

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

135B



FROM: TLMA - Planning Department

SUBMITTAL DATE:  
December 2, 2010

**SUBJECT: COMMERCIAL WECS PERMIT NO. 71, SUBSTANTIAL CONFORMANCE NO. 4**

- Applicant: Mark Technologies - Engineer/Representative: The Altum Group - Fifth Supervisorial District - Whitewater Zoning Area - 640 Acres - Western Coachella Valley Area Plan: Open Space - Rural (OS-RUR) (20 Ac. Min.) - Location: Northerly of Interstate 10, westerly of Whitewater Canyon Road - 640 Acres - Zoning: Wind Energy (W-E) - Request: A substantial conformance request to potentially remove 134 existing Danwin and Vestas wind turbines, install fifteen (15) previously approved but uninstalled Gamesa 850 kilowatt (kW) turbines up to 230 feet in height or similar turbines in the same locations with a maximum overall height of 275 feet, and install 27 new Nordex N80 2.5 megawatt (MW) turbines up to 329 feet in height, or similar turbines in the same locations with a maximum overall height of 339 feet, reducing the total number of overall wind turbines from 159 existing turbines to 67 turbines (69% reduction), plus construct new substation. The substantial conformance involves new grading on an existing slope of up to approximately 329,000 cubic yards of cut and 129,000 cubic yards of fill. The substantial conformance was required to go through Joint Project Review to review "take" issues within the Coachella Valley Multi-Species Plan and was determined to be within the allowed 8% "take", with no additional "take" required based on the applicant grading plans.

**RECOMMENDED MOTION:**

**RECEIVE AND FILE** the Notice of Decision for the above referenced substantial conformance of a Commercial WECS permit acted on the by the Planning Director on November 18, 2010.

*Carolyn Syms Luna*  
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Carolyn Syms Luna  
Planning Director

Initials:  
CSL:jo *o,m*

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REVIEWED BY EXECUTIVE OFFICE  
*Carolyn Syms Luna*  
DATE  
Departmental Concurrence  
Jennifer Sargent

Dep't Recomm.:  Policy  Policy  
Per Exec. Ofc.:  Consent  Consent

Prev. Agn. Ref.

District: Fifth

Agenda Number:

1.7

The Honorable Board of Supervisors

Re: **COMMERCIAL WECS PERMIT NO. 71, SUBSTANTIAL CONFORMANCE NO. 4**

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The Planning Department recommended Approval; and,  
**THE PLANNING DIRECTOR:**

**APPROVED SUBSTANTIAL CONFORMANCE NO. 4 FOR COMMERCIAL WECS PERMIT NO. 71**, subject to all previous conditions, and amended conditions, as applicable, will allow for the overall potential reduction of wind turbines from 159 existing turbines to 67 turbines. Conditions have been drafted for Substantial Conformance No. 4 to reflect the changes to Commercial WECS Permit No. 71 (attached).

The overall reduction of wind turbines consists of the following:

- A) Remove 134 existing Danwin and Vestas V47-160 kW wind turbines.
- B) Keep 19 existing Danwin 160 kW V47-160 kW wind turbines.
- C) Keep six (6) existing Vestas V27-225 kW wind turbines.
- D) Install 15 previously approved but unbuilt G52-850 kW Gamesa wind turbines up to 230 feet in height, or similar turbines in the same locations with a maximum overall height of 275 feet.
- E) Install 27 Nordex N80 2.5 MW wind turbines up to 329 feet in height, or similar turbines in the same locations with a maximum overall height of 339 feet.
- F) Construct new Substation.

The substantial conformance request is due to market conditions toward larger and more efficient wind turbines according to the applicant. The proposed changes under the Substantial Conformance will not increase density or intensity of the approved use. The number of WECS would be reduced and not result in greater environmental impacts than the approved use. Two relevant environmental issues with this wind energy project are noise and visibility. The noise study reviewed by the Office of Industrial Hygiene shows the proposed wind turbines are well below 45 dBA noise level threshold with respect to the nearest residential lot within the Bonnie Bell Subdivision. Also, with respect to any new towers being visible, the proposed plans have been designed so that all new turbines will limit visibility from the Bonnie Bell Subdivision. Additionally, slight difference in heights (29.5 feet) between the currently permitted Gamesa turbines and the new Nordex turbines would be indistinguishable from the Interstate 10 freeway due to a distance of approximately 3,900 feet from the closest turbine to the freeway. Furthermore the reduction in turbines amounts to an approximate 69% reduction in total WECS for WCS No. 71 resulting in reduced visual impacts and the number of turbine pads will be reduced and prior disturbed areas will improve towards natural habitat.

The decision of the Planning Director is considered final and no action by the Board of Supervisors is required unless, within 10 days after the Notice of Decision appears on the Boards Agenda, the applicant or an interested person files an appeal accompanied by the fee set forth in Ordinance No. 671, with the Clerk of the Board; or unless the Board assumes jurisdiction by ordering the matter set for public hearing.

**BACKGROUND:**

This substantial conformance was applied for in October 2007 with several changes to the proposed grading plans with the most recent plans received in July 2010. The project was required to go through Joint Project Review (J.P.R.) with the Coachella Valley Association of Governments (CVAG) since the site is located in the Stubbe and Cottonwood Canyons Conservation Area under the Coachella Valley Multi-Species Plan (BOS Policy A-61). CVAG determined the project could proceed subject to their Avoidance, Minimization, and Mitigation Measures Plan dated March 9, 2010 which allows 33 acres of new "take" based on the most recent grading plans. The grading plans have also been reviewed by the Building and Safety Department and were plan check approved on 4/13/10 under BGR080214.

Commercial WECS Permit No. 71 was originally approved in 1986. Subsequent revised permits to add and reconfigure turbines have occurred since the original approval. The most recent permit, Commercial WECS Permit No. 71, Revised Permit No. 9, was approved in January 2006 to add 60 additional turbines which have not been built. There are currently 159 existing turbines on the site.

Section 18.42a of Ordinance No. 348 provides for the modification of approved Commercial WECS permits. Substantial conformance applications for commercial WECS permit are processed by different procedures separate from other permits such as plot plans or conditional use permits, pursuant to Ordinance No. 348. In the case of substantial conformances to WECS permits, actions by the Planning Director are subject to review by the Board of Supervisors under a notice of decision format with notice of the Planning Director's decision, along with all altered conditions of approval required to be mailed to the applicant, any person who has made a written request for a copy of the decision, and all property owners within a half mile radius of the project property. With regards to this substantial conformance request, the notice to property owners has been completed by the Planning Department prior to the matter appearing on the Board's Agenda.