

## REPORT TO THE PLANNING COMMISSION

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**DATE:** August 13, 2019

**TITLE:** DHS Wind Project: Conditional Use Permit No. 01-18 & Variance No. 01-18 for the installation of up to four (4) new 493-foot wind turbines and one new meteorological tower along with the decommissioning of 69 existing wind turbines located in the foothills on the west side of Highway 62 near Painted Hills Drive.

**Prepared by:** Scott Taschner, Senior City Planner

**Reviewed by:** Rebecca Deming, Community Development Department

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### RECOMMENDATION

- 1) Staff Report;
- 2) Planning Commission Questions for Staff;
- 3) Open the Public Hearing;
- 4) Take Testimony from Applicant;
- 5) Take Public Testimony;
- 6) Opportunity for Applicant Rebuttal;
- 7) Close the Public Hearing;
- 8) Planning Commission discussion and questions to Staff; and
- 9) Recommendation from staff to approve; (1) a Supplement to the Certified Final EIR for the DHS Wind Repowering project; and (2) Conditional Use Permit No. 01-18; proposing the decommissioning of the existing 69 turbines and the development of up to 4 new wind turbines up to 499 feet tall, and a smaller meteorological tower, and; 3) a Variance request to exceed the specific limitations of the City's Zoning Code (height of the structures) for the proposed wind turbines located on APN 667-160-001.

### PRIOR ACTIONS

- In 1985, the County of Riverside Board of Supervisors approved the original Wind Energy Conversion System (WECS) 20 Wind Park Project, which was proposed by Energy Unlimited, Inc. (EUI) for the development of one hundred twenty-eight (128) 65—kilowatt wind turbines (not all were developed).
- In 1994 the project site, including the WECS 20 Wind Park facility, were annexed into the City of Desert Hot Springs.
- In January 2001, the City approved applications from EUI to install eight new wind turbines in the WECS 20 Wind Park (never built)
- In 2009, EUI received City approval of a resubmittal for the eight new wind turbines and Certified the Final EIR which evaluated all potentially significant effects on the environment (to date, the project assessed in the 2009 Final EIR has not been completed)

## **EXECUTIVE SUMMARY**

The applicant, Desert Hot Springs Wind, LLC., is proposing to decommission 69 antiquated wind turbines (each approximately 100 feet in height) to modernize the energy project site with four (4) new state-of-the-art wind turbines approximately 493 feet in height. The wind repowering project is located within the boundaries of the existing Wind Energy Conversion System (WECS) 20 Wind Park, which has been operating as a commercial wind energy facility for approximately 30 years, and includes the associated electrical collection lines and unpaved access/maintenance roads.



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ATTACHMENT F: SITE PHOTOGRAPHS  
Photo 1: Looking east-southeast onto the project site  
Desert Hot Springs Wind Energy Repowering Project

Since all off-site portions of the Project related to access and electrical interconnection are within existing disturbance, there will be no new off-site disturbance.

The advantages of the repowering project are several-fold, but the most obvious advantage is that the new wind turbines will operate much more efficiently than the existing, producing more than double the energy (in terms of megawatt-hours per year) than the existing, antiquated turbines.

Staff has also assessed the increased height and although they will be significantly taller, the significant decrease in the number of turbines on the project site, and the fact that there are thousands of other wind turbines throughout the area, has led staff to the conclusion that the project will not have a “significant” detrimental visual impact on the overall scenic viewsheds in the area. Staff also believes the wind energy project will make better use of the site’s already disturbed footprint and will supply the region with more sustainable and renewable energy. It is also worth noting that this project would assist California’s mandate of meeting its RPS target of 100% of the energy generated in the state being produced by zero-carbon sources by December 2045.

## **SITE ANALYSIS**

The project site is located on the west side of State Highway 62 and north of Interstate 10 in the foothills of the San Geronio Mountains, north of Painted Hills Road.

**Table 1 – Land Use Designation**

Existing Zoning/General Plan Land Use:	OS/MR (Open Space Mountain Reserve)
Existing Use:	<u>WEC 20 Wind Park</u>
Total Project Area:	160 acres
Assessor’s Parcel Number:	667-160-001

The approximately 160 acre project site is within the Upper Mission Creek/Big Morongo Canyon Conservation Area in the foothills of the San Bernardino Mountains near Painted Hills Road. The project site is located on the east side of the property on top of a small ridgeline and alongside several unimproved (dirt) access roads. The site is

largely undisturbed with the exception of the small dirt roads, a few small structures, and the small pads in which the existing towers have been mounted. The site is sparsely vegetated with low-lying native desert vegetation. A series of private, gated dirt roads provide access to the site from the south side of the project and Windhaven Road.

Surrounding properties for the project site consist of:

<u>Direction</u>	<u>Jurisdiction</u>	<u>Zoning &amp; General Plan Designations</u>	<u>Current Land Use</u>
North	City	OS/MR	Vacant Land
West	City	OS/MR	Vacant Land
South	County	I-L (Light Industrial) Zone	Vacant Land
East	City	OS/MR	Vacant Land

### **PROJECT PHASING**

The first phase of the project will be the decommissioning of the 69 antiquated wind turbines followed by the installation of the meteorological tower (which will require all FAA obstruction lighting requirements). The meteorological tower will be placed on-site for approximately 6 months prior to the construction and placement of the new wind turbines. The applicant has indicated they will begin demolition and removal of the existing wind turbines beginning in the fall of 2019. The installation of the new state-of-the-art wind turbines will likely begin in late spring/early summer of 2020.

### **General Plan and Zoning Consistency**

The project proposes to update the wind turbines for the approved WECS 20 Wind Energy project. The proposed decommissioning of the old wind turbines and the installation of up to four (4) new state-of-the-art wind turbines is allowed subject to review and approval of a Conditional Use Permit and in accordance Section 17.16.140 of the DHSMC.

The proposed wind repowering project is located on a lot within the I-E (Industrial Energy) Zone & General Plan land use designation, which is one of the few zones that allow wind energy conservation systems (WECS). In fact, the City's General Plan specifically states the intent of this land use designation as follows:

*"This land use designation provides for the development of energy producing industries, including windfarms and solar photovoltaic or thermal arrays on an industrial scale. Proposed development must demonstrate compatibility with surrounding uses and must be especially sensitive to nearby residential development. Other appropriate uses may include those incidental to energy production or transmission, as well as those which do not impair development of energy resources, including plant nurseries and nonstructural recreation such as golf courses".*

After review of the proposed project, staff has determined that the project is in compliance with the City's Zoning Code & General Plan, with the application for a Variance to allow the additional height necessary for the optimization of the site to produce more power from the wind resources available in that specific area and to allow for the construction/installation of the more modern, state-of-the-art wind turbines.

## **Building Height**

The highest point of the turbine or met tower structure will be up to 499 feet. The Riverside County Airport Commission has reviewed and approved the project subject to conditions of approval which have been compiled into staffs attached draft conditions of approval. Some of the conditions require appropriate FAA approved obstruction lighting, and control the ultimate elevations (above sea level) of each structure. The draft Conditions of Approval area attached as Exhibit 1.

## **Design**

Staff has attached the manufacturer's brochures on the proposed wind turbine technologies. To summarize, the applicant proposes to potentially use 3 different platforms (turbines) including 2 megawatt (MW), 3 MW, and a 4MW platform. These platforms are substantially taller and have a significant increase in the area being swept by the blades. In staff's research, it has become apparent that the increase in swept area will significantly increase the energy capture on the site, and it will greatly improve the power production efficiency of the project. Advances in platform technology have allowed for multiple enhancements including new aerodynamics enabling a greater blade length, larger bedplate, generator frame and gearbox, controls improvements, and enhanced power conversion capabilities resulting in an increase in nameplate and AEP. Although the applicant has analyzed multiple turbine technologies, the most likely turbines for this project will have a rotor diameter of up to 117 meters (384 feet), a tower hub height of up to 91.5 meters (300 feet), and a tip height of up to 150 meters (493 feet).

## **REQUIRED FINDINGS OF FACT**

### Conditional Use Permit Findings:

- A. *That the proposed use is conditionally permitted within the subject land use district and complies with all of the applicable provisions of this Zoning Ordinance;*

The proposed Project is conditionally permitted in the I-E (Industrial Energy-Related) Zone, and with the approval of Variance No. 01-18 will comply with all of the applicable provisions of the Desert Hot Springs Zoning Ordinance including the City's WECS Development Standards in Section 17.16.140

- B. *That the proposed use would not impair the integrity and character of the land use district in which it is to be located;*

The proposed Project will not impair the integrity and character of the land use district in which it is to be located. The property is currently located within an I-E (Industrial Energy-Related) Land Use District and no negative impacts are anticipated, as the proposed Project is consistent with the prior and current use of the property as well as the current use of property surrounding the project site, and is developed to meet the local and statewide need for new, renewable energy generation, a vital service to community. The Project does not expand the primary use of the site, EUI Section 31

wind farm. Appropriate attention has been given to the design and layout of the Project so that abutting residential properties will not be adversely affected.

- C. That the subject site is physically suitable for the type and intensity of land use being proposed;*

The subject site is physically suitable for the type and intensity of land use being proposed. The project site is within an area zoned for I-E (Industrial Energy-Related) uses and currently contains a commercial wind farm facility that has been in operation for over 30 years.

- D. That the proposed use is compatible with the land uses presently on the subject property;*

The proposed use will be compatible with existing and future land uses within the general area in which the proposed use is to be located. The project involves the modernization (upgrade) of an existing commercial wind farm facility within an area zoned for those land uses.

- E. That the proposed use would be compatible with existing and future land uses within the general area in which the proposed use is to be located;*

The proposed use would be compatible with existing and future land uses within the general area in which the proposed use is to be located. The project involves the modernization (upgrade) of an existing commercial wind farm facility within an area zoned for those land uses.

- F. That the proposed use is compatible in scale, mass, coverage, density, and intensity with all adjacent land uses;*

The proposed use is compatible in scale, mass, coverage, density, and intensity with all adjacent land uses as there are at least 3,000 wind turbines located in the San Geronio Pass in which the project site is located; about 40 wind turbines are located within three miles of the project site which are similar in size to the proposed wind turbines. Project entitlements include Variance No. 01-18 to exceed the 200-foot height limit as specified in Section 159.08.030(2)(J)(e)(1)(a) of the Desert Hot Springs Municipal Zoning Ordinance to allow 340-foot wind turbines as the 340-foot size is now an industry standard.

- G. That there are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety;*

The proposed use will not require provisions for water, sanitation, and public utilities and services. As such, the proposed Project will not be detrimental to the public health and safety.

*H. That there will be adequate provisions for public access to serve the subject proposal;*

There are no commercial or residential structures associated with the development of this project and as such, no requirements for public access are necessary.

*I. That there will not be an adverse effect upon desirable neighborhood characteristics;*

In light of the project's location, there will not be an adverse effect upon any desirable neighborhood characteristics for the area surrounding the site. Project development involves the alternation of any existing wind farm that has been in operation since 1985. There are no established communities located on the project site. The property beyond the project site to the west and northwest is largely undeveloped hilly land except for the Energy Unlimited, Inc Section 1 wind park which has been in operation for the past 19 years. About a half mile south and southeast of the project site, there are scattered single family residences. The proposed project will not result in significant conflicts with the established and existing arrangements of any community, as the design of the project utilizes existing roadways for access and proposes to construct new interior dirt roadways that will connect to the existing circulation system without interrupting any existing physical roadway arrangement. No negative impacts are anticipated.

*J. That the proposed use is needed or appropriate at the prescribed location, as demonstrated in the market/feasibility study, if required;*

The Project conforms to the City's General Plan Land Use Designation as I-E, Industrial Energy-Related, and the City's Zoning I-E, Industrial-Scale Energy Production zone, and the project will be constructed in the same location of an existing commercial wind energy facility; thus, the proposed use is highly compatible with the existing on-site use and activities.

The Project site is located in the San Geronio Pass, a highly valuable area for wind energy. In the early 1980s wind energy development started in the San Geronio Pass area. The San Geronio Wind Resource Study and subsequent analysis delineate those portions of the wind resource area that offer an economically viable (developable) wind resource. The San Geronio Pass area is one of the world's most successful wind energy production sites, with the potential to generate up to 3,000 megawatts of electricity. As the desert heats up it draws cooler coastal air through the narrow San Geronio Pass, generating strong and sustained winds that cross the Coachella Valley. As such, as described in the Desert Hot Springs General Plan, the City has a high potential for wind and other renewable energy use. The Desert Hot Springs General Plan specifically addresses the existing on-site commercial wind energy facility, stating that, "A proven energy resource area is the west end of the City; approximately 160 acres of windfarm development is in the City and extensive windfarm development occurs in the west sphere area."

Additionally, the project will be consistent and further the goals of the City as set forth in the General Plan, as outlined in the table below:

## Project Consistency with General Plan

General Plan Goal or Policy <sup>1</sup>	Is the Project Consistent?
Land Use Element	
<b>Goal 1:</b> A balanced mix of functionally integrated land uses meeting general social and economic needs of the community through simplified, compatible and consistent land use and zoning designations.	<b>Consistent.</b> The Project involves the repowering of an existing commercial wind energy facility and, thus, represents an identical use as the existing on-site use. Therefore, from a land use compatibility perspective, the Project would be consistent with the surrounding land use pattern and character of the surrounding area.  The Project would generate approximately twice the energy with the same electric capacity compared to the existing turbines operating on the Project site, allowing for the better use of the site for energy production without expanding the existing boundaries of the current facility.
<b>Policy 6:</b> All land use development proposals shall be consistent with all applicable land use policies and standards contained in the General Plan.	
Community Design Element	
<b>Policy 1:</b> Private and public sector development projects shall equally apply City community design standards, thereby protecting the community's scenic viewsheds, providing community cohesion and enhancing the image of Desert Hot Springs as a resort residential community.	<b>Consistent.</b> The Project would be consistent with the City's scenic setback requirements related to SR-62, I-10, and other local roadways. Further, by repurposing an existing wind energy facility (instead of an undisturbed/undeveloped site), the Project is helping the City to protect the community's scenic viewsheds.  In addition, replacing the existing wind turbines with the new turbines would reduce the overall development intensity on the Project site, reduce the visual "clutter" that currently affects the site from certain public vantage points, and improve the overall aesthetic condition.
<b>Policy 14:</b> Water wells, utility substations, switching and control facilities associated with it shall be screened to preserve scenic viewsheds and limit visual clutter.	
Energy and Mineral Resources Element	
<b>Policy 1:</b> Promote energy conservation in all areas of community development, including transportation, development planning, public and private sector office construction and operation, as well as in the full range of residential, commercial, and industrial projects.	<b>Consistent.</b> The Project would produce up to 17 MW of wind energy. As proposed by the Project Applicant, the repowering component of the Project would consist of up to four new wind turbines in the range of approximately 2.0 MW to 4.2 MW in nameplate capacity per turbine. This would be achieved by using larger wind turbines employing modern technology. The Project would generate approximately twice the energy with the same electric capacity compared to the existing turbines operating on the Project site.  The models and heights of the wind turbines would be selected to allow for the Project to take advantage of local meteorological conditions and for a much more efficient wind energy facility.
<b>Policy 5:</b> Support public and private efforts to develop and operate alternative systems of thermal and electrical production, which take advantage of local renewable resources.	

In regards to zoning, the provisions of Section 17.16.140(A) of the City's Zoning Code, "a Conditional Use Permit process for a commercial WECS is intended to regulate and provide for the installation of commercial WECS which are made feasible by the strong prevailing winds within certain areas of the City designated by the General Plan. The conditions of the permit are meant to ensure that a safe and beneficial environment, for both the WECS development and the adjacent properties, is provided."

The surrounding Project area is currently developed with several other commercial wind energy facilities, as is the Project site. Specifically, other commercial wind energy facilities can be found near the Project site on unincorporated County of Riverside land to the south and southwest. The Project involves the repowering of an existing commercial wind energy facility, and the Project site has been an operational commercial wind energy facility for approximately 30 years. The Project would not substantially alter the scale, mass, coverage, density, and intensity of the on-site use, and given that the City has already found the existing wind energy facility to be consistent with the adjacent land uses during prior Conditional Use Permit approval processes, it follows that the Project would continue to be consistent with the neighboring uses.

Overall, the Project would significantly improve the energy production capability of the Project site by deploying new, efficient, state-of-the-art wind turbine technologies that would generate more power per wind turbine and require less maintenance compared to the existing wind turbine facility. The wind energy generation on the Project site would become more reliable for more consistent energy production with less downtime and loss in energy.

Repowering this site is the highest and best use of the land because it will do multiple things to contribute to City and State initiatives, including job creation through construction, job preservation for the operations crew, increased property tax revenue for the County and City, and use of a brownfield site, minimizing new disturbances by utilizing infrastructure such as access roads and transmission lines that already exist. Also, the project would contribute to the State's mandate of all retail electricity being carbon-free by 2045, also known as Senate Bill 100.

*K. That the proposed use is consistent with applicable goals and policies of the General Plan;*

The I-E land use designation is specifically intended to provide for development of energy producing industries, including windfarms and solar photovoltaic or thermal arrays on an industrial scale. Any proposed development must demonstrate compatibility with surrounding uses and must be especially sensitive to nearby residential development. Other appropriate uses may include those incidental to energy production or transmission, as well as those which do not impair development of energy resources, including plant nurseries and nonstructural recreation such as golf courses.

The proposed project is consistent with the intent of the General Plan land use designation and is compatible with surrounding uses, which almost entirely consists of other renewable energy projects (specifically wind turbines) and mountainous open spaces. There are no residences in the vicinity except for one or two rural residential streets that have spotted housing in a rural setting and are located at lower elevations with several foothills in between the repowering project and their home site (the closest house is approximately one-half mile away).

Staff also believes that the project will help to further important goals of the City, as set forth in the General Plan, supporting public and private efforts to develop and operate alternative systems which take advantage of local renewable resources; allowing for and facilitating wind farm development (Policy 5 and Program 5A of the Energy and Mineral Resources Element). Staff has further assessed the project consistency with the goals,



policies and programs which are relevant to the project under staff's General Plan analysis, contained within this staff report and outlined below.

- L. That there will not be significant harmful effects upon environmental quality and natural resources;*

Pursuant to Section 21166 of the California Environmental Quality Act (CEQA) (Public Resources Code 21000–21189) and Section 15163 of the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000– 15387), the City of Desert Hot Springs (City) has prepared a Draft Supplemental EIR (Draft SEIR) to evaluate the potential environmental impacts associated with the implementation of the Desert Hot Springs Wind Energy Repowering Project (Project).

According to Section 15163(a), the Lead Agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if: (1) Any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, and (2) Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation. The qualifying condition is found in Section 15162(a)(1): Substantial changes are proposed in the project which will require major [or minor for supplemental per Section 15163(a)(2)] revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The Draft SEIR has been prepared to assess the potentially significant effects on the environment that could result from implementation of the Project. The Draft SEIR addresses the changes necessary to the previous WECS 20 FEIR so that the CEQA review for the Project adequately addresses the proposed Project modifications. It addresses the potential for new impacts not disclosed in the WECS 20 FEIR and potential increases in the severity of impacts disclosed in the WECS 20 FEIR as a result of the Project.

The resource area topics analyzed in the Draft SEIR have been determined through preparation of a Section 15163 Study (Appendix A to the Draft SEIR) and the scoping process conducted by the City. The Draft SEIR analyzed all environment resource areas previously evaluated in the WECS 20 FEIR, including, but not limited to, aesthetics, air quality and greenhouse gas emissions, biological resources, cultural and tribal cultural resources, and noise. As indicated in Draft SEIR, with the incorporation of mitigation measures previously adopted as part of the WECS 20 FEIR approvals, no new or more severe impacts would occur as a result of the of the Project with regard to all of the resource areas outlined in the WECS 20 FEIR, including those aforementioned environmental topics listed above. Implementation of the Project would not result in any impacts that cannot be mitigated to a less than significant level. Therefore, the Project would not result in significant and unavoidable environmental effects. This finding is consistent with that made in the WECS 20 FEIR, which determined that the previously proposed project would not result in significant and unavoidable environmental impacts.

- M. That the negative impacts of the proposed use are mitigated, and/or a mitigated negative declaration may be filed; and*

Pursuant to Section 21166 of the California Environmental Quality Act (CEQA) (Public Resources Code 21000–21189) and Section 15163 of the CEQA Guidelines (California

Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000– 15387), the City of Desert Hot Springs (City) has prepared a Draft Supplemental EIR (Draft SEIR) to evaluate the potential environmental impacts associated with the implementation of the Desert Hot Springs Wind Energy Repowering Project (Project).

According to Section 15163(a), the Lead Agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if: (1) Any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, and (2) Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation. The qualifying condition is found in Section 15162(a)(1): Substantial changes are proposed in the project which will require major [or minor for supplemental per Section 15163(a)(2)] revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The Draft SEIR has been prepared to assess the potentially significant effects on the environment that could result from implementation of the Project. The Draft SEIR addresses the changes necessary to the previous WECS 20 FEIR so that the CEQA review for the Project adequately addresses the proposed Project modifications. It addresses the potential for new impacts not disclosed in the WECS 20 FEIR and increases in the severity of impacts disclosed in the WECS 20 FEIR as a result of the Project.

The resource area topics analyzed in the Draft SEIR have been determined through preparation of a Section 15163 Study (Appendix A to the Draft SEIR) and the scoping process conducted by the City. As indicated in Draft SEIR, no new or more severe impacts would occur as a result of the of the Project with regard to all of the resource areas outlined in the WECS 20 FEIR. Implementation of the Project would not result in any impacts that cannot be mitigated to a less than significant level. Therefore, the Project would not result in significant and unavoidable environmental effects. This finding is consistent with that made in the WECS 20 FEIR, which determined that the previously proposed project would not result in significant and unavoidable environmental impacts. Staff recommends this finding.

*N. That the proposed location, size, design, and operating characteristics of the proposed use would not be detrimental to the public interests, health, safety, convenience, or welfare of the City. (Prior code § 159.36.050).*

The project involves the modernization of the existing wind farm that has been in operation since 1985 and will be located on a lot zoned for the proposed activities within an existing an I-E (Industrial Energy-Related) District. No other uses are in the vicinity that would create a situation where the proposed project could have a detrimental effect on the public interests, public health, public safety, convenience, or the welfare of the City. In fact, the modernization of the wind farm site will likely generate more than double the energy than the current, antiquated, wind turbines are producing. Therefore, staff has determined that the proposed project will not have a detrimental effect on public, interests, welfare, safety, convenience, or the general welfare of the City.

## Findings for a Variance

- A. *That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical land use district classification;*

The property is designated for development of the site for renewable energy systems/projects. Recent developments and innovations in the industry have found that certain heights of wind energy platforms (300-500 feet) make better use of the topography and are much more efficient by reaching stronger and less turbulent wind at higher elevations. Unfortunately, older City Zoning Codes have not kept up with industrial practices, and put a cap on maximum turbine height, which is much lower than what modern technologies and economics call for. Hence, the applicant is requesting a Variance in the allowable height which will allow for the construction installation of the taller (up to 499 feet) wind platforms. Staff is therefore recommending that the Planning Commission adopt this finding. Staff recommends this finding.

- B. *That granting the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and land use district and denied to the property for which the variance is sought:*

The topography of the project site, the technological advances in the industry, the increased energy production, and the economic viability of the project all support the necessity to have the taller wind turbines. Other recently developed wind farm sites have taken advantage of the recent technological advances in the industry and have constructed/installed taller wind turbines and are therefore enjoying the benefits of the higher wind turbines/platforms.

- C. *That granting the variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located;*

The project involves the modernization of the existing wind farm that has been in operation since 1985 and will be located on a lot zoned for the proposed activities within an existing an I-E (Industrial Energy-Related) District. No other uses are in the vicinity that would create a situation where the proposed project could have a detrimental effect on the public interests, public health, public safety, convenience, or the welfare of the City. In fact, the modernization of the wind farm site will generate more than double the energy than the current, antiquated, wind turbines are producing. Therefore, staff has determined that the proposed project will not have a detrimental effect on public, interests, welfare, safety, convenience, or the general welfare of the City. Staff recommends this finding.

- D. *That granting the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which such property is located;*

The I-E land use designation is specifically intended to provide for development of energy producing industries, including windfarms and solar photovoltaic or thermal arrays on an industrial scale. Any proposed development must demonstrate compatibility with surrounding uses and must be especially sensitive to nearby residential development. Other appropriate uses may include those incidental to energy production or transmission, as well as those which do not impair development of energy resources, including plant nurseries and nonstructural recreation such as golf courses.

The proposed project is consistent with the intent of the General Plan land use designation and is compatible with surrounding uses, which almost entirely consists of other renewable energy projects (specifically wind turbines) and mountainous open spaces. There are no residences in the vicinity except for one or two rural residential streets that have sparse housing in a rural setting and are located at lower elevations with several foothills in between the repowering project and their home site (the closest house is approximately one-half mile away). Staff recommends this finding.

*E. That granting the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel; and*

The I-E land use designation is specifically intended to provide for development of energy producing industries, including windfarms and solar photovoltaic or thermal arrays on an industrial scale. Any proposed development must demonstrate compatibility with surrounding uses and must be especially sensitive to nearby residential development. Other appropriate uses may include those incidental to energy production or transmission, as well as those which do not impair development of energy resources, including plant nurseries and nonstructural recreation such as golf courses”.

The proposed project is consistent with the intent of the General Plan land use designation and is compatible with surrounding uses, which almost entirely consists of other renewable energy projects (specifically wind turbines) and mountainous open spaces. There are no residences in the vicinity except for one or two rural residential streets that have sparse housing in a rural setting and are located at lower elevations with several foothills in between the repowering project and their home site (the closest house is approximately one-half mile away).

*F. That granting the variance will not be inconsistent with the General Plan.*

The I-E land use designation is specifically intended to provide for development of energy producing industries, including windfarms and solar photovoltaic or thermal arrays on an industrial scale. Any proposed development must demonstrate compatibility with surrounding uses and must be especially sensitive to nearby residential development. Other appropriate uses may include those incidental to energy production or transmission, as well as those which do not impair development of energy resources, including plant nurseries and nonstructural recreation such as golf courses.

The proposed project is consistent with the intent of the General Plan land use designation and is compatible with surrounding uses, which almost entirely consists of other renewable energy projects (specifically wind turbines) and mountainous open

spaces. There are no residences in the vicinity except for one or two rural residential streets that have sparse housing in a rural setting and are located at lower elevations with several foothills in between the repowering project and their home site (the closest house is approximately one-half mile away).

Staff also believes that the project will help to further some of the goals of the City, as set forth in the General Plan, to support public and private efforts to develop and operate alternative systems which take advantage of local renewable resources; to allow and facilitate wind farm development (Policy 5 and Program 5A of the Energy and Mineral Resources Element). Staff has further assessed the project consistency with the goals, policies and programs which are relevant to the project under staff's General Plan analysis, contained within this staff report and outlined below.

### **Consistency with the Goals, Policies & Programs of the General Plan**

Staff has identified the following goals & policies from the City's General Plan that are applicable to the proposed DHS Wind Repowering project and has provided an analysis addressing each relevant goal & policy.

#### **Administrative – Goals & Policies**

##### *Policy 4*

*The City shall establish and maintain a cooperative planning process with Riverside County, assuring an effective advisory role regarding any and all development and land use planning issues proposed within or in close proximity to the City's Sphere-of-Influence.*

The City noticed the Project and availability of the Draft SEIR to the County of Riverside Planning Department, Environmental Health Department, Airport Land Use Commission, Flood Control District, Transportation Commission, and County Clerk. To date, no comments have been received regarding the Project from any of these notices to County parties.

##### *Program 4 A*

*Effectively coordinate and cooperate with Riverside County to review all proposed land use and other development proposals, recognize the City's advisory role, and request that the County forward copies of all development plans proposed within the advisory area to the City for review and comment.*

The City noticed the Project and availability of the Draft SEIR to the County of Riverside Planning Department, Environmental Health Department, Airport Land Use Commission, Flood Control District, Transportation Commission, and County Clerk. To date, no comments have been received regarding the Project from any of these notices to County parties.

##### *Policy 5*

*The City shall assure that properly filed development applications shall be processed in an expeditious and timely manner.*

The application for a Conditional Use Permit and Variance is required by the Desert Hot Springs Zoning Code to assure compatibility with surrounding land uses and to develop

project-specific conditions to assure successful operation in concert with the City's development goals. The application has been processed expeditiously.

*Program 5 A*

*The City shall maintain application processing procedures that assure expeditious and timely processing of land development applications, including "fast tracking" procedures for priority development proposals.*

The application for a Conditional Use Permit and Variance is required by the Desert Hot Springs Zoning Code to assure compatibility with surrounding land uses and to develop project-specific conditions to assure successful operation in concert with the City's development goals. The application has been processed expeditiously.

*Policy 6*

*All land use development proposals shall be consistent with all applicable land use policies and standards contained in the General Plan.*

The Project involves the repowering of an existing commercial wind energy facility and, thus, represents an identical use as the existing on-site use. Therefore, from a land use compatibility perspective, the Project would be consistent with the surrounding land use pattern and character of the surrounding area.

The Project would generate approximately twice the energy with the same electric capacity compared to the existing turbines operating on the Project site, allowing for the better use of the site for energy production without expanding the existing boundaries of the current facility.

*Policy 8*

*City shall provide opportunities for review and comment on development proposals through public hearing notices sent to owners of property located at least within 300 feet of development proposal sites.*

The project was noticed to neighboring owners within 300 feet of the project site (on August 1, 2019) and in the Desert Star on Friday August 2, 2019 per state noticing requirements. The Planning Commission will open the public hearing and take public comments and/or testimony on the dais and prior to any action.

## **Industrial Land Uses – Goals Policies & Programs**

*GOAL 1*

*A balanced mix of functionally integrated land uses meeting general social and economic needs of the community through simplified, compatible and consistent land use and zoning designations.*

The Project involves the repowering of an existing commercial wind energy facility and, thus, represents an identical use as the existing on-site use. Therefore, from a land use compatibility perspective, the Project would be consistent with the surrounding land use pattern and character of the surrounding area.

*Goal: Comprehensive and integrated administration and implementation of all elements of the Desert Hot Springs General Plan through consistent and effective policies and programs.*

The City has adopted a Zoning Ordinance to implement the General Plan and provide for review and approval of individual development projects. The proposed project will be subject to all requirements of the Conditional Use Permit, as prescribed by the Zoning Ordinance and the adopted Conditions of Approval.

*Goal: Lands that provide for the development of non-polluting, energy-related and other clean industrial development that broadens the economic and employment base of the City, and assures compatible integration with other, non-industrial land uses.*

The Project involves the repowering of an existing commercial wind energy facility and, thus, represents an identical use as the existing on-site use. Therefore, from a land use compatibility perspective, the Project would be consistent with the surrounding land use pattern and character of the surrounding area.

The Project site is located in the San Geronio Pass, a highly valuable area for wind energy. In the early 1980s wind energy development started in the San Geronio Pass area. The San Geronio Wind Resource Study and subsequent analysis delineate those portions of the wind resource area that offer an economically viable (developable) wind resource. The San Geronio Pass area is one of the world's most successful wind energy production sites, with the potential to generate up to 3,000 megawatts of electricity. As such, as described in the Desert Hot Springs General Plan, the City has a high potential for wind and other renewable energy use. The Desert Hot Springs General Plan specifically addresses the existing on-site commercial wind energy facility, stating that, "A proven energy resource area is the west end of the City; approximately 160 acres of windfarm development is located in the City and extensive windfarm development occurs in the west sphere area."

Overall, the Project would significantly improve the energy production capability of the Project site by deploying new, efficient, state-of-the-art wind turbine technologies that would generate more power per wind turbine and require less maintenance compared to the existing wind turbine facility. The wind energy generation on the Project site would become more reliable for more consistent energy production with less downtime and loss in energy.

In addition, the Project would generate construction jobs, construction-related spending in the City and throughout the region, and long-term property tax revenue, and would allow the applicant to maintain the current number of on-site operations personnel.

*Policy 6: The City shall require adherence to applicable development standards and guidelines to assure aesthetically acceptable industrial developments for all new industrial sites.*

The proposed wind-repowering project is in compliance with the development standards of the city with the request for a Variance to allow for the additional height. The project will be consistent with intent of the land use designation and will utilize the property for the abundant wind resources available on the site. The wind turbines will be aesthetically pleasing and match most to the other wind farms in respect to industry standards for color, materials and design.

## **Community Design – Goals & Policies**

*Policy 1: Private and public sector development projects shall equally apply City community design standards, thereby protecting the community's scenic viewsheds, providing community cohesion and enhancing the image of Desert Hot Springs as a resort residential community.*

The project site currently has 69 smaller antiquated wind turbines which will be replaced with 4 large, state-of-the-art wind turbines/platforms. Wind farms in the area have a commanding presence on the scenic viewshed, but because of the natural terrain and chokepoint of the two mountain ranges, an incredible opportunity to harvest renewable wind energy resources is readily available to this portion of the Coachella Valley and Riverside County. Staff has determined that the impact of 65 less wind turbines in an area where hundreds of wind turbines already exist will have little or no impact on the scenic viewshed of the area. Many tourists actually stop to take pictures of the wind turbines and some might even consider them a snap shot of the future, regarding what a modern sustainable energy landscape might well look like.

*Policy 11: Make every effort to expedite the processing of development proposals, which address the economic development goals of the community and take the initiative to incubate new programs and projects.*

The application for a Conditional Use Permit and Variance is required by the Desert Hot Springs Zoning Code to assure compatibility with surrounding land uses and to develop project-specific conditions to assure successful operation in concert with the City's development goals. The application has been processed expeditiously.

### **Hazardous and Toxic Materials**

*Goal: The assured safety of City of Desert Hot Springs residents and visitors through the regulation of the manufacture, transport, use and disposal of toxic and hazardous materials.*

Any hazardous or toxic materials associated with the proposed operation shall be regulated by the provisions of all applicable law, including the Desert Hot Springs Municipal Code.

### **Fire and Police Protection**

*Goal: A high level of police and fire protection and service.*

The proposed wind repowering facility will include security measures, including door locking systems, exterior lighting, camera monitoring and other systems to minimize the impact on police protection services. Consequently, the proposed wind repowering facility is not expected to demand a high level of police and fire protection services.

*Policy 1: All new and improved developments shall be reviewed for their impact on safety and the provision of police and fire protection services.*

The proposed wind repowering will necessitate little or no impacts to Police Department services. Any identified impacts on safety will be addressed by Conditions of Approval or regulatory requirements.



*Policy 2*

*Enforce fire standards and regulations in the course of reviewing building plans and conducting building inspections.*

All plans and improvements for interior or exterior building improvements will be subject to review and enforcement under fire codes and regulations.

## **AGENCY & PUBLIC REVIEW**

### ***Public Agency Review***

The proposed project was routed to all relevant public agencies and departments for review. Staff has received comments and conditions from all relevant departments as well as Conditions of Approval from the Coachella Valley Conservation Commission (Joint Project Review concluded in April 2019) and the Riverside County Airport Land Use Commission (hearing was held in June 2019). Both agencies approved the application for the proposed wind repowering project, and conditions from those agencies and from County Fire and our City Engineer have been incorporated into the attached draft conditions of approval (Exhibit No. 1).

### ***AB 52 Review***

The proposed project is subject to review by local Native American Tribal organizations, under Assembly Bill 52 (AB 52) requirements. Per AB 52 requirements, the Community Development Department sent notice to the potentially affected Native American Tribes, requesting their response within 30-days for formal consultation. The request for consultation period began back in early 2018 when the project was first submitted, and was re-routed for consultation again, on February 27, 2018. The request for consultation formally ended on March 26, 2018, with a formal request for continued consultation requested by the Morongo Band of Mission Indians. Staff and the applicant have since consulted with the Morongo tribe to provide the additional information they requested from the developer and the Morongo Tribe has since formally completed their consultation on the project.

### ***Public Hearing Notice***

The Draft Supplement to the Final Environmental Impact Report was circulated for review and public comments on May 17<sup>th</sup>, 2019. No comments were received with the exception of those wanting access to the electronic documents. The required 45-day comment period ended on July 1<sup>st</sup>, 2019. Two comment letters were received during this public review period: the first comment letter was received from the Sierra Club and Center for Biological Diversity; the second comment letter was from the Agua Caliente Band of Cahuilla Indians. Responses to each of these comment letters have been provided in the Final EIR.

A public hearing notice for the August 13<sup>th</sup>, 2019 Planning Commission hearing was sent on July 31<sup>th</sup>, 2019, to all neighboring property owners within a 300-foot radius of the project site and was advertised in the Desert Star Weekly on Friday August 2<sup>nd</sup>, 2019 (per state noticing requirements).

## **ENVIRONMENTAL ANALYSIS**

### **Background**

The City received applications from EUI in 2000 to install eight new wind turbines within the existing WECS 20 Wind Park facility. The Conditional Use Permit and accompanying variances were approved by the City in January 2001. Construction of the eight turbines had not commenced by the time the permits expired two years after issuance. In 2003, EUI applied with the City to have the permits reapproved. In 2009, the City certified the Revised Commercial WECS 20 Permit Project Final EIR (WECS 20 FEIR) evaluating the potentially significant environmental impacts of the proposed eight-turbine project and approved the corresponding Conditional Use Permit and Variance applications.

The potentially significant environmental impacts identified in the WECS 20 FEIR were reduced to a level considered less than significant through the adoption of mitigation measures that would avoid or substantially reduce impacts. No significant and unavoidable impacts were identified to occur in the WECS 20 FEIR. To date, the 2009 eight-turbine project has not been constructed.

### **Project Impacts/Mitigation Measures**

The Draft SEIR analyzed all environment resource areas previously evaluated in the WECS 20 FEIR, including aesthetics, air quality and greenhouse gas emissions, biological resources, cultural and tribal cultural resources, and noise. As indicated in Draft SEIR, with the incorporation of mitigation measures previously adopted as part of the WECS 20 FEIR approvals, no new or more severe impacts would occur as a result of the Project with regard to all of the resource areas outlined in the WECS 20 FEIR, including those aforementioned environmental topics listed above. Implementation of the Project would not result in any impacts that cannot be mitigated to a less than significant level. Therefore, the Project would not result in significant and unavoidable environmental effects. Refer to the Mitigation Monitoring and Reporting Program provided in a separate document for a comprehensive list of all mitigation measures applicable to the Project.

### **CEQA Compliance**

Pursuant to Section 21166 of the California Environmental Quality Act (CEQA) (Public Resources Code 21000–21189) and Section 15163 of the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000– 15387), the City of Desert Hot Springs (City) has prepared a Draft Supplemental EIR (Draft SEIR) to evaluate the potential environmental impacts associated with the implementation of the Desert Hot Springs Wind Energy Repowering Project (Project).

According to Section 15163(a), the Lead Agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if: (1) Any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, and (2) Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation. The qualifying condition is found in Section 15162(a)(1): Substantial changes are proposed in the project which will require major [or minor for supplemental per Section 15163(a)(2)] revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The Draft SEIR has been prepared to assess the potentially significant effects on the environment that could result from implementation of the Project. The Draft SEIR addresses the changes necessary to the previous WECS 20 FEIR so that the CEQA review for the Project adequately addresses the proposed Project modifications. It addresses the potential for new impacts not disclosed in the WECS 20 FEIR and increases in the severity of impacts disclosed in the WECS 20 FEIR as a result of the Project.

The resource area topics analyzed in the Draft SEIR have been determined through preparation of a Section 15163 Study (Appendix A to the Draft SEIR) and the scoping process conducted by the City. As indicated in Draft SEIR, no new or more severe impacts would occur as a result of the Project with regard to all of the resource areas outlined in the WECS 20 FEIR. Implementation of the Project would not result in any impacts that cannot be mitigated to a less than significant level. Therefore, the Project would not result in significant and unavoidable environmental effects. This finding is consistent with that made in the WECS 20 FEIR, which determined that the previously proposed project would not result in significant and unavoidable environmental impacts.

### **Recommendation**

Recommendation from staff to approve;

- (1) a Supplement to the Certified Final EIR for the DHS Wind Repowering project; and
- (2) Conditional Use Permit No. 01-18; proposing the development of up to four new 499-foot-tall wind turbines, a temporary guyed and a permanent lattice meteorological tower, and;
- 3) a Variance request to exceed the specific limitations of the City's Zoning Code (height of the structures) for the proposed wind turbines located on APN 667-160-001 to allow up to 499 feet in height.

### **EXHIBITS**

- 1) Draft Conditions of Approval
- 2) Site Plan, Elevations, Grading, etc.
- 3) Site Photo (Key)
- 4) Site Photo 1 (Existing)
- 5) Site Photo 1 (Proposed)
- 6) Site Photo 2 (Existing)
- 7) Site Photo 2 (Proposed)
- 8) Site Photo 3 (Existing)
- 9) Site Photo 3 (Proposed)
- 10) 2MW Platform Brochure
- 11) 3MW Platform Brochure
- 12) 4MW Platform Brochure
- 13) Draft Supplement to the Certified Final EIR (WECS 20 project)
- 14) SEIR Notice of Preparation
- 15) Response to Notice of Preparation – Native American Heritage Commission
- 16) Response to Notice of Preparation – Augustine Tribe
- 17) Response to Notice of Preparation – Southern CA Air Quality Mgmt. District
- 18) Response to Notice of Preparation – Riv. County Airport Land Use Commission

- 19) Response to Notice of Preparation – Bureau of Land Mgmt.
- 20) Response to Notice of Preparation – CVAG
- 21) Response to Notice of Preparation – Sierra Club & CBD
- 22) Geotechnical Report
- 23) Microwave Pathways Study
- 24) Original Certified Draft EIR (WECS 20 project)
- 25) Original Certified Final EIR (WECS 20 project)
- 26) Notice of Availability
- 27) CVCC Completion Letter
- 28) CVCC Final Joint Powers Review
- 29) Airport Land Use Commission Letter and Conditions
- 30) Metropolitan Water District Comment Letter
- 31) Final Supplement to the FEIR (Response to Comments, Mitigation Monitoring Program)