



# Strauss Wind Energy Project Appeal of Planning Commission's Design Review Preliminary Approval

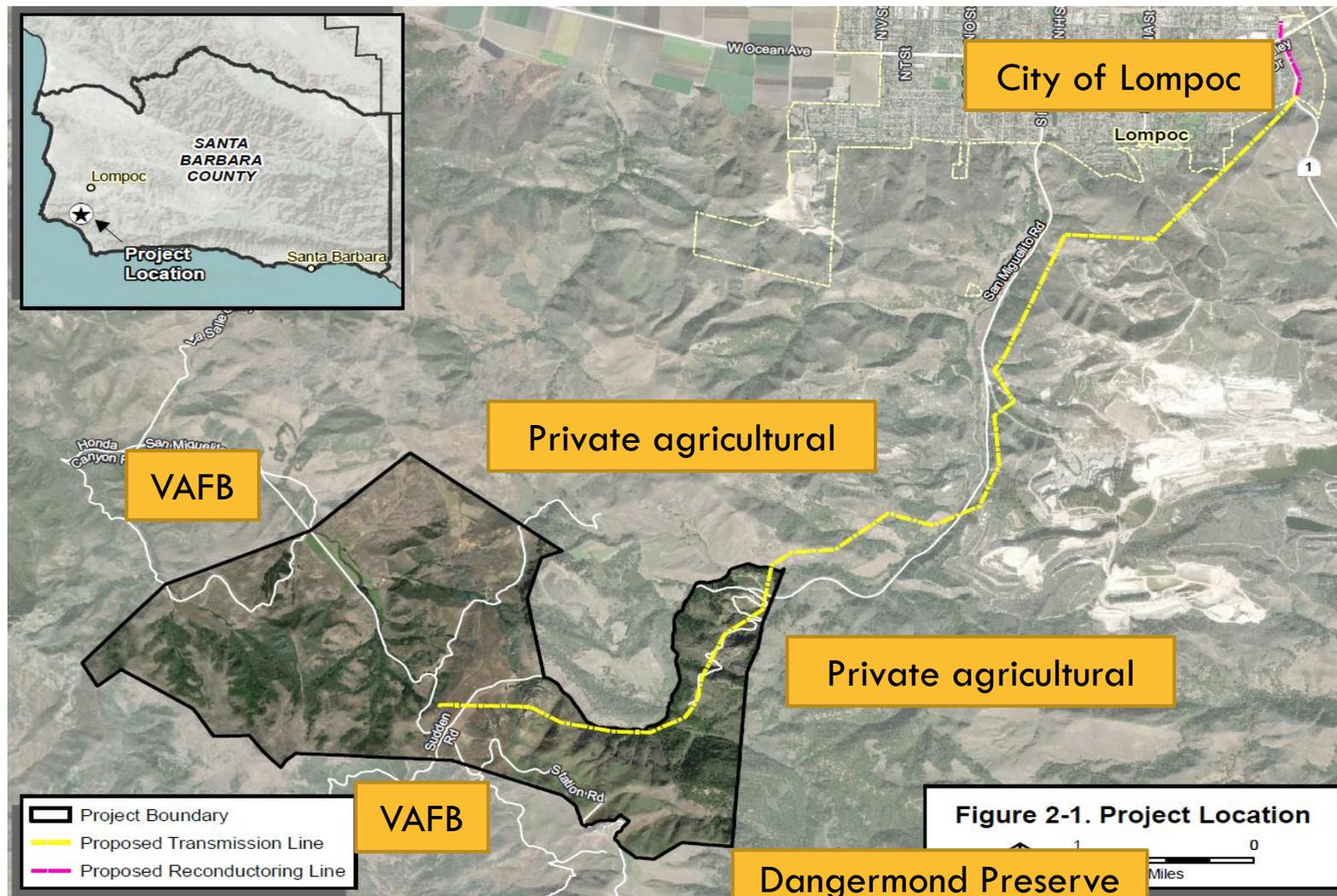
Case Nos. 20APL-00000-00008 and 18BAR-00000-00113

## Board of Supervisors Hearing

March 31, 2020



# Project Vicinity

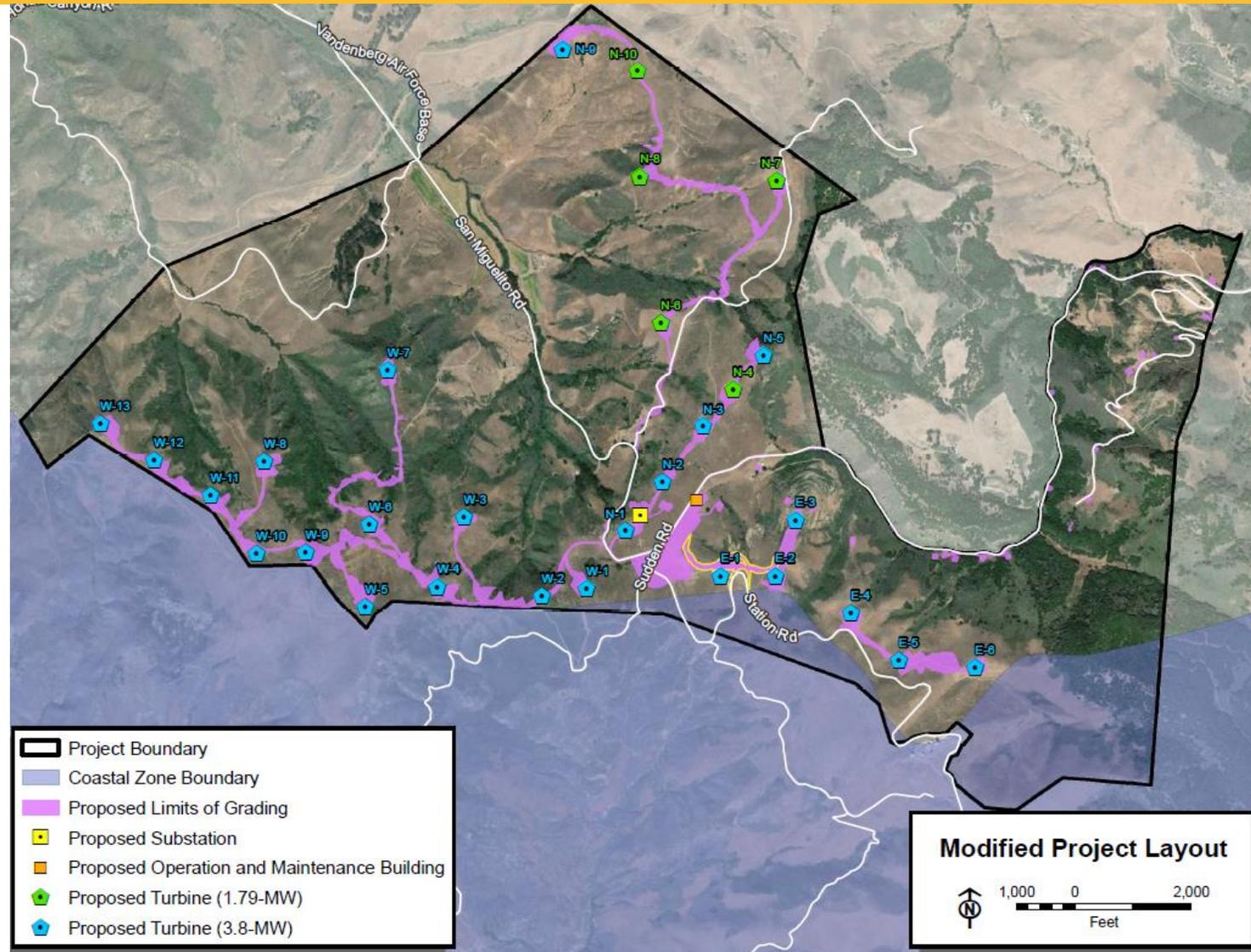




# SWEP Wind Turbine Site

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# Central BAR



- Design Review purpose and intent
  - Enhance visual quality of environment, etc.
  - Required to make specific findings
- CBAR seven meetings 2018-2019
  - CBAR Preliminary Approval – 12/13/19
  - Appealed to Planning Commission (PC) - 2 appellants
- PC Preliminary Design Review Approval – 2/26/20
  - Appealed to Board of Supervisors – Bedfords

# Technical Constraints



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- Wind Turbines
  - Height, design, color, and location
- Substation and Switchyard
  - Electrocutation and fire safety designs - gravel and fencing
- Transmission Line
  - Location – reduces biological impacts
  - Design - consistent with accepted industry and regulatory standards and protective measures.

# Technical Constraints – Wind Turbines



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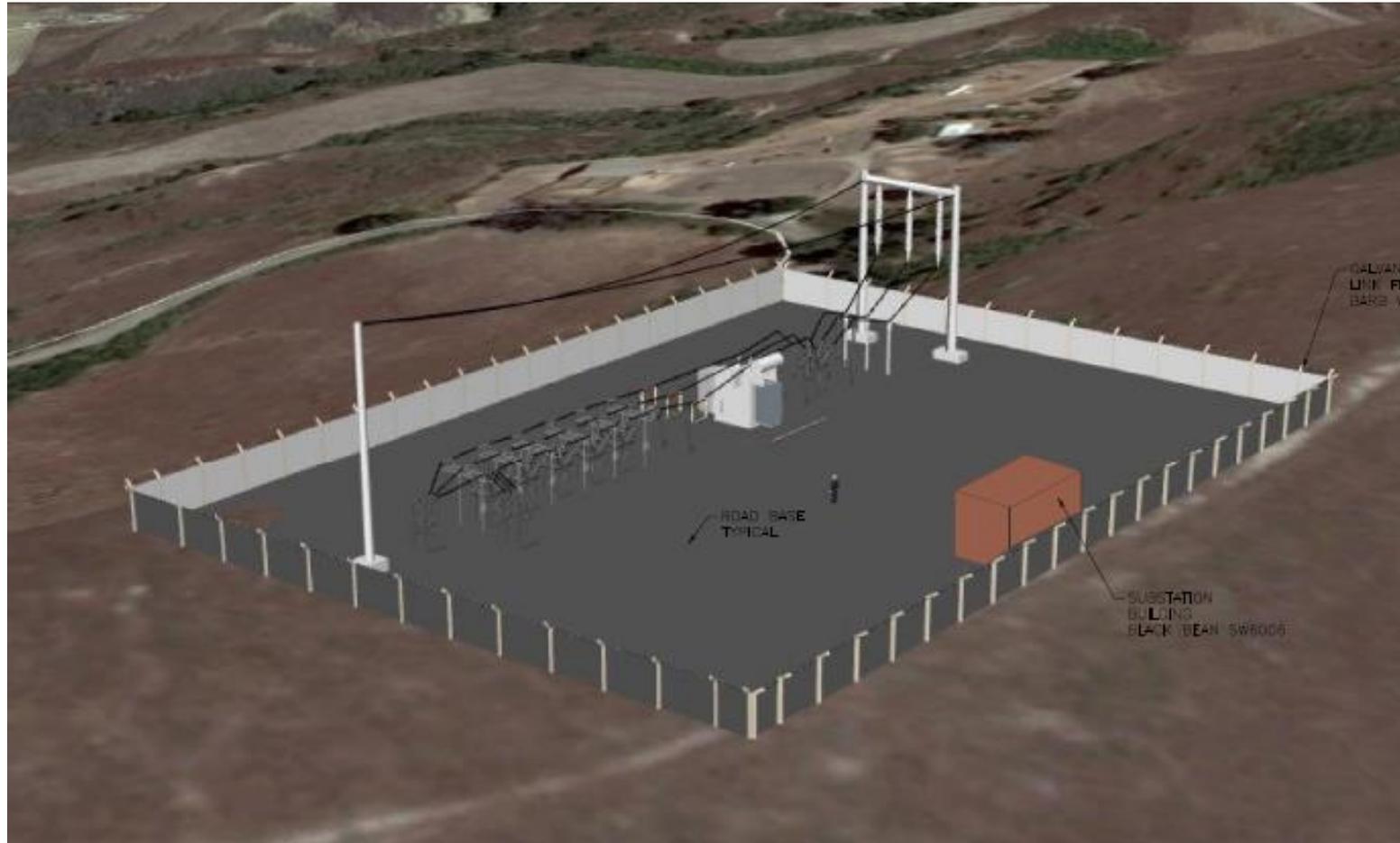


# Technical Constraints – Substation



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# Technical Constraints – Switchyard



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# Technical Constraints – Transmission Line

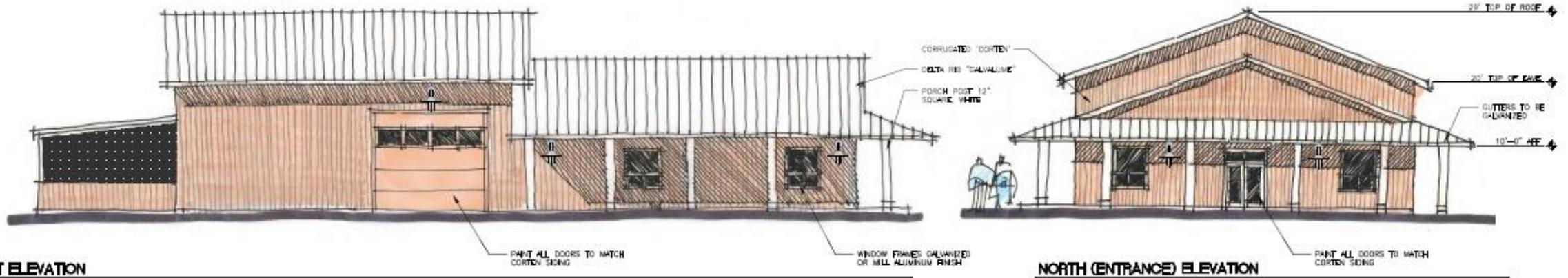




# Operations & Maintenance Building

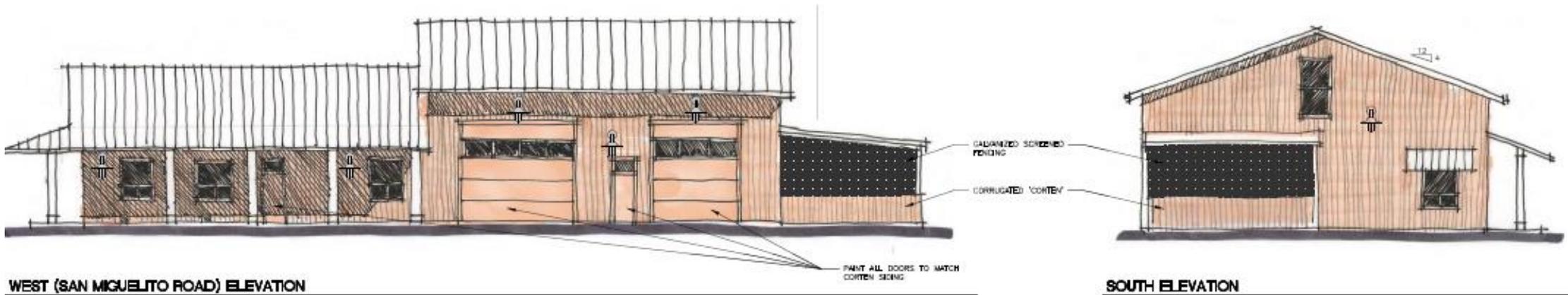
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**EAST ELEVATION**

**NORTH (ENTRANCE) ELEVATION**



**WEST (SAN MIGUELITO ROAD) ELEVATION**

**SOUTH ELEVATION**

# Operations & Maintenance Facility



## HYDROSEED NOTES

### NATIVE HYDRO-SEED MIX

SEED MIX MUST BE PURCHASED FROM S&S SEEDS (SEE CONTACT INFORMATION BELOW). NO SUBSTITUTION PERMITTED UNLESS APPROVED BY THE LANDSCAPE ARCHITECT.

SPECIES	LBS./ACRE
ARTEMISIA CALIFORNICA	0.10
ISOCOMA MENZIESII	0.25
ACMISPON GLABER BREVIOLATUS	2.00
SALVIA MELLIFERA	1.00
FESTUCA MICROSTACHYS	6.00
STIPA PULCHRA	4.00
ESCHSCHOLZIA CALIFORNICA	1.00
POA SECUNDA	2.00
TRIFOLIUM WILLDENOVII	2.00
LUPINUS BICOLOR	1.00
CAMISSONIOPSIS CHEIRANTHIFOLIA	0.25
BROMUS CARINATUS	6.00
NIMULUS AURANTIACUS	0.10
LASTHENIA CALIFORNICA	0.30
SISYRINCHIUM BELLUM	0.50
MELICA IMPERFECTA	1.00

FOR MODERATE TO SEVERE SLOPES AND INSTALLATIONS ANY TIME OF THE YEAR FOR CRITICAL AREAS WHERE MAXIMUM PERFORMANCE IS ESSENTIAL INCLUDING WATERWAYS, CHANNELS, BIOSWALES AND BASINS:

- SLOPE ANGLES UP TO 0.25:1
- SLOPE LENGTH MAXIMUM OF 75 FT. (WITHOUT SLOPE INTERRUPTION DEVICES)
- EROSIIVE SOIL TYPES
- FLEXTERRA HP-FGM HAS NO CURE TIME
- FUNCTIONAL LONGEVITY OF UP TO 18 MONTHS

FLEXTERRA HP-FGM	4,000 LBS./ACRE
TRI-C HUMATE ORG. SOIL COND.	500 LBS./ACRE
BIOSOL FORTE 7-9-1 ORGANIC FERT.	800 LBS./ACRE
AM 120 MYCORRHIZAL INOCULUM	60 LBS./ACRE

FOR MORE DETAILS PLEASE VISIT [WWW.SSSEEDS.COM](http://WWW.SSSEEDS.COM) OR CALL 805.684.0436

## GENERAL NOTES



Gravel



Native Hydro-Seed Mix



Magenta Rock Rose

BE UNDERGROUND, AUTOMATIC WITH POP-UP  
TION RATE HEADS TO BE USED TO MINIMIZE RUNOFF.  
ER.  
LLATION.  
OF CALIFORNIA MODEL WATER CONSERVATION  
RA STANDARDS AND CODES.  
BY OTHERS.  
L BE RETURNED TO ORIGINAL CONDITION.  
S CONSTRUCTION DOCUMENTS.  
ER TO PROTECT AGAINST HARDSCAPE DAMAGE.  
TREE LIST.

# Issue 1 - George and Cheryl Bedford



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## □ Appellant asserts:

- CBAR members admitted on the record that they did not review the wind turbines and could not make the 9 required findings on wind turbines.
- CBAR's Preliminary Design Review approval and the Planning Commission's affirmation of Preliminary Design Review approval was improper and an abuse of discretion

# Issue 1 - George and Cheryl Bedford



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## □ Staff response:

- CBAR reviewed the wind turbines at a number of meetings, including site visit.
- CBAR granted Preliminary Design Review approval and made the nine required findings.
- PC granted Preliminary Design Review approval *de novo* based on the Findings (Attachment 1).
- Preliminary Design Review approval was not improper nor an abuse of discretion.

# Issue 2 - George and Cheryl Bedford



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## □ Appellant asserts:

### ■ CBAR and PC:

- Failed to comply with the language of the nine Design Review findings, and
- Improperly used Visual Policy No. 2 to circumvent making the required findings for the project's wind turbines.

# Issue 2 - George and Cheryl Bedford



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## □ Staff response:

- CBAR's findings consider applicable Comprehensive Plan policies and LUDC zoning regulations - which encourage development of wind energy projects, while acknowledging that technical requirements may limit design flexibility.
- Consideration of these relevant policies is not improper.

# Findings



- Findings required for all Design Review applications (LUDC Section 35.82.070.F.1)
- Staff prepared written findings (Attachment 1)
- Summary of Findings
  - Project compatible with surrounding environment in regards to layout, scale and harmony of color and materials
  - Adequate landscaping and appropriate signs and lighting
- Staff recommends findings be made, considering technical constraints to some project components

# Revised Finding 2.0



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## 2.0 ADMINISTRATIVE FINDINGS

### Design Review Findings

Findings required for all Design Review applications. In compliance with Subsection 35.82.070.F.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for Design Review the review authority shall first make all of the ~~following~~ findings: below.

As set forth in County Code Section 2-33.14, in making the following Design Review findings, the purpose of applicable County Land Use and Development Code (LUDC) provisions and Comprehensive Plan policies have, in part, been taken into consideration, including Land Use Element, Visual Resource Policy 2 and LUDC §§ 35.57.010, 35.30.090.E(6), 35.57.050.K. These applicable LUDC provisions and Comprehensive Plan policies indicate the County's intent to encourage wind energy projects while acknowledging that technical constraints may limit design alternatives, and that efforts to minimize adverse visual impacts may be limited by what is feasible for such projects.

# Staff Recommendation



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- ❑ Deny the appeal
- ❑ Make the required findings (Attachment 1), *including the revision to Finding 2.0.*
- ❑ Certified SEIR (18EIR-00000-00001) and Final SEIR Revision Letter #1 dated November 12, 2019 (Attachment B) may be used to fulfill environmental review requirements for Preliminary Design Review Approval and no additional environmental review is required pursuant to CEQA.
- ❑ Grant *de novo* Preliminary Design Review Approval.