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**DOCKET**

**02-REN-1038**

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February 15, 2011

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

**Re: Docket No. 02-REN-1038, RP3 Grant**

To Whom It May Concern:

The Town of Apple Valley (Town) appreciates this opportunity to provide comments to the California Energy Commission (CEC) regarding their new Renewable Planning and Permitting Program, RP3 Grant (RP3 Program).

The Town recognizes its high desert location and environment makes it an ideal location for the development of renewable energy systems. In light of this, the Town has taken pro-active steps to site solar facilities and to promote the use of renewable energy within its jurisdiction.

Specifically, the Town has done the following:

1. Amended its Development Code and Specific Plan to allow solar farms in its North Apple Valley Industrial Specific Plan and the Apple Valley Dry Lake Area.

The amendment allows solar farms that are ten (10) acres or less to be permitted with a Site Plan Review Permit or a Special Use Permit, both of which are administratively reviewed and approved.

Solar farms that are greater than ten (10) acres, but less than 400 acres, are conditionally permitted. The Conditional Use Permit requirement would allow for the Planning Commission review and approval of these larger farms.

2. Established guidelines and ordinances for residential and business to reduce energy consumption and their greenhouse gas emissions.
3. Established standards for new development that promote energy efficiency and sustainability. This includes implementing local ordinances that make it easier for local residents and businesses to install solar and wind powered systems.
4. Adopted a Climate Action Plan that outlines how the Town will reduce greenhouse gas emissions to meet targeted levels; helping the state achieve its reduction goals for greenhouse gasses.
5. Initiated the development of a 285-square mile (170,000 acres) Multi-Species Habitat Conservation Plan (MSHCP) for the Town's limits and Sphere of Influence. Of this area, approximately 55,250 acres are Bureau of Land Management (BLM) Lands. Renewable energy development will be included as a covered activity under the MSHCP.

While the MSHCP is a local plan, it will employ a regional conservation strategy that protects key linkages in the high desert. Specifically the MSHCP is looking at protecting two important regional linkages, the Wild Wash linkage and the San Bernardino – Granite Mountains linkage, that pass through the Town's planning area. In doing so, the Town's MSHCP will integrate well with the goals and objectives of larger conservation planning efforts taking place in the Mojave Desert, including the Desert Renewable Energy Conservation Plan (DRECP).

In all of its efforts, the Town has expensed valuable staff resources and funds to comprehensively plan for its future development while protecting its natural resources and the rural quality of life that its residents enjoy. The pro-active steps described above most likely make it one of the few municipalities in California to have enacted such a comprehensive suite of ordinances and plans that facilitate renewable energy development and protect local resources.

Even so, there is still more to do to ensure that the Town is fully able to grow in a positive fashion that meets the desires of the community. In this light, the Town still has unanswered questions and concerns regarding the RP3 Program and its

applicability to efforts the Town has already undertaken or will undertake in the future. These concerns are as follows:

- The Town believes that the RP3 Program must apply to all projects, including those under development. It is important for local jurisdictions to be able to financially supplement on-going planning efforts that are in process. Matching funds should be retroactive and allow previously expensed funds to be counted toward the match. Grant programs that apply only to new, unplanned projects do not meet the Town's needs.
- The California Department of Fish and Game (CDFG) continues to delay processing the MSHCP due to the overwhelming amount of renewable energy development in the desert. The Town is concerned about the fact that renewable energy permitting has taken precedent over permitting local projects, many of which have been in process prior to Governor Schwarzenegger's and U.S. Secretary of Interior Salazar's 2009 MOU Expediting Renewable Energy Development. The Town's MSHCP effort dates back to 2007 and was initiated at the request of both CDFG and the U.S. Fish and Wildlife Service.

It is important that efforts implemented by the CEC ensure that there is support from other agencies that have permitting authority over activities that benefit the development of renewable energy in California and the protection of natural resources.

- The Town hopes that by amending their development code to include renewable energy development that they will also attract solar equipment manufacturers and other related industries to their North Apple Valley Industrial Specific Plan Area. The Town would like to know if the RP3 Program will assist local jurisdictions in developing job training and job development programs for local residents so that they can take advantage of jobs the industry create locally.
- The single, over-arching concept of the Town's General Plan is that Apple Valley's quality of life is tied to its rural character and that this character is to be preserved and protected for the long-term health of the community. To the Town, "rural" means space – unscarred mountains and vistas of desert valleys, large lot neighborhoods that allow horses, and development consistent with the desert environment. Views of nearby mountains and valleys as well as project aesthetics are important to the community. While

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the Town has taken significant steps to encourage suitable renewable energy development within its limits it believes that any CEC program assisting local jurisdictions should be mindful of local siting and aesthetic standards.

- The Town is concerned that the DRECP planning effort does not fully integrate local and regional jurisdictional concerns. This is evident when reviewing the starting point maps which show the majority of REAT Study Areas superimposed over local jurisdictional areas. Although the Town recognizes that these preliminary maps are based on biological data and do not incorporate other data, it is a concern that large-scale renewable development could potentially be identified as an appropriate use on these lands without adequate input from the local governments affected.

For example, the Town's MSHCP looks to build on the network of BLM lands within the planning area to preserve two critical regional linkages, mentioned previously, for wildlife movement. Large-scale renewable energy development on BLM lands in the linkage areas could potentially negate their functional value and disrupt the Town's comprehensive effort to plan for and solve local conservation issues.

Thank you again for this opportunity to provide comments to the CEC on the RP3 Program and share some of the pro-active steps that the Town has taken to facilitate renewable energy development locally. For additional information on the Town's efforts, please contact Lori Lamson, Assistant Director of Community Development, at (760) 240-7000, ext. 7204.

Sincerely,



Heidi Brannon  
Vice President, Director of Projects  
Project Manager, Town of Apple Valley MSHCP

*Solution Strategies, Inc. is consulting for the Town on the development of its MSHCP and also represents the Town at the DRECP stakeholder meetings.*