

SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

625 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:  
March 1, 2007

**SUBJECT:** CONDITIONAL USE PERMIT NO. 3499 – Applicant: Valle Del Sol Energy, LLC – Engineer / Representative: CH2MHill (Doug Davy) - Third Supervisorial District – Romoland Zoning Area – Sun City / Menifee Valley Area Plan: Community Development: Light Industrial (CD-LI) (0.25 - 0.60 Floor Area Ratio) – Location: Southerly of Santa Fe Railroad, northerly of Rouse Road, westerly of Menifee Road and easterly of Junipero Road – 37.3 Gross Acres - Zoning: Manufacturing - Service Commercial (M-SC) - **REQUEST:** The use hereby permitted is to construct the Sun Valley Energy Project that will be a natural gas-fired, simple cycle electric generating facility rated at a nominal capacity of 500 megawatts. The project includes five combustion turbines, a 3,200 square foot administration building, a 1,600 square foot maintenance shop, a 2,400 square foot warehouse, 5,400 square foot gas compressor/air compressor building, a 10,555 square foot cooling tower, a 52,590 square foot retention pond, and 7 parking spaces.

**RECOMMENDED MOTION:** That the Board of Supervisors endorses and authorizes the Chairman to sign the attached letter to the CEC. The letter includes by reference recommended Conditions of Approval for the project from appropriate County Agencies.

REVIEWED BY EXECUTIVE OFFICE

DATE 3/5/07 *mg*

Departmental Concurrence

Ron Goldman  
Planning Director

RG:cv

Policy

Policy

Consent

Consent

Dept'l Recomm.:

Per Exec. Ofc.:

Prev. Agn. Ref.

District: Third

Agenda Number:

3.42

# COUNTY OF RIVERSIDE

## TRANSPORTATION AND LAND MANAGEMENT AGENCY

Tony Carstens · Agency Director

### Planning Department

Robert C. Johnson · Planning Director

March 13, 2007

Robert Worl  
Project Manager  
California Energy Commission  
1516 Ninth Street, MS 15  
Sacramento, CA 95814

RE: Sun Valley Energy Project

California Energy Commission (CEC) Staff recently requested that Riverside County provide input as to whether the proposed Sun Valley Energy Project electric generating facility complies with relevant local land use laws, ordinances, regulations, and standards (LORS).

Over the past several months, representatives of Valle del Sol, LLC, the project proponent, have been discussing the proposed project with the Riverside County Planning Department. The Planning Department along with other reviewing departments have reviewed plans for the proposed project along with a copy of the Application for Certification and related documents.

Based on our discussions with Valle del Sol, LLC representatives and CEC staff, and our review of the Warren-Alquist Act, The County understands that the CEC has exclusive authority to certify all power plant sites and related facilities in California. The issuance of a certificate by the CEC operates in lieu of any permit or authorization required by any state or local agency, including land use authorizations. Valle del Sol, LLC representatives and CEC staff have explained that as part of the review process, the Warren-Alquist Act requires that the CEC determine whether a project complies with applicable LORS. In order to fulfill that requirement, the CEC typically requires input from the regulatory agencies that administer LORS that apply to potential projects.

The County Planning Department has carefully considered whether the Sun Valley Energy Project, including the power generating facility, and all ancillary facilities, would conform to applicable local land use LORS. Our analysis is contained in the enclosed Attachment 1, Sun Valley Energy Project Land Use Conformity Analysis, Local Laws, Ordinances, Regulations, and Standards. For each project feature, we identify the applicable zoning designation, analyze compliance with those designations, describe the type of County authorization that would be required (if any) and list conditions that the County would impose in an authorization.

Summarized below are the actions which the County Planning Department would recommend if the County were the agency responsible for permitting the Sun Valley Energy Project:

Natural Gas-fired Power Generation Facility: In the view of the County Planning Department, a power generating facility is similar in character and intensity to uses identified as conditionally authorized in the M-SC zone. As a result, the Planning Department would recommend that the County Planning Commission authorize the power generating facility as a conditional use in the M-SC Zone, based on findings set forth in Exhibit A to Attachment 1 and subject to the conditions listed in Exhibit B. With a conditional use permit incorporating the listed conditions, the power generating facility would be consistent with local land use LORS.

Exhaust Stacks: In the view of the County Planning Department, the combination of the project site's unique physical characteristics and the application of South Coast Air Quality Management District regulations to the project site constitute special circumstances that are consistent with the intent and

purpose of the M-SC zone classification. In accordance with County Ordinance No. 348, section 18.34 paragraph (b), the permit application may allow up to 105'. With this definition of the allowed height by the permit, the stacks would be consistent with local land use LORS.

Electric Transmission Facilities: The electric generation tie line facilities necessary to interconnect the Sun Valley Energy Project with the existing Southern California Edison (SCE) transmission system will be reviewed in the CEC process. SCE is a public utility regulated by the California Public Utilities Commission. As a result, the construction, operation, and maintenance of the project-related electric transmission facilities will be regulated by the CEC and CPUC, and no permitting action would be required by the County.

Please contact Robert C. Johnson, Planning Director or Russell Brady, Contract Planner at (951) 955-1888 if you have any questions regarding this analysis or if you require additional information.

Sincerely,

John F. Tavaglione, Supervisor  
Second District  
Chairman of the Board

## ATTACHMENT 1

### SUN VALLEY ENERGY PROJECT LAND USE CONFORMITY ANALYSIS: LOCAL LAWS, ORDINANCES, REGULATIONS AND STANDARDS

#### I. Introduction

Valle del Sol, LLC (the applicant) proposes to construct the Sun Valley Energy Project, a 500 megawatt (MW) natural gas-fired combined-cycle power generating facility near Romoland in an unincorporated portion of Riverside County. The Sun Valley Energy Project also includes the following ancillary features in addition to the power generating facility: five exhaust stacks, and electrical transmission facilities. These facilities, together with the power generating facility, comprise the "project."

The power generating facility area is bounded by Matthews Road to the north and Junipero Road to the west. The adjacent properties are vacant.

The project is subject to the Riverside County (County) land use ordinances and regulations contained in County Ordinance No. 348, the Riverside County Land Use Ordinance (Land Use Ordinance). Following is a detailed analysis of how the Land Use Ordinance would be applied to each of the project features if the County were the agency responsible for issuing land use authorizations for the project.

#### **II. Applicability of Relevant Land Use Ordinance Provisions to the Proposed Project**

##### **A. Natural Gas-Fired Power Generation Facility**

The applicant proposes to construct a 500 MW natural gas-fired simple-cycle power generation facility (energy facility) on an approximately 37.3-acre grouping of parcels (Assessors Parcel Nos. 331-250-019 and 331-250-020) in Section 14, Township 5 South, Range 3 West, near the unincorporated community of Romoland in Riverside County, California (project site). The energy facility will consist of five combustion turbine-generators with auxiliary equipment which includes an inlet air filter house with evaporative cooler, turbine inter-cooler, 5-cell mechanical-draft cooling tower and circulating water pumps, natural gas compressors, generator step-up and auxiliary transformers, and water storage tanks.

The project site is subject to the land use restrictions contained in the Riverside County General Plan and Land Use Ordinance. The project site is designated for Light Industrial Land Use by the Riverside County General Plan. The project site is currently zoned Manufacturing-Service Commercial (M-SC). Section 11.2 of the Land Use Ordinance defines the uses authorized in the M-SC zone. This section does not specifically list natural gas-fired power generating facilities as permitted or conditionally permitted uses. However, Section 11.2(g) of the Land Use Ordinance provides that the energy facility may be considered a conditionally permitted use in the M-SC zone if the County Planning Director finds the energy facility land use is substantially the same in character and intensity as uses specifically identified as either permitted uses or conditionally permitted uses in the M-SC zone.

The energy facility is substantially similar in character and intensity to several permitted uses in the M-SC zone, such as textile mills, Section 11.2(b)(1)(b); wood product mills, Section 11.2(b)(1)(c); paper and paperboard mills, Section 11.2(b)(1)(d)(1); manufacture of agricultural chemicals, Section 11.2(b)(1)(e)(1); manufacture of metal products Section 11.2(b)(1)(h); manufacture of machinery, Section 11.2(b)(1)(i); and public utility substations, Section 11.2(b)(2). It is also similar to several conditional uses in the M-SC zone, such as fertilizer production, Section 11.2(c)(6), petroleum and bulk fuel storage, Section 11.2(c)(7); paints and varnishes manufacturing, Section 11.2(c)(8); and above-ground natural gas storage, Section 11.2(c)(15). In

fact, the energy facility would be considered a less intensive use than these uses. As a peaking facility, it would operate only part of the time. It would have fewer employees than most of these uses, and would generate little vehicle or truck traffic than these uses. Thus, consistent with the Land Use Ordinance, the energy facility could be authorized in the M-SC zone as a conditionally permitted use.

### **B. Exhaust Stacks**

The energy facility includes five exhaust stacks that will be located adjacent to the generators. Each stack will be 90 feet tall. The maximum height allowed for any structures other than buildings in the M-SC zone is 50 feet, per Land Use Ordinance Section 11.4(c)(3) unless a height up to 105 feet is approved pursuant to Section 18.34 of this ordinance. In the view of the County Planning Department, the combination of the project site's unique physical characteristics and the application of South Coast Air Quality Management District regulations to the project site constitute special circumstances that are consistent with the intent and purpose of the M-SC zone classification. In accordance with County Ordinance No. 348, section 18.34 paragraph (b), the permit application may allow up to 105'. With this definition of the allowed height by the permit, the stacks would be consistent with local land use LORS.

### **C. Electric Generation Tie-In Facilities**

The project will be interconnected to the existing Southern California Edison (SCE) transmission system at the SCE Valley Substation, located approximately one quarter-mile north of the project site.

The CEC has jurisdiction over siting of the generation tie-in facilities to the point of first interconnect. The Sun Valley Energy Project is only 600 feet from the SCE Valley substation and would interconnect across parcels already used for various 115 kV and 500 kV easements with existing facilities. In addition, these parcels have the same General Plan land use designation and zoning as the SVEP site. These facilities are very consistent and generally the same as the facilities in a public utility substation which is a permitted use in M-SC. Consistent with the Land Use Ordinance, these facilities would be a permitted use in M-SC zone.

**EXHIBIT A**  
**SUN VALLEY ENERGY PROJECT**

**FINDINGS:**  
**CONDITIONAL USE PERMIT**

**In accordance with Section 11.2(g) of the Land Use Ordinance, the following are the findings that would support a determination by the County Planning Director that the natural gas-fired power generating facility proposed by Valle del Sol, LLC is substantially the same in character and intensity as the other permitted and conditionally permitted uses in the M-SC zone and, therefore may be authorized as a conditionally permitted use in the M-SC zone.**

The M-SC zone does not specifically list power generation facilities as permitted or conditionally permitted uses (County Code Article XI). The County Code provides that any use that is not specifically listed as a permitted or conditionally permitted use may be considered a permitted or conditionally permitted use if the Planning Director finds that the proposed use is "substantially the same in character and intensity" as those listed in the sections which identify permitted or conditionally permitted uses (County Code Section 11.2g). Here, the proposed energy facility is of substantially the same character and intensity, or even less intensity, as uses specifically identified as permitted or conditionally permitted uses. For example, uses of similar character and intensity to the energy facility would include textile mills, Section 11.2(b)(1)(b); wood product mills, Section 11.2(b)(1)(c); paper and paperboard mills, Section 11.2(b)(1)(d)(1); manufacture of agricultural chemicals, Section 11.2(b)(1)(e)(1); manufacture of metal products Section 11.2(b)(1)(h); manufacture of machinery, Section 11.2(b)(1)(i); and public utility substations, Section 11.2(b)(2), acid and abrasives manufacture, Section 11.2(c)(5).

- A. The project is similar in aesthetic character and land use intensity as a public utility substation, a permitted use under 11.2(b)(2).
  1. The purpose of both uses is the transformation and distribution of electrical energy. The purpose of the project is to convert the thermal energy of natural gas to electrical energy for distribution to the electrical service grid. The substation transforms electrical energy from one voltage to another for distribution to the electrical service grid.
  2. The project has the potential to result in similar or less intense visual and aesthetic impacts than an electrical substation. Both land uses necessitate the construction of large structures and transmission support towers and transmission conductors.
  3. Both land uses require a moderate amount of land. The project requires about 20 acres. The nearby SCE Valley Substation, for example, is approximately 50 acres in size.
- B. The project is also similar to, but a less intensive use than, manufacturing uses such as manufacture of agricultural chemicals, a permitted use under Land Use Ordinance Section 11.2(b) or the manufacture of acids and abrasives, a conditional use under Section 11.2(c)(5). For each of these uses, the primary activity takes place within enclosed systems of mechanical equipment. The project uses a closed thermodynamic cycle to convert natural gas to electricity. Manufacturing processes for agricultural chemicals or acids and abrasives also takes place within enclosed mechanical systems.

- C. The project is similar to the manufacture of engines, turbines, and parts, Section 11.2(b)(1)(i)(1), in the potential to emit similar types of air pollutants. Air emissions from plants that manufacture engines and turbines typically include testing facilities at which the engines and turbines similar to those in operation at the project will operate and emit nitrogen oxides, sulfur dioxide, particulates, and volatile organic compounds. The project will be required to control emissions of nitrogen oxides, sulfur dioxide, particulates, and volatile organic compounds to less than significant levels, in accordance with South Coast Air Quality Management District rules and regulations.
- D. The project has the potential to result in similar or less intensive noise impacts than draying, freighting, and trucking operations, a conditional use under Land Use Ordinance Section 11.2(c)(18). The project would be relatively quiet and would have less than significant noise impacts on surrounding properties. As a general rule, simple-cycle plants like the proposed project, even those without significant noise controls, do not produce discrete tones that are prominent or noticeable at typical receptor distances. In contrast, the noise generated by the constant truck traffic at a freighting operation, would be significantly greater than the relatively quiet operations at a simple-cycle power generation facility like the proposed project.
- E. The project is substantially the same in character as, or less intensive than, above-ground natural gas storage, a conditionally permitted use under Land Use Ordinance Section 11.2(c)(15) because both would involve the use and handling of natural gas. The project does not involve the storage of gas, however.
- A. F. The project has the potential to create substantially less odor impacts than a fertilizer production facility, a conditional use under Land Use Ordinance Section 11.2(c)(6). The project, which will burn clean natural gas, will not produce any noticeable odors detectable in the surrounding area. In comparison, fertilizer production and processing facilities emit strong odors and associated impacts that require buffering from the surrounding community.

**EXHIBIT B**

**SUN VALLEY ENERGY PROJECT**

**CONDITIONS:  
CONDITIONAL USE PERMIT**

**ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD**