

TABLE OF CONTENTS

PLANNING COMMISSION MEETING December 7, 2021

FILE NUMBER:	UP #2021-006
PROPERTY OWNER:	HL Power
TYPE OF APPLICATION:	Use Permit

Staff Report.....	001
Vicinity Map	006
Draft Resolutions	007
Memo from the November 4, 2021, Technical Advisory Committee meeting	014
Applications and Related Materials (including Site Maps)	023

LASSEN COUNTY PLANNING COMMISSION
STAFF REPORT
December 7, 2021

FILE NUMBER:	Use Permit #2021-006
APPLICANT:	HL Power
TYPE OF APPLICATION:	Use Permit (Amendment)
GENERAL LOCATION:	The project site is located approximately 2.5 miles east of the intersection of Wendel Road and U.S. Highway 395, at 732-025 Wendel Road, Wendel CA.
ASSESSOR'S PARCEL NUMBERS:	119-350-077
PROJECT SITE ZONING:	E-A-G (Exclusive Agricultural District, Geothermal Combining District).
GENERAL PLAN:	"Intensive Agriculture/Geothermal Development District" land use designation in the <i>Wendel Area Plan, 1987</i> .
ENVIRONMENTAL DOCUMENT:	Exempt/Not Subject to Further Review (see discussion)
ASSIGNED STAFF:	Matt May, Chief Planner

AUTHORITY FOR APPLICATION:

Use Permit Provision, Lassen County Code Section 18.112 et seq. established regulations.
Uses Allowed by Use Permit in E-A District, Lassen County Code Section 18.66.040(7).
Uses Allowed by Use Permit in G Combining District, Lassen County Code Section 18.90.050(a).

REGULATING AGENCIES:

Agency

Planning Commission

Planning and Building Services

Environmental Health

Public Works

Lahontan Regional Water Quality Control Board

California Department of Toxic Substances Control

Identified Permits/Approvals

Use Permit/Mitigated Negative
Declaration Approval

Building Permit

Approval of Hazardous Materials (if
necessary)

Encroachment Permit

Discharge Permits or Approvals (if
necessary)

Approval of Toxic Substance Disposal
at Decommissioning (if necessary)

PROJECT DESCRIPTION: The applicant is proposing a Battery Energy Storage System (BESS) on a 5-acre portion of the existing HL Power 30 MW biomass power plant: phase 1 of the project will be 20 MWh, phase 2 will be 100 MWh (total of 120 MWh). The BESS will be composed of modular battery containers; each modular battery container includes electrochemical cells, racking system, BMS control system including software, thermal management, power conversion system, and a fire detection/suppression system. Each modular containers is approximately the size of a 30-foot shipping container designed for railroad transportation. There are approximately 80-120 BESS containers proposed on the 5-acre site. The project will also include a new prefabricated substation for the BESS situated on the northwest corner of the 5-acre project site. Electrical Energy stored by the BESS will be utilized for

cold starting of the biomass power plant, which currently cannot be started to produce electricity if the power is already out. Excess power will be sold offsite.

BACKGROUND: Lassen County Code Section 18.66.040(7) allows for “commercial electrical generating facilities” by use permit in the E-A district “if the produced power is intended for sale or distribution off premises”, and Use Permit No. 8-03-86 was approved for the existing biomass power plant and this project is considered ancillary to that facility.

PROJECT SITE CHARACTERISTICS: The project site is located approximately 2.5 miles east of the intersection of Wendel Road and U.S. Highway 395. APN 119-350-077 is located at 732-025 Wendel Road, Wendel CA. The subject parcel is developed and the proposed BESS location has been previously disturbed for operation of the existing biomass power plant.. The subject parcel is not within the 100-year flood zone as described by the Federal Emergency Management Agency. See the “Environmental Setting” Section of the attached initial study for more information.

ACCESS/REQUIREMENTS: Access to the project site is from Wendel Road (County Road 320), which intersects U.S. Highway 395 North approximately 2.5 miles to the west of the project site. The Department of Public Works did not recommend conditions at the November 4, 2021, Technical Advisory Committee meeting.

SURROUNDING PROPERTY CHARACTERISTICS: Parcels in the immediate vicinity consist of the HL Solar, solar array to the north, the Modoc Line rail trail and open space land managed by the Bureau of Land Management to the east, and unimproved land in every direction. There is an existing geothermal power plant over one mile to the southeast of the project site.

	Zoning	Parcel Size (acres)	Land Use Designation (Wendel Area Plan, 1987)
North	E-A-G	244.49	“Intensive Agriculture/Geothermal Development District”
Northeast	O-S	15, 15	“Open Space”
East	E-A-G	33	“Intensive Agriculture/Geothermal Development District”
Southeast	E-A-G	18.45	“Intensive Agriculture/Geothermal Development District”
South	E-A-G	240	“Intensive Agriculture/Geothermal Development District”
Southwest	E-A-G-A-P	626	“Intensive Agriculture/Geothermal Development District”
West	E-A-G	197.18	“Intensive Agriculture/Geothermal Development District”
Northwest	E-A-G	238.90	“Intensive Agriculture/Geothermal Development District”

ZONING: The subject parcel is zoned E-A-G (Exclusive Agricultural District, Geothermal Combining District). Lassen County Code Section 18.66.040(7) allows for “commercial electrical generating facilities” (including solar arrays) by use permit in the E-A district “if the produced power is intended for

sale or distribution off premises.” In addition, Lassen County Code Section 18.90.050, which pertains to the Geothermal “G” Combining District, allows all uses allowed by use permit in the principal zoning district with which the “G” combining district is combined by use permit. Therefore, since an application for a BESS is allowed as an ancillary component of the biomass power plant, which is allowed in the Exclusive Agricultural District (the principal zoning district for the project site) by use permit, such an application can be made by use permit in the “G” combining district as well.

GENERAL PLAN: Relevant implementation measures, policies, and goals that best inform the projects consistency with *Wendel Area Plan, 1987* and the *Lassen County General Plan, 2000*, can be found in the Departments Technical Advisory Committee memo (attached).

LOCAL GOVERNMENTAL SERVICES:

- The subject parcel is in a state responsibility fire protection district; as such, fire protection service is provided by Cal Fire
- Police protection is provided by the Lassen County Sheriff’s Department
- School service is provided by the Shaffer Union Elementary School District and Lassen Union High School District

LASSEN COUNTY CODE: Lassen County Code Section 18.112.035 et seq. grants the Planning Commission the authority to approve, conditionally approve, or deny use permit applications in accordance with the findings set forth at Lassen County Code Section 18.112.100, found below:

18.112.035 Planning commission review of applications.

(b) If a use permit application is to be considered without a related general plan amendment and/or rezone application as described above, the planning commission shall have the authority to approve, conditionally approve or deny the use permit application, subject to the appeal provisions of this chapter. (Ord. 467-AC § 30, 2003; Ord. 467-H § 2, 1991).

18.112.100 Mandatory findings.

The following findings shall be made by the planning commission or board of supervisors, as applicable, in conjunction with any other findings which may be considered for the approval or denial of a use permit application:

(1) That the project will or will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or to the general welfare.

(2) That the project is or is not consistent with the Lassen County general plan, or any applicable area plan or resource plan adopted as part of the general plan. (Ord. 467-H § 2, 1991).

Additionally, the Department finds that because the project serves the existing biomass facility which utilizes geothermal wells and water for power production, the proposal is in compliance with the intent of the Geothermal Combining District; and as required by Lassen County Code 18.90.070, recommends the planning commission make the following findings in addition to any other findings of approval:

(1) Required findings for projects that include development or use of geothermal resources (all findings must be made):

- (A) The geothermal resource is an integral component of the proposed use;*
- (B) The project will result in or facilitate direct, efficient and economical use of the geothermal resource;*
- (C) The project design provides that waste water and discharge associated with the proposed use is properly managed to avoid degradation of the geothermal resource, local geologic stability, nongeothermal ground water, surface water and wetlands and the local biological community. Re-injection is the preferred method of discharge management unless other methods are determined to be more beneficial to the resources of concern, and has been considered in the design of this project; and*
- (D) The project design incorporates a geothermal resource monitoring plan, which includes scheduled reports to the county, to help assess and ensure the long-term viability of the resource*

ENVIRONMENTAL DOCUMENT: The Environmental Review Officer has determined that this project is exempt from review under the California Environmental Quality Act (CEQA) under the following sections 15301(b) "Existing Facilities," 15329 "Cogeneration Projects at Existing Facilities," 15268 "Ministerial Projects," and 15061 (b)(3) "Common Sense/ General Rule." In addition, an Environmental Impact Report was certified for the existing HL Power biomass power plant through Board Resolution No. 87-147 on November 24, 1987, and in accordance with Section 15162 (a)(1) of the CEQA Guidelines, the project does not propose substantial changes that would require major revisions to the previously certified EIR.

FINDINGS and/or RECOMMENDATIONS BY TAC: The Technical Advisory Committee (TAC) met on November 4, 2021, and has developed recommended findings and conditions for consideration by the Planning Commission. The recommended findings and conditions can be found in the memos to the TAC. In addition, the recommended conditions can be found in Exhibit "A" of a draft resolution of approval that is included in this packet.

TECHNICAL ADVISORY COMMITTEE
RECOMMENDED FINDINGS AND CONDITIONS

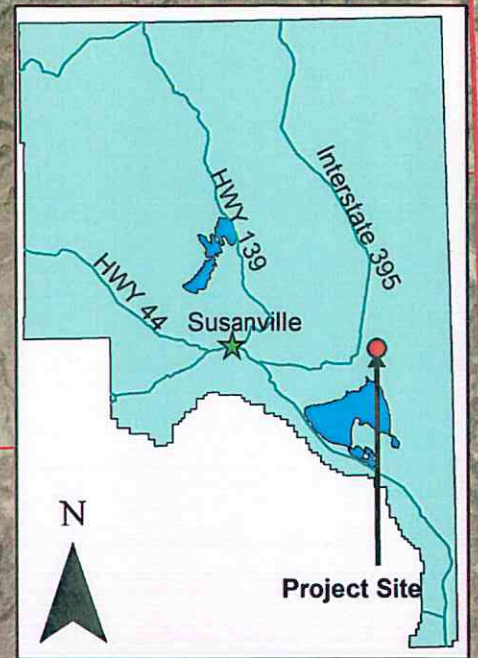
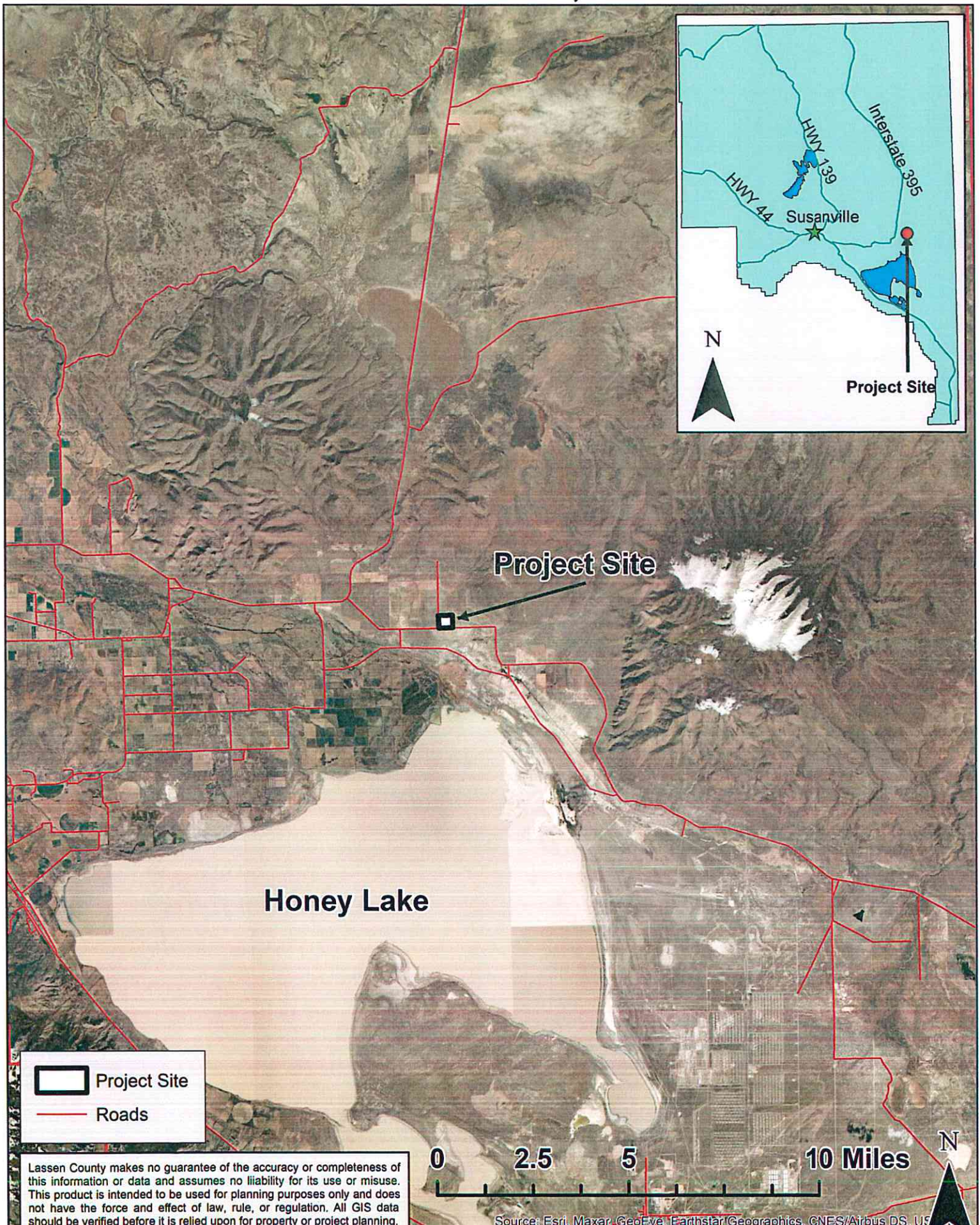
November 4, 2021

Use Permit File #2021-006, HL Power

Use Permits:

- ☒ County Planning Director (conditions)
- ☒ County Public Works Director (no conditions)
- ☒ County Surveyor (no conditions)
- ☐ County Sanitarian (no conditions)
- ☒ County Fire Warden (no conditions)
- ☒ County Assessor (no conditions)

Use Permit #2021-006, HL Power



RESOLUTION NO. _____

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION APPROVING
USE PERMIT 2021-006, HL POWER .

WHEREAS, the Planning Commission of Lassen County, after due notice and a public hearing held on December 7, 2021, has considered Use Permit #2021-006, filed by HL Power, to add a Battery Energy Storage System (BESS) on a 5-acre portion of the existing HL Power 30 MW biomass power plant: phase 1 of the project will be 20 MWh, phase 2 will be 100 MWh (total of 120 MWh). The BESS will be composed of modular battery containers; each modular battery container includes electrochemical cells, racking system, BMS control system including software, thermal management, power conversion system, and a fire detection/suppression system. Each modular containers is approximately the size of a 30-foot shipping container designed for railroad transportation. There are approximately 80-120 BESS containers proposed on the 5-acre site. The project will also include a new prefabricated substation for the BESS situated on the northwest corner of the 5-acre project site. The subject parcel is zoned E-A-G (Exclusive Agricultural District, Geothermal Combining District) and has an "Intensive Agriculture/Geothermal Development District" land use designation in the *Wendel Area Plan, 1987*. The project site is located approximately 2.5 miles east of the intersection of Wendel Road and U.S. Highway 395 at 732-025 Wendel Rd, Assessor's Parcel Number 119-350-077; and

WHEREAS, Lassen County Code Section 18.112.100 sets forth mandatory findings that the Lassen County Planning Commission must make when considering a use permit application; and

WHEREAS, Lassen County Code Section 18.90.070(1) sets forth required findings for projects that include development or use of geothermal resources; and

WHEREAS, the County supports the development of well-planned power production which will aid the County in obtaining more economical and stable power; and

WHEREAS, the County supports the use of locally produced power to ensure the reliability of power needed in Lassen County during disruption of normal power service; and

WHEREAS, the Environmental Review Officer has determined that this project is exempt from review under the California Environmental Quality Act (CEQA) under the following sections 15301(b) "Existing Facilities," 15329 "Cogeneration Projects at Existing Facilities," 15268 "Ministerial Projects," and 15061 (b)(3) "Common Sense/ General Rule." In addition, an Environmental Impact Report was certified for the existing HL Power biomass power plant through Board Resolution No. 87-147 on November 24, 1987, and in accordance with Section 15162 (a)(1) of the CEQA Guidelines, the project does not propose substantial changes that would require major revisions to the previously certified EIR; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Lassen County Planning Commission finds as follows:
 - a. The proposed project is consistent with the *Lassen County General Plan, 2000*, the

Lassen County Energy Element, 1993, the Wendel Area Plan, 1987 and the provisions of Lassen County Code Section 18.112, which establishes the regulations regarding the issuance of Use Permits.

- b. That the project, as conditioned, will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or to the general welfare.
 - c. The geothermal resource is an integral component of the proposed use;
 - d. The project will result in or facilitate direct, efficient and economical use of the geothermal resource
 - e. The Planning Commission hereby makes the required findings for projects that include development or use of geothermal resources as follows:
 - The geothermal resource is an integral component of the proposed use;
 - The project will result in or facilitate direct, efficient and economical use of the geothermal resource;
 - The project design provides that waste water and discharge associated with the proposed use is properly managed to avoid degradation of the geothermal resource, local geologic stability, nongeothermal ground water, surface water and wetlands and the local biological community. Re-injection is the preferred method of discharge management unless other methods are determined to be more beneficial to the resources of concern, and has been considered in the design of this project; and
 - The project design incorporates a geothermal resource monitoring plan, which includes scheduled reports to the county, to help assess and ensure the long-term viability of the resource
3. The Lassen County Planning Commission hereby adopts the Technical Advisory Committee findings contained in the Planning Commission staff report dated November 4, 2021.
4. The Planning Commission hereby concurs with the Environmental Review Officer that this project is exempt from and/or not subject to review under the California Environmental Quality Act.
5. The Lassen County Planning Commission hereby approves Use Permit Application #2021-006, filed by HL Power, subject to the conditions of approval set forth as Exhibit "A" attached hereto.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 7th day of December, 2021, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

RESOLUTION NO. _____
Page 3 of 5

ABSENT: _____

Chairman
Lassen County Planning Commission

ATTEST:

Maurice L. Anderson, Secretary
Lassen County Planning Commission

EXHIBIT "A"
CONDITIONS OF APPROVAL
USE PERMIT #2021-006

The Planning Division of the Lassen County Department of Planning and Building Services recommends the following conditions be placed on the project if approved:

1. Noncompliance with any of the following use permit conditions shall constitute grounds for revocation of the use permit (pursuant to Lassen County Code Section 18.112.060).
2. The Use Permit shall be granted for the use described herein and as approved by the Planning Commission. Substantial revisions and/or expansions of the project will require a new Use Permit, subject to the approval of the Planning Commission.
3. All conditions and mitigations of Use Permit No. 8-03-86, and Environmental Impact Report Resolution No. 10-01-87 for the HL Power biomass facility are unaffected by this approval and remain applicable to that facility.
4. The applicant shall submit a notice of intent (NOI) with the Lahontan Regional Water Quality Control Board (LRWQCB) to allow construction of the proposed project, and the applicant shall secure all permits required by the LRWQCB. If no permits are required by the LRWQCB, the applicant shall submit a letter from the LRWQCB stating such prior to issuance of the Authorization to Operate.

Pre-operational Conditions
(Must be satisfied before issuance of the Authorization to Operate)

5. The applicant shall obtain all necessary building permits from the Lassen County Department of Planning and Building Services before the commencement of construction
6. The BESS and substation shall be painted in earth tone colors that blend into the natural landscape.
7. The applicant shall implement best management practices during construction of the project to reduce air emissions. These best management practices must include, but are not limited to, watering roads and graded areas, and reducing vehicle speed during construction.
8. In the event that any archaeological or cultural resources are discovered during construction or any ground disturbing activities in association with this project, such work is to be halted in the immediate area of the discovery until a qualified archaeologist, who shall be retained at the project proponent's expense, is consulted to assess the find's significance and recommend appropriate mitigation measures. The project proponent shall be responsible for implementation of any mitigation measures identified during consultation.
9. Downcast lighting shall be used in all cases for operation of the BESS facility or for any related work activities to be conducted past sunset.

Operational Conditions
(Must be satisfied during operation of the Use Permit)

10. At the time operations approved by this Use Permit are discontinued, all structures, associated equipment, and all debris shall be removed from the site within 6 months after securing a demolition permit. If not removed within 6 months, the County may cause the structures, associated equipment, and all debris to be removed at the expense of the operator and/or property owner.

RESOLUTION NO. _____

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION APPROVING
USE PERMIT 2021-006, HL POWER .

WHEREAS, the Planning Commission of Lassen County, after due notice and a public hearing held on December 7, 2021, has considered Use Permit #2021-006, filed by HL Power, to add a Battery Energy Storage System (BESS) on a 5-acre portion of the existing HL Power 30 MW biomass power plant: phase 1 of the project will be 20 MWh, phase 2 will be 100 MWh (total of 120 MWh). The BESS will be composed of modular battery containers; each modular battery container includes electrochemical cells, racking system, BMS control system including software, thermal management, power conversion system, and a fire detection/suppression system. Each modular containers is approximately the size of a 30-foot shipping container designed for railroad transportation. There are approximately 80-120 BESS containers proposed on the 5-acre site. The project will also include a new prefabricated substation for the BESS situated on the northwest corner of the 5-acre project site. The subject parcel is zoned E-A-G (Exclusive Agricultural District, Geothermal Combining District) and has an "Intensive Agriculture/Geothermal Development District" land use designation in the *Wendel Area Plan, 1987*. The project site is located approximately 2.5 miles east of the intersection of Wendel Road and U.S. Highway 395 at 732-025 Wendel Rd, Assessor's Parcel Number 119-350-077; and

WHEREAS, Lassen County Code Section 18.112.100 sets forth mandatory findings that the Lassen County Planning Commission must make when considering a use permit application; and

WHEREAS, Lassen County Code Section 18.90.070(1) sets forth required findings for projects that include development or use of geothermal resources; and

WHEREAS, the California Environmental Quality Act does not apply to projects which a public agency rejects or disapproves, pursuant to Sections 15061(4) and 15270(a) of the Guidelines.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.

The Lassen County Planning Commission finds as follows:

- a. The proposed project is not consistent with the *Lassen County General Plan, 2000*, the *Lassen County Energy Element, 1993*, the *Wendel Area Plan, 1987* and the provisions of Lassen County Code Section 18.112, which establishes the regulations regarding the issuance of Use Permits.
- b. That the project, as conditioned, will, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such use, and will be detrimental or injurious to property and improvements in the neighborhood or to the general welfare.

- c. Based on the evidence in the record, the project is likely to interfere with existing or future development or use of the geothermal resource.

- 2. The Planning Commission hereby disapproves Use Permit Application #2021-006, filed by HL Power.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 7th day of December 2021, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman
Lassen County Planning Commission

ATTEST:

Maurice L. Anderson, Secretary
Lassen County Planning Commission



County of Lassen

Department of Planning and Building Services

• Planning

• Building Permits

• Code Enforcement

• Surveyor

• Surface Mining

November 4, 2021

Maurice L. Anderson, *Director*

707 Nevada Street, Suite 5

Susanville, CA 96130-3912

Phone: 530 251-8269

Fax: 530 251-8373

email: landuse@co.lassen.ca.us

website: www.co.lassen.ca.us

TO: Technical Advisory Committee
Agenda Date: November 4, 2021

Zoning & Building

Inspection Requests

Phone: 530 257-5263

FROM: *MLA* Maurice L. Anderson, Director *MA*

RE: **USE PERMIT #2021-006 HL Power:** The applicant is proposing a Battery Energy Storage System (BESS) on a 5-acre portion of the existing HL Power 30 MW biomass power plant: phase 1 of the project will be 20 MWh, phase 2 will be 100 MWh (total of 120 MWh). The BESS will be composed of modular battery containers; each modular battery container includes electrochemical cells, racking system, BMS control system including software, thermal management, power conversion system, and a fire detection/suppression system. Each modular containers is approximately the size of a 30-foot shipping container designed for railroad transportation. There are approximately 80-120 BESS containers proposed on the 5-acre site. The project will also include a new prefabricated substation for the BESS situated on the northwest corner of the 5-acre project site. The subject parcel is zoned E-A-G (Exclusive Agricultural District, Geothermal Combining District) and has an "Intensive Agriculture/Geothermal Development District" land use designation in the Wendel Area Plan, 1987. The project site is located approximately 2.5 miles east of the intersection of Wendel Road and U.S. Highway 395 at 732-025 Wendel Rd, Assessor's Parcel Number 119-350-077. Staff Contact Matt May, Chief Planner.

The Planning Division of the Lassen County Department of Planning and Building Services finds as follows:

1. The subject parcels are zoned E-A-G (Exclusive Agricultural District, Geothermal Combining District).
2. The subject parcels have an "Intensive Agriculture/Geothermal Development District" land use designation in the *Wendel Area Plan, 1987*.
3. The subject parcel is not within the 100-year flood zone as described by the Federal Emergency Management Agency (FEMA).
4. The applicant is proposing a Battery Energy Storage System (BESS) on a 5-acre portion of the existing HL Power 30 MW biomass power plant: phase 1 of the project will be 20 MWh, phase 2 will be 100 MWh (total of 120 MWh). The BESS will be composed of modular battery containers; each modular battery container includes electrochemical cells, racking system, BMS control system including software, thermal management, power conversion system, and a fire detection/suppression system. Each modular containers is approximately the size of a 30-foot shipping container designed for railroad transportation. There are approximately 80-120

BESS containers proposed on the 5-acre site. The project will also include a new prefabricated substation for the BESS situated on the northwest corner of the 5-acre project site

5. The project site is located approximately 2.5 miles east of the intersection of Wendel Road and U.S. Highway 395 at 732-025 Wendel Rd, Assessor's Parcel Number 119-350-077.
6. The BESS would store excess energy from either the biomass facility (when operational), the an HL Power Solar project located on the adjacent parcel, or from other sources, and would be used for cold starting the biomass facility when needed (when offline, the biomass facility requires power to start its power production). Excess power could also be dispersed back to the grid through the power interconnect.
7. Lassen County Code Section 18.66.040(7) allows for "commercial electrical generating facilities" by use permit in the E-A district "if the produced power is intended for sale or distribution off premises", and Use Permit No. 8-03-86 was approved for the existing biomass power plant and as discussed above this project is considered ancillary to that facility.
8. As previously stated, this project would be supplementary to the existing biomass facility, which utilizes geothermal resources in its energy production process, thus this proposal is considered to be a use allowed by use permit under Lassen County Code Section 18.90.050(b).
9. The proposed BESS and substation are subject to the 20-foot zoning setbacks required by the E-A district in Section 18.66.050 of the Lassen County Code. The G combining district requires the same setbacks distances as those required in the principal zoning district (pursuant to Lassen County Code Section 18.90.080(b)). The Lassen County Fire Warden will determine whether the fire safety setbacks found at Lassen County Code Chapter 9.16. apply to the project.
10. The subject parcel is not within a Scenic Highway Corridor as depicted in the *Lassen County Energy Element, 1993* but is a Class II Scenic Resource pursuant to the *Wendel Area Plan, 1987* and *Wendel Planning Area Master Environmental Assessment, 1983*.
11. Pursuant to Lassen County Code Section 18.112.030, the Technical Advisory Committee shall review all use permit applications (and amendments) and shall prepare recommended conditions of approval for consideration by the County (in this case, the Planning Commission).
12. The following implementation measures, policies, and goals best inform the projects consistency with *Wendel Area Plan, 1987* and the *Lassen County General Plan, 2000*:
 - *GOAL AND OBJECTIVE: Promote conservative, efficient, and cost effective energy consumption through the utilization of natural energy related resources and practices (geothermal, solar, etc.) (Land Use, Growth, and Development Issue H: Energy Use).*

- *GOAL AND OBJECTIVE: Promote and diversify the economic growth of the area by encouraging appropriate new employment generating opportunities that utilize the areas' energy resources, consistent with other goals, objectives, and constraints of County policies (Economic Issue A: Economic Growth and Development).*
- *GOAL AND OBJECTIVE: Provide for the protection and appropriate utilization of resources fundamental to the economic viability of the planning area e.g. geothermal resources, agricultural lands etc. (Economics Issue B: Economic Resources)*
- *GOAL AND OBJECTIVE: Provide for the development and efficient use of existing and appropriate new energy resources (Environment/Natural Resources Issue J: Energy Production).*
- *Implementation Measure 6.2: "Non-agricultural uses should be directed to areas with soils of limited value for agricultural use or to areas where similar uses already exist. Non-agricultural uses shall not interfere with agricultural operations."*
- *Implementation Measure 6.3: "Land designated intensive agriculture shall be zoned 'A-3', Agricultural District, or 'E-A', Exclusive Agriculture.*
- *Implementation Measure 10.2: Lands designated to protect wildlife shall be zoned "E-A", Exclusive Agriculture, "U-C", Upland Conservation, 'O-S", Open Space, or "A-3", Agriculture.*
- *Policy 7-A: Lassen County will encourage planned production of geothermal resources. The program should focus on long-term utilization of the resource, the mitigation of adverse environmental impacts, and the coordinated establishment of services.*
- *Policy 7-C: The geothermal resource in Lassen County shall be protected for its economic importance and its environmental values, including viability of the resource.*
- *Policy 9-A: The County shall preserve and protect the cultural resources of the planning area.*
- *Implementation Measure 9.2: Any projects involving ground disturbance within the areas designated as being 'extremely sensitive' should be surveyed by a qualified archaeologist prior to this disturbance.*
- *Implementation Measure 9.3: Any discovery of archaeological resources shall be reported and mitigation required.*

- *Policy 10-A: Lassen County shall conserve and enhance the wildlife and fisheries of the area. Generally, those areas identified as significant wildlife habitat by the California Department of Fish and Game should be designated for intensive agriculture, open space, or extensive agriculture.*
 - *Implementation Measure 17.1 of the Wendel Area Plan states that "lands designated as geothermal development districts shall remain agricultural until appropriate industrial development applications are approved by the County. Therefore, 'A-3', 'E-A', or 'U-C' zoning should be applied to these lands."*
13. The Planning Commission will determine whether the proposed project is consistent with the *Wendel Area Plan, 1987* and the *Lassen County General Plan, 2000*, unless the proposed project is appealed to the Board of Supervisors, in which case, said body would determine the above.
14. Additionally, the Department finds that the proposal is in compliance with the intent of the Geothermal Combining District, and as required by Lassen County Code 18.90.070, recommends the planning commission make the following findings in addition to any other findings of approval:
- (1) Required findings for projects that include development or use of geothermal resources (all findings must be made):
- (A) The geothermal resource is an integral component of the proposed use;
 - (B) The project will result in or facilitate direct, efficient and economical use of the geothermal resource;
 - (C) The project design provides that waste water and discharge associated with the proposed use is properly managed to avoid degradation of the geothermal resource, local geologic stability, nongeothermal ground water, surface water and wetlands and the local biological community. Re-injection is the preferred method of discharge management unless other methods are determined to be more beneficial to the resources of concern, and has been considered in the design of this project; and
 - (D) The project design incorporates a geothermal resource monitoring plan, which includes scheduled reports to the county, to help assess and ensure the long-term viability of the resource
15. The Environmental Review Officer has determined that this project is exempt from review under the California Environmental Quality Act (CEQA) under the following sections 15301(b) "Existing Facilities," 15329 "Cogeneration Projects at Existing Facilities," 15268 "Ministerial Projects," and 15061 (b)(3) "Common Sense/ General Rule." In addition, an Environmental Impact Report was certified for the existing HL Power biomass power plant through Board Resolution No. 87-147 on November 24, 1987, and in accordance with Section 15162 (a)(1) of the CEQA Guidelines, the project does not propose substantial changes that would require major revisions to the previously certified EIR.

The Planning Division of the Lassen County Department of Planning and Building Services recommends the following conditions be placed on the project if approved:

1. Noncompliance with any of the following use permit conditions shall constitute grounds for revocation of the use permit (pursuant to Lassen County Code Section 18.112.060).
2. The Use Permit shall be granted for the use described herein and as approved by the Planning Commission. Substantial revisions and/or expansions of the project will require a new Use Permit, subject to the approval of the Planning Commission.
3. All conditions and mitigations of Use Permit No. 8-03-86, and Environmental Impact Report Resolution No. 10-01-87 for the HL Power biomass facility are unaffected by this approval and remain applicable to that facility.
4. The applicant shall submit a notice of intent (NOI) with the Lahontan Regional Water Quality Control Board (LRWQCB) to allow construction of the proposed project, and the applicant shall secure all permits required by the LRWQCB. If no permits are required by the LRWQCB, the applicant shall submit a letter from the LRWQCB stating such prior to issuance of the Authorization to Operate.

Pre-operational Conditions
(Must be satisfied before issuance of the Authorization to Operate)

5. The applicant shall obtain all necessary building permits from the Lassen County Department of Planning and Building Services before the commencement of construction
6. The BESS and substation shall be painted in earth tone colors that blend into the natural landscape.
7. The applicant shall implement best management practices during construction of the project to reduce air emissions. These best management practices must include, but are not limited to, watering roads and graded areas, and reducing vehicle speed during construction.
8. In the event that any archaeological or cultural resources are discovered during construction or any ground disturbing activities in association with this project, such work is to be halted in the immediate area of the discovery until a qualified archaeologist, who shall be retained at the project proponent's expense, is consulted to assess the find's significance and recommend appropriate mitigation measures. The project proponent shall be responsible for implementation of any mitigation measures identified during consultation.
9. Downcast lighting shall be used in all cases for operation of the BESS facility or for any related work activities to be conducted past sunset.

Operational Conditions
(Must be satisfied during operation of the Use Permit)

10. At the time operations approved by this Use Permit are discontinued, all structures, associated equipment, and all debris shall be removed from the site within 6 months after securing a demolition permit. If not removed within 6 months, the County may cause the structures, associated equipment, and all debris to be removed at the expense of the operator and/or property owner.

RECEIVED



USE PERMIT APPLICATION

FILING FEE: CLASS 1 \$742; CLASS 2 \$1,350; CLASS 3 \$1,350
and ENVIRONMENTAL HEALTH FEE: \$85

DEPARTMENT OF PLANNING AND BUILDING SERVICES
707 Nevada Street, Suite 5 · Susanville, CA 96130-3912

(530) 251-8269 · (530) 251-8373 (fax)

www.co.lassen.ca.us

SEP 21 2021

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

Form must be typed or printed clearly in black or blue ink. All sections must be completed in full.

This application consists of one page; only attach additional sheets if necessary.

FILE NO. UP2021-0060

Property Owner/s	Property Owner/s
Name: <u>HL Power Company, LP</u>	Name:
Mailing Address: <u>732-025 Wendel Road</u>	Mailing Address:
City, ST, Zip: <u>Wendel, CA, 96136</u>	City, ST, Zip:
Telephone: <u>530-254-6161</u> Fax: <u>530-254-6130</u>	Telephone: Fax:
Email: <u>mgranderson@greenleaf-power.com</u>	Email:

Applicant/Authorized Representative*	Agent (Land Surveyor/Engineer/Consultant)
Same as above: <input type="checkbox"/>	Correspondence also sent to: <input type="checkbox"/>
Name: <u>Matt Granderson</u>	Name:
Mailing Address: <u>732-025 Wendel Road</u>	Mailing Address:
City, ST, Zip: <u>Wendel, CA 96136</u>	City, ST, Zip:
Telephone: <u>530-254-6161</u> Fax: <u>530-254-6130</u>	Telephone: Fax:
Email: <u>mgranderson@greenleaf-power.com</u>	Email: License #:

Project Address or Specific Location: <u>732-025 Wendel Rd</u> <u>12020</u> <u>0488271</u>	
Deed Reference: Book: <u>477</u> Page: <u>1000</u>	Year: <u>2006</u> Doc# <u>20128</u>
Zoning:	General Plan Designation:
Parcel Size (acreage):	Section: Township: Range:

Assessor's Parcel Number(s): <u>119 - 350 - 077</u>	<u>2119 - 350 - 085</u>	-	-
-	-	-	-

Project Description:
<u>Battery energy storage system (BESS) - see attached project detail Supplement.</u>

SIGNATURE OF PROPERTY OWNER(S): I HEREBY ACKNOWLEDGE THAT: I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application.	*SIGNATURE OF APPLICANT/AUTHORIZED REPRESENTATIVE (Representative may sign application on behalf of the property owner only if Letter of Authorization from the owner/s is provided).
Date:	<u>Matt Granderson</u> Date: <u>9-21-21</u>
Date:	Date:

See associated process form for required attachments and instructions.

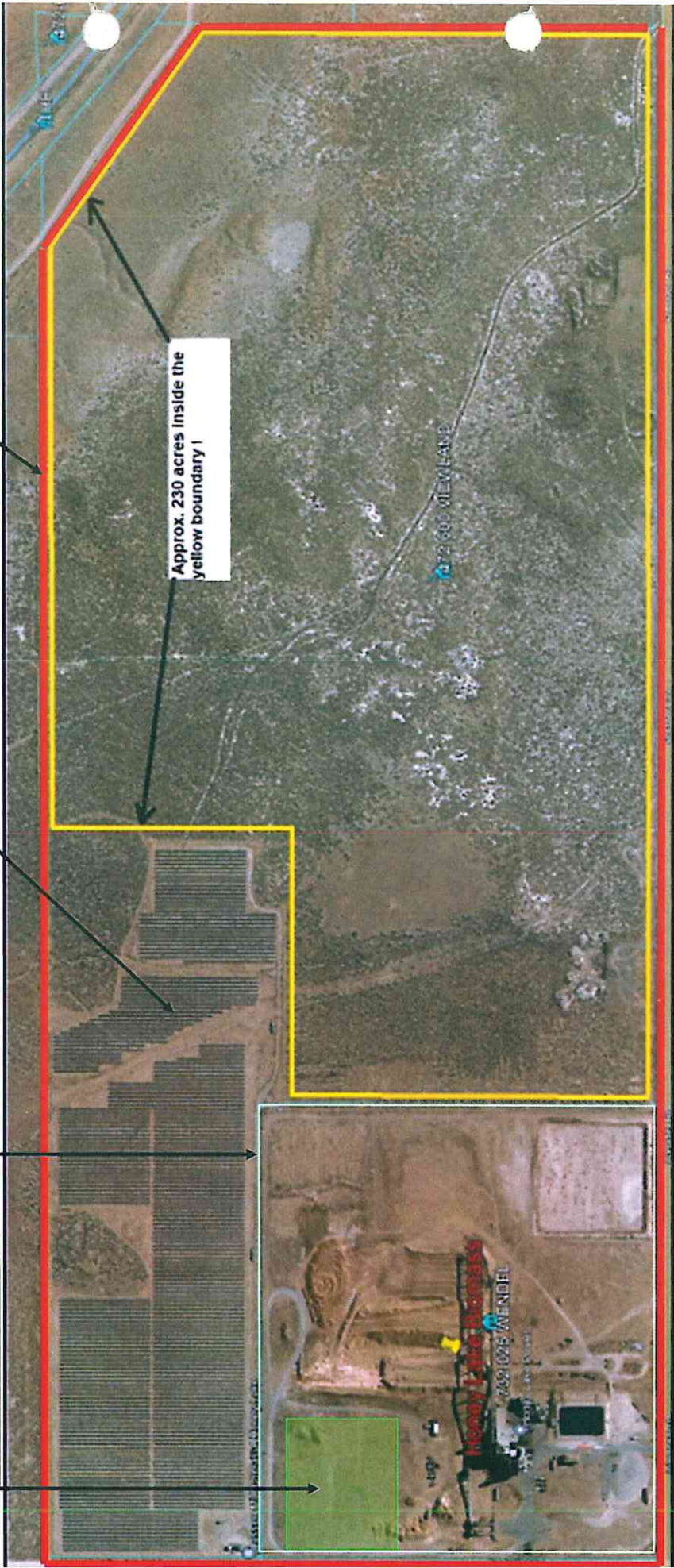
HLP owned
lands

HLP Solar
project; Phase 1

HLP Biomass
Power Plant

BESS Project Site

Approx. 230 acres inside the
yellow boundary 1



Honey Lake
Power, LLC
732-025
Wendel Road



Wendel
Road

Wendel
Road

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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Includes substation, 118 containers and attachments.



USE PERMIT PROJECT DETAIL SUPPLEMENT

DEPARTMENT OF PLANNING AND BUILDING SERVICES

707 Nevada Street, Suite 5 • Susanville, CA 96130-3912

(530) 251-8269 • (530) 251-8373 (fax)

www.co.lassen.ca.us

FILE NO. UP 2021-004

Form must be typed or printed clearly in black or blue ink. This supplement consists of three pages. Please complete the following application supplement and attach to the Use Permit Application. Answer all questions that are related to the proposed use.

1. Proposed timeframe for the project and completion of each major phase (i.e. when structures and improvements will be completed):

The project is expected to occur in two phases: phase 1 will be 20 MWh, phase 2 will be 100 MWh (total of 120 MWh). The objective is to have phase 1 begin construction in January 2022, with completion and startup in December 2022. Balance of installation started by January 2023 and completed by December 2023.

2. Existing use of property:

Currently the land is the site of HL Power, a 30 MW biomass power plant. The site is owned by HL Power Company, LP, and has been the site of the power plant since the late 1980's. HL Power is an existing facility operating under a valid use permit (No. 8-03-86) and an Environmental Impact Report was adopted by the Board of Supervisors for the project (Resolution No. 10-01-87). The proposed project will use approximately 5 acres of that existing property to accommodate a battery energy storage system (BESS). See attached. HL Power also owns adjacent land that is currently used for an existing solar project (approximately 55 acres) and vacant space (approximately 230 acres).

3. Describe adjoining land uses (e.g., residential, commercial, agricultural, etc.). Please be as specific as possible.

North: Solar project selling power to LMUD, zoned industrial

South: Agricultural and site of WEN Eagle geothermal.

East: Owned by HL Power. Currently empty land.

West: Viewland road separates empty land that is presumably zoned agricultural

4. Hours of proposed operation: 00:00 to 23:59 Days of operation: 7 days/week

5. Number of shifts: 2 Number of employees: 1

6. Number of deliveries or pick-ups: 0 per day 0 per week

7. Number of visitors/ customers: 0 per day 0 per week

8. Will the project increase noise levels in the immediate area? ☐ Yes ☒ No
If yes, anticipated noise levels in decibels at:

50' feet:

100 feet:

Property Line:

9. Describe existing structures and improvements to be used in conjunction with the proposed use including their floor area:

The BESS is expected to take approximately 5 acres on the northwest corner of the HLP biomass site. There are no existing structures on the portion of the site. The BESS is a modular design based on containerized format and can be configured to match required power and capacity requirements. The containerized energy storage system allows fast installation, safe operation and controlled environmental conditions.

The BESS includes battery containers, including electrochemical cells, the racking system, BMS control system including software, thermal management, power conversion system, fire detection/suppression system, enclosures/containers etc. Modular containers are approximately the size of a 30-foot shipping container designed for railroad transportation. Depending on supplier there will be approx. 80-120 BESS containers on the 5-acre site

The project will include a new substation for the BESS situated on the northwest corner of the 5-acre project site that is also of a modular integrated design. The prefab substation is assembled on a self-supporting transformer skid that is factory-assembled to reduce costs, time, space. This would be nearly identical to the substation designed for the LMUD Solar project.

This modular containerized approach for the BESS and substation will minimize any disturbances on the project lands. The containers will require a concrete pad to sit them on.

The power source for the batteries will be such that it can be supplied from the HL Power biomass plant, or from the interconnection power source.

Interconnection: The existing 60kV line is owned by LMUD and runs along the western border of the Project Site. The LMUD line provides interconnection access to the CAISO system through LMUD. The project has started discussions with LMUD for initiation of the application for interconnection.

Site Access: The Honey Lake Power (HLP) biomass plant has excellent site access from Wendel Rd. that can be used for the BESS Project. and there are other site access options for the BESS project as well.

10. Maximum height (in feet) of existing structures:

The existing structures pertain to the biomass power plant, with the highest point being the flue gas stack at 135 feet. The 5 acres designated for the BESS project has no current structures.

11. Maximum height (in feet) of proposed structures:

The BESS is containerized with a concrete foundation and will be less than 15 feet above ground. If LMUD requires an interconnection structure, that should be less than 20 feet.

12. Describe any existing structures to be removed:

No existing structures to be removed

13. Describe proposed structures and improvements (e.g., buildings, parking, roads, and sewer services, etc.). Please include dimensions and floor area.

The BESS container will be spaced to provide access to each container. The project will all fit within the 5-acre area. A preliminary plant layout is attached. Access to the BESS site will be through HLP main gate on of Wendel Rd. or a new access from Viewland. The HLP site already has a path that will encircle the 5-acre BESS area.

14. Describe the topography and physical environment at and surrounding the project site:

The 5-acre site is part of the operating biomass power plant. The site is graded flat and occasionally used for laydown of parts.

15. Describe proposed exterior lighting, including location (attach lighting diagram if applicable):

For safety reasons it is expected that the site will have a low-level intensity lighting system that will be dispersed through the 5-acre site. HL Power has lighting throughout the plant and site for the existing power plant operations.

16. Will the project include or result in grading, including anticipated grading at project buildout?

☒ Yes ☐

No

If yes, approximate total surface area to be disturbed by site grading

_____sq. ft. or _____5_____acres

17. Percentage of site to be covered by impervious surfaces (e.g., roads driveways, and structures) including estimated impervious surfaces at project buildout:

Approximately 10-15% of site to be covered by impervious surfaces. The surfaces will be the concrete pads for the substation and BESS containers.

18. Number of existing parking spaces: 0 employee 0 customer
Number of proposed parking spaces: 0 employee 0 customer

Describe surfacing of parking area:

There is no parking area that will be built as part of the BESS project. The HLP biomass power plant has a parking area that will accommodate any visitors. Parking arrangement is shown in attachment.

Please attach a parking plan showing existing and proposed parking facilities.

19. Please attach a detailed plot plan, drawn to scale, showing all existing and proposed improvements.

See attached.

20. For commercial, industrial, and institutional developments, please attach a landscaping plan.

There is no specific landscaping plan for the BESS project. The existing biomass site will be graded, and this will be minimal as the site has already been graded in the past. The location of the substation and BESS containers will then have concrete pad to accommodate the units. The balance of site will remain as it is.

21. Please indicate how the following services will be provided to serve the project, including name of the service provider:

Electricity: From HLP

☐

Underground

☐

Overhead

Telephone:

☐

Underground

☐

Overhead

HL Power has phone and internet access at the site. Only internet will be required for the BESS.

Water Supply: Existing Well

New Well

Community Water

Other: The site has a well, but no water supply is required for the BESS project.

Sewage Disposal: Individual Septic System

Community Sewer

Shared Septic system

No sewage disposal system will be required for the project.

If individual septic systems are proposed, has soil testing been performed to determine soil suitability? Yes No If yes please attach

☐☐

Solid Waste Disposal: Part of the HLP biomass plant

LP/Natural Gas: None required

If an extension of utility lines is necessary, indicate which services and the distance of the extension:

The project will be connected to the LMUD system. These lines are in place on the property and other than tapping into existing lines, no new lines will be required. The new tap distance is expected to be less than 50 feet.

22. Please provide the names of the following districts, if applicable

High School: Lassen High School

Elementary School: Shaffer Union Elementary School District

Fire Protection: unknown

Community Services District: unknown

Water: none

Sewer: none

Other:

23. List of all county, state, regional or federal agencies from which a permit or approval is or may be required, including type of permit required: