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**PLANNING AND NATURAL
RESOURCES DEPARTMENT**

Planning
Community Development
Administrative Operations

May 25, 2017

Kern County Planning Commission
Kern County Administrative Center
1115 Truxtun Avenue
Bakersfield, CA 93301

**General Plan Update Workshop #5 – Overview of the Kern County General Plan Energy
and Military Readiness Elements**
(Fiscal Impact: None) All S.D.s

Today marks the fifth in a series of scheduled Kern County General Plan Update interactive workshops. The purpose of tonight's workshop is to present to your Commission information which may be utilized in preparation of the upcoming General Plan Update. Additionally, this workshop will serve as a forum for the Planning and Natural Resources Department to receive feedback from community residents, agencies and other interested stakeholders as to potential content for the General Plan Update.

The topics for tonight's discussion includes: a review of the County's current Energy Element and identifying possible updates to maintain Kern County's status as California's leading energy producer and the County's current military readiness land use policies and identifying future needs.

ENERGY ELEMENT

Kern County possesses a wealth of existing and potential energy resources. The County's role as a major oil, natural gas, and electricity producer, along with its geographic position at the heart of California and on the boundaries of the State's largest gas and electric utilities consumer population, gives the County's future energy development statewide significance. The Kern County Energy Element is a comprehensive document which defines critical energy related issues facing the County and sets forth goals, policies, and implementation measures to protect the County's energy resources and encourage orderly energy development while affording the maximum protection for the public's health, safety, and the environment. The Energy Element has three primary objectives:

- Resource management and protection.
- Establishing development standards to provide for the protection of the environment, public health, and safety.
- Promoting and facilitating energy development.

EXISTING GOALS

Kern County will continue to assert its position as California's leading energy producer, to encourage safe and orderly energy development, such as petroleum, wind and solar, within the

County, including research and demonstration projects, and to become actively involved in the decisions and actions of other agencies as they affect energy development in Kern County.

The County's overall energy economy is strong because Kern County has continued to diversify its Energy portfolio since the last General Plan update. The County has made it a priority to respond to critical energy issues timely, effectively and in full compliance with California law. The Energy Element Update will continue to focus on four key areas:

1. Improve and streamline current energy regulations.
2. Increase county monitoring and involvement in State and Federal energy legislation.
3. Plan for future energy resource diversification.
4. Anticipate new opportunities for development of Kern County's energy resources, including oil, natural gas, geothermal, wind and solar power.

Petroleum - Oil & Gas Production

Petroleum production and development greatly affects the County's employment, growth, and tax revenues. The rise and fall of petroleum prices creates dramatic swings in the County's economy and while the County is vulnerable to short-term fluctuations in the petroleum industry, it is even more vulnerable in the long run.

In 2012 a consolidated group of petroleum producers applied to Kern County for processing of an amendment to Chapter 19.98 (Oil & Gas Production) of the Kern County Zoning Ordinance to include provisions for local permitting of oil and gas activities within a detailed study area that encompassed most of the southern San Joaquin Valley located in Kern County below the 1,200 foot elevation. This project was deemed necessary to combat uncertainty in the future of oil and gas production in Kern County and to protect and preserve Kern County's economic and energy independence as dictated in the current General Plan.

November 9, 2015 saw the completion of the three (3) year, large scale environmental impact report (EIR) preparation process when the Kern County Board of Supervisors approved the EIR which amended the zoning ordinance and ushered in Kern County's first oil and gas permitting process in the nearly one-hundred and thirty (130) years of oil production in the County. The permitting process ensures both a streamlined permitting process and effective mitigation measures to reduce the impact of oil industry projects and practices on the environment.

Utility-Scale Solar Development

In the 2004 General Plan update, the Energy Element emphasized Kern County's intent to continue to be a state leader in energy development with aggressive policies promoting the state's goal of achieving 20% renewable energy dependence and increasing this number to 50% by 2030. Kern County has processed and approved over 11,000 megawatts of renewable energy.

Because of favorable climatic conditions in the desert and valley regions of Kern County, large-scale use of solar energy has surpassed state and local expectations. At the time of the last general plan update, limited commercial solar development had occurred in Kern County. However, in the intervening years with an increase in Federal funding and tax incentives by the California Governor's Office and State legislature, Kern County has seen an unparalleled expansion in large scale commercial solar facilities.

According to the California Energy Commission's – Tracking Progress report, as of October 31, 2016 Kern County has brought on-line seventy-nine (79) large scale photovoltaic commercial solar projects. This places Kern County as the number one solar megawatts producer.

Utility-Scale Wind Production

In 1986, the County adopted the Kern County Zoning Ordinance to include a Wind Energy Combining (WE) District, which controls and minimizes the impacts of utility-scale wind energy development. The WE District is a combining district which functions as an overly and may only be applied/combined to the following "base" district classifications: Exclusive Agriculture (A), Industrial (M-1, M-2, and M-3), Natural Resource (NR) with a minimum lot size of twenty (20) acres, Recreation-Forestry (RF) with a minimum lot size of twenty (20) acres, Limited Agriculture (A-1) with a minimum lot size of twenty (20) acres, or Estate (E) with a minimum lot size of twenty (20) acres.

The uses allowed and the regulations required in the WE District are in addition to the regulations of the "base" district with which the WE District is combined. The WE District may not be adopted as a single land use designation.

It was the intent of the Board of Supervisors, in adopting the WE chapter, to promote the following:

- Promote the use of proven wind-driven generators for energy recovery, and to promote safeguards ensuring the maintenance of the health, safety, and welfare of the citizens of the County.
- Promote the use of an alternative to fossil-fuel-generated electrical power in areas of the County which are identified to have suitable wind resources for production of commercial quantities of wind-generated electrical power.
- Promote the goal that site-specific application of this chapter shall occur only in a manner that provides a harmonious balance between the suitability of a project site with existing area land use and physical surroundings.

Until recently, full realization of the County's wind-generated electricity was hampered due to the lack of adequate power transmission capacity. Production from existing wind turbines surpassed the expected generation; on exceedingly windy days, exceeded the capacity of the existing transmission lines which forced turbines to shut down. However, with the passage of AB 32, the California Global Warming Solutions Act of 2006, which required a reduction of greenhouse gas (GHG) emissions California began its rapid transition to a sustainable, low-carbon future and facilitated the need for an expansion to the existing Kern County's wind energy production.

As a means of encouraging wind energy development in appropriate locations, Kern County established an effective and efficient permitting process. Energy projects were rezoned to the WE District, which required the preparation of an environmental document and a public review process. Once completed the proposed project became a permitted use and developers could more quickly secure the relevant ministerial building and land use permits over-the-counter by satisfying the approved environmental oversight conditions of approval and mitigation monitoring program. This streamlined environmental review and permitting process which utilizes a more hands-on, direct approach to working with developers to maximize time efficiency and minimize costly delays has propelled Kern County to the lead of utility-scale wind power development in California.

MILITARY READINESS

Pursuant to Government Code Section 65302 (a)(2), the land use element “shall consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.” Any development that seriously impacts or hinders the capacity of military bases, installations, and operating and training areas to carry out their routine activities is considered “encroachment” or incompatible land use. Incompatible land use adjacent to military installations can produce serious conflicts, such as:

- Increased interference with air routes and communications through construction of cell towers, wind turbines, power lines, and other structures,
- Increased competition for, and interference with, data and communication frequencies,
- Displacement of threatened and endangered species to the remaining open space, including military ranges,
- Increased need to alter training and testing due to residential neighbors’ concerns about noise and safety,
- More rapid depletion of critical ground or surface water supplies, water treatment capacity, and other necessary resources,
- Increased air emissions in areas that may have finite air emission thresholds.

Incompatible land use is traditionally considered to be development along the periphery of an installation. Due to the dynamic nature of the military operations and training exercises in California, many different types of development can qualify as encroachment. For example, tall structures, such as residential and/or office high-rise buildings, or cell towers or wind turbines, located many miles away from an installation can restrict low-level aircraft flights and in turn jeopardize the purpose of military installation and the integrity of the airspace.

With the rapid pace of population growth in California, civilian and military land use incompatibilities are almost inevitable. In order to avoid land use conflicts that can threaten military missions, endanger the community and lead to base closure, planners must confer with military representatives. Senate Bill 1468 requires that information used by cities and counties to address the impacts of growth on the military be based on information that the military provides (GC section 65302 (2)(A)). The bill encourages cooperation between military installations and local communities to reduce land use conflicts between civilian development and military readiness activities. By communicating with the military early, planners can use the land use element as the avenue through which negative impacts on military activities can be prevented or avoided.

The second legislation, SB 1462, requires cities and counties to notify the military of certain local planning proposals in an effort to prevent land use conflicts between local communities and military installations and training activities. Both SB 1462 and SB 1468 identify specific measures that need to be taken by local jurisdictions. The State recommends that cities and counties near military facilities consider such facilities to be part of the community and, therefore, address these facilities and local land use impacts within the general plan.

California contains an integrated system of military installations and special use airspace connected by low-level flight corridors that provides a key foundation for our national security. This integrated system provides for the training of military personnel, research, development, testing and evaluation of military hardware. NAWS China Lake, Edwards Air Force Base and the Joint Service Restricted R-2508 Airspace Complex are essential components in this system and the economic vitality of Kern County.

General Goals

"Ensure that incompatible land use is minimized in the vicinity of military installations in order to safeguard mission training requirements and military readiness areas." (Office of Planning & Research)

This element considers the impact of new growth on military readiness activities carried out on military bases, installations and operating and training areas on property adjacent to the military facilities and underlying designation military aviation routes and airspace. In consultation and cooperation with NAWS China Lake, Edwards Air Force Base and the Department of Defense, the element will include goals, policies and implementation to address the following military readiness activities:

- a. Training, support, and operations that prepare the men and women of the military for combat
- b. Operation, maintenance, and security of any military installation
- c. Testing of military equipment, vehicles, weapons, and sensors for proper operation or suitability for combat use.

Joint Land Use Study Program (JLUS). The JLUS Program, administered by the DoD's Office of Economic Adjustment (OEA), is a cooperative land use planning effort between an affected local government and a military installation. This program was established in 1985 as an effort to work with local jurisdictions to ensure compatible development around installations and ranges particularly with respect to noise, safety, and operationally sensitive areas. The program addresses existing and potential conflicts between community growth and installation operations to achieve compatibility between the military and local communities through planning and land use control processes. The program also works to raise awareness at the state and local levels for the sustainability requirements of local military installations, and provides technical or community planning assistance to support compatible land use efforts through grants authorized under Title 10 USC section 2391. More information is available on the OEA website at www.oea.gov under Encroachment Programs.

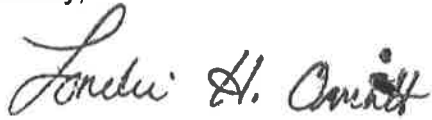
While separate from the General Plan, an Update to the JLUS is in the initial stages of moving forward. As with the previous JLUS, it is anticipated that Kern County will have an active role in the preparation and processing of this document. An update to the JLUS will serve as an opportunity to identify necessary changes to our General Plan to ensure ongoing compatibility between our military institutions and the community that support and surround them.

RECOMMENDATION

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Therefore, IT IS RECOMMENDED that your Commission (1) take public testimony; (2) receive and file this letter; (3) provide comments to Staff.

Sincerely,

A handwritten signature in cursive script that reads "Lorelei H. Oviatt". The signature is written in black ink and is positioned below the word "Sincerely,".

LORELEI H OVIATT, AICP, Director
Kern County Planning and Natural Resources Department

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