

California Energy Commission
Dockets Office, MS-4
Re: Docket No. 02-REN-1038
1516 Ninth Street
Sacramento, CA 95814-5504

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| DOCKET | |
| 02-REN-1038 | |
| DATE | Feb15 2011 |
| RECD. | Feb15 2011 |

Date: February 15, 2011

Renewable Planning and Permitting Program (RP3) Grants

The California Energy Commission is proposing grants for eligible California cities, counties and local jurisdictions to expedite renewable energy development. These proposed grants would help local governments in the planning and permitting processes including the following examples.

Please provide feedback on the applicability and/or offer suggestions on what the Energy Commission should include this proposed grant program.

Tulare County RMA Planning response is indicated in italicized text to each question.

Examples of Eligible Proposals (including but not limited to)

- Specific Plans/Zoning Ordinances/ Combining District.
- General Plan Updates or Element.
- Policies and Procedures Manual.
- Other implementation instruments and plans needed for successfully streamlining the development of renewable energy generation, transmission and distribution infrastructure.

Questions:

- What are the key challenges with planning, permitting and environmental issues in your local jurisdiction related to renewable energy development?

Tulare County RMA Planning Division Response: docket number 02-REN-1038 RP3 Grant.

The key challenges for solar or renewable energy development within Tulare County are in response to preserving agricultural lands from development and locating these facilities on Williamson Act Contracted Lands. The challenges have been from the County's Agricultural Committee, both State and Local Farm Bureau, NIMBY's, California Department of Conservation, political opposition and impacts to local services and roads within the County due to project development.

- What steps, information, tools, resources, etc. are necessary to revise the current land use plans and/or General Plans of your local jurisdiction to expedite the permitting process for renewable energy projects?

Tulare County RMA Planning Division Response: The County responded to the current and recently approved large scale solar PV projects by collaborating with all the stakeholders, departments and state agencies to develop a process that was somewhat mutually agreed upon. From this, RMA planning staff developed with County Board of Supervisors approving resolutions that created the foundation and entitlement process for both solar and wind electrical generation facilities under 50 MW. Based on the approved entitlement process, helped expedited these projects located on both Agricultural lands and agricultural lands subject to Williamson Act Contracts.

The entitlement steps or analysis utilized for these type projects are as follows:

Proposed Level I Criteria – Methodology

- *Not necessarily support these facilities on prime farmlands as defined by California State Farmland Mapping and Monitoring Program (FMMP).*
- *Analyze the coverage of these facilities on the agricultural zoned lands and their operations.*
- *If located on non-prime farmlands, no objection.*
- *Require Developer Agreements.*
- *Proximity to the electrical grid/corridor*
- *Water Availability*
- *Reclamation – Returning to agricultural use after life of project*
- *CEQA Findings – Temporary Use – Loss of Ag production on lands and Mitigations if necessary.*
- *RVLP does not apply.*

Level II Criteria (On Williamson Act Contracted Lands)

- ***All Criteria identified in Level I***
- ***Resolution No. 89-1275 – Uniform Rules for Agricultural Preserves:***
 - *“The erection, construction, alteration or maintenance of gas, electric, water and community utility facilities are also determined to be compatible uses in the Preserve, however, that insofar as such facilities require Special Use Permits under Ordinance No. 352, such uses may not be commenced unless and until such Permits are secured.”*
- ***Resolution No. 99-0620 establishing Rules for Farmland Security Zones:***
 - *“The erection, construction, alteration or maintenance of gas, electric, water, communication, or agricultural laborer housing facilities, provided that insofar as such facilities require a Special Use Permit under the provisions of Ordinance 352, as presently in effect and as said provisions may be amended from time to time, and may be carried on when such Special Use Permit has been secured.”*
- ***Contract Contents.***

The current General Plan update also provides several policies that encourage renewable energy facilities within the County.

What would be helpful would be funding to offset the cost of developing a Policies and Procedures Manual and funding to assist with the creation of new zoning overlay districts or County wide Specific plan that address the locations of renewable energy facilities within the County. The funding could also assist with the County's GIS mapping program for the location of these facilities in addition to the specific plans.

- Does your local jurisdiction currently have best practices in place for permitting renewable energy projects?

Tulare County RMA Planning Division Response: We think so. Quite a few jurisdictions surrounding Tulare County, jurisdiction in Southern California, as well as around Sacramento County and the Bay Area have contacted Tulare County RMA Planning Division regarding our process of large scale solar PV facilities under 50 MW located on agricultural lands and lands subject to Williamson Act Contracts. Based on the requested information, it appears these jurisdictions are crafting their own guidelines by comparing what other jurisdictions are doing about locating and permitting these facilities.

- What additional funds, resources, or tools would be required to develop new plans, policies or ordinances to expedite renewable energy development in your local jurisdiction?

Tulare County RMA Planning Division Response: How about funding to amend CEQA to exempt renewable facilities under 50 MW? This could be Statutory or Categorical Exemption. Granted mitigation measures or certain protocols for mitigation measures would need to be implemented to address certain environmental impacts associated in each renewable energy facility in each County/City.

- Will your local jurisdiction be able to contribute match funds for an RP3 grant to develop the needed new plans, policies, or ordinances to expedite renewable energy development? If so, how much? Has your local jurisdiction already begun the process to develop such plans, policies, or ordinances?

Tulare County RMA Planning Division Response: Perhaps through funds allocated towards development software/program aimed at improving coordination between agencies and departments in the effort of expediting the permitting of renewable energy projects.

The County is in the process of updating our permitting system software to integrate with ESRI GIS software. Funding of this updated software is preventing the County RMA Division from moving forward on this request. Grant funding assistance would help RMA planning on acquiring this software in which would assist the County improve its coordination efforts with the affected agencies regarding these renewable projects.

- Does your current local jurisdiction's renewable energy development plan integrate with regional or statewide energy plans such as; Desert Renewable Energy Conservation Plan, Renewable Energy Transmission Initiative, a Natural Community Conservation Plan, or a Habitat Conservation Plan?

Tulare County RMA Planning Division Response: The County's updated General Plan which is undergoing review and not formally adopted yet, addresses renewable energy development in the County. The County has drafted Habitat Conservation plans, however, have not been formally adopted yet.

The County is also considering adding a renewable energy overlay zone, special project area type zone or Specific Plan to address these types of facilities. Funding under the RP3 grant program would be beneficial towards implementing these zoning overlays and or Specific Plan.

- How will your local jurisdiction's planning effort help it reach state renewable energy procurement goals (Renewables Portfolio Standard – 33 percent by 2020), and reduce greenhouse gas emissions (AB 32)?

Tulare County RMA Planning Division Response: The County encourages renewable energy development with the recently adopted resolutions and the County recently approved 6 large scale solar PV projects with another 8 project in the pipeline. Additionally, the County still receives inquires on located renewable energy facilities in the County, however, are turned off by the CEQA process and costs associated with the Entitlement Process.

The County's updated General Plan is also addressing AB 32 greenhouse gas reductions as well as the implementation of current building/energy codes for new construction and building renovation.

With grant funding utilized towards a Policies and Procedures manual, Specific Plan and or zoning overlay ordinances will assist with the entitlement process by identifying locations that are suitable for such renewable energy facilities and provide development standards and conditions of approvals.

Please contact John Heiser, AICP if you have further questions regarding the response comments for docket number 02-REN-1038, RP3 Grant

Sincerely,

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