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**AGENDA ITEM NO.:** 7 (Action Item – Public Hearing)

**PLANNING COMMISSION  
 MEETING DATE:** July 25, 2018

**SUBJECT:** Renewable Energy Permit No. 2018-01/Barker

**EXECUTIVE SUMMARY**

The applicant has applied for a Renewable Energy Permit, located on two private parcels owned by Robbie Barker, in Trona. This permit would allow the applicant to construct a proposed 1 megawatt (MW) photovoltaic solar facility that uses approximately 3,500 fixed tilt or single axis tracker solar panels. The project encompasses 10 acres of pre-disturbed land, which is being used primarily for the storage of miscellaneous equipment.

**PROJECT INFORMATION**

**Supervisory District:** 5

**Project Applicant:** Robbie Barker

**Site Address:** Trona, CA 93592

**Community:** Bishop, CA

**A.P.N.:** 038-330-47; 038-330-48

**General Plan:** Residential Estate (RE); Rural Protection (RP)

**Zoning:** Rural Residential-5.0 acre minimum (RR-5.0-MH)

**Size of Parcel:** 10 acres (5 acres/parcel)

**SURROUNDING LAND USE:**

| <b>Location:</b> | <b>Use:</b> | <b>Gen. Plan Designation</b>                      | <b>Zoning</b>                              |
|------------------|-------------|---|--|
| Site             | Developed   | Residential Estate (RE);<br>Rural Protection (RP) | Rural Residential-5.0 acre min (RR-5.0-MH) |
| North            | Developed   | Residential Estate (RE)                           | Rural Residential-5.0 acre min (RR-5.0-MH) |
| East             | Undeveloped | State & Federal Lands<br>(SFL)-BLM                | Open Space-40 acre min                     |

|       |             |  |  |
|-------|-------------|--|--|
| South | Undeveloped | Residential Estate (RE);<br>Retail Commercial (RC) | Rural Residential-5.0 acre min (RR-5.0-MH); Highway Services & Tourist Commercial-2.5 acre min (C2-2.5-MH) |
| West  | Undeveloped | Residential Estate (RE)                            | Rural Residential-5.0 acre min (RR-5.0-MH);  |

**Staff Recommended Action:** Approve the Renewable Energy Permit 2018-01/Barker

- Alternatives:**
- 1.) Deny the Renewable Energy Permit
  - 2.) Approve the Renewable Energy Permit with current additional conditions of approval, or approve with additional conditions of approval.
  - 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

**Project Planner:** Steve Karamitros

**STAFF ANALYSIS**

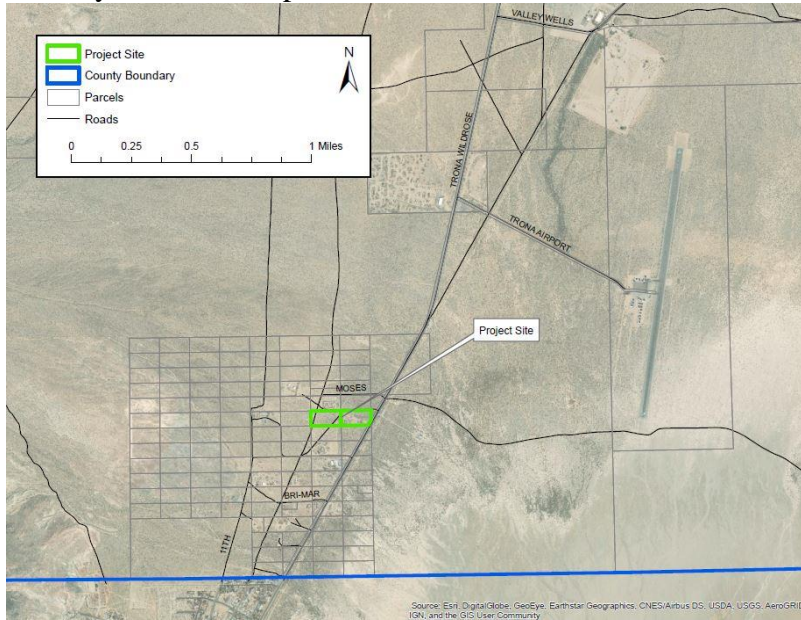
Background and Overview

The applicant has applied for a Renewable Energy Permit from the Inyo County Planning Department, to construct a 1 MW photovoltaic solar energy facility on two parcels, privately owned by Robbie Barker (APNs:038-330-47; 038-330-48). The project would construct roughly 3,500 fixed tilt or single-axis tracker solar panels. The project would connect to Southern California Edison’s transmission and distribution infrastructure, helping the State meet its greenhouse gas emission reduction targets by producing carbon neutral electricity.

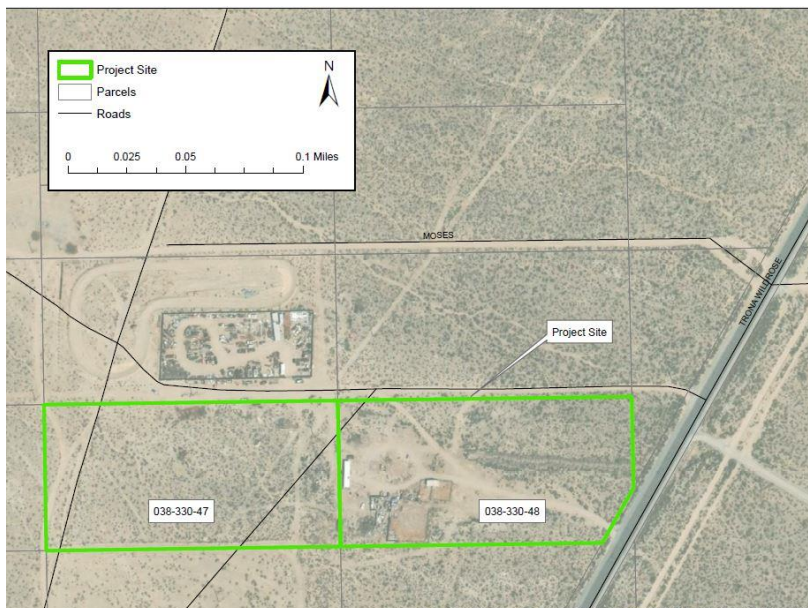
The project site is located on land that is highly disturbed with no natural vegetation, with heavy weed control having been performed in the past. The project area is surrounded by undeveloped land to the west, south and east. The land to the east, across Trona Wildrose Road, consists of over four thousand acres of vacant land owned by the Bureau of Land Management. The private land to the north of the project site is scattered with miscellaneous equipment, with the main land use being for storage.

The proposed application for a Renewable Energy Permit aligns with Inyo County Code Section 21.16-*General Provisions for Renewable Energy Development*, which aims to “support and encourage the responsible development of its solar and wind resources to generate and transmit clean, renewable electric energy while protecting the health, safety and welfare of its citizens and its environment, including its public trust resources” (21.04.030). The application for this permit has met the requirements of the Inyo County Planning Department and, per County Code Section 21.16.060, now requires that the Inyo County Planning Commission give final approval in order to issue the Renewable Energy Permit.

## Vicinity Location Map



## Site location for photovoltaic solar panels



### General Plan Consistency

The goal of this review is to allow the applicant to develop a renewable solar project in compliance with the County's Renewable Energy General Plan Amendment (REGPA), as well as Title 21 of Inyo County Code. The proposed project is consistent with the goals and policies of the Inyo County REGPA, as adopted by the Inyo County Board of Supervisors in 2015. The finalized Program EIR of the 2015 REGPA defines commercial scale renewable energy facilities as having a 20 MW capacity or less. The current project has a rated capacity of 1 MW. Since the developer is planning a small scale project, they have applied for a renewable energy permit, per the requirements of Title 21 of the Inyo County Code. Furthermore, County land use policy requires that commercial scale renewable energy projects be considered within Solar Energy Development Areas (SEDA) overlays. This project is within the County's Southern Solar Energy Group, in Trona, California (REGPA 2015, figure ES-1). The project aligns with the County's goals and objectives to utilize photovoltaic panels, the only type of solar technology currently supported by ICC, for renewable energy development projects. Finally, recent land use implementation measures explicitly state that small scale, community scale, and commercial scale renewable projects will be encouraged and prioritized over larger, utility scale projects (REGPA, final Errata to final EIR, pg. 3).

### Zoning Ordinance Consistency

The applicant's parcels are zoned Rural Residential-5.0 acre min (RR-5.0-MH). The *Final Errata to the Final Program Environmental Report* for the *Inyo County Renewable Energy General Plan Amendment* (REGPA), adopted in March 2015 by the Inyo Board of Supervisors, states: "...the County may consider utility scale and commercial scale renewable energy solar facilities within any zoning district under Title 18 of the Inyo County Code and pursuant to Inyo County Code Title 21" (REGPA, Errata, pg. 2). The REGPA created new land use policy that allowed applicants to apply for commercial scale renewable energy permits, regardless of zoning designation; however, approval of these projects is still reserved for the Planning Commission.

## **ENVIRONMENTAL REVIEW**

Renewable Energy Permit 2018-01/Barker was not treated as exempted from analysis of the California Environmental Quality Act (CEQA). An Initial Study with a Negative Declaration was performed and considered possible significant impacts to environmental resources. The County of Inyo produced a program level EIR (2015 REGPA), pursuant to Section 15168 of CEQA Guidelines, to address environmental impacts from the planned solar development areas. This document distinguishes all SEDAs that are the most environmentally suitable for solar projects, with the least amount of individual and cumulative impacts to land and resources (2015 REGPA, 3-4). Although the REGPA notes that solar facilities with a capacity of 20 MW or less should be considered exempted from further analysis, an Initial Study was performed to look at environmental resources occurring locally on the project site. Effects to visual resources were identified and the project site also fell within range of several Special Status Species.

The Inyo County Planning Department received feedback on the environmental document from California Department of Fish and Wildlife On July 9, 2018, which has been included in this analysis. Staff has written instructions for minimizing potential impacts to environmental resources, and these are included as recommended Conditions of Approval for this permit. These conditions include possible aesthetic treatment to the solar arrays, and preconstruction Presence/Absence Surveys for Mohave ground squirrel, desert tortoise, and Burrowing Owl. If any of these species are identified in surveys, a qualified biologist will create avoidance and or mitigation measures for the applicant to follow.

Residents within 300 feet of the proposed rental were notified that an application for a Renewable Energy Permit was being submitted, and staff noticed these residents regarding the public hearing date. Notice of Availability of the Initial Study was published in the *Inyo Register* on June 7, 2018. Notification of the public hearing date for this permit was published in the *Inyo Register* on July 12, 2018. No comments have been received to date.

In compliance with AB 52 and Public Resource Code Section 21080.3.1(b), tribes identified as being local to Inyo County, were notified via a certified letter about the project and the opportunity for consultation on this project. The tribes notified were as follows: the Cabazon Band of Mission Indians, the Torres Martinez Desert Cahuilla Indians, the Twenty-Nine Palms Band of Mission Indians, the Big Pine Paiute Tribe, the Bishop Paiute Tribe, the Fort Independence Paiute Tribe, the Lone Pine Paiute Tribe, and the Timbisha Shoshone Tribe.

Inyo County received a response from the Twenty-Nine Palms Band of Mission Indians stating that there were no known archaeological/cultural resources that pertained to the Twenty-Nine Palms Band of Mission Indians; however, the project is located within the Chemehuevi Traditional Use Area (TUA). For this reason, the County is in consultation with the tribal THPO to manage any possible cultural/archaeological resources that may be discovered. The Timbisha Shoshone Tribe indicated they might be interested, but decided not to formerly request consultation.

## **RECOMMENDATION**

Planning Department staff recommends the approval of Renewable Energy Permit 2018-01/Barker, with the following Findings and Conditions of Approval:

### **FINDINGS:**

1. The proposed Renewable Energy Permit has met the provisions of necessary review, pursuant to the California Environmental Quality Act.  
*[Evidence: The Inyo County 2015 REGPA, the Initial Study for this project (June 2018), and the addition to the Conditions of Approval recommended for this permit, have eliminated the potential for adverse environmental impacts that will exceed thresholds of significance, either individually or cumulatively.]*
2. The proposed Renewable Energy Permit is consistent with the Inyo County General Plan Land Use Designation of Rural Residential/ Solar Energy Development Area (SEDA), as adopted by Inyo County.  
*[Evidence: In 2015, Inyo County updated its General Plan to include policies for solar energy development within the County. New goals, policies, implementation measures, and actual sites, were identified in locations referred to in the REGPA as Solar Energy Development Areas. The current project falls within Inyo County's southern SEDA and therefore has consistency with the General Plan.]*
3. The proposed Renewable Energy Permit is consistent with the Inyo County Zoning Ordinance.  
*[Evidence: As stated above, utility scale and commercial scale renewable energy solar facilities are allowed within any zoning district, under Title 18 of the Inyo County Code, and pursuant to Inyo County Code Title 21. The new land use policy created by the REGPA means that applications will be considered regardless of zoning designation, with approval of the permit decided by the Planning Commission.]*
4. The proposed Renewable Energy Permit is necessary or desirable.

*[Evidence: In 2015, the Inyo County Board of Supervisors decided it was necessary to adopt new land use policies that were consistent with and met the broader goals and visions for the County as expressed in the General Plan. These amended land use polices regulate and direct the type, siting, and size of potential future renewable energy development within the County. Given that the applicant is within the southern SEDA, their permit is consistent with what the County has deemed necessary and desirable (REGPA, ES-2, 2015).]*

5. The proposed Renewable Energy Permit is properly related to other uses and transportation and service facilities in the vicinity.  
*[Evidence: The proposed Renewable Energy Permit is properly related to transportation and service facilities and will not adversely affect these facilities. The project is located in an area where it can interconnect to Southern California Edison's electrical transmission lines. This project is secluded enough to avoid burdens to Inyo County maintained roads, in this case Trona Wildrose Road. Additionally, it is over a mile away from the Trona airport.]*
6. The proposed Renewable Energy Permit would not under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.  
*[The proposed Renewable Energy Permit does not adversely affect public health or safety of persons living in the vicinity. The Inyo County Public Health Department evaluated the application for sewer, septic, and water issues and found no problems with the application.]*
7. Operating requirements necessitate the proposed Renewable Energy Permit for the site.  
*[Evidence: Use of the applicant's property for a photovoltaic power plant or solar energy system requires a Renewable Energy Permit, as per Chapter 21.08 of the Inyo County Code.]*

## **CONDITIONS OF APPROVAL**

1. **Hold Harmless**  
The applicant shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Renewable Energy Permit No. 2018-01/ Barker. The County reserves the right to prepare its own defense.
2. **Avoid Environmental Impacts**  
The applicant shall perform preconstruction Presence/Absence Surveys for Mohave ground squirrel, desert tortoise, and Burrowing Owl. If any of these species are identified in surveys, a qualified biologist, in cooperation with CDFW, will create avoidance and or minimization measures for the applicant to follow.
3. **Insurance & Reclamation Plan**  
As per section 21.20.040 of ICC, the applicant shall have secured financial assurance/surety bond prior to the issuance of grading or building permits. As per section 21.20.030, the applicant shall have produced a decommissioning/reclamation plan prior to the issuance of grading or building permits.