 3) The performance of soil binders are soil-texture specific; some do not work on sandy soils, and others do not work on silty soils. Both soil types can be colocated within the Antelope Valley, therefore it is unlikely that an effective soil binder will be found. 4) Soil binders do not perform well in low humidity areas. The Antelope Valley is located in the high desert and typically has very low relative humidity, therefore authorizing the use of soil binders in the Antelope Valley will provide ineffective dust control. 5) The use of soil binders may have water quality impacts due to their chemical makeup. Throughout the Antelope Valley, residents rely on wells for drinking water, therefore authorizing the use of soil binders in the Antelope Valley without first documenting the potential impacts of such materials on drinking water quality is wholly inappropriate.*

There are also problems with the dust control provisions that address non-access road areas and other portions of RE projects (see for example page 64 of 75). The REO3 appears to rely on existing vegetation to control dust levels, in that it authorizes mowing of such vegetation, but prohibits root system removal. This presumes that existing vegetation which thrives on the full sunlight of the Antelope Valley and perhaps relies on dew condensation for survival will continue to survive when covered over entirely by solar panels which eliminate both light and condensation. Worse yet, the Ordinance contains no "back up" dust control provisions detailed that must be implemented if (or rather when) the native vegetation dies out. This serious deficiency must be addressed before any renewable energy ordinance is adopted.

22.52.1655, 2., d., page 65/79, Site Disturbance. " The measures found in this subsection shall in no way be construed as a substitute for compliance with State requirements imposed by the applicable Air Quality Management District."Add: *or air (and water) quality standards set forth by the Environmental Protection Agency.*

22.52.1655, 2., d., v. (A), Fugitive Dust. "Fugitive dust emission shall be controlled by phased earthwork, site watering, use of clean gravel not to exceed a depth of six inches where applicable, application of non-toxic soil stabilizers, limiting public access on unpaved areas, posting private roadways with reduced speeds, and/or re-vegetation. Use of other fugitive dust mitigation measures

may be implemented if determined by the Department of Regional Planning and Department of Public Works to be suitable methods to adequately control dust during construction, operations, and removal and restoration activities." *Detail other "suitable" methods of proposed alternative dust control. The residents of the Antelope Valley deserve protection, in place, before this ordinance is approved. Also, please add: Suitable methods of dust control shall not be toxic or polluting, and shall not cause further diminishment of air and surface water quality after becoming airborne, or waterborne.*

The REO3 makes no mention of Valley Fever, or its prevention. It presumes well managed dust control through the use of soil stabilizers and water during construction. Water causes the fungus to bloom, further exacerbating the problem of controlling its proliferation and stabilization during high wind events in the Antelope Valley.

County Department of Public Health Epidemiologist, "Dr. Ramon Guevara, has made it a personal mission to educate people about the emergent issue of cocci in his territory. In L.A. County, we have so many cases, and we have a potentially large problem, because the population is growing. . . The highest rate of infection is in Antelope Valley, a rapidly developing outpost of the county that adjoins the southern edge of the San Joaquin Valley. In the past decade, the number of cases there has increased five hundred and forty-five percent. . . In addition to vacant land, Antelope Valley has abundant sunshine and regular high winds, which make it a logical place to build alternative-energy infrastructure. With California pledging to get a third of its electricity from renewable sources by 2020, the region is pitching itself as a hub for the industry. There are some thirty solar projects in development. . . The construction of the solar facilities could have unintended consequences for the environment, though, releasing hazardous dust into the air. "In the afternoon, when the kids come out of school, it's always windy,"[Dr.]Lauer [Phd., Environmental Microbiology at California State University, Bakersfield] says. "When they walk home, they all get exposed" ("Death Dust", New Yorker Magazine, January 20th, 2014).

Additionally, Dr. Guevara's response letter to the REO2 states, "There are no standards of criteria here for what is acceptable in terms of amount and duration of resultant dust, measurements of dusts, and rules for feasibility and appropriateness of vegetation preservation, planting, and maintenance. These should be put forth with processes to involve the surrounding communities." This has not appeared in the REO3. Residents of the Antelope Valley deserve concrete, detailed dust monitoring and control plans in place and these should include air quality monitoring stations provided in the permitting process that will determine the levels of particulate matter in the air, reflecting the success or failure of vegetation-based dust control techniques, as well as soil binding products, to protect the population from Coccidioidomycosis.

22.52.1655. 2., e., page 68/79. Transmission Lines. "On-site and off-site transmission lines shall be placed underground to the satisfaction of the Department and Department of Public Works, except where above-ground crossings are otherwise required (such as over the California Aqueduct)." *Please add: Generation Tie Lines shall be placed underground to minimize effects to the viewshed.*

22.52.1655. 2., f., page 68/79. Visual Impact. "Any utility-scale solar renewable energy facility that is placed within the viewshed of a Scenic Drive, Scenic Highway or Scenic Route identified in the General Plan or in an applicable Area Plan or Community Plan shall be analyzed for its visual impacts,

and appropriate conditions relating to siting, buffering, height, and design of the facility may be imposed to minimize significant effects on the viewshed;" *Please add more certain language: "design of the facility will be imposed to eliminate effects on the viewshed."*

22.52.1655. 2., g., h., iii. page 69/79. Water Quality protection. Water Use. "Measures to protect groundwater and surface water from waste discharge shall be incorporated into the project design, as appropriate, and shall meet the requirements of the Regional Water Quality Control Board. *To guarantee projects' compliance with water quality protection, add: Water testing for waste and pollutant discharge to surface water and ground water shall be instituted, and results available for public view.*

22.52.1655. 2., iii. "The project shall use piped recycled water if it is available from the public right-of-way within one mile from the project site at fair market value and suitable for use. If such piped recycled water does not meet the water demand, the project shall use piped potable water if it is available from the public right of-way within one mile from the project site at fair market value and suitable for use. *The REO3 does not address the enormous quantities of water that are required to operate solar RE projects. Allowing RE developers to obtain water from any source that they find convenient without regard for the impacts that such water withdrawals may have on the water table and domestic water wells is a substantial deficiency of the REO3. This deficiency is best addressed by requiring RE projects to rely solely on the use of recycled water (obtained from the "purple" hydrants that dot the Antelope Valley). To affect this purpose and eliminate the possibility of using potable water on RE infrastructure, the recycled water must be trucked in via suitably marked trucks* (perhaps *painted purple to match the fire hydrants) so that observers can monitor for compliance.*

Also, projects in the Antelope Valley eill have longer distances to travel to and from a tertiary treated water source, so the requirement of "within one mile" would render this a wasted point. If RE developers are allowed to use potable water available within one mile of their projects, then a concentration of projects in one area would cause a more rapid loss of ground water. Local residents are also concerned that small water districts that serve them, as well as agricultural interests with large wells are selling water to the huge developments inside and outside their communities. In this time of serious drought there may not be enough water to serve RE development. Requiring the use of recycled water would help protect water sources for residents.

NOISE

22.52.1655, C., 1., page 70/79. Small-Scale wind energy systems. Noise. " Noise from a small-scale wind energy system shall not exceed 60 dBA SEL (single event noise level), as measured at the closest neighboring inhabited dwelling." *The treatment of Noise Pollution in the REO3 is deficient in a number of ways. 1) It applies only to small-scale wind energy facilities and ignores the substantially louder noise potential of utility-scale wind generation facilities (both structure- and ground-mounted). The noise limit application is too narrowly constrained in the REO3, and must be expanded to address all utility-scale generation projects. 2) It constrains the consideration of noise impacts to only existing inhabited dwellings, and ignores businesses and outdoor uses such as equestrian facilities (barns, corrals, trails), animal rescue facilities, agricultural uses, etc. It also ignores impacts to adjacent land that has not yet been developed for residential or agricultural use; it is likely that such land will be rendered worthless given the high noise threshold that the draft ordinance allows. This must be rectified by imposing a fence-line noise limit. 3) It establishes a very high (60 dB) noise threshold that*

Is entirely unsuitable for rural areas. Ambient noise levels in such areas are typically less than 45 dBA, (quiet rural areas ambient level is 24dBA) and an increase of 10 dBA results in an approximate doubling of the sound, while an increase of 20 dBA results in an approximate quadrupling of the sound. The draft ordinance establishes a 60 dBA threshold, which essentially triples the ambient noise level in rural areas. To frame the issue in more understandable terms, 60 dBA is approximately the noise level one experiences 3 feet from an operating clothes washer or air conditioner. As it currently stands, the ordinance authorizes this continuous and exceptionally loud "noise overlay" in rural areas where the existing noise profile is virtually non-existent. The Commission is reminded that rural communities exist because rural residents seek the peace and quiet afforded by such communities. All of this is threatened by the high noise threshold established by theREO3. To address this concern, the threshold value must be reduced to 50 dBA. 4) It relies on a "Single Event Level" parameter which does not properly or accurately represent the continuous noise profile generated by wind energy facilities. While uses which occasionally create single noise events of 60 dBA or more may be reasonable in rural areas, uses which generate such noise levels on a continuous basis (such as wind turbines) are not. 5) Nowhere does the ordinance require any project proponent to provide noise data as part of the application process, nor does it require a "follow up" assessment at the site to confirm this noise provision is met. Worse yet, it provides no backstop protections to ensure compliance with this noise limit over time and after the wind turbine bearings and contact surfaces are worn down and no longer "true". A multilevel chart of allowable noise generation that depends on zoning and location would be a more democratic approach to noise levels that differ so much across the county. This currently proposed ordinance would essentially hold rural residents hostage to an urban noise level.

22.52.1655., C., 2., page70/79. Visual Impact. "2. Visual Impact. Any small-scale wind energy system placed within the viewshed of a Scenic Drive, Scenic Highway or Scenic Route identified in the General Plan or in an applicable Area or Community Plan shall be assessed for its visual impacts, and appropriate conditions shall be applied relating to siting, buffers, and design of the system, Add: *and may result in complete restriction. This should apply to utility-scale wind RE.*

22.52.1660, Enforcement procedures. B., page 71/79. Nothing in this Section shall preclude the Director or designee from issuing a warning, field notice of violation, Notice of Violation, or citation prior to issuing a Final Zoning Enforcement Order for a non-compliant small-scale solar energy system, small-scale wind energy system, utility-scale solar energy facility, utility-scale wind energy facility or temporary meteorological tower. *Please add a maximum number of violations that may be issued before a final notice of non-compliance is ordered. We understand a final notice can be issued any time, but this item B would allow an infinite number of violations, and the project could subsequently avoid a final order without an enumeration of process and ultimate action.*

MINOR CONDITIONAL USE PERMITS

Section 67, 22.56.030., 10., a., page 74/79. Application Information Required. "Maps in the number prescribed, and drawn to a scale specified by the director, showing the location of all property included in the request, the location of all highways, streets, alleys and the location and dimensions of all lots or parcels of land within a distance of 500 feet from the exterior boundaries of the subject parcel of land. If the application is for a minor conditional use permit in accordance with Section 22.56.085, a distance of 300 feet from the exterior boundaries of the subject parcel of land shall be provided in lieu of 500 feet." *A minor CUP, which allows accessory uses of a substantial nature, as currently*

unamended in this REO3; such as so-called small scale solar energy system covering 2.5 acres of a 5 acre parcel, Modification of a Significant Ridgeline, structure mounted utility-scale wind energy facilities, and temporary met towers. In the Antelope Valley, noticing requirements should include a further distance or at least match that required for a CUP (500 ft.). Without signage, a Minor CUP may go unnoticed. Include signage for North County Projects, or consider written and email notification to town councils and land owners within 1000 feet.

Section 69., 22.56.085, page 76/79, Minor Conditional Use Permit. An application for a minor conditional use permit may be filed for the following uses:

1. **MODIFICATION OF SIGNIFICANT RIDGELINE PROTECTION PROVISIONS AS PROVIDED IN SECTIONS 22.44.143 D. 10. b; 22.44.143 D.10.c.; or 22.44.144 D. b.

2. **SMALL SCALE SOLAR ENERGY SYSTEMS, GROUND MOUNTED, IN THE OPEN SPACE AND WATERSHED ZONE, IN ACCORDANCE WITH PART 15 OF CHAPTER 22.52.

3. **SMALL SCALE WIND ENERGY SYSTEM IN ACCORDANCE WITH PART 15 OF CHAPTER 22.52.

4. **UTILITY-SCALE WIND ENERGY FACILITY, STRUCTURE MOUNTED, IN ALL ZONES EXCEPT SINGLE FAMILY RESIDENCE ZONE, IN ACCORDANCE WITH PART 15 OF CHAPTER 22.52.

Remove item 1 as an item approved to file for a minor conditional use permit. Communities with significant ridgelines identified in CSDs have obviously identified them as "significant." To allow modification and variance from a CSD is counter to the purpose of that document, meant to protect rural communities from inappropriate development. This requires a CUP, with appeal to the board of supervisors.

Remove item 2 as an item approved to file for a minor conditional use permit. As discussed previously, the 2.5 acre allowance on 5 acre plus properties need more stringent review, since it qualifies as a "utility-scale" RE project, capable of powering 55-78 homes, and according to definitions provided in this unamended document. A CUP is required. See comments, page 8, above.

Remove item 3 as an item approved to file for a minor conditional use permit. In 22.52.1625, the REO3 allows 2 small-scale wind energy systems for 5 gross acres of land. For the same reasons listed above, the so-called small-scale wind energy system, as indicated in the ordinance is 50kW; enough to power 8-23 homes. Two turbines would power 16-46 homes. The California Energy Commission describes utility-scale turbines as 50-500 kilowatts or more, and distributed use, or small-scale systems as 1-25 kilowatts. From the CEC Overview of Wind Energy: "The components of a utility-scale "wind farm" include wind turbines, an underground power transmission system, control and maintenance facilities, and a substation that connects the farm with the utility power grid. Utility-scale wind turbines are classified by size as follows: small (less than 50 kilowatts [kW]); intermediate (50 to 500 kW); and large (above 500 kW). . . . Another application of wind is in distributed use systems, which provide on-site power in either stand-alone or grid-connected configurations. Most such systems range in size from one to 25 kW. Distributed wind systems are applicable to industry, water districts, rural residences, agricultural use, and a wide variety of isolated power uses located in good wind resource

areas" (http://www.energy.ca.gov/wind/overview.html). A 50kW small-scale wind system would power between 8 and 23 homes. This is not "primarily" onsite use. This may work for multiple family homes, or unlimited residence zones, but The ordinances also allows 2 turbines on a gross acre of land. According to definitions of s A limit of 16 -32 kW wind systems would be more than adequate for personal use. This is not small-scale, this is utility scale, and meant for offsite use, and should fall under a CUP.

Remove item 4 as an item approved for a minor conditional use permit. Utility-scale, by its nature would be hard pressed to be classified as "minor" in nature, especially from a noise impact, visual impact, and biological impact. This requires a CUP.

Section 69., 22.56.085, D., page 78/79. The decision of the Hearing Officer may be appealed to the commission. All appeals shall be filed within the time period set forth in, and shall be subject to all of the other provisions of Part 5 of Chapter 22.60 except that the decision of the commission shall be final and effective on the date of the decision and shall not be subject to further administrative appeal, unless the permit was considered by the commission concurrently with a decision on a general plan or specific plan amendment, zone change, development agreement or other legislative action. ***The underlined sentence should be stricken from this ordinance and kept as it is recorded in Part 5, 22.60.200, A: "Appeals. To avoid results inconsistent with the purposes of this Title 22, unless otherwise specified or limited by specific provisions of this title, decisions of the director or hearing officer may be appealed to the commission; and decisions of the commission may be appealed to the board of supervisors." As the ordinance is written now, there is no appeal for a Minor CUP. As you can see above, there are problems with what is considered a minor modification with insignificant effect. This is an affront to the political process, by which constituents may request a decision be made by their elected officials. The part D would eliminate that possibility. In this REO3, that has the potential to substantially impact rural communities, we urge RP in the strongest possible way, to preserve residents' right to appeal to the board of supervisors regarding any permit approved by the planning commission.*

Again, we appreciate the opportunity to work toward the best version of this Renewable Energy Ordinance. We respectfully request the changes enumerated in this letter, and believe our best interests lie in protecting our communities from inappropriate renewable energy development, while encouraging distributed generation that will contribute greatly to the preservation of not only our rural lifestyle, but the environment that makes that available to us.

Yours truly,

Chris Wangsgard
President

Susan Zahnter
Vice President

Karen Plemmons

Karen Plemmons
Secretary

Diane Phillips
Treasurer

Richard Zahnter
Member at Large-scale

Copies to: Supervisor Michael D. Antonovich, Field Deputy Norm Hickling, Planning Deputy Edel Vizcarra

Association of Rural Town Councils
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P.O. Box 76
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16 March 2015

SENT VIA EMAIL

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Dear Ms. Tae and Mr. Lee,

Subject: Renewable Energy Ordinance, Draft 3

On behalf of the Association of Rural Town Councils (ARTC), I appreciate the opportunity to comment on the Renewable Energy Ordinance, Draft 3 (REO3). This ordinance will have far-reaching effects on rural communities across the county; many of them have already experienced ill-effects of utility-scale renewable energy development covering thousands of acres in the Antelope Valley. Several aspects of the ordinance including, but not limited to, the time-frame to comment, water issues, noise, dust and Valley Fever concerns, nighttime lighting, Minor Conditional Use Permits (MCUP), Conditional Use Permits (CUP), small-scale and utility-scale renewable energy uses, protection of ridgelines, and biological considerations of development necessitate response, and the councils represented here request changes to the REO3 that would not only clarify existing language, but offer protections to not only town council areas, but the county at large.

While the Renewable Energy Ordinance Team visited town councils and ARTC meetings during the fall and early winter of 2014, only a working draft document was available. The REO3 was not available for viewing until February 20th, and the comment period is actually cut short by "ideally" sending comments prior to the submission of the planning package that goes to planning commissioners. For some councils, approval of comments or letters is not possible because of how meeting dates fall in relation to the comment deadline, which is <u>not</u> listed on the released draft REO3. Two or three weeks is not enough time to thoroughly review this document, and its importance to rural communities is without question. We find it reasonable to request additional time for our concerns to be heard, and our suggestions implemented.

DEFINITIONS

Section 5, 22.08.210, U, page 4/79. Utility-Scale Solar Renewable Energy facility, ground-mounted. "Ground-mounted utility-scale solar renewable energy facility" means a facility affixed to the ground where renewable solar energy resources are used to generate direct electrical or thermal energy primarily for off-site use. This definition includes all on-site and off-site equipment and accessory structures related to the facility, including but not limited to solar collector arrays, wind turbines, mounting posts, substations, electrical infrastructure, transmission lines, operations and maintenance buildings, and other accessory structures." ***The definition, here, does not adequately address the exclusion of parabolic "boiler" type solar arrays or power "concentrating" towers, although the previous definition of "Solar Arrays" (Section 4, 22.08.190, S) "do not include concentrated solar thermal devices, which use lenses or mirrors to focus or reflect a large area of sunlight onto a small area." Part U's "including, but not limited to solar arrays" does not go on to define what other types of solar equipment are allowed. This opens the statement to include, essentially, everything. Please provide more specific language that excludes parabolic trough boiler and power tower type renewable energy systems from the ordinance. They also use tremendous amounts of water—precious in our high desert areas. Not only that, but well documented massive killing of birds at the Ivanpah plants at Primm, Nevada, and unprecedented glare beyond that of panels and FAA lighting on wind towers would render visual distraction to scenic areas and render useless the Rural Outdoor Lighting Ordinance, further imposing destruction of dark night sky views, and daytime views, too. Moreover, Part U also states structure mounted utility-scale solar energy facility that is "used to generate direct electrical or thermal energy primarily for off-site use, also contains more "including, but not limited to" language. There is no definition of thermal energy for off-site use. This should be more specifically described to assure solar concentrating "thermal" energy is not allowed.***

Section 6, 22.08.230, W, page 6/79. "Wind tower" means the vertical component, including blades if any, of a small-scale wind energy system, a utility-scale energy facility using wind resources, or a temporary meteorological tower that elevates the wind turbine generator and attached blades above the ground." ***This statement is confusing. Why not describe a meteorological tower as a "met tower" and a wind turbine with blades, meant to generate electricity, as a wind tower?***

LAND USE ZONES

As the document lists "Permitted Uses," "Accessory Uses," and "Uses Subject to Permits," through particular land use zones, for each zone, all utility-scale solar and wind energy facilities, structure mounted, are a permitted use (Sections 7-48, 22.20.080 through 22.25.320, pages 6-31). ***When we reach Zone C-R, Commercial Recreation, the ordinance allows ground mounted utility-scale solar and wind energy that is incompatible with recreational areas and should not be permitted (page 29/79).***

In Zone M-4, Section 48, 22.32.190, a CUP is needed for "use listed is located within 300 feet of a public school, public park, or a residential or A-1 Zone." The three hundred foot distance should be extended to two miles, since children, especially, are sensitive receptors, and according to Arline Bronzaft, B.A., M.A., Ph.D., who spoke at the Oct. 30 [2010] International Symposium on Adverse Health Effects from Wind Turbines, many other studies have demonstrated that intrusive noises, such as passing traffic or overhead aircraft, adversely affect children's cardiovascular systems,

memory, language development and ability to learn. The abstract of her article in Bulletin of Science Technology Society August 2011 vol. 31 no. 4 291-295 states, "Furthermore, based on our knowledge of the harmful effects of noise on children's health and the growing body of evidence to suggest the potential harmful effects of industrial wind turbine noise, it is strongly urged that further studies be conducted on the impacts of industrial wind turbines on their health, as well as the health of their parents, before forging ahead in siting industrial wind turbines."

Section 56, 22.40.430, page 35/79, A, Uses Subject to Permits, in O-S Zone, "Energy generating or storage devices, including but not limited to geothermal devices" are allowed with a CUP. ***Energy generating or storage devices are not appropriate use in open space lands that Regional Planning deems appropriate for "campgrounds, crops, grazing of animals, [and] resource management (22.40.410). The term "energy generation devices" is unclear, and if open space lands are appropriate places for them, they need to be described in detail and their purpose stated, justifying their placement.***

COMMUNITY STANDARDS DISTRICTS

Section 57, 22.44.113, Sec. 58, 22.44.113, Sec. 59, 22.44.133 page 35/79. ***According to*** Section 22.52.1605 *of the REO3,* ***supplemental district regulations (such as Community Standards District provisions) apply to all renewable energy projects. However, in instances where the REO3 regulates matters that are also addressed by CSD provisions, the REO3 prevails, and CSD provisions are subordinated. This untenable arrangement has never been explained, and Planning Staff have never provided any reasons for including such provisions. This portion of the REO3 must be revised to ensure that CSD provisions prevail, particularly in regard to utility scale wind and solar generation projects, unless the ordinance stipulates a more stringent or protective requirement, with regard to renewable energy. The reasons are obvious. CSDs are established for, constrained to, and address, developed residential uses, and they include provisions that are intended to protect these residential uses from incompatible industrial development such as that associated with utility-scale RE generation projects. Granting industrial uses the ability to sidestep community protection provisions of any CSD "by right" and without reason or justification undermines the entire CSD structure. If a renewable energy proponent wishes to develop a project that violates a CSD provision, then they should be required to go through the variance process just like any other project proponent that wishes to avoid CSD requirements. Above all, RE developers should not be granted a perfunctory "pass" that allows them to completely ignore the very development standards that communities have fought hard for and which protects residents from incompatible development.***

PART 15

Section 22.52.1600, Purpose, page 40/79. "This Part 15 establishes regulations and permit requirements that support and facilitate the development of small-scale solar energy systems, small scale wind energy systems, [Add: *Industrial*] utility-scale solar renewable energy facilities, [*Industrial*] utility-scale wind energy facilities, and temporary meteorological towers in a manner that protects public health, safety, and welfare, and minimizes significant safety hazards and impacts to the environment." ***The ordinance, as written, does not apply sufficient regulations that would protect rural residents against visual impacts—many of the roads in rural areas access considerable viewshed, with ridgelines not protected by CSDs, which are, then, not protected by this ordinance;***

air quality and threat of Valley Fever are not well addressed; safety is a concern of rural residents, who, during times of wildfire, rely heavily on aircraft water and retardant drops, which are impeded by 5oo foot tall wind turbines. There are also environmental considerations pertaining to wildlife, conservation areas, and public trust lands.

Section 22.52.1605, B, page 41/79. "Applicability of zone and supplemental district regulations. All provisions of the zone and any supplemental district in which a small-scale solar renewable energy system, small-scale wind energy system, utility-scale solar renewable energy facility, utility-scale wind energy facility, or temporary meteorological tower is located shall also apply. Where a provision of the zone or supplemental district regulates the same matter as this Part 15, whichever provision of this Part 15 is more restrictive shall apply." ***Please see above for reference to Community Standards Districts, and the last page of this letter, which details modifications that will require only a MCUP to change CSDs regarding placement of wind towers.***

Part E. 1., 2., Subsequent Application, page 42/79. "1. Any subsequent application modification(s) that would increase the physical size, height, or footprint of a previously approved small-scale solar renewable energy system, small-scale wind energy system, utility-scale solar renewable energy facility, utility-scale wind energy facility, or temporary meteorological tower; and 2. Any subsequent application modification(s) that would change the type of equipment used by the previously approved small-scale solar renewable energy system, small-scale wind energy system, utility-scale solar renewable energy facility, utility-scale wind energy facility, or temporary meteorological tower, except for replacement of equipment for maintenance purposes." ***Please assure us that any modifications that change a previously approved small-scale, or utility-scale renewable energy system would be required to submit a CUP or a Minor CUP, and both permitting processes fulfill a public notice process.***

22.52.1610, Application Materials, B, 4. a., v., page 43/79. "Watercourses." "The Project Area," **[unincorporated Los Angeles County] a*cording to California Department of Fish and Wildlife (CDFW), "supports aquatic, riparian, ephemeral and wetland habitats; therefore, a jurisdictional delineation of the creeks and their associated habitats should be a requirement of the Renewable Energy Ordinance for future projects"(June 2, 2014 REO2 Letter). The application materials should include those specific types of water related areas listed above.***

22.52.1610, B., 4. ix, page 43/79 "Transmission Lines." ***Please add Generation Tie lines. This is important for visual impacts evaluation.***

22.52.1610, B, 4. e, page 44/79. "Conceptual dust control plan." ***Conceptual means "not concrete." The REO3 needs to hold projects to a solid, not theoretical, dust plan that will actually mitigate dust. So far, Best Management Practices, and Rule 403 of the Antelope Valley Air Quality Management District, which include soil stabilizers, have proven unsuccessful in stopping wind driven dust events. Provide amendments that actually require more stringent control without polluting or damaging the environment.***

22.52.1610, B., 5., a., iii., page 45/79. Discussion of guy wires. ***The CDFW, in their response letter June 2, 2014 to REO2, request that no guy wires or non-strobe lighting be allowed on RE met towers and other structures, due to the fact that the wires pose a significant threat of mortality to avian***

wildlife. "Guy wires supporting communications and meteorological towers can kill birds at high rates, including birds protected by Fish and Game Code (Kerlinger et al. 2008, Longcore et al. 2008). Both the CEC [California Energy Commission]-CDFG Guidelines (2007) and the U.S. Fish and Wildlife Service (2000) recommend using freestanding tower designs due to avian mortality impacts from guywires. The Department recommends the Lead Agency require the use of mono-pole structures (when feasible), or otherwise utilize other technologies that do not use guy wires." Eliminate the use of guywires in REO3, and require monopole construction of met towers and small-scale wind energy systems.

22.52.1615, C. 1.d., page 48/79. "Project perimeter fencing shall incorporate small animal permeable design, unless otherwise modified by the Hearing Officer." ***Please define criteria by which modification of small animal permeable fencing be changed. Require assessment by CDFW and/or USFWS, in documented consultation with the Hearing Officer.***

22.52.1615, C. 2., page 48/79. Standards for Utility-scale Solar Energy Facilities. "Height of the solar array shall not exceed 25 feet." ***Solar arrays that reach up to 25 feet in height would be intrusive visually to flat or hilly landscapes and rural residential areas. Restrict height to 12 feet maximum.***

22.52.1615, C. 3.a., b., page 48/79. Lighting. "a. Motion sensors for entry-lighting to the on-site equipment structures and buildings; and b. Light-sensor or motion-sensor lighting for the main facility access gate, operations and maintenance building doorways, and any parking areas of facilities with operation and maintenance buildings." ***Motion-sensor lighting is obtrusive in dark areas, since it is constantly tripped by insects, animals, bats, birds, and blowing trash, so lights go off and on all night. This is not an appropriate requirement for all areas, nor does it comport with dark skies preservation. Lighting should remain off unless emergency maintenance is required, and only for the duration of the emergency activity.***

22.52.1615, C. 6., Significant Ridgelines, Page 49/79. "The highest point of a utility scale solar renewable energy facility shall be located at least 50 vertical feet and 50 horizontal feet from a significant ridgeline identified in the General Plan, in an applicable Area or Community Plan, or in an applicable Community Standards District." ***In order to address visual impacts to ALL ridgelines, impose the setback requirement recommended by CDFW, again, in their June 2, 2014 REO2 letter: "The Department [CDFW] recommends the Lead Agency [Regional Planning] consider a requirement for setbacks for all wind energy facilities and meteorological towers from significant ridgelines and Significant Environmental Areas at a minimum of twice the height of the proposed facility to reduce the potential impacts to migratory birds and other avifauna." This would ensure compliance with all CSDs, ensure less visual impact and allow adequate clearance to reduce potential impacts to birds and avifauna. Please amend to "The highest point of a utility-scale wind energy facility shall be located a minimum of twice the height of the proposed facility, or the most restrictive CSD which ever is greater."***

22.52.1625., A. 1., Standards for Temporary Meteorological Towers. Aviation Safety. All safety lights required by the Federal Aviation Administration that meets FAA standards shall be required for any wind tower, shall comply with applicable Federal Aviation Administration (FAA) standards. Any aviation-related agency or the Department may impose additional requirements as deemed necessary." ***Sections of the REO3 require the addition of "FAA-required safety lights" on all utility scale wind***

energy facilities. This poses a problem in that utility companies frequently state that FAA lights are required when, in fact, they are not. Take for example, the transmission lines recently constructed through Acton and the Angeles National Forest. SCE informed the California Public Utilities Commission (CPUC) that FAA required lights on the new towers, so the CPUC authorized them. However, the US Forest Service clarified that FAA lights were not actually required on such transmission tower structures, so SCE did not install lights on any of the 60+ miles of towers located in several utility corridors along ridgelines and hilltops throughout the Angeles National Forest. In fact, these "FAA-required" lights were only installed in residential areas located in valleys (specifically where aircraft do not fly). The point is, the County must take every possible action to avoid the installation of FAA lights and diligently confirm any applicant claim that "FAA-required" lights are indeed required. The County must also seek alternatives to such lights, and ensure that any lights which are installed shine light only in an upward direction and are not visible from any area that is at or below the elevation of the lights. Otherwise, the entire point of the County's recently adopted Rural Outdoor Lighting Ordinance is completely lost.

22.52.1625, C. 1., page 50/79. Standards for Temporary Meteorological Towers. Aviation Safety. ***"Wind towers" usage here is confusing when the title of the section refers to Temporary Met Towers. The language is used interchangeably and misleads the reader. There should be a separate section for Met Towers and one for Wind Towers. Table 22.52.1625 A--Again, no guy wires, please. Make all met towers free standing, according to recommendation by the CDFW, due to high avian mortality rates at guywired towers. Also, alternating bands of aviation orange and white paint, with visibility marker spheres may be necessary for aviation safety, but a time period for their permitted operation should be instituted, of not more than two years, otherwise the removal of the "temporary" met towers could take years, or never happen at all. The orange and white painted towers are obtrusive to scenic areas and rural communities, and this obtrusion should be limited with a proscribed time limit for their operation, and should follow decommissioning requirements that include complete removal of foundation and tower apparatus, and restoration of the site.***

Table 22.52.1625, page 51/79. Setback Requirements for Temporary Meteorological Towers. ***The table seems to mix wind tower setbacks and met tower setbacks, even though, as previously mentioned, the section applies to "Temporary Meteorological Towers."***

22.52.1630, A., 2., page 52/79. Standards for Small-scale Wind Energy Systems. Significant Ridgelines. ***See above comment at 22.52.1615, C. 6., which requests twice the height of the wind tower below the ridgeline, or the most restrictive CSD which ever is greater.***

22.52.1630, C.2.a., page 53/79. Small-scale Wind Energy Systems. Impacts to birds and bats. Design. "Use of trellis towers prohibited." ***Trellis towers are not the only threat to birds and bats. This would prevent perching and nest building dangerously near spinning blades, but blades do their own damage atop monopoles. Barotrauma (injury by rapid air pressure reduction) is the cause of death in a high proportion of bats found at wind energy facilities; 90% of bat fatalities involved internal hemorrhaging consistent with barotrauma. Institute a data base that identifies locations of small-scale wind energy systems, that includes review by independent biologists of the effects of numbers of small-scale turbines. Cumulatively, several in one area could lead to adverse effects on birds, bats, avifauna, and sensitive habitats in Significant Ecological Areas, near parks, public and private conservation lands, open-space areas, and rural communities. There needs to be criteria for limiting small-scale wind energy systems when their***

cumulative effects exert measurable harm to wildlife, cause noise-related effects, shadow flicker, and impinge on viewshed. How would CEQA be applied to cumulative impacts of numbers of individually placed small-scale wind energy systems?

22.52.1630, C, 2, c., ii., page 54/79. "No part of the small-scale wind energy system shall be closer than one mile from a known golden eagle nest site." ***How is adherence to the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act applied to small-scale wind individually and cumulatively? How does the County propose to comply with those acts through this REO3? According to the National Wind Coordinating Collaborative, Wind Turbine Interactions with Birds, Bats, and their Habitats: A Summary of Research Results and Priority Questions, Spring 2010, "Siting turbines away from where raptors concentrate may reduce raptor collision rates at wind facilities. Raptors are known to concentrate along ridge tops, upwind sides of slopes, and canyons (See CDFW recommendations, above, June 2014 REO2 letter) to take advantage of wind currents that are favorable for hunting and traveling, as well as for migratory flights" (Bednarz et al. 1990; Curry and Kerlinger 1998; Barrios and Rodriguez 2004; Hoover and Morrison 2005; Manville 2009)). Eagles' territory typically comprises one to six square miles. It would be reasonable to extend the range of nest site distance to small-scale wind turbines to five miles in all directions.***

22.52.1635, C., 5. page 57/79. Standards for Utility-Scale Wind Energy (USWE). Impacts to Birds and Bats. ***The California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development, published by the California Energy Commission (CEC) has been removed from the ordinance. If the County wishes to take a proactive approach to protection of birds and bats that has the CEC's approval, the guidelines would be a reasonable addition to requirement for a CUP. Please reinstate this requirement. Also, see above comment for small-scale wind energy systems.***

22.52.1635, C., 5, c.,i., (A)(B)(C), page 57/79. Setbacks. "No part of a ground-mounted utility-scale wind energy facility shall be closer than 0.25 miles from the following: (A) Adopted Significant Ecological Areas; (B) Recorded open space easements and publicly designated preserve areas; and , (C) Riparian areas and wetlands." ***One quarter of a mile 1,320 feet is not adequate setback for USWE. As noted previously, riparian areas attract birds; "significant" wildlife exists in SEAs. Noise,***
shadow flicker, ice throw, wind turbine collapse, and fire danger posed by turbines would indicate a minimum of one mile from sensitive areas. Also, there is no updated SEA map that shows final boundaries that would define setbacks.

22.52.1635, C., 7, Table 22.52.1635-A, Location. Setbacks listed for onsite or offsite residence or habitable structure, above ground transmission line, public access easement or public trail, or property line, scenic drives and routes, and railways indicate 2X the tallest wind tower. Buildings other than a residential structure, 1X the tallest wind tower height. ***United States wind turbine project setbacks can be as much as 2 miles from residences, and projects are also measured for the distance of sound travel, and are required to provide a sound study as proof of adequate distance from towns and residences, with a reasonable expectation of a 30dcb in rural areas. This also protects residents, to a degree, from experiencing low-frequency tones, gear noise, and shadow flicker. Scenic viewshed from public trails, conservation easements with viewpoints, need to be considered. If preservation of safety, public health, and viewshed related to conservation and open-space lands is a priority for RP,***

extension of setbacks to one mile and two miles to replace 1X and 2X tower heights in the Table. Note: There is no discussion of reducing impacts to viewshed with regard to Utility-Scale Wind Energy projects, and for good reason. They cannot be disguised with screens or landscaping. That is why larger setbacks <u>or completed restriction (preferred)</u> are so important to implement.

22.52.1640, A., 1., 2., page 59/79. <u>Modifications</u>. "1. Due to topographic or physical features of the site, strict compliance with all of the required standards would substantially and unreasonably interfere with the establishment of the proposed development on the subject property; and 2. The requested modifications would not be contrary to the purpose of this Part 15." ***The REO3 allows energy developers to sidestep the few protections that do exist by simply requesting a "modification" to the requirements based on a claim that they "unreasonably interfere" with development. The only basis for denying such requests is if the County finds them to be "contrary to the purpose" of the REO. However, the County will never be able to make such a finding because the entire purpose of the Ordinance is to "support and facilitate" the development of RE projects (See Section 22.52.1600). The circular structure of these ordinance provisions ensures that large-scale energy projects will proceed quickly, with little or no community input, and without regard for community impacts. This is completely unacceptable, and the REO must be revised to strengthen (rather than decimate) protections for established rural residential communities. <u>Please eliminate this Section A, items 1 and 2.</u>***

22.52.1640, C., page 60/79. "<u>A small-scale solar energy system that exceeds the maximum lot coverage</u> required under subsection B.2 of Section 22.56.1615, requires approval of a Minor Conditional Use Permit pursuant to Part 1 of Chapter 22.56 and is subject to the development standards specified in subsections A and B.1 of Section 22.52.1615 and A.2 and C.5 of Section 22.52.1620 and conditions specified in subsections A.2.d and A.2.g of Section 22.52.1655." ***Section 22.52.1615 of the REO3 allows "Small-Scale Solar Energy Systems" to occupy up to 2.5 acres of land (on a five acre parcel), and 22.52.1640 B even provides a "Minor Conditional use Permit" pathway to increase this limit even further. However, the amount of energy generated by 2.5 acres of solar arrays is so substantial that it could never be deemed "primarily for on-site use" on rural residential and agricultural lots, as evidenced by data recently provided by the National Renewable Energy Laboratory (NREL). According to NREL's data, 2.5 acres of "tilt" photovoltaic solar panels will provide more than enough energy to support 55 homes, which greatly exceeds the on-site energy "need" of any residential parcel. Obviously, a 2.5 acre "solar array" that is constructed on rural residential/agricultural land is clearly not intended to "generate direct electrical or thermal energy primarily for on-site use" because no rural residential use is equivalent to 55 homes. In other words, the intent of placing 2.5 acres of PV panels on any land other than industrially or commercially zoned property is clearly to generate energy for off-site use, and therefore solar generation plants of this size intrinsically fail to meet the definition of "Small-Scale Solar Energy System" found in 22.08.190 of the Ordinance. For this reason, the size limit for "small-scale solar energy systems" installed on parcels zoned for rural residential/agricultural use must be much less than 2.5 acres. The ARTC recommends that the size limit be constrained to less than one quarter of an acre, which is still sufficient to supply more than 5 homes according to NREL.***

Also, the California Energy Commission describes utility-scale turbines as 50-500 kilowatts or more, and distributed use, or small-scale systems as 1-25 kilowatts. From the CEC Overview of Wind Energy: "The components of a utility-scale "wind farm" include wind turbines, an underground

power transmission system, control and maintenance facilities, and a substation that connects the farm with the utility power grid. Utility-scale wind turbines are classified by size as follows: small (less than 50 kilowatts [kW]); intermediate (50 to 500 kW); and large (above 500 kW). . . . Another application of wind is in distributed use systems, which provide on-site power in either stand-alone or grid-connected configurations. Most such systems range in size from one to 25 kW. Distributed wind systems are applicable to industry, water districts, rural residences, agricultural use, and a wide variety of isolated power uses located in good wind resource areas" (http://www.energy.ca.gov/wind/overview.html). A 50kW small-scale wind system would power between 8 and 23 homes. This is not "primarily" onsite use. This may work for multiple family homes, or unlimited residence zones, but The ordinances also allows 2 turbines on a gross acre of land. According to definition of small-scale wind, a limit of 16 -32 kW wind systems would be more than adequate for personal use.

22.52.1645, A., page 61/79. Uses Subject to Permits-Aviation Review. ***Please add an item 5. "Evaluate aviation fire fighting capabilities in the vicinity of rural areas and local airports surrounded by wind towers and utility-scale solar energy projects."***

Part 15, DUST CONTROL, AIR QUALITY, HEALTH EFFECTS

22.52.1655, A., 2., a., page 63/79. Uses Subject to Permits, Access roads, "Dirt access roads shall be treated with a suitable non-toxic long-term soil binder, or application of similarly effective material to control dust such as use of gravel." ***The REO3 authorizes the use of "soil binders" to control dust on access roads and other disturbed areas. However, the Commission is advised that soil binders in this application are not appropriate for the following reasons (cited in the California Stormwater BMP Handbook): 1) Soil Binders do not hold up to pedestrian or vehicular traffic, therefore authorizing their use on access roads will provide ineffective (and non-existent) dust control. 2) Soil binders often do not penetrate compacted soils, and are therefore ineffective. 3) The performance of soil binders are soil-texture specific; some do not work on sandy soils, and others do not work on silty soils. Both soil types can be collocated within the Antelope Valley, therefore it is unlikely that an effective soil binder will be found. 4) Soil binders do not perform well in low humidity areas. The Antelope Valley is located in the high desert and typically has very low relative humidity, therefore authorizing the use of soil binders in the Antelope Valley will provide ineffective dust control. 5) The use of soil binders may have water quality impacts due to their chemical makeup. Throughout the Antelope Valley, residents rely on wells for drinking water, therefore authorizing the use of soil binders in the Antelope Valley without first documenting the potential impacts of such materials on drinking water quality is wholly inappropriate.***

There are also problems with the dust control provisions that address non-access road areas and other portions of RE projects (see for example page 64 of 75). The REO3 appears to rely on existing vegetation to control dust levels, in that it authorizes mowing of such vegetation, but prohibits root system removal. This presumes that existing vegetation which thrives on the full sunlight of the Antelope Valley and perhaps relies on dew condensation for survival will continue to survive when covered over entirely by solar panels which eliminate both light and condensation. Worse yet, the Ordinance contains no "back up" dust control provisions detailed that must be implemented if (or rather when) the native vegetation dies out. This serious deficiency must be addressed before any renewable energy ordinance is adopted.

22.52.1655, 2., d., page 65/79, Site Disturbance. " The measures found in this subsection shall in no way be construed as a substitute for compliance with State requirements imposed by the applicable Air Quality Management District." **Add:** ***or air (and water) quality standards set forth by the Environmental Protection Agency.***

22.52.1655, 2., d., v. (A), Fugitive Dust. "Fugitive dust emission shall be controlled by phased earthwork, site watering, use of clean gravel not to exceed a depth of six inches where applicable, application of non-toxic soil stabilizers, limiting public access on unpaved areas, posting private roadways with reduced speeds, and/or re-vegetation. Use of other fugitive dust mitigation measures may be implemented if determined by the Department of Regional Planning and Department of Public Works to be suitable methods to adequately control dust during construction, operations, and removal and restoration activities." ***Detail other "suitable" methods of proposed alternative dust control that "may" be implemented. The residents of the Antelope Valley deserve protection in place before this ordinance is approved. Also, please add: Suitable methods of dust control shall not be toxic or polluting, and shall not cause further diminishment of air, surface water, or ground water quality after becoming airborne, or waterborne.***

The REO3 makes no mention of Valley Fever, or its prevention. It presumes well managed dust control through the use of soil stabilizers and water during construction. Water causes the fungus to bloom, further exacerbating the problem of controlling its proliferation and stabilization during high wind events in the Antelope Valley.

In the New Yorker Magazine, "Death Dust," January 20, 2014, "County Department of Public Health Epidemiologist, "Dr. Ramon Guevara, has made it a personal mission to educate people about the emergent issue of cocci in his territory. In L.A. County, we have so many cases, and we have a potentially large problem, because the population is growing. . . The highest rate of infection is in Antelope Valley, a rapidly developing outpost of the county that adjoins the southern edge of the San Joaquin Valley. In the past decade, the number of cases there has increased five hundred and forty-five percent. . . In addition to vacant land, Antelope Valley has abundant sunshine and regular high winds, which make it a logical place to build alternative-energy infrastructure. With California pledging to get a third of its electricity from renewable sources by 2020, the region is pitching itself as a hub for the industry. There are some thirty solar projects in development. . . The construction of the solar facilities could have unintended consequences for the environment, though, releasing hazardous dust into the air. "In the afternoon, when the kids come out of school, it's always windy,"[Dr.]Lauer [Phd., Environmental Microbiology at California State University, Bakersfield] says, "When they walk home, they all get exposed." (http://www.newyorker.com/magazine/2014/01/20/death-dust).

Additionally, Dr. Guevara's response letter to the REO2 states, "There are no standards of criteria here for what is acceptable in terms of amount and duration of resultant dust, measurements of dusts, and rules for feasibility and appropriateness of vegetation preservation, planting, and maintenance. These should be put forth with processes to involve the surrounding communities." This has not appeared in the REO3. Residents of the Antelope Valley deserve concrete, detailed dust monitoring and control plans in place and these should include air quality monitoring stations provided in the permitting process that will determine the levels of particulate matter in the air, r

eflecting the success or failure of vegetation-based dust control techniques, as well as soil binding products, to protect the population from Coccidioidomycosis.

Diesel Emissions. ***Council members have also expressed concern regarding diesel emissions releasing harmful particulates into the air during construction and maintenance of utility-scale RE projects.***

Moratorium. ***There have been previous requests by citizens, councils and other groups for a moratorium on utility-scale RE projects, until suitable protections and monitoring systems are in place for protection of air quality and human health.***

Electromagnetic Frequency. ***Some council members have expressed concerns regarding the effects of eletromagnetic fields produced by utility-scale RE, and possible effects on human health. This is an area of controversy, much like the complaints of residents near wind turbines because of the low-frequency hum and vibration, shadow flicker. Setbacks suggested for wind turbines and electrical substations from residences would work toward addressing this concern.***

22.52.1655. 2., e., page 68/79. Transmission Lines. "On-site and off-site transmission lines shall be placed underground to the satisfaction of the Department and Department of Public Works, except where above-ground crossings are otherwise required (such as over the California Aqueduct)." ***Please add: Generation Tie Lines shall be placed underground to minimize effects to the viewshed.***

22.52.1655. 2., f., page 68/79. Visual Impact. "Any utility-scale solar renewable energy facility that is placed within the viewshed of a Scenic Drive, Scenic Highway or Scenic Route identified in the General Plan or in an applicable Area Plan or Community Plan shall be analyzed for its visual impacts, and appropriate conditions relating to siting, buffering, height, and design of the facility may be imposed to minimize significant effects on the viewshed;" ***Please add more certain language: "design of the facility will be imposed to eliminate effects on the viewshed."***

22.52.1655. 2., g., h., iii. page 69/79. Water Quality protection. Water Use. "Measures to protect groundwater and surface water from waste discharge shall be incorporated into the project design, as appropriate, and shall meet the requirements of the Regional Water Quality Control Board. ***To guarantee projects' compliance with water quality protection, add: Water testing for waste and pollutant discharge to surface water and ground water shall be instituted, and results available for public view.***

22.52.1655. 2., iii. "The project shall use piped recycled water if it is available from the public right-of-way within one mile from the project site at fair market value and suitable for use. If such piped recycled water does not meet the water demand, the project shall use piped potable water if it is available from the public right of-way within one mile from the project site at fair market value and suitable for use. ***The REO3 does not address the enormous quantities of water that are required to operate solar RE projects. Allowing RE developers to obtain water from any source that they find convenient without regard for the impacts that such water withdrawals may have on the water table and domestic water wells is a substantial deficiency of the REO3. This deficiency is best addressed by requiring RE projects to rely solely on the use of recycled water (obtained from the "purple" hydrants that dot the Antelope Valley). To affect this purpose and eliminate the possibility of using***

potable water on RE infrastructure, the recycled water must be trucked in via suitably marked trucks* (perhaps *painted purple to match the fire hydrants) so that observers can monitor for compliance.

Also, projects in the Antelope Valley will have longer distances to travel to and from a tertiary treated water source, so the requirement of "within one mile" would render this a wasted point. If RE developers are allowed or required to use potable water available within one mile of their projects, then a concentration of projects in one area would cause a more rapid loss of ground water, or loss of aqueduct water designated to local purveyors. Local residents are also concerned that small water districts that serve them, as well as agricultural interests with large wells are selling water to the huge developments inside and outside their communities. In this time of serious drought there may not be enough water to serve RE development. Requiring the use of recycled water would help protect water sources for residents.

NOISE

22.52.1655, C., 1., page 70/79. Small-Scale wind energy systems. Noise. " Noise from a small-scale wind energy system shall not exceed 60 dBA SEL (single event noise level), as measured at the closest neighboring inhabited dwelling." ***The treatment of Noise Pollution in the REO3 is deficient in a number of ways. 1) It applies only to small-scale wind energy facilities and ignores the substantially louder noise potential of utility-scale wind generation facilities (both structure- and ground-mounted). The noise limit application is too narrowly constrained in the REO3, and must be expanded to address all utility-scale generation projects. 2) It constrains the consideration of noise impacts to only existing inhabited dwellings, and ignores businesses and outdoor uses such as equestrian facilities (barns, corrals, trails), animal rescue facilities, agricultural uses, etc. It also ignores impacts to adjacent land that has not yet been developed for residential or agricultural use; it is likely that such land will be rendered worthless given the high noise threshold that the draft ordinance allows. This must be rectified by imposing a fence-line noise limit. 3) It establishes a very high (60 dB) noise threshold that is entirely unsuitable for rural areas. Ambient noise levels in such areas are typically less than 45 dBA,(quiet rural areas ambient level is 24dBA) and an increase of 10 dBA results in an approximate doubling of the sound, while an increase of 20 dBA results in an approximate quadrupling of the sound. The draft ordinance establishes a 60 dBA threshold, which essentially triples the ambient noise level in rural areas.***

To frame the issue in more understandable terms, 60 dBA is approximately the noise level one experiences 3 feet from an operating clothes washer or air conditioner. As it currently stands, the ordinance authorizes this continuous and exceptionally loud "noise overlay" in rural areas where the existing noise profile is virtually non-existent. The Commission is reminded that rural communities exist because rural residents seek the peace and quiet afforded by such communities. All of this is threatened by the high noise threshold established by theREO3. To address this concern, the threshold value must be reduced to 50 dBA. 4) It relies on a "Single Event Level" parameter which does not properly or accurately represent the continuous noise profile generated by wind energy facilities. While uses which occasionally create single noise events of 60 dBA or more may be reasonable in rural areas, uses which generate such noise levels on a continuous basis (such as wind turbines) are not. 5) Nowhere does the ordinance require any project proponent to provide noise data as part of the application process, nor does it require a "follow up" assessment at the site

to confirm this noise provision is met. Worse yet, it provides no backstop protections to ensure compliance with this noise limit over time and after the wind turbine bearings and contact surfaces are worn down and no longer "true". A multilevel chart of allowable noise generation that depends on zoning and location would be a more democratic approach to noise levels that differ so much across the county. This currently proposed ordinance would essentially hold rural residents hostage to an urban noise level.

22.52.1655., C., 2., page70/79. Visual Impact. "2. Visual Impact. Any small-scale wind energy system placed within the viewshed of a Scenic Drive, Scenic Highway or Scenic Route identified in the General Plan or in an applicable Area or Community Plan shall be assessed for its visual impacts, and appropriate conditions shall be applied relating to siting, buffers, and design of the system, ***Add: and may result in complete restriction. This should apply to utility-scale wind RE.***

22.52.1660, Enforcement procedures. B., page 71/79. Nothing in this Section shall preclude the Director or designee from issuing a warning, field notice of violation, Notice of Violation, or citation prior to issuing a Final Zoning Enforcement Order for a non-compliant small-scale solar energy system, small-scale wind energy system, utility-scale solar energy facility, utility-scale wind energy facility or temporary meteorological tower***. Please add a maximum number of violations that may be issued before a final notice of non-compliance is ordered. We understand a final notice can be issued any time, but this item B would allow an infinite number of violations, and the project could subsequently avoid a final order without an enumeration of process and ultimate action.***

MINOR CONDITIONAL USE PERMITS

Section 67, 22.56.030., 10., a., page 74/79. Application Information Required. "Maps in the number prescribed, and drawn to a scale specified by the director, showing the location of all property included in the request, the location of all highways, streets, alleys and the location and dimensions of all lots or parcels of land within a distance of 500 feet from the exterior boundaries of the subject parcel of land. If the application is for a minor conditional use permit in accordance with Section 22.56.085, a distance of 300 feet from the exterior boundaries of the subject parcel of land shall be provided in lieu of 500 feet." ***A minor CUP, which allows accessory uses of a substantial nature, as currently unamended in this REO3; such as so-called small scale solar energy system covering 2.5 acres of a 5 acre parcel, Modification of a Significant Ridgeline, structure mounted utility-scale wind energy facilities, and temporary met towers. In the Antelope Valley, noticing requirements should include a further distance or at least match that required for a CUP (500 ft.). Without signage, a Minor CUP may go unnoticed. Include signage for North County Projects, or consider written and email notification to town councils and land owners within 1000 feet.***

Section 69., 22.56.085, page 76/79, Minor Conditional Use Permit. An application for a minor conditional use permit may be filed for the following uses:

1. Modification of significant ridgeline protection provisions as provided in sections 22.44.143 D. 10. b; 22.44.143 D.10.c.; or 22.44.144 D. b.
2. Small-Scale solar energy systems, ground mounted, in the open space and watershed zone, in accordance with Part 15 of Chapter 22.52.
3. Small-Scale wind energy system in accordance with Part 15 of Chapter 22.52.

4. Utility-Scale wind Energy Facility, structure mounted, in all zones except single family residence zone, in accordance with Part 15 of Chapter 22.52.

Remove item 1 as an item approved to file for a minor conditional use permit. Communities with significant ridgelines identified in CSDs have obviously identified them as "significant." To allow modification and variance from a CSD is counter to the purpose of that document, meant to protect rural communities from inappropriate development. This requires a CUP, with appeal to the board of supervisors.

Remove item 2 as an item approved to file for a minor conditional use permit. As discussed previously, the 2.5 acre allowance on 5 acre plus properties need more stringent review, since it qualifies as a "utility-scale" RE project, capable of powering 55-78 homes, and according to definitions provided in this unamended document. Also watershed zones need particular consideration because of their innate function supplying drinking water, recreation and respite, and sustaining life. See comments, page 8, above, regarding the discrepancy in definitions between utility-scale and small-scale RE.

Remove item 3 as an item approved to file for a minor conditional use permit. In 22.52.1625, the REO3 allows 2 small-scale wind energy systems for 5 gross acres of land. For the same reasons listed above, and on page 8, the so-called small-scale wind energy system, as indicated in the ordinance, is 50kW; enough to power 8-23 homes. Two turbines would power 16-46 homes. The California Energy Commission describes utility-scale turbines as 50-500 kilowatts or more, and distributed use, or small-scale systems as 1-25 kilowatts. From the CEC Overview of Wind Energy: "The components of a utility-scale "wind farm" include wind turbines, an underground power transmission system, control and maintenance facilities, and a substation that connects the farm with the utility power grid. Utility-scale wind turbines are classified by size as follows: small (less than 50 kilowatts [kW]); intermediate (50 to 500 kW); and large (above 500 kW). . . . Another application of wind is in distributed use systems, which provide on-site power in either stand-alone or grid-connected configurations. Most such systems range in size from one to 25 kW. Distributed wind systems are applicable to industry, water districts, rural residences, agricultural use, and a wide variety of isolated power uses located in good wind resource areas" (http://www.energy.ca.gov/wind/overview.html). A 50kW small-scale wind system would power between 8 and 23 homes. This is not "primarily" onsite use. This may work for multiple family homes, or unlimited residence zones, but The ordinances also allows 2 turbines on a gross five acre acre parcel. According to definitions of a small-scale system, A limit of 16 -32 kW wind systems would be more than adequate for personal use. Anything more than this is not small-scale, this is utility scale, meant for offsite use, and should fall under a CUP.

Remove item 4 as an item approved for a minor conditional use permit. Utility-scale, by its nature would be hard pressed to be classified as "minor" in nature, especially from a noise impact, visual impact, and biological impact. This requires a CUP.

Section 69., 22.56.085, D., page 78/79. The decision of the Hearing Officer may be appealed to the commission. All appeals shall be filed within the time period set forth in, and shall be subject to all of the other provisions of Part 5 of Chapter 22.60 <u>except that the decision of the commission shall be final</u>

and effective on the date of the decision and shall not be subject to further administrative appeal, unless the permit was considered by the commission concurrently with a decision on a general plan or specific plan amendment, zone change, development agreement or other legislative action. ***The underlined sentence should be stricken from this ordinance and kept as it is currently recorded in Part 5, 22.60.200, A: "Appeals. To avoid results inconsistent with the purposes of this*** Title 22***, unless otherwise specified or limited by specific provisions of this title, decisions of the director or hearing officer may be appealed to the commission; and decisions of the commission may be appealed to the board of supervisors." As the ordinance is written now, there is no appeal for a Minor CUP. As you can see above, there are problems with what is considered a minor modification with insignificant effect. This is an affront to the political process, by which constituents may request a decision be made by their elected officials. The part D would eliminate that possibility. In this REO3, that has the potential to substantially impact rural communities, we urge RP in the strongest possible way, to preserve residents' right to appeal to the board of supervisors regarding any permit approved by the planning commission.***

Again, we appreciate the opportunity to work toward the best version of this Renewable Energy Ordinance. We respectfully request the changes enumerated in this letter, and believe our best interests lie in protecting our communities from inappropriate renewable energy development, while encouraging distributed generation that will contribute greatly to the preservation of not only our rural lifestyle, but the environment that makes that available to us.

Councils and Community Groups as signatories: Acton Town Council, Lake Los Angeles Rural Town Council, Leona Valley Town Council, Oso Town Council, Three Points-Liebre Mountain Town Council, Concerned Citizens of the West Antelope Valley.

Yours truly,

Susan Zahnter
Interim Director

Enclosures: 3

CC: Supervisor Michael D. Antonovich, Field Deputy Norm Hickling, Planning Deputy Edel Vizcarra

BEFORE SOLAR INSTALLATION (4/18/14 @ 110TH STREET WEST & AVENUE "J")

AFTER SOLAR INSTALLATION(3/16/15 @ 110TH STREET WEST & AVENUE "J")

BEFORE SOLAR INSTALLATION (4/18/14 @ 110TH STREET WEST & AVENUE "J")

AFTER SOLAR INSTALLATION (3/16/15 @ 110TH STREET WEST & AVENUE "J")

In 2014, the Antelope Valley was the only Southern California region with successful breeding of the Tricolored Blackbird, representing **100%** of all of the breeding for the region.

Species Status:

As of 2014, the State of California has classified the Tricolored Blackbird as "Endangered".

In February 2015, the Center for Biological Diversity submitted an application to reclassify this species as Federally Endangered, which is anticipated to be approved.

Antelope Valley Breeding Locations (Foraging occurs in a 5 mile radius of breeding sites):

Holiday Lake	Fairmont Reservoir	Gorman Post Road/Sag Ponds
Lake Elizabeth	Ritter Pond	Leona Pond
Petersen Ranch (Leona Valley)	Branch Pond (Edwards AFB)	Piute Ponds (Edwards AFB)

Photograph utilized with permission from Dave Collins Images. Photo taken March 2015, contiguous to a solar facility and adjacent to the Antelope Valley California Poppy Reserve.

Species Status:

The Burrowing Owl is native to the Antelope Valley. These owls are found on fallow farm land and open fields in the West Antelope Valley. The burrowing owl is federally protected by the Migratory Bird Treaty Act in the U.S. and Mexico, and is listed as endangered, threatened, or as a Species of Concern in nine states, including California, where it is considered a Species of Special Concern by the California Department of Fish and Game.

Several now completed renewable energy projects, including the project at 110th Street and West Avenue "J", were home to the Burrowing Owl. The Burrowing Owl habitat is disappearing. This species has been observed in the Antelope Valley for decades.

MINOR CUP WITH PUBLIC HEARING				
TASK	STAFF	HOURS	Per Hour	Total Cost
Case intake meeting, application review, ordinance and plan review, Kiva data entry, document and file maintenance, process payment, notes to file.	PRPA,SRPA & RPAII	0.50	99.5	49.75
	CLERICAL, LDCC	0.50	49.22	24.61
Conduct initial review, initial CEQA review, prepare incomplete letter, notes to file.	PRPA,SRPA & RPAII	0.50	99.5	49.75
Prepare agency consultations, notes to file.	PRPA,SRPA & RPAII	0.50	99.5	49.75
Route agency consultations, mail, data entry, notes to file.	CLERICAL	0.50	49.22	24.61
Review plan revisions, agency consultation letters, consultations with applicants, notes to file.	PRPA,SRPA & RPAII	0.50	99.5	49.75
Assign case, conference with case planner, notes to file.	SUPV	0.25	127.87	31.97
	PRPA,SRPA & RPAII	0.25	99.5	24.88
Conduct field investigation, travel coordination, travel time, site visit and analysis, neighborhood analysis, photography/video, meeting with applicant.	PRPA,SRPA & RPAII	0.50	99.5	49.75
Research and in-depth evaluation, review prior case history, code and plan analysis, zoning enforcement consultation; coordination with ABC, sheriff, forester, animal control, health services, public works; applicant, architect consultations, review revised plans/documents, studies, file retrievals, etc. Notes to files.	PRPA,SRPA & RPAII	0.75	99.5	74.63
Prepare draft staff report, findings and conditions. Prepare CE memo. Consultation with supervisor, applicant.	PRPA,SRPA & RPAII	0.50	99.5	49.75
Prepare final findings and conditions.	PRPA,SRPA & RPAII	0.50	99.5	49.75
	SUPV	0.50	127.87	63.94
Prepare public hearing notice	PRPA,SRPA & RPAII	0.25	99.5	24.88
Communication/Coordination: Respond to general public inquiries, phone calls, e-mails, mail, faxes, meetings, notes to file, etc.	PRPA,SRPA & RPAII	0.25	99.5	24.88
	CLERICAL	0.25	49.22	12.31
Conference with applicant, pre-hearing (planner, supervisor, applicant, revisions, notes to file).	PRPA,SRPA & RPAII	0.50	99.5	49.75
Final review of staff report and hearing package.	PRPA,SRPA & RPAII	0.50	99.5	49.75
	SUPV	0.50	127.87	63.94
Review of project by Hearing Officer, site visit, prepare for hearing, notes to file.	HEARING OFFICER	0.50	127.87	63.94
Prepare public hearing presentation.	PRPA,SRPA & RPAII	0.50	99.5	49.75
Attend and conduct public hearing. (One hour assumed for avg. hearing.)	PRPA,SRPA & RPAII	1.00	99.5	99.50
	SUPV	1.00	127.87	127.87
	HO	1.00	127.87	127.87
Prepare final letter package (draft, review, revisions, notes to file).	PRPA,SRPA & RPAII	0.25	99.5	24.88
Review final letter package for signature.	SUPV	0.50	127.87	63.94
Transmit final letter package (copy, distribute, data entry, enforcement file, notes to file)	CLERICAL	0.50	49.22	24.61
		13.75		1,400.71

PRPA, SRPA & RPAII	7.75	99.5	771.13
CLERICAL	1.75	49.22	86.14
SUPV	2.75	127.87	351.64
HEARING OFFICER	1.50	127.87	191.81
2010 Fee	**13.75**		**1,400.71**

2011 CPI	**1.3396%**	**18.76**
2012 CPI	**2.1744%**	**30.46**
2013 CPI	**1.9325%**	**27.07**
2014 CPI	**1.1438%**	**16.02**
2015 TOTAL FEE		**1493.02**

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

March 26, 2015

TO: Pat Modugno, Vice Chair
Esther L. Valadez, Commissioner
David W. Louie, Commissioner
Stephanie Pincetl, Commissioner
Curt Pedersen, Commissioner

FROM: Jay Lee, AICP JL
Community Studies North Section

LOS ANGELES COUNTY DRAFT RENEWABLE ENERGY ORDINANCE – PROJECT NO. R2014-01160-(1-5) – APRIL 8, 2015 – AGENDA ITEM NO. 5

INTRODUCTION

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.

MARCH 18, 2015 PUBLIC HEARING

A public hearing on the Ordinance and the Draft Environmental Impact Report (EIR) was held before your Commission on March 18, 2015 at the Antelope Valley Transit Authority Headquarters in the City of X. Members of the public testified and raised various concerns regarding the Ordinance. Please see Attachment 1 for written correspondence received during the public hearing. Your Commission also raised questions for Department of Regional Planning (DRP) staff, and continued the matter to April 8, 2015.

COMMENTS AND RECOMMENDATIONS

As of time of writing, DRP staff is continuing to evaluate the comments received during the hearing and within the additional correspondence. Please see Attachment 2 for the additional correspondence received since the March 18, 2015 public hearing. A further discussion of these comments and recommendations, as well as any proposed modifications to the Ordinance, will be included in a supplemental memo to your Commission distributed next week. An updated staff recommendation, if necessary, will also be included in the supplemental memo.

MC:SMT:JL

Attachments: 1: Written Correspondence Received During the March 18 Hearing
2: Additional Correspondence Received Since the March 18 Hearing

ATTACHMENT 1: WRITTEN CORRESPONDENCE RECEIVED DURING THE MARCH 18 HEARING

R 2014-01160-(1-5)

J. Lee/R. Ruiz

Kathleen Trinity
4343 Fairlane St.
Acton, CA 93510

March 18, 2015

RECEIVED
MAR 18 2015
BY:

Mr. Jay Lee
Los Angeles County
Department of Regional Planning
320 West Temple St.
Los Angeles, CA 90012

Dear Mr. Lee

I am writing in regard to your Notice of Completion and Availability of the Draft Environmental Impact report (SCH#2014051016).

I object to any policy that would allow the development or placement of large scale and/or multiple wind turbines in any part of Acton, CA, including any mountains and hills (the Sierra Pelona Mountains, the San Gabriel Mountains, Parker Mountain) or any other included or adjacent mountains and hills in the general area.

Not only would such wind turbines be contrary to Acton's CSD's, thereby violating the wishes of the residents for a rural setting and lifestyle, but would pose a significant threat to wildlife and wild life habitat. The surrounding mountains and included hills of Acton are covered with juniper trees, grasses, chaparral, scrub oak, and some California live oak that provide habitat for mule deer, mountain lions, bobcats, coyotes, rabbits, various other rodents, reptiles, some of which are endangered, and even birds, bats and insects. The ecosystem is fragile in the sense that destruction of it can take decades to restore. The area, especially the Sierra Pelona Mountains, provide a natural corridor for mule deer, bobcats, and mountain lions. This habitat is of special value considering the large scale loss of habitat in the San Gabriel Mountains Station Fire of August 2009. Loss of habitat is insidious because in this area it leads to habitat fragmentation.

5. Brewer's Sparrows and other sparrows live and feed in scrub.

6. Scrub (Blue) Jays live and feed in scrub.

7. Western Bluebirds, California Thrashers, various Wrens, Goldfinches, Mockingbirds, Woodpeckers and Roadrunners frequent and depend on the scrub.

8. Mourning Doves, Barn Swallows, Rock Doves, Blackbirds and Ravens are higher flyers that would be endangered by said wind turbines.

9. Bats have been part of the Acton ecology for years. Their ability to keep insect populations in check is of value. Many have been in danger of species collapse in recent years. Their flocks would be threatened further by said wind turbines.

While there are many more birds and other animals that would be threatened by implementation of the proposed policy, there is a most important consideration. Wisdom and courage to preserve natural and wild areas must prevail to inform and guide policy, not utility interests or quick, thoughtless agency directives. Acton and the surrounding area is one of the last rural and semirural areas of Los Angeles County. Not only does the area provide recreational opportunities for nonresidents, but the residents who have chosen to live in Acton prize the mountains, canyons, valleys and open natural spaces. Natural vistas unobscured by utility and other structures provide a means of relieving stress and psychological centering. Knowing that wildlife is abundant and secure is part of the human quality of life in a rural area. Rather than making the mistake of degrading the natural character of this area, and trying later to fix the mistake, wisdom would dictate a much more careful and respectful policy be pursued. Will we make the same mistakes as in the Altamont Pass where at least 116 golden eagles, and over 500 other raptors were killed per year in a study in a study released in 2003? (www.iberica2000.org/documents/ELOICA/ALTAMONT/Dr Smallwood, 2003). Will we follow the

RIDGELINES

198

The Acton CSD contains specific provisions that protect "significant ridgelines" and it clearly defines what constitutes a "significant ridgeline" within the Community of Acton.

However, the draft Ordinance only protects ridgelines from low-profile solar projects and small scale wind projects. It specifically omits ridgeline protection provisions for utility scale wind projects. In other words, this ordinance authorizes 500 foot high wind towers on Acton's significant ridge lines "by right".

This ordinance does not protect ridgelines; in fact, it paves the way for their destruction.

R2014-01160-(1-5)
J. Lee/R-RR012

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BY:

CUP VS MINOR CUP REVIEW FOR UTILITY SCALE PROJECTS.

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The draft Ordinance establishes that utility scale structure mounted wind projects are eligible for the "Minor Conditional Use Permit" process.

No utility scale energy project should ever be eligible for the "Minor" CUP process. Why? Because the nature of utility sale projects are ***never*** "limited in scope and impacts",. So allowing them to undergo the "Minor" CUP process ***is explicitly contrary*** to the stated intent of the minor CUP process, which is intended to address only applications that are limited in scope and impacts.

All utility scale renewable generation systems be subject to the full and complete Conditional Use Permit process rather than the "Minor" Conditional Use Permit Process.

5/9 8

NOISE

The consideration of noise impacts in the Draft Ordinance is inadequate:

The noise limit does not apply to utility scale wind projects, which are the biggest problem. The noise limit is too narrowly constrained in the draft Ordinance, and must be expanded to address all utility-scale generation projects.

It considers only noise impacts to existing inhabited dwellings, and ignores outdoor uses such as equestrian facilities (barns, corrals, trails), animal rescue facilities, etc.

It ignores impacts to adjacent land that are currently undeveloped. It is likely that such land will be rendered worthless given the high noise threshold that the draft ordinance allows. Any noise limit must be a fenceline limit

It establishes a very high (60 dB) noise threshold that is entirely unsuitable for rural areas. Rural ambient noise levels are typically less than 45 dBA, so permitting a 15 dBA increase will triple the noise level in rural areas. To be clear, 60 dBA is the noise level one experiences 3 feet from an operating clothes dryer, and the draft Ordinance allows this continuous and exceptionally loud "noise overlay" in rural areas where the existing noise profile is virtually non-existent. The limit must be set at 45 dBA rather than 60.

The draft Ordinance does not require any project proponent to provide noise data as part of the application process, nor does it require a "followup" assessment at the site to confirm that noise limits are met. Worse yet, it provides no backstop protections to ensure compliance with this noise limit over time and after the wind turbine bearings and contact surfaces are worn down and no longer "true".

998

DUST

The draft Ordinance authorizes the use of "soil binders" to control dust on access roads and other disturbed areas. However, soil binders in this application are not appropriate:

They do not hold up to pedestrian or vehicular traffic, and are not effective on access roads.

They do not penetrate compacted soils, and are therefore ineffective.

Their performance is soil-texture specific; some do not work on sandy soils, and others do not work on silty soils. Both soil types can be collocated within the Antelope Valley, so it is unlikely that an effective soil binder will be found.

Soil binders do not perform well in low humidity areas, so are inappropriate for the high desert climate of the Antelope Valley.

The use of soil binders may have water quality impacts due to their chemical makeup. Throughout the Antelope Valley, residents rely on wells for drinking water, therefore authorizing the use of soil binders in the Antelope Valley without first documenting the potential impacts of such materials on drinking water quality is wholly inappropriate.

It is also a problem that the draft Ordinance relies on existing vegetation to control dust levels. This presumes that existing vegetation which thrives on the full sunlight of the Antelope Valley and relies on dew condensation will continue to survive when covered over entirely by solar panels which eliminate both light and condensation.

Worse yet, the draft Ordinance contains no "back up" dust control provisions that must be implemented if (or rather when) the native vegetation dies out

R2014-01160-(1-5)
J. LEE/R. RUIZ
1 of 4

RECEIVED
MAR 18 2015

THE THRESHOLD FOR AVOIDING COMPLIANCE IS TOO LOW

The draft Ordinance does not adequately protect rural communities from the glare, noise, dust, lights, and water resource impacts of renewable energy projects, and it facilitates the industrialization of rural communities, the ruination of significant ridgelines, and the violation of Community Standards District ("CSD") protections.

Worse yet the draft Ordinance allows energy developers to sidestep the few protections that do exist by simply requesting a "modification" to the requirements based on a claim that they "unreasonably interfere" with development., The only basis for denying such requests is if the County finds them to be "contrary to the purpose" of the Ordinance. However, the County will ***never*** be able to make such a finding because the entire purpose of the Ordinance is to "support and facilitate" the development of Energy projects

The circular structure of this draft ordinance ensures that large-scale energy projects will proceed quickly, with little or no community input, and without regard for community impacts. This is completely unacceptable, and the draft Ordinance must be revised to strengthen (rather than decimate) protections for established rural residential communities like Acton.

CSD PROVISIONS MUST PREVAIL

CSDs are established for developed residential areas, and they include provisions that are intended to protect these residential uses from incompatible industrial development such as utility-scale generation projects.

Nonetheless, the draft Ordinance subordinates all CSD provisions, and in instances where the draft Ordinance regulates matters that are also addressed by CSD provisions, the draft Ordinance prevails.

The draft Ordinance must be revised to ensure that CSD provisions prevail. The reasons are obvious; granting industrial uses the ability to sidestep community protection provisions of any CSD "by right" undermines the entire CSD structure.

Any renewable energy proponent wishing to develop a project that does not comply with a CSD provision should be required to go through the variance process just like any other project proponent that wishes to avoid CSD requirements.

Energy developers should not be granted a perfunctory "pass" to allow them to completely ignore the very development standards that communities have fought hard for and which protects residents from incompatible development.

ATTACHMENT 2: ADDITIONAL CORRESPONDENCE RECEIVED SINCE THE MARCH 18 HEARING

The Regional Planning Commission
County of Los Angeles
320 W. Temple Street
Los Angeles, California 90012
Electronic Transmittal of 6 [six] pages
[c/o Ms. Rosie Ruiz: RRuiz@planning.lacounty.gov]

March 20, 2015

Subject: The Draft Renewable Energy Ordinance and Information Submitted Pursuant to Matters Raised in the March 18, 2015 Public Hearing

Dear Planning Commissioners;

I appreciate the time and effort that all of you took to address community concerns in your consideration of the Draft Renewable Energy Ordinance at the March 18 public hearing. The matter was continued due to uncertainties regarding potential conflicts with adopted standards districts as well as uncertainties regarding the possibility of preemption of some ordinance provisions by state law. This letter is intended to address these concerns, and also provide supplemental information which clarifies certain remarks and representations that were made by staff and County Counsel. In the absence of a transcript, I am relying on my notes, which I believe are reasonably accurate.

Conflicts with State Law

Staff and County Counsel made a number of remarks regarding state law and its relation to renewable energy standards, wind turbine classification and permitting, and solar energy development which seemed to give the impression that state law largely preempts the County's authority to regulate renewable projects. This is not true, as evidenced by the following:

- There are no state laws which regulate or establish wind turbine size classifications; in such matters, the California Energy Commission relies on "industry standards" which establish that a 50 kW wind turbine is an intermediate utility-scale system.

- There is nothing in state or federal law which limits the County's ability to regulate the environmental, health, safety, and aesthetic impacts of wind energy systems. Nor are there any state or federal laws which preempt or prevent the County from establishing a residential wind turbine limit of 15 kW (as I have requested)

- Staff displayed a slide indicating the state's renewable energy standard of 33% by 2020, and indicated that this standard somehow applies to the County's ordinance development process. However, the 33% renewable energy standard does not apply to, or control, any County action. In fact, the 33% standard applies specifically to energy utilities (such as Southern California Edison), and it requires that these utilities obtain a fixed percentage of the energy they deliver from renewable resources. It does not impose any requirements or limitations on local agencies.

As written, the Draft Ordinance already complies (explicitly and fully) with both the language and the intent of the Act because it provides ministerial approval of both small-scale and roof-mounted utility scale solar installations "by right" through the building permit process. And consistent with the Act, the only solar installations that are subject to a "use permit" process are 1) Ground-mounted large utility-scale developments on lands zoned as A2, commercial, industrial, RR, and W; and 2) Structure mounted developments in R1-zoned land. The ordinance establishes that all other installations are approved through ministerial building permits. Equally important is the fact that ***none*** of this would change if the ordinance were revised to accommodate all the matters raised by the public in the hearing. Contrary to what was indicated by staff and County Counsel, the Draft Ordinance would still comply fully with the Act even if all of the recommendations made by the public were integrated into it. This fact is supported by the plain language of the Act itself, which states (in pertinent part and with emphasis added):

9.5 CALIFORNIA GOVERNMENT CODE SECTION 65850.5

(a) The implementation of consistent statewide standards to achieve the timely and cost effective installation of solar energy systems is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead a matter of statewide concern. It is the intent of the Legislature that local agencies not adopt ordinances that create unreasonable barriers to the installation of solar energy systems, including, but not limited to, design review for aesthetic purposes, and not unreasonably restrict the ability ***of homeowners and agricultural and business concerns to install solar energy systems***. It is the policy of the state to promote and encourage the use of solar energy systems and to limit obstacles to their use. It is the intent of the Legislature that local agencies comply not only with the language of this section, but also the legislative intent to encourage the installation of solar energy systems by removing obstacles to, and minimizing costs of, permitting for such systems.

(b) ***A city or county shall administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit***. Review of the application to install a solar energy system shall be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. ***The requirements of local law shall be limited to those standards and regulations necessary to ensure that the solar energy system will not have a specific, adverse impact upon the public health or safety.*** However, if the building official of the city or county has a good faith belief that the solar energy system could have a specific, adverse impact upon the public health and safety, ***the city or county may require the applicant to apply for a use permit.***

It should also be noted that the Act authorizes the County to deny a use permit application for a solar project based on findings that the adverse health and safety impacts created by the project cannot be feasibly mitigated. At the public hearing, three substantial health and safety concerns relative to ground-mounted solar projects were raised that are not properly addressed in the Draft ordinance (and have NEVER been mitigated in any solar projects installed to date). These impacts (glare, dust, and valley fever) pose significant

- As an established accessory use, the County will be unable to limit the total area of solar panels on a residential or agricultural lot based on whether or not the staff believe the energy will be used "on-site" or "off-site".

I have never seen the County conduct an "environmental review" of any "by right" accessory use, and I have never seen the County restrict any "by right" accessory use to anything less than what the code allows. In other words, I have never seen the County implement any of the "limiting" actions that Mr. Lee described to the Planning Commission. It should be noted that the draft Ordinance already authorizes unlimited *utility-scale* solar facilities as a "structure" use that is permitted "by right" in almost every zoning category (including rural residential and agricultural).

To address these concerns, and to be consistent with AB 2188, I suggest that the Draft Ordinance be revised to define "small-scale" solar energy systems as being roof or parking lot mounted (and therefore categorically exempt from CEQA review), and establish a 25 kW size limits for accessory solar energy systems in commercial and industrial zones, and a 10 kW size limit for accessory solar energy systems in residential and agricultural zones. This revision complies fully with all state laws, and addresses the concerns that I raised. If a particular commercial or industrial facility wishes to increase this limit to support its "on-site" energy needs, then it can easily do so via the minor CUP process authorized in 22.52.1640 of the Draft Ordinance.

Conflicts between CSD's and the Draft Renewable Energy Ordinance.

Mr. Child indicated that staff had not perceived any substantial conflicts between the Draft Renewable Energy Ordinance and any CSD provisions. If this is true, then staff had no reason to include a statement in the draft ordinance which explicitly subordinates all CSD provisions. Nonetheless, such a statement was included. More to the point, there are numerous and substantial conflicts between the Draft Ordinance and the Acton CSD. The following list identifies some of these conflicts; it was put together quickly, so there may be other conflicts that would be identified via a more detailed review.

- The Draft Ordinance authorizes structures as high as 500 feet in height. This conflicts with the 35 foot structure height limit imposed by the Acton CSD [22.44.126(C) (3)].

- Ground-mounted utility scale wind and solar structure conflict with the CSD requirement that external utility devices be concealed, and non-residential uses have a "western style" design.

- The Draft Ordinance protects only "significant ridgelines identified in the General Plan... Area Plan, ... or CSD". The problem is, Acton has no specifically identified significant ridgelines. Instead, the Acton CSD generally describes what constitutes a significant ridgeline, and simply urges that the "natural silhouette" of these ridgeline area be "preserved to the greatest extent possible". Because these ridgelines are not

From:	Paul Henreid
To:	Jay Lee
Cc:	Susan Tae; rodninahallgren@gmail.com
Subject:	Renewable Energy Ordinance
Date:	Friday, March 20, 2015 7:53:45 AM

Dear Mr. Lee,

The REO is supposed to encourage using small-scale (on-site) solar/wind energy. However, the ordinance regulates small-scale solar/wind in ways it does not regulate utility-scale solar/wind. For example, the REO sets a maximum lot coverage for small-scale solar at "25 percent of the lot or parcel of land or 2.5 acres, whichever is lesser." The REO states "A small-scale solar energy system that exceeds the maximum lot coverage ... requires approval of a Minor Conditional Use Permit." Why limit on-site solar like this at all? Could this language be removed?

Another bird regulation applies to small-scale wind, but not utility-scale wind: "No part of the small-scale wind energy system shall be closer than one mile from a known golden eagle nest site." What is a known golden eagle nest site? Where are the golden eagles? Is there a web site announcing their location? Do golden eagles have GPS microchips like the dogs in LA county to alert the County of their whereabouts?
Do golden eagles move nests or make new nests? One mile is a long distance. Is one mile necessary to protect golden eagles from small-scale structure-mounted wind towers that do not "exceed the height limit of the zone by more than five feet?" The REO only requires small-scale wind to be 300 feet from "bat-roosting sites." There is a big difference between 300 feet and 1 mile. Do small-scale wind towers require more stringent golden eagle protection than from utility scale? Can the language be removed or reduced from 1 mile to 1000 feet?

I look forward to your comments.

Thank You,

Paul Henreid, Esq.
(661) 724-1930

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

April 2, 2015

TO: Pat Modugno, Vice-Chair
Esther L. Valadez, Commissioner
David W. Louie, Commissioner
Stephanie Pincetl, Commissioner
Curt Pedersen, Commissioner

FROM: Jay Lee, AICP
Community Studies North Section

LOS ANGELES COUNTY DRAFT RENEWABLE ENERGY ORDINANCE – PROJECT NO. R2014-01160-(1-5) – APRIL 8, 2015 – AGENDA ITEM NO. 5 * SUPPLEMENTAL MATERIAL *

MARCH 18, 2015 PUBLIC HEARING

A public hearing on the Ordinance and the Draft Environmental Impact Report (EIR) was held before your Commission on March 18, 2015 at the Antelope Valley Transit Authority Headquarters in the City of Lancaster. Thirteen (13) members of the public testified and raised various concerns regarding the Ordinance. Your Commission also raised questions for staff, and continued the matter to April 8, 2015.

OVERVIEW

Over the last several years, local, state and federal agencies have been tasked to improve their processes to facilitate renewable energy projects in response to opportunities provided to the emerging renewable energy industry through legislative mandates and incentive programs. The benefits of being less dependent of fossil fuels are clear, but to develop these projects in an environmentally and community context-sensitive way requires careful thought.

The challenge with the County's Renewable Energy Ordinance (REO) is to identify the issues and provide a process to resolve those issues as efficiently as possible. Because efforts are underway from multiple regulatory perspectives, it is helpful to illustrate where the REO is positioned and how it complements other efforts, especially those within the County.

The following report identifies the regulatory context in which REO 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, such as ground mounted, utility-scale solar and wind energy power generation. Lastly, the report will describe other efforts at the State and County level that promote, manage and regulate renewable energy.

EXISTING STATE LEGISLATION

Although the Ordinance will regulate solar and wind energy development within the County, the State of California ("State") has expressed that its policy is to promote all feasible uses of alternative energy supply sources, and enacted legislation accordingly. State legislation regulating the use of solar and wind energy in particular is discussed below.

Renewables Portfolio Standard (RPS) Program

Although the State's specific requirements to limit local government's regulation of solar and wind energy projects are primarily related to small-scale solar and wind energy systems, the State is also promoting the retail sale of solar and wind energy through its RPS program.

The RPS program was established in 2002 under Senate Bill (S.B.) 1078, accelerated in 2006 under S.B. 107, and expanded in 2011 under S.B. 2. The RPS program requires 25 percent of electricity retail sales in the State to be served by renewable energy by the end of 2016 and 33 percent by the end of 2020.

Solar

The State has enacted legislation to promote the use of solar energy, which has helped increase solar energy generation within the State.

Solar Rights Act

The Solar Rights Act, which was enacted in 1978 and since amended several times, promotes the installation of small-scale solar energy systems as the Legislature has declared the State's commitment to reduce the State's dependence on nonrenewable fossil fuels, supplement existing energy sources, and decrease the air and water pollution which results from the use of conventional energy sources.

Consistent with this goal, it requires local governments to pass ordinances which do not unreasonably restrict solar energy systems. The Solar Rights Act provides a narrow definition of "reasonable restrictions", which limits the authority of local jurisdictions to regulate small-scale solar energy systems.

The Solar Rights Act also limits review of small-scale solar energy systems to a ministerial review of health and safety requirements of local, state, and federal law. If a finding is made, based on substantial evidence, that the solar energy system could have a specific adverse impact upon health and safety, the local government may require a use permit. However, a local government may not deny an application for a use permit unless it makes this finding and another finding that there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

The Solar Rights Act has also been amended to include a permit streamlining for small-scale solar residential rooftop solar energy systems to further facilitate solar energy systems for single

or duplex family dwellings of 10 kilowatts (kW) or less (alternate current nameplate) or 30 kW or less (thermal).

Solar Shade Control Act (SSCA)

The SSCA, which was enacted in 1978, provides protection to solar energy systems from shading caused by trees and shrubs on adjacent properties. The SSCA accomplishes this by providing specific requirements to prohibit solar shading from trees and shrubs and location requirements related to height and setbacks for solar energy systems. The SSCA only applies to small-scale solar energy systems.

California Government Code Section 66015

This section establishes limits on the permit fee a local jurisdiction can charge for residential and commercial rooftop solar energy systems.

Wind

The State has enacted legislation, California Government Code sections 65893-65899, to promote the use of wind energy. Within this body of legislation the State recognizes small-scale wind energy systems as an excellent technology to help achieve its renewable energy goals and encourages local agencies to develop ordinances that facilitate the installation of small-scale wind energy systems. Consistent with this goal, it encourages local agencies to not unreasonably restrict the ability of property owners to install small-scale wind energy systems. To this end, a county is limited in its regulation of small wind energy systems located outside an urbanized area so long as the notice, tower height, setback, view protection, asesthetics, aviation, and design safety requirements are not more restrictive as set forth in Government Code section 65896. For example, decibel levels cannot be regulated less than 60 decibels measured from the nearest property line. Additionally, these small wind energy systems are prohibited where otherwise prohibited by law as provided in Government Code section 65896(b)(17). Local jurisdictions are not allowed to adopt an ordinance that imposes requirements and conditions on small-scale wind energy systems that are more restrictive than the list.

PURPOSE OF PROPOSED ORDINANCE

The Ordinance was developed with two primary purposes in mind. The first is to better regulate utility-scale solar and wind energy facilities by providing comprehensive regulations aimed at addressing specific issues and concerns. These issues and concerns were raised through the County's experience with previous utility-scale projects, and address environmental impacts and community compatibility. Due to legislative mandates and market conditions (such as tax credits, the availability of power purchase agreements, and other financial incentives), a large influx of utility-scale solar and wind energy facilities were proposed within the County (up to 39 projects filed as of August 2013). As these brand-new uses were reviewed and constructed, the County learned that considerations such as method of site preparation and panel installation, the specificity for minimum landscaping requirements and water needs, and enhanced tools for County Department of Regional Planning ("Department") Zoning Enforcement staff to address

time-sensitive violations, all required greater specificity and legal authority for the benefit of applicants and the surrounding community. Although future conditions for these types of projects are unclear, the Ordinance was developed to address the issues and concerns associated with these types of projects should any future projects be proposed within the County.

The second primary purpose of this Ordinance is to support the State's legislative mandates and policy of promoting renewable energy development. The Ordinance accomplishes this by encouraging distributed generation and reducing dependence on utility-scale solar and wind energy facilities as sources for renewable energy. The Ordinance facilitates the development of solar and wind energy systems generating energy for on-site use as well as structure-mounted projects by establishing a streamlined permitting process, and including minimal regulations to incentivize these types of projects. The permitting process and regulations are much simpler for these types of projects than ground-mounted utility-scale solar and wind energy facilities. All ground-mounted utility-scale solar and wind energy facilities require a Conditional Use Permit (CUP) while a structure-mounted utility-scale solar energy facility is generally permitted by right, and structure-mounted utility-scale wind energy facilities generally require a Minor CUP. Furthermore, small-scale solar energy systems are generally permitted with structure-mounted systems requiring no Department review, and a Site Plan Review for ground-mounted systems. All small-scale wind energy systems require a Minor CUP as currently required in the County Code.

STATE AND COUNTY RENEWABLE ENERGY EFFORTS

There are many other efforts underway at both the State and County levels that further support a distributed generation model for renewable energy on buildings and structures, and acknowledge the need to address environmental impacts associated with certain renewable energy. These efforts, as further described below, help support this strategy at a larger scale. So while the Ordinance is necessary to better regulate renewable energy development, namely utility-scale solar and wind energy facilities, it is only one component of a larger strategy within the State and County to support renewable energy development in a responsible and balanced manner.

Desert Renewable Energy Conservation Plan (DRECP)

The DRECP is a State-led effort to create a framework to streamline renewable energy permitting while planning for the conservation of threatened and sensitive species and other resources on more than 22 million acres of land in Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and San Diego counties. The DRECP considers renewable energy development on a larger scale for the California Mojave and Colorado/Sonoran desert region to provide an ecosystem approach to impact mitigation and landscape-level natural resources conservation through strategic habitat conservation. This effort is a collaboration between the California Energy Commission, California Department of Fish and Wildlife, the U.S. Bureau of Land Management, and the U.S. Fish and Wildlife Service. Please see Attachment 1 for the DRECP Overview Fact Sheet.

The DRECP focuses renewable energy development to specific areas to minimize associated impacts. Across all seven counties, the DRECP identifies Development Focus Areas (DFAs) that may accommodate up to 20,000 megawatts of power from renewable energy projects and associated transmission over the next 25 years. Within LA County, the DRECP identifies conservations areas, areas for further study, and DFAs for solar energy only. While this effort is coordinated at the State level, the DRECP does not override local zoning authorities in considering and approving renewable energy projects. Rather, through the DRECP, an expedited permitting process could be established for "take" permits normally issued by the U.S. Fish and Wildlife Service and/or the California Department of Fish and Wildlife.

Staff has reviewed and provided comments on the Draft DRECP and associated Draft EIR. The County is also a member of the DRECP Stakeholder Committee, and has been meeting with California Energy Commission staff to address LA County's needs, including emphasis in protecting the County's Significant Ecological Areas (SEAs), which have been incorporated into the DRECP. More information about the overall project can be found at http://www.drecp.org.

County

The County is also engaging in efforts beyond this Ordinance to support renewable energy development. These efforts will work together with the Ordinance to increase renewable energy generation through distributed generation and in a manner that minimizes impacts to surrounding communities.

Community Climate Action Plan (CCAP)

The CCAP is a component of the Air Quality Element of the 2035 General Plan and seeks to reduce greenhouse gas (GHG) emissions that are generated by community activities. The CCAP establishes a GHG emissions reduction target consistent with A.B. 32 and provides an implementation program to meet the target.

The CCAP identifies five strategy areas to reduce GHG emissions, one of which is green building and energy (BE). There is one BE action to increase solar energy generation in particular in the unincorporated areas:

> BE-3: Solar Installations – Promote and incentivize solar installations for new and existing homes, commercial buildings, carports and parking areas, water heaters, and warehouses.

Action BE-3 encourages existing and future development to voluntarily install solar photovoltaic systems, where economically and technically appropriate. The action supports project developers and current property owners by promoting low-interest financing and streamlining regulatory procedures related to renewable energy installations.

The CCAP also identifies several initial implementation steps to implement Action BE-3, of which the Ordinance is one implementation measure:

1. Identify and remove regulatory or procedural barriers to producing solar energy in building and development codes, design guidelines, and zoning ordinances.

2. Identify partnerships with utilities and other entities to expand existing incentive programs.
3. Adopt the Renewable Energy Ordinance that outlines development guidelines for solar installation.
4. Initiate outreach and education programs.

The CCAP emphasizes the importance of reducing building energy-related emissions, recognizes that the majority of GHG emissions reductions in the building energy sector are achieved by actions to increase renewable energy generation, and encourages the development of small-scale solar energy systems throughout the County.

A report was also prepared on behalf of the County that provided an initial assessment of potential new financing options for the CCAP's energy efficiency and renewable energy measures (please see Attachment 2 for this report).

Use of Solar on County Facilities

Under the leadership of the Board of Supervisors ("Board"), the County has set a goal for reducing energy consumption in its buildings by 20 percent, and requiring that most new County buildings be built to the LEED-Silver level of certification or better. On November 25, 2014, the Board directed the Chief Executive Officer and Director of Internal Services to accelerate this effort, and develop a pilot project to install additional solar panels on County buildings (please see Attachment 3 for the Board Motion). This pilot project is currently underway with a number of sites already identified, including Sheriff, library, park and Internal Services Department (ISD) facilities. A report to the Board on the status of the project is anticipated for May 2015. A representative from ISD has also been invited to attend your April 8, 2015 hearing, to provide additional background and answer any questions. There is also an opportunity after submittal of the Board report in May for ISD to present the status of the project before your Commission.

Solar Amendments to County Building Code

As discussed previously, A.B. 2188 mandates local jurisdictions to adopt a simplified procedure for residential rooftop solar energy systems, which are solar energy systems mounted to the rooftop of one- or two-family dwellings. The County Department of Public Works Building and Safety Division (Building and Safety) is currently drafting an ordinance to amend the County Building Code that incorporates the requirements of A.B. 2188 and expedites the permitting process. Staff has consulted with Building and Safety on these amendments and the proposed Ordinance to ensure compatibility.

RESPONSE TO COMMENTS

As of time of writing, staff is evaluating the questions raised and comments and recommendations made at the March 18 public hearing as well as the correspondence included in the Staff Memo submitted to you on March 26, 2015 and additional correspondence received thereafter (please see Attachment 4 for this additional correspondence). These comments and recommendations express concerns regarding the applicability of Community Standards Districts, size of small-scale solar and wind energy systems, landscaped buffer areas, water usage, and other concerns.

STAFF RECOMMENDATION

Staff requests additional time to comprehensively address the concerns and questions raised by your Commission and members of the public, and provide any updated Ordinance language as appropriate in considering these concerns. Therefore, staff recommends that your Commission continue this matter to April 22, 2015 to allow more time to prepare this additional information.

I MOVE THAT THE REGIONAL PLANNING COMMISSION CONTINUE THIS MATTER TO APRIL 22, 2015.

MC:SMT:JL

Attachments: 1: DRECP Overview Fact Sheet
2: Energy Finance Report
3: Board Motion for County Solar Efforts
4: Additional Correspondence

ATTACHMENT 1: DRECP OVERVIEW FACT SHEET

DRECP Overview

The Desert Renewable Energy Conservation Plan (DRECP) is an innovative, landscape-scale renewable energy and conservation planning effort covering more than 22 million acres in the California desert. The DRECP planning area covers private, state and federal lands in seven counties--Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino and San Diego.

The DRECP uses best available science to identify development focus areas that may accomodate up to 20,000 megawatts of power from renewable energy projects and associated transmission over the next 25 years. The plan also identifies conservation areas, sensitive plant and wildlife species and a strategy for their management into the future.

The draft DRECP, released in September 2014, was prepared by a team of state and federal agencies which include the U.S. Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (USFWS), California Energy Commission (CEC) and California Department of Fish and Wildlife (CDFW). The DRECP consists of three components, a BLM Land Use Plan Amendment, USFWS General Conservation Plan, and CDFW Natural Communities Conservation Plan.

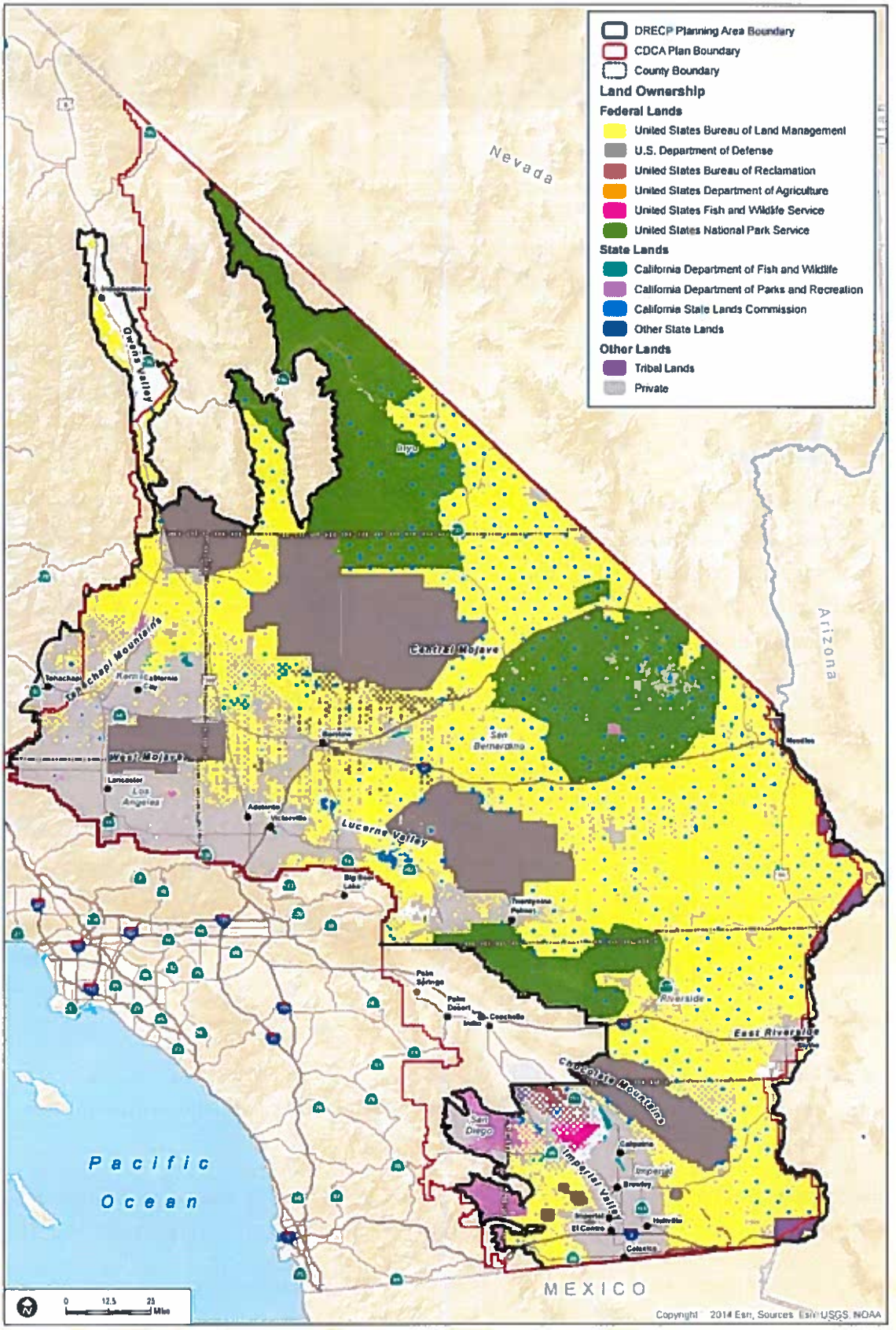
The DRECP will...

- Help California and the nation meet renewable energy and greenhouse gas emission reduction goals.
- Identify areas appropriate for renewable energy development and coordinate state and federal environmental review and permitting process.
- Identify conservation areas for sensitive cultural resources, plant and wildlife species and provide a framework for adaptive management in the face of climate change.

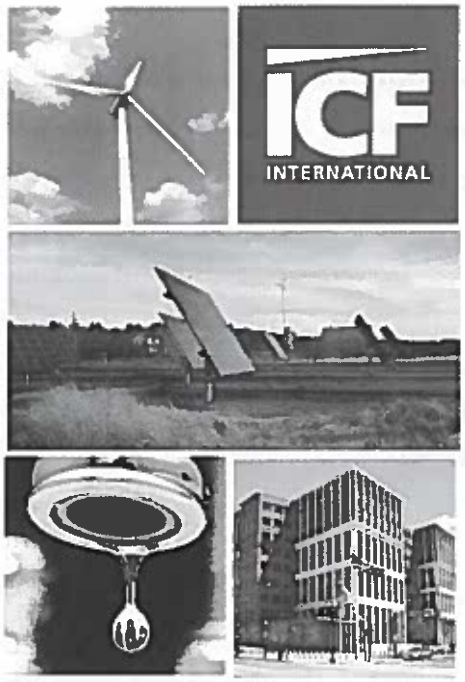
The plan has two overarching sets of goals:

- **Renewable Energy and Transmission:** The plan identifies specific development focus areas with high-quality renewable energy potential and access to transmission in areas where environmental impacts can be managed and mitigated.
- **Desert Conservation:** The plan specifies species, ecosystem and climate adaptation requirements for 37 covered species and 31 natural communities, well as the protection of recreation, cultural and other desert resources.

DRECP Plan Area



ATTACHMENT 2: ENERGY FINANCE REPORT



Los Angeles County Clean Energy Financing Options - Final Report

An assessment of financing strategies for energy efficiency and renewable energy projects in Los Angeles County

April, 2014

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1) Executive Summary

The purpose of this report is to provide an initial assessment of potential new financing options for the Los Angeles County (County) Community Climate Action Plan (CCAP)'s energy efficiency and renewable energy measures.[1] This high-level assessment focuses on new financing options most relevant to the County's unincorporated areas that support the residential, commercial, and industrial sectors. This report may also be used to narrow and prioritize financing options for further examination and implementation.

For each new financing option (where applicable), the report:

1) Provides a basic summary of how the option works.
2) Discusses its suitability for LA County (unincorporated).
3) Lays out potential challenges.
4) Identifies potential partner organizations that could assist with implementation.
5) Discusses other key considerations including scale, applicable building and technology types, and eligibility requirements.

The approach used to develop this analysis is briefly presented in Section 2 of this report.

Table 1 provides a summary of the results, listed in order of recommended priority. This prioritization is based on the ease of implementation and risks (particularly to the County) associated with each option. The financing options considered in this assessment are described in detail in Section 3 of this report.

Table 2 lists additional options not considered for further analysis. These options are discussed for future reference and are summarized in Section 4.

[1] As noted in the analysis, some of these financing measures are also likely suitable to municipal actions that may be included in the Municipal Climate Action Plan (MCAP) but the focus in this assessment was on supporting the CCAP.

Table 1: Summary of Financing Options, in Order of Feasibility (From Most to Least Feasible)

Financing Mechanism	Applicable Sectors*	County's Role	Suitability	Next Steps for Implementation
Solar Leasing and Power Purchase Agreements (PPA)	M R C I	Promotional	Immediate action possible; low effort	Consider strategies to increase consumer awareness and aid communities in leasing as a group.
PACE	R C	Active	Immediate action possible; high effort	Support PACE by including the unincorporated area in the Home Energy Renovation Opportunity (HERO) program, along with the incorporated cities in the County.
Energy Efficient Mortgages (EEMs)	R	Active or Promotional	Immediate action possible; moderate effort	Determine if mortgage lenders are aware of EEMs, how many can execute an EEM, and any difficulties they face. Assess whether to financially incentivize EEMs.
Community Investment Notes and Social Impact Investing	R C	Promotional	Long-term; low effort	Community Investment Notes: determine if local organizations qualify. Impact Investing: conduct study to assess if web-platforms offering crowdfunded donations/financing could serve consumers better than current markets.
External Green Revolving Fund (GRF)	R C I	Active	Long-term; high effort	Determine if external GRF would fulfill an unmet financing need. Consider legal implications.
Carbon Fee or Carbon Tax	M (fee) or R C I (tax)	Active	Fee: Immediate action possible; high effort. Tax: Long-term; high effort.	Fee: Test feasibility of an internal carbon fee to prove concept and make internal operations efficient. Tax: Assess attitudes toward a price on carbon. If residents open to an additional tax, begin study on how tax would be assessed.
On-Bill Repayment (OBR)	R C I	Promotional	Immediate action possible; moderate effort	Engage municipal utilities participating in commercial OBR. Determine interest and feasibility of residential systems.

*M=Municipal, R=Residential, C=Commercial, I=Industrial

Table 2: Financing Options Not Considered for Further Analysis

Financing Mechanism	Reasons for Refraining from Further Analysis
Green Bank	While state governments like Connecticut[2,3] and New York[4] are pursuing green banks, there is no history of municipal governments setting up green banks. Literature regarding green banks indicates these initiatives require more scale—i.e., larger borrowing/lending power at the regional, state or multi-state level.[5]
Performance Contracting	Commercial/Municipal performance contracting is covered by the ESCO section of the Solar Finance Guide. Residential is typically not an applicable market.
Private Equity	Private equity investment in energy efficiency and renewable resources typically requires a scale that is not applicable to residential space. Larger (industrial/municipal) energy projects are investigated on a case-by-case basis and not aided by high-level analysis.
Municipal Bond Financing	LA County's Public Agency Master Lease Program (SoCalRec) fills this niche of leveraging LA County's credit rating to pursue municipal energy projects.
Tax Credits	National databases of tax credits already exist: energysavvy.com or DSIRE.

[2] http://www.greentechmedia.com/articles/read/connecticuts-green-bank-a-model-for-public-private-renewables-partnerships
[3] http://www.ctcleanenergy.com/
[4] http://www.governor.ny.gov/NYGreenBank
[5] http://www.brookings.edu/research/papers/2012/09/12-state-energy-investment-muro

2) Analytical Approach

ICF International (ICF) followed a three-step approach to prepare the assessment.

First, ICF reviewed existing financing strategies in the County and then identified additional financing options that could be appropriate for the CCAP. Second, ICF performed basic research to identify important attributes and the potential viability of each option. ICF also consulted with its network of experts on renewable energy, energy efficiency, finance, and policy. Finally, based on this research and expert inputs, ICF assessed the operational potential of each option, considering each option's readiness for implementation, suitability for LA County, and the difficulty associated with execution. Recommended next steps were identified for the County, should it wish to proceed with implementation.

The results of this assessment can inform the CCAP implementation.

3) Existing Financing Strategies in LA County

This section briefly summarizes some of the key existing financial strategies and incentives in place or available today for renewable energy and energy efficiency in in LA County from a variety of sources.

- Finance Programs under Southern California Regional Energy Network (SoCalREN) which is an energy efficiency program collaborative supported by funding from the California Public Utility Commission, in partnership with Southern California Gas and Southern California Edison:
  - Energy Update California – Los Angeles (EUCLA) Single-Family Home Financing: Through a partnership with Matador's Credit Union, single family homeowners may finance their EUCLA Home Upgrade projects. Matador's Credit Union provides a 4.99%, 5-year term, unsecured loan of up to $40,000 to qualified borrowers. In order to generate initial program participation with competitive terms and conditions, the program uses a loan loss reserve credit enhancement which helps protect the lender against losses due to defaulted loans.
  - Non-Residential Property Assessed Clean Energy (PACE) Financing: ISD and the Treasurer & Tax Collector (TTC) are working together to administer a countywide PACE financing program for non-residential properties. The program provides financing through County issued bonds for private sector energy projects which are then paid back through assessments placed on the building owners' property tax statements. The program also provides marketing, education, recruitment, and technical support to property owners. The program's first PACE assessment was funded in July of 2013.
  - Public Agency Master Lease Financing: This financing program is available to all public agencies and provides lease financing to implement energy projects in municipal buildings. The Southern California Regional Energy Center (SoCalREC) has prequalified a set of financial institutions to provide the financing and has developed a simplified, standard agreement which the public agencies would execute with the financial institutions. The standard agreement also includes non-biased financing program terms and conditions.

- Utility On-Bill Financing for Commercial Customers and Utility Rebates:
  - On-bill financing is currently available for commercial customers (including property owners of multi-family residential units) through SCE and Socal Gas and provides zero percent loans for energy upgrades.
  - A variety of utility rebates are also available in LA County.

- Energy Upgrade California: Energy Upgrade California provides links to a variety of additional financial resources including the following:
  - Financial incentives for energy efficiency and solar power.[6]
  - Income Qualified Assistance programs:[7]
    - Energy Saving Assistance Program
    - California Alternative Rates for Energy

[6] See: https://tools.energyupgradeca.org/county/los_angeles/incentives#h-ic=3294457903&p-ic=1&per-ic=10.
[7] See: https://tools.energyupgradeca.org/income_qualified_overview.

- California Department of Community Services & Development Programs

- Solar Power Purchase Agreement (PPA)/Leasing: Private funding through PPAs and leasing is already common in the LA County Market, but as discussed in the next section, could be broadened through County promotion.

- Energy Service Company Contracts: An ESCO is a business that develops, installs, and finances projects designed to improve the energy and water usage of buildings. The ESCO remains a partner for the life of the project and is responsible for all aspects of the project, including associated technical and performance risks. The ESCO typically conducts an investment grade energy audit, designs the project, obtains bids from subcontractors, manages the construction, guarantees energy savings, obtains financing and often maintains the equipment. The ESCO bills the property owner for a share of the energy-cost savings. ESCOs can operate in Los Angeles County, but the extent of their activity in LA county was not researched as part of this report.

- California Solar Incentives: The state provides a variety of solar financing as follows:
  - CEC New Solar Homes Partnership (NSHP): This program provides financing incentives for new homes to encourage solar in new homes.
  - California Solar Initiative(CSI): This program includes financing incentives for a variety of solar applications for residential and non-residential properties. CSI has dedicated programs for low-income and multi-family housing.

- HUD Title 1 PowerSaver Loans (Secured or Unsecured): The PowerSaver program insures loans to finance small or moderate improvements to a home, such as a solar energy upgrade. The PowerSaver pilot will provide lender insurance for secured and unsecured loans up to $25,000 to single family homeowners specifically targeting residential energy efficiency and renewable energy improvements.[8]

- Federal Solar Incentives
  - Residential Renewable Energy Tax Credit: A taxpayer may claim a credit of 30% of qualified expenditures for a solar system that serves a residence located in the United States that is owned and used as a residence by the taxpayer.[9]
  - Business Energy Investment Tax Credit (ITC): This federal tax credit is equal to 30% of expenditures on a solar system, with no maximum credit.[10]

[8] See: www1.eere.energy.gov/wip/solutioncenter/financialproducts/PowerSaver.html.
[9] See: http://www.dsireusa.org/incentives/incentive.cfm?Incentive_Code=US37F&re=1&ee=1.
[10] See: http://www.dsireusa.org/incentives/incentive.cfm?Incentive_Code=US02F&re=1&ee=1.

4) Financing Options for LA County

This section details the financing options assessed for LA County. Each financing option has a summary, as well as a discussion of suitability for LA County, potential challenges, and next steps. Additional information is included when relevant.

A. Leasing and Power Purchase Agreements

Summary

- Parties involved: Solar developer, energy customer, potential third-party financier
- Applicable sectors: Residential, commercial, industrial, and municipal
- The County's role: Promotional: encourage and facilitate the use of leases and PPAs
- Suitability: Immediate action possible with low level of effort
- Next steps: Strong leasing/PPA program is already pervasive.[11] Investigate market awareness of lease/PPA options and determine strategies to promote and facilitate these options. Study communities that organize and lease as large groups and determine if results are replicable around the County.

Introduction

Under a power purchase agreement (PPA), a third-party developer owns and operates a solar photovoltaic system installed on a host customer's building. The customer agrees to site the system on its property in exchange for purchasing the electricity produced by the system, typically at lower-than-market rates.[12] Leasing is a similar model in which a third-party company owns the solar and leases it to the host which then makes regular lease repayments to the company. The Energy Upgrade California guide describes PPAs and solar leases,[14] and the options are highlighted in the Solar Finance Guide[15] for interested residents of LA County.

Suitability for LA County

This option is highly suitable for LA County, and already common within the area, particularly in terms of solar installations through PPA and leasing firms like SolarCity and Sungevity. This appears to be the preferred leasing option for contractors in the LA County area. Current PPA/leasing providers typically offer installation of equipment for no money down, allowing for reduction in energy bills from day one. Specific financing terms are set based on the credit profile or small business risk of the project recipient.

[11] https://energyupgradeca.org/county/los_angeles/about_solar_financing
[12] http://www.epa.gov/greenpower/buygp/solarpower.htm
[14] https://energyupgradeca.org/county/los_angeles/about_solar_financing
[15] P.2, http://energycenter.org/sites/default/files/docs/nav/policy/research-and-reports/SoCal%20Solar%20Finance%20Guide.pdf

Potential Challenges

There are three primary challenges to widespread adoption of PPA and leasing agreements to finance renewable energy projects in LA County

- Marketing: Lack of consumer awareness of PPA and leasing options in LA County is still the main limiting factor. National polls indicate that the vast majority of Americans favor solar power adoption, but there is an information disconnect.[17] Deepest solar market penetration is achieved when homeowners and neighborhoods organize and bid/sign up for projects as a group.[18]
- Minimum Credit Score: Consumers with low credit scores are not eligible. Typically, a minimum credit score of 680 is needed by most offerings.[19]

Next Steps

LA County already has done an exemplary job arranging support for leasing and PPAs with its residents. As next steps, we recommend that LA County determine how to broaden marketing campaigns for PPA and leasing options within LA County. As part of this effort, LA County could actively provide information on available financing options to real estate owners and managers, real estate brokers, and tenant organizations, as well as energy service installers and contractors. The LA County solar map could provide additional information to assist more targeting marketing of communities with higher solar and roof potential. In addition, special attention might be given to marketing efforts and incentives targeted at owners of new and existing affordable housing projects; because these building owners often pay for tenant utilities, they have a stronger incentive to improve building efficiency and use renewable energy.

One additional opportunity for LA County could be to support neighborhood associations as they try to disseminate information and bundle solar and instillations. When a group of homes or a community act together to seek contractors, the installers can offer discounted rates because of the larger size of the bid. Bundled installations also allow a broader diversity of customers to receive financing (e.g., good credit scores offset bad ones). Some cities have already recognized the benefits of having municipal government aid in the organizing of bundled household bids. For example, the City of Portland's Bureau of Planning and Sustainability, Energy Trust of Oregon, and Solar Oregon offer strategic and technical assistance to neighborhood organizations that are interested in pursuing a "Solarize" project. The City helps to bring the groups together, determine who to hire, and when to start, and has experienced discounts of 15% to 20% off (for both financed and non-financed projects)[20]

[17] http://phys.org/news/2013-08-leasing-solar-cost-saving-option-homeowners.html
[18] http://www.portlandoregon.gov/bps/article/405686
[19] http://www.solarcity.com/residential/solar-lease.aspx
[20] http://www.portlandoregon.gov/bps/article/405686

B. PACE for Residential Properties

- Parties involved: County, residential property owners, solar and energy efficiency vendors
- Applicable sectors: Residential
- The County's role: Promotional/Institutional: Develop residential program and encourage participation
- Suitability: Immediate action possible with low/medium level of effort
- Next steps: Commercial PACE is already operating. Western Riverside COG presents model to expand to residential properties even without current resolution of federal residential guaranteed mortgage issues.

Introduction

LA County already has a PACE (Property Assessment for Clean Energy) program in place that is operational for commercial energy upgrades (http://lapace.org/). Under PACE, loans are extended to fund renewable energy and energy efficient installations and then paid back as part of the property tax payments.

PACE financing for residential customers was interrupted due to a 2010 statement by the Federal Housing Financing Agency (FHFA) advised Fannie Mae and Freddie Mac to avoid acquiring mortgages on homes that participate in a PACE program. The concern is with PACE program with "first liens" (i.e. superior to the mortgage). FHFA also discussed other potential actions that could be taken in areas in PACE programs such as adjusting loan-to-value ratios, ensuring that loan covenants require approval for any PACE financing; and/or tightening borrower debt-to-income ratios. If these actions were taken, a homeowner could, in theory, be declared in default of their mortgage. FHFA has also engaged in rule-making concerning PACE but it is unclear if it will actually complete the rule-making.

In response to the FHFA statement, many PACE programs halted their residential programs (only residential properties get Fannie Mae/Freddie Mac financing) due to concern about potential effects on federally-backed mortgages in the area of the residential PACE program.

Despite the FHFA statement and in lack of any formal rule or enforcement action, certain PACE residential programs have been developed, in which participants are made aware of the potential risks concerning potential actions that could be taken by federal mortgage agencies. Some PACE program proponents argue that that the federally backed housing lenders are not actually banned from serving PACE customers – they simply have to require the mortgage to be paid first and that as long as homeowners understand the risks involved, then they can still legally participate in PACE. Some PACE programs also make the PACE loan a junior lien to the mortgage, but this can make such programs less attractive to private investors.

The HERO program in Western Riverside County, which is also being rolled out by San Bernardino County and other locations in California, is extending PACE funding to residential customers. The program addressed the FHFA's requirements by giving homeowners two cautionary messages. The first message tells homeowners they should review their mortgages for any provisions that may be triggered by the assessment. The second message says they may have to pay off their assessments when they sell or refinance their homes. Many cities in LA County are already exploring joining the HERO program in 2014 (https://www.heroprogram.com/participating).

Suitability for LA County

This option is highly suitable for LA County, and has precedent in Riverside County and San Bernardino County.

Potential Challenges

- In Riverside–San Bernardino, the current HERO program has the following requirements:
    - All mortgage-related debt must not exceed 90% of the value of the property.
    - Mortgage payments must be current at the time of application, and property owner(s) must not have had more than (1) 30-day mortgage late payment over the past twelve months.
    - Property taxes for the prior twelve-month period must have been paid on time and no more than one late payment within the past three years.
    - No outstanding involuntary liens, such as tax liens or mechanic's liens.
    - The property owner(s) must not have filed for bankruptcy in the past two years. If they have a bankruptcy record between two and seven years old, they the property owner(s) must not have had any additional late payments more than (60) days past due in the last (24) months.
    - Mobile homes must be permanently attached to the property and the owner of the underlying property must be the applicant and be subject to real property taxes
- Property taxes typically stay with the property when it is sold. Under the HERO Program, when one sells or refinances the property, the remaining payments may stay with the property. However, lenders may require owners to pay off the remaining balance when refinancing or selling the home.

Next Steps

One option for LA County would be to support PACE by including the unincorporated area in the HERO residential program, along with the incorporated cities in the County.

C. Energy Efficient Mortgages

Summary

- Parties involved: Mortgage lender, mortgage applicant (residential), FHA or alternative federal agency.
- Applicable sectors: Residential
- The County's role: Promotional and/or Active: encourage and facilitate the adoption of EEMs and possibly financially incentivize EEMs with interest rate buy-downs
- Suitability: Immediate action possible with moderate effort
- Next steps: Study local mortgages to find out what portion are EEMs. Determine how many mortgage lenders are aware of EEMs and which can execute an EEM. Find out if lenders have any difficulties or confusion that keeps them from promoting EEMs. Assess whether LA County wishes to financially incentivize EEMs.

Introduction

Energy efficient mortgages enable homeowners/buyers to finance the cost of adding energy efficiency features to new or existing housing as an add-on to a home purchase or refinancing mortgage. Currently, energy efficient mortgages are insured by Fannie Mae, Freddie Mac, the Federal Housing Administration (FHA), and Department of Veteran Affairs.

Structure

EEMs allow a mortgage recipient to borrow more capital (for the purposes of buying energy upgrades) because the energy upgrades will effectively increase the available income of the borrower. EEMs are not a second mortgage—they are "tacked on" when conventional mortgages are undertaken, and the loan is then insured by one of a few different federal agencies (typically the FHA). FHA Energy Efficient Mortgages are for $4000 or 5% of the property value up to $8000, require no additional down payment, and do not affect interest rates (as shown below).

Table 2: Example of Conventional Mortgage and EEM Payments[22]

	Mortgage without EEM	With EEM
Base Loan Amount	$160,000	$160,000
Energy Improvements	$0	$8,000
Total Loan Amount	$160,000	168,000
Down Payment	$5,600	$5,600
Interest Rate	4.75%	4.75%
Monthly Mortgage Payment	$1,301	$1,367
Average Utility Bills	$265	$135
Total of Mortgage + Utility Payments	$1,566	$1,501
Monthly Savings	-	$65
Yearly Savings	-	$779

[22] http://www.structuredenergies.com/energy-efficient-mortgages

Eligibility Requirements

EEMs are only applicable for borrowers purchasing a new home or already refinancing an existing home (e.g., to take advantage of lower interest rates). EEM programs are limited in their ability to reach a majority of the population at any given time. However, they provide more financing at a critical transaction point when borrowers may already be considering a remodel or upgrade work.[23]

Generally speaking, if a mortgage candidate qualifies for a conventional mortgage, they likely qualify for the EEM mortgage add-on. There are some additional requirements of the projects and amounts with regards to EEMs. These are described by the FHA:

- EEM eligible properties are one to four unit existing and new construction. EEMs may be added to some other loan types, including streamline refinances.
- The cost of the energy efficient improvements that may be eligible for financing into the mortgage is the lesser of A or B as follows:
    A. The dollar amount of cost-effective energy improvements, plus cost of report and inspections
    or
    B. The lesser of 5% of:
        - The value of the property, or
        - 115% of the median area price of a single family dwelling, or
        - 150% of the conforming Freddie Mac limit.
- To be eligible for inclusion in the mortgage, the energy efficient improvements must be cost effective, meaning that the total cost of the improvements is less than the total present value of the energy saved over the useful life of the energy improvement.
- The cost of the energy improvements and estimate of the energy savings must be determined by a home energy rating report that is prepared by an energy consultant using a Home Energy Rating System (HERS). The cost of the energy rating report and inspections may be financed as part of the cost effective energy package.
- The energy improvements are installed after the loan closes. The lender will place the money in an escrow account. The money will be released to the borrower after an inspection verifies that the improvements are installed and the energy savings will be achieved.
- The maximum mortgage limit for a single family unit depends on its location, and it is adjusted annually. FHA's maximum mortgage limits by county are available online.

Suitability for LA County

It is not suggested that LA County would actively issue or insure energy efficient mortgages; federal programs through FHA and other agencies should offer the necessary insurance. Instead, one possible role for LA County could to be to promote energy efficient mortgage applications within the County and to make local mortgage issuers aware of EEM

[23] P. 37, http://www.epa.gov/statelocalclimate/documents/pdf/FinancingProgramsResourceGuide.pdf

opportunities and more comfortable with writing EEMs.[24] A handful of state governments have even experimented with rate buy-downs and other ways of financially supplementing EEMs.[25]

Potential Challenges

- Mortgage lenders find EEMs tedious/difficult, for a number of reasons:
- EEMs require more paperwork and processing time for lenders.
- EEMs are harder to sell in the secondary mortgage market.
- Money must sit in escrow while energy options are shopped/installed. This adds complexity and length to mortgage sales process.
  - Borrowers rarely request EEMs and often don't want to add additional complexity to an already monumental financial decision. This is especially true for lower income buyers who require the use of a first time home buyer program.
  - Real-estate agents are largely unfamiliar with EEMs and don't propose them when discussing mortgages for a real-estate transaction.

Next Steps

We recommend that LA County study local mortgages and determine what percent are EEMs and what types of consumers are applying for them—with the goal of determining where promotional efforts around EEM would be most effective. The largest barrier to more pervasive EEM adoption is making sure consumers and real estate agents know about EEMs and know which mortgage lenders are willing to issue them.

LA County could also determine the prevalence of mortgage lenders that are aware of EEMs and can actually execute one. Further research could elucidate whether lenders have specific difficulties or misunderstandings that prevent them from promoting EEMs, and the County might consider developing materials and incentives for lenders to overcome these hurdles.

Lastly, we suggest that LA County consider whether it would like to financially incentivize EEMs. This assessment would likely take into account whether funds are currently available or if they would need to be raised, as well as the type of financial support would be most beneficial for LA County.

[24] This new study quantifies EEM default risks and provides lenders much needed data-- http://www.imt.org/resources/detail/home-energy-efficiency-and-mortgage-risks-executive-summary

[25] http://aceee.org/energy-efficiency-sector/state-policy/Colorado/179/all/201

D. Community Investment Notes and Impact Investing

Summary

- Parties involved: Foundations and note issuers, energy non-profits, micro investors
- Applicable sectors: Non-profit organizations focused on residential and commercial; others possible
- The County's role: Promotional: help non-profits and eligible organizations apply for Community Investment notes and other impact investing options
- Suitability: Long-term option with low level of effort.
- Next steps: Determine whether any non-profit organizations within LA County would benefit from Community Investment Notes, then promote/support them in their application.

Introduction

There are significant pools of capital in the form of low interest concessional and semi-concessional loans available to non-profits and community organizations from impact focused investment firms. These sources of capital can be used for financing building construction, retrofits and other capital projects, including renewable energy and energy efficiency. Community Investment Notes are large loans that become part of portfolios that socially responsible investment firms offer to clients. There are also increasing opportunities in emerging forms of smaller scale impact investing.

Eligibility Requirements

Funding from Community Investment Notes is typically reserved for companies/institutions that are making a "positive social impact." Energy work in LA County may fall into this category, however, that is mostly up to the issuer. While most of these lending institutions seek poverty-related international projects, some like the Calvert Foundation target CDFIs, loan funds, microfinance institutions, affordable housing developers, and social enterprises both domestically and abroad. To get social impact investing dollars into LA County through a Community Investment Note, LA County would likely have to partner with a non-profit institution trying to execute the desired energy upgrades. Calvert issues loans of $1 million to $5 million with interest rates based on Calvert's present cost of capital.

Smaller scale impact investing may have less stringent guidelines and terms that more closely resemble a solar lease, performance contract, or PPA.

Suitability for LA County

LA County would not actively solicit Community Investment Notes. However, LA County could promote the use of Community Investment Notes in local projects/organizations. LA County could also host symposiums, advertise on behalf of local organizations, list capital sources, and guarantee projects.

Another option is for LA County to work to streamline the process of smaller scale impact capital. The County could create a clearinghouse that matches energy upgrade needs/opportunities with web platforms (such as Solar Mosaic, Kiva, or Kickstarter) and impact investors that can enable projects with capital and other forms of support.

Potential Challenges

- There may not be any reasonable partnerships or areas for allocation of Community Investment Note financing in LA County.

Next Steps

With regard to Community Investment Notes, we recommend that LA County determine whether any non-profit organizations within the County might benefit from Community Investment Notes, and then provide assistance with their application or determine which social impact investing organizations have made similar investments. Organizations receiving financing would have to be well established and already funded, so the most likely partner would be an energy-related non-profit that is looking to finance a new campaign.

For smaller scale impact capital, LA County should conduct a study that assesses if web platforms offering crowd-funded donations/financing could serve renewable energy and energy efficiency upgrades better than current markets. As of now, such research in this field is extremely limited but there are example of crowdfunding for renewable energy un the United Kingdom and other locations in Europe.[26]

[26] See: http://cleantechnica.com/2013/12/20/crowdfunded-renewables-game-changer/

E. Green Revolving Fund (GRF) for Non-Municipal Buildings

Summary

- Parties involved: The County, funding recipients, possibly support contractors
- Applicable sectors: Primarily residential and commercial; others possible
- The County's role: Active: manage the GRF, conduct credit risk analysis, collect repayments
- Suitability: Long-term option with high level of effort
- Next steps: Determine whether an external GRF would fulfill an unmet financing need. Consider bylaws, default risk, and other legal implications.

Introduction

A revolving loan fund[27] for County-owned facilities was ratified April of 2012 for $5 million. However, there is an opportunity to explore expanding this financing option to residential and commercial customers. Offering loans to the general public (external loans) introduces some additional risks and complexities, and the following factors will need to be considered by the County and its contractors:

- *Contract law:* Capital lease agreements, loans, or other means to disbursing GRF funding can be drafted fairly easily based on existing templates in many cases. However, LA County will likely need to have these documents generated or at least reviewed by a legal team to ensure they are legally robust in the event of default or litigation.
- *Credit risk analysis*: When issuing loans to outside parties, the issue of default becomes a greater risk. Funding recipients may cease to make their required repayments due to bankruptcy, relocation, poor project performance, disagreement with the County, or other factors. Conducting a complete credit risk analysis before approving each loan can help to mitigate this risk. A complete assessment would likely include credit score as well as other factors such as location and likelihood to relocate and standing in the community. Credit risk could be conducted internally or by contractors.
- *Payment collection:* Collecting and processing payments from loan recipients is also an important consideration. In particular, a secure but streamlined payment process would be needed to minimize transaction costs and ensure that GRF financing is user-friendly. The County may also want to examine contingencies for reclaiming funding or assets in the event of default.
- *Repayment rules:* Repayments to an outward-facing GRF can be structured in a few different ways. First, savings can be measured directly[28] to determine repayments, ensuring that repayments do not exceed actual savings. However, this approach can be costly, as it required annual application of an agreed-upon measurement

[27] http://file.lacounty.gov/bos/supdocs/67734.pdf

[28] Renewable electricity generation can typically be metered on-site. Measurement of savings from energy efficiency must be conducted using a measurement and verification (M&V) approach. The International Performance Measurement and Verification Protocol has standardized these approaches: http://www.nrel.gov/docs/fy02osti/31505.pdf

methodology. Second, repayments can be set according to expected savings determined through upfront engineering estimate, with no connection to actual measured savings. Third, repayments can be structured without any relationship to savings—for example, requiring loans to be repaid within a fixed period of time.

Structure

Funds operated by individual organizations (most of which are in higher education, currently) range from tens of thousands dollars to several million. Among the 79 known revolving loan funds in higher education in 2012, the smallest was $12,000 (Bucknell) and the largest was $13 million (University of Vermont), with a median fund size of $400,000.[29] Funds operated by state governments are often larger, with the Texas LoanSTAR program representing the largest known GRF at $125 million.[30]

Many funds set a minimum project size to ensure that management overhead does not become a disproportionate part of total cost and/or a maximum project size to ensure that GRF financing is spread across multiple projects. Because GRFs rely on repayment of savings from projects to operate, they tend to focus on project with the quickest payback periods. Some funds place explicit restrictions on payback period or return on investment (ROI) to ensure that capital can be quickly recouped.

Eligibility Requirements

Assessing eligible candidates for a GRF loan is possibly the most difficult part of adding an external facing component to LA County's revolving loan fund. Going beyond LA County owned institutions introduces a risk of default and a need for credit risk analysis. However, some municipalities have still found benefits in making external loans through a revolving loan fund.

For example, Palm Beach County in Florida has an external facing green revolving fund that invests in local private, for profit businesses.[31] They use existing tax and accounting practices within the municipal government to aid the GRF's operation. Palm Beach County offers a flat 3% annual fixed interest rate for variable time frames up to 10 years. The project is just underway, but reports that it requires the following information when performing their credit risk analysis:

1. Business history, industry, types of goods and services, and years of service provided (tied to specific type of industry as balance sheet and operating ratios vary considerable from industry to industry).
2. Resume of principals and key management personnel (to assess management history/expertise in this particular industry).
3. Financial statements: 3 years of historical financial or audited statements and tax returns (NOTE: if most recent annual statement is more than two months old, an interim statement of less than 30 days is also required); Statement analysis includes trend analysis, ability to repay debt and adequacy of working capital;

[29] http://greenbillion.org/wp-content/uploads/2012/11/Greening-the-Bottom-Line-2012.pdf
[30] http://www.seco.cpa.state.tx.us/ls/
[31] http://www.pbcgov.com/des/energyfund.htm

4. Projected financial statements - Showing repayment out for the first year, including balance sheets, operating statements, projections and reconciliation of the net worth/capital section of the balance sheets (NOTE: Projections must include the impact of the proposed financing and the underlying assumptions used to create projections, such as: Probability of achievement given the underlying assumptions and project cash flow determination which will service proposed debt)
5. Personal Financial Statements from anyone having 10% or more ownership of the business along with personal tax returns. Personal guarantees are generally required from principals of the applicant (NOTE: Personal Financial Statements are submitted on SBA Form 413 or similar form acceptable to Palm Beach County
6. Credit History; Independent credit investigations conducted on applicants and principals, including real estate searches, Uniform Commercial Code (UCC) searches with the Secretary of State and personal credit reports on the principals.

Available Incentives

Many of the country's revolving funds were set up with specific funding from the American Recovery and Reinvestment Act (ARRA) although some municipalities have issued energy bonds to finance GRF style energy projects. LA County's current GRF finances municipal buildings but may not be sufficient to finance the residential or commercial sectors.

Suitability for LA County

If LA County has capacity or can easily contract the necessary capacity, an external facing GRF may be possible. However, the Energy Upgrade California loans may fill the same niche that an external GRF seeks to fill.

Potential Challenges

- Banking Expertise: To execute a GRF, LA County would have to obtain all of the capacities of a commercial bank or contract out for these capacities.
- The existing $5 million revolving loan program may not be sufficient to run an effective campaign. More capital may need to be raised.
- Similar financing options already exist and are used by installers/contractors.

Next Steps

We recommend that LA County continue to develop its internal GRF offering for municipal buildings, as the benefits are well documented.[32] With regard to an external GRF, we suggest that LA County consider whether a management-intensive external GRF would fulfill an unmet financing need, and whether easier alternatives may exist that do not require setting up a new lending/collection section of municipal government.

[32] http://www.aashe.org/blog/guest-blogger-revolve-or-not-revolve

F. Internal (Municipal) Carbon Fees and Carbon Taxes

Summary

- Parties involved: Municipal energy consumers (fee) or all energy consumers (tax)
- Applicable sectors: Municipal (fee) or residential, commercial, and industrial (tax)
- The County's role: Active: levy fee or tax on electricity and/or fossil fuels consumed and allocate revenue to energy abatement or other uses.
- Suitability: Fee: Immediate action possible with high level of effort. Tax: Long-term with high level of effort.
- Next steps: Determine the feasibility of an internal carbon fee to test concept and make internal operations efficient. Also begin to assess attitudes toward a price on carbon. If residents would be open to an additional tax, begin determining how tax would be assessed.

Introduction

Internal (municipal) carbon fees, and more prominently carbon taxes, are often discussed, but not as widely used. As of 2013, Boulder Colorado is the only municipality in the United States that has an operational carbon tax. Other municipalities around the world have levied internal carbon fees, in which municipal owned entities pay a fee based on their carbon emissions and the money is used to help the municipality reduce its carbon footprint.

Revenue from a carbon tax is typically used to help an institution meet its energy/carbon reduction goals, both internal and county-wide, though some have proposed a "revenue neutral" tax in which carbon taxes replace income taxes and spending levels remain the same.

Structure

Carbon charges can take two forms: carbon fees and carbon taxes.

Carbon fees: An internal carbon fee is levied on all municipal buildings/entities based on carbon production. The internal nature of this type of charge allows makes the process more manageable and the collection of the fee is simplified by the fact that the budget of each internal institution is typically allotted by the municipal government.

The City of Saanich, British Columbia has a fee of $15 per ton of carbon, which is collected from every department based on their annual GHG inventory. Funds are then allocated to project proposals for carbon reduction projects at municipal buildings based on the carbon mitigation per dollar value of each project. This system incentivizes Saanich municipal departments to reduce carbon so that they might incur smaller fees, and to propose the best possible carbon reduction projects so that they might take advantage of the communal pool of money before another department does.

Carbon Taxes: An external, countywide carbon tax, is levied on energy consumption. As mentioned, Boulder, Colorado is the only US municipality currently employing a carbon tax. In Boulder's system, constituents have an added tax on their electricity consumption and

the local utility, Xcel energy, collects the tax through the existing utility bills for the municipal government. Tax rates are as follows: [33]

- Residential Tax Rate: $0.0049/kWh
  - Average Annual Tax: $21
- Commercial Tax Rate: $0.0009/kWh
  - Average Annual Tax: $94
- Industrial Tax Rate: $0.0003/kWh
  - Average Annual Tax: $9,600

Funds from the tax are used to pursue the Boulder Climate Action Plan, which holds Boulder to Kyoto level carbon reduction goals. Since its inception in 2006, the Boulder Climate Action Plan tax has raised between $600,000 and $1.8 million a year and funded weatherization programs, rebates for renewables energy and energy efficiency projects, and efficient lighting coupons.

Suitability for LA County

An internal price on carbon is an excellent way to galvanize a municipal government around reducing energy, savings money, and achieving carbon reduction goals. An external carbon tax is not impossible in LA County, but new taxes are always highly controversial and thus it would be beneficial to study the LA County constituents with polling or some alternative method of determining interest before pursuing such a program. Ultimately, a carbon tax would create a strong incentive system for carbon reductions in line with LA County's CCAP.

Potential Challenges

- "Taxes" are highly unpopular and their acceptance is tied to the base of constituents. The progressive citizens of Boulder, Colorado voted to extend their carbon tax in 2012, after six years of success. However, this example is the exception to the rule.

Next Steps

LA County could begin by determining the feasibility of an internal carbon fee to test the concept and improve the efficiency of internal operations. Revenues could be added to the LA County Energy Revolving Loan Fund Program or could be used to make up any budget shortfalls.

A next step could be for LA County to begin to assess the public's perception of a price on carbon. If residents might be open to an additional tax based on preventing climate change, the County could start exploring how such a tax would be assessed.

[33] https://www-static.bouldercolorado.gov/docs/Tax_At-a-Glance_v05-1-201307081503.pdf

G. On-bill Repayment

Summary

- Parties involved: Municipal utilities, ratepayers, LA County (promotional role)
- Applicable sectors: Commercial and residential
- The County's role: Promotional: link institutional capital with participating residents/utilities
- Suitability: Immediate action possible with high level of effort
- Next steps: Engage municipal utilities participating in commercial OBR and determine interest and feasibility of residential market systems

Introduction

On-bill repayment (OBR) allows a consumer to receive an energy upgrade at no up-front cost and pay back the cost of the project through an added charge assessed on the consumer's energy bill every month. On-bill repayment is currently available for commercial organizations in LA County and provides zero percent loans for energy upgrades,[34] but there is no such option for residential consumers. There is currently no residential OBR offering from the major utilities in LA County, but it may be available in the future The CPUC approved a pilot for master metered multifamily OBR program in September 2013.[35] This section below focuses only on the small subcategory of achieving residential OBR with municipal utilities and what the County could do to support this effort.

Targeting residential buildings adds a certain challenge to OBR. Residential buildings are more often rented or leased. The smaller scale of residential spaces means longer paybacks on project costs. Lastly, there are certain consumer lending laws to consider when making loans to residential customers.

Building and Technology Types

OBR can theoretically accommodate all technology types for the residential space in a variety of types of buildings, though in practice, cost-effective projects with quicker paybacks are easier to finance and challenges associated with residential buildings (renters, consumer lending laws, etc.) need to be overcome.

To finance residential buildings, there is the problem of rented/leased spaces. If an occupant receives financing, implements a project, and then leaves the building and no longer benefits from the energy upgrade, who is responsible for the continuing payments? Residential OBR would likely have to apply a tariff-based system[36] in which the debt obligation from an energy upgrade is assigned to a building's meter. This allows the repayment obligation to transfer to subsequent owners or renters who benefit from the energy upgrade and its corresponding savings. The transfer of OBR obligations is likely more attractive than assumption of debt obligations tied to capital lease transfers of solar and EE projects.

[34] http://energycenter.org/sites/default/files/docs/nav/policy/research-and-reports/SoCal%20Solar%20Finance%20Guide.pdf
[35] See: http://switchboard.nrdc.org/blogs/lettenson/2013-09-19_EE%20Financing%20CPUC%20Press%20Release.pdf
[36] http://www.aceee.org/files/proceedings/2012/data/papers/0193-000154.pdf

Structure

OBR is scalable assuming that the proper contract system is in place with the necessary financing and marketing. In order to achieve large scale adaptation, a few considerations must be made:

Contract system: The longer paybacks of smaller residential projects pose less of a problem when the tariff-based system is employed because repayments periods aren't subject to the length of occupation by one resident.[37]

Certain municipalities also vary interest rates based on the technology. For example, certain Connecticut utilities offer 2.99% on-bill financed loans for certain heat pumps and insulation, while offering 4.99% loans for furnaces and windows. [38]

Assuming that OBR's can achieve the contracts with the necessary tenure, the next step is to secure the necessary financing for residential scale OBR.

Capital: OBR is scalable relative to available capital. Residential OBR systems have been funded in one of three ways:

1. Municipal utilities use their own capital (or capital raised from ratepayers) to fund energy projects
2. Municipal (or state) governments provide the capital, possibly through an existing pool of capital earmarked for energy projects that is redirected to OBR (like a green revolving fund), and collect through the OBR system set up with the participating utility.
3. A third party financier is brought in and the utility acts as collection agency.

LA County could negotiate attractive financing with local financiers or utilities, much like the leasing option, or could finance projects directly.

Marketing: The last scaling consideration is marketing. There needs to be adequate interest from consumers for an OBR system to succeed, and consumers need to be made aware of the option. Research indicates that if OBR financing rates are significantly below market rates, consumers will show interest.[39]

Eligibility Requirements

Consumer meter issues are subject to approval by the California Public Utilities Commission.[40] Additionally, many utilities have cited complex consumer lending laws as prohibitive of residential OBR.[41]

[37] Loan-based systems typically try to have the projects pay for themselves within the occupant's tenure in the building. This limits the length of paybacks, which limits the types of projects that can be completed.
[38] P. 5-7: http://www.aceee.org/files/proceedings/2012/data/papers/0193-000154.pdf
[39] Conclusion section: http://www.aceee.org/files/proceedings/2012/data/papers/0193-000154.pdf
[40] See "Master-Metered Multifamily with On-Bill Repayment" section: http://www.wsgr.com/WSGR/Display.aspx?SectionName=publications/PDFSearch/wsgralert-california-on-bill-repayment.htm
[41] P. 11: http://www.aceee.org/sites/default/files/publications/researchreports/e118.pdf

Available Incentives

South Carolina, Connecticut, New York, Indianapolis, Kansas, and Georgia have all used federal funding and/or incentives when setting up their state-wide OBR systems.[42] Typically this was in the form of American Recovery and Reinvestment Act (ARRA) funding, but these programs have also been supplemented by the Rural Utilities Service (RUS) and the Regional Greenhouse Gas Initiative (RGGI).

Suitability for LA County

There is value in helping municipal utilities to set up OBR systems. Default rates on utility bills tend to be far lower than for other debts, such as mortgages and credit card balances.[43] By utilizing this attribute of utility bills, money lent through OBRs can offer substantially lower rates, longer maturities and better terms for an OBR loan relative to conventional EE loans.

In LA County, further exploratory work would be required to determine whether the major utilities serving the unincorporated areas would be willing to extend their services to offer residential OBR.

Potential Challenges

- The consumer lending laws around residential lending are more prohibitive than commercial lending.
- Third-party financiers are less interested in financing OBR compared to conventional loans/leases. Lenders want that monthly contact with the customer through the loan servicing, which can often bring further business (e.g., opening a bank account or taking out another type of loan). Another reason cited is the relative limited history of OBR programs, which makes OBR seem risky and unproven for lenders.
- Utility billing software/processes are rigid and do not accept change easily.
- Not all utilities are viewed favorably by their customers, which could slow adoption.
- Utilities still worry that OBR will increase the risk of non-payment, even though in the case of partial payment, the generation and transmission & distribution charges are senior and paid off first before OBR debts.

Next Steps

As a first step, LA County could engage municipal utilities participating in commercial OBR and assess whether they would be willing to extend this service to their customers if LA County arranges the financing. If utilities were interested, LA County could then proceed to determining a reasonable source of funding. The most likely answer would be existing credit facilities that have participated in energy efficiency and renewable energy financing.

[42] http://www.puc.state.pa.us/Electric/pdf/Act129/OBF-ACEEE_OBF_EE_Improvements.pdf
[43] P. 6, http://www.edf.org/sites/default/files/On-Bill%20Repayment-Unlocking-the-Energy-Efficiency-Puzzle-in-California.pdf

5) Options Not Considered for Further Analysis

The following energy financing options were not considered for further analysis because they are not particularly well suited for the unincorporated areas of LA County or because they are not applicable to the residential sector, such as private equity financing.

A. Green Bank

A green bank is a clean energy finance bank set up by a government entity that combines government money and leverages private capital to provide a combination of low-interest rate funding (making clean energy projects competitive) and low-cost 100 percent up-front loans for energy efficiency projects. The banks are governed by a board of public and private members and can follow a variety of structures. However, all green banks share two objective functions: increase the amount of clean electricity at competitive prices per state dollar and increase efficiency of consumption to maximize benefits to consumers per state dollar.

The existing literature does not show any municipalities in the United States pursuing a green bank option. State governments like Connecticut[45] [46] and New York[47] are pursuing them, but there may be a question of scale for unincorporated LA County.

B. Performance Contracting

Commercial/Municipal performance contracting is covered by the ESCO section of the Solar Finance Guide. ICF conducted further research into residential energy service performance contracting and found a lack of commercial institutions willing to finance individual homes. The residential segment does not represent a core market for any of the nation's larger energy service companies. ESCOs that do participate in the residential market typically target larger multi-family and public housing facilities.[48]

Until the residential ESCO market grows in size, performance contracting will not be an ideal method of rolling out energy solutions to residents of LA County.

C. Private Equity

A variety of Private Equity (PE) firms and private investment funds are active in financing energy efficiency and renewable energy projects and can serve as valuable sources of capital and management expertise. Sizeable gains in carbon reduction at the municipal level can be had through private equity investment in natural gas, hydro, wind, solar, and biomass generation projects as well as large-scale efficiency contracts. However, PE investment in energy efficiency and renewable resources typically requires a scale that is not applicable to residential space. Municipal energy projects are investigated on a case-by-case basis and not aided by high-level analysis.

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[45] http://www.greentechmedia.com/articles/read/connecticuts-green-bank-a-model-for-public-private-renewables-partnerships
[46] http://www.ctcleanenergy.com/
[47] http://www.governor.ny.gov/NYGreenBank
[48] P. 5, http://emp.lbl.gov/sites/all/files/REPORT%20lbnl-3479e.pdf

D. Municipal Bond Financing

LA County's Public Agency Master Lease Program (SoCalRec) fills this niche of leveraging LA County's credit rating to pursue municipal energy projects.

E. Tax Credits

National databases of tax credits already exist: energysavvy.com or DSIRE. These are constantly updated and the industry standard for tax credit information, although opportunity may exist for further promotion of these credits by LA County.

ATTACHMENT 3: BOARD MOTION FOR COUNTY SOLAR EFFORTS

AGN. NO.____

MOTION BY SUPERVISORS ZEV YAROSLAVSKY
AND DON KNABE

November 25, 2014

Rooftop Solar Pilot Project

Los Angeles County has long been a leader in many areas of environmental policy. Through the leadership of this Board of Supervisors, Los Angeles County set a goal of reducing energy consumption in its buildings by 20% and requiring that most new buildings be built to the LEED-Silver level of certification or better. These policies are sound, from an environmental and fiscal perspective, since the County spends approximately $150 million per year on electricity and natural gas.

The effort to make buildings more energy efficient is, and should remain, the first "green building" priority for the County. But many other public agencies, including the Housing Authority of the County of Los Angeles, have gone beyond simply increasing energy efficiency and have installed solar panels on their buildings. Their experience shows that, when done correctly, installing solar is good for both the environment and the agencies' budgets. To date, however, the County has installed solar systems on fewer than 20 of the 1,154 buildings that the County owns. The Chief Executive Officer and the Director of Internal Services should accelerate the County's adoption of solar and should develop a pilot project to install additional solar panels on County buildings.

	MOTION
MOLINA	_____
RIDLEY-THOMAS	_____
YAROSLAVSKY	_____
ANTONOVICH	_____
KNABE	_____

At the present time, various organizations have proposed models that would facilitate the installation of solar panels on public and private rooftops throughout Southern California. Under one such model, the County could install solar on ten to fifteen buildings with minimal upfront cost and without needing to use the buildings as collateral for any loans. In addition to this model, other non-profit and/or for-profit entities may be interested in working with the County to facilitate installation of solar systems on County-owned buildings. Alternately, the County could invest its own money, or use grant funds, and proceed without relying on third-party financing.

WE, THEREFORE, MOVE that the Board of Supervisors instruct the Director of Internal Services, working in conjunction with the Chief Executive Officer and other appropriate departments, to:

1) Initiate a competitive contracting process to implement a Rooftop Solar Pilot Project to install solar panels on up to 15 County buildings;
2) Return to the Board of Supervisors with the proposed contract(s), no later than 120 days from today, together with an analysis of costs using a County-financing model, so that the Board of Supervisors can select one or both of these options;
3) Report back to the Board of Supervisors at appropriate intervals during the contracting and installation process, and again when the solar panels are completed, regarding ways in which the County can further improve the solar installation process on County buildings in the future and;
4) For the first year after installation of the solar panels, submit a report back to the Board of Supervisors, on a quarterly basis, on solar panel performance and savings in energy costs. After the first year, submit the report annually.

KK S:\Motions\Solar

ATTACHMENT 4: ADDITIONAL CORRESPONDENCE

Jay Lee

From: Karen Cadavona [Karen.Cadavona@sce.com]
Sent: Tuesday, March 31, 2015 5:56 PM
To: Susan Tae; Jay Lee
Cc: Mark A 'Law' Rothenberg; David A Ford; Tony Barranda
Subject: SCE Comment on LA County Renewable Energy Ordinance
Attachments: LA_County_Renewable_Energy_Ordinance_March2015.pdf; SCE_LA_Co_Renewable_Energy_Ordinance_Nov2013.pdf

On behalf of Mark A. Rothenberg, SCE Senior Attorney:

Dear Ms. Tae:

Please find attached Southern California Edison's (SCE) second comment letter regarding the Los Angeles County Renewable Energy Ordinance, as well as the first comment letter from November 2013. As discussed with David Ford, SCE is requesting revision of the Ordinance to clarify that investor owned utilities under the California Public Utility Commission's jurisdiction are exempt from the requirements of the Ordinance.

Regards,
Karen Cadavona
Third Party Environmental Reviews
SCE, Local Public Affairs
2244 Walnut Grove Avenue, GO 1 Quad 4C
Rosemead, CA 91770
(626) 302-2481 office
Karen.cadavona@sce.com

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Mark A. Rothenberg
Senior Attorney
Real Properties and
Local Government Affairs
Mark.A.Rothenberg@sce.com

March 31, 2015

VIA EMAIL & US MAIL

Mr. Jay Lee
Department of Regional Planning
Los Angeles County
320 West Temple Street, 13th Floor
Los Angeles, California 90012

Re: Southern California Edison's Second Set of Comments/Proposed Ordinance Amending Title 22 of the Los Angeles Code/Establishment of Regulations for Small-Scale Solar Energy Systems

Dear Mr. Lee:

Southern California Edison ("SCE") appreciates the opportunity to provide the County with comments regarding the above captioned proposed ordinance (the "Ordinance"). SCE understands that the County has released a new iteration of the draft Ordinance. As you may know, SCE submitted comments to the County by letter dated November 26, 2013. For reasons unknown, although the comments are available on the County's web server, the comments do not appear to be listed as part of the DEIR analysis. It also appears that SCE's comments regarding preemption have not been addressed through appropriate revisions to the Ordinance and in staff comments. For example, Section 22.52.1655 of the proposed Ordinance requires the undergrounding of transmission lines. The Ordinance also contains multiple references to conditional use permits being required for solar generation. As discussed more fully in our prior correspondence, SCE solar facilities and transmission lines may not be regulated in this manner. *See* CPUC General Order 131D.

SCE respectfully submits that proposed Ordinance conflicts with the paramount jurisdiction of the California Public Utilities Commission and that the changes proposed by SCE would harmonize the proposed Ordinance with California law. SCE representatives will be in touch with your office to discuss these issues. In the interim, please do not hesitate to contact me should you have any questions or concerns.

Very truly yours,

Mark A. Rothenberg

P.O. Box 800 2244 Walnut Grove Ave. Rosemead, California 91770 (626) 302-6916 Fax (626) 302-6736

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Mark A. Rothenberg
Senior Attorney
Real Property, Local Government
Affairs & Licensing
Mark.Rothenberg@sce.com

November 26, 2013

VIA US MAIL

Ms. Thuy Hua
Los Angeles County Department of Regional Planning
320 West Temple Street, 13th Floor
Los Angeles, California 90012

Re: **Proposed Ordinance Establishing Baseline Standards for Renewable Energy Projects**

Dear Ms. Hua:

Thank you for providing Southern California Edison ("SCE") with a copy of the above captioned Ordinance (the "Ordinance"). The Ordinance provides a series of requirements that will assist the County in regulating the siting of renewable energy projects. The purpose of this letter is to advise the County as to our concerns regarding the Ordinance and to request clarifications that will harmonize the Ordinance with California law.

The design of SCE's generating stations, substations, and transmission lines (including, but not limited to interconnection facilities) are regulated by Order of the California Public Utilities Commission ("CPUC"). Unfortunately, the Ordinance creates regulations (inclusive of design requirements) that either expressly or implicitly conflict with the CPUC's jurisdiction. For example, Section 22.52.1620 of the Ordinance would require that SCE obtain discretionary approvals from the County prior to developing a solar facility. Pursuant to CPUC General Order 131D, SCE is required to consult with jurisdictions. However, the CPUC has clarified that SCE is not required to seek discretionary approvals such as conditional use permits. Accordingly, the County would be expressly preempted from enforcing these requirements against SCE installations. *See San Diego Gas & Electric Co. v. City of Carlsbad*, 64 Cal. App. 4th 785 (Cal. App. 4th Dist. 1998) (City preempted from enforcing requirements where CPUC has either expressly or implicitly entered the field of regulation). Similarly, Section 22.52.160(H) of the Ordinance establishes undergrounding requirements for transmission lines. The undergrounding of SCE's transmission lines is governed under SCE Tariff Rule 20. A Tariff Rule is a rule of service that is approved by the CPUC. *See City of Anaheim v. Pacific Bell Co.*, 119 Cal. App. 4th, 838 (Cal. App. 4th 2004) (undergrounding tariff rule constituted CPUC's entry into field of regulation for utility undergrounding).

It is not clear to SCE whether the County intended to regulate renewable generating facilities owned and operated by SCE or our interconnection facilities (whether or not such facilities serve privately owned facilities). Accordingly, SCE respectfully requests that the County clarify that SCE is not subject to the requirements of the Ordinance. Therefore, SCE proposes the following text be added to Section 22.52.1610(B).

P.O. Box 800 2244 Walnut Grove Ave. Rosemead, California 91770 626-302-6916 Fax (626) 302-1926

B. Exemption. The provisions of this part 15 shall not apply to any small scale renewable energy system, utility-scale renewable energy facility, or temporary meteorological tower approved prior to the effective date of the ordinance establishing this part 15. In addition, the provisions of this part 15 shall not apply to: (i) systems (inclusive of small-scale renewable energy systems, utility-scale renewable energy facilities, or wind towers) owned or operated by publicly regulated utilities; (ii) facilities that are subject to regulation by the California Public Utilities Commission; (iii) facilities that interconnect small-scale renewable energy systems, utility-scale renewable energy systems, or wind towers, (including, but not limited to transmission lines or substations owned or operated by a publicly regulated utility); or (iv) any other facility or equipment where the County is otherwise preempted from exercising its jurisdiction.

SCE respectfully submits that the inclusion of the foregoing clarification will eliminate conflicts in the future and will ensure that the proposed Ordinance is compliant with California law. Thank you in advance for your assistance in this matter and for considering SCE's concerns.

Sincerely,

Mark A. Rothenberg

MR:yl:LA County Dept of Reg Pln.docx

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

April 9, 2015

TO: Pat Modugno, Chair
Stephanie Pincetl, Vice Chair
Esther L. Valadez, Commissioner
David W. Louie, Commissioner
Curt Pedersen, Commissioner

FROM: Jay Lee, AICP JL
Community Studies North Section

LOS ANGELES COUNTY DRAFT RENEWABLE ENERGY ORDINANCE – PROJECT NO. R2014-01160-(1-5) – APRIL 22, 2015 – AGENDA ITEM NO. 7

INTRODUCTION

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.

PUBLIC HEARINGS

A public hearing on the Ordinance and the Draft Environmental Impact Report (EIR) was held before your Commission on March 18, 2015 in Lancaster and April 8, 2015 in downtown Los Angeles. Two members of the public testified at the April 8, 2015 hearing via remote testimony from the County Department of Regional Planning (DRP) Antelope Valley Field Office and raised additional concerns regarding the Ordinance. Your Commission continued the matter to April 22, 2015 as recommended by staff.

PURPOSE OF THE ORDINANCE

Over the past several years, local, state, and federal agencies have been tasked to improve their processes to facilitate renewable energy projects in response to opportunities provided to the emerging renewable energy industry through legislative mandates and incentive programs. The benefits of being less dependent on fossil fuels are clear, but careful thought is required to regulate these projects in an environmentally and community context-sensitive way.

Small-scale solar and wind energy projects that generate energy for on-site use, and structure-mounted projects are preferable to ground-mounted utility-scale projects because they have fewer impacts on the environment and surrounding communities.

Ground-mounted utility-scale solar and wind energy projects are a viable option for energy generation because they can produce large amounts of energy and are less environmentally intrusive than relying on fossil fuels. However, these projects are often located in undisturbed areas, whereas small-scale and structure-mounted projects have minimal impacts because they are located in developed areas and on buildings or other structures.

Therefore, the Ordinance has been developed to support renewable energy in a responsible and balanced manner. The Ordinance accomplishes this by:

1. Encouraging small-scale and structure-mounted projects, thereby reducing dependence on ground-mounted utility-scale projects; and

2. Better regulating ground-mounted utility-scale projects to minimize the associated impacts and address community concerns.

Encouraging Small-Scale and Structure-Mounted Projects

The Ordinance encourages small-scale and structure-mounted projects, which promote distributed generation[1] and reduce dependence on ground-mounted utility-scale projects as sources for renewable energy. The Ordinance proposes a streamlined permitting process and includes minimal regulations to incentivize small-scale and structure-mounted projects over ground-mounted utility-scale projects.

Small-Scale Solar Projects

Permitting: The Ordinance streamlines the permitting process for small-scale solar projects. Those that are ground-mounted only require a Site Plan Review in most zones. Those that are structure-mounted only require approval from the County Department of Public Works (Public Works) Building and Safety (Building and Safety), and no DRP review, in most zones.

Regulations: The Ordinance provides minimal regulations for small-scale solar projects related to height and lot coverage.

Structure-Mounted Solar Projects

Permitting: The Ordinance streamlines the permitting process for structure-mounted utility-scale solar projects. The existing County Code requires a Conditional Use Permit (CUP) in most zones for all utility-scale solar projects, whether they are structure-

[1] Distributed generation is a term commonly used in the renewable energy field. It refers to smaller scale systems with the focus on providing for the energy needs for the use on site. This model creates a dispersed systems of small installations.

mounted or ground-mounted. The Ordinance will only require approval from Building and Safety, and no DRP review, for structure-mounted utility-scale solar projects. However, ground-mounted utility-scale solar projects will require a CUP in all zones where permitted.

Regulations: The Ordinance provides minimal regulations for structure-mounted solar projects related to height and setbacks from the perimeter of roofs.

Regulation of Ground-Mounted Utility-Scale Projects

Although the Ordinance will reduce dependence on ground-mounted utility-scale projects by encouraging small-scale and structure-mounted projects, ground-mounted utility scale projects may remain a viable option in some cases. When projects of this type are proposed, this Ordinance would alert renewable energy developers to what will be required for approval. The past several years of permit processing experience with large ground-mounted, utility-scale solar projects has educated the County and the affected local communities on how to identify and address sensitive issues. We now have a better understanding of the cultural and environmental impacts of these large installations. This Ordinance incorporates the lessons learned, and provides measures that give assurances to local communities that certain impacts will be addressed for every project. This Ordinance will also alert renewable energy developers to the review system they must follow, and the types of conditions that will be imposed. The goal of this section of the Ordinance is to better regulate these projects and minimize the associated impacts.

Siting

First and foremost, the Ordinance will limit the overall development of ground-mounted utility-scale projects in the County by directing these projects away from the most sensitive areas within the County.

These projects are prohibited in Significant Ecological Areas (SEAs), which are where the County's most valuable biological areas have been identified, and Economic Opportunity Areas (EOAs) identified in the draft Antelope Valley Areawide General Plan Update.

These projects are also prohibited in all residential zones and the A-1 (Light Agricultural), O-S (Open Space), and W (Watershed) zones, which are where the most sensitive land uses exist in the County.

Key Areas of Focus

The Ordinance identifies development standards and standard conditions of approval for solar and wind energy projects. The extent of these standards and conditions reflect the level of regulation the County deems appropriate for the type of project. Therefore, minimal standards are proposed for small-scale and structure-mounted solar projects, as they are promoted within the Ordinance and reflect minimal associated impacts. Ground-mounted utility-scale solar and wind projects have extensive standards and conditions of approval, which reflect the appropriate careful review of these projects for environmental and community impacts.

For areas where ground-mounted utility-scale projects are allowed, the Ordinance will provide comprehensive and detailed regulations aimed at addressing specific issues and concerns raised from previous projects. Staff identified several key areas of focus for the utility-scale section of the Ordinance, which were previously described in more detail in the staff memo dated March 5, 2015:

- Dust Control
- Water Use
- Aesthetics
- Biota Impacts
- Safety, which includes aviation review (please see below)

Specifically related to safety and aviation, the Ordinance establishes a mandatory aviation review for utility-scale solar projects and all wind projects within a Military Installations and Operations Area or Airport Influence Area as identified by the General Plan or applicable Airport Land Use Compatibility Plan. This aviation review requires consultation with affected aviation-related agencies for any potential impacts to ensure the safety of residents and continued viability of military training and testing operations. These agencies include the Federal Aviation Administration, United States Navy, Edwards Air Force Base, Air Force Plant 42, California Department of Transportation Division of Aeronautics, Public Works Aviation Division, and DRP Airport Land Use Commission staff. Any comments received through consultation are required to be considered, and provided to the decision-making body.

The County Code currently has no regulations for utility-scale solar and wind projects. The Ordinance will provide regulations related to these key areas of focus, and many others to address issues and concerns.

Process

In addition to the regulations in the Ordinance, there are other processes in place that can further regulate ground-mounted utility-scale projects. The Ordinance will apply Countywide and provide the minimum requirements for these projects. The CUP and California Environmental Quality Act (CEQA) processes will provide additional requirements to address context-sensitive concerns.

As mentioned previously, 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 through the CUP process. The CUP process also allows for input from the public, which can propose conditions that address issues relevant to particular communities and site-specific considerations.

All ground-mounted utility-scale projects will also be subject to CEQA, with necessary project-specific mitigation measures applied on a case-by-case basis. Although the Ordinance provides regulations to minimize impacts associated with these projects, it cannot fully address issues that are regulated by other agencies. CEQA review addresses these issues through agency consultation, detailed analysis, and site-specific mitigation that the Ordinance cannot address on its own.

RESPONSE TO COMMENTS

During the March 18 and April 9 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 latest written correspondence was included in the Staff Memo submitted to your Commission on March 26, 2015. Additional correspondence received since then is attached to this Staff Memo.

Staff has further evaluated the comments regarding the applicability of Community Standards Districts (CSDs), and the size of small-scale solar and wind energy systems. Responses to these comments are below.

Applicability of CSDs

Members of the public have expressed concern over language in the Ordinance regarding the applicability of CSDs (subsection B of Section 22.52.1605). There was concern raised that the Ordinance would preempt CSDs, and exempt solar and wind energy projects from CSD regulations.

However, this was never the intent of the Ordinance. Based on our understanding of the community's concerns, the Ordinance has been revised to clarify that for utility-scale projects, where the Ordinance and CSDs regulate the same matter, whichever provision is more restrictive shall apply pursuant to Section 22.04.050 of the County Code, except for wind tower height, height for structure-mounted projects, and fence height. County Code provisions must also comply with applicable State regulations, as further described in the staff memo dated April 2, 2015.

Small-Scale Solar and Wind Energy Systems

Members of the public have expressed concern over the size limits of small-scale solar and wind projects. There is concern that the maximum lot coverage for ground-mounted small-scale solar projects is too large, and that the maximum rated capacity for small-scale wind projects is also too large. If too large, the concern is that these would allow for small-scale solar and wind projects that generate much more energy than typically needed for single-family residences and other buildings allowed in residential and agricultural zones with a relatively low on-site energy demand.

Subsection B.1 of Section 22.52.1615 of the Ordinance establishes a maximum lot coverage of 25 percent of the parcel or 2.5 acres, whichever is lesser, for ground-mounted small-scale solarprojects. A wide range in size for these systems is provided as they can be installed for single-family residences as well as energy-intensive uses such as institutions and large warehouse distribution centers. Encouraging on-site generation for these energy-intensive uses is one of the goals of this Ordinance. This threshold however, is included to minimize ground disturbance for large systems by promoting structure-mounted solar for large energy-intensive buildings, such as commercial, industrial or institutional buildings, which could be quite large in scale. A smaller threshold would limit the energy generating potential of larger systems for on-

site use, and would not encourage distributed generation. This threshold balances encouraging distributed generation with minimizing ground disturbance. Furthermore, this threshold will not allow for much more energy generation than needed for lower energy demand uses such as single-family residences. The Ordinance requires small-scale solar energy systems to generate energy primarily for on-site use, and projects would need to be sized accordingly.

Section 22.08.190 of the Ordinance provides a definition of small-scale wind energy system that establishes a maximum rated capacity of 50 kilowatts (kW). California Government Code Section 65894 and Section 25744 of the California Public Resources Code both establish a maximum rated capacity of 50 kW for small-scale wind energy systems. The maximum rated capacity for small-scale wind energy systems established in the Ordinance is consistent with the State's definition of small-scale wind energy systems.

Other Issues

There are other issues raised by the public that require further discussion. These issues include 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. Further discussion of how the Ordinance addresses these issues will be included in a supplemental memo to your Commission.

REVISED ORDINANCE

Based on staff review of the questions and concerns raised during the public hearing and through correspondence, there will be additional modifications recommended for the Ordinance. A further discussion of these modifications along with a revised Ordinance will also be included in the supplemental memo to your Commission.

MC:SMT:JL

Attachment: Additional Correspondence

ATTACHMENT: ADDITIONAL CORRESPONDENCE

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

April 6, 2015

Mr. Jay Lee
Los Angeles County Dept. of Regional Planning
3200West Temple Street, Room 1354
Los Angeles, CA 90012
Jalee@planning.lacounty.gov

Subject: Comments on the Los Angeles County Renewable Energy Ordinance Draft Environmental Impact Report, Los Angeles County; (SCH#2014051016)

The Department of Fish and Wildlife (Department) has reviewed the Draft Environmental Impact Report (DEIR) for amendments to Title 22 of the Los Angeles (L.A.) County Code (Ordinance) to establish regulations for the development of small-scale wind and solar energy systems, utility-scale wind and solar facilities, and temporary meteorological (MET) towers. The proposed Ordinance would provide a set of definitions, procedures and standards for review and permitting of solar, wind energy systems and facilities.

Project Description
Under the proposed project, the Los Angeles County Department of Regional Planning (Lead Agency) would amend Title 22 of the Ordinance and consists of clarifications, deletions and revisions to provide an updated set of definitions, procedures and standards to the Ordinance. The proposed project would:

1. Amend Title 22, Planning and Zoning, Chapter 22.08, Definitions, to add definitions related to renewable energy systems and facilities (e.g. decommissioning, guy wires, small-scale solar energy systems, small-scale wind energy systems, utility-scale ground-mounted renewable energy facilities, utility-scale structure-mounted renewable energy facilities, and temporary MET towers);

2. Amend Title 22, Planning and Zoning, to establish the permitting process for each type of renewable energy system in each zone; and

3. Revise Part 15 of the Zoning Code to create a Renewable Energy section that would establish regulations for:
    a. Small-scale renewable energy systems;
    b. Utility-scale renewable energy facilities; and,
    c. Temporary MET towers.

The provisions of Part 15 would not apply to renewable energy systems and facilities that were approved prior to the effective date of the Zoning Code. However, any subsequent modification or alteration to increase the physical size, height, footprint, or change the type of equipment of previously approved renewable energy systems or facilities would need to comply with the Ordinance.

Department Jurisdiction
The following statements and comments have been prepared pursuant to the Department's authority as a Trustee Agency with jurisdiction over natural resources affected by the Ordinance (CEQA Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the Ordinance that fall under the purview of the California Endangered Species Act (CESA, Fish and G. Code § 2050 *et Seq.)* and Fish and Game Code section 1600 *et Seq.* The Department also administers the Natural Community Conservation Planning Act (NCCP).

Fully Protected Species
Nine fully protected species, susceptible to impacts from renewable energy and transmission development, are known within Los Angeles County (County) including: golden eagle (*Aquila chrysaetos),* white-tailed kite (*Elanus leucurus*), American peregrine falcon (*Falco peregrinus anatum*), unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*), California condor (*Gymnogyps californianus)*, California black rail (*Laterallus jamaicensis coturniculus*), desert bighorn sheep (*Ovis canadensis nelson*), Mohave tui chub (*Siphateles bicolor mohavensis*), and California least tern (*Sternula antillarum browni*). The Department has jurisdiction over fully protected species of birds, mammals, amphibians, reptiles and fish pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Except as provided in the Fish and Game Code (e.g., for necessary scientific research), take of fully protected species is prohibited and cannot be authorized by the Department.

CESA Listed and Other Rare Listed Species
Renewable energy projects and transmission lines, regardless of size, has the potential to reduce populations or restrict the range of the following endangered, rare or threatened species (CEQA Guidelines § 15380) which are present within the region: bald eagle (*Haliaeetus leucocephalus*), bank swallow (*Riparia riparia*), California Orcutt grass (*Orcuttia californica)*, Catalina Island mountain-mahogany (*Cercocarpus traskiae*), desert tortoise (*Gopherus agassizii*), Gambel's water cress (*Nasturtium gambelii*), least Bell's vireo (*Vireo bellii pusillus*), Lyon's pentachaeta (*Pentachaeta lyonii*), Mohave ground squirrel (*Xerospermophilus mohavensis*), Mohave tui chub (*Siphateles bicolor mohavensis*), Mt. Gleason paintbrush (*Castilleja gleasoni*), Nevin's barberry (*Berberis nevinii*), salt marsh bird's-beak (*Chloropyron maritimum ssp. Maritimum*), San Clemente Island bedstraw (*Galium catalinense ssp. acrispum*), San Clemente Island bush-mallow (*Malacothamnus clementinus*), San Clemente Island fox (*Urocyon littoralis clementae*), San Clemente Island larkspur (*Delphinium variegatum ssp. kinkiense*), San Clemente Island lotus (*Acmispon dendroideus var. traskiae*), San Clemente Island woodland star (*Lithophragma maximum*), San Fernando Valley spineflower (*Chorizanthe parryi var. Fernandina*), Santa Catalina Island fox (*Urocyon littoralis catalinae*), Santa Susana tarplant (*Deinandra minthornii*), slender-horned spineflower (*Dodecahema leptoceras*), southern mountain yellow-legged frog (*Rana muscosa*), southwestern willow flycatcher (*Empidonax traillii extimus*), Swainson's hawk (*Buteo swainsoni*), thread-leaved brodiaea (*Brodiaea filifolia),* tricolored blackbird (*Agelaius tricolor*), and western yellow-billed cuckoo (*Coccyzus americanus occidentalis*). Additional endangered, rare or threatened species are also known to be present in the region that the Ordinance may impact.

General Avian Protection
The Department has jurisdiction over actions that may result in the disturbance or destruction of nests, migratory non-game birds or the unauthorized take of CESA-listed avian species. The

pertinent sections of the Fish and Game Code that protect avian species, their eggs, and nests include sections: 3503, regarding unlawful take of, possession, or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any bird-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory non-game birds).

Department Comments
The Department provided comments on June 2, 2014 to the Ordinance during the Notice of Preparation (NOP) process. The Department appreciates the Lead Agency's consideration of our comments, and incorporation of many of them into the Ordinance. The Department remains concerned about previous comments which were not incorporated. Those concerns are echoed within this correspondence.

The Department is concerned that the baseline assessments and evaluations of potential impacts to biological resources are not included in the administrative actions "by right" (per the Ordinance) or under ministerial actions associated with a Zoning Conformance Review (ZCR). We are also concerned that specific standards, including those for avoiding and minimizing impacts are not included under the ministerial process. The Department offers the following comments and recommendations to assist the Lead Agency in minimizing potential impacts to biological resources are avoided or minimized.

MET towers

1. Small-scale ground-mounted wind energy systems are not permitted within 300 feet or five times the tallest wind tower height of bat roosting sites, recorded open spaces and publicly designated preserve areas, riparian and wetland areas or within 1 mile of a known golden eagle nest site (Table 3-3 *Environmental Design Considerations)*. As currently proposed, this provision does not apply to small-scale structure-mounted wind energy systems or any meteorological (MET) tower.

   As previously commented during the NOP process, guy wires (Longcore, 2008) and constant-burn lighting associated with MET towers is a significant source of avian collision and mortality (Gehring, 2009). With this in mind, the Department recommends that the Ordinance require MET towers utilize the identical setback as their respective scale wind turbines described above.

2. In addition to requiring setbacks for MET towers, the Department recommends that the Ordinance require flashing lights on all MET towers. Per Gehring et al, 50-71% of avian fatalities at guyed communication towers were avoided by removing non-flashing red lights. Due to their potential to significantly impact bird and bat populations, the same avoidance and minimization measures should be applied to the siting of MET towers as those of wind turbines.

Wind Turbine Setbacks

3. Sections 57, 58, and 59, of 22.44.113 and section 61 of 22.44.144 of the Ordinance requires that the highest point of any small-scale wind energy systems are located at least 50 vertical and 50 horizontal feet from a significant ridgeline..." According to the California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development, several studies have suggested that wind turbines along ridges may significantly impact migrating birds, in part, because migrating birds may have a lower migrating altitude than

their typical cruising altitude when crossing a ridge or pass. The Department has continued concerns regarding potential avian collisions and migratory disruptions as a direct result of locating wind turbines, small-scale or utility-scale systems within near proximity of ridgelines or migratory paths. For the Sections listed above, the Department recommends adopting the same setback standards specified for small-scale ground-mounted wind energy facilities which are not permitted within 300 feet or five times the tallest wind tower height of bat roosting sites, recorded open spaces, publicly designated preserve areas, riparian and wetland areas or within 1 mile of a known golden eagle nest site.

Recommendations to the Ordinance and Review Process

4. The Department recommends that the DEIR include a flow chart illustrating the Lead Agency's project review protocol for each solar or wind renewable energy proposal including small-scale structure-mounted systems, small-scale ground-mounted solar energy systems, temporary MET towers, utility-scale structure-mounted facilities, and utility-scale ground-mounted facilities. All applicable processing forms (e.g., ZCR, site plan review, MUP, CUP) should be included as appendices to the flowchart. The forms should indicate whether they have been amended to accommodate the Ordinance in redline and strikeout text.

5. Impact BIO-1 identifies that small-scale solar energy systems and utility-scale structure-mounted solar energy facilities would have the potential to have potentially significant impacts before mitigation (DEIR, p. 4.4-46). However, the Ordinance allows small-scale ground-mounted solar energy systems and utility-scale structure-mounted solar energy facilities to be processed under a ZCR. The ZCR does not include an Environmental Assessment Form (similar to a Minor Conditional Use Permit or Conditional Use Permit) which assists in identifying biological resources specific to the project site. Absent site specific knowledge of the potential biological resources, the Department does not believe that mitigation measures addressing potentially significant impacts to biological resources can be reasonable ascertained or avoided under a ZCR. Therefore, the Lead Agency should develop and adopt feasible biological mitigation measures to address projects subject to a ZCR review process.

6. Section 22.08.040 D includes "site restoration" within the definition of "Decommissioning". The Department appreciates the inclusion of a restoration component of the Ordinance; however, the Department recommends the Lead Agency include "the restoration of the species, habitats, natural hydrology, and functions of the project site equal to or better than pre-project condition as documented in a baseline environmental report" within the definition of Decommissioning.

Consistency with Existing Laws and Regulations

7. Table 3-3 *Environmental Design Considerations* does not identify biological concerns for small-scale solar energy systems. However, under the Ordinance small-scale solar energy systems could disturb as much as 2.5 acres of habitat supporting special status species (e.g., State-threatened or -endangered, species of special concern, or rare listings). While the DEIR states that small-scale solar energy projects would require CEQA review in more sensitive areas (e.g., open space zones and watershed zones) where avoidance minimization and mitigation measures for special-status species would be applied, theses mitigation measures would not apply to areas outside of open space and watershed zones. The Department is concerned that a project proponent may misconstrue the

Ordinance as allowing impacts to fish and wildlife resources which are protected by other statutes or laws. The Department recommends that the Lead Agency clearly incorporate a disclaimer to the end user notifying proponent of relevant laws and regulations including Fish and Game Code section 2050 *et seq.*, Fish and Game Code section 3503, Fish and Game Code section 3503.5, Fish and Game Code section 1600 *et seq.,* State fully protected species (Fish and G. Code §§ 3511, 4700, 5050, and 5515) and the California native plant protection act (Fish and G. Code § 1900*et Seq.).*

Cumulative Impacts

8. The DEIR indicates that it is programmatic in nature and that certain subsequent renewable energy projects would require discretionary review permits thereby triggering CEQA review. The DEIR also acknowledges that the Ordinance may directly, indirectly, or cumulatively result in significant impacts. However, the Ordinance allows small-scale solar and certain utility-scale structure mounted solar without discretionary permits or CEQA review if they meet the requirements of the Zoning Code amendments with three exceptions (p. 68, *2.3. Scope of the EIR*).

   "Alternatively, the proposed project would allow for the development of small-scale solar energy systems and utility-scale structure-mounted solar energy facilities without discretionary permits or CEQA review if they meet the requirements of the proposed Zoning Code amendments, with the following exceptions: (1) future small-scale ground-mounted systems proposed in Open Space (O-S) or Watershed (W) zones would require a Minor Conditional Use Permit (CUP) and would therefore undergo future CEQA review on a project-specific level at the time the discretionary permit is processed; (2) future utility-scale structure-mounted solar energy facilities would be prohibited in O-S and W zones; and (3) future utility-scale structure-mounted solar energy facilities proposed in Single-Family Residence (R-I) zones would require a CUP and would therefore undergo future CEQA review on a project-specific level at the time the discretionary permit is processed. Therefore, the environmental review completed as part of this EIR is prepared at a project-specific level for these components that do not require further CEQA review using the information available from the proposed Zoning Code amendments and knowledge of such systems and facilities that have already been developed in the County or other jurisdictions."

   This condition allows the administrative or ministerial approval of projects with three exceptions. Per the Ordinance, small-scale ground-mounted solar energy systems allow a maximum lot disturbance of 2.5 acres which, absent the exceptions identified above, allows the development without further CEQA review. The Department is concerned that the 2.5 acre maximum allowable footprint of ground-mounted small-scale solar energy systems is too large an area of impact to be processed without review or a discretionary action. The Lead Agency should demonstrate that 2.5 acres does not exceed a reasonable need for small-scale ground-mounted solar energy systems. To reduce potential cumulative impacts, the condition should be revised to specify that the ministerial approval applies to "development of small-scale *structure-mounted* solar energy systems and utility-scale structure-mounted solar energy facilities without discretionary permits or CEQA review..."

9. Page 78 of section 3.3.3, Key Renewable Energy Resource Areas states "The majority of the unincorporated urban islands are built out, so land available for renewable energy development would primarily consist of rooftops, backyard areas, and pockets of undeveloped hillsides." The Department is concerned that traditionally undeveloped open spaces would be developed under ministerial approval without regard to their regional importance to local biota, their habitats and movements. The Department recommends the DEIR describe the Ordinance's consistency with Los Angeles County General Plan, Conservation and Open Space Element (1980): "Many Biotic resources of the County have been lost due to the encroachment of urban and agricultural development. These resources are especially vulnerable to destruction as a result of unmanaged development".

10. Facilities with relatively small impacts should not be exempted from mitigating on an individual basis when their cumulative impact over the duration of the Ordinance may be significant. Should the Ordinance continue to allow ground disturbing projects under an administrative process the Department recommends the Lead Agency track the total acreage of sensitive habitat impacted under the administrative and ministerial processes and provide and track appropriate mitigation. Impacts and mitigation should be made available to the public and the Department.

Preservation

11. The Natural Community Conservation Plan (NCCP) Act is a planning tool which promotes coordination and cooperation among public agencies, land owners, and other private interests by promoting the conservation of natural habitats to ensure that a project's mitigation is roughly proportional to those of the project's impacts. Under an NCCP, an established preserve system provides surety that areas of natural habitats intended to offset development impacts are provided necessary to ensure that the public's fish and wildlife resources are protected. Owing to the fact unincorporated Los Angeles County does not have a draft or approved NCCP or established preserve system, the public nor Department have reasonable assurances that administrative or ministerial projects pursuant the Ordinance would appropriately minimize and offset impacts to fish and wildlife resources. The Department recommends that the DEIR include a discussion of how the incremental impacts to biological resources resulting from administrative and ministerial projects are comprehensively mitigated.

Transmission

12. In accordance with section 3.3.2.3 Standards for Utility-Scale Ground-Mounted Renewable Energy Facilities "...all equipment and accessory structures related to the facility, including but not limited to solar collector arrays, wind turbines, mounting posts, substation, electrical infrastructure, transmission lines, operations and maintenance buildings, and other accessory structures." This approach allows very little influence on the siting of appurtenances, including transmission lines, which could result in miles of linear impacts to biological resources. The scope of the impacts associated with the supporting infrastructure cannot be reasonably anticipated. Given the breadth of the potential impacts, the Department recommends defining limits for appurtenance impacts. Without having significant preservation commitments prior to implementing such an ordinance, the Department recommends that the Lead Agency does not adopt the Ordinance without first identifying a comprehensive mitigation strategy capable of absorbing the varied impacts that would result from adopting the Ordinance.

13. On-site and off-site transmission lines are required to be placed underground to the satisfaction of the Los Angeles County Department of Public Works, except where above ground crossings are required. Although the Ordinance does not specify a trigger for when an above ground transmission line would be required (the Department recommends that a trigger mechanism provided in the Ordinance). It should be stipulated that the provision shall not be construed to direct unauthorized Take (Fish a G. Code § 86) of any fully protected (Fish and G. Code §§ 3511, 4700, 5050, and 5515), endangered, rare, or threatened species (CEQA Guidelines § 15380).

Coastal Impacts

14. The DEIR specifies that "...the Coastal Islands are limited in the availability of both land and structures for ground-mounted and structure mounted energy. However, small systems could be implemented on structures and on the small areas of ground that may be available" (p. 75, 3.2.3 Planning Area Context). Given the limited availability of land within the Coastal Islands, the Department believes that only structure-mounted energy generation would be appropriate for coastal islands.

Thank you for the opportunity to comment on the L.A. County Renewable Energy Ordinance, DEIR. Questions regarding this letter and further coordination regarding these issues should be directed to Eric Weiss, Senior Environmental Scientist at Eric.Weiss@wildlife.ca.gov or (858) 467-4289.

Sincerely,

Betty J. Courtney

Betty J. Courtney
Environmental Program Manager I
South Coast Region

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References:

CEC and DFG, 2007. California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development. Commission Final Report. California Energy Commission, Renewables Committee, and Energy Siting Division, and California Department of Fish and Game, Resources Management and Policy Division. CEC-700-2007-008-CMF.

County of Los Angeles 1980. County of Los Angeles General Plan Conservation and Open Space Element. P. 16

Cowardin, Lewis M., et al. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service.

Dudek, February 2015. *Draft Environmental Impact Report, Los Angeles County Renewable Energy Ordinance.*

Gehring Joelle, Kerlinger Paul, Manville Albert M. 2009. Communication towers, lights, and birds: successful methods of reducing the frequency of avian collisions. Ecological Applications, 19(2), 2009, pp. 505-514.

Grief, Stefan and Siemers, Björn M. "Innate recognition of water bodies in echolocating bats." Nature Communications November 2010.

Horvárth, Gábor; Kriska, György; Malik, Péter; and Robertson, Bruce, 2009. "Polarized light pollution: a new kind of ecological photo pollution." Front Ecol Environ 2009; 7(6): 317-325, doi: 10.1890/080129.

Kerlinger, P., R. Curry, L. Culp, and A. Hasch. 2008. Pre-construction meteorological tower fatality study Shiloh II wind power project, Solana County, California. Prepared by Curry and Kerlinger, LLC for Enxco.

Longcore, T., C. Rich, S. A. Gathreaux Jr. 2008. Height, guy wires, and steady-burning lights increase hazard of communication towers to nocturnal migrants: a review and meta-analysis. The Auk 125:485-492.

State of California • Natural Resources Agency
Edmund G. Brown, Jr., *Governor*

DEPARTMENT OF PARKS AND RECREATION
Lisa Ann L. Mangat, Acting *Director*
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April 6, 2015

Jay Lee
Department of Regional Planning
320 West Temple St, Room 1354
Los Angeles, CA 90012

RE: Draft Environmental Impact Report (DEIR) SCH #2014051016 for Los Angeles County's Renewable Energy Ordinance

Dear Mr. Lee,

The Tehachapi District of the California Department of Parks and Recreation (State Parks) appreciates the opportunity to comment on the Draft Environmental Impact Report for the County's Renewable Energy Ordinance.

State Parks is a State Agency as defined by the California Environmental Quality Act (CEQA) § 21082.1, a Trustee Agency as used by CEQA, its Guidelines and as defined by CCR § 15386 for the resources affected by this proposed project. Our mission is to provide for the health, inspiration, and education of the people of California by helping preserve the state's extraordinary biodiversity, protecting its most valued natural and cultural resources, and creating opportunities for high quality outdoor recreation.

As the governmental entity responsible for the stewardship of the following State Parks:

Antelope Valley California Poppy Natural Reserve
Antelope Valley Indian Museum State Historic Park
Arthur B. Ripley Desert Woodlands State Park
Saddleback Butte State Park

We have a strong interest and concern about contemplated alterations of land use adjacent to these State Parks. The long-term health of the State Parks are dependent on the health of the area's ecosystems because the biotic boundaries of these State Parks extend beyond its jurisdictional boundaries and must be managed with an eye towards regional concerns.

We have detailed our concerns and comments below.

State Parks recommends that the County consider only alternatives which avoid direct and indirect impacts to the above mentioned State Parks and other critical publicly and privately protected conservation lands within the Western Mojave Desert in order to avoid habitat fragmentation and degradation of natural and visual resource values.

State Parks are by definition, areas of outstanding scenic or natural character, containing significant historical, archaeological, ecological, geological, or other similar values. The purpose of State Parks is to preserve outstanding natural, scenic, and cultural values, indigenous aquatic and terrestrial fauna and flora, and the most significant examples of ecological regions of California. Therefore, by their very nature parks, once degraded by intrusive influences, cannot be easily replaced.

We recommend that the Reduced Utility –Scale Solar and Wind Energy Facilities Alternative be adopted as the preferred plan for the County's Renewable Energy Ordinance.

BIOLOGICAL
Foraging Habitat – Fragmentation

We are concerned that Utility–Scale Wind and Solar Energy projects could significantly impact the State Parks by interrupting wildlife movement corridors and by removing foraging and nesting habitats for wildlife that also use those lands. Disruption of movement patterns by proposed projects could alter essential ecosystem functions, such as predator-prey relationships, gene flow, pollination and seed-dispersal, competitive or mutualistic relationships among species. It is our expert opinion if core habitat areas become islands with no connecting landscape to allow movement of species, they will not be able to continue to support the animals and plants that currently reside within them.

The Department is concerned with the unavoidable adverse impacts of habitat, including the loss of sensitive plant communities, which contains a conspicuous display of wildflowers and other annual grasslands (Antelope Valley California Poppy Natural Reserve, Antelope Valley Indian Museum State Historic Park, Arthur B. Ripley Desert Woodland State Park and Saddleback Butte State Park).

This habitat is extremely important due to its location of being adjacent to the State Parks. These lands are used for foraging, dispersal and cover by small and large mammals, foraging raptors and other wildlife.

This permanent unavoidable adverse impact will result an irreversible change that will have a direct adverse effect to vegetation communities that are currently being used and are occupied by special-status species including, but not limited to: the Mojave desert tortoise, Mohave ground squirrel, American badger, silvery legless lizard, coast horned lizard, western burrowing owl, loggerhead shrike, Le Conte's thrasher, and other birds and raptors protected by the Migratory Bird Treaty Act and various California Fish and Game Codes.

Development of renewable energy facilities and associated infrastructure will contribute to the establishment and spread of weed species which are already a major threat to desert ecosystems.

We are concerned that construction activities and soil disturbance will introduce new noxious weeds that may spread to the State Parks. Resource management policies for State Parks direct us to preserve and restore indigenous plants and animals, while systematically removing populations of exotics. We believe that the spread of invasive

plants such as Bermuda grass (*Cynodon dactylon*), erodium, Mediterranean barley (*Hordeum marinum*), fescue (*Vulpia* spp.), Mediterranean grass, Russian thistle (*Salsola tragus*), and red brome from the proposed projects could be a major threat to the State Parks that could affect many special-status plant and wildlife species within the State Parks.

This is a significant and unavoidable impact. We request that no proposed projects be located adjacent to the State Parks. Additional lands should be purchased to tigate these concerns.

LAND USE

Based on our review of the DEIR we are pleased that County's Renewable Energy Ordinance will be consistent with the relevant goals and policies of the County's Draft Antelope Valley Area Plan, including:

Policy COS 13.1: Direct utility-scale renewable energy production facilities, such as solar facilities, to locations where environmental, noise, and visual impacts will be minimized.

Policy COS 13.5: Where development of utility-scale renewable energy production facilities cannot avoid sensitive biotic communities, require open space dedication within Significant Ecological Areas as a mitigation measure.

Policy COS 13.6: Ensure that all utility-scale renewable energy production facilities, such as solar facilities, do not create land use conflicts with adjacent agricultural lands or existing residential areas in the vicinity. Require buffering and appropriate development standards to minimize potential conflicts.

Policy COS 13.7: Limit the aesthetic impacts of utility-scale renewable energy production facilities to preserve rural character.

Policy COS 13.8: Coordinate with other jurisdictions to plan for utility-scale renewable energy production facilities in order to minimize impacts to sensitive biotic communities and existing residential areas.

Goal COS 14: Energy infrastructure that is sensitive to the scenic qualities of the Antelope Valley and minimizes potential environmental impacts.

Policy COS 14.1: Require that new transmission lines be placed underground whenever physically feasible.

We support that the ordinance will prohibit all utility-scale renewable energy facilities and small-scale wind energy systems within the open space areas and in designated Significant Ecological Areas within the Antelope Valley.

VISUAL RESOURCES

We are concerned that Utility –Scale Wind and Solar Energy projects will cause substantial degradation of the existing visual character to the visual resources of several State Parks within the West Mojave and Eastern Slopes Ecoregion Subarea including but not limited to: Antelope Valley California Poppy Natural Reserve, Antelope Valley

Indian Museum State Historic Park, Arthur B. Ripley Desert Woodland State Park and Saddleback Butte State Park.

Once again based on our review of the DEIR we are pleased that County's Renewable Energy Ordinance will be consistent with the relevant goals and policies of the County's Draft Antelope Valley Area Plan, which seeks to reduce impacts to scenic vistas by setting aside extensive areas for conservation that include open space designations within the Angeles National Forest and the implementation of policies that preserve views by preventing the introduction of urban land uses in SEAs, near scenic hillsides, on ridgelines and within Scenic Resource Areas.

MANDATORY FINDINGS OF SIGNIFICANCE

The Department recommends the adoption of the Reduced Utility –Scale Solar and Wind Energy Facilities Alternative as the preferred plan for the DEIR. This will help reduce the impacts to State Parks, which will avoid the interruption of an important habitat linkage and protect open spaces areas, preserve important significant scenic resources and will consistent with land use policies and goals of the Department and the Draft Antelope Valley Area Plan.

Once again, we appreciate the opportunity to comment on the proposed DEIR. As we have outlined in our comments, there are a number of significant issues related to the State Parks. It is important that all land use decisions adjacent to the State Parks be compatible with the preservation of the tremendous resources found there. For further discussion, please feel free to contact me or Russ Dingman, Staff Environmental Planner, at (661) 724-2380.

Sincerely,

Kathy Weatherman
District Superintendent

SCPPA

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COLTON • GLENDALE • LOS ANGELES • PASADENA
RIVERSIDE • VERNON • IMPERIAL IRRIGATION DISTRICT

April 6, 2015 | Submitted Electronically

Mr. Jay Lee
Department of Regional Planning
County of Los Angeles
320 West Temple Street, 13th Floor
Los Angeles, CA 90012

Re: SCPPA Comments on the Draft Environmental Impact Report (Draft EIR) for the Proposed Los Angeles County Renewable Energy Ordinance

Thank you for the opportunity to provide comments on Los Angeles County's Draft EIR and the third draft of the "Renewable Energy Ordinance" that would impact 2,583 square miles of unincorporated portions of the County. While we greatly appreciate the County's goal to help facilitate the development of renewable energy within the County to help meet the goals of the Global Warming Solutions Act of 2006 (AB 32) while providing baseline standards for solar and wind energy projects, we believe that the revised proposal may still ***deter renewables development in the County***.

The Southern California Public Power Authority (SCPPA) is a joint powers authority consisting of eleven municipal utilities and one irrigation district. Our Members deliver electricity to approximately two million customers over a 7,000 square mile area, with a total population of 4.8 million people. Seven SCPPA municipal utilities are located in Los Angeles County.

SCPPA Members appreciate the County's desire to provide formal definitions, procedures, and standards for review and permitting of solar and wind energy systems and facilities and temporary meteorological towers. However, we believe that the Draft EIR fails to adequately assess the potential project feasibility impacts of implementing the proposed Renewable Energy Ordinance. The requirement that 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)" is particularly problematic. The County has not adequately assessed the operational nor the physical limitations associated with such a requirement that would be placed upon projects that are fundamentally developed to help meet environmental goals. Such a requirement would make it infeasible (if not impossible) to site utility-scale solar and wind projects throughout important portions of potentially ideal space to help utilities meet the County's energy needs in an environmentally sustainable and cost-effective manner close to constituent populations.

Publicly-owned utilities are heavily regulated at the local, regional, state, and federal levels towards procuring renewable energy resources and/or complying with aggressive emissions reduction goals. For example, the California Energy Commission oversees implementation of the State's ambitious 33% by the end of 2020 Renewables Portfolio Standard (RPS) goal. The law directed the Energy Commission to adopt new regulations specifying RPS enforcement procedures for publicly-owned utilities, and to certify and verify eligible renewable resources and to monitor compliance. SCPPA Members are working diligently to implement a wide range of mandatory programs towards reducing greenhouse gases to meet California's RPS and AB 32 goals, and are on target to meet or exceed the requirements. California will also be required to meet new federal Clean Air Act standards to reduce power plant emissions under the pending Section 111(d) standards.

SCPPA remains concerned that the proposed revised ordinance will *deter* renewable project investments in the County. An Ordinance that would add unduly burdensome requirements would likely make many future renewables projects so expensive that very few, if any, prospective buyers would be willing to purchase the power. Dramatically increasing the cost of renewables, especially for SCPPA Members interested in affordable local renewables projects, would have a detrimental impact on ratepayers, small- and medium-sized renewables developers, and do little to further air quality improvements.

SCPPA urges the County to give careful consideration to the long-term consequences of such an ordinance, particularly given the rapidly-growing development of renewable energy projects throughout California as the State pursues development and implementation of a 50% renewables goal. Los Angeles County must play an important role in achieving (not impeding) such an ambitious target.

SCPPA appreciates the opportunity to provide these comments. Thank you for your time and consideration.

Respectfully submitted,

Tanya DeRivi

Tanya DeRivi
Director of Government Affairs

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Lahontan Regional Water Quality Control Board

April 3, 2015

File: Environmental Doc Review
Los Angeles County

Jay Lee
Los Angeles County Department of Regional Planning
320 W. Temple Street, 13th Floor
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Email: jalee@planning.lacounty.gov

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE LOS ANGELES COUNTY RENEWABLE ENERGY ORDINANCE, LOS ANGELES COUNTY, STATE CLEARINGHOUSE NO. 2014051016

The California Regional Water Quality Control Board, Lahontan Region (Water Board) staff received the Draft Environmental Impact Report (DEIR) for the above-referenced ordinance (Ordinance) on February 23, 2015. The DEIR was prepared by the Los Angeles County Department of Regional Planning (County) and submitted in compliance with provisions of the California Environmental Quality Act (CEQA). The Ordinance will establish regulations, including development standards, for the development of renewable energy projects in unincorporated areas where the County has land use jurisdiction. Water Board staff, acting as a responsible agency, is providing these comments to specify the scope and content of the environmental information germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations, title 14, section 15096. Water Board staff commented on the Notice of Preparation of the DEIR in a letter dated June 3, 2014. We appreciate that the DEIR addressed some of our concerns raised in our previous letter, but two issues in that letter were apparently not addressed: (1) promote and provide incentives for use of previously disturbed lands for ground-mounted renewable energy projects, and (2) incorporation of the State Water Resources Control Board policy on use of recycled water, for construction and maintenance of renewable energy projects. Our comments on the DEIR are outlined below.

AUTHORITY

All groundwater and surface waters are considered waters of the State. Surface waters include streams, lakes, ponds, and wetlands, and may be ephemeral, intermittent, or perennial. All waters of the State are protected under California law. State law assigns responsibility for protection of water quality in the Lahontan Region to the Lahontan Water Board. Some waters of the State are also waters of the U.S. The Federal Clean Water Act (CWA) provides additional protection for those waters of the State that are also waters of the U.S.

The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains policies that the Water Board uses with other laws and regulations to protect the quality of waters of the State within the Lahontan Region. The Basin Plan sets forth water quality standards for surface water and groundwater of the Region, which include designated beneficial uses as well as narrative and numerical objectives which must be maintained or attained to protect those uses. The Basin Plan can be accessed via the Water Board's web site at http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml.

Los Angeles County is located within the jurisdiction of multiple Regional Water Boards. The Antelope Valley and the watersheds that drain towards the Antelope Valley are within the jurisdiction of the Lahontan Water Board. We request that the DEIR recognize that the Ordinance falls under the jurisdiction of multiple Water Boards and that a copy of the DEIR be made available to the appropriate Water Boards and the State Water Resources Control Board (State Water Board) for review and comment.

RECOMMENDED ELEMENTS TO INCLUDE IN THE ORDINANCE

The goal of the Ordinance is to establish regulations and development standards for small-scale and utility-scale renewable energy projects in unincorporated areas of Los Angeles County. In the high desert, the quantity and quality of water are integral components driving development, especially in the Antelope Valley area. We are encouraged that the County incorporated into the DEIR elements that promote watershed management, support low-impact development (LID), and reduce the effects of hydromodification. We are encouraged that the DEIR discusses rooftop-mounted solar and wind projects, and how these systems would have minimal impact on stormwater run-off and natural drainages.

However, the Ordinance does not address the importance of building ground-mounted solar and wind projects on previously disturbed lands, where feasible, to protect ephemeral watersheds, maintain biological soil crusts, and minimize erosion in desert regions. In addition, the environmental document does not discuss use of recycled water where feasible, for construction and maintenance of solar and wind projects, as encouraged by the State Water Board Recycled Water Policy (July 2009).

Focus Development on Previously Disturbed Lands

We recommend that the County promote and provide incentive for ground-mounted renewable energy development on previously disturbed lands as part of the renewable energy Ordinance, where feasible. Desert ecosystems are fragile. Biological soil crusts are common and provide a variety of functions including soil stabilization and nutrient cycling. When these ecosystems are disturbed, recovery is slow, on the order of decades. To minimize impacts to undisturbed desert lands, we encourage the County to support and promote development and reuse of previously disturbed lands, such as former agricultural lands. Such reuse can benefit environmental resources, including hydrology and water quality, by maintaining relatively undisturbed natural areas and avoiding direct impacts to established habitats and surface waters.

Recycled Water Uses

The State Water Board adopted the Recycled Water Policy in February 2009 (effective May 14, 2009, and amended January 22, 2013). The purpose of the policy is to increase the use of recycled water from municipal wastewater sources, in a manner that implements state

and federal water quality laws, as a means towards achieving sustainable local water supplies. The Recycled Water Policy establishes goals and mandates for recycled water use. The mandates are to increase the use of recycled water from the amount used in 2009 by 200,000 acre-feet per year by 2020 and by 500,000 acre-feet per year by 2030. Incentives for implementing recycled water projects include grant opportunities and priority funding.

In July 2009, the State Water Board adopted General Waste Discharge Requirements for Landscape Irrigation Uses of Municipal Recycled Water (General Permit). Some of the allowable recycled water uses include: landscape irrigation of parks, greenbelts, playgrounds, school yards, athletic fields, golf courses, and cemeteries; dust control for construction activities and road maintenance; mixing concrete; and soil compaction.

The Water Board supports recycled water as a safe alternative to potable water for such approved uses including dust control, road maintenance, and construction. We encourage the County to consider recycled water use as a development standard in their Ordinance. The Los Angeles County Sanitation District treatment facilities in Lancaster and Palmdale both have the technologies to supply project developers with recycled water for both construction and operational needs.

PERMITTING REQUIREMENTS

A number of activities associated with renewable energy development have the potential to impact waters of the State and, therefore, may require permits issued by either the State Water Board or Lahontan Water Board. We note that the DEIR addresses the need to obtain a permit under the State Water Board General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities, 20012-006-DWQ for renewable energy projects 1 acre in area and larger. Other required permits may include:

- Recycled water use for landscape irrigation and dust control may require Waste Discharge Requirements (WDRs), issued by the Lahontan Water Board; and

- Streambed alteration and/or discharge of fill material to a surface water, including water diversions, may require a CWA, section 401 water quality certification for impacts to federal waters (waters of the U.S.), or dredge and fill WDRs for impacts to non-federal waters, both issued by the Lahontan Water Board.

We request that the DEIR recognize the potential permits that may be required of project developers, as outlined above. Information regarding these permits, including application forms, can be downloaded from our web site at http://www.waterboards.ca.gov/lahontan/.

Thank you for the opportunity to comment on the DEIR. We are encouraged that the County is taking the initiative to establish long-term planning strategies for renewable energy development. If you have any questions regarding this letter, please contact me at (760) 241-7391 (tbrowne@waterboards.ca.gov) or Patrice Copeland, Senior Engineering Geologist, at (760) 241-7404 (pcopeland@waterboards.ca.gov).

Tom Browne

Tom Browne, PhD, PE
Water Resource Control Engineer

cc: State Clearinghouse (SCH 2014051016) (state.clearinghouse@opr.ca.gov)
California Department of Fish and Wildlife, South Coast Region (AskR5@wildlife.ca.gov)

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Antelope Valley Air Quality Management District
43301 Division St., Suite 206
Lancaster, CA 93535-4649

661.723.8070
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Eldon Heaston, Executive Director
In reply, please refer to AV0315/022

March 31, 2015

Jay Lee
Department of Regional Planning
320 West Temple Street
Room 1354
Los Angeles, CA 90012

Subject: Draft Environmental Impact Report (SCH# 2014051016) Los Angeles County Renewable Energy Ordinance Project

Dear Mr. Lee:

The Antelope Valley Air Quality Management District (AVAQMD) has reviewed the Draft Environmental Impact Report (DEIR) for Los Angeles County Renewable Energy Ordinance Project. The AVAQMD concurs with the proposed analysis of potential impacts in the Air Quality section. AVAQMD Designations and Classifications are available on the AVAQMD web site at: http://www.avaqmd.ca.gov/Modules/ShowDocument.aspx?documentid=2908 .

If you have any questions regarding this letter, please contact me at (661) 723-8070 x2.

Sincerely,

Bret Banks
Deputy Director

BSB/bb

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CALIFORNIA

San Fernando Valley
Audubon Society
For Nature Education and the Conservation of Wildlife

April 6, 2015

Jay Lee
Department of Regional Planning
320 West Temple St, Room 1354
Los Angeles, CA 90012
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Dear Mr. Lee:

On behalf of Audubon California and San Fernando Valley Audubon Society we thank you for the opportunity to comment on the DEIR for the Draft Renewable Energy Ordinance (hereinafter referred to as "the document") for Los Angeles County.

With over 150,000 members and supporters Audubon California is the state office of National Audubon Society. Now in its second century, Audubon connects people with birds, nature and the environment that supports us all. Our national network of community-based nature centers, chapters, scientific, education, and advocacy programs engages millions of people from all walks of life in conservation action to protect and restore the natural world.

San Fernando Valley Audubon's mission is to promote the conservation of resources, to preserve and enhance the natural habitat within our territory, to increase the public's and our awareness and appreciation of bird life and the natural environment and to create a social environment that encourages individual knowledge, development, and participation.

Audubon California and San Fernando Valley Audubon support the reduction of greenhouse gas emissions of the energy sector, the primary source of greenhouse gases that cause global warming, through construction and operation of renewable energy such as wind, solar and geothermal - as long as projects are sited properly to avoid, minimize and, as a last resort, mitigate effectively for the impacts on birds and other wildlife.

National Audubon Society has recognized the 326,295 acres of the Antelope Valley of Kern and Los Angeles Counties as a globally significant *Important Bird Area* as the Lead Agency has noted in the DEIR. (National Audubon Society, Important Bird areas in the U.S. available http://netapp.audubon.org/iba/Reports/270). The Important Bird Areas

Program, administered by the National Audubon Society in the United States, is part of an international effort to designate and support conservation efforts at sites that provide significant breeding, wintering, or migratory habitats for specific species or concentrations of birds. Sites are designated based on specific and standardized criteria and supporting data.

Los Angeles Audubon commented previously on the Draft Ordinance itself, and those comments are provided by reference with these comments, as the issues raised were not addressed in the current draft Renewable Energy Ordinance posted on the Los Angeles County Planning website as the "third draft of the ordinance".

Our comments are as follows:

General comments

1. Generally, we support the draft DEIR of the Renewable Energy Ordinance in the attempts to propose Zoning Code Amendments that will direct the construction of renewable energy in Los Angeles County.

However, the document is not adequate to serve as a programmatic document that may exempt utility-scale solar or small-scale and utility-scale wind projects from full CEQA analysis, nor allow for a modified or lesser CEQA process, nor allow future CEQA documents to tier off of the cumulative effects or other analyses in order to provide a Conditional Use Permit with less than full CEQA review, or to provide a Mitigated Negative Declaration for utility-scale solar or wind projects.

Recommendation: Clarify in the document and in the Zone Amendments that ALL utility-scale solar and wind projects will undergo full CEQA review in order to obtain a Conditional Use Permit.

2. We support the exclusion of renewable energy projects in SEAs.

Recommendation: Identify the SEAs as Advanced Mitigation Areas for conservation opportunities as part of the SEA program with a general analysis from currently available data of the biological resources and open space values in the SEAs. Current compensatory mitigation measure compliance can often be piecemeal and unconnected, and identifying biological resources on SEAs as mitigation lands that are suitable to mitigate for impacts on species and habitat *in advance* to aid developers in mitigating effectively would be a progressive step in conservation of biological resources and open space, and expedite the permitting of renewable energy projects, by Los Angeles County.

3. In impact assessment, the preferred hierarchy is avoid, minimize, and if the impact cannot be avoided or minimized, then mitigate effectively for the impact.

This should be emphasized throughout the document where relevant, especially when impacts are significant. Currently the document discussion of impacts relies on

compensatory mitigation primarily and often solely. Both California Energy Commission and California Department of Fish & Wildlife Wind Energy guidelines and Federal Wind Energy Guidelines discuss the abandonment of a wind project with high risk to birds or bats as a successful measure to avoid those impacts.

4. The analysis of direct and indirect effects is inadequate.

4.4-28 describes effects from collision of birds with panels without calling these effects "direct" and identifies "vehicle collisions, spread of disease and wildlife behavioral avoidance" as potential "indirect" effects. These are actually direct effects and should be described as such.

"Small wind turbines are generally not tall enough to be within migratory wildlife flight paths."

Please site the reference for this statement or remove it.

On the contrary, migratory birds may fly through the rotor swept area of small wind turbines. *Most songbirds, waterfowl, shorebirds, herons, and egrets migrate at night (Kerlinger and Moore, 1989). Nocturnal migrants generally take off after sunset, ascend to their cruising altitude between 300 and 2,000 feet (90–610 meters), and return to land before sunrise (Kerlinger, 1995). For most of their flight, songbirds and other nocturnal migrants are above the reach of wind turbines, but they pass through the altitudinal range of wind turbines during ascents and descents and may also fly closer to the ground during inclement weather or when negotiating mountain passes (Able, 1970; Richardson, 2000).*

Recommendation: Small wind turbines as well as utility-scale wind turbines should be required to conduct protocol-level migratory bird studies to determine if there is an impact to migratory birds that may ascend or descend to "stopovers," (areas with water, resources or vegetation) and how significant that impact may be, as per CEC and DFW guidelines.

5. Ridgelines

a. The definition of "significant ridgelines" is inadequate, and this does not reduce the impacts of wind turbines on raptors to less than significant.

The document defines and maps "significant ridgelines" as "ridgelines which are highly visible and dominate the landscape." (DRAFT Renewable Energy Ordinance page 36 of 79) and suggests setbacks for wind turbines from these ridgelines.

Ridges are known to concentrate bird and bat movements. (2007, California Energy Commission & California Department of Fish & Wildlife, California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development). Raptors are especially vulnerable to wind turbines sited on ridges. Strickland et al (2001) concluded

that wind turbines located away from the edge of the ridge at Foote Creek Rim, Wyoming, would result in lower raptor fatality rates than turbines located immediately adjacent to the edge. Smallwood and Neher (2004) had similar finds in that they determined that raptors fly disproportionately more often on the prevailing windward aspects of slopes. (2007, California Energy Commission & California Department of Fish & Wildlife, California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development). The ordinance should use the best available science to determine a setback from a ridge for a wind energy project as well as the setback for windward slopes.

That setback should be a minimum of 500 feet for both utility-scale and small-scale wind energy turbines.

6. Confusion in the document.

a. The document confuses "utility-scale ground-mounted solar energy facilities and "utility-scale structure-mounted solar energy facilities" as on Cumulative Effects page 5-15, paragraph 3. The document should be checked thoroughly in order not to imply that utility-scale ground-mounted solar energy facilities might require Minor CUP discretionary process, or the document contradicts itself.

b. The Draft Renewable Energy Ordinance of December 2014 says it is SUBJECT TO CHANGE but the DEIR does not address nor cannot analyze the impacts of an ordinance that is subject to change.

c. Inclusion of signs, telephone repeater stations, townhouses, water reservoirs, dams, treatment plants, gaging stations, pump stations, wells and tanks, tasting rooms, tattoo parlors, etc. in the renewable energy ordinance is confusing and should be analyzed in a separate DEIR if the Lead Agency is proposing any changes to the regulation of these uses, or if there are changes to any of the terms and conditions of these uses. Additionally, inclusion of these other uses do not conform to the project description (DEIR, Chapter 3) and therefore make the CEQA document inadequate and the project poorly described, and does not meet the Project Objectives described in the document.

Recommendation: If the Lead Agency is providing revised versions of current General Plan or describing zoning uses, Lead Agency should provide those ordinances or zoning use descriptions as they currently exist, with redlined additions of the renewable energy uses that will be included in each of those zones, rather than redlining the renewable energy ordinance to include other uses that are not renewable energy uses and which may be a modification of current zoning uses.

We make the following comments by species that we have identified as focal species for the Antelope Valley.

1. The analysis of the impact of the project on Swainson's hawk is inadequate.

There is no mention of the survey protocols or mitigation measures for loss of nesting or foraging habitat for Swainson's hawk in the Antelope Valley as this population is considered unique. Please incorporate and refer to **Swainson's Hawk Survey Protocols,**

Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California, State of California California Energy Commission and Department of Fish and Game, June 2, 2010. (and attached herewith).

Recommendation: Zone Amendments for all utility-scale and small-scale renewable energy projects should incorporate by reference these survey protocols and mitigation measures in this document and all future updates that may be posted on the website https://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html or in consultation with the California Department of Fish & Wildlife.

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2. Tricolored Blackbird

Comment: Please update the status of this species to state endangered. Please provide a process whereby the list of threatened, endangered, or sensitive species will be updated in the ordinance.

3. Golden Eagle

a. In 4.4-32 the document states "Utility-scale ground-mounted wind energy facilities shall not be constructed closer than 4,000 feet to a known golden eagle nest site."

The current protocol recommended by the US Fish & Wildlife Service in the draft document for the DRECP Golden eagle permit is:

> Covered Activities (renewable energy development and transmission) will not be sited or constructed within 1-mile of any active or alternative golden eagle nest within an active golden eagle territory." (DRECP draft DEIR/DEIS, II.3-68, Preferred Alternative, August 2014).

Recommendation: Revise Zone Amendments for all forms of renewable energy and transmission to include this 1-mile protocol. This 1-mile protocol appears in the draft Renewable Energy Ordinance that the document is analyzing (DRAFT---Renewable Energy Ordinance – December 2014 –DRAFT SUBJECT TO CHANGE).

b. The document should incorporate by reference the protocols for Golden eagle surveys and avoidance measures: **Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations, Page et al, U.S. Fish and Wildlife Service.**

Recommendation: Require survey protocols and avoidance measures for both utility-scale wind and solar projects to conform to this document or to updates on the website and all future updates that may be posted on the website https://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html or in consultation with U.S. Fish & Wildlife Service on an Eagle permit application.

4. Burrowing owl

a. The document should incorporate by reference the **Staff Report on Burrowing Owl Mitigation, State of California Natural Resources Agency Department of Fish and Game March 7, 2012**, or any other documents or updates referring to survey protocol or avoidance, minimization and mitigation measures for sensitive species posted on the website https://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html or in consultation with the California Department of Fish & Wildlife.

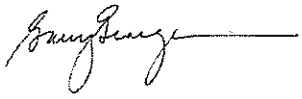
5. Fully Protected Species

a. 4.4-8 The document does not mention protected or fully-protected species for which take permits may not be available, or for which take permits might be available only in an NCCP.

6. Federal and/or State-listed Species in the Antelope Valley

a. 4.4-52 Table 4.4-3 Federal and/or State-listed Species in Antelope Valley should be revised to include Tricolored Blackbird (state endangered) and Mountain plover (candidate for listing). Protected and fully protected species should be listed as well such as Golden eagle (Bald and Golden Eagle Protection Act) and White-tailed kite (Fully protected). Western snowy plover in Antelope Valley would not be federally or state listed, as only the coastal population is threatened.

Sincerely,



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Enc:

- June 4, 2014 Los Angeles Audubon comments on draft Renewable Energy Ordinance.
- Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California, State of California California Energy Commission and Department of Fish and Game, June 2, 2010.
- Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations, Page et al, U.S. Fish and Wildlife Service.
- Staff Report on Burrowing Owl Mitigation, State of California Natural Resources Agency Department of Fish and Game March 7, 2012

LOS ANGELES
AUDUBON

P.O. Box 931057
Los Angeles, California 90093

June 4, 2014

Los Angeles Department of Regional Planning
ATTN: Thuy Hua
320 W. Temple Street, 13th Floor
Los Angeles, CA 90012

via email: thua@planning.lacounty.gov

Dear Ms. Hua:

Los Angeles Audubon has been a voice for birds and conservation in Los Angeles for over 100 years. Our mission is to promote the enjoyment and protection of birds and other wildlife through recreation, education, conservation and restoration. We have more than 10,000 members and supporters in the County of Los Angeles.

Los Angeles Audubon supports renewable energy to reduce the impacts of climate change when the energy generation structures and transmission are sited properly to avoid, minimize or mitigate effectively for impacts on birds and other wildlife and their habitat.

Thank you for the opportunity to provide comments on draft 2 of the Renewable Energy Ordinance of the County of Los Angeles.

1. **22.52.1640-B-Height Standards for Temporary Meteorological Towers.**

The ordinance should require higher standards for permitting meteorological towers that measure wind speeds. Tower height, guy wires and steady-burning lights have a tremendous impact on species of birds, especially nocturnal migrants protected under the federal Migratory Bird Treaty Act (MBTA) and other laws.[1]

The ordinance should encourage the use of LIDAR or other remote sensing meteorological measuring technologies that avoid impacts on birds and bats, and if towers are permitted they should have no guy wires and no steady-burning lights.

Flight diverters have limited effectiveness in deterring nocturnal migrants.

2. 22.52.1660 Standards for Ground-Mounted Utility-Scale Renewable Energy Facilities

Section H – Transmission lines.

[1] Longcore et al, Height, Guy Wires, and Steady-burning lights increase hazard of communication towers to nocturnal migrants: A review and meta-analysis, http://www.urbanwildlands.org/Resources/Longcore_06-253.pdf

The ordinance should require applicants to conform to Avian Power Line Interaction Committee (APLIC) guidelines http://www.aplic.org if any power lines, gen-tys or substation connections sited above ground. We appreciate the efforts of the County to site transmission and power lines under ground.

Section L – Impacts to Birds and Bats

We are especially concerned that Section L of 22.52.1660 Standards for Ground-Mounted Utility-Scale Renewable Energy Facilities is too brief and provides little guidance to permit applicants in siting their project.

We recommend that Section L.

- include a list of the current regulatory framework of federal, state and municipal laws, executive orders, and treaties that protect birds, bats, and their habitat .
- require conformance by permit applicant to federal as well as state guidelines for utility-scale wind energy projects

http://www.energy.ca.gov/windguidelines/
http://www.fws.gov/windenergy/docs/weg_final.pdf

- state a preference for avoidance of impacts over minimization or compensatory mitigation for impacts
- require consultation with U.S. Fish & Wildlife Service and California Department of Fish & Wildlife on preparation of an Avian Bat Protection Plan (also known as Bird Bat Conservation Strategy) for both solar and wind projects whether an endangered or threatened species is present on the site. Solar projects impacts on birds are shown to be potentially significant.

While these guidelines are aimed at utility-scale wind projects, the siting process is also generally valid and useful for siting small-scale wind energy systems, and some elements are useful for siting solar projects.

3. **22.52.1650 Standards for Small-Scale Wind Energy Systems**

Ridges are known to concentrate bird and bat movements.[2] Raptors are especially vulnerable to wind turbines sited on ridges. Strickland et al. (2001) concluded that wind turbines located away from the edge of the ridge at Foote Creek Rim, Wyoming, would result in lower raptor fatality rates than turbines located immediately adjacent to the edge. Smallwood and Neher (2004) had similar findings in that they determined that raptors fly disproportionately more often on the prevailing windward aspects of slopes.[3]

The ordinance should use the best available science to determine a setback from a ridge for a wind energy project, and what the setbacks should be for windward slopes. 50 feet is not adequate. We recommend 500 feet.

Sincerely,

Garry George
Conservation Chair
garrygeorge@laaudubon.org
323-933-6660 p

[2] California Energy Commission & California Dept of Fish & Wildlife, California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development
[3] California Energy Commission & California Dept of Fish & Wildlife, California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development

Swainson's Hawk
Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California

State of California
California Energy Commission and Department of Fish and Game
June 2, 2010

Swainson's Hawk Background Information

The Swainson's hawk (*Buteo swainsoni*) is listed as a California state threatened species under the California Endangered Species Act (CESA). The species is not listed as threatened or endangered under the federal Endangered Species Act. To comply with state wildlife protection requirements and receive project approvals, renewable energy project developers proposing projects in the Desert Renewable Energy Conservation Plan (DRECP) area may be required to conduct surveys and avoid or minimize impacts to Swainson's hawks and related nesting and foraging habitat. The survey protocols and mitigation and monitoring plan recommendations provided below suggest approaches and measures for complying with protection requirements.

Antelope Valley Swainson's hawks are known to have historically nested in Joshua tree woodlands and foraged in grasslands and native desert scrub communities. Currently, they nest in Joshua tree woodlands, ornamental roadside trees, and windrow or perimeter trees in active and historical agricultural areas. Foraging habitat includes dry land and irrigated pasture, alfalfa, fallow fields, low-growing row or field crops, new orchards, and cereal grain crops. Swainson's hawks may also forage in grasslands, Joshua tree woodlands, and other desert scrub habitats that support a suitable prey base. Gophers dominate the prey base of agriculturally based pairs while Swainson's hawks nesting in natural desert habitats consume a wider variety of prey species. While California's Central Valley Swainson's hawk population winters in Mexico, Central America South America, and a small percentage in the Central Valley, the migration habits of the Antelope Valley population are unknown. Recent observations suggest that they may arrive in nesting territories generally later than the Central Valley Population (Pete Bloom, raptor biologist, personal communication).

Environmental Review Considerations

The California Environmental Quality Act (CEQA), Warren-Alquist Act and implementing regulations, and CESA require consideration of direct, indirect, temporary, permanent, individual project, and cumulative impacts. CEQA allows approval of projects with significant effects when measures have been included to avoid or mitigate those effects, or specific considerations make such measures infeasible and specific benefits outweigh the significant effects. (CEQA Guidelines §21081). CESA regulates the

taking of state-listed species. "Take" is defined as to "hunt, pursue, catch, capture, or kill, or to attempt to hunt, pursue, catch, capture, or kill." (Fish and Game Code §86). Incidental take authorization requires that all impacts to the species are minimized and fully mitigated and that mitigation is roughly proportional to the extent of the impacts of the taking. (14CCR § 783.4). This "full mitigation" standard is intended to ensure that the status of the species is the same or better after project and mitigation implementation as it was prior to project implementation.

Renewable energy project development could cause direct, indirect, individual, and cumulative adverse impacts to Swainson's hawks when facility construction and operation areas (such as wind turbines, power plants, solar panels and tower sites, access roads, staging areas, and pulling/splicing locations) occur in areas where hawks are present. Potential impacts include loss of foraging habitat and disruption of breeding activities due to increased dust, noise, and human presence. Direct mortality from vehicle strikes and collisions with wind turbines is also known to occur. Construction disturbance during the breeding season and habitat loss could cause incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment.

The current land uses in the Antelope Valley area support approximately 10 breeding pairs. This area comprises the southernmost edge of the known breeding range for this species in California. The small number of breeding Swainson's hawks in the Antelope Valley and the potential isolation from other Swainson's hawk populations makes the Antelope Valley population particularly susceptible to extirpation. Swainson's hawks have high nest site fidelity, meaning they return to the same site year after year (Estep 1989, Woodbridge et al. 1995) This may limit exchange of individual birds between distant breeding groups (Hull et al. 2007). Hull et al. (2007) found evidence suggesting that the Central Valley population has had little recent genetic exchange with other populations east of the Sierra Nevada. Due to the geographical isolation of the Antelope Valley Swainson's hawk population from other breeding populations, together with the species' high site fidelity, it is reasonable to infer that rapid re-colonization of the Antelope Valley would be unlikely if nesting pairs were lost. Given these facts, the California Department of Fish and Game (Department) would consider impacts to breeding pairs to be potentially significant because they may cause the population to become less than self-sustaining.

A substantial reduction in numbers or habitat of a rare, threatened, or endangered species would be considered a significant impact under CEQA. Potentially significant impacts may result from activities that cause nest abandonment, loss of nest trees, loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young), or direct mortality. Due to the Swainson's hawk's known preference for areas of low vegetation that support abundant prey, such as grasslands or alfalfa fields (Bechard 1982, Babcock 1995), the Department considers conversion of foraging areas to renewable energy power plant facility sites to be habitat loss. For example, solar panel arrays are expected to eliminate most or all foraging potential. Significant habitat loss may result from individual projects and cumulatively, from multiple projects. Each

project which contributes to a significant cumulative effect must offset its contribution to that effect in order to determine that the cumulative impacts have been avoided.

The Department considers a nest site to be active if it was used at least once during the past 5 years. Impacts to suitable habitat or individual birds within a five-mile radius of an active nest will be considered significant and to have the potential to "take" Swainson's hawks as that term is defined in §86 of the Fish and Game Code. Please consult with the Department when determining whether "take" authorization is warranted for a specific project.

Special Considerations for Wind Energy Development

Wind turbines present an additional, continuous, long-term risk of Swainson's hawk take throughout the life of a project. This continuous risk is not always considered in the environmental analyses for other types of projects that may have limited short-term impacts (e.g. construction related impacts). It has been documented elsewhere in California that Swainson's hawks are killed by wind turbines. Turbine strikes could occur during migration or during the nesting season. Swainson's hawk surveys for wind energy development should follow the same methods as for solar energy projects, described below, but the impacts analysis and corresponding mitigation should consider the additional continuous long-term risk of turbine-related fatalities. Habitat impact analysis should consider both the ground surface area and the air space that is used by Swainson's hawks. The mitigation methods described below are specific to ground surface impacts. Wind energy development project proponents should consult with the Department to develop avoidance measures and mitigation specific for the loss of air space and the potential for on-going take of Swainson's hawk during project operations." For additional avian considerations that are applicable to Swainson's hawk, please refer to the "California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development" (California Energy Commission and California Department of Fish and Game 2007). The guidelines can be found at http://www.energy.ca.gov/windguidelines/index.html.

Survey Protocol

The following survey protocols and monitoring/mitigation recommendations suggest surveys and acquisition of mitigation lands prior to construction of the project if nests are found within five miles of a project site. Before conducting surveys for a particular project, project developers are encouraged to contact the Department and the appropriate lead agencies for up-to-date, site-specific issues and possible refinement of the following survey protocols and monitoring/mitigation recommendations. Survey methods may be flexible depending on surveyor experience and/or already-known nesting status for a given site. Please contact the Department (Region 4 for Kern County and Region 5 for Los Angeles County) to use an alternate survey plan from that suggested within this document.

A qualified raptor biologist with Swainson's hawk survey experience, approved by the Department and the appropriate lead agency, should conduct surveys in a manner that maximizes the potential to observe the adult Swainson's hawks and the nest/chicks via visual and audible cues within a five-mile radius of the project. All potential nest trees within the five-mile radius shall be surveyed for presence of nests. Surveys should be conducted prior to environmental analysis. Surveys should be repeated within the 5-mile radius if a survey season ensues or elapses before the onset of project related activities. If construction begins mid-survey season the year after the initial surveys, then the surveys should continue for that part of the season before construction.

Examples of suitable habitats are Joshua tree woodlands, grasslands, desert scrub communities, and agricultural lands (such as alfalfa, fallow fields, beet, tomato, onions, and other low-growing row or field crops, dry-land and irrigated pasture, cereal grain crops [including corn after harvest], and new orchards). Consult with the Department when determining whether the project site is within five miles of already-known nest sites. If hawks or known nest sites are found within the five-mile radius, consult with the Department and the appropriate lead agency for follow-up to the surveys.

Minimum Equipment
Minimum survey equipment includes a high-quality pair of binoculars and a high quality spotting scope. Surveying even the smallest project area will take hours, and poor optics often result in eye-strain and difficulty distinguishing details in vegetation and subject birds. Other equipment includes good maps, GPS units, flagging, and notebooks.

Walking vs Driving
Driving or "windshield surveys" are usually preferred to walking if an adequate roadway is available through or around the project site. While driving, the observer can typically make a closer approach to a hawk without causing the bird to fly. Although it might appear that a flying bird is more visible, they often fly away from the observer using trees as screens; and it is difficult to determine from where a flying bird originated. Walking surveys are useful in locating a nest after a nest territory is identified, or when driving is not an option.

Angle and Distance to the Tree
Surveying subject trees from multiple angles will greatly increase the observer's chance of detecting a nest or hawk, especially after trees are fully leafed and when surveying multiple trees in close proximity. When surveying from an access road, survey in both directions. Maintaining a distance of 50 meters to 200 meters from subject trees is optimal for observing perched and flying hawks without greatly reducing the chance of detecting a nest/young. Once a nesting territory is identified, a closer inspection may be required to locate the nest.

Speed
Travel at a speed that allows for a thorough inspection of a potential nest site. Survey speeds should not exceed 5 miles per hour to the greatest extent possible. Stop frequently to scan subject trees with binoculars and a spotting scope.

Visual and Audible Cues
Focus surveys on both observations and vocalizations. Observations of nests, perched adults, displaying adults, and chicks during the nesting season are all indicators of nesting Swainson's hawks. In addition, vocalizations are extremely helpful in locating nesting territories. Vocal communication between hawks is frequent (1) during territorial displays, (2) during courtship and mating, (3) through the nesting period as mates notify each other that food is available or that a threat exists, (4) and as older chicks and fledglings beg for food.

Distractions
Minimize distractions while surveying. Although two pairs of eyes may be better than one pair at times, conversation may limit focus. Radios should be off, not only are they distracting, they may cover a hawk's call.

Notes and Species Observed
Take thorough field notes. Detailed notes and maps of the location of observed Swainson's hawk nests are essential for filling gaps in the California Natural Diversity Data Base; please note all observed nest sites, including date and time of observation, location name, UTM coordinates, number of young, and any behavioral observations. Also document the occurrence of nesting great homed owls, red-tailed hawks, red-shouldered hawks and other potentially competitive species. These species will infrequently nest within 100 yards of each other, so the presence of one species will not necessarily exclude another.

Timing
To meet *the minimum level* of protection for the species, surveys should be completed for *at least* the two survey periods immediately prior to a project's initiation. For example, if a project is scheduled to begin on June 1, you should complete three surveys in Period II and three surveys in Period III. However, it is always recommended that surveys be completed in Periods II, III, and IV prior to environmental review.

Survey Period I
Survey dates: January-March 31 (optional but recommended; pre-arrival)
Survey Time: All day
Number of Surveys: 1
Justification and search image: Prior to Swainson's hawks arrival from wintering grounds, it is very helpful to survey the project area to determine potential nest locations. Most nests are easily observed from relatively long distances, giving the surveyor the opportunity to identify potential nest sites, as well as becoming familiar with the project area. It also gives the surveyor the opportunity to locate and map competing species nest sites such as great homed owls from February on, and red-tailed hawks

from March on. After March 1, surveyors may observe Swainson's hawks staging in traditional nest territories.

Survey Period II
Survey dates: April 1 – April 30 (arrival; nest building)
Survey Time: All day
Number of Surveys: 3
Justification and search image: Most Antelope Valley Swainson's hawks return by April 1, and immediately begin occupying their traditional nest territories. For those few that do not return by April 1, there are often hawks ("floaters") that act as place-holders in traditional nest sites; they are birds that do not have mates, but temporarily attach themselves to traditional territories and/or one of the site's "owners." Floaters are usually displaced by the territories' owner(s) if the owner returns. Most trees are leafless and are relatively transparent; it is easy to observe old nests, staging birds, and competing species. The hawks are usually in their territories during the survey hours, but typically soaring and foraging in the mid-day hours. Swainson's hawks may often be observed involved in territorial and courtship displays, and circling the nest territory. Potential nest sites identified by the observation of staging Swainson's hawks will usually be active territories during that season, although the pair may not successfully nest/reproduce that year. Both males and females are actively nest building, visiting their selected site frequently. Later in this survey period, territorial and courtship displays are increased, as is copulation. The birds tend to vocalize often, and nest locations are most easily identified. This period may require a great deal of "sit and watch" surveying.

Survey Period III
Survey dates: May 1 – May 30 (egg laying; incubation)
Survey Time: daylight hours, as needed to monitor known nest sites only
Number of Surveys: 3
Justification and search image: Nests are extremely difficult to locate this time of year, and even the most experienced surveyor may miss them, especially if the previous surveys have not been done. During this phase of nesting, the female Swainson's hawk is in brood position, very low in the nest, laying eggs, incubating, or protecting the newly hatched and vulnerable chicks; her head may or may not be visible. Nests are often well-hidden, built into heavily vegetated sections of trees or in clumps of mistletoe, making them all but invisible. Trees are usually not viewable from all angles, which may make nest observation impossible. Following the male to the nest may be the only method to locate it, and the male will spend hours away from the nest foraging, soaring, and will generally avoid drawing attention to the nest site. Even if the observer is fortunate enough to see a male returning with food for the female, if the female determines it is not safe she will not call the male in, and he will not approach the nest; this may happen if the observer, or others, are too close to the nest or if other threats, such as rival hawks, are apparent to the female or male.

Survey Period IV
Survey dates: June 1 – July 15 (fledging)
Survey Time: Sunrise to 1200, 1600 to sunset
Number of Surveys: 3
Justification and search image: Young are active and visible, and relatively safe without parental protection. Both adults make numerous trips to the nest and are often soaring above, or perched near or on the nest tree. The location and construction of the nest may still limit visibility of the nest, young, and adults.

Reporting
Provide the Department and the appropriate lead agency with pre-construction survey results in a written report, within 30 days prior to commencement of construction activities. Report should include date of the report, authors and affiliations, contact information, introduction, methods, study location (include map), results, discussion, and literature cited. For surveys intended to support environmental impact analyses prior to project approval, provide the Department and the lead agency with written survey reports within 30 days of survey completion. Submit California Natural Diversity Database (CNDDB) forms for any listed, fully protected, or species of special concerncountered and positively identified. CNDDB forms may be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDB_FieldSurveyForm.pdf.

Monitoring and Mitigation Plan Recommendations

1. If surveys locate a nest site, prepare a Swainson's hawk Monitoring and Mitigation Plan in consultation with the Department and the appropriate lead agency. Plans should be prepared by a qualified biologist approved by the Department and the appropriate lead agency. Include in the plans detailed measures to avoid and minimize impacts to Swainson's hawks in and near the construction areas. For example:

    a. If a nest site is found, design the project to allow sufficient foraging and fledging area to maintain the nest site.

    b. During the nesting season, ensure no new disturbances, habitat conversions, or other project-related activities that may cause nest abandonment or forced fledging occur within 1/2 mile of an active nest between March 1 and September 15. Buffer zones may be adjusted in consultation with the Department and the lead agency.

    c. Do not remove Swainson's hawk nest trees unless avoidance measures are determined to be infeasible. Removal of such trees should occur only during the timeframe of October 1 and the last day in February.

2. Monitoring plans should include measures for injured Swainson's hawks:

   a. For hawks found injured during project-related activities on the project site, plans should call for immediate relocation to a raptor recovery center approved by a Department regional representative.
   b. A system should be set-up so that costs associated with the care or treatment of such injured Swainson's hawks will be borne by the project developer.

   c. Include appropriate contact information for immediate notification of the Department and the appropriate lead agency of a hawk injury incident. Have approved procedures in place to notify the Department and the lead agency outside normal business hours. Notify the appropriate personnel via telephone or email, followed by a written incident report. Include the date, time, location, and circumstances of the incident in the reports.

3. Mitigation plans should focus on providing habitat management (HM) lands. Lands which are currently in urban use or lands that have no existing or potential value for foraging Swainson's hawks will not require mitigation nor would they be suitable for mitigation. The plans should call for mitigating loss of Swainson's hawk foraging habitat by providing HM lands within the Antelope Valley Swainson's hawk breeding range at a minimum 2:1 ratio for such habitat impacted within a five-mile radius of active Swainson's hawk nest(s). The Department considers a nest active if it was used one or more times within the last 5 years.

   Project developers may consider delegating responsibilities for acquisition and management of the HM lands to the Department or a third party, such as a non-governmental organization dedicated to Mojave Desert habitat conservation. Seek approval of such delegations from the Department and the appropriate lead agency.

   Approaches for acquisition and management of HM lands:

   a. <u>HM Land Selection Criteria.</u> Identify the region within which lands would be acquired, and the type/quality of habitat to be acquired. Foraging habitat should be moderate to good with a capacity to improve in quality and value to Swainson's hawks, and must be within the Antelope Valley Swainson's hawk breeding range. Foraging habitat with suitable nest trees is preferred.

   b. <u>Review and Approval of HM Lands Prior to Acquisition</u>. Provide an acquisition proposal to the Department and the appropriate lead agency for their approval at least 3 months before acquiring the property. The proposal should discuss the suitability of the property by comparing it to the selection criteria.

   c. <u>Land Acquisition Schedule and Financial Assurances.</u> Complete acquisition of proposed HM lands before initiating ground-disturbing project activities. If an irrevocable letter of credit or other form of security is provided, complete land acquisition within 12 months prior to beginning ground-disturbing project

activities. Provide financial assurances for dedicating adequate funding for impact avoidance, minimization and compensation measures required for project approval (see 3. d. below).

d. HM Lands Acquisition. Be prepared to provide a preliminary title report, initial hazardous materials survey report, biological analysis, at a minimum to the Department and the appropriate lead agency. The information will likely also be reviewed by the California Department of General Services, Fish and Game Commission and/or Wildlife Conservation Board.

   Fee title or conservation easement will likely be transferred to a Department of Fish and Game-approved non-profit third party and the Department, or solely to the Department. Be prepared to support enhancement and endowment funds for protection and enhancement of acquired lands. The Department will approve establishment and management of the funds, ensuring that qualified non-profit organizations or the Department will manage the funds in an appropriate manner. Contributed funds and any related interest generated from the initial capital endowment would support long-term operation, management, and protection of the approved HM lands, including reasonable administrative overhead, biological monitoring, improvements to carrying capacity, law enforcement measures, and any other action designed to protect or improve the habitat values of the HM lands. Be prepared to reimburse the Department or other entities for all land acquisition costs.

References

Babcock, K.W. 1995. Home range and habitat use of breeding Swainson's hawks in the Central Valley of California. Journal of Raptor Research 29:193-197.

Bechard, Marc J. Effect of vegetative cover on foraging site selection by Swainson's Hawk. The Condor 84: 153-159.

California Energy Commission and California Department of Fish and Game 2007. California guidelines for reducing impacts to birds and bats from wind energy development. Commission final report. California Energy Commission, Renewables Committee, and Energy Facilities Siting Division and California Department of Fish and Game, Resources Management and Policy Division. CEC-700-2007-008-CMF.

Estep, J.A. 1989. Biology, movements, and habitat relationships of the Swainson's Hawk in the Central Valley of California, 1986–87. California Department of Fish and Game, Nongame Bird and Mammal Section Report.

Woodbridge B, Finley KK, Bloom PH. 1995. Reproductive performance, age structure, and natal dispersal of Swainson's Hawks in the Butte Valley, California. Journal of Raptor Research 29:187–192.

AGUA DULCE TOWN COUNCIL

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April 8, 2015

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320 West Temple Street, 13th Floor
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Via Email to: stae@planning.lacounty.gov
jalee@planning.lacounty.gov

RE: Renewable Energy Ordinance, Draft 3

Dear Ms. Tae and Mr. Lee:

The Agua Dulce Town Council has reviewed the Renewable Energy Ordinance, Draft 3 (REO3) and we support the concerns and issues raised by the Association of Rural Town Council's letter dated March 16, 2015 regarding the Draft REO3. We have attached a copy of that letter for your reference.

Additionally we have found some specific issues within the Draft Ordinance that need to be addressed. These issues and concerns are outlined below:

- **Modifications to existing Los Angeles County Code regarding Minor Conditional Use Permits**

  22.56.085 Grant or Denial of Minor Conditional Use Permit by Director: Renewable energy systems have been added to section A. Nine other uses that are NOT related to renewable energy systems can apply for Minor Conditional Use Permits. Section 22.56.085 C. has been eliminated in its entirety. This section refers to notice of the project to neighboring parcels and the ability to file a request for a public hearing. Section 22.56.085 D. deletes the requirement of holding a public hearing if at least two requests for a public hearing have been filed.

  This changes how a minor conditional use permit is processed and extends beyond the renewable energy ordinance. It appears that in the effort to establish regulations and permit requirements that support and facilitate the development of solar and wind energy systems, the requirements of Minor Conditional Use Permits have been compromised. The notice requirement and ability for a public hearing are key components to the Minor Conditional Use Permit process. These existing requirements must be left in for ALL Minor Conditional Use Permits. The public's ability to comment and raise concerns should not be denied. As written, the hearing officer can grant a permit with little or no public input. Theses sections need to be reinstated.

- **Definitions and standards for Small-Scale Energy Systems**

  22.08.190 defines both Small-Scale Solar and Small-Scale Wind Energy systems as systems used to generate energy primarily for **on-site use**. Yet, the standards within the document allow for Small-Scale Energy systems to be sized allowing the energy capacity generated to power well over that required for on-site use. Specifically on page 3 of 79, Small-Scale Wind Energy systems can have a rated capacity of 50 kilowatts or fewer. According to research, 50 kilowatts could power up to 32 homes. Lowering the maximum rated capacity to 25 to 30 kilowatts or less brings the energy generated to a more realistic amount to be used on-site.

  Section 22.52.1625 C. 4. Allows up to two wind towers for each five gross acres of land. Small-Scale Wind Energy systems should be limited to a single tower regardless of the size of the parcel. Section 22.52.1615 B. Standards for Small-Scale Solar Energy Systems Ground-mounted systems allows for maximum lot coverage for 25% of the lot or parcel or 2.5 acres, whichever is lesser. According to research, 2.5 acres of ground-mounted solar structures could provide enough energy to support up to 55 homes. One quarter acre of ground mounted solar structures could power more than 5 homes. Lowering the maximum lot coverage to one quarter acre brings the standard to a more realistic amount of energy generated for on-site use. 22.52.1640 C. indicates a Small-Scale Solar Energy system that exceeds the maximum lot coverage of 25% requires approval of a Minor Conditional Use Permit. For reasons listed above, the lot coverage needs to be reduced to a maximum of one quarter acre for on-site use. Anything greater than one quarter acre coverage would move the project out of the "Small-Scale" system and into a "Utility-Scale" system and should require a full Conditional Use Permit. A Minor Conditional Use Permit is not appropriate.

- **22.56.085 Minor Conditional Use Permit**
  In addition to the concerns outlined above, Utility-Scale Wind energy facility, structure mounted needs to be removed from this section. The unmitigable impacts from Utility-Scale Eind energy systems include noise, visual, avian mortality, and fire danger. Minor Conditional Use permits by their nature are limited in scope and impacts. Utility-Scale Wind energy systems do not fit that category. A full Conditional Use Permit is necessary.

We ask that you seriously consider our comments when making modifications to the Draft Renewable Energy Ordinance. We appreciate the opportunity to comment on this important addition to Los Angeles County Code.

Sincerely,

Don Henry

Don Henry, President
Agua Dulce Town Council – 2015

Enclosure: 1

Cc: Ms. Rosalind Wayman, 5th District Senior Deputy rwayman@lacbos.org
Mr. Edel Viscarra, 5th District Land Use Deputy evizcarra@lacbos.org
Ms. Susan Zahnter, Association of Rural Town Councils, Interim Director ourartc@gmail.com

April 6, 2015

Los Angeles County Department of Regional Planning
320 W. Temple Street, 13th Floor
Los Angeles, CA 90012
Attn: Thuy Hua
Email: thua@planning.lacounty.gov
Email transmission of 3 (three) pages

Subject: Comments on the Draft Environmental Impact Report issued for the Draft Renewable Energy Ordinance.

Dear Ms. Hua;

Please accept these comments on the Draft Environmental Impact Report ("EIR") prepared pursuant to the County's Draft Renewable Energy Ordinance ("RenEng") released February 20, 2015. Incorporated in these comments on the Draft EIR by reference are all the prior comments that I have previously submitted to DRP on this draft ordinance, including (but not limited to) the letters submitted on March 9 and March 20, 2015.

I have a number of concerns with the Draft EIR, and public review of the document is made more complicated by the fact that it is not provided in a searchable format, and it is broken into 31 separate files. In short, reviewing the Draft EIR is NOT a "user friendly" experience. Given that the Draft RenEng Ordinance was released at the same time as the Draft EIR on a compressed public review, comment, and hearing cycle (which demands Board approval by June, 2015), it seems rather clear that the Department of Regional Planning ("DRP") has little time for a thoughtful public dialogue. Moreover, and due to the shortness of time, the logistical difficulties with reviewing the Draft EIR, and the preponderance of other important issues that face the Community of Acton at this time (including, but not limited to, the High Speed Rail, problems with Southern California Edison, new proposed commercial developments, etc.), my comments on the Draft EIR are necessarily brief.

CHAPTER 3:

The Draft EIR states: "Impacts of small-scale solar energy systems (rooftop or ground-mounted) on land and resources generally relate to effects on the visual environment."

This is not true. A major health and safety concern is glare, which can occur significant distances from the solar installation. See for example the white portions of the energy system depicted in the photograph provided at the top of Figure 3-4c; though muted in the photograph, these are areas of intense glare. Such glare is utterly blinding to anyone

(including motorists) in the path of the reflected light. Another major health and safety concern is dust/respiratory problems and valley fever created by allowing a quarter of every parcel in the Antelope Valley to be covered with ground mounted solar equipment. For example, see the photograph provided at the bottom of Figure 3-4b. If 25% of every lot in Acton has what is depicted in this figure (as allowed by the draft RenEng ordinance), there would be daily dust storms across the entire community of Acton.

The last line item on Table 3-2 (on page 3-32) states that the Environmental Design Consideration for the "Noise" issue associated with utility scale wind is "Noise from small-scale wind energy systems shall not exceed 60 dBA SEL, as measured at the closest neighboring inhabited dwelling". This is problematic for a number of reasons:

- This limit applies only to small-scale wind energy facilities and ignores the substantially louder noise potential of utility-scale wind generation facilities (both structure- and ground-mounted).

- It constrains the consideration of noise impacts to only existing inhabited dwellings, and ignores businesses and outdoor uses such as equestrian facilities (barns, corrals, trails), animal rescue facilities, agricultural uses, etc. The noise limit must be established at the fenceline, and not extend to properties that are not part of the energy development.

- It establishes a very high (60 dB) noise threshold (for small wind systems only) that is entirely unsuitable for rural areas. Ambient noise levels in such areas are typically less than 45 dBA, and an increase of 10 dBA results in an approximate doubling of the sound. The 60 dBA threshold essentially triples the ambient noise level in rural areas. To frame the issue in more understandable terms, 60 dBA is approximately the noise level one experiences 3 feet from an operating clothes dryer, and 10 dBA more (at 70 dBA) is the noise made by a vacuum cleaner. This authorizes a continuous and exceptionally loud "noise overlay" in rural areas where the existing noise profile is virtually non-existent. There is no reason for establishing such a high threshold value

- It relies on a "Single Event Level" parameter which does not properly or accurately represent the continuous noise profile generated by wind energy facilities. While uses which occasionally create single noise events of 60 dBA or more may be reasonable in rural areas, uses which generate such noise levels on a continuous basis (such as wind turbines) are not.

- The Draft EIR considers only initial sound profiles, does not require a "followup" assessment after construction to confirm that noise limits are met, and fails to address increased noise that will occur over time after the wind turbine bearings and contact surfaces are worn down and no longer "true".

The Draft EIR also fails to justify the absurdly low "2X height" setback limits for utility scale ground-mounted wind projects (see table 3-4), In fact, I could find nowhere in the Draft EIR where impacts of this ridiculous setback limit is even addressed; instead, the Draft EIR simply states that the impacts of these facilities are potentially significant. Worse yet, and in violation of CEQA, the Draft EIR fails to consider alternative setback limits which would indeed reduce impacts to less than significant. For the record, internationally, (and particularly in Europe), the setback standard for such facilities is at least half a mile or more.

CHAPTER 4

This Chapter fails to properly establish quantifiable thresholds for various environmental impacts such as land use, aesthetics, and water usage even though such thresholds can indeed be developed for small-scale solar development in residential rural communities such as Acton. Specifically, DRP could reasonably quantify thresholds of significance for impact that will occur when 25% of the entire land area of rural communities like Acton is occupied by ground-mounted accessory solar facilities that are supposedly "small scale". Rather than complying with CEQA, the Draft EIR merely states that the RenEng ordinance "could have a potentially significant effect" on the environment (see for example page 4.1-17). This failure to establish quantitative thresholds of significance in the Draft EIR constitutes a violation of CEQA (15064.7) and it allows DRP to completely sidestep ***any*** consideration of ***actual*** impacts that will occur in communities like Acton when huge sections of the community are occupied by "small-scale" solar facilities.

Worse yet, DRP's failure to quantify impacts that will occur as a result of the RenEng Ordinance ultimately allows DRP to ***ignore*** viable project alternatives that would reduce impacts of "small scale solar facilities" in rural communities to less than significant. For instance, limiting "small-scale solar facility" development on ***residential*** and ***agricultural*** lots to 15 kW will entirely achieve the objective of "small scale solar" facilities by promoting solar development for "on site" use, while minimizing all the glare, dust, and water usage of such developments within rural communities to a level of insignificance. The Draft EIR must be revised to establish quantified impact thresholds for "small-scale" solar development in rural communities, and consider alternatives (in the form of size limitations on residential and agricultural uses) that reduce impacts to "less than significant".

Sincerely,

Jacqueline Ayer
Resident, Acton

Susan Zahnter
P. O. Box 76
Lake Hughes, CA 93532

6 April 2015

SENT VIA EMAIL

Mr. Jay Lee, Planner
Renewable Energy Ordinance
Los Angeles County Department of Regional Planning
320 West Temple Street 13th Floor
Los Angeles, CA 90012
jalee@planning.lacounty.gov

Dear Mr. Lee,

RE: Comments, Draft Environmental Impact Review, Renewable Energy Ordinance

It is ironic that the County's Renewable Energy Ordinance (REO), meant to provide protections not existing under current ordinances, is part and parcel of immense popularity of so-called "green energy" projects promoted by the renewable energy industry, State of California, and Federal energy policies that do considerable harm to natural environments, property owners, and residents. It is ironic massive destruction of landscapes, especially those of the rural Antelope Valley are promoted by the County's "green energy" ordinance, which is poised to have many "potentially significant and unavoidable" effects on North County communities. These effects are not only environmentally destructive to landscapes and wildlife, but harmful to the health and welfare of local residents via issues surrounding fugitive dust, water, and loss of private property values as a result of utility-scale renewable energy development.

There are well documented effects of utility-scale renewable energy on wildlife. Most of us have heard or read accounts of bird "streamers" evaporating in beams of intense light produced by solar plants; seen videos of federally protected raptors injured or killed in flight, foraging near wind turbines; heard of bats killed by the thousands by "barotrauma" created by atmospheric pressure changes around turbine blades, etc. However, thousands of residents and landowners across the Antelope Valley face the advance of utility-scale renewable energy projects that will produce fugitive dust that carries Coccidioides immitus, or Valley Fever. So far, there has been limited success in reducing dust, and "the emissions from industrial and transportation activities in the County, combined with topographic and meteorological characteristics of the area, create air quality conditions that fail to meet state and federal ambient air quality standards" (DEIR, 4.3-4). How does the DEIR address this failure to meet state and federal air quality standards? Recently, the Environmental Protection Agency faulted the Desert Renewable Energy Conservation Plan for failing to properly address impacts of Renewable Energy (RE) development on air quality. "Under the Clean Air Act, any new project that constitutes a potential new stationary source of air pollution must obtain a permit from the EPA under the agency's New Source Review program. Desert solar facilities have already been shown to contribute to particulate matter in the air downwind. Since the entire DRECP plan area violates federal clean air standards for particulate matter on a regular basis, it would seem sensible to apply New Source Review standards to those projects the DRECP is meant to encourage. The EPA suggests that a procedure for determining whether new renewable projects in the plan area will need to obtain New Source Review

permits be included in the DRECP's final Environmental Impact Statement: a substantial undertaking" (KCET, Rewire, The EPA Just Ripped California's Big Renewable Energy Plan, Chris Clarke, February 25, 2015 5:10 PM). No suggestion appears in the DEIR that EPA New Source Review criteria for permits would be a requirement for individual projects, and the lack of surety for elimination of fugitive dust and inability to reduce impacts to "less than significant" leaves residents in the Antelope Valley exposed to dangerous respiratory disease-causing particulate matter and Coccidioides spores, which can sicken and kill. Chapter 4.3 mentions only guidelines to protect project workers, not residents. As the DEIR explains, "there is no guarantee at this time on a project-specific level, that implementation of measures previously described and any future mitigation measures deemed necessary through the CUP discretionary process will reduce impacts to a level below significance" (pg. 4.3-29). There is no requirement in the ordinance that air quality meet measurable standards to protect Antelope Valley Residents, and no air quality monitoring equipment required by projects to evaluate the success of air quality mitigation measures.

Repeatedly, residents have expressed concerns regarding water issues. During this time of drought many have questioned the use of water for large utility-scale projects. Some projects have exhausted their allotted water supplies during construction phases and required additional water for dust control and have additional water needs for failing landscape designs. A concentration of projects in specific areas could cause diminishing ground water levels and affect private wells. As of this writing, water purveyors may sell water to any project as they see fit, even those outside their districts, and at the expense of water supplies for residents. There are no "required" water conservation plans or water quality testing in this document. The DEIR explains the water adjudication currently considered, and refers future projects to the requirements set forth by the court, when the final judgment occurs. The current drought has brought state requests to reduce water consumption by twenty-five percent. How is it possible to reduce water consumption and at the same time guarantee water for population growth and development of RE throughout the county?

So far, the DEIR does not approach the subject of mitigating the loss of property values adjacent to industrial-scale RE projects, as well as the effects of neighboring properties allowed to place up to 2.5 acres of ground-mounted solar panels (without a discretionary permit) on a five acre property. This portion of the RE Ordinance would essentially allow small utility-scale ground-mounted solar development throughout rural communities without public or CEQA review, and allow a piecemeal approach to RE development that may be prohibited by CEQA. Cumulatively, this could have significant impact. Anything that hinders property values is an unfair burden on rural property owners faced with shouldering the huge "actual" cost of renewable energy. In the paper, "International Review of Policies and Recommendations for Wind Turbine Setbacks from Residences: Setbacks, Noise, Shadow Flicker, and Other Concerns," by Katherine M. B. Haugen, Minnesota Department of Commerce: Energy Facility Permitting, October 19, 2011, the country of Denmark has policies in place that require payment to residents nearby wind turbine facilities to be reimbursed for lost property value. "People living within six times the total height of the wind turbine may request to have their property assessed for loss of value due to proximity of the wind turbines.[80] If the value of their property is determined to have decreased by a minimum of 1%, they may be reimbursed for their loss. The value of the property is assessed by experts in property value, and if they determine a significant decrease in the property value the wind facility developer is required to pay the difference" (page 19/43). It does not seem unreasonable to require assessment of adjacent properties by project proponents to determine value and, if necessary, compensate owners.

There are a number of communities in the eastern and western Antelope Valley that are identified as "Disadvantaged Unincorporated Legacy Communities" (General Plan 2035_2014-Fig_6). The notion of social justice is inherent in the designation. These communities have few basic services, and this also describes many other similar small communities across the valley without monetary resources for legal assistance, consultation with land planning and legal experts, and lobbyists to protect their rights and properties. How does this DEIR approach mitigation for all significant, unavoidable impacts to rural residents in the North County? It is disheartening to read and see the large number of those significant unavoidable impacts without mitigation to improve outcomes. Rural residents are facing dismal prospects of industrial development that will change the character of their communities. Please include discussion of social justice and RE as it relates to rural communities.

Sincerely,

Susan Zahnter

Kathleen Trinity
4343 Fairlane St.
Acton, Ca 93510

Project No. R2014-01160-(

April 8, 2015

RECEIVED
APR 8 2015
J. Lee / R Ruiz

Mr. Jay Lee
Los Angeles County
Department of Regional Planning
320 West Temple St.
Los Angeles, CA 90012

Dear Mr. Lee:

Last month in Lancaster I asked the Commission and your department to give careful consideration to placement of wind turbines in the Renewable Energy Draft Ordinance because of the very clear danger to birds, many of whom keep pests in check, who distribute seed, or who truly delight and inspire. In any case, our birds and migratory birds are part of the ecosystem in Acton and the surrounding communities.

What is a bird, or for that matter, any other animal without its habitat? Excluding humans, all vertebrate animal life on earth in 1970 has now been more than cut in half mostly because of the loss of habitat, habitat taken by humans for development, not just from climate change, the latter accounting for less than 2% (World Life Fund Report, 2014). Yes, we do need to heed the signs of climate change, and yet is the question for renewable energy how much we can get away with legally in the Ordinance, or rather how smartly and respectfully we can plan for renewable energy so as to protect local quality of life for both humans and animals?

Wind turbines in the mountains, foothills and interior hills of Acton would not only take the lives of thousands of birds yearly, but would deprive them and other animals of habitat. It is not just actual square footage that would be lost, but the quality of habitat loss due to noise, strobe effects of rotary blades, erosion caused by the bases of towers on or near slopes, maintenance roads and traffic, and the

Quality of life in Acton, and in some cases making a living, is inextricably bound to the life of domestic and wild animals and their habitat. In the larger picture, beyond Acton, it seems to me that any ordinance that fails to respect wildlife, domestic animals and the quality of life of humans is not rooted in the core values of our human nature. We shudder, as we should, at the traps that clamp down on a fox's leg, now illegal in California. And yet we cavalierly rationalize "takes," a euphemism for the mutilation and death of birds caught in the blades of turbines moving 120 to 180 mph. As Edward Gala writes in the L A Times, Opinion section, yesterday, April 6, there are other options for renewable energy without having to destroy the habitat and natural beauty of rural areas. Can we no longer look to the hills or do we have to avert our eyes because we know of the slaughter?

Jay Lee

From: Judy Watson [j_a_c_1940@yahoo.com]
Sent: Sunday, April 05, 2015 10:06 AM
To: Norm Hickling; evizcarra@lacbos.org; Susan Tae; Jay Lee
Subject: Not Recyclable

What happens to old wind turbines, made of fiberglass and hold 500 gallons of oil, they're not recyclable. What do you do with old solar panels that no longer function, that have Cadmium Telluride, a toxic poison, also not recyclable. Wind and Solar farms are the hypocrisy of the environmental movement. These projects haven't worked well for Europe, why would it for us? Do you research the Pro's and Cons? My view is of the Kern County wind farms, and many a day they sit motionless. No Wind. No Power. Solar Farms heat the ground and atmosphere around them, contributing to global warming.
Jobs? after completion of 6 months to a year, the area is a ghost town. Maybe one or two maintenance jobs. We should wait and see how reliable and efficient these farms are before we construct more. We've been telling you for years, we don't want DRP unelected bureaucrats making decisions for us.
Cindy Bonanno
46307 Kings Canyon Rd.
Lancaster, Calif. 93536
917-7923

Jay Lee

From: Judy Watson [j_a_c_1940@yahoo.com]
Sent: Sunday, April 05, 2015 10:08 AM
To: Norm Hickling; evizcarra@lacbos.org; Susan Tae; Jay Lee
Subject: New Technology

California has reached it's 33%, requirement by law, for green energy projects. Yet, these projects are still destroying miles of desert land and more to come. I look out at the Antelope Valley covered in thousands of acres of solar panels, and think, this will soon be obsolete. Remember the first computer? It took up an entire room. In just a few short years, you could hold one in the palm of your hand which did 100 times what the first computer ever thought about accomplishing.

With technology still evolving, what do we do with out dated solar farms and wind turbines. Lockheed is researching nuclear fusion, with predictions of powering 80,000 homes 24/7 with electric power, about the size of a pick up bed, without waste or danger. Aren't we destroying miles of habitat, desert wildflower growth, and creating dust for nothing. Not to mention valley fever spores carried in unwanted dust that infects valley residences. It's time to stop all construction, take a breath, re-think these projects and consider the changes that will happen with new technology.

Thank you

Judy Watson
46460 Kings Canyon Rd
Lancaster, Calif. 93536
661-724-1563

Jay Lee

From: Esca Smith [esmith65@avc.edu]
Sent: Saturday, April 04, 2015 12:35 PM
To: Jay Lee
Subject: Re:Comments whether the report adequately examines potential environmental harm, new regulations on how and where renewable-energy facilities can be built

Hi Los Angeles County Regional Planning Commission, I would hope that any changes to existing regulations or any new regulations would address (1) preserving riparian environments and habitats in hillside canyons and washes in, at, and near home construction and commercial/industrial construction, because these habitats are critical to the survival of so many native desert species.; (2) Elevated construction of Solar Generation Stations on frame racks ten feet above ground, as to allow access and egress of wildlife in their historic range, including Pronghorn Antelope.; And (3) fencing with a smooth bottom wire or rail (not barbwire) 18" to 20" above ground allowing enough room for Pronghorn Antelope to crawl under. Also (4) guarantees that Habitat Corridors will include access and egress to the Antelope Valley California Poppy Reserve for Pronghorn Antelope. Thank You Sincerely Esca Smith President of the Naturalist Environmental Organization (N.E.O. a student club at Antelope Valley College)

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

April 16, 2015

TO: Pat Modugno, Chair
Stephanie Pincetl, Vice Chair
Esther L. Valadez, Commissioner
David W. Louie, Commissioner
Curt Pedersen, Commissioner

FROM: Jay Lee, AICP
Community Studies North Section

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

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
	General	
Conservation of Open Space & Natural Habitats	Mitigation land is not required for utility-scale projects while it is required for minor land divisions that create large residential lots	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.
	Utility-scale wind energy facilities will destroy natural habitats and lead to habitat fragmentation	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.
	Utility-scale projects will have a detrimental impact on the Poppy Reserve	All utility-scale wind energy facilities and ground-mounted utility-scale solar enerry 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.
Cumulative Impacts	The cumulative effect of small-scale wind energy systems and ground-mounted utility-scale projects has not been adequately addressed	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.
	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	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. Furthermore, the REO strongly encourages small-scale and structure-mounted projects. CEQA will also analyze cumulative impacts, which consider other nearby projects.
Definitions	A temporary meteorological tower should not be described as a wind tower and have its own designation	"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.
Enforcement	The Ordinance should specify the maximum number of violations that may be issued before a Final Zoning Enforcement Order is issued	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.
Prohibition	Utility-scale projects should be prohibited in the Antelope Valley	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.

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
	Specific	
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 permitte 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
	The REO should require generation tie lines to be placed underground	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.
	Transmission lines for small-scale wind energy systems should also be undergrounded	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
Glare	The condition regarding glare is too vague and imprecise	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.
	Glare impacts to properties far away from utility-scale projects are not addressed	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.
Height	The height limit for ground-mounted utility-scale solar energy facilities should be 12 feet	The height limit for ground-mounted utility-scale solar energy facilities was taken from CCPDA's Model SEF Permit Streamlining Ordinance. A maximum heigh 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.
Landscaping	A landscaped contractor registered with the County shall maintain all perimeter fencing landscaping for ground-mounted utility-scale projects	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.
	Permanent irrigation should be installed and functioning prior to approval and throughout operation for ground-mounted utility-scale projects	Temporary irrigation is required to establish the landscaped buffer area. The landscaped buffer area should require minimal water use and not require permanent irrigation.

RESPONSE TO COMMENTS MATRIX

ISSUE	COMMENTS	RESPONSES
	The REO should require vegetation that will grow fast, be attractive, and provide adequate screening	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.
	The use of recycled water is not suitable for native plants	The REO has been updated to require County Staff Biologist consultation to ensure that recycled water is appropriate for the project.
	Landscaped buffer areas will require a lot of water	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.
	Native vegetation does not grow very tall and would not provide much screening	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.
	The landscaped buffer area section does not detail whether its purpose is to provide flat landscaping or actualy screening	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.
Noise	There are no noise requirements for utility-scale wind energy facilities	Utility-scale wind energy facilities are subject to the same noise requirement for small-scale wind energy systems
	The REO does not consider noise impacts to non-residential uses	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
	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	DRP conducts regular inspections to ensure that projects are in compliance with the conditions of approval
	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	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.
Ridgelines	There is no ridgeline protection for utility-scale wind energy projects	Utility-scale wind energy facilities are subject to the ridgeline protection requirements for small-scale wind energy systems

RESPONSE TO COMMENTS MATRIX

ISSUE	COMMENTS	RESPONSES
	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	Setbacks are required from any significant ridgelines identified in the General Plan, in an applicable Area or Community Plan, or within an applicable CSD
	The setback requirements from significant ridgelines are too small	The setback requirements from significant ridgelines were increased
	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	The REO has been revised to include a setback requirement from maximum elevations in Hillside Management Areas
Scenic Resources	The requirements regarding scenic resources should be the same for the Coastal Zone and desert areas	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.
	The REO should require visual impacts for utility-scale projects to be eliminated	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.
	The REO should indicate that small-scale wind energy systems may be completely restricted due to visual impacts	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.
Setbacks	The setback requirements for ground-mounted utility-scale wind energy facilities needs to be increased to one to two miles	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.
Time Limit for Temp. MET Towers	The REO should impose a time limit of two years for the operation of temporary meteorological towers	Through the Minor CUP process, the time limit for temporary meterological 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.
Water Quality	The REO should require water testing for discharge to surface water and groundwater available for public view for ground-mounted utility-scale projects	The Regional Water Quality Control Board is responsible for ensuring water quality. DRP is not the primary agency to regulate and monitor water quality.

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 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-moutned utility-scale wind energy facilities are not sufficient	The REO has been revised to require site plans for ground-mounted wind energy projects to depict wind tower footprints and heights
	Aquatic, riparian, ephemeral, and wetland habitats should be delineated on site plans submitted for ground-mounted utility-scale projects	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 concrete rather than conceptual dust control plan should be required for ground-mounted utility-scale projects	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.
Consultation	Aviation review should include the evaluation of impacts to aviation fire fighting capabilities	The REO has been revised to require review from the County Fire Department
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 REO seeks to encourage small-scale and structure-mounted projects. Requiring a CUP would be contrary to this objective
	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 eneryg 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
	The modification of significant ridgeline protection provisions should not be eligible for a Minor CUP	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.
	Minor CUPs should be able to be appealed to the Board of Supervisors	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.
Modifications	It is too easy for applicants to modify the development standards	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.
	No exceptions shall be given for topographic or physical features and wind towers higher than 500 feet should not be allowed through a variance	The variance procedure has been established to permit modificaiton of development standards. Eliminating the only procedure to modify the maximum height requirement for utility-scale wind energy facilities may violate due process.

ATTACHMENT 2: REVISED
APRIL 2015
RENEWABLE ENERGY ORDINANCE

ORDINANCE NO. _____

An ordinance amending Title 22 ï Planning and Zoning ï 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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-- ñDecommissioningò means the discontinuance of a permitted use and removal of all structures, equipment, footings, and fencing associated therewith from a property, which includes safe storage, dismantling, disposal, and/or recycling; and site restoration.

é

SECTION 2. Section 22.08.070 G is hereby amended to read as follows:

22.08.070 G

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-- ñGuy wiresò means wires or cables used to support a wind tower as defined by Section 22.08.230, or other structures that require the use of such wires or cables for support.

SECTION 3. Section 22.08.130 M is hereby amended to read as follows:

22.08.070 M

é

-- ñMeteorological tower, temporary (Temp Met Tower)ò means a facility consisting of a tower and related wind-measuring devices, which is used ~~solely~~ to measure winds ~~preliminary~~ prior to construction of a ~~non-commercial~~small-scale wind energy ~~conversion~~ system or utility-scale wind energy facility.

é

SECTION 4. Section 22.08.190 S, is hereby amended to read as follows:

22.08.190 S

é

-- ñSmall-scale solar energy systemò means a system where solar energy is used to generate direct electrical or thermal energy primarily for on-site use. Such system may be affixed either to the ground or to a structure, other than the systemôs mechanical support structure, such as a building or carport. Any energy generated by such system that exceeds the on-site energy demand may be used off-site. 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.

-- ñSmall-scale wind energy systemò means a system where wind energy is used to generate direct electrical energy primarily for on-site use. Such system may be affixed to either the ground or to a structure, other than the systemôs mechanical support structure, such as a building or carport. Such system has a rated capacity of 50 kilowatts or fewer. Any energy generated by such system that exceeds the on-site energy demand may be used off-site.

-- ñSolar arrayò means the mechanically integrated assembly of modules or panels with a support structure and foundation, tracker, and other components, as

required to generate direct electrical or thermal energy using solar energy. ~~Solar arrays do not include concentrated solar thermal collectors, which use lenses or mirrors to focus or reflect a large area of sunlight onto a small area.~~

é

SECTION 5. Section 22.08.210 U is hereby amended to read as follows:

22.08.210 U

é

-- Utility-scale solar energy facility, ground-mounted. ñGround-mounted utility-scale solar energy facilityò means a facility affixed to the ground where solar energy is used to generate direct electrical or thermal energy primarily for off-site use. This definition includes all on-site and off-site equipment and accessory structures related to the facility, including but not limited to solar arrays, mounting posts, substations, electrical infrastructure, transmission lines, operations and maintenance buildings, and other accessory structures. 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. ñStructure-mounted utility-scale solar energy facilityò means a facility affixed to a structure that is separate from the facilityôs mechanical support structure, such as a building or carport, where solar energy is used to generate direct electrical or thermal energy primarily for off-site use. This definition includes all on-site and off-site equipment and accessory structures related to the facility, including but not limited to solar arrays, mounting posts, substations, electrical infrastructure, transmission lines, operations and maintenance

buildings, and other accessory structures. 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. ñGround-mounted utility-scale wind energy facilityò means a facility affixed to the ground where wind energy is used to generate direct electrical energy primarily for off-site use. This definition includes all on-site and off-site equipment and accessory structures related to the facility, including but not limited to wind towers, mounting posts, substations, electrical infrastructure, transmission lines, operations and maintenance buildings, and other accessory structures.

-- Utility-scale wind energy facility, structure-mounted. ñStructure-mounted utility-scale wind energy facilityò means a facility affixed to a structure that is separate from the facilityôs mechanical support structure, such as a building or carport, where wind energy is used to generate direct electrical energy primarily for off-site use. This definition includes all on-site and off-site equipment and accessory structures related to the facility, including but not limited to wind towers, mounting posts, substations, electrical infrastructure, transmission lines, operations and maintenance buildings, and other accessory structures.

…

SECTION 6. Section 22.08.230 W is hereby amended to read as follows:

22.08.230 W

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~~-- ñWind energy conversion system, non-commercial (WECS-N)ò means a facility consisting of a tower, wind turbine generator with blades, guy wires and anchors, and associated control and conversion electronic equipment to convert wind movement into electricity, with a rated capacity of not more than 50 kW; and that is incidental and subordinate to another use on the same parcel. A facility shall be considered a WECS-N only if it supplies electrical power solely for on-site use, except that when a parcel on which a WECS-N is installed also received electrical power supplied by a utility company, excess electrical power generated by the WECS-N and not presently needed for on-site use may be used by the utility company in exchange for a reduction in the cost of electrical power supplied by that company to the parcel for on-site use, as long as no net revenue is produced by such excess electrical power.~~

-- ñWind towerò means the vertical component, including blades if any, of a small-scale wind energy system, a utility-scale wind energy facility, or a temporary meteorological tower that elevates the wind turbine generator and attached blades above the ground.

é

SECTION 7 Section 22.20.070 is hereby amended to read as follows:

22.20.070 Permitted Uses.

Property in Zone R-1 may be used for:

é

-- Small family homes, children.

-- Utility-scale solar energy facility, structure-mounted, which is limited to small residential rooftop solar energy system, as defined and regulated by Government

Code Section 65850.5, 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:

é

-- Signs as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 9. Section 22.20.100 is hereby amended to read as follows:

22.20.100 Uses Subject to Permits.

Property in Zone R-1 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Subdivision directional signs subject to the limitations and conditions of Part 8 of Chapter 22.56.

-- Meteorological tower, temporary, in accordance with Part 15 of Chapter 22.52.

-- Townhouses, subject to the conditions of Section 22.56.255.

-- Utility-scale solar energy facility, structure-mounted, except for small residential rooftop solar energy system, as defined and regulated by Government Code Section 65850.5, 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.~~

é

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:

é

-- 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:

é

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:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

-- Townhouses, subject to the conditions of Section 22.56.255.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

-- Water reservoirs, dams, treatment plants, gaging stations, pump stations, wells and tanks, except those wells and tanks related to a shared water well, and any other use normal and appurtenant to the storage and distribution of water.

~~-- Wind energy conversion systems, non-commercial, in conformance with the standards and requirements specified in Part 15 of Chapter 22.52.~~

é

SECTION 13. Section 22.20.260 is hereby amended to read as follows:

22.20.260 Permitted Uses.

Property in Zone R-3-( )U may be used for:

é

-- Townhouses.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

SECTION 14. Section 22.20.270 is hereby amended to read as follows:

22.20.270 Accessory Uses.

é

C. Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 15. Section 22.20.290 is hereby amended to read as follows:

22.20.290 Uses Subject to Permits.

Property in Zone R-3-( )U may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

-- Water reservoirs, dams, treatment plants, gaging stations, pump stations, wells and tanks, except those wells and tanks related to a shared water well, and any other use normal and appurtenant to the storage and distribution of water.

~~-- Wind energy conversion systems, non-commercial, in conformance with the standards and requirements specified in Part 15 of Chapter 22.52.~~

é

SECTION 16. Section 22.20.340 is hereby amended to read as follows:

22.20.340 Permitted Uses.

Property in Zone R-4-( )U may be used for:

é

-- Townhouses.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

SECTION 17. Section 22.20.350 is hereby amended to read as follows:

22.20.350 Accessory Uses.

é

C. Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 18. Section 22.20.370 is hereby amended to read as follows:

22.20.370 Uses Subject to Permits.

Property in Zone R-4-( )U may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

-- Water reservoirs, dams, treatment plants, gaging stations, pump stations, wells and tanks, except those wells and tanks related to a shared water well, and any other use normal and appurtenant to the storage and distribution of water.

~~-- Wind energy conversion systems, non-commercial, in conformance with the standards and requirements specified in Part 15 of Chapter 22.52.~~

é

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:

é

-- 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.

é

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:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

-- Townhouses, subject to the conditions of Section 22.56.255.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

-- Water reservoirs, dams, treatment plants, gaging stations, pump stations, wells and tanks, except those wells and tanks related to a shared water well, and any other use normal and appurtenant to the storage and distribution of water.

~~-- Wind energy conversion systems, non-commercial, in conformance with the standards and requirements specified in Part 15 of Chapter 22.52.~~

é

SECTION 22. Section 22.24.070 is hereby amended to read as follows:

22.24.070 Permitted Uses.

Premises in Zone A-1 may be used for:

A. The following uses:

é

-- Small family homes, children.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 23. Section 22.24.080 is hereby amended to read as follows:

22.24.080 Accessory Uses.

Property in Zone A-1 may be used for:

é

D. Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 24. Section 22.24.100 is hereby amended to read as follows:

22.24.100 Uses Subject to Permits.

Property in Zone A-1 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

é

-- Townhouses, subject to the conditions of Section 22.56.255.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

B. The following uses, provided the specified permit has first been obtained, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

~~-- Wind energy conversion systems, non-commercial, in conformance with the standards and requirements specified in Part 15 of Chapter 22.52.~~

SECTION 25. Section 22.24.120 is hereby amended to read as follows:

22.24.120 Permitted Uses.

Premises in Zone A-2 may be used for:

é

D. The following additional uses:

é

-- Parks, playgrounds and beaches, with all appurtenant facilities customarily found in conjunction therewith.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 26. Section 22.24.130 is hereby amended to read as follows:

22.24.130 Accessory Uses.

Property in Zone A-2 may be used for:

é

D. Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 27. Section 22.24.150 is hereby amended to read as follows:

22.24.150 Uses Subject to Permits.

Property in Zone A-2 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

é

-- Townhouses, subject to the conditions of Section 22.56.255.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

B. The following uses, provided the specified permit has first been obtained, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

~~-- Wind energy conversion systems, non-commercial, in conformance with the standards and requirements specified in Part 15 of Chapter 22.52.~~

SECTION 28. Section 22.28.030 is hereby amended to read as follows:

22.28.030 Permitted Uses.

Premises in Zone C-H may be used for the following:

A. Services.

é

-- Stations ï Bus, railroad, and taxi.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 29. Section 22.28.040 is hereby amended to read as follows:

22.28.040 Accessory Uses.

Premises in Zone C-H may be used for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 30. Section 22.28.060 is hereby amended to read as follows:

22.28.060 Uses Subject to Permits.

Premises in Zone C-H may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

é

-- Travel trailer parks as provided in Part 6 of Chapter 22.52.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 31. Section 22.28.080 is hereby amended to read as follows:

22.28.080 Permitted Uses.

Premises in Zone C-1 may be used for:

A. The following commercial uses, provided all sales are retail and all goods sold except genuine antiques are new:

é

2. Services.

é

-- Union halls.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 32. Section 22.28.090 is hereby amended to read as follows:

22.28.090 Accessory Uses.

Premises in Zone C-1 may be used for:

é

B. The following additional accessory uses:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

é

SECTION 33. Section 22.28.110 is hereby amended to read as follows:

22.28.110 Uses Subject to Permits.

Premises in Zone C-1 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Tasting rooms, remote, subject to the applicable provisions of Part 23 of Chapter 22.52.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

é

-- Travel trailer parks as provided in Part 6 of Chapter 22.52.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 34. Section 22.28.130 is hereby amended to read as follows:

22.28.130 Permitted Uses.

Premises in Zone C-2 may be used for:

A. The following commercial uses, provided all sales are retail and all goods sold except genuine antiques are new:

é

2. Services.

é

-- Union halls.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 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:

é

C. The following additional accessory uses:

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 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:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Tasting rooms, remote, subject to the applicable provisions of Part 23 of Chapter 22.52.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

é

-- Travel trailer parks as provided in Part 6 of Chapter 22.52.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 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:

é

2. Services.

é

-- Union halls.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

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:

é

C. The following additional accessory uses:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 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:

é

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Tattoo parlor.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

é

-- Travel trailer parks as provided in Part 6 of Chapter 22.52.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

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:

é

2. Services.

é

-- Union halls.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 41. 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:

é

C. The following additional accessory uses:

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 42. Section 22.28.260 is hereby amended to read as follows:

22.28.260 Uses Subject to Permits.

Premises in Zone C-M may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

é

-- Skating rinks, ice or roller.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Tattoo parlor.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

é

-- Travel trailer parks as provided in Part 6 of Chapter 22.52.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

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.

é

-- Tourist information centers.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

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:

é

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:

é

-- Ski lifts, tows, runs, and warming huts.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

é

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

-- Theaters, drive-in.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

SECTION 46. 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.

é

-- Tattoo parlor.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

-- Theaters and other auditoriums having a seating capacity exceeding 3,000 seats.

-- Utility-scale solar energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, ground-mounted, in accordance with Part 15 of Chapter 22.52.

-- Utility-scale wind energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

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SECTION 48. 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:

é

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.

é

-- Tourist information centers.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

é

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.

é

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.

é

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

-- Townhouses, subject to the conditions of Section 22.56.255.

-- Utility-scale 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.

é

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:

é

-- Energy generating or storage devices, including but not limited to geothermal devices.

é

-- 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.

é

8. Significant Ridgeline Protection. For purposes of this section, ridgelines are defined as the line formed by meeting the tops of sloping surfaces of land, and significant ridgelines are defined as ridgelines which are highly visible and dominate the landscape. The locations of the significant ridgelines within this CSD are shown on the map following this section and the criteria used for their designation are provided in the appendix following this section.

a. The highest point of any structure, excluding chimneys, rooftop antennas, amateur radio antennas, roof-mounted solar panels, and small-scale wind energy ~~conversion~~ systems, shall be located at least 50 vertical feet and 50 horizontal feet from a significant ridgeline; and

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SECTION 59. Section 22.44.127 is hereby amended to read as follows:

22.44.127 Altadena Community Standards District.

é

C. Community-wide Development Standards.

é

2. Hillside Management.

é

d. Significant Ridgeline Protection. Ridgelines are defined as the line formed by the meeting of the tops of sloping surfaces of land. Significant Ridgelines are highly visible ridgelines that dominate the landscape. The locations of the significant ridgelines within the CSD are shown on the map following this Section.

i. The highest point of any structure shall be located at least 50 vertical feet and 50 horizontal feet from a significant ridgeline, excluding chimneys, rooftop antennas, amateur radio antennas, roof-mounted solar panels, and small-scale wind energy ~~conversion~~ systems.

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SECTION 60. Section 22.44.133 is hereby amended to read as follows:

22.44.133 Santa Monica Mountains North Area Community Standards District.

é

D. Community-wide Development Standards.

é

5. Significant Ridgeline Protection.

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b. The highest point of a structure that requires any permit shall be located at least 50 vertical feet and 50 horizontal feet from a significant ridgeline, excluding chimneys, rooftop antennas, small-scale wind energy ~~conversion~~ systems, and amateur radio antennas.

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SECTION 61. Section 22.44.143 is hereby amended to read as follows:

22.44.143 Elizabeth Lake and Lake Hughes Community Standards District.

é

D. Community-Wide Development Standards.

é

4. Utilities.

é

b. Utility Devices.

i. Small-Scale Solar Energy Systems~~Utility Devices~~.

(A) Ground-~~-~~mounted small-scale solar energy systems shall be placed at least five (5) feet from the nearest property line; and

(B) Ground-~~-~~mounted small-scale solar energy systems less than ten (10) feet in height shall be set back an additional three (3) feet from the nearest property line for every one foot less than ten (10) feet in height.

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10. Significant Ridgeline Protection.

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b. The highest point of a structure shall be located at least one hundred-fifty (150) vertical feet and one hundred-fifty (150) horizontal feet in a southerly direction from a significant ridgeline, excluding chimneys, rooftop antennas, amateur radios, and small-scale wind energy ~~conversation~~ systems.

c. No portion of any structure shall be located less than fifty (50) horizontal feet in a northerly direction from a significant ridgeline, excluding amateur radio antennas, chimneys, rooftop antennas, and small-scale wind energy ~~conversion~~ systems.

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SECTION 62. Section 22.44.144 is hereby amended to read as follows:

22.44.144 San Francisquito Canyon Community Standards District.

é

D. Community-wide Development Standards.

é

10. Significant Ridgeline Protection.

é

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 63~~4~~. 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 ~~Definitions~~Application 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 ~~Directorâ€™s Review ï¿½ Temporary metereological 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 ï¿½ Non-commercial wind energy conversion system (WECS-N)~~ Modifications.

22.52.1645 Uses Subject to Permits ï¿½ Minor Conditional Use Permit.

22.52.1650 Uses Subject to Permits ï¿½ Aviation Review.

22.52.1655 Uses Subject to Permits ï¿½ Findings.

22.52.1660 Uses Subject to Permits ï¿½ 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 meterological 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 a~~Any small-scale solar energy system, small-scale wind energy system, utility-scale solar energy facility, utility-scale wind energy facility, or temporary meteorological tower ~~approved~~ 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 blads 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. S~~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.~~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. ~~L~~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 d~~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 c~~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. ~~I~~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. I~~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,

e~~iv~~. ~~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~~(C)~~. 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.

~~B~~C. 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 permitteeôs receipt of notice requiring removal, the county may itself cause the facility to be removed, and the permittee shall be required to pay the countyôs 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. ~~S~~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. ~~N~~Opaque and non-opaque fences ~~may be~~are 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~~, 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.

~~A~~B. 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

FIGURE 22.52.1625-A HERE

~~B~~C. Structure-mounted. ~~T~~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.

~~C~~D. 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.

~~3~~4. ~~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 ~~S~~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, or applicable CSD	

~~4~~5. Maximum number. More than one wind tower may be located on the same property if all of the location requirements and standards of this Part 15 are met for each wind tower. A maximum of two wind towers are permitted for each five gross acres of land.

~~5~~6. Maximum wind tower height. The maximum wind tower height shall not exceed the height limit as depicted in Figure 22.52.1625-B ~~below~~:

a. A total of 35 feet measured from the finished grade to the top of the blade in the vertical position for parcels of less than one gross acre in size;

b. A total of 65 feet measured from the finished grade to the top of the blade in the vertical position for parcels from one gross acre to less than two gross acres in size; and

c. A total of 85 feet measured from the finished grade to the top of the blade in the vertical position for parcels of two gross acres or greater in size.

FIGURE 22.52.1625-B – HEIGHT STANDARDS FOR TEMPORARY METEOROLOGICAL TOWERS

FIGURE 22.52.1625-B HERE

22.52.1630 ~~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 directorâs review of a Temp Met Tower, except as may be modified by Part 15.~~

~~B. Application ï Filing information and documents required. In addition to the information, documents, and fee specified in Section 22.56.1680, an application for directorâs 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 directorâs 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 directorâs 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 Section~~s~~ ~~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% slope~~s~~. 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. ~~T~~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.~~

~~c~~b. ~~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. ~~S~~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. ~~N~~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~~.

~~c~~b. ~~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. ~~L~~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 ~~S~~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, Scenic Highways and Scenic Routes as identified in the General Plan, ~~or in an~~ applicable Area or Community Plan or applicable CSD	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 ï 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.~~1650~~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.~~1650~~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~~52.1615, ~~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~~B~~.1 of Section 22.52.1615 and A~~.2~~ and C.7~~5~~ 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 ï Aviation Division, Department ~~of Regional Planning~~ Airport Land Use Commission, County Forester and Fire Warden, and County Sheriff. The consultation review shall request consideration of the following:

1. Uses that produce electromagnetic and frequency spectrum interference, which could impact military operations;

2. Uses that release into the air any substances that may impair visibility such as steam, dust, or smoke;

3. Uses that produce light emissions that could interfere with pilot vision or be mistaken for airfield lighting such as glare or distracting lights;~~ and~~

4. Uses that physically obstruct any portion of the MIOA due to relative height above ground level~~.~~; 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.

22.52.1655~~0~~ 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.

22.52.165~~55~~60 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, operation~~s~~, and removal and restoration activities.

(B) Vegetation. Work where the facility components are being installed in areas with~~in 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 facilityõs 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. ~~T~~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 64~~5~~. Section 22.52.2430 is hereby amended to read as follows:

22.52.2430 Wineries–Permit requirements.

é

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.

é

SECTION 65~~6~~. Section 22.52.2460 is hereby amended to read as follows:

22.52.2460 Tasting rooms–Permit requirements.

é

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.

é

SECTION 66~~7~~. 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 67~~8~~. Section 22.56.~~070~~030 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;

é

SECTION 68~~9~~. Section 22.56.070 is hereby amended to read as follows:

22.56.070 Application–Public Hearing Required–~~Exception~~

In all cases where an application for a conditional use permit is filed, ~~except where the Director grants the permit pursuant to section 22.56.085,~~ the public hearing shall be held pursuant to the procedure provided in Part 4 of Chapter 22.60, except where an application for a minor conditional use permit is filed. ~~A public hearing for~~ a minor conditional use permit shall not be subject to the provisions of Section 22.60.175.

SECTION 69~~70~~. 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:

é

-- 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.

é

-- Tasting rooms, remote, subject to the applicable provisions of Part 23 of Chapter 22.52.

-- Temporary meteorological tower~~s~~ 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 ~~directorôs ex parte~~ consideration of minor conditional use permit applications that by their nature are limited in scope and impacts.

~~C. The director shall cause notice of the application to be mailed by first-class mail, postage pre-paid, to all those addresses on the list required by subsection A.10.c of Section 22.56.030 that are within a distance of 300 feet from the exterior boundaries of the parcel of land to be occupied by the requested use, and to such other persons whose property or interests might, in the director's judgment, be affected by the request. The notice shall describe the project and also indicate that any individual may request a public hearing on the application by filing a written request with the director within 14 calendar days following the date on the notice.~~

~~D~~C. ~~Unless at least two requests for a public hearing have been filed with the director as provided in subsection C of this section, the director~~The Hearing Officer may grant such permit ~~without a public hearing~~ if ~~the director~~ he or she finds that the use requested, subject to such conditions deemed necessary, will comply with the findings required by Section 22.56.090 and with any applicable requirements of Chapter 22.52, and if he or she further finds that the impacts of the use requested on safety, facilities and services, and natural resources are minor in nature.

~~E~~D. ~~The director shall notify the applicant and any persons who filed a timely request for a hearing of his decision. Any appeal from the directorâs decision shall be filed with the hearing officer within 14 days following the date on the notice of directorâs decision.~~ The decision of the Hearing Officer may be appealed to the commission. All appeals shall be filed within the time period set forth in, and shall be subject to all of the other provisions of Part 5 of Chapter 22.60 except that the decision of the commission shall be final and effective on the date of the decision and shall not be subject to further administrative appeal, unless the permit was considered by the commission concurrently with a decision on a general plan or specific plan amendment, zone change, development agreement or other legislative action.

SECTION 70~~1~~. 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 71~~2~~. 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 (exept for wind tower height, heigh 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 LADWP Department of Water & Power

ERIC GARCETTI
Mayor

Commission
MEL LEVINE, *President*
WILLIAM W. FUNDERBURK JR., *Vice President*
JILL BANKS BARAD
MICHAEL F. FLEMING
CHRISTINA E. NOONAN
BARBARA E. MOSCHOS, *Secretary*

MARCIE L. EDWARDS
General Manager

RECEIVED
APR 13 2015
BY:

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 (BRRTP) 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

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 BRRTP, 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

Charles C. Holloway
Manager of Environmental Planning and Assessment

SE:mg
c: Ms. Stephanie E. Eatinger

LAND VERITAS

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.

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

LAND VERITAS

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

LAND VERITAS

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
Email bankmanager@landveritas.com
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 3rd 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

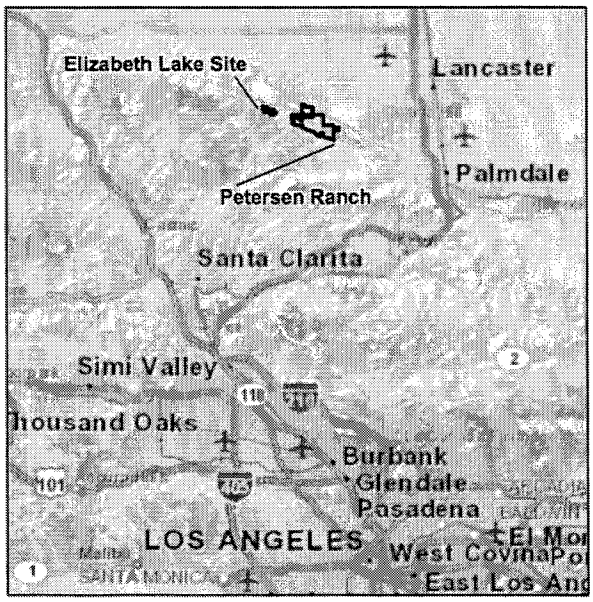
Swainson's Hawk, California Red-Legged Frog, Burrowing Owl, Coast Horned Lizard, Loggerhead Shrike, Western Pond Turtle, Tri-Colored Blackbird, Willow Flycatcher, Golden & Bald Eagle.

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.



Petersen Ranch Combined Service Area

LAND VERITAS

Map Date: January 2016
Map By: Keelie Rocker
Sources: WRA, inc., Bing Maps

0 10 20 30 40
Miles

1 in = 20 miles

N

Note: This map includes Petersen Ranch's 404, LA RWQCB Wetland, Stream, and Riparian Service Area, Lahontan Service Area, CEQA Service Area, and Swainson's Hawk Service Area.

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 M. Wollman

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.

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

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

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-

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.

LEONA VALLEY TOWN COUNCIL-RENEWABLE ENERGY ORDINANCE COMMENTS

Significant Ecological Areas

The document does not address the development of renewable facilities in Significant Ecological Areas. While it 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.

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.

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. H1.1991) 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

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 (ñGovernment Codeò)(commencing with section 65350) provides for the adoption and amendment of a jurisdictionôs general plan; and

WHEREAS, the County of Los Angeles (ñCountyò) adopted a Countywide General Plan (ñGeneral Planò) 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 (ñZoning Codeò); 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 (ñZoning Ordinanceò); and

WHEREAS, the County has proposed Environmental Assessment No. 201400096 to consider a Draft Environmental Impact Report (ñEIRò) which has been prepared examining the potential significant environmental impacts associated with the proposed Zoning Ordinance pursuant to California Environmental Quality Act (ñCEQAò) 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 (ñProject Areaò). 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 (ñSEAsò); 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 (ñCUPò) 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 (ñDepartmentò) 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 sessionsò 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 (ñCSDsò), 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 Ordinanceôs relationship to CSDs. The Commission also discussed the Countyôs 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 Supervisorsô 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 (ñNOPò) 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 accordnace 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

Susan Tae, Supervising Regional Planner
Community Studies North Area
320 Temple T, Room 1354
Los Angeles, CA 90012

Jay Lee, Planner
Renewable Energy Ordinance
Dept of Regional Planning
320 W. Temple St. 13th Floor
Los Angeles, CA 90012

16 March 2015

In Regards to REO 3

Dear Madam and Sir:

My name is Jeff Olesh. As a Los Angeles County resident for six decades, I appeal upon your appointed duties to hear my voice regarding the forth coming implementation of green energy regulations in the unincorporated LA County area. Specifically, I refer to REO 3 (Renewable Energy Ordinance) which is to come before your purview forthwith.

I am the Treasurer and an elected Board Member of the Lake Elizabeth Water Company, as well as a Board Member for the Transition Habitat Conservancy. It is my honor and privilege to be able to serve these two entities. They are both unpaid positions and are important and necessary civic duties, Given this, and the concerns that come from their respective responsibilities, I have a few questions to ask and ideas to consider in regards to the third ROE and its impact upon our rural community and Los Angeles County in general.

The following are all in the spirit of a sustainable, habitable and reasonable living space for all of us. The following is in regards to ROE Title 22:

Question: Do the Community Standards adopted by the Lakes and Valleys regarding ridgeline setbacks (Sec 60 22.44.143 of 150' vertical and horizontal) override the stated 50' in the ROE document (Sec 22.52.1620 C 6)? And if not, why have community standards to begin with?

Section C5 of 22.52.1635 (page 57) completely and totally removes any language regarding the impact of utility scale development on birds and bats. The fact of the matter is that there is a ***provable*** negative impact on birds and bats in so far as these projects are concerned. The language from ***Draft 2*** should be reinstated, recognizing that.

Regarding section C5 i of 22.52.1635 I would like to take issue with the quarter mile setback in the regulation (.25 as listed). The reasonable setback would be 2.0 with respect to sections (a), (b) & (c) (see table re: prop line, scenic drive and highway routes).

From the same subset table (22..52.1635-A) the on site residence and property line ought to be changed from 2 times the tallest height to 2.0 miles in order to secure a reasonable, safe and livable space. Scenic drives, routes and highways should also be included in this setback.

Water quality is addressed on page 68. The sections and subsections are beyond me at this point. Quarterly checks by a state licensed hydrologist are paramount given our current global and state situation.

Thank- You

Jeff Olesh

Jay Lee

From: Jill Moran [jillrmoran@gmail.com]
Sent: Sunday, April 19, 2015 8:50 PM
To: Susan Tae; Jay Lee
Subject: Industrial Wind - Proposed Los Angeles County Renewable Energy Ordinance

Dear Ms. Tae and Mr. Lee,

RE: Proposed Los Angeles County Renewable Energy Ordinance

Industrial Wind: There should be no industrial wind installations allowed in Los Angeles County. There are no areas in the county where industrial wind installations can be placed without severe detrimental consequences for rural residents, recreational resources, valued viewshed areas and threatened species. State and Federal agencies have in fact recognized that Los Angeles County is not "a place of opportunity" for wind projects. That recognition is reflected in the Preferred Alternative of the Desert Renewable Energy Conservation Plan (DRECP) proposed by the California Energy Commission, California Department of Fish and Wildlife, Bureau of Land Management, and the U.S. Fish and Wildlife Service.

The DRECP Executive Summary, states that there are "Opportunities for dispersed [industrial] solar development" in seven counties, including Los Angeles. However, when listing "Opportunities for dispersed wind development" Los Angeles County is not included. In addition, on page
116 of Chapter 11.3, Preferred Alternative, Table 19.a "Technology Type by County" lists only solar for Los Angeles County (page 28).

Additionally, industrial utility-scale wind energy projects would not be an allowed use in the Santa Monica Mountains Local Coastal Program, due to infringement on required preservation outlined in the document listing scenic resource protection policies that "apply to all other areas that are on, along, or within, or visible from scenic routes, public parklands, trails . . . that offer scenic vistas of the mountains, canyons, coastline and other unique natural features for the permanent protection of their habitat and open space values"
(SMMLCP, Policies LU-34, LU-35). The rest of the county gets "mitigation" in the form of landscaped buffer zones and setbacks that prove far from adequate in protecting viewshed from private and public trust lands and private properties exposed to the industrial nature of large-scale renewable energy projects.

Respectfully Yours,

Jill R Moran
46472 Kings Canyon Road
Lancaster, CA 93536
JillRMoran@gmail.com

Jay Lee

From: Dave/Sandy [trubereans@fastmail.fm]
Sent: Monday, April 20, 2015 4:38 AM
To: Susan Tae; Jay Lee
Cc: Rosie Ruiz; HICKLING, Norm, lac; evizcarra@lacbos.org
Subject: Proposed Los Angeles County Renewable Energy Ordinance

April 20, 2015

Dear Ms. Tae and Mr. Lee,

RE: Proposed Los Angeles County Renewable Energy Ordinance

Industrial Wind: There should be no industrial wind installations allowed in Los Angeles County. There are no areas in the county where industrial wind installations can be placed without severe detrimental consequences for rural residents, recreational resources, valued viewshed areas and threatened species. State and Federal agencies have in fact recognized that Los Angeles County is not "a place of opportunity" for wind projects. That recognition is reflected in the Preferred Alternative of the Desert Renewable Energy Conservation Plan (DRECP) proposed by the California Energy Commission, California Department of Fish and Wildlife, Bureau of Land Management, and the U.S. Fish and Wildlife Service.

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Industrial Wind Fire Hazard: One of our most serious concerns is the fire hazard posed by utility-scale wind energy positioned along our mountains and grassland areas, all considered "Extremely High Fire Hazard Areas." Research confirms a serious level of threat by wind turbines (detailed in an article found at www.fireengineering.com.) Several important points to consider in allowing utility-scale wind projects: Wind turbines are industrial facilities subject to a full range of emergencies such as fire, entrapments, electrical accidents, falls, and even hazmat; turbines are full of various fuels like electrical cables, plastics, combustible metals, and petroleum based fluids and lubricants; lightening strikes to turbines can ignite fires; mechanical friction in moving parts and electrical short circuits can cause fire; fire can spread to surrounding areas readily from burning fuels, metals, and plastics; responding fire departments may normally be several miles away and have to travel over roads that quite often require all-wheel-drive vehicles; primary limiting factors to fire department intervention are the height of the fire and the extremely limited vertical access.
Furthermore, aerial firefighting would be hindered in a field of wind turbines, and would exclude the use of multiple high-capacity loads of retardant from large air tankers. Air tankers typically make retardant drops from a height of 150 to 200 feet above vegetation and terrain, at air speeds from 125 to 150 knots (American Helicopter Services and Aerial Firefighting Association at AHSAFA.org). Without high-capacity loads of retardant from large air tankers, uncontrolled wildfire would devastate our rural communities.

Inadequate Landscaping: There should be a moratorium on new industrial solar installations in the Antelope Valley until adequate drought tolerant landscaping is demonstrated at an existing solar installation, is shown to protect against wind-driven dust events, and actually buffers the viewshed from the degrading industrial qualities of ground-mounted large-scale renewable energy projects. Thus far, landscaping plans have not delivered adequate results. The Renewable Energy Ordinance only requires "conceptual landscape plans," using native and non-native drought tolerant plants, and offers nothing new. It has proven difficult to disguise the visual effects of large-scale solar projects, and there is no way to adequately landscape or mitigate viewshed destruction for wind turbines.

Dust Control: Up until now, no dust control plan has proven adequate in controlling wind-driven dust events. Extensive research indicates that exposure to outdoor PM10 and PM 2.5 levels exceeding current air quality standards is associated with increased risk of hospitalization for lung and heart-related respiratory illness, including emergency room visits for asthma. Airborne Particulate Matter (PM) exposure is also associated with increased risk of premature deaths, especially in the elderly and people with pre-existing cardiopulmonary disease. In children, studies have shown associations between PM exposure and reduced lung function and increased respiratory symptoms and illnesses. Besides reducing visibility, the acidic portion of PM (nitrates, sulfates) can harm crops, forests, aquatic and other ecosystems.

While all the wind-driven dust events cannot be blamed solely on permitted utility-scale solar projects, they have substantially contributed to additional particulates that have caused unsafe driving conditions, dust bowl conditions, and health effects to those residents in the Antelope Valley. With cyclic droughts and more solar projects instead of agricultural production (which prevents erosion while under planting conditions), rural residents will be subjected to continued and increasing threat to their health from dust, and especially Valley Fever.

Valley Fever: Valley Fever has increased five hundred and forty-five percent in the last decade in the Antelope Valley. Continued soil disturbance from construction of solar projects will drive this percentage higher. While projects are not permitted to remove existing vegetation, they are allowed to grade roads and set-up areas and must maintain a fire safe area around buildings and transmission/gen-ties. Observation of dust events, emanating from SCE's TRTP transmission access roads proves this point.

The Renewable Energy Ordinance does not require soil testing for Valley Fever spores on prospective small or large-scale solar and wind energy project sites. Los Angeles County Department of Public Health Epidemiologist, Dr. Ramon Guevara, has stated in his response letter to Renewable Energy Ordinance Draft 2: "There are no standards of criteria here for what is acceptable in terms of amount and duration of resultant dust, measurements of dusts, and rules for feasibility and appropriateness of vegetation preservation, planting, and maintenance. These should be put forth with processes to involve the surrounding communities." This has not appeared in the REO.

Residents of the Antelope Valley deserve concrete, detailed dust monitoring and control plans in place (with reports available to the public) and these should include air quality monitoring stations in the vicinity of projects required in the permitting process that will determine the levels of particulate matter in the air, reflecting the success or failure of vegetation-based dust control techniques and soil binding products, to protect the population from Coccidioidomycosis."

Avian Protection: Impose a moratorium on new industrial solar installations in the Antelope Valley until adequate on-site studies of existing solar installations are conducted by qualified, independent biologists to quantify avian death due to lake effect. The Antelope Valley is home to an Audubon designated Globally Important Bird Area, the Pacific Flyway, and other protected migratory and locally indigenous birds, including Bald and Golden Eagles, and California Condors protected by state and federal law.

MCUP: Minor Conditional Use Permits (MCUPs), as written in the Draft Renewable Energy Ordinance, limit the public's right to be informed and make comments, and should not be permissible for any utility-scale, or energy produced from wind or solar development. The MCUP allows accessory uses of a substantial nature currently unchanged in this Draft REO--such as so-called small scale solar energy system covering 2.5 acres of a 5 acre parcel, Modification of Significant Ridgeline protections, structure mounted utility-scale wind energy facilities, and temporary met towers.

Any utility-scale energy production sent "offsite" in any zone, and those projects requiring a MCUP are relieved of the public signage process detailed in Los Angeles County Planning and Zoning Ordinance Section 22.60.175. The REO further exempts MCUPs from the noticing requirements to adjacent landowners and the public in 22.56.030 as seen stricken from the revised April 7th Draft REO on pages 74 and 75. The current County Ordinance requires notification, signage, and opportunity for adjacent land owners and interested parties the opportunity to request a public hearing. This leads to the question of whether the Minor Conditional Use Permit process is being revised through this ordinance, or if exemption of noticing applies only to this REO. If it is being revised through this ordinance, the public should be informed specifically that this is the case. Members of the public should be able to receive appropriate noticing by mail, by signage, request a hearing, and have the right to appeal to their elected officials any project that requires a MCUP or a CUP.
Acreage limits for ground mounted residential use solar:
On-site ground mounted solar should be limited to one quarter acre of coverage; this is enough to power 8 homes. This would qualify as "primarily off-site" use and would then be "utility-scale" according to Regional Planning's determination of 50% on-site use for small scale, a "by right" permitting process with no MCUP or CUP. There is no justification for the proposal to allow up to 2.5 acres of ground mounted solar for residential use in all zones. Allowance of 2.5 acres open the door to installations that masquerade as on-site use but are really intended to generate income through off-site energy sales. (Visit http://pristinesun.com/utility.html for information regarding small landowner and business related solar equipment leasing and arrangement of Power Purchase Agreements). This could be a loophole that allows utility-scale RE in rural communities with only a building permit and no public review. The REO should further refine use by zone, and average usage of a Single Family Residence. We are not opposed to commercial, manufacturing, or industrial areas using their properties and rooftops for utility-scale renewable energy generation, but wish to protect what is left of our rural lifestyle, unique rural community atmosphere, and health, happiness and welfare of residents.
Noise: The human environment contains a variety of noise sources that can affect the way people live and work and, generally, negatively impact quality of life. Excessive levels may result in physiological effects such as hearing loss, speech interference, and sleep interference, as well as behavioral responses, such as increased neighborhood annoyance and dissatisfaction. Excessive noise can also negatively impact wildlife. Studies have shown that disruption caused by noise can be injurious to an animal's energy budget, reproductive success, and long-term survival.
Title 12 (12.08.390) of the County Code contains the County Noise Control Ordinance, which was adopted by the Board of Supervisors to control unnecessary, excessive and annoying noise. It declared that County policy was to "maintain quiet in those areas which exhibit low noise levels." The Ordinance divides receptor properties into the categories, but does not include a very quiet rural noise zone.
The Proposed maximum noise level of 60 decibels in the Renewable Energy Ordinance is inappropriate for rural areas. As the chart from the Los Angeles County Noise Ordinance indicates, the 60dB single event noise limit for the operation of solar and wind facilities matches that of commercial and industrial noise levels (55dB, 60dB, and 70dB). The ambient noise level in quiet rural areas is 10dB to 24dB, and up to 50dB in more developed urban residential areas. There is no reason to subject adjoining properties to any additional noise levels beyond measured ambient noise levels. The Renewable Energy Ordinance should require private property, noise sensitive lands and land uses, wildlife /habitats, and public lands be shielded from excessive noise; and require renewable energy development projects to demonstrate that no adverse noise effects on adjacent uses will occur from the project; that provisions for preservation of quiet ambient noise levels be required by all renewable energy projects.

Social/Environmental injustice: Rural residents of coastal Los Angeles County and the Santa Monica Mountains, have "rural villages", and recreational viewshed areas extensively protected by the county's Santa Monica Mountains Local Coastal Program's Land Use Plan. Its stringent provisions will undoubtedly eliminate threats from industrial wind or solar in these areas. However, no similar protection exists for rural residents and valued viewsheds of the canyons and northern slopes of the San Gabriel Mountains or adjoining Mojave Desert portion of Los Angeles County. This perpetuates social injustice of the existing conditions where less affluent

residents and those without resources to oppose large renewable energy projects are being subjected to the majority of impacts and damage to quality of life—including threat of ill health, and loss of property values created by industrial wind and solar installations. This is socially and economically indefensible. Rural communities of the Antelope Valley deserve the same protections from intrusive renewable energy projects.

Yours truly,

David and Sandra McCrae
47211 212th St. W.
Lancaster, CA 93536
(Mail: P.O. Box 2423, Lancaster, CA 93539)

(cc: R. Ruiz, "Please distribute these comments to Commissioners.")

Jay Lee

From: Judy Watson [j_a_c_1940@yahoo.com]
Sent: Monday, April 20, 2015 12:40 PM
To: Susan Tae; Norm Hickling; evizcarra@lacbos.org; Jay Lee
Subject: Wind/Solar projects

This letter, below, is in today's AV Press I want to share it with you. Even in Kern county, people are sick of this invasion. Complaints are far and wide, enough is enough. When will you start listening to the people, the ones that have to live with these projects?
Judy Watson
Lancaster.

I sat at many meeting in Mojave over the windmill projects. Every mention of opposition was met with strong overtones from Mrs. Oviate (county planner) and reps from the interested companies. All forms of concerns by the locals were diverted, hushed or given lame answers. The concerns over the view being destroyed was met with "you bought the land, not the view"! Environmental impact concerns were met with false short term studies, if any. Doing my homework prior; flicker effects, hum/vibration effects as well as the habitat destruction and unknowns are not limited to the animals but humans also. The forced migration of prey has been driven into our areas closely followed by the predators. The property value dropped based on proximity to each project. I was told each windmill has 660volts of electricity run to each, needs start up power. As far as solar, millions of gallons of water has/is being used to combat the dust in this windy dry environment. In a drought situation? Really? To be efficient they need to be cleaned and lose 1% efficiency a year. Those meetings kept highlighting the tax revenue for the county. These projects were not shoved down our throats, but rather up our hind end! Money talks.
Dave Rakisits
Mojave

Jay Lee

From:	Three Points-Liebre Mountain Town Council [3pointsliebremountain@gmail.com]
Sent:	Monday, April 20, 2015 2:21 PM
To:	Susan Tae; Jay Lee
Cc:	Norm Hickling; Edel Vizcarra; Rosie Ruiz
Subject:	Renewable Energy Ordinance Letter

Three Points-Liebre Mountain Town Council

P.O. Box 76

Lake Hughes, CA 93532

3pointsliebremountain@gmail.com

20 April 2015

SENT VIA EMAIL

Dear Ms. Tae and Mr. Lee,

RE: Proposed Los Angeles County Renewable Energy Ordinance

Industrial Wind: There should be no industrial wind installations allowed in Los Angeles County. There are no areas in the county where industrial wind installations can be placed without severe detrimental consequences for rural residents, recreational resources, valued viewshed areas and threatened species. State and Federal agencies have in fact recognized that Los Angeles County is not "a place of opportunity" for wind projects. That recognition is reflected in the Preferred Alternative of the Desert Renewable Energy Conservation Plan (DRECP) proposed by the California Energy Commission, California Department of Fish and Wildlife, Bureau of Land Management, and the U.S. Fish and Wildlife Service.

The DRECP Executive Summary, states that there are "Opportunities for dispersed [industrial] solar development" in seven counties, including Los Angeles. However, when listing "Opportunities for dispersed wind development" Los Angeles County is not included. In addition, on page 116 of Chapter 11.3, Preferred Alternative, Table 19.a "Technology Type by County" lists only solar for Los Angeles County (page 28).

Additionally, industrial utility-scale wind energy projects would not be an allowed use in the Santa Monica Mountains Local Coastal Program, due to infringement on required preservation outlined in the document listing scenic resource protection policies that "apply to all other areas that are on, along, or within, or visible from scenic routes, public parklands, trails . . . that offer scenic vistas of the mountains, canyons, coastline and other unique natural features for the permanent protection of their habitat and open space values" (SMMLCP, Policies LU-34, LU-35). The rest of the county gets "mitigation" in the form of landscaped buffer zones and setbacks that prove far from adequate in protecting viewshed from private and public trust lands and private properties exposed to the industrial nature of large-scale renewable energy projects.

Industrial Wind Fire Hazard: One of our most serious concerns is the fire hazard posed by utility-scale wind energy positioned along our mountains and grassland areas, all considered "Extremely High Fire Hazard Areas." Research confirms a serious level of threat by wind turbines (detailed in an article found at www.fireengineering.com.) Several important points to consider in allowing utility-scale wind projects: Wind turbines are industrial facilities subject to a full range of emergencies such as fire, entrapments, electrical accidents, falls, and even hazmat; turbines are full of various fuels like electrical cables, plastics, combustible metals, and petroleum based fluids and lubricants; lightening strikes to turbines can ignite fires; mechanical friction in moving parts and electrical short circuits can cause fire; fire can spread to surrounding areas readily from burning fuels, metals, and plastics; responding fire departments may normally be several miles away and have to travel over roads that quite often require all-wheel-drive vehicles; primary limiting factors to fire department intervention are the height of the fire and the extremely limited vertical access.

Furthermore, aerial firefighting would be hindered in a field of wind turbines, and would exclude the use of multiple high-capacity loads of retardant from large air tankers. Air tankers typically make retardant drops from a height of 150 to 200 feet above vegetation and terrain, at air speeds from 125 to 150 knots (American Helicopter Services and Aerial Firefighting Association at AHSAFA.org). Without high-capacity loads of retardant from large air tankers, uncontrolled wildfire would devastate our rural communities.

Inadequate Landscaping: There should be a moratorium on new industrial solar installations in the Antelope Valley until adequate drought tolerant landscaping is demonstrated at an existing solar installation, is shown to protect against wind-driven dust events, and actually buffers the viewshed from the degrading industrial qualities of ground-mounted large-scale renewable energy projects. Thus far, landscaping plans have not delivered adequate results. The Renewable Energy Ordinance only requires "conceptual landscape plans," using native and non-native drought tolerant plants, and offers nothing new. It has proven difficult to disguise the visual effects of large-scale solar projects, and there is no way to adequately landscape or mitigate viewshed destruction for wind turbines.

Dust Control: Up until now, no dust control plan has proven adequate in controlling wind-driven dust events. Extensive research indicates that exposure to outdoor PM_{10} and $PM_{2.5}$ levels exceeding current air quality standards is associated with increased risk of hospitalization for lung and heart-related respiratory illness, including emergency room visits for asthma. Airborne Particulate Matter (PM) exposure is also associated with increased risk of premature deaths, especially in the elderly and people with pre-existing cardiopulmonary disease. In children, studies have shown associations between PM exposure and reduced lung function and increased respiratory symptoms and illnesses. Besides reducing visibility, the acidic portion of PM (nitrates, sulfates) can harm crops, forests, aquatic and other ecosystems.

While all the wind-driven dust events cannot be blamed solely on permitted utility-scale solar projects, they have substantially contributed to *additional* particulates that have caused unsafe driving conditions, dust bowl conditions, and health effects to those residents in the Antelope Valley. With cyclic droughts and more solar projects instead of agricultural production (which prevents erosion while under planting conditions), rural residents will be subjected to continued and increasing threat to their health from dust, and especially Valley Fever.

Valley Fever: Valley Fever has increased <u>five hundred and forty-five percent</u> in the last decade in the Antelope Valley, and this was ***prior*** to solar development. Continued soil disturbance from construction of solar projects will drive this percentage higher. While projects are not permitted to remove existing vegetation, they are allowed to grade roads and set-up areas and must maintain a fire safe area around buildings and transmission/gen-ties. Observation of dust events, emanating from SCE's TRTP transmission access roads proves this point.

The Renewable Energy Ordinance does not require soil testing for Valley Fever spores on prospective small or large-scale solar and wind energy project sites. Los Angeles County Department of Public Health Epidemiologist, Dr. Ramon Guevara, has stated in his response letter to Renewable Energy Ordinance Draft 2: "There are no standards of criteria here for what is acceptable in terms of amount and duration of resultant dust, measurements of dusts, and rules for feasibility and appropriateness of vegetation preservation, planting, and maintenance. These should be put forth with processes to involve the surrounding communities." This has not appeared in the REO.

Residents of the Antelope Valley deserve concrete, detailed dust monitoring and control plans in place (with reports available to the public) and these should include air quality monitoring stations in the vicinity of projects required in the permitting process that will determine the levels of particulate matter in the air, reflecting the success or failure of vegetation-based dust control techniques and soil binding products, to protect the population from *Coccidioidomycosis."*

Avian Protection: Impose a moratorium on new industrial solar installations in the Antelope Valley until adequate on-site studies of existing solar installations are conducted by qualified, independent biologists to quantify avian death due to lake effect. The Antelope Valley is home to an Audubon designated Globally Important Bird Area, the Pacific Flyway, and other special status or migratory and locally indigenous birds, including Bald and Golden Eagles, and California Condors protected by state and federal law.

MCUP: Minor Conditional Use Permits (MCUPs), as written in the Draft Renewable Energy Ordinance, limit the public's right to be informed and make comments, and should not be permissible for any utility-scale, or energy produced from wind or solar development. The MCUP allows accessory uses of a substantial nature currently unchanged in this Draft REO--such as so-called small scale solar energy system covering 2.5 acres of a 5 acre parcel, Modification of Significant Ridgeline protections, structure mounted utility-scale wind energy facilities, and temporary met towers.

Any utility-scale energy production sent "offsite" in any zone, and those projects requiring a MCUP are relieved of the public signage process detailed in Los Angeles County Planning and Zoning Ordinance Section 22.60.175. The REO further exempts MCUPs from the noticing requirements to adjacent landowners and the public in 22.56.030 as seen stricken from the revised April 7th Draft REO on pages 74 and 75. The current County Ordinance requires notification, signage, and opportunity for adjacent land owners and interested parties the

opportunity to request a public hearing. This leads to the question of whether the Minor Conditional Use Permit process is being revised through this ordinance, or if exemption of noticing applies only to this REO. If it is being revised through this ordinance, the public should be informed specifically that this is the case. Members of the public should be able to receive appropriate noticing by mail, by signage, request a hearing, and have the right to appeal to their elected officials any project that requires a MCUP or a CUP.

Acreage limits for ground mounted residential use solar:

On-site ground mounted solar should be limited to one quarter acre of coverage; this is enough to power 8 homes. This would qualify as "primarily off-site" use and would then be "utility-scale" according to Regional Planning's determination of 50% on-site use for small scale, a "by right" permitting process with no MCUP or CUP. There is no justification for the proposal to allow up to 2.5 acres of ground mounted solar for residential use in all zones. Allowance of 2.5 acres open the door to installations that masquerade as on-site use but are really intended to generate income through off-site energy sales. (Visit http://pristinesun.com/utility.html for information regarding small landowner and business related solar equipment leasing and arrangement of Power Purchase Agreements). This could be a loophole that allows utility-scale RE in rural communities with only a building permit and no public review. The REO should further refine use by zone, and average usage of a Single Family Residence. We are not opposed to commercial, manufacturing, or industrial areas using their properties and rooftops for utility-scale renewable energy generation, but wish to protect what is left of our rural lifestyle, unique rural community atmosphere, and health, happiness and welfare of residents.

Noise: The human environment contains a variety of noise sources that can affect the way people live and work and, generally, negatively impact quality of life. Excessive levels may result in physiological effects such as hearing loss, speech interference, and sleep interference, as well as behavioral responses, such as increased neighborhood annoyance and dissatisfaction. Excessive noise can also negatively impact wildlife. Studies have shown that disruption caused by noise can be injurious to an animal's energy budget, reproductive success, and long-term survival.

Title 12 (12.08.390) of the County Code contains the County Noise Control Ordinance, which was adopted by the Board of Supervisors to control unnecessary, excessive and annoying noise. It declared that County policy was to "maintain quiet in those areas which exhibit low noise levels." The Ordinance divides receptor properties into the categories, but does not include a very quiet rural noise zone.

The Proposed maximum noise level of 60 decibels in the Renewable Energy Ordinance is inappropriate for rural areas. As the chart from the Los Angeles County Noise Ordinance indicates, the 60dB single event noise limit for the operation of solar and wind facilities matches that of commercial and industrial noise levels (55dB, 60dB, and 70dB). The ambient noise level in quiet rural areas is 10dB to 24dB, and up to 50dB in more developed *urban* residential areas. There is no reason to subject adjoining properties to any additional noise levels beyond measured ambient noise levels. The Renewable Energy Ordinance should require private property, noise sensitive lands and land uses, wildlife /habitats, and public lands be shielded from excessive noise; and require renewable energy development projects to demonstrate that no adverse noise effects on adjacent uses will occur from the project; that provisions for preservation of quiet ambient noise levels be required by all renewable energy projects.

CSDs: Community Standards District documents should prevail unless more stringent and/or protective measures occur in the Renewable Energy Ordinance. Some CSDs contain height limits that should be observed, as well as impervious surface provisions that intend to prevent erosion. Significant ridgeline protection should not be easily amended with the proposed MCUP in the REO, dated April 7th, that strikes out signage, and noticing requirements (RE Supplemental Package, pages 73, 74, 75, 76).

Social/Environmental injustice: Rural residents of coastal Los Angeles County and the Santa Monica Mountains, have "rural villages", and recreational viewshed areas extensively protected by the county's Santa Monica Mountains Local Coastal Program's Land Use Plan. Its stringent provisions will undoubtedly eliminate threats from industrial wind or solar in these areas. However, no similar protection exists for rural residents and valued viewsheds of the canyons and northern slopes of the San Gabriel Mountains or adjoining Mojave Desert portion of Los Angeles County. This perpetuates social injustice of the existing conditions where less affluent residents and those without resources to oppose large renewable energy projects are being subjected to the majority of impacts and damage to quality of life—including threat of ill health, and loss of property values created by industrial wind and solar installations. This is socially and economically indefensible. Rural communities of the Antelope Valley deserve the same protections from intrusive renewable energy projects.

Yours truly,

Susan Zahnter
Vice President

Antelope Acres Town Council
P. O. Box 6708
Lancaster, California 93539

April 20, 2015

Los Angeles County Department of
Regional Planning
Attention: Jay Lee and Susan Tae
320 W. Temple Street, 13th Floor
Los Angeles, CA 90012
jalee@planning.lacounty.gov
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Renewable Energy Ordinance Comments

The Antelope Acres Town Council has expressed many concerns about the Draft Renewable Energy Ordinance (Ordinance) that have not been addressed.

Glare: In the morning and the evening solar glare is an incredible distraction to drivers and residents even though the EIR states there is no impact. In May 2013, Westside Union School District Trustees voted to raise the solar panels they had installed on two campuses to later in the morning and to lower them earlier in the evening, losing about three hours of sun time per day. This was done to placate the overwhelming objections from nearby homeowners to the morning and evening glare that permeated their houses and made it difficult to look outside. They also complained about the aesthetics and that it destroyed their view and lowered the value of their homes. This problem is repeated on a much larger scale throughout the Antelope Valley.

Approvable study-based mitigation to glare must be formulated and included in the Ordinance.

Cumulative effect of utility scale industrial facilities has not been specifically addressed by the Ordinance. Why was this disregarded? What is the saturation point of renewable energy? This should be in the Ordinance by percentage of A-2 land, which includes 2-1/2 acre parcels.

Permits: All renewable energy projects for sale of energy off premises must be subject to a Conditional Use Permit and a Public Hearing. Minor Use Permits is a loop-hole that needs to be changed. Minor CUPs exempt renewable energy businesses from the Noticing Requirements to the adjacent landowners

and the public. Furthermore, the distance of notification should be increased to at least a five mile radius.

If a permittee can receive a six month extension, how many six month extensions can a permitte apply for? What is the criteria?

A moratorium on new solar industrial installations shall be imposed until adequate studies conducted by independent biologists quantify the effects to the avian population. The Antelope Valley is an Audubon designated globally important bird area and the Pacific Fly Way used by protected migratory and locally indigenous birds. The California Condor is expected to expand over the Antelope Valley. The Centennial Project has already requested the ability to take a certain number of Condors or other protected species in order to build their project.

Specific plans to address the loss of avian foraging areas must be specifically addressed.

Renewable energy must prioritize systems on all homes, apartments, buildings, parking areas, malls and freeways.

We strongly object to the different standards for preservation of scenic views for the coastal zone and the desert zone. As it is written in the Ordinance, the coastal zone is considered environmentally superior than the desert zone. The views of the San Gabriel Mountains and the Tehachapi Mountains are no less breathtaking than the Santa Monica Mountains and deserve equal protection. We demand that this is included in the Ordinance.

The proposed maximum noise level of 60 dBs is inappropriate in rural areas. The ambient noise level in more developed urban areas is up to 50 dB. In rural areas sound and vibration travel much farther distances than in populated areas. Why, since the Ordinance affects a sizeable rural area with many inhabitants, is the ability of sound to travel not addressed? Why was the noise level allowed to be set up to 60 dBs?

The landscaping – buffering requirements are completely inadequate. The current solar projects install tiny plants around the perimeters, and, because they are not required to maintain them properly, they routinely die and are eventually replaced. They will never grow to meet the spirit of the landscaping part of the Ordinance. We insist that the planting of mature trees/bushes with a permanent irrigation system and a County approved landscaper who reports to the County, be written into the Ordinance in order to ensure that the projects will have the industrial look mitigated. The Ordinance only requires "conceptual landscape plans". This is another loop-hole that needs to be closed.

The use of setbacks and on-site land to be used for mitigation is unacceptable. A two-to-one similar habitat mitigation, preferably contiguous to other open space, must be written into the Ordinance.

The badgers and burrowing owls and siting of foraging hawks have disappeared from every solar project area they were known to be living near. Unfortunately, the projects are only required to conduct biological surveys on their own property without regard to the effect of those animals that live nearby the projects and were well known to local residents. Habitat destruction is one of the main reasons animals become endangered. Biological surveys must be done in a more practical, functional manner.

. Part 15 of the Ordinance, as written, does not apply sufficient regulations that would protect rural residents against negative visual impacts. Community Standards Districts are written to protect the visual uniqueness of each community. This includes rules for ridgeline protection, height requirements, and types of development allowed. As part 15 of the Ordinance is written, it can be a loop-hole that supersedes Community Standards Districts. This is unacceptable. There must be specific language that requires adherence to all Community Standard Districts.

In conclusion, please carefully read and address the concerns spelled out in detail in a letter dated March 16, 2015, from Susan Zahnter, President of The Association of Rural Town Councils. We are expecting all these concerns to be addressed. We hope that you specifically pay attention to the photos included at the end of the letter. Many other photos of displaced badgers, kit foxes, and other birds could be provided.

Sincerely,

Virginia Stout
President
Antelope Acres Town Council

April 20, 2015

Los Angeles County Department of
Regional Planning
Attention: Jae Lee and Susan Tae
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Renewable Energy Ordinance April 22, 2015 Hearing

A SUPERLATIVE ORDINANCE for renewable energy would not infringe on the communities that desire to live in a rural* environment.

Rural: Non industrial, non commercial and non urban areas that are communities involved with agriculture, farming and livestock activities and lifestyle.*

A Superlative Ordinance for renewable energy would be that which focuses on rooftop solar systems for urban dwellers. It would promote more energy efficiency and conservation at its source of use. It would protect open space from development of numerous massive utility scale renewable energy projects.

A Superlative Ordinance for renewable energy would create more ongoing jobs by construction and maintenance of small scale personal or shared renewable energy systems.

A Superlative Ordinance for renewable energy would be that which would be least disruptive to our natural resources, land, wildlife, and water.

A Superlative Ordinance for renewable energy would be that which does not let developers of utility scale renewable energy facilities decide which ones should be prioritized.

A Superlative Ordinance for renewable energy would prioritize systems on all homes, apartments, buildings, parking areas, malls and freeways. It would make the permitting process much simpler and less costly for single or shared systems, and for responsible, licensed contractors who do this type of construction and installations.

A Superlative Ordinance would be that which conserves and does not expend another natural resource or create a nuisance.

If utility scale renewable energy facilities are permitted, the Water Adjudication process or the County should consider these developments overall as dry conservation projects where groundwater is confined in the ground, on site, as long as the site is being used as a renewable energy transition.

At the March 18, 2015 hearing, two members of the County remarked that native plants do not do well with recycled water, and reclaimed water will destroy native vegetation. (Staff or county counsel should have corrected this. Maybe it was corrected.)

What is not true would be misleading, making it seem like utility scale renewable energy facilities would suffer a hardship to maintain drought tolerant plants for perimeter vegetation.

Recycled water can be trucked.

Treated water for dust control and or natural vegetation landscaping around utility scale renewable energy facilities will not destroy plant life.

Tertiary treated water is safe. It is used for watering grass, for landscaping and at parks, for growing alfalfa and other crops, and at Apollo Park and Piute Ponds. This was confirmed by Mr. Steve Highter of the Wastewater Treatment Center.

Secondary treated water is productively used for crops (not for human consumption, though) and tertiary treated water is safe for ducks and even dogs to swim in and drink. It could be used and should be used for landscaping to cover chain link barbed wire fencing of utility scale facility perimeters.

Re-vegetating disturbed areas of utility scale renewable energy facilities should not reflect a cookie-cutter type style. (Rock, bush, rock, rock, bush, etc.)

A Superlative Ordinance does not leave a bigger footprint than its purpose. Take Hanford, Washington, as an example.

It is noticeably apparent in the newly adopted Antelope Valley Area Wide Plan, by eliminating all Agricultural Opportunity Areas; reducing the size of Significant Ecological Areas; approving no renewable energy projects in what will become commercial Economic Opportunity Areas; and allowing Tejon or Centennial "Planned Communities" with no mention or mandates of renewable energy, Los Angeles County is creating sprawl and growth for the future. A few "token" farms are all that remain of a once historical agricultural legacy of Antelope Valley.

Utility scale renewable energy wind turbines must not be included in the Ordinance. Consequences of thousands of turbines in nearby Kern County blight the viewshed for Los Angeles County. Why would the County want to do even more than that?

The same restrictions for renewable energy for the Local Coastal Communities should apply to the west Antelope Valley. The desert and coastal areas are both integral to each other and not played one against the other.

What is the percentage of renewable energy that remains to be supplied by the County? Why does that percentage need to be achieved by the sacrifice of rural communities, or doesn't the County consider us important enough?

Why is Los Angeles County punishing those of us who happen to live where the sun shines (and the wind blows) and there is still plenty of open space?

Judith Fuentes
47458 92nd St. West
Antelope Acres, CA 93536
661-723-1882

ATTACHMENT 4: 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's 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 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 for 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 establish 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 provisions for ground-mounted utility-scale solar and all 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 Permit 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 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 concurrent with 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, and recommended to the County Board of Supervisors that the Board conduct a public hearing and approve the proposed Zoning Ordinance.

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 accordnace 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

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

ATTACHMENT 5: RECOMMENDED ORDINANCE FOR BOARD ADOPTION

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

…

-- "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.

…

~~**SECTION 2.** Section 22.08.070 G is hereby amended to read as follows:~~

~~**22.08.070 G**~~

~~…~~

~~-- "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 2~~3~~. Section 22.08.130 M is hereby amended to read as follows:

22.08.~~070~~130 M

…

-- "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.

…

SECTION 3~~4~~. Section 22.08.190 S, is hereby amended to read as follows:

22.08.190 S

…

-- "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.

…

SECTION 4~~5~~. Section 22.08.210 U is hereby amended to read as follows:

22.08.210 U

…

-- 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's mechanical support structure, such as a building or carport, where wind energy is used to generate direct electrical energy primarily for off-site use. This definition includes all on-site and off-site equipment and accessory structures related to the facility, including but not limited to wind towers, mounting posts, substations, electrical infrastructure, transmission lines, operations and maintenance buildings, and other accessory structures.

…

SECTION 5~~6~~. Section 22.08.230 W is hereby amended to read as follows:

22.08.230 W

…

~~-- "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.~~

…

SECTION 6~~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:

…

-- 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 7~~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:

…

-- 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 8~~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:

…

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

…

-- 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.~~

…

SECTION 9~~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:

…

-- Small family homes, children.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

SECTION 101. 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:

…

C. Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 112. 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:

…

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

…

-- 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.~~

…

SECTION 12~~3~~. 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:

…

-- Townhouses.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

SECTION 13~~4~~. Section 22.20.270 is hereby amended to read as follows:

22.20.270 Accessory Uses.

…

C. Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 14~~5~~. 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:

…

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

…

-- 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.~~

…

SECTION 15~~6~~. 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:

…

-- Townhouses.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

SECTION 16~~7~~. Section 22.20.350 is hereby amended to read as follows:

22.20.350 Accessory Uses.

…

C. Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 17~~8~~. 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:

…

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

…

-- 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.~~

…

SECTION 18~~9~~. 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:

…

-- Small family homes, children.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

SECTION 19~~20~~. Section 22.20.420 is hereby amended to read as follows:

22.20.420 Accessory Uses.

…

C. Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 20~~1~~. 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:

…

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

…

-- 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.~~

…

SECTION 21~~2~~. 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:

…

-- Small family homes, children.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

…

SECTION 22~~3~~. 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:

…

D. Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 23~~4~~. 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:

…

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

…

-- 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.

…

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:

…

~~-- Wind energy conversion systems, non-commercial, in conformance with the standards and requirements specified in Part 15 of Chapter 22.52.~~

SECTION 24~~5~~. 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:

…

D. The following additional uses:

…

-- 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.

…

SECTION 25~~6~~. 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:

…

D. Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 26~~7~~. 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:

…

-- Signs, as provided in Part 10 of Chapter 22.52.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

…

-- 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.

…

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:

…

~~-- Wind energy conversion systems, non-commercial, in conformance with the standards and requirements specified in Part 15 of Chapter 22.52.~~

SECTION 27~~8~~. 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.

…

-- Stations – Bus, railroad, and taxi.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

…

SECTION 28~~9~~. 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:

…

-- 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 29~~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:

~~…~~

~~-- Signs, as provided in Part 10 of Chapter 22.52.~~

~~-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.~~

…

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

…

-- 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.

…

SECTION 30~~1~~. 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:

…

2. Services.

…

-- Union halls.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

…

SECTION 31~~2~~. 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:

…

B. 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 32~~3~~. 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:

~~…~~

~~-- Signs, as provided in Part 10 of Chapter 22.52.~~

~~-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.~~

…

-- 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.

…

-- 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.

…

SECTION 33~~4~~. 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:

…

2. Services.

…

-- Union halls.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

…

SECTION 34~~5~~. 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:

…

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 35~~6~~. 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:

~~…~~

~~-- Signs, as provided in Part 10 of Chapter 22.52.~~

~~-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.~~

…

-- 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.

…

-- 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.

…

SECTION 36~~7~~. 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:

…

2. Services.

…

-- Union halls.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

…

SECTION 37~~8~~. 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:

…

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 38~~9~~. 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:

~~…~~

~~-- Signs, as provided in Part 10 of Chapter 22.52.~~

~~-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.~~

…

-- Tattoo parlor.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

…

-- 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.

…

SECTION 39~~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:

…

2. Services.

…

-- Union halls.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

…

SECTION 40~~1~~. Section 22.28.240 is hereby amended to read as follows:

22.28.240 Accessory Uses.

Premises in Zone C-M may be used for:

…

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 41~~2~~. 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:

~~…~~

~~-- Skating rinks, ice or roller.~~

~~-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.~~

…

-- Tattoo parlor.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

…

-- 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.

…

SECTION 42~~3~~. 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.

…

-- Tourist information centers.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

…

SECTION 43~~4~~. 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:

…

C. Small-scale solar energy system, in accordance with Part 15 of Chapter 22.52.

SECTION 44~~5~~. 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:

…

~~-- Ski lifts, tows, runs, and warming huts.~~

~~-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.~~

…

-- 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.

…

SECTION 45~~6~~. 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:

…

-- 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 46~~7~~. 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.~~

…

-- 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.

…

SECTION 47~~8~~. 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:

…

-- 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 48~~9~~. 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:

…

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.

…

SECTION 49~~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:

…

-- 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 50~~1~~. 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.

…

-- Tourist information centers.

-- Utility-scale solar energy facility, structure-mounted, in accordance with Part 15 of Chapter 22.52.

…

SECTION 51~~2~~. 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.

…

SECTION 52~~3~~. 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.~~

…

-- 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.

…

SECTION 53~~4~~. 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:

…

-- 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 54~~5~~. 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:

…

-- 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.

…

SECTION 55~~6~~. Section 22.40.410 is hereby amended to read as follows:

22.40.410 Permitted Uses.

…

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 56~~7~~. 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:

…

-- Energy generating or storage devices, including but not limited to ~~solar, wind or~~ geothermal devices.

…

-- 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.

-- Small-scale wind energy system, in accordance with Part 15 of Chapter 22.52.

…

-- Telephone repeater stations.

-- Temporary meteorological tower, in accordance with Part 15 of Chapter 22.52.

…

SECTION 57~~8~~. Section 22.44.113 is hereby amended to read as follows:

22.44.113 Agua Dulce Community Standards District.

…

D. Community-wide Development Standards.

…

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

…

SECTION 58~~9~~. Section 22.44.127 is hereby amended to read as follows:

22.44.127 Altadena Community Standards District.

…

C. Community-wide Development Standards.

…

2. Hillside Management.

…

d. Significant Ridgeline Protection. Ridgelines are defined as the line formed by the meeting of the tops of sloping surfaces of land. Significant Ridgelines are highly visible ridgelines that dominate the landscape. The locations of the significant ridgelines within the CSD are shown on the map following this Section.

i. The highest point of any structure shall be located at least 50 vertical feet and 50 horizontal feet from a significant ridgeline, excluding chimneys, rooftop antennas, amateur radio antennas, roof-mounted solar panels, and small-scale wind energy ~~conversion~~ systems.

…

SECTION 59~~60~~. Section 22.44.133 is hereby amended to read as follows:

22.44.133 Santa Monica Mountains North Area Community Standards District.

…

D. Community-wide Development Standards.

…

5. Significant Ridgeline Protection.

…

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.

…

SECTION 60~~1~~. Section 22.44.143 is hereby amended to read as follows:

22.44.143 Elizabeth Lake and Lake Hughes Community Standards District.

…

D. Community-Wide Development Standards.

…

4. Utilities.

…

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.

…

10. Significant Ridgeline Protection.

…

b. The highest point of a structure shall be located at least one hundred-fifty (150) vertical feet and one hundred-fifty (150) horizontal feet in a southerly direction from a significant ridgeline, excluding chimneys, rooftop antennas, amateur radios, and small-scale wind energy ~~conversation~~ systems.

c. No portion of any structure shall be located less than fifty (50) horizontal feet in a northerly direction from a significant ridgeline, excluding amateur radio antennas, chimneys, rooftop antennas, and small-scale wind energy ~~conversion~~ systems.

…

SECTION 61~~2~~. Section 22.44.144 is hereby amended to read as follows:

22.44.144 San Francisquito Canyon Community Standards District.

…

D. Community-wide Development Standards.

…

10. Significant Ridgeline Protection.

…

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:

…

SECTION 62~~3~~. Part 15 of Chapter 22.52 is hereby 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 Definitions~~Application Materials~~.

22.52.1615 Application Materials.

22.52.1620~~15~~ Standards for Small-Scale Solar Energy Systems.

22.52.1625~~0~~ ~~Development~~ Standards for Utility-Scale Solar Energy Facilities.

~~22.52.1625 Standards for Temporary Meteorological Towers.~~

22.52.1630 Standards for Temporary Meteorological Towers (Temp Met Towers) and Small-Scale Wind Energy Systems.

22.52.1635~~0~~ Conditional Use Permit~~Director's Review~~ – Temp~~orary~~ M~~met~~~~eorological~~ T~~t~~owers ~~(Temp Met Towers)~~~~Standards for Small-Scale Wind Energy Systems~~.

~~22.52.1635 Standards for Utility-Scale Wind Energy Facilities.~~

22.52.1640 Conditional U~~u~~se P~~p~~ermit – Small-Scale Wind Energy Systems~~Non-commercial wind energy conversion system (WECS-N)~~.

22.52.1645 Standards for Utility-Scale Wind Energy Facilities.

22.52.1650 Modifications.

22.52.165~~4~~5 Uses Subject to Permits – Minor Conditional Use Permit.

22.52.166~~5~~0 Uses Subject to Permits – Aviation Review.

22.52.166~~5~~5 Uses Subject to Permits – Findings.

22.52.167~~6~~0 Uses Subject to Permits – Conditions of Approval.

22.52.167~~6~~5 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 (Temp Met Towers) in a manner that protects public health, safety, and welfare and minimizes significant impacts to the environment.

22.52.1605 Applicability.

Except as otherwise provided herein, for any Temp Met Tower, applicability shall be pursuant to Section 22.52.1635. For any small-scale wind energy system, applicability shall be pursuant to Section 22.52.1640.

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, or 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, or utility-scale wind energy facility~~, or temporary meteorological tower~~ is located shall apply as follows:

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, or 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. To a~~A~~ny small-scale solar energy system, ~~small-scale wind energy system,~~ utility-scale solar energy facility, or utility-scale wind energy facility~~, or~~

~~temporary meteorological tower~~ legally established or permitted prior to the effective date of the ordinance establishing this Part 15.

2. Where~~Those provisions~~ preempted by regulation under the jurisdiction of the California Public Utilities Commission or preempted by other applicable law.

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 legally established or permitted small-scale solar energy system,~~ small-scale wind energy system,~~ utility-scale solar energy facility, or 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 legally established or permitted small-scale solar energy system,~~ small-scale wind energy system,~~ utility-scale solar energy facility, or 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~~small-scale wind energy system 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~~small-scale wind energy system that transforms mechanical energy from the wind into electrical energy.

22.52.1615 Application Materials.

A. If a site plan review is required, the applicant shall submit the following:

1. All materials and information as listed in Section 22.56.1680;

2. A site plan that in addition to the features as listed in subsection F of Section 22.56.1680 depicts solar array footprint and height,

3. A minimum of six color photographs, displaying various angles illustrative of the project area, with a photo-key map.

B. Except for Temp Met Towers and small-scale wind energy systems, i~~I~~f 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 22.52.1655;

2. A minimum of six 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:

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 for planting and maintaining proposed landscaping,

iv. Proposed timing and phasing of proposed landscaping,

c. 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:~~

~~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. Ground-mounted temporary meteorological towers additionally depict:~~

~~(A) Required aviation-related paint markings for ground-mounted temporary meteorological towers;~~

~~(B) 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:~~

~~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. Manual and automatic wind tower blade overspeed controls,~~

~~iii. Ground-mounted small-scale wind energy systems additionally depict:~~

~~(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);~~

5~~7~~. Utility-scale wind energy facilities. A site plan that in addition to the features required by subsection A.7 of Section 22.56.030 depicts:

a. FAA-required safety lights, if any,

b. Manual and automatic wind tower blade overspeed controls,

c. Wind tower footprint and height,

d. Structure-mounted utility-scale wind energy facilities with wind towers mounted to the roof of a building additionally depicts wind tower setbacks from the perimeter of a roof,

e. Ground-mounted utility-scale wind energy facilities. A site plan that in addition to the features required by subsection B.4 of this Section depicts:

i. Climbing apparatus, if any,

ii. Required aviation-related paint markings if any,

iii. Blade clearance from the finished grade,

iv. Runway Protection Zones on the property, if any,

v. Airport Influence Areas on the property, if any;

6~~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.

C. For a Temp Met Tower, the applicant shall submit all materials and information as listed in Section 22.52.1635.

D. For a small-scale wind energy system, the applicant shall submit all materials and information as listed in Section 22.52.1640.

22.52.1620~~15~~ 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), the California Solar Shade Control Act (California Public Resources Code Sections 25980 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.

C. 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 solar or wind energy accessory structures, shall be 25 percent of the lot or parcel of land or 2.5 acres, whichever is lesser.

22.52.1625~~0~~ ~~Development~~ Standards for Utility-Scale Solar Energy Facilities.

A. Accessory structures. Accessory structures constructed for the purposes of operating and maintaining the utility-scale solar energy facility must meet all applicable development standards of the zone.

B. Structure-mounted. Structure-mounted utility-scale solar energy facilities shall be subject to the 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 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 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. Opaque and non-opaque fences are permitted.

b. Fencing up to eight feet in height is permitted.

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. Facility perimeter fencing shall incorporate small animal-permeable design.

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 and emergency contact information. No other signs shall be posted at the facility other than safety, directional, and required warning signs as outlined in Part 10 of Section 22.52.

22.52.1630 Standards for Temporary Meteorological Towers (Temp Met Towers) and Small-Scale Wind Energy Systems.

Small-scale wind energy systems~~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~~ development standards of every Temp Met Tower and every small-scale wind energy system~~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 small-scale wind energy system~~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 small-scale wind energy system~~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 small-scale wind energy system~~WECS-N~~ or Temp Met Tower and all structures and trees.

4. Design. A small-scale wind energy system~~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 Federal Aviation Administration 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 small-scale wind energy system~~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 small-scale wind energy system~~WECS-N~~ or Temp Met Tower has ceased or the permit therefore 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.

10. Guy wires. The use of guy wires shall be prohibited.

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 small-scale wind energy system~~WECS-N~~, unless specifically modified pursuant to Section 22.52.1640.

1. Clearance of blade above ground level. No portion of a small-scale wind energy system~~WECS-N~~ blade shall extend within 20 feet of the ground.

2. Automatic overspeed controls. A small-scale wind energy system~~WECS-N~~ shall be equipped with manual and automatic overspeed controls to limit the blade rotation speed to within the design limits of the small-scale wind energy system~~WECS-N~~.

~~3. Safety Wires. Safety wires shall be installed on the turnbuckles on guy wires of guyed towers.~~

3~~4~~. Noise. Noise from a small-scale wind energy system~~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.

4~~5~~. Visual Effects.

a. No small-scale wind energy system~~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 resource~~s~~, including a ridgeline that provides a natural buffer between communities or is part of a park or trails system.

b. The top of a small-scale wind energy system~~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 small-scale wind energy system~~WECS-N~~ shall be located at least 100 horizontal feet from any adjacent major ridgeline.

c. Any small-scale wind energy system~~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 small-scale wind energy system~~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.

5~~6~~. Restriction on use of electricity generated by a small-scale wind energy system~~WECS-N~~. A small-scale wind energy system~~WECS-N~~ shall be used exclusively to supply electrical power for on-site consumption, except that when a parcel on which a small-scale wind energy system~~WECS-N~~ is installed also receives electrical

power supplied by a utility company, excess electrical power generated by the small-scale wind energy system~~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.

6. Impacts to Birds and Bats. The following shall apply for all ground-mounted small-scale wind energy systems.

a. Use of trellis-style towers is prohibited.

b. Buffers. The following 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 including the wind turbine generator, wind-measuring devices, and highest vertical extent of any blades, 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 wetland.

(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.

c. Tower base. The vegetation within a 10 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.

~~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.~~

~~B. All temporary meteorological towers shall be subject to the following standards:~~

~~1. Aviation safety. 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.~~

~~2. Maximum separation. Wind towers must be separated from each other by the safe industry practice depicted in Figure 22.52.1625-A, below.~~

~~FIGURE 22.52.1625-A – SEPARATION STANDARDS FOR TEMPORARY METEOROLOGICAL TOWERS~~

~~FIGURE 22.52.1625-A HERE~~

~~C. 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.~~

~~D. Ground-mounted. Ground-mounted temporary meteorological towers shall be subject to the 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.~~

~~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.~~

~~4. Setback. The minimum setback for a wind tower shall be as depicted in Table 22.52.1625-A, unless a greater setback is necessary to comply with any applicable fire setback requirements pursuant to Public Resources Code section 4290.~~

~~TABLE 22.52.1625-A – SETBACK REQUIREMENTS FOR TEMPORARY METEOROLOGICAL TOWERS~~	
~~SETBACK FROM~~	~~MINIMUM DISTANCE~~
~~On-site or Off-site Residence or Habitable Structure~~	~~1.5 x tallest wind tower height~~
~~Public Road or Highway~~	~~As required by Public Works to meet sight distance and minimum setback requirements from traveled lanes~~
~~Above Ground Transmission Line, Public Access Easement, or Public Trail~~	~~1.25 x tallest wind tower height~~
~~Property Line~~	~~1.25 x tallest wind tower height~~
~~On-site or Off-site Buildings Other Than a Residential Structure~~	~~1 x tallest wind tower height~~
~~Trees~~	~~As required by the Fire~~

	~~Department~~
~~Scenic Drives, Scenic Highways and Scenic Routes as identified in the General Plan, applicable Area or Community Plan, or applicable CSD~~	~~1,000 feet~~

~~5. 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.~~

~~6. Maximum wind tower height. The maximum wind tower height shall not exceed the height limit as depicted in Figure 22.52.1625-B:~~

~~a. A total of 35 feet measured from the finished grade to the top of the blade in the vertical position for parcels of less than one gross acre in size;~~

~~b. A total of 65 feet measured from the finished grade to the top of the blade in the vertical position for parcels from one gross acre to less than two gross acres in size; and~~

~~c. A total of 85 feet measured from the finished grade to the top of the blade in the vertical position for parcels of two gross acres or greater in size.~~

~~FIGURE 22.52.1625-B – HEIGHT STANDARDS FOR TEMPORARY METEOROLOGICAL TOWERS~~

~~FIGURE 22.52.1625-B~~ **~~HERE~~**

22.52.1635~~0~~ Conditional Use Permit~~Director's Review~~ – Temp~~orary~~ M~~meteorological~~ T~~t~~owers~~ (Temp Met Towers)~~~~Standards for Small-Scale Wind Energy Systems~~.

A. Applicability. The provisions of Part 1~~2~~ of Chapter 22.56 shall apply to an application for a conditional use permit for~~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 Part 1 of Section 22.56~~.1680~~, an application for a conditional use permit 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, and 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 conditional use permit for~~director's review of~~ a Temp Met Tower where the director makes the findings required by Section 22.56.0~~16~~90 and also finds that the proposed project complies with all of the development standards for Temp Met Towers specified in Section 22.52.163~~2~~0.

D. Conditions of Approval. In approving an application for a conditional use permit for~~director's review of~~ a Temp Met Tower, the director shall impose as conditions all applicable development standards specified in Section 22.52.163~~2~~0 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 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 Hillside Management Area, as defined in Section 22.08.080, located within a 500 foot radius of any proposed small-scale wind energy system where the system exceeds 50 vertical feet as measured from the base of the slope where it equals or exceeds 25% slope. 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. 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. Use of trellis-style towers is prohibited.~~

~~b. Buffers. The following 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 Section 22.52.1625 and 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 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 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.~~

~~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. Opaque and non-opaque fences may be permitted.~~

~~b. Fencing up to eight feet in height 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. 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. Buffers. The following 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 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.~~

~~7. Setback. The minimum setback for a utility scale wind energy facility shall be as depicted in Table 22.52.1635-A unless a greater setback is required to comply with any applicable fire setback requirements pursuant to the 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, Scenic Highways and Scenic Routes as identified in the General Plan, applicable Area or Community Plan or applicable CSD~~	~~2 x tallest wind tower height~~
~~Railway~~	~~2 x tallest wind tower height~~

~~8. Maximum height. Wind tower height shall not exceed 500 feet above finished grade.~~

~~9. Signs. One ground-mounted or pole-mounted project identification sign shall be located at each temporary and permanent ingress and egress point. Signs shall include owner information and emergency contact. No other signs shall be installed for the facility other than safety, directional, and required warning signs as outlined in Part 10 of Section 22.52.~~

22.52.1640 Conditional U~~u~~se P~~p~~ermit – Small-Scale Wind Energy Systems~~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 small-scale wind energy system~~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 small-scale wind energy system~~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 ~~d~~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 22.52.163~~2~~0 is requested, the applicant shall identify the requested modifications and substantiate to the satisfaction of the ~~h~~Hearing ~~o~~Officer that strict compliance with all required development standards would substantially and unreasonably interfere with establishment of the proposed small-scale wind energy system~~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 small-scale wind energy system~~WECS-N~~, the ~~h~~Hearing ~~o~~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 22.52.163~~2~~20, unless specifically modified as provided herein.

3. If the ~~h~~Hearing ~~o~~Officer modifies any development standard specified in Section 22.52.163~~2~~20 at the request of the applicant, that the applicant has substantiated to the satisfaction of the ~~h~~Hearing ~~o~~Officer that strict compliance with all of the required development standards would substantially and unreasonably interfere with the establishment of any proposed small-scale wind energy system~~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 small-scale wind energy system~~WECS-N~~, the ~~h~~Hearing ~~o~~Officer:

1. Shall impose as conditions all of the applicable development standards specified in Section 22.52.163~~2~~20, 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 ~~h~~Hearing ~~o~~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.

22.52.1645 Standards for Utility-Scale Wind Energy Facilities.

A. In addition to the standards required under Section 22.52.1630, the following standards shall also apply to all utility-scale wind energy facilities. Where a provision of Section 22.52.1630 regulates the same matter as this Section, the provision of this Section shall apply.

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.

c. 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.

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 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 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.

2. Blade clearance. No portion of a utility-scale wind energy facility blade shall extend within 30 feet from the finished grade.

3. 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. Opaque and non-opaque fences may be permitted.

b. Fencing up to eight feet in height 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. Facility perimeter fencing shall incorporate small animal-permeable design.

4. Impacts to birds and bats. The following buffers shall apply to reduce impacts to birds and bats:

a. No part of a ground-mounted utility-scale wind energy facility shall be closer than 0.25 miles from the following:

(1) Adopted Significant Ecological Areas;

(2) Recorded open space easements and publicly designated preserve areas; and

(3) Riparian areas and wetlands.

b. No part of a ground-mounted utility-scale wind energy facility shall be closer than 0.5 miles from bat roosting sites.

c. No part of a ground-mounted utility-scale wind energy facility shall be closer than one mile from a known golden eagle nest site.

5. Lighting. In addition to Part 9 of Chapter 22.42, for facilities within the Rural Outdoor Lighting District, light-sensor or motion-sensor lighting 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.

6. Maximum height. Wind tower height, including the wind turbine generator, wind-measuring devices, and highest vertical extent of any blades, shall not exceed 500 feet above finished grade.

7. Setback. The minimum setback for a utility-scale wind energy facility shall be as depicted in Table 22.52.1645-A unless a greater setback is required to comply with any applicable fire setback requirements pursuant to the Public Resources Code section 4290. For the purposes of this Section, wind tower height shall include the wind turbine generator, wind-measuring devices, and highest vertical extent of any blades.

TABLE 22.52.1645-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, Scenic Highways and Scenic Routes as identified in the General Plan, applicable Area or Community Plan or	2 x tallest wind tower height

applicable CSD	
Railway	2 x tallest wind tower height

8. 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.

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.

10. Slope setbacks in Hillside Management Areas. The project shall map the location of Hillside Management Area, as defined in Section 22.08.080, located within a 500-foot radius of any proposed small-scale wind energy system where the system exceeds 50 vertical feet as measured from the base of the slope where it equals or exceeds 25% slope. 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.

22.52.1650 Modifications.

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 22.52.1665~~5~~5, 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. Except for small-scale wind energy systems, ~~W~~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 22.52.1665~~5~~5 and Part 1 of Chapter 22.56. For small-scale wind energy systems, any modification of the applicable standards in this Part 15 shall be pursuant to Section 22.52.1640.

C. When a ground-mounted small-scale solar energy system exceeds the maximum lot coverage established under subsection C~~B~~.2 of Section 22.52.1620~~15~~, and requests approval of a Minor Conditional Use Permit pursuant to Part 1 of Chapter 22.56, the system shall be subject to the development standards specified in subsections A and C.1 of Section 22.52.1620~~15~~ and A and C.7 of Section 22.52.1625~~0~~ and conditions specified in subsections A.~~2.d~~1.b.v and A.~~2.g~~1.b.vii of Section 22.52.1676~~0~~0.

D. A wind tower greater than 500 feet in height requires approval of a variance pursuant to Part 2 of Chapter 22.56.

22.52.165~~45~~ 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.

22.52.166~~50~~ 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 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 FAA ~~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 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;

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.

22.52.166~~55~~ Uses Subject to Permits – Findings.

A. Except for Temp Met Towers and small-scale wind energy systems, i~~I~~n 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:

1~~A~~. The proposed 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;

2~~B~~. The proposed use is sited in such a way to minimize site disturbance (i.e., grading, brush clearance, and other forms of earthwork);

3~~C~~. For ground-mounted utility-scale solar energy facilities and utility-scale wind energy facilities, the proposed vegetation along facility perimeter fencing will:

a~~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,

b~~2~~. Sufficiently provide ground cover to the satisfaction of the staff biologist, and

c~~3~~. Provide such buffer and ground cover in a timely manner to the satisfaction of the staff biologist; and

4~~D~~. If the proposed use penetrates the lower floor elevation of any MIOA, that the military operator of that MIOA has determined that the proposed 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.

B. The Hearing Officer shall approve a Minor Conditional Use Permit for a Temp Met Tower if he or she makes the findings required pursuant to Section 22.52.1635.

C. The Hearing Officer shall approve a Conditional Use Permit for a small-scale wind energy system if he or she makes the findings required pursuant to Section 22.52.1640.

22.52.167~~6~~0 Uses Subject to Permits – Conditions of Approval.

A. Except for Temp Met Towers and small-scale wind energy systems, i~~I~~n addition to the provisions of Section 22.56.100, the following conditions of approval shall apply:

1~~A~~. Utility-scale solar energy facilities.

a~~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.

b~~2~~. Ground-mounted.

i~~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.

ii~~b~~. Decommissioning.

(A)~~i.~~ The decommissioning plan shall be prepared to the satisfaction of the Director and the Director of Public Works.

(B)~~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.

(C)~~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.

(D)~~iv.~~ In the event that any portion of a ground-mounted utility-scale solar energy facility ceases operation for a consecutive period of six months, or the permit for the use has expired, operations for that use shall be deemed to have been abandoned. Upon written notice from the Director to the permittee advising of the abandoned use, the use shall be removed from the property within the time period specified below:

(1~~A~~) Within six months after the written notice of abandonment is mailed to the permittee, the permittee shall commence decommissioning of the use in accordance with the decommissioning plan, unless renewal is granted pursuant to subsection A.1.b.ii.(D)(2)~~B~~ of this Section.

(2~~B~~) Within the six months after written notice of abandonment is mailed to the permittee, the permittee may provide the Director with a written request and justification for an extension to resume operations of the facility or portions thereof.

iii~~c~~. Landscaped buffer. The following conditions shall apply:

(A)~~i.~~ A landscaped area at least 10 feet in depth shall be maintained along any facility perimeter fencing, between such fencing and any public right-of-way or adjacent property with an existing residential or agricultural use.

(B)~~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.

(C)~~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.

(D)~~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.

(E)~~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 permit conditions.

(F)~~vi.~~ The landscaped area shall be maintained throughout the life of the facility.

iv~~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, 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.

v~~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.

(A)~~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.

(B)~~ii.~~ Hydrology. The facility shall be designed to minimize erosion, sedimentation, or other impacts to the natural hydrology and drainage patterns of the 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.

(C)~~iii.~~ Grading. To control fugitive dust and preserve the natural topography, the facility shall be designed in such a way that 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 22.52.1615~~0~~ shall depict the extent of grading and/or ground disturbance, and the facility shall comply with all applicable grading standards.

(D)~~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.

(E)~~v.~~ Construction practices.

(1~~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 applicable agencies to be suitable methods to adequately control dust in a safe manner during construction, operation~~s~~, and removal and restoration activities.

(2~~B~~) Vegetation. Work where the facility components are being installed in areas with existing vegetation, shall be conducted with minimal disturbance, and the 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 installation, 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 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 facility shall be permanently stabilized with an earth-stabilizing product or other measure that is acceptable to the Department and Departments of Public Works and Public Health to prevent fugitive dust.

vi~~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 A.~~2.d~~1.b.v of this Section to ensure dust control and minimal soil erosion.

vii~~g~~. Water quality protection. Measures to protect groundwater and surface water from waste discharge shall be incorporated into the facility design, as appropriate, and shall meet the requirements of the Regional Water Quality Control Board.

viii~~h~~. Water use.

(A)~~i.~~ The facility shall use the minimum amount of water required during the construction period. The facility shall be limited to the maximum use of water as established by the Hearing Officer for the duration of the construction period.

(B)~~ii.~~ The facility shall use the minimum amount of water required during the operation of the facility. The facility shall be limited to the

maximum use of water as established by the Hearing Officer for the operation of the facility for the duration of this grant.

(C)~~iii.~~ The facility shall use piped recycled water if it is available from the public right-of-way within one mile from the 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 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 property at fair market value and suitable for use.

(D)~~iv.~~ The permittee shall maintain a daily log, which shall include the number of gallons and acre feet of water used on the property used for the following, which includes, but is not limited to: construction, operation, maintenance, landscaping, and irrigation. 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, 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 a 10 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.~~

2~~D~~. Utility-scale wind energy facilities. In addition to the conditions of approval required under ~~subsections B and C of this section,~~ subsection~~s~~ A.1.b~~2.a, b, d,~~

~~e and f~~ of this Section, the following conditions of approval shall also apply to ground-mounted utility-scale wind energy facilities:~~.~~

a. 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.

b. 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.

c. Noise. Noise from a utility-scale wind energy system shall not exceed 60 dBA L_{eq} (equivalent sound level), as measured at the closest existing neighboring inhabited dwelling at the time of approval., or closest property line, whichever is closer.

B. For Temp Met Towers, the conditions of approval as required by Section 22.52.1635 shall apply.

C. For small-scale wind energy systems, the conditions of approval as required by Section 22.52.1640 shall apply.

22.52.167~~6~~5 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 T~~t~~emp~~orary~~ M~~met~~~~eorological~~ T~~t~~ower not in compliance with the provisions of

this Part 15. The Final Zoning Enforcement Order shall subject the non-compliant permittee to enforcement actions pursuant to Section 22.60.390. 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 T~~t~~emp~~orary~~ M~~m~~et~~eorological~~ T~~t~~ower**.**

SECTION 63~~4~~. Section 22.52.2430 is hereby amended to read as follows:

22.52.2430 Wineries–Permit requirements.

…

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.

…

SECTION 64~~5~~. Section 22.52.2460 is hereby amended to read as follows:

22.52.2460 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 22.52.2440 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.

…

SECTION 65~~6~~. 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.

…

SECTION 66~~7~~. Section 22.56.030 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:

…

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;

…

SECTION 67~~8~~. 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 minor conditional use permit shall not be subject to the provisions of Section 22.60.175.

SECTION 68~~9~~. 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:

…

-- 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.

…

-- Tasting rooms, remote, subject to the applicable provisions of Part 23 of Chapter 22.52.

-- Temporary meteorological tower (Temp Met Tower) 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).~~

…

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.~~

~~D~~C. ~~Unless at least two requests for a public hearing have been filed with the director as provided in subsection C of this section, the director~~The Hearing Officer may grant such permit ~~without a public hearing~~ if ~~the director~~ he or she finds that the use requested, subject to such conditions deemed necessary, will comply with the findings required by Section 22.56.090 and with any applicable requirements of Chapter 22.52, and if he or she further finds that the impacts of the use requested on safety, facilities and services, and natural resources are minor in nature.

~~E~~D. ~~The director shall notify the applicant and any persons who filed a timely request for a hearing of his decision. Any appeal from the 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 69~~70~~. 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:

…

-- 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 70~~1~~. 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 6: BOARD NOTICE OF PUBLIC HEARING

PUBLIC NOTICES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Patrick Ogawa, Acting Executive Officer-
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

NOTICE OF PUBLIC HEARING CONCERNING

RENEWABLE ENERGY ORDINANCE
PROJECT NO. R2014-01160-(All Districts)
ADVANCE PLANNING NO. 2014-00004-(All Districts)

Notice is hereby given that the Board of Supervisors will conduct a public hearing on the project referenced above on **Tuesday, July 14, 2015 at 9:30 a.m.**, in Room 381B of the Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Interested persons will be given an opportunity to testify.

The Regional Planning Commission previously conducted a public hearing on the project on April 22, 2015, and recommended approval of the project.

Location:
The proposed Renewable Energy Ordinance (Project) would apply to the unincorporated portions of the County.

Proposal:
A proposed ordinance amending Title 22 – Planning and Zoning of the Los Angeles County Code to establish regulations for the development of small-scale wind and solar energy systems, utility-scale wind and solar energy facilities, and temporary meteorological towers, in unincorporated Los Angeles County. The proposed project would provide a set of definitions, procedures and standards for review and permitting of solar and wind energy systems and facilities. As a lead agency under the California Environmental Quality Act, the Board will consider the effects of the Project as shown in the Environmental Impact Report (EIR) which includes the Draft EIR and Final EIR.

Contact the Department of Regional Planning, **Jay Lee** at **(213) 974-6476** between 7:30 a.m. and 5:30 p.m., Monday through Thursday (office is closed Fridays) or at jalee@planning.lacounty.gov directly for any questions or additional information. Callers from North County areas may dial (661) 272-0964 or (661) 253-0111 toll free and ask to be connected to (213) 974-4876. Selected materials are available at http://planning.lacounty.gov/energy. **Si necesita más información en Español, por favor llame al (213) 974-6427.**

If you are unable to attend the public hearing, written documents in favor or opposed to the project may be submitted to the Zoning Section, Executive Office of the Board of Supervisors, Room 383, 500 West Temple Street, Los Angeles, CA 90012 or PublicHearing@bos.lacounty.gov. Indicate the Project No. in the “Subject”. Please call the Board Services Division, Zoning Section at (213) 974-1426 for questions regarding this hearing.

Assistive listening devices, agenda in Braille and/or alternate formats are available upon request. American Sign Language (ASL) interpreters, other auxiliary aids and services, or reasonable accommodations, such as to request a disability-related accommodation to address the Board, are available, if requested at least three business days prior to the Board meeting. Later requests will be accommodated to the extent feasible. Please contact the Executive Office of the Board at (213) 974-1411 or (213) 974-1707 (TTY), from 8:00 a.m. to 5:00 p.m., Monday through Friday.

Translation devices are available in Spanish upon request. For other languages, please contact the Customer Service Center for assistance at least three business days prior to the hearing at (213) 974-1411 between 8:00 a.m. and 5:00 p.m., Monday through Friday.

Máquinas de traducción estan disponibles a petición. Si necesita intérprete para las juntas de los Supervisores del Condado de Los Angeles, por favor llame al (213) 974-1426 de 8:00 a.m. a 5:00 p.m., de lunes a viernes, con tres días de anticipación.

PATRICK OGAWA
ACTING EXECUTIVE OFFICER OF THE
BOARD OF SUPERVISORS

ATTACHMENT 7: PUBLIC COMMENTS RECEIVED AFTER RPC HEARING

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

July 2, 2015

Ms. Jacki Ayer
2010 W. Ave. K
Lancaster, CA 93536

RESPONSE TO YOUR LETTER REGARDING THE RENEWABLE ENERGY ORDINANCE

Dear Ms. Ayer:

I am in receipt of your letter dated March 20, 2015 to the Planning Commissioners regarding concerns raised by representations made by the Department of Regional Planning (DRP) staff and yourself at the March 18, 2015 Renewable Energy Ordinance (Ordinance) public hearing. Your letter specifically expresses concern over the Ordinance's compliance with state law, DRP staff comments regarding small scale solar project requirements, conflicts between the Los Angeles County Code (LACC) Community Standard Districts (CSDs) requirements and the Ordinance, and FAA-required lights.

Compliance with State Law

Small Scale Wind Energy Systems

Your letter disagrees with the County of Los Angeles' representations at the March 18, 2015 public hearing that state law restricts its regulation of renewable wind energy projects. However, the state has passed zoning requirements for small wind energy systems, encompassed by Government Code section 65893 et seq. The state clearly set forth its intent to encourage the installation of small wind energy systems:

> *It is the intent of the Legislature to encourage local agencies to support the state's ambitious renewable energy procurement requirements by developing and adopting ordinances that facilitate the installation of small wind energy systems and do not unreasonable restrict the ability of homeowners, farms, and small businesses to install small wind energy systems in zones which they are authorized by local ordinance. Gov. Code §65893(5).*

A small wind energy system is defined as a:

> *Wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a rated capacity of not more*

> *than 50 kilowatts per customer site...and that will be used primarily to reduce onsite consumption of utility power. Gov. Code §65894(2).*

Accordingly, the state provides that a county may adopt an ordinance for the installation of small wind energy systems so long as it is not more restrictive than what is provided by state requirements which encompass in part rated capacity, tower height, setbacks, noise levels, and visual effects. Gov. Code §§65894-65896. However, a county is exempt from these requirements if it has passed a small wind energy ordinance prior to January 1, 2011. Gov. Code §65895(a).

Based on these state restrictions and comments provided by the public, it was determined that keeping the County's existing small scale wind requirements, which were adopted prior to January 1, 2011, would allow more protective measures to remain in place than if it had to comply with some of the state's less strict requirements. For small scale wind the Ordinance has been revised to only include amendments for birds and bats, which state law is silent on.

California Renewable Energy Portfolio

Your letter disagrees with DRP staff's reference to California's Renewables Portfolio Standard (RPS) at the March 18, 2015 public hearing as you believe it does not limit local agencies in any way.

The RPS was discussed at the March 18, 2015 public hearing to illustrate that steps are being taken at the state level to increase renewable energy production. This intent is also reflected in several state statues which affect how the County can regulate such projects. See Solar Shade Control Act; Solar Rights Act; Small Wind Energy Systems; Senate Bill X-2 signed by Governor Brown April 2011.

Solar Rights Act

Your letter indicates that the Ordinance does not account for AB2188's permit streamlining for "small residential rooftop solar energy systems". The Ordinance has been subsequently revised to ensure there is no conflict with AB2188. However, the County will be adopting a separate ordinance tailored to AB2188's specific provisions later in the year.

Your letter also discusses the Solar Rights Act being pre-empted by certain federal and state statutes. However, the Ordinance specifically provides that solar projects must be consistent with all applicable state and federal laws.

Your letter disagrees with DRP staff's representation at the March 18, 2015 public hearing that the Solar Rights Act limits the County's ability to regulate. First, the state has made clear that "the implementation of consistent statewide standards to achieve the timely and cost-effective installation of solar energy systems is not a municipal affair." Gov. Code §65850.5(a). Then, as you point out, the Solar Rights Act distinguishes between solar energy systems that would cause adverse health and safety impacts and those that would not. In order for a local jurisdiction to require a use permit for a solar energy system, it must make a finding that such a system would result in adverse health and safety impacts. The County has found that the following solar energy system size and locations would result in adverse health and safety effects and is therefore proposing to require a use permit for such systems: small-scale ground-mounted solar energy systems that are constructed in an O-S or W zone; and small-scale ground-mounted solar energy systems that exceed 2.5 acres or 25% of the lot, whichever is lesser. The aforementioned would be subject to CEQA. However, those solar energy systems not requiring a use permit would proceed under a ministerial review (consistent with state law) and therefore be exempt under CEQA Guideline section 15268(a).

DRP Staff Comments Regarding Small-Scale Solar Projects

Your letter expresses concern with the comments made by DRP staff at the March 18, 2015 public hearing regarding the sizing of small-scale solar energy systems.
More specifically, your letter expresses concern that the maximum lot coverage for ground-mounted small-scale solar energy systems is too large. If too large, the concern is that these would allow for small-scale solar energy systems that generate much more energy than typically needed for single-family residences and other buildings allowed in residential and agricultural zones with a relatively low on-site energy demand.

Subsection C.2 of Section 22.52.1620 of the Ordinance establishes a maximum lot coverage of 25 percent of the parcel or 2.5 acres, whichever is lesser, for ground-mounted small-scale solar projects. A wide range in size for these systems is provided as they can be installed for single-family residences as well as energy-intensive uses such as institutions and large warehouse distribution centers. Encouraging on-site generation for these energy-intensive uses is one of the goals of this Ordinance. This threshold however, is included to minimize ground disturbance for large systems by encouraging structure-mounted solar for large energy-intensive buildings, such as commercial, industrial or institutional buildings, which could be quite large in scale. A smaller threshold would limit the energy generating potential of larger systems for on-site use, and would not encourage distributed generation. This threshold balances encouraging distributed generation with minimizing ground disturbance. Furthermore, this threshold will not allow for much more energy generation than needed for lower energy demand uses such as single-family residences. The Ordinance requires small-

scale solar energy systems to generate energy primarily for on-site use, and projects would need to be sized accordingly. As such, the threshold does not need to be revised.

Conflicts between CSDs and the Ordinance

Your letter also addresses potential conflicts between CSDs and the Ordinance such that solar and wind energy projects within the CSDs would not be subject to the CSD standards. As discussed during the April 22, 2015 RPC hearing, based on our understanding of the community's concerns, the Ordinance has subsequently been revised to clarify how the Ordinance provisions relate to the CSD provisions. For utility-scale projects, where the Ordinance and CSDs regulate the same matter, whichever provision is more restrictive shall apply pursuant to Section 22.04.050 of the County Code, such as ridgelines, and drainage. Exceptions include wind tower height, height for structure-mounted projects, and fence height.

FAA Lights

Your letter also requests staff to address the issue of safety lights required by the Federal Aviation Administration (FAA) in the Ordinance. The Ordinance includes provisions regarding FAA-required safety lights on wind towers. Only lights required by the FAA will be allowed and any other lights will be prohibited.

Thank you for your letter which further discusses issues that were brought up at the Ordinance's March 18, 2015 public hearing. Your letter, along with this response, will be provided to the Board of Supervisors for their review and consideration.

If you have any questions or require further information, please do not hesitate to contact Jay Lee at jalee@planning.lacounty.gov or (213) 974-6476 between 7:30 a.m. and 5:30 p.m., Monday through Thursday.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner, Director

Susan Tae, AICP
Supervising Regional Planning
Community Studies North

RJB:SMT:JL:jl

The Regional Planning Commission March 20, 2015
County of Los Angeles
320 W. Temple Street
Los Angeles, California 90012
Electronic Transmittal of 6 [six] pages
[c/o Ms. Rosie Ruiz: RRuiz@planning.lacounty.gov]

Subject: The Draft Renewable Energy Ordinance and Information Submitted Pursuant to Matters Raised in the March 18, 2015 Public Hearing

Dear Planning Commissioners;

I appreciate the time and effort that all of you took to address community concerns in your consideration of the Draft Renewable Energy Ordinance at the March 18 public hearing. The matter was continued due to uncertainties regarding potential conflicts with adopted standards districts as well as uncertainties regarding the possibility of preemption of some ordinance provisions by state law. This letter is intended to address these concerns, and also provide supplemental information which clarifies certain remarks and representations that were made by staff and County Counsel. In the absence of a transcript, I am relying on my notes, which I believe are reasonably accurate.

Conflicts with State Law

Staff and County Counsel made a number of remarks regarding state law and its relation to renewable energy standards, wind turbine classification and permitting, and solar energy development which seemed to give the impression that state law largely preempts the County's authority to regulate renewable projects. This is not true, as evidenced by the following:

- There are no state laws which regulate or establish wind turbine size classifications; in such matters, the California Energy Commission relies on "industry standards" which establish that a 50 kW wind turbine is an intermediate utility-scale system.

- There is nothing in state or federal law which limits the County's ability to regulate the environmental, health, safety, and aesthetic impacts of wind energy systems. Nor are there any state or federal laws which preempt or prevent the County from establishing a residential wind turbine limit of 15 kW (as I have requested)

- Staff displayed a slide indicating the state's renewable energy standard of 33% by 2020, and indicated that this standard somehow applies to the County's ordinance development process. However, the 33% renewable energy standard does not apply to, or control, any County action. In fact, the 33% standard applies specifically to energy utilities (such as Southern California Edison), and it requires that these utilities obtain a fixed percentage of the energy they deliver from renewable resources. It does not impose any requirements or limitations on local agencies.

- AB2188 (enacted just a few months ago) defines "small" solar installations as 10 kW, and it requires local jurisdictions to adopt a streamlined, "check-list" style, expedited permit process for such systems installed on residential rooftops by September 30, 2015. None of these elements are included in the Draft Ordinance, so presumably the County intends to implement AB2188 in a separate rulemaking process.

- The only other state statute which could possibly inform or direct the County's renewable energy ordinance development process is the California Solar Rights Act (the "Act"), which was adopted to prevent homeowner associations and local jurisdictions from placing unnecessary barriers to the installation of solar energy systems. This Act is discussed in more detail below.

- The California Solar Rights Act is itself preempted by certain federal and state statues (such as those addressing endangered species, wildlife protection, and environmental impacts). In fact, the only solar installations that are categorically exempt from the California Environmental Quality Act ("CEQA") are parking lot- and roof mounted-solar systems.

- The California Energy Commission, in concert with the California Department of Fish and Wildlife, the U.S. Bureau of Land Management, and the U.S. Fish and Wildlife Service, are coordinating on the Desert Renewable Energy Conservation Plan (DRECP) to develop a biological mitigation and conservation program for renewable energy projects. This plan captures virtually all of the Antelope Valley. Although the Draft EIR/EIS for this project has only just recently released, it appears to address (at least in part) the concerns raised by Ms. Pincetl at the public hearing. More information can be found here: http://www.drecp.org/

The Draft Ordinance Already Complies Fully with the California Solar Rights Act.
In referring to the Act, staff gave the impression that it restricts the County's ability to impose limits on solar energy project developments. This is not simply not true. In fact, even if the County were to incorporate all the changes requested by the public during the hearing, the Draft Ordinance would still be fully compliant with the Act. This is because the Act simply establishes 2 categories of solar installations; those which are deemed to have no adverse health and safety impacts, and those that are deemed to potentially create adverse health and safety impacts. The first category includes rooftop solar installations by homeowners, agricultural interests and business interests, and the Act specifies that these types of projects must be by approved by the County through a ministerial "building permit" process. Solar installations that fall into the second category may undergo a "use permit" process. It must also be pointed out that, although the Act focusses on the health and safety impacts of solar energy projects, it does not exempt solar projects from CEQA or other environmental protection statutes, and those installations that are subject to a "use permit" process must fully comply with CEQA.

As written, the Draft Ordinance already complies (explicitly and fully) with both the language and the intent of the Act because it provides ministerial approval of both small-scale and roof-mounted utility scale solar installations "by right" through the building permit process. And consistent with the Act, the only solar installations that are subject to a "use permit" process are 1) Ground-mounted large utility-scale developments on lands zoned as A2, commercial, industrial, RR, and W; and 2) Structure mounted developments in R1-zoned land. The ordinance establishes that all other installations are approved through ministerial building permits. Equally important is the fact that ***none*** of this would change if the ordinance were revised to accommodate all the matters raised by the public in the hearing. Contrary to what was indicated by staff and County Counsel, the Draft Ordinance would still comply fully with the Act even if all of the recommendations made by the public were integrated into it. This fact is supported by the plain language of the Act itself, which states (in pertinent part and with emphasis added):

9.5 CALIFORNIA GOVERNMENT CODE SECTION 65850.5

(a) The implementation of consistent statewide standards to achieve the timely and cost effective installation of solar energy systems is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead a matter of statewide concern. It is the intent of the Legislature that local agencies not adopt ordinances that create unreasonable barriers to the installation of solar energy systems, including, but not limited to, design review for aesthetic purposes, and not unreasonably restrict the ability ***of homeowners and agricultural and business concerns to install solar energy systems***. It is the policy of the state to promote and encourage the use of solar energy systems and to limit obstacles to their use. It is the intent of the Legislature that local agencies comply not only with the language of this section, but also the legislative intent to encourage the installation of solar energy systems by removing obstacles to, and minimizing costs of, permitting for such systems.

(b) ***A city or county shall administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit***. Review of the application to install a solar energy system shall be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. ***The requirements of local law shall be limited to those standards and regulations necessary to ensure that the solar energy system will not have a specific, adverse impact upon the public health or safety.*** However, if the building official of the city or county has a good faith belief that the solar energy system could have a specific, adverse impact upon the public health and safety, ***the city or county may require the applicant to apply for a use permit.***

It should also be noted that the Act authorizes the County to deny a use permit application for a solar project based on findings that the adverse health and safety impacts created by the project cannot be feasibly mitigated. At the public hearing, three substantial health and safety concerns relative to ground-mounted solar projects were raised that are not properly addressed in the Draft ordinance (and have NEVER been mitigated in any solar projects installed to date). These impacts (glare, dust, and valley fever) pose significant

health and safety concerns in the Antelope Valley. Glare significantly impairs safe driving conditions even in areas that are miles away from solar installations. Dust causes significant respiratory and health problems, and the incidence of Valley Fever has increased 100% since large scale solar installations became operational in the Antelope Valley. The Act makes it clear that the County must properly address these serious health and safety concerns in the Draft Ordinance, and ensure that these impacts are thoroughly mitigated before any use permit is issued for solar projects in future.

Staff Comments Regarding "Small-Scale" solar projects.

I raised concerns regarding the Draft Ordinance provisions which authorize 2.5 acres of "small scale" solar facilities as an accessory use in any zoned area. This "accessory use" authorized by the Draft Ordinance does not distinguish between low impact roof-mounted systems on industrial/commercial buildings and high impact, ground-mounted systems on rural residential/agricultural parcels. It also fails to address or even recognize that 2 .5 acres of solar panels on a rural residential lot is hardly intended for "on-site" use, given that it produces sufficient energy to support 75+ homes. These concerns stem from the significant glare, dust, valley-fever, and well water usage impacts that such enormous accessory uses will create in Acton's residential and agricultural areas. Mr. Lee indicated that the 2.5 acre "small-scale" solar facility limit was intended more for commercial and non-residential locations. However, the Draft Ordinance does not draw this distinction, so his comments are not supported by the language of the ordinance itself. Mr. Lee also indicated that, because "small scale" systems are intended to generate energy for on-site use, the County would be able to reduce the size of residential systems to less than 2.5 acres through the permitting and environmental review process. This is also incorrect because the accessory 2.5 acre "small-scale" solar systems are authorized "by right" in the Draft Ordinance, and will never be subject to limitations or environmental review because they will be approved through a ministerial building permit process. The following is intended to correct the information presented by Mr. Lee:

- "Small-Scale" solar facilities are established as an accessory use in every single zoning category, including rural residential/agricultural. Contrary to Mr. Lee's understanding, they are not limited to commercial or industrial areas.

- As an established accessory use, rural residential and agricultural property owners are allowed "by right" to cover up to 25% of their property with solar panels up to a maximum of 2.5 acres.

- As an established accessory use, the approval of 2.5 acres of solar panels on residential and agricultural lots is a ministerial action which will not be subject to the "environmental review" referred to by Mr. Lee.

- As an established accessory use, rural resident will have unconditional authorization to strip 2.5 acres of their property and cover it with solar panels, which will create significant dust, glare, water table and valley fever impacts on the surrounding properties

- As an established accessory use, the County will be unable to limit the total area of solar panels on a residential or agricultural lot based on whether or not the staff believe the energy will be used "on-site" or "off-site".

I have never seen the County conduct an "environmental review" of any "by right" accessory use, and I have never seen the County restrict any "by right" accessory use to anything less than what the code allows. In other words, I have never seen the County implement any of the "limiting" actions that Mr. Lee described to the Planning Commission. It should be noted that the draft Ordinance already authorizes unlimited *utility-scal*e solar facilities as a "structure" use that is permitted "by right" in almost every zoning category (including rural residential and agricultural).

To address these concerns, and to be consistent with AB 2188, I suggest that the Draft Ordinance be revised to define "small-scale" solar energy systems as being roof or parking lot mounted (and therefore categorically exempt from CEQA review), and establish a 25 kW size limits for accessory solar energy systems in commercial and industrial zones, and a 10 kW size limit for accessory solar energy systems in residential and agricultural zones. This revision complies fully with all state laws, and addresses the concerns that I raised. If a particular commercial or industrial facility wishes to increase this limit to support its "on-site" energy needs, then it can easily do so via the minor CUP process authorized in 22.52.1640 of the Draft Ordinance.

<u>Conflicts between CSD's and the Draft Renewable Energy Ordinance.</u>
Mr. Child indicated that staff had not perceived any substantial conflicts between the Draft Renewable Energy Ordinance and any CSD provisions. If this is true, then staff had no reason to include a statement in the draft ordinance which explicitly subordinates all CSD provisions. Nonetheless, such a statement was included. More to the point, there are numerous and substantial conflicts between the Draft Ordinance and the Acton CSD. The following list identifies some of these conflicts; it was put together quickly, so there may be other conflicts that would be identified via a more detailed review.

- The Draft Ordinance authorizes structures as high as 500 feet in height. This conflicts with the 35 foot structure height limit imposed by the Acton CSD [22.44.126(C) (3)].

- Ground-mounted utility scale wind and solar structure conflict with the CSD requirement that external utility devices be concealed, and non-residential uses have a "western style" design.

- The Draft Ordinance protects only "significant ridgelines identified in the General Plan… Area Plan, …. or CSD". The problem is, Acton has no specifically identified significant ridgelines. Instead, the Acton CSD generally describes what constitutes a significant ridgeline, and simply urges that the "natural silhouette" of these ridgeline area be "preserved to the greatest extent possible". Because these ridgelines are not

specifically identified in the CSD or in any planning documents, they are not protected by the ordinance, which paves the way for 500 foot high wind turbines to be constructed on them. Such construction, though allowable under the Draft Ordinance, would substantially conflict with the Acton CSD. The only way to avoid this would be to make the Draft Energy Ordinance subordinate to CSD provisions, not the other way round. As I stated previously, any energy developer wishing to construct a project that is contrary to any CSD provision can simply apply for a variance for the project, just like any other project proponent.

- Drainage provisions of the Acton CSD limit the total impervious surface finished area to 10% of lots sized 3 acres or more, and to less than a quarter of an acre on lots that are less than 3 acres. The grading for, and the installation of, a25% solar panel lot coverage authorized by the Draft Ordinance will significantly alter water runoff patterns in Acton and therefore impact drainage in Acton to an extent similar to 2.5 acres of roof runoff. Therefore, this provision essentially conflicts with the Acton CSD drainage provisions. Note that these drainage provisions were implemented as a safety measure to protect down-stream properties. Therefore, limiting the total solar panel area in Acton to something less than 25% is in complete harmony with the Solar Rights Act.

I trust that these comments address all the outstanding issues raised at the public hearing, and that they convince the County to revise the draft Ordinance provisions pertaining to accessory uses, CSD subordination, and other matters. I also respectfully request that the County more fully address the issue of glare and "FAA-required" lights in the ordinance, particularly in light of Southern California Edison's startling admission earlier this week that none of the lights that it has recently installed along the 200+ miles of new transmission lines were actually required by the FAA. If you have any questions, please do not hesitate to contact me at AirSpecial@aol.com.

Sincerely,

/S/ Jacqueline Ayer
Jacqueline Ayer

Cc: Suzie Tae, Department of regional Planning
Norm Hickling, Deputy for Supervisor Antonovich
The Association of Rural town Councils
The Acton Town Council

Jay Lee

From: Three Points-Liebre Mountain Town Council [3pointsliebremountain@gmail.com]
Sent: Wednesday, May 06, 2015 2:17 PM
To: Jay Lee; Susan Tae
Subject: Re: REO and CSDs

Jay,

Why can't language be clarified in "definitions" that indicate small scale energy production will not exceed 150% of onsite usage or produce more than 50% of onsite usage? How will this be enforced when permits are issued, and not just for "modification." How is "primarily" onsite usage determined if it is not in the ordinance or written down somewhere, even though county counsel has indicated verbally this is so. Could you tell me where in the "Code" this is written? Please detail actual enforcement mechanisms mentioned in your previous email. (Enforcement after the fact or by complaint is not tenable. From the email below:" I imagine they would look at electricity bills and compare it with the rated capacity or amount generated. They could also look at how much energy was sold back to the grid.") The definitions in the April 22nd Supplemental--RE Ordinance definitions only indicate "Any energy generated by such system that exceeds the on-site energy demand may be used off-site," for both small solar and wind (page 2/90).

Even though no larger solar installations have been built, it is possible as indicated by the website link I sent, a person or entity could enter into a contract with a solar company whose only requirement is a total of five acres of panels, including rooftops, parking structures, and open land; and who arranges for a PPA. I don't think it unreasonable to ask for written assurance that small scale energy productions stays small scale, and as soon as you have a PPA, it is, to me, utility-scale.

Also, please note, the audio was so bad, I and the other viewers at the Lancaster Library could not understand what counsel or anyone else in LA was saying. Are there transcripts?

Susan

On Mon, May 4, 2015 at 4:48 PM, Jay Lee <jlee2@planning.lacounty.gov> wrote:

Hi Susan,

The REO does not specify that "primarily" means over 50% but that is how our County Counsel sees it. This issue was further discussed during the hearing. Compliance with this language will be addressed in the same manner as for other standards in our Code.

Also, a modification will not be allowed for exceeding 50% as that is part of the definition. The modification procedures in the REO are only for development standards. Any project generating energy primarily for off-site use will be considered utility-scale. It is not possible for it to be considered small-scale, so there is no loophole here.

From: Three Points-Liebre Mountain Town Council [mailto:3pointsliebremountain@gmail.com]
Sent: Thursday, April 30, 2015 9:28 AM
To: Jay Lee; Susan Tae

Subject: Re: REO and CSDs

Jay,

I was wondering where in the latest version REO the "primarily onsite" use is listed as 50%, and what language in the ordinance exists to ensure compliance--how, specifically would that be implemented? Waiting for a complaint is after the fact, and a modification is very easy to get for non-compliance, and as mentioned before--another loophole that would make energy sales available to anyone violating the 50% cut-off, and reliant upon complaint.

Any help on this is very much appreciated.

Susan

On Thu, Apr 16, 2015 at 6:08 PM, Jay Lee <JALee@planning.lacounty.gov> wrote:

Dear Susan,

We have changed the language to "whichever is more restrictive", so the CSDs would apply where they are more restrictive and the REO would apply where it's more restrictive. We believe this provides the greatest level of regulation.

"Primarily" means at least 50 percent, so a small-scale solar or wind energy system must use at least 50 percent of the energy generated on-site. If we were to receive a complaint, our Zoning Enforcement staff would look into it. I imagine they would look at electricity bills and compare it with the rated capacity or amount generated. They could also look at how much energy was sold back to the grid.

Building carports or other structures to install panels to avoid public hearings and CEQA review is a possibility but highly unlikely. The cost of building carports or other structures just to install panels and the installation of the panels themselves would be much higher than the money generated from the panels. And as you may know, there are only some limitations in place today for someone to build multiple carports or other accessory structures without any solar component.

To clarify, a Minor CUP would be subject to a public hearing and CEQA, so ground-mounted small-scale solar energy systems exceeding the maximum lot coverage would be subject to notice, public hearing and CEQA.

We understand the concern that theoretically there could be very large solar projects. However, as you may know we have no regulations today limiting the small-scale solar footprints. Despite no limitation, we have not seen any, if at all, small-scale solar energy systems that are so large as to generate way more energy than needed. The maximum lot coverage is intended to provide a reasonable cap that currently doesn't exist. Please keep in mind that the maximum lot coverage is 25 percent of the lot or 2.5 acres, **whichever is lesser**. In most instances, the maximum lot coverage will be much lower than 2.5 acres. And it's a maximum lot coverage so it does not require this amount, only up to that as needed without a Minor CUP.

To summarize, we don't expect any of these types of projects to come in, but if they do, we have the appropriate enforcement mechanisms and processes in place to regulate them.

Once again, thank you for your comments and please let us know if you have any more questions or comments.

From: Three Points-Liebre Mountain Town Council [mailto:3pointsliebremountain@gmail.com]
Sent: Monday, April 13, 2015 3:30 PM
To: Jacki Ayer
Cc: Susan Tae; SZ; Jay Lee
Subject: Re: REO and CSDs

Susie and Jay,

Yes, it looks like CSDs first, and if the REO is more restrictive, that would apply. I still have questions about the "primarily" onsite and offsite use. How does RP determine use and is there a percentage that tips onsite to offsite use? I ask because I was in contact some time ago with a representative from Pristine Sun. See the link: http://www.pristinesun.com/utility.html (printed below) and setbacks for wind : https://windpowergrab.wordpress.com/setbacks/ If land owners want to sell to the grid *and* use some of the electricity produced, how is that evaluated by RP? Would a MCUP prove adequate if a landowner had several 5acre+ adjoining parcels, or say, built several carports (for no business or residential use) for solar development? Looks like a way to avoid public hearings and CEQA review.

We help utilities meet their Renewable Portfolio Standards by constructing 1 - 20+ MW (10 – 200 acre) renewable power system projects. The Feed-in Tariff program provides revenue to property owners for leasing their land and rooftop space.

Pristine Sun can help Building and Land Owners to:
> Create a new long-term income stream
> Turn a non-performing asset (vacant rooftop) into a performing asset
> Enhance asset value and resale value
> Increase the marketability of your property
> Participate in helping Green their Community

Primary Market - California in PGE, and SDGE territories.

Secondary Market – Participating utilities in North Carolina, Georgia, Colorado, Utah, and Texas
other markets where Feed-In-Tariff programs are established.

Site Lease Feed-In-Tariff (FIT) program:

This program helps utilities meet their Renewable Portfolio Standards for mandated clean power generation. We have project funding available and are looking for space to construct and operate FIT renewable power systems. The owner/lessor receives annual lease payments that start after the system is producing power for a 15 or 20 year term. The term will vary by utility. Small FIT projects (up to 5 MW) typically take about 18 - 30 months to become operational and larger systems take longer. 1 MW(Megawatt) = 1000 kW (kilowatts). PV Solar will be the primarily equipment for FIT projects.

Land must be at least 5 acres of unshaded space in most utility service territory. Some projects can be a combination of rooftop, land space and/or parking lot space. New utility territories are being added as Feed-In-Tariff programs become available from utilities. For a list of Pristine Sun's executed Feed-In-Tariff contracts with PG&E, visit their website here.

Please contact your Pristine Sun Sales Associate for a property review to assess its qualification for our Site Lease FIT program.

Thanks,

Susan Zahnter

On Sun, Apr 12, 2015 at 2:20 PM, Jacki Ayer <airspecial@aol.com> wrote:

I would imagine that it would be best for the CSD to prevail unless the RenEng Ordinance is more restrictive....

We also need to do something about the 2.5 acres of solar panels allowed on A1 lands; it could cover 25% of Acton with solar panels, causing lots of glare, dust and water problems.

I apologize for the delayed response; I have been out of town, and will not return until the middle of April...

Regards;

Jacqueline Ayer

-----Original Message-----
From: Susan Tae <stae@planning.lacounty.gov>
To: S Z <ontishima1775@gmail.com>
Cc: Jay Lee <jlee2@planning.lacounty.gov>; 'Jacki Ayer' <airspecial@aol.com>
Sent: Wed, Apr 8, 2015 11:22 am
Subject: FW: REO and CSDs

Hi Susan,

I just wanted to follow up because we want to hear from you on how you envisioned the ordinance working together with the CSDs, but we're also working within deadlines that are coming up.

Can you please take a look at the information Jay provided below and let us know what you think?

We've also reached out to Jacki and we're hoping to hear back from both of you...

Thanks!

Susie

Susan Tae, AICP

Supervising Regional Planner

Community Studies North

Department of Regional Planning

(213) 974-6476

From: Jay Lee
Sent: Wednesday, April 08, 2015 10:50 AM
To: Susan Tae
Subject: FW: REO and CSDs

From: Jay Lee
Sent: Tuesday, April 07, 2015 12:53 PM
To: 'S Z'
Subject: REO and CSDs

Hi Susan,

We're currently revising subsection B of Section 22.52.1605 of the REO, which includes language about CSDs.

To clarify, would you prefer that when the REO and CSDs regulate the same matter, the CSD regulations apply or whichever provision is more restrictive? The issue is that CSDs (at the moment) are less restrictive than the REO in most respects but more restrictive in a couple of areas. If the REO says that the CSD regulations apply, there may be instances where the less restrictive regulation would apply. I'm guessing that you would prefer the REO say that the more restrictive regulation shall apply, but I just wanted to confirm.

Once again, thank you for your participation and your input regarding this matter would be appreciated.

Jay Lee, AICP

Regional Planning Assistant II

Community Studies North

Department of Regional Planning

320 W. Temple St., Rm. 1354

Los Angeles, CA 90012

(213) 974-6476

jalee@planning.lacounty.gov

ATTACHMENT 8: FINAL ENVIRONMENTAL IMPACT REPORT