Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Jon Sanabria
Acting Director of Planning

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November 17, 2009

Mr. Terrence O'Brien
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

Dear Mr. Terrence O'Brien,

The Department of Regional Planning has reviewed the Planning Agreement for the Desert Renewable Energy Conservation Plan (DRECP). The County looks forward to working with the California Energy Commission and other agencies to support renewable energy infrastructure and facilities, while ensuring that the impacts to biological and natural resources, and communities are minimized.

PLANNING AGREEMENT OVERVIEW

The Planning Agreement for the DRECP is a contract between California Department of Fish and Game, California Energy Commission, United States Bureau of Land Management (BLM), and the United States Fish and Wildlife Service to prepare the Plan. The purpose of the Planning Agreement is to specify roles and responsibilities of the Renewable Energy Action Team (REAT) agencies (those agencies listed above) while they develop the DRECP and identify the scope of the DRECP.

The Planning Agreement contains ten major sections: definitions, Scope and Goals of the DRECP, Regulatory Assurances, the Planning Area, Plan Participants' Roles and Responsibilities in Developing the DRECP, Natural Community Conservation Planning Act (NCCPA), Conservation Elements, and Process for Preparing the DRECP, Commitment of Recourses, and Miscellaneous Provisions.

COMMENTS

We recommend that the Planning Agreement be modified to address the following concerns. (Modifications to the existing text are underlined. Existing text has been italicized.):

Section 2.3 Planning Goals

The Desert Renewable Energy Conservation Plan (DRECP) planning goals do not identify local governments' General Plans as a consideration for siting future renewable energy projects. The Planning Agreement in Section 2.3 Planning Goals should identify consistency with local governments' General Plans as a criterion for locating future renewable energy projects. Without this criterion the DRECP will not be a user-friendly planning document for developers of future renewable energy projects or local governments.

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We suggest the following goal be added:

- Provide a plan that identifies areas that are appropriate for the development of renewable energy projects, and which are consistent with the General Plans of local governments.

Section 2.5.2 Future Participation of Other Entities in the DRECP

The Parties to this agreement acknowledge the Local Governments and other entities may choose to participate in the DRECP, joining with Parties or other plan participants, or collaborating with the Parties and plan participants, to achieve the DRECP goals and objectives. As such, the Parties intend for the DRECP to be developed in a manner that anticipates and accommodates future participation of these entities and provides the basis for regulatory authorizations for the full range of RPS projects that are likely to occur within the Planning Area. To facilitate such an outcome, the Parties will explore with Local Governments the feasibility of integrating existing (spell out the acronym) *NCCPs, HCPs,* General Plans, *and other relevant plans into the DRECP and, in instances where no such plans exist, will work with Local Governments and incorporate them into the DRECP.*

Section 7.1 Ecosystems, Natural Communities and Covered Species List

For federal public lands under BLM administrative jurisdiction and private lands under local government administrative jurisdiction, *the DRECP will likewise focus on the and take into consideration public land resource values and protections afforded and determined by existing, modified, and/or proposed land use planning documents and processes.*

Section 8.72 Outreach

The outreach program addresses the involvement of local government, federal and State agencies. What is not addressed is public involvement and notice at the local level.

The Planning Area of the DRECP in Los Angeles County is mainly located in the Antelope Valley. In various outreach efforts, many residents in the Antelope Valley have expressed concerns over the siting of new energy infrastructure in their communities. The County recommends that the State hold community meetings, which the County staff can help facilitate. This would allow additional input from Antelope Valley residents.

Section 8.10.2 Other Planning Processes within the Planning Area

In addition, the DRECP Plan participants intend to fully consider and integrate, to extent feasible, General Plans of local government and *conservation elements of public land management plans and associated Biological Options.*

CONCLUSION

The County of Los Angeles feels the Planning Agreement needs to result in a plan that will be easily implementable for the end users, the State agencies, local governments, and developers of renewable energy projects. One of the stated goals of the DRECP is to:

> "Provide a framework for a more efficient process by which proposed renewable energy projects within the Planning Area may obtain regulatory authorizations and which results in greater conservation values than a project-by-project, species-by-species review would have."

The objective of this goal is to reduce project processing time while emphasizing conservation values in the decision making process. The DRECP can reduce the processing time of a

renewable energy project at the local government level when the DRECP and the local General Plan are consistent.

The Planning Agreement states that BLM's land use policies are to be considered. If BLM's land use policies are to be considered as part of the scope of DRECP, the General Plans of local governments should also be considered in the siting of future renewable energy projects. The Planning Agreement needs to reflect that local government and community input is part of the partnership of developing the plan and creating public acceptance of the plan.

The DRECP will potentially impact the County's sensitive natural and biological communities, as well as be impacted by a County identified hazard and safety area. The DRECP is designed to identify where renewable energy projects should be developed based on environmental criteria.

The information included in our letter, dated June 24, 2009, was not incorporated in the development of the Renewable Energy Transmission Initiative (RETI) project. The completed RETI project impacts the County's sensitive natural and biological communities. Our letter included GIS data that showed both General Plan and environmental constraints that could be used for the DRECP. If you wish us to resend this information, please contact us.

We look forward to working with you on this important project. If you have questions about this document, please contact James Bell in the Ordinance Studies Section at (213) 974-6432 and jbell@planning.lacounty.gov.

Very truly yours,
DEPARTMENT OF REGIONAL PLANNING

Jon Sanabria
Acting Director of Planning

JS:RCH:KMS:JB

Attachment
RETI Memo dated June 24, 2009

C: Los Angeles County Chief Executive Office
Elaine Lemke, Principal Deputy County Counsel
Paul Novak, AICP, Office of Supervisor Michael D. Antonovich
Norm Hickling, Office of Supervisor Michael D. Antonovich

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

June 24, 2009

Jon Sanabria
Acting Director of Planning

Clare Laufenberg Gallardo
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Dear Ms. Gallardo,

The Department of Regional Planning has reviewed the Phase 2A Draft Report for the California Renewable Energy Transmission Initiative (RETI). This memo provides a general overview of the County's activities related to renewable energy and provides a broad summary of the County's environmental, safety, and hazard areas that the proposed RETI renewable energy infrastructure will impact.

The County looks forward to working with the California Energy Commission and other officials to support renewable energy infrastructure, while ensuring that the impacts to biological and natural resources, and communities are minimal.

POLICY OVERVIEW

Discussion of renewable energy and energy infrastructure is contained in three primary documents: the General Plan; the Antelope Valley Area Plan, which is a component of the General Plan and includes the majority of renewable energy development opportunities in the unincorporated areas of Los Angeles County; and the Zoning Code (Title 22, the Planning and Zoning section of the Los Angeles County Code). While the documents provide little discussion or policies on renewable energy, there are policies to regulate development within sensitive biological resources and habitat areas, and safety and hazard areas. In addition, all three documents are in the process of being updated and will include more detailed policies that address renewable energy and energy infrastructure.

I. Existing Policy Discussion

This section provides policy information on renewable energy development and infrastructure from the General Plan (adopted in 1980), the Antelope Valley Area Plan (adopted in 1986), and the Zoning Code.

General Plan

The following policies in the General Plan that are related to renewable energy are in the Conservation, Open Space and Recreation Element:

Goal: To conserve energy resources and develop alternative energy sources.

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.

The General Plan includes the Significant Ecological Areas Program (SEAs), as well as discusses the numerous safety and hazard issues that are required by the State. The County's environmental and safety policies are discussed in more detail in the Environmental Constraints section of this memo.

Antelope Valley Area Plan

The Antelope Valley Area Plan shares the same conservation and safety goals and policies as the General Plan and is mostly silent on renewable energy development, providing only the following policy for energy infrastructure:

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.

Zoning Code (Title 22 of the Los Angeles County Code)

The Zoning Code does not include a definition for transmission lines or renewable energy infrastructure. The Zoning Code defines electric transmission and distribution substations as follows:

– "Electric distribution substation" means an assembly of equipment which is part of a system for the distribution of electric power where electric energy is received at a sub-transmission voltage and transformed to a lower voltage for distribution for general consumer use. [22.08.050]

– "Electric transmission substation" means an assembly of equipment which is part of a system for the *transmission* of electric power where electric energy is received at a very high voltage from its source of generation by means of a network of high-voltage *lines* and where, by means of transformers, said high voltage is transformed to a lower sub-transmission voltage for purposes of supplying electric power to large individual consumers, interchange connections with other power producing agencies, or electric distribution substations for transformation to still lower voltage for distribution to smaller individual users. [22.08.050]

The Zoning Code requires a conditional use permit for electric distribution substations and electric transmission substations and generating plants, including microwave facilities used in conjunction with any of the above uses in the Commercial, Agricultural, Resort Recreation, Watershed, Scientific Research and Development, and Open Space zones.

<u>II. Proposed Policy Discussion</u>

The Department of Regional Planning is current undergoing comprehensive updates for the General Plan, Antelope Valley Area Plan and the Zoning Code. The Draft General Plan, which was released in 2008 and provides a much more detailed discussion on renewable energy, can

be accessed online at http://planning.lacounty.gov/generalplan. In addition, information on the Antelope Valley Area Plan Update and the Zoning Code Update Program, also known as ZOUP, can be accessed at http://planning.lacounty.gov/tnc and http://planning.lacounty.gov/zoup.

General Plan Update

The Draft General Plan includes a section on renewable energy in the Mineral and Energy Resources section of the Conservation and Open Space Element, and references the policy directive from the Governor for an increased Renewable Portfolio Standard share of renewable energy. The Draft General Plan also promotes the development of renewable energy resources and infrastructure. The specific Draft General Plan text referring to renewable energy is as follows:

> Renewable energy is derived from resources that are regenerative and cannot be depleted, such as wind and solar power. For this reason, renewable energy sources are fundamentally different from fossil fuels such as coal, oil, and natural gas, which are finite and also produce harmful greenhouse gases and other pollutants.
>
> In 2005, 73-90 percent of utility generated electricity output was natural gas fired while renewable energy sources provided more than 10% of all electricity in California. When large hydroelectric facilities are included, that share jumps to more than 27 percent. The California Renewable Portfolio Standard Program, an initiative of the California Energy Commission, calls for this share to increase to 33 percent (not counting large hydroelectric facilities) by 2020. Potential renewable energy generators in the State include solar, wind, tidal, small-scale hydroelectric, geothermal, fuel cells, bio-mass, and landfill gas reclamation.
>
> An important trend of renewable energy production focuses on the development of on-site energy generation. On-site energy generation utilizes renewable energy technologies for on-site energy production. On-site energy generation promotes investment in renewable energy infrastructure, creates an income generating use where utility companies buy back excess power, and relieves stress and dependence on the existing electrical grid's infrastructure.
>
> The California Energy Commission is charged with the increased development of the renewable energy sector in California. There are several programs in the State that facilitate the development of renewable energy production, as well as energy conservation, including rebates for solar, wind, and fuel cell technologies, public education, and funding research and development of emerging renewable energy technologies. For more information on the California Energy Commissions Renewable Energy Programs, go to **www.energy.ca.gov/renewables**.

The Draft General Plan provides the following policy guidance related to renewable energy:

Goal C/OS-8: An optimal mix of renewable and non-renewable energy sources.

Policy C/OS 8.1: Expand the production and use of alternative energy resources.

The Draft General Plan maps areas that are most suitable for renewable energy generation in **Figure 6.4**, the *Los Angeles County Natural Resource Areas Map*. This map identifies both wind and solar power as the primary renewable energy sources available in the County. For solar power generation, the Draft General Plan directs readers to the County's new solar resources web site:

Solar Resources - Source: Los Angeles County Chief Information Office (CIO) and Internal Services Division (ISD) – solar map is now available online at http://lacounty.solarmap.org/. This mapping application shows the optimal areas for solar power on a site by site basis.

Antelope Valley Area Plan Update

The Antelope Valley Area Plan Update is currently in development. County staff will be addressing renewable energy and energy infrastructure in greater policy detail in the draft and in their outreach activities.

Zoning Ordinance Update Program (ZOUP)

ZOUP is a comprehensive update of the County's Zoning Code, in conjunction with the General Plan Update. ZOUP includes a Renewable Energy Ordinance to support the Draft General Plan's focus on supporting renewable energy. The purpose of the Renewable Energy Ordinance is to ensure the timely and orderly development of energy projects to meet the energy and economic needs of the County, while protecting the environment. The draft of the Renewable Energy Ordinance is attached to this document.

III. Environmental Constraints:

The Department of Regional Planning has taken the GIS data available from the RETI web site and has analyzed the proposed renewable energy infrastructure with the following County environmental layers: Significant Ecological Areas (SEAs), Hillside Management Areas, Agricultural Resource Areas, Seismic Hazard Areas, Flood Zone Hazard Areas, and Very High Fire Hazard Severity Zones. The GIS maps are provided as an attachment to this document, and the GIS layer data is available upon request.

Upon review of the conceptual transmission and energy infrastructure plan, a significant portion of RETI's proposed renewable energy infrastructure in Los Angeles County will traverse areas with natural resources and environmental hazards. The Department has concerns on the proposed alignments for the new renewable energy transmission lines, as outlined in the Phase 2A report. The Department's GIS analysis shows that the proposed alignments will impact the County's sensitive biological habitat, as outlined and protected by the SEA Program described below. The proposed alignment is also located within several hazard areas, most notably flood zones, fire zones, and steep hillsides.

The following provides a description of each of the environmental or hazard areas referenced in the GIS analysis:

- Significant Ecological Areas (SEAs): The primary mechanism used by the County to conserve biological diversity is a planning overlay called Significant Ecological Areas. SEAs are ecologically and biologically diverse, and are important land and water systems that are valuable as plant and/or animal communities, and are often integral to the preservation of threatened or endangered species in the County. Almost all projects in an SEA go through an additional level of environmental review to ensure that the

County's natural resource protections are upheld. There are a number of policies in the adopted General Plan, the Draft General Plan, and the Antelope Valley Area Plan that promote the conservation and preservation of land in SEAs.

- Hillside Management Areas (Scenic Ridgelines and Viewsheds): Land use activities in Hillside Management Areas are subject to regulations and design guidelines that limit hillside development based on slope, soil, and natural drainage channels. This is carried out through the Hillside Management Area Ordinance, which applies to areas with a slope of 25% or greater. The intent of this General Plan policy is to preserve the natural beauty of hillsides in the County.

- Agricultural Resource Areas: Agricultural Resource Areas identify important farmland and grazing lands in Los Angeles County based on the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP). The intent of this General Plan policy is to protect the County's agricultural resources and viable agricultural land.

- Seismic Hazard Areas: In conjunction with the Los Angeles County Department of Public Works, the County designates Seismic Hazard Areas, which are in accordance with the Seismic Hazards Mapping Act, and include fault traces and seismic zones in the County, as well as liquefaction and earthquake-induced landslide zones. The intent of this General Plan policy is to reduce the risk of life and property within these areas.

- Flood Zone Hazard Areas: In conjunction with the Los Angeles County Department of Public Works, the County designates Flood Zone Hazard Areas. The intent of this General Plan policy is also to reduce the risk of life and property within these areas.

- Very High Fire Hazard Severity Zones: The Los Angeles County Fire Department designates certain areas in the County as Very High Fire Hazard Severity Zones. The intent of this General Plan policy is also to reduce the risk of life and property within these areas.

COMMENTS

RETI's proposed renewable energy infrastructure as detailed in the PHASE 2A document will potentially impact the County's sensitive natural and biological communities, as well as be impacted by County identified hazard and safety areas. Due to the regulatory complexity of these areas, the Department recommends that these particular issues and concerns be discussed in more detail in a meeting at your earliest convenience.

As previously discussed, nearly all new renewable energy infrastructure will be located in the Antelope Valley. In various outreach efforts, many residents in the Antelope Valley have expressed concerns over the siting of new energy infrastructure in their communities. The

County recommends that the State hold community meetings and reach out to all town councils active in the Antelope Valley, which the County staff can help facilitate, to garner additional input from Antelope Valley residents.

We look forward to working with you on this important project. If you have immediate questions about this document, please contact Travis Seawards in the Housing/General Plan Section at (213) 974-6417 and tseawards@planning.lacounty.gov.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING

Jon Sanabria
Director of Planning

JS:RCH:CC:TSS

Attachments

1. County GIS Environmental and Safety Layer Analysis
2. ZOUP Draft Renewable Energy Ordinance

c.

Los Angeles County Chief Executive Office
Elaine Lemke, Principal Deputy County Counsel
Paul Novak, AICP, Office of Supervisor Michael D. Antonovich
Norm Hickling, Office of Supervisor Michael D. Antonovich