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**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**



*Promoting the wise use of land  
Helping build great communities*

## Tentative Notice of Action

MEETING DATE August 16, 2013	CONTACT/PHONE Ryan Hostetter (805) 788-2351 rhostetter@co.slo.ca.us	APPLICANT Vintner Solar, LLC	FILE NO. DRC2011-00062
EFFECTIVE DATE August 30, 2013			
<b>SUBJECT</b> Hearing to consider a request by Vintner Solar LLC for a Minor Use Permit to develop an approximately 1.5 megawatt (MW) solar generating facility on an approximately 14.8 acre portion of a 97.21 acre parcel. The project includes: Application to rescind an existing Land Conservation Contract on a 97.21 acre parcel and replace it with a new Solar-Use Easement for a twenty year minimum pursuant to Government Code sections 51190 et seq. on an approximately 14.8 acre portion of the property and a replacement Land Conservation Contract on the remaining approximately 82.41 acre portion of the property; and a Minor Use Permit to authorize construction of the solar generating facility including 7,350 photo-voltaic (PV) modules, pad-mounted inverters and transformers, approximately 100 feet of underground conduit from the converters/transformers to the existing Pacific Gas and Electric (PG&E) electrical distribution line, fencing, project driveway and other related equipment. The project is located at 603 El Pomar Drive, about 1.5 miles northeast of the community of Templeton, in the El Pomar – Estrella planning area.			
<b>RECOMMENDED ACTION</b> 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Minor Use Permit DRC 2011-00062 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq. and CA Code of Regulations Section 15000 et seq.) has been issued on July 18, 2013 for this project. Mitigation measures are proposed to address aesthetics, air quality, agricultural resources, biological resources, geology and soils, public services, transportation and traffic, water and land use, and are included as conditions of approval.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 033-231-026	SUPERVISOR DISTRICT(S) 5
<b>PLANNING AREA STANDARDS:</b> Archaeological Resources, Riparian and Wildlife Corridors, Light and Glare, Paso Robles Groundwater Basin, and Agriculture Land Use standards, <i>Does the project meet applicable Planning Area Standards: Yes – see discussion</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Allowable Land Uses and Permit Requirements; General Property Development; Electric Generating Plants; Site Development Standards; Grading and Drainage; Street and Frontage Improvements <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
<b>FINAL ACTION</b> This tentative decision will become final action on the project, effective on the 15 <sup>th</sup> day following the administrative hearing, or on August 16, 2013, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
<p align="center">ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT:  COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</p>			



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will generally be the employees monitoring and maintaining the facility. Accordingly, the project site will be enclosed by an 8 foot chain link fence topped with a 1-foot barbed wire rampart. Additional security will be provided by monitoring cameras and an electronic security system. The only expected vehicles on-site would be a water truck, on an average of two (2) times during the year to clean the solar panels. During labor intensive construction workdays, an average of twenty (20) people and five (5) to ten (10) construction vehicles will be on the site at any time.

During operation, periodic maintenance will include washing the PV modules; inverter maintenance and repair of equipment; remotely monitoring electrical performance, weed abatement and dust control. No water will be stored on-site but will be brought to the site by truck.

The project includes a decommissioning plan which will result in disconnection from the electrical grid, complete removal of and disposal of all project components including solar modules, racks, mounting poles, wire, conduit, junction boxes, concrete pad, fencing and monitoring equipment, and restoration of the site to its pre-installation condition. Decommissioning is expected to take about one month. The project is located in the El Pomar - Estrella planning area.

**PLANNING AREA STANDARDS:**

Archaeological Resources (23.94.020 A) – Projects that fall within 300 feet of a creek where the slopes of the site are less than 10 percent shall contain an archaeological survey and potentially a mitigation plan if necessary. *This project does not lie within 300 feet of a creek. Nonetheless, the application submittal included an archaeological investigation with mitigation. This report was evaluated as a part of the environmental review process and because no findings were made, no additional mitigation beyond the ordinance requirements for cultural resources are in place.*

Riparian and Wildlife Corridors (22.94.020 B) –All new development subject to discretionary review shall be set back a minimum of 50 feet from the top of the bank of any watercourse, as defined in the Land Use Ordinance, or outside the dripline of riparian vegetation, whichever distance is greater. *There are no watercourses crossing the project site. Therefore this project complies with this requirement.*

Light and Glare (22.94.020 D) – At the time of application for the land use permit, the applicant is to provide details on any exterior lighting. The application materials indicate there will be minimal perimeter lighting and down lighting around the transformers. *The proposed project is conditioned to include an exterior lighting plan on the construction documents in the event that a light for security or access is required for safety purposes. All lighting shall be shielded so that the glare does not extend off site or be seen from public roadways.* Additionally, the project is required to include an anti-glare coating on all the panels.

Paso Robles Groundwater Basin (22.94.020 E) – Projects located within the Paso Robles Groundwater Basin area are subject to the requirements of this section, Discretionary land use permits must include the requirements outlined which contain standards for irrigation and landscaping. If a project is proposing to increase the water usage on the site additional standards are in place for offsetting the water use. *The proposed project will not increase water usage on the site; any water usage for panel washing (approximately 2,000 gallons per year) will be brought in by a water truck. The project is conditioned to use reclaimed water or water that is not from the impacted Paso Robles Groundwater Basin for this purpose.*

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Agriculture Land Use standards (22.94.040 D) – Projects requiring discretionary approval on irrigated or dry farm lands shall be located on the least productive area of the property. *The applicant has submitted an assessment of the suitability of the project site for agriculture which concludes that the project site is not viable. The 82.41 acre portion of parent site outside the solar use easement area will remain accessible to dry farming. All accessory structures and dwellings are located at least 0.25 miles outside of the project site boundary.*

### LAND USE ORDINANCE STANDARDS:

#### ***Allowable Land Uses and Permit Requirement***

“Electricity Generation” is an allowed use in the Agriculture land use category, subject to the land use permit required by specific use standards. A Minor Use Permit is required.

The parent parcel that includes the project site is within an Agricultural Preserve and subject to a Land Conservation Act (LCA) contract. Therefore use of the property and the project site is subject to the limitations prescribed by the County's *Rules of Procedure to Implement The California Land Conservation Act of 1965* (LCA Rules).

According to Table 2 of the LCA Rules, electrical generating plants are prohibited on lands subject to an LCA contract. There are no provisions in the County's land use regulations to grant an exception to the use limitations provided in Table 2. However, legislation signed into law in 2011 (Senate Bill 618 – Wolk, Government Code Section 51191) authorizes the parties to an LCA contract, after approval by the Department of Conservation and in consultation with the Department of Food and Agriculture, to mutually agree to rescind a contract on “marginally productive” agricultural land in order to simultaneously enter into a “solar-use easement”. Under the terms of a solar use easement, the project site must be used for solar photovoltaic facilities (and only for such facilities) for a term of not less than 20 years. To qualify for a solar use easement, a property must meet certain criteria set forth in Government Code Section 51191 and described in the attached MND.

The effective Land Conservation Act contract on the property was entered into on February 18, 1975 under the County Rules of Procedure that were effective at that time. Properties are generally considered compliant with their contracts if they maintain a commercial agricultural use, limit other land uses to those listed as compatible in Table 2 of the Rules of Procedure and adhere to the minimum parcel size for conveyance specified in the contract. The interpretation by County staff is that the existing contract will continue to be recognized as compliant for the purpose of implementing the solar use easement. This will require rescinding the existing contract and entering into an identical contract albeit on 82.41 acres instead of the original 97.21 acres, thus allowing for the 14.8 acre area to be covered by the solar use easement. The property under land conservation contract will continue to be cultivated, will limit land uses to compatible uses in Table 2 of the Rules of Procedure, will exceed the 40 acre minimum parcel size specified in the original contract, and thus will be consistent with the California Land Conservation Act of 1965 (Williamson Act) and local Rules of Procedure.

In February of 2013, the applicants submitted an application for a solar use easement and requested that the County forward a petition to the State Department of Conservation (DOC) to review the request to grant a solar use easement. The petition includes supporting materials addressing each of the criteria listed in the statute (discussed in the attached MND). The DOC has reviewed the petition and has concluded that the 14.8 -acre project site would be eligible for rescission of the existing Williamson Act contract and entry into a solar-use easement as

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outlined in Government Code 51191. The analysis supporting their findings is contained in their letter of June 3, 2013, attached in Exhibit A of the MND. To summarize:

*Based on site conditions and land classification, the fact that the land has not been developed for irrigated agriculture, and that it is likely that the land would not be mapped as Prime, Unique, or Farmland of Statewide Importance; the Department believes that this project site would be eligible for rescission of the existing Williamson Act contract and entry into a solar-use easement.*

*However, per Government Code Section 51191.3(c) a performance bond, letters of credit, a corporate guarantee, or other security measurement is required to address decommissioning issues on the project site prior to termination of the contract. Before the County can record the solar-use easement, a written agreement regarding the restoration security must be in place. It is suggested that the solar-use easement agreement also address the financial security and the ability to make adjustments as necessary through the life of the solar-use easement.*

The County Agriculture Commissioner has reviewed the petition for a solar use easement, as well as the letter from DOC and responded as follows: "*The Agriculture Department recognizes that the DOC, as lead agency, has indicated that the project site would be eligible for rescission of the existing Williamson Act contract and entry into a solar-use easement as long as identified solar use easement recording requirements are met.*" Should the solar use easement be approved by the County, the LCA contract on the 97.21 acre parcel would be rescinded and replaced with a Solar Use Easement on the 14.8 acre solar project site and a Land Conservation Contract on the remaining 82.41 acre portion of the property. Accordingly, the project has been conditioned to require evidence of recordation of a solar use easement for the 14.8-acre project site prior to application for construction permits.

### **General Property Development Standards**

#### *Section 22.10.110 – Minimum Site Area*

No minimum site area is required. The project site consists of a 20-acre portion of a 97.21 acre parcel.

#### *Section 22.10.050 – Height Measurement and Height Limit Exceptions*

The height limit for uses within the Agriculture land use category is 35 feet. Solar collectors are allowed to be not more than five feet above the height limit specified for the land use category therefore, the height limit is 40 feet for this project.

*The proposed photovoltaic panels will be 10 feet and 8 inches in height at full tilt, which complies with this standard.*

#### *22.10.140 – Setbacks*

<b>SETBACKS (FEET)</b>	<b>ALLOWABLE</b>	<b>PROPOSED</b>	<b>STATUS</b>
FRONT	25'	53' to 195'	OK
REAR	30'	50'	OK
SIDES	30'	50'	OK

*As proposed, the project will meet the minimum setback requirements established in the Land Use Ordinance.*

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### ***Electric Generating Plants***

#### *Section 22.32.030 Development Standards*

Bonding. Following permit approval and prior to any work on the proposed site, the applicant shall post a surety bond in favor of the County, conditioned on conformance with all applicable conditions, restrictions, and requirements.

*The project is conditioned to submit a bond from the applicant upon approval of the permit, consistent with this standard.*

Environmental quality assurance. An Environmental Quality Assurance Program [EQAP] covering all aspects of construction and operation shall be submitted prior to construction of any project component, including monitoring and condition compliance.

*In addition to the applicant's agreement to the Developer's Statement and conditions of approval for the Minor Use Permit, the applicant will submit an EQAP in compliance with this standard. The EQAP will include all measures identified through the CEQA environmental review process and review of the Minor Use Permit.*

Clearing and vegetation. The land area exposed and the vegetation removed during construction shall be the minimum necessary to install and operate the facility. Topsoil must be stripped and stored separately. Disturbed areas no longer required for operation will be regarded, covered with topsoil, and replanted.

*The project is designed to result in the least amount of vegetation removal as possible. Total land disturbance required to construct the facility, driveways, and trenching for lines is approximately 14.8 acres. Unaffected topsoil will remain onsite. The applicant's decommissioning plan includes restoration of the project area, including replanting with native plants or seed/crops. Therefore, the project is consistent with this development standard.*

Utility interconnect. A statement from the utility confirming that the proposed interconnection is acceptable shall be filed with the County prior to issuance of the first building permit.

*The County will obtain the required statement prior to issuance of the first building permit, consistent with this standard.*

Other requirements. Additional development standards may be imposed through conditions of approval.

*The conditions of approval for this Minor Use Permit include mitigation measures agreed to by the applicant during preparation of the Initial Study/Mitigated Negative Declaration.*

#### *Section 22.32.060 – Photovoltaic Generating Facilities*

Undergrounding required. Electrical distribution lines on the project site shall be undergrounded up to the low voltage side of the step-up transformer, to the point of on-site use, or to the utility interface point of an on-site substation.

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*The project includes approximately 100 feet of underground, six-inch diameter conduit extending from the inverters to the PG&E distribution line located on the north side of El Pomar Drive. The project is consistent with this requirement as proposed.*

### **Site Development Standards**

#### *Section 22.50.040 – Fire Safety Standards*

New uses shall comply with applicable provisions of the 2010 Uniform Fire Code or later edition adopted by County ordinance.

*The project has been reviewed by Cal Fire, and has been found to be consistent with general design standards, including access to and within the facility, consistent with this standard. On-site water storage is not required.*

### **Grading and Drainage**

#### *Section 22.52.110 – Drainage Plan Required*

The applicant is required to submit a Drainage Plan for Public Works Director approval, including flow lines, existing and finished contours, natural and man-made drainage facilities, onsite wells and leachfields, and incorporation of Low Impact Development (LID) measures.

*The project has been reviewed by Public Works, and the applicant is required to submit a drainage plan with grading and construction permit applications, consistent with this standard.*

#### *Section 22.52.120 – Erosion and Sedimentation Control Plan Required*

The applicant is required to submit an erosion and sedimentation control plan addressing pre-construction, during construction, and post-construction measures, including Best Management Practiced (BMPs) and LID measures.

*The applicant is required to submit an erosion and sedimentation control plan with grading and construction permit applications, consistent with this standard.*

#### *22.52.130 – Stormwater Pollution Prevention Plan (SWPPP) Required*

Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The SWPPP shall incorporate the grading, drainage, and erosion and sedimentation control plans, in addition to other requirements listed in the LUO and as required by the Regional Water Quality Control Board (RWQCB).

*The project is conditioned to prepare and submit a Preliminary SWPPP for review and approval by the County and RWQCB, consistent with this standard.*

### **Street and Frontage Improvements**

#### *Section 22.54.020 Site Access and Driveway Requirements*

For projects located within a high fire hazard zone, with driveways exceeding 200 feet in length, the required driveway width is 16 feet, all-weather surface. Turn-outs are required. Pursuant to Section 22.54.020 F, adjustments to this standard may be granted where proposed by the

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applicant and mitigated practices are approved by Cal Fire, where the mitigation provides for the ability to apply the same degree of accepted fire suppression strategies and tactics as these regulations overall, towards providing a key point of defense from an approaching fire or defense against encroaching fire or escaping structure fires.

*The site plan for the project shows a 16 foot wide driveway from El Pomar Drive that is approximately 120 feet in length, and 12 feet wide internal driveways for access within and around the solar array. In response to comments from Cal Fire, the project is conditioned to provide a 20-foot wide all-weather surface driveway from El Pomar Drive and a 16 foot all weather service road around the entire array interior of the fence. Therefore, the project complies with the noted requirements for access.*

**AGRICULTURE POLICY (AGP) CONSISTENCY:*****AGP17 – Agricultural Buffers***

This policy aims to reduce incompatibilities between non-agricultural and agricultural uses by creating a separation between such uses to ensure the long-term viability for agricultural resources and operations. Part of the land use review process is to identify potential land use conflicts between proposed development and existing or future production agriculture. Agricultural buffers are the most effective method of addressing conflicts between the non-agriculturally related developments and adjacent agricultural activities. Land use conflicts between agricultural operations and solar facilities are typically related to dust generated by an agricultural operation that settles on solar panels, thereby reducing efficiency and increasing maintenance and water usage.

*Agricultural operations on the parent parcel and on neighboring parcels consists largely of dry farming; vineyards are located on the properties to the east. The project site is set back a minimum of 50 feet from the north side of El Pomar Drive; on the south side of El Pomar agricultural operations consist largely of dry farming. Day to day operation of the project will consist of the generation of electricity from a passive solar array. There will be no on-site employees or other operations that would interfere with ongoing farming activities. No concerns regarding land use compatibility were raised by the Agriculture Department. There are no required buffers or mitigation measures based on the project design.*

***AGP18 – Location of Improvements***

Development should be located so as to protect agricultural land. This policy is intended to ensure that new facilities will be sited so that the most productive agricultural land will be kept available for agricultural production.

*The project design is consistent with this policy because the development has been located on a portion of the site that has limited production potential and does not result in on or off-site incompatibilities.*

**COMMUNITY ADVISORY GROUP COMMENTS:**

The Templeton Area Advisory Group (TAAG) recommended approval of the project with comments (attached letter April 4, 2012). . The TAAG ARC Committee had concerns regarding agricultural resources, grading and drainage, visual impacts, grid interface and project sustainability. The comments provided by the TAAG ARC have been incorporated into the environmental review and the conditions of approval which contain address each of their issues of concern.

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### AGENCY REVIEW:

Public Works – Conditions related to access, utility encroachment, and drainage/stormwater pollution prevention are recommended (referral response March 6, 2012).

Environmental Health – No response.

Ag Commissioner – The Agriculture Department recognizes that the Department of Conservation, as lead agency, has indicated that the project site would be eligible for rescission of the existing Williamson Act contract and entry into a solar-use easement as long as identified solar use easement recording requirements are met. No other comments were provided.

CAL FIRE – Roadway widths, vertical clearance, fuel reduction, emergency access required at gate, fire extinguisher, vegetation clearance (April 4, 2012).

APCD – No response.

Cal Trans – No response.

Regional Water Quality Control Board – No response.

### LEGAL LOT STATUS:

One lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Dave Moran of DiLeo and Moran Assoc. and reviewed by Ryan Hostetter, Ellen Carroll, County Counsel and Steve McMasters.

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### EXHIBIT A - FINDINGS

#### *Environmental Determination*

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq. and CA Code of Regulations Section 15000 et seq.) has been issued on July 18, 2013 for this project. Mitigation measures are proposed to address aesthetics, air quality, biological resources, transportation and traffic, geology and soils, hazards, public services, and water and are included as conditions of approval.

#### *Minor Use Permit*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the solar facility does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project has been designed to minimize visibility from surrounding areas, provide a natural separation between this use and existing and future agricultural uses, and will not conflict with the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on El Pomar Drive, a collector road constructed to a level able to handle the short-term construction traffic, and minimal operations and maintenance traffic generated by the project.

#### *Solar Use Easement*

- G. The proposed Solar Use Easement is consistent with Government Code Section 51191 et seq.
- H. The current Land Conservation Act contract on the property was entered into on February 18, 1975 under the County's *Rules of Procedure to Implement The California Land Conservation Act* of 1965 that were effective at that time. For the purpose of implementing the Solar Use Easement on the 14.8 acre portion of the site as prescribed in Government Code 51191 et seq, continuing in effect the existing contract provisions in a replacement land conservation contract on the remaining 82.41-acre portion of the parcel is considered compliant because of evidence in the record which demonstrates the following:

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- a. A commercial agricultural use has been maintained on the property;
  - b. Use of the land has been limited to those compatible with uses listed in Table 2 of the County's Rules of Procedure to Implement The California Land Conservation Act of 1965; and
  - c. The parcel adheres to the existing minimum parcel size for conveyance and creation of new parcels specified in the original contract.
- I. For the purpose of implementing the Solar Use Easement on the 14.8 acre project site, a replacement Land Conservation Contract on the remaining 82.41 acre portion of the property will be in compliance with the California Land Conservation Act of 1965 because:
  - a. The current contract will be rescinded and an identical contract covering the remainder of the site minus the solar use easement area will be simultaneously entered into with the County.
  - b. The remaining acreage under the replacement Land Conservation Contract will continue to be cultivated, will limit land uses to compatible uses in Table 2 of the County's Rules of Procedure, and will exceed the 40 acre minimum parcel size specified in the original contract.

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## EXHIBIT B - CONDITIONS OF APPROVAL

### Approved Development

1. This approval authorizes a Minor Use Permit to construct an approximately 1.50-megawatt (MW) solar generation facility including:
  - a. 14.8 acre solar generation facility including: approximately 7,488, solar photovoltaic (PV) modules, 156 tracker racks with 48 modules per rack mounted on single-axis trackers; inverters; underground electrical conduit.
  - b. The project includes improvement of a 120 foot access driveway to El Pomar Drive, including compaction and a turn-out area.
  - c. Periodic maintenance including remote monitoring, data collection, regular maintenance and repairs, and panel washing (approximately 2,000 gallons of water per year).
  - d. Integrated pest management plan, which may include the following weed control (i.e. use of native ground cover, manual harvest, and use of herbicides if necessary); vegetative management for fuel load reduction; and, insect, pest, and disease management (i.e., manual trapping of vertebrate pests, eradication, use of EPA-approved rodenticides).
  - e. De-commissioning the facility including removal of all facility elements, including but not limited to: solar modules, trackers, racking, posts, transformers and converter, electrical equipment, underground conduits and cables, concrete pads, fences, security lighting, and access road gravels.
  - f. Reclamation including evaluation of adjacent grasses and vegetation, soil preparation, temporary irrigation, seed/crop planting, and watering and fertilization (if necessary).
  - g. The project ground disturbance will occur over approximately 14.8 acres, and will result in the disturbance (soil movement) within a single 97.21 acre parcel.
  - h. Maximum height is 10 feet 7 inches from average natural grade.

### Conditions required to be completed at the time of application for construction permits

#### *Site Development*

2. **Prior to issuance of any construction permits or commencement of any site disturbance**, the applicant shall provide evidence of recordation of a Solar Use Easement executed by the landowner and accepted by the Board of Supervisors, as defined by Government Code Section 51190 et seq, for the 14.8 acre project site.
3. **Prior to issuance of construction permits**, the applicant shall submit a decommissioning plan for review and approval by the County which demonstrates how the site will be returned to pre-construction conditions. The applicant shall enter into an agreement with the County, in a form approved by County Counsel, agreeing to comply with the requirements of the decommissioning plan and post a performance bond or letter of credit, in favor of the County in an amount approved by the Department of Planning and Building which is sufficient to fund decommissioning and restoration of the solar use easement area to pre-construction conditions.
4. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, proposed solar array, tracker elevations and details, and road details.

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5. **At the time of application for construction permits**, the applicant shall provide details for any proposed exterior security lighting. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored. Lighting shall be on timers or motion sensors so that they are not on all night impacting neighboring residences.
6. **At the time of application for construction permits**, all plans shall be prepared by a California Licensed Architect or Engineer of Record unless exempted by the Business and Professions Code.
7. **At the time of application for construction permits**, a full soils report shall be required.
8. **At the time of application for construction permits**, the project will require a separate grading permit that shall conform to the "National Pollutant Discharge Elimination System" storm water management program regulations.

***Fire Safety***

9. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by Cal Fire (letter dated April 4, 2012) for this proposed project.

***Drainage***

10. **At the time of application for construction permits**, the applicant shall submit complete drainage calculations for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance.
11. **At the time of application for construction permits**, the applicant shall submit a complete erosion and sedimentation control plan for review and approval in accordance with Section 22.52.120 of the Land Use Ordinance.
12. **At the time of application for construction permits**, the applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) together with a draft "Standard Private Stormwater Conveyance Management and Maintenance System Agreement" for review and approval by the County.

***Transportation and Traffic***

13. **At the time of application for construction permits**, the applicant shall submit plans to the Department of Public Works to secure an Encroachment Permit and post a damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:
  - a. Relocate the existing site access driveway to achieve Drawing A-5a sight distance standards and construct a new driveway approach per Drawing B-1e standards for high speed and/or high volume rural roadways. All gates shall be set back a minimum of 75-feet from the nearest edge of traveled way of El Pomar Drive.
  - b. Except for the relocated project access driveway, all other existing access connections to El Pomar Drive along the project frontage shall be demolished, scarified, revegetated, fenced and the El Pomar Drive shoulder restored in accordance with county standards.

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- c. Drainage ditches, culverts, and other structures (if drainage calculations require).
14. **[TR-1] At the time of application for construction permits**, the applicant shall provide evidence to the Planning and Building Department that onsite circulation and pavement structural sections have been designed and will be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.
15. **At the time of application for construction permits**, the applicant shall submit utility plans prepared by a civil engineer to the Department of Public Works to secure an Encroachment Permit to install wire tie-in facilities within the public right-of-way. No trenching of El Pomar Drive shall be allowed, only directional boring

**Conditions to be completed prior to issuance of a construction permit*****County Environmental Monitor***

16. **Prior to issuance of construction permits** the Applicant shall provide the funding for a County Environmental Monitor to oversee and monitor compliance with County Conditions of Approval and the Mitigated Negative Declaration measures. The Environmental Monitor shall assist the County in **condition compliance and mitigation monitoring for all applicable construction, operational, and decommissioning stages** of the project, as specified in a scope of work approved by the County Department of Planning and Building.
17. **Prior to issuance of construction permits**, in addition to the applicant's agreement to the Developer's Statement and conditions of approval for the Minor Use Permit, the applicant will submit an Environmental Quality Assurance Plan (EQAP) in compliance with Section 22.32.030. The EQAP will include all measures identified through the CEQA environmental review process and review of the Minor Use Permit.
18. **Prior to issuance of construction permits**, a statement from the utility confirming that the proposed interconnection is acceptable shall be filed with the County prior to issuance of the first building permit as required by Section 22.32.030.
19. **Prior to issuance of construction permits**, the applicant shall record with the County Clerk a "Standard Private Stormwater Conveyance Management and Maintenance System Agreement" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

***Fees***

20. **Prior to issuance of construction permits**, the applicant shall post a surety bond (separate from decommissioning bond) in favor of the County, in an amount approved by the Department of Planning and Building, conditioned on conformance with all applicable conditions, restrictions, and requirements as required in Section 22.32.030.
21. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school, public facilities, and inclusionary housing ordinance fees. Public facilities and inclusionary housing fees shall be calculated based on the square footage of all foundations, posts, and pads touching the ground (not area of array).
22. **Within 30-days of permit approval or in accordance with the County Road Improvement Fee Ordinance 13.01**, the applicant shall pay Templeton Area B Road Impact Fees to the Department of Public Works in accordance with the latest adopted

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 Minor Use Permit # DRC2011-00062/ Vintner Solar LLC  
 Page 15

road fee schedule and based upon the applicant's project description of 2 trips per day for the ongoing operation and maintenance of the solar facility. Future development on the site shall be subject to the payment of road fees prior to building permit issuance.

**Aesthetics**

23. **[V-1] At the time of application for construction permits**, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall be prepared as provided in Chapter 22.16 of the San Luis Obispo County Land Use Ordinance, and shall provide vegetation along the southern and eastern property boundary that will adequately screen the new development when viewed from El Pomar Drive. The landscape plan shall utilize only native, drought-tolerant plant material. Prior to final inspection, the applicant shall provide verification to the satisfaction of the county that these measures have been met.
24. **[V3] At the time of application for construction permits**, the applicant shall submit utility plans prepared by a civil engineer to the Public Works Department to secure an Encroachment Permit to install wire tie-in facilities within the public right-of-way. All new utility services shall be installed underground within the right-of-way. No trenching of El Pomar Drive shall be allowed, only directional boring.

**Air Quality**

25. **[AQ-1] Prior to issuance of grading and construction permits**, all required fugitive dust (PM10) measures shall be shown on applicable grading or construction plans. In addition, the contractor or developer shall designate personnel to monitor the fugitive dust emission and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent opacity, and to prevent transport of dust offsite. Monitor duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such person(s) shall be provided to the APCD Compliance Division prior to issuance of grading and construction permits.
- a. Reduce the amount of the disturbed area where possible.
  - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
  - c. All dirt stock-pile areas should be sprayed daily as needed.
  - d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.
  - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established.
  - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
  - g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
  - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

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- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
  - j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
  - k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
  - l. Prior to commencement of construction activities, the applicant shall notify the APCD, by letter, that the above air quality mitigation measures have been applied.
26. Proposed demolition activities can result in potentially negative air quality impacts, especially where material exists containing asbestos material. **Prior to issuance of any construction permit** to remove or demolish any buildings or utility pipes on the subject property, the applicant shall provide evidence they have contacted APCD to determine: a) what regulatory jurisdictions apply to the proposed demolition, such as the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - Asbestos NESHAP); b) District notification requirements; c) the need for an asbestos survey conducted by Certified Asbestos Inspector; and d) applicable removal and disposal requirements of the asbestos-containing material.
27. **[AQ-3]** "Naturally-occurring asbestos" has been identified by the State Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to construction permit issuance**, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. If NOA is not present, an exemption request shall be filed with the APCD. (For any questions regarding these requirements, contact the APCD at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.php>). **Prior to final inspection or occupancy**, whichever occurs first, when naturally-occurring asbestos is encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.
28. **Prior to issuance of permits**, the Applicant shall consult with the County Health Department to develop a Dust Management Plan that addresses management of dust to reduce the potential for exposure to Valley Fever. The Plan shall include a program to evaluate the potential for exposure to Valley Fever from construction activities, and to identify appropriate dust management and safety procedures that shall be implemented, as needed, to minimize personnel and public exposure to potential Valley Fever-containing dust. Measures in the Plan, which shall be implemented as applicable, may include the following:
- a. Provide HEP-filtered air-conditioned enclosed cabs on heavy equipment. Train workers on proper use of cabs, such as turning on air conditioning prior to using the equipment.
  - b. Provide communication methods, such as two-way radios, for use in enclosed cabs.

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- c. Provide National Institute for Occupational Safety and Health (NIOSH)-approved respirators for workers.
  - d. Require half-face respirators equipped with N-100 or P-100 filters to be used during digging. Require employees to wear respirators when working near earth-moving machinery.
  - e. Cause employees to be medically evaluated, fit-tested, and properly trained on the use of the respirators, and implement a full respiratory protection program in accordance with the applicable Cal/OSHA Respiratory Protection Standard (8 CCR 5144).
  - f. Provide separate, clean eating areas with hand-washing facilities.
  - g. Thoroughly clean equipment, vehicles, and other items before they are moved offsite to other work locations.
  - h. Train workers to recognize the symptoms of Valley Fever, and to promptly report suspected symptoms of work-related Valley Fever to a supervisor.
  - i. Work with a medical professional to develop a protocol to medically evaluate employees who develop symptoms of Valley Fever.
  - j. Submit an educational handout (one has been prepared by the State) for on-site workers and surrounding residents adjacent to the project site, and include the following information on Valley Fever: what are the potential sources/ causes, what are the common symptoms, what are the options or remedies available should someone be experiencing these symptoms, and where testing for exposure is available.. **No less than 30 days prior to any work commencing**, this handout shall be submitted to all staff working on the project site as well as adjacent residences.
  - k. **Prior to the Notice to proceed** for decommissioning, the applicant will follow the above process for all decommissioning work if grading or ground disturbance is proposed to occur.
29. Work with a medical professional, in consultation with the County Health Department, to develop an educational handout for on-site workers and surrounding residents within three miles of the project site, and include the following information on Valley Fever: what are the potential sources/ causes, what are the common symptoms, what are the options or remedies available should someone be experiencing these symptoms, and where testing for exposure is available. **Prior to construction permit issuance**, this handout shall have been created by the Applicant and reviewed by the County. **No less than 30 days prior to any work commencing**, this handout shall be mailed to all existing residences within three miles of the project boundaries.

***Biological Resources***

30. **[BIO-2] Prior to construction**, a qualified biologist (approved by San Luis Obispo County Department of Planning and Building) shall conduct a pre-activity survey to identify known or potential dens or sign no less than 14 days and no more than 30 days prior to the beginning of the site preparation, ground-disturbing, or construction activities, or any other activity that has the potential to adversely affect San Joaquin kit fox. If a known or potential den or any other sign of the species is identified or detected within the project area, the biologist will contact the USFWS and CDFW immediately. No work will commence or continue until such time that the USFWS and CDFW determine that it is appropriate to proceed. Under no circumstances will a known or potential den be disturbed or destroyed without prior authorization from the USFWS and CDFW. Within 7 days of survey completion, a report will be submitted to the USFWS, CDFW, and the County. The report will include, at a minimum, survey dates, field personnel, field

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conditions, survey methodology, and survey results.

**Conditions to be completed during project construction*****Air Quality***

31. **[AQ-2] During the site disturbance and/or construction phase**, to minimize air quality impacts associated with construction activities, the applicant shall implement the following as applicable:
- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
  - b. Fuel all off-road and portable diesel-powered equipment with Air Resources Board (ARB)-certified motor vehicle diesel fuel (non-taxed version suitable for use off road);
  - c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation;
  - d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
  - e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
  - f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;
  - g. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
  - h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
  - i. Use equipment powered by electricity rather than diesel or gasoline when feasible;
  - j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible;
  - k. Use alternatively-fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel;
32. **[AQ-4]** As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, contact the APCD at (805) 781-5912.

***Biological Resources***

33. **During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

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34. **[BIO-1] During site disturbance and/or construction phase**, activities should be conducted outside of the migratory bird breeding season. If such activities are required during this period, the applicant should retain a County-approved biologist to conduct a nesting bird survey and verify that migratory birds are not occupying the site. If nesting activity is detected the following measures should be implemented:
- The project should be modified or delayed as necessary to avoid direct take of identified nests, eggs, and/or young protected under the MBTA;
  - The County-approved biologist should contact the USFWS and CDFW to determine an appropriate biological buffer zone around active nest sites. Construction activities within the established buffer zone will be prohibited until the young have fledged the nest and achieved independence; and,
  - The County-approved biologist should document all active nests and submit a letter report to the County, USFWS, and CDFW, documenting project compliance with the MBTA and applicable project mitigation measures.
35. **[BIO-3] During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes, or trenches in excess of 2 feet in depth should be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches should also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled or covered, they should be thoroughly inspected for entrapped kit fox. If any kit fox is found, work will stop and the USFWS and CDFW will be contacted immediately to determine how to proceed.
36. **[BIO-4] During the site disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of 4 inches or greater stored overnight at the project site should be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If any kit fox are found, work will stop and the USFWS and CDFW will be contacted immediately to determine how to proceed.
37. **[BIO-5] Prior to, during, and after the site disturbance and/or construction phase**, use of pesticides or herbicides should be in compliance with all federal, state, and local regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
38. **[BIO-6] During the site disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped should be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant should immediately notify the USFWS and the CDFW by telephone. In addition, formal notification should be provided in writing within 3 working days of the finding of any such animal(s). Notification should include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured should be turned over immediately to the CDFW for care, analysis, or disposition.

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### **Conditions to be completed prior to occupancy or final building inspection/establishment of the use**

39. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for **before final building inspection**. If bonded for, landscaping shall be installed within 60 days after final building. All landscaping shall be maintained in a viable condition in perpetuity.
40. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from Cal Fire of all required fire/life safety measures, including, but not limited to, the following:
  - a. The roadway providing access from El Pomar Drive to the proposed project site must provide a minimum 20-foot edge-to-edge all-weather driving surface.
  - b. A 16 foot wide fire department all weather service road shall be provided around the entire solar photovoltaic array, interior of the fence.
  - c. Vertical clearance of 13'6" is required along the entire length of service roadway.
  - d. Roadways shall also provide for a 10 foot fuel modification zone on both sides.
  - e. A fuel reduction zone may be required around the project site. CAL FIRE/County Fire will work with the applicant and the San Luis Obispo County Department of Planning and Building to ensure adequate "defensible space" from wildland fire threat while working to satisfy any possible visual screening requirements.
  - f. Access to all associated equipment shall be controlled by means of a locked gate or fence.
  - g. The existing and proposed gates must provide adequate emergency access. This department may require a "Knox" lock or keypad to ensure access during emergencies.
  - h. A minimum 40 BC rated fire extinguisher shall be required in all vaults/structures.
41. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

### ***Aesthetics***

42. **[V-2] Prior to final inspection**, the applicant shall ensure that all solar panels were prepared with anti-reflective coating.

### ***Biological Resources***

43. **[BIO-7] Prior to final inspection, or occupancy, whichever comes first**, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
  - a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
  - b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.
  - c. Upon fence installation, the applicant shall notify the County to verify proper installation.
  - d. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

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### ***Transportation and Traffic***

44. **Prior to occupancy or final inspection**, the El Campo Road driveway approach shall be reconstructed in accordance with County Public Improvement Standard B-1e with all other existing driveway approaches removed. All work shall be done to the satisfaction of the County Public Works Inspector.

### **On-going conditions of approval (valid for the life of the project)**

#### ***Transportation and Traffic***

45. **[TR-2] For the life of the project**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way prior to obtaining a valid Encroachment Permit from the Public Works Department, including, but not limited to: project signage, tree planting, and fences.
46. **On-going condition of approval (valid for the life of the project)**; any gate constructed on the site access driveway shall be located a minimum of 75-feet from the nearest edge of traveled way of El Pomar Drive.

#### ***Fees***

47. **On-going condition of approval (valid for the life of the project)**, and in accordance with Title 13.01 of the County Code the applicant shall be responsible for paying to the Department of Public Works the Templeton Area B Road Improvement Fee for each future building permit in the amount prevailing at the time of payment.

#### ***Drainage***

48. **[W-1] Ongoing and for the life of the project**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

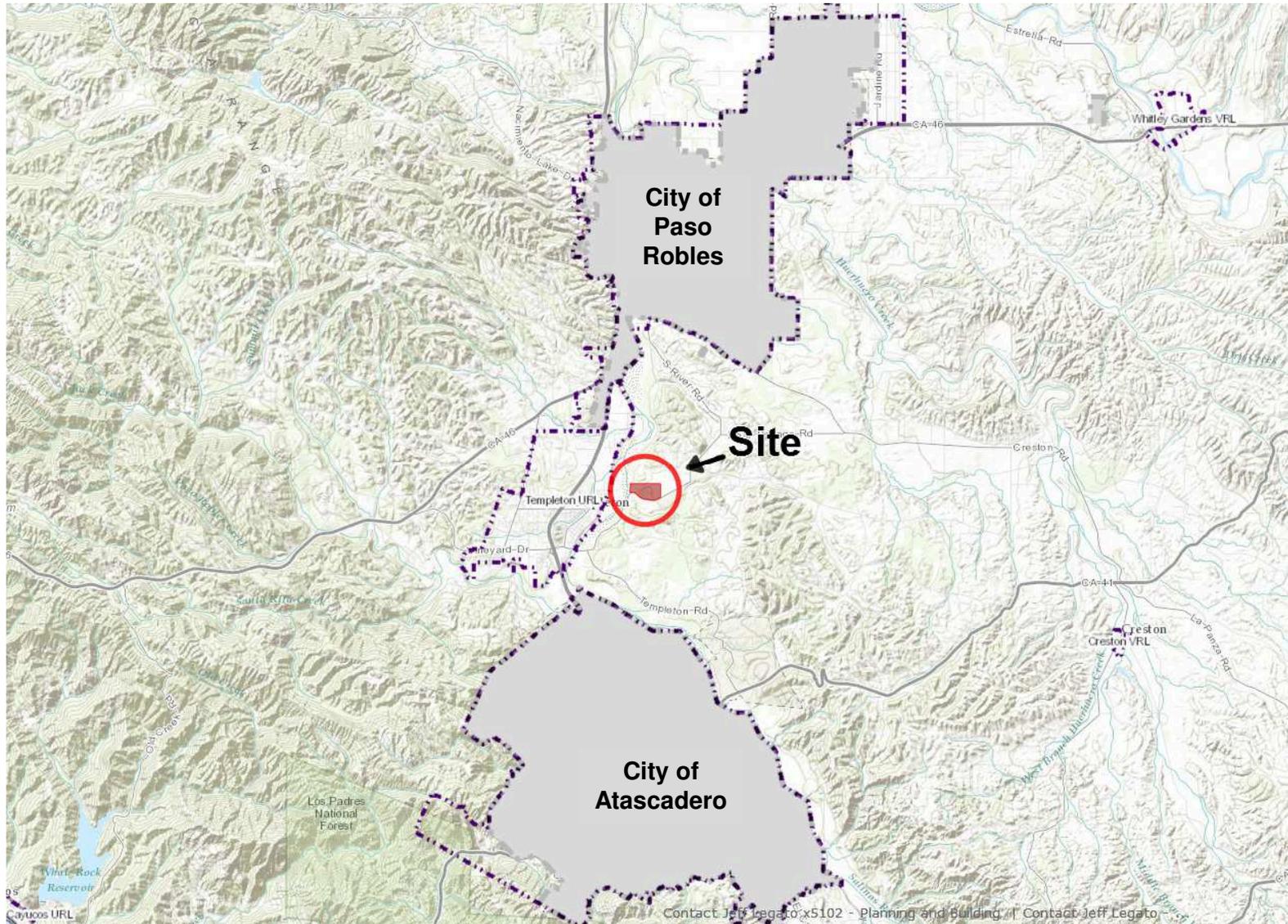
#### ***Water Supply***

49. **For the life of the project**, water used for maintenance and panel washing shall be trucked in from an off site location and shall include reclaimed water or water source not from the Paso Robles Ground Water Basin area.

#### ***General***

50. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
51. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project (life of the project expected to be 20 years). Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

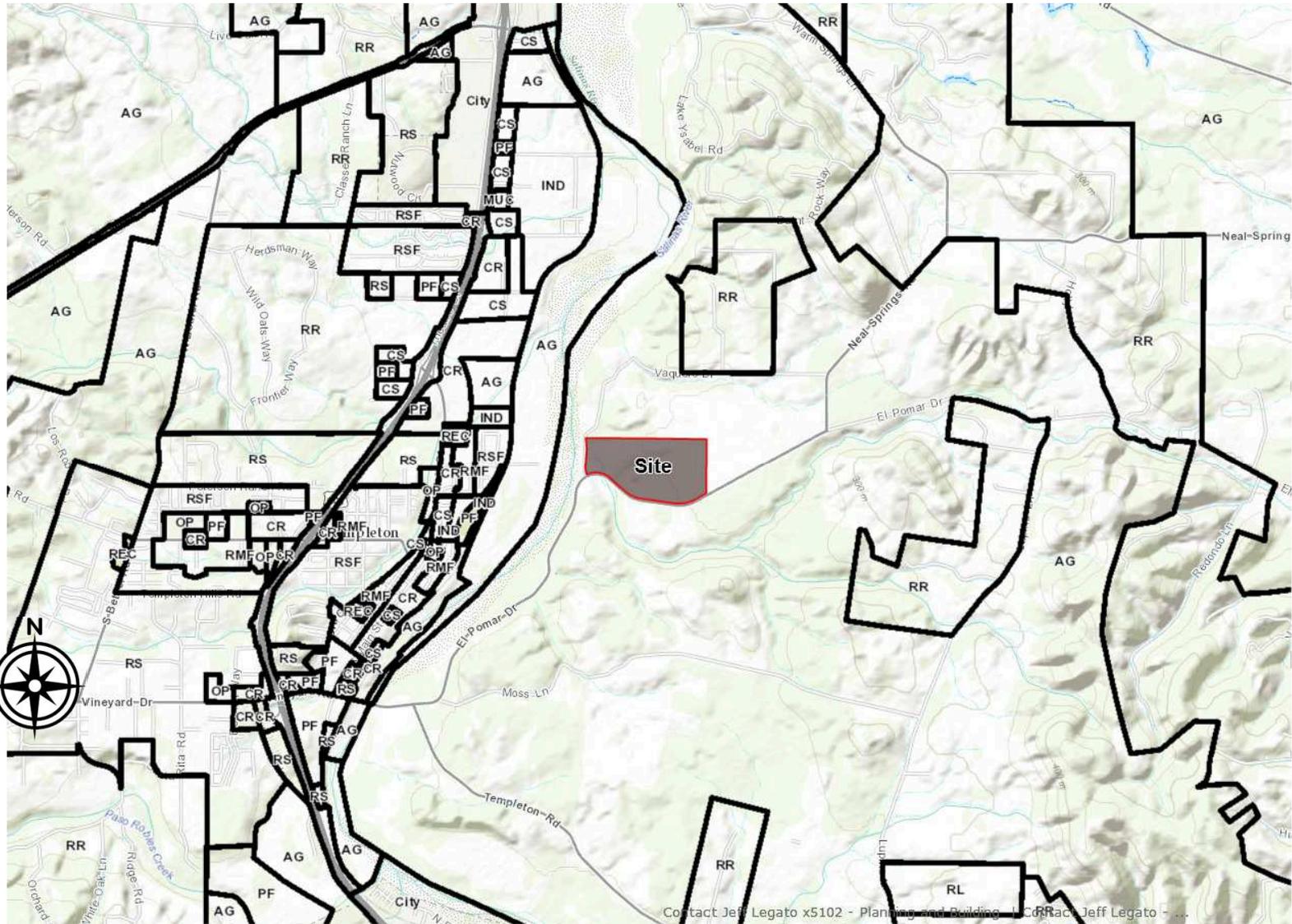
Minor Use Permit DRC2011-00062



EXHIBIT

Vicinity Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Minor Use Permit DRC2011-00062



EXHIBIT

Land Use Category Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



**PROJECT**

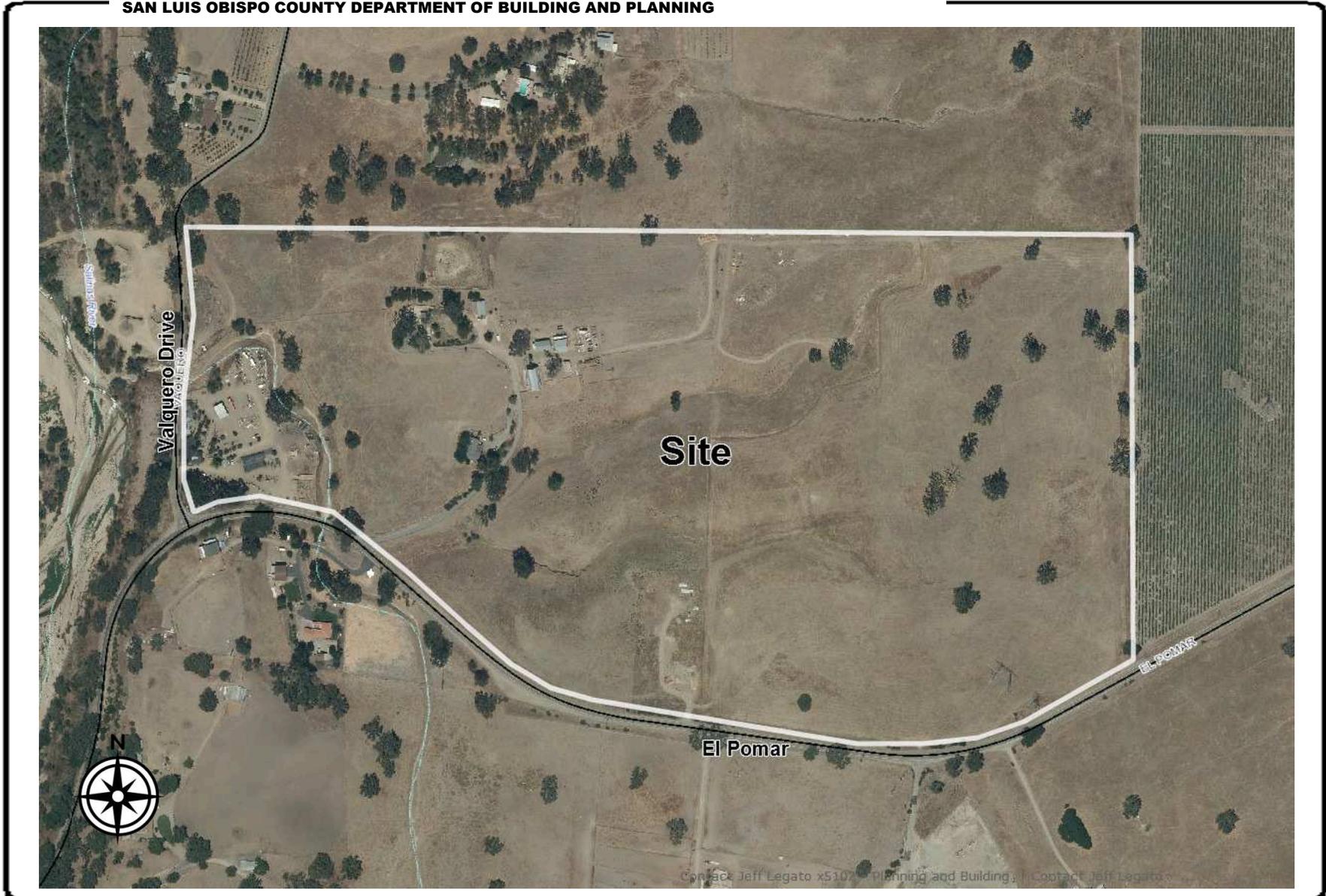
Minor Use Permit DRC2011-00062



**EXHIBIT**

Aerial Photograph

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



**PROJECT**

Minor Use Permit DRC2011-00062



**EXHIBIT**

Aerial Photograph

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



**PROJECT**

Minor Use Permit DRC2011-00062

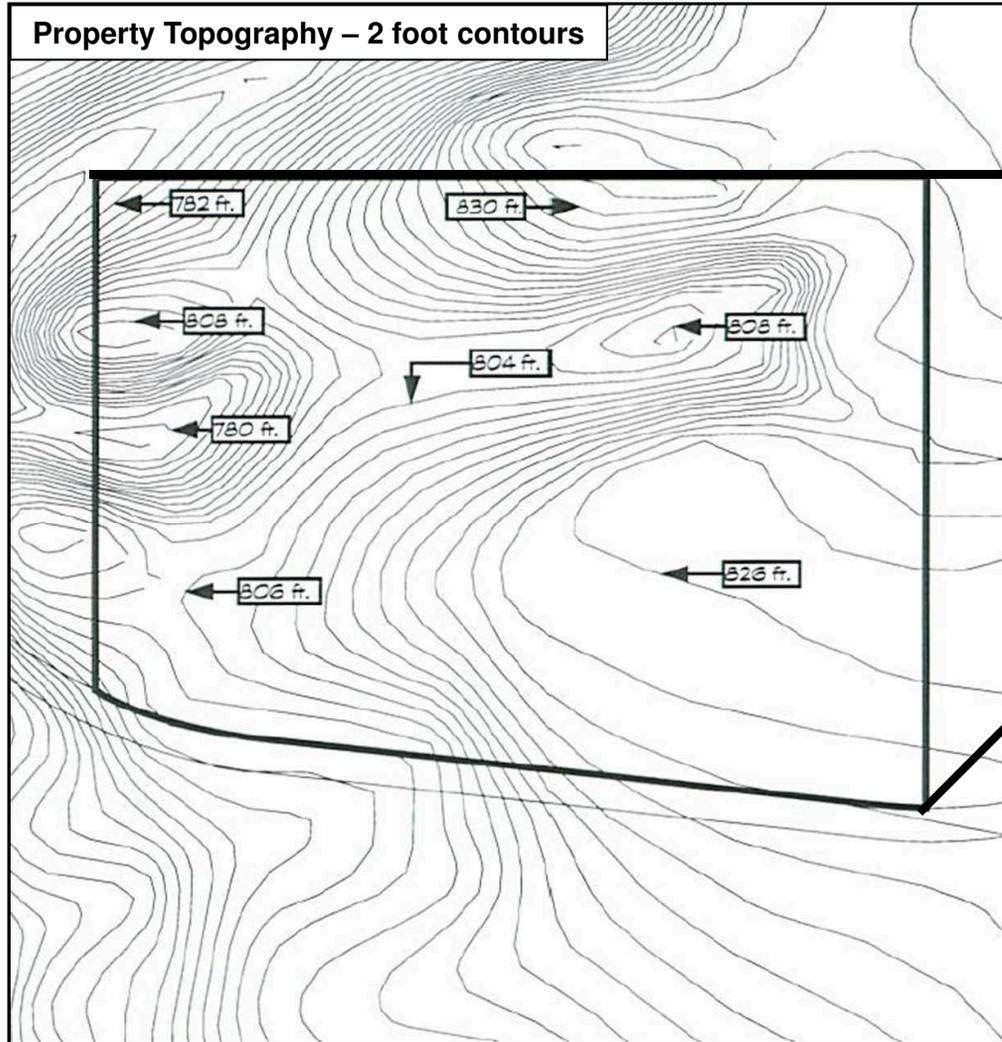


**EXHIBIT**

Project Area Aerial Photograph

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

Property Topography – 2 foot contours



PROJECT

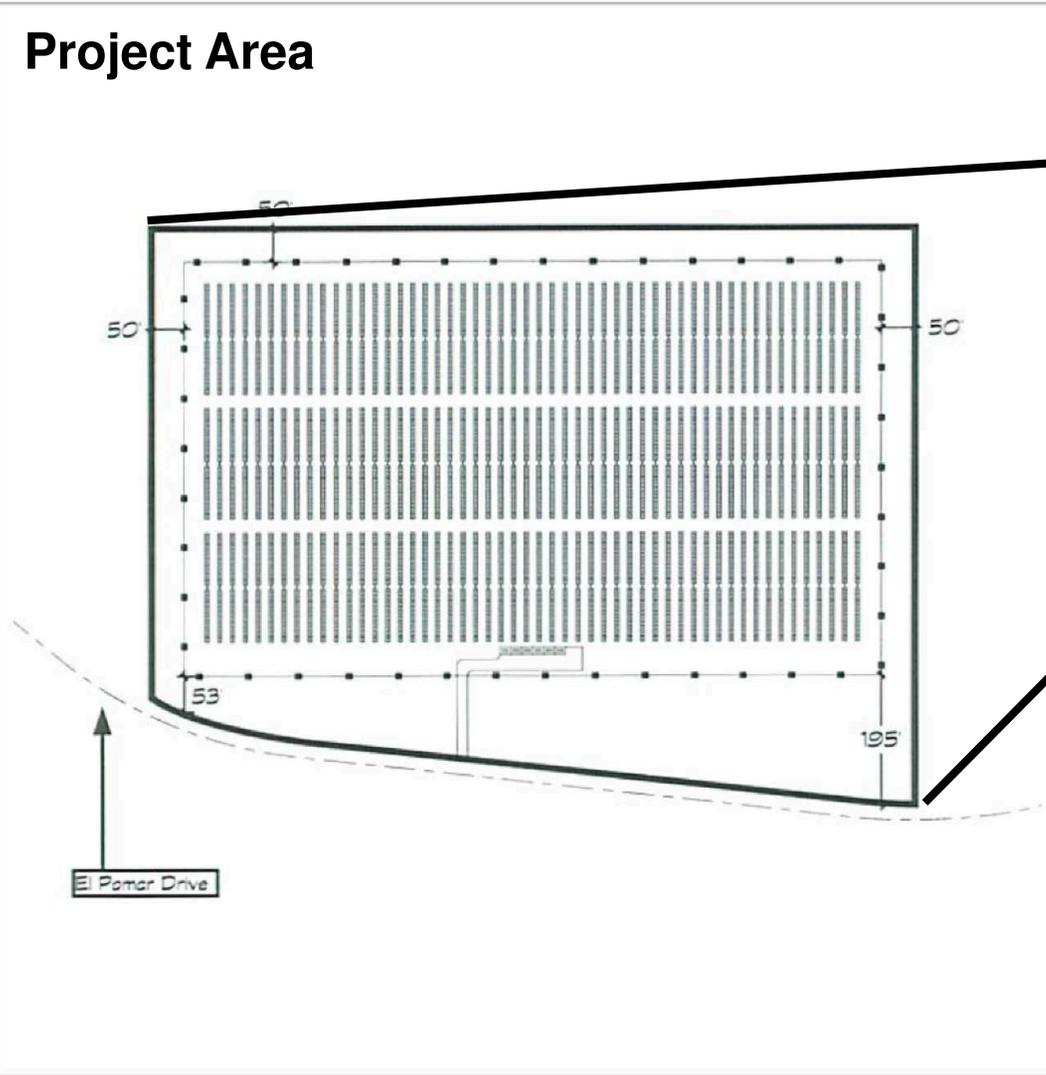
Minor Use Permit DRC2011-00062



EXHIBIT

Project Site Topography

# Project Area



**PROJECT**

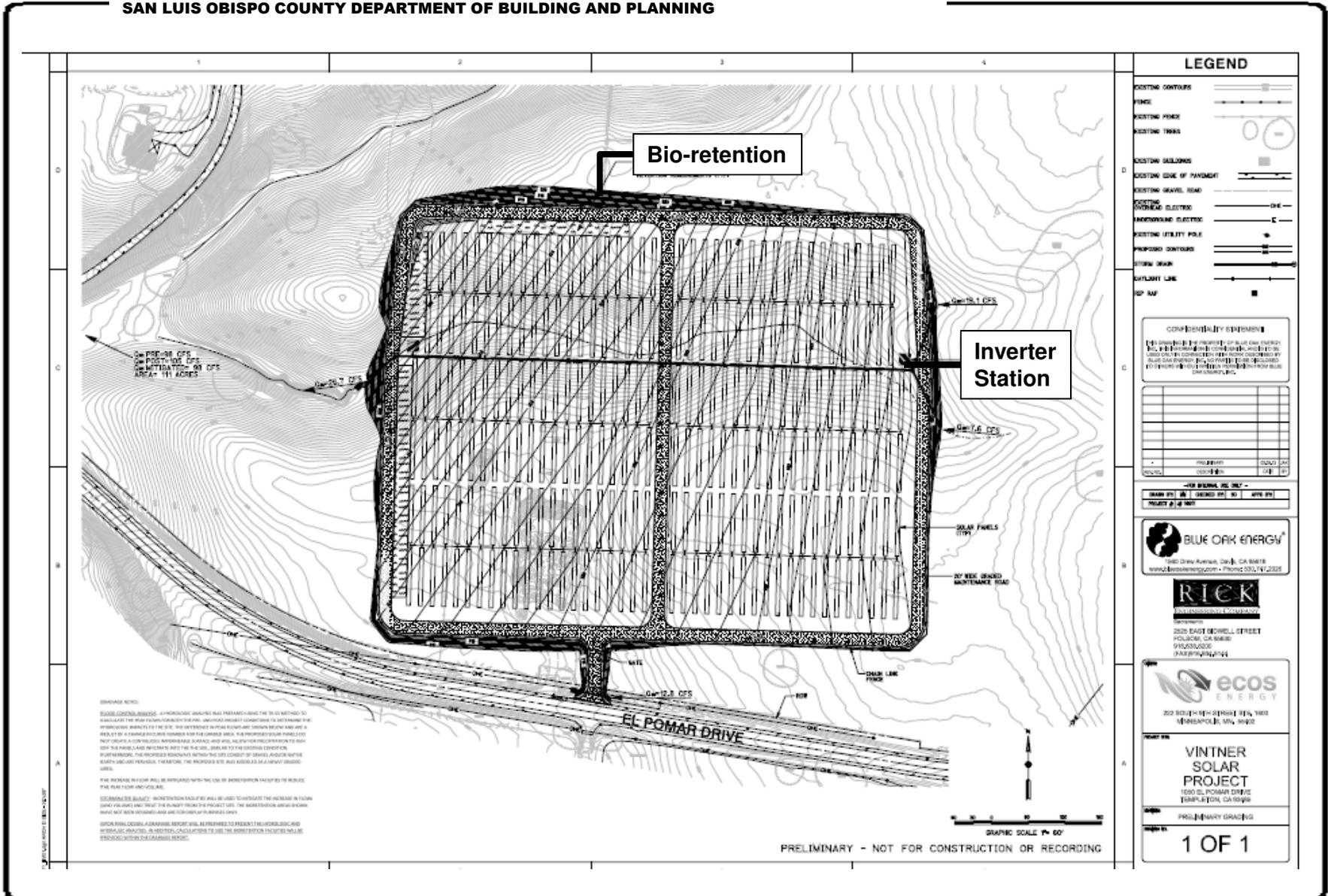
Minor Use Permit DRC2011-00062



**EXHIBIT**

Proposed Solar Array Project Area Plan

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

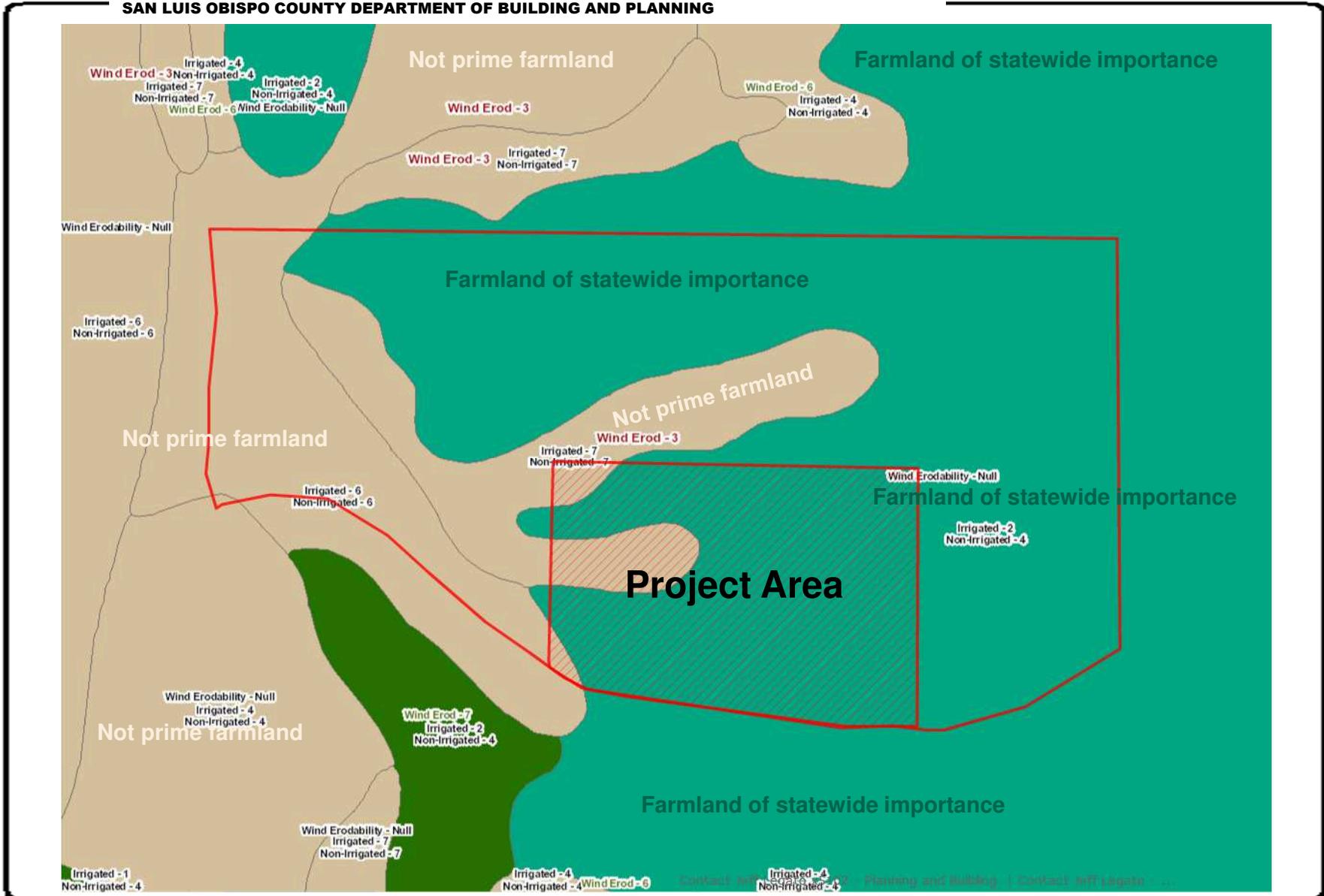
Minor Use Permit DRC2011-00062



EXHIBIT

Grading and Drainage Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Minor Use Permit DRC2011-00062



EXHIBIT

Farmland Soil Quality Map

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**PROJECT**

Minor Use Permit DRC2011-00062

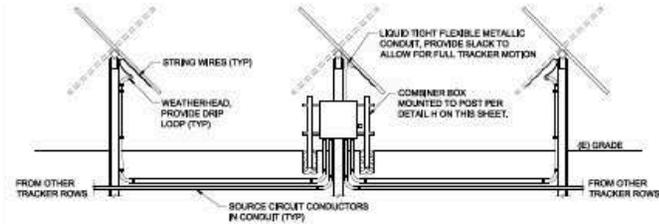


**EXHIBIT**

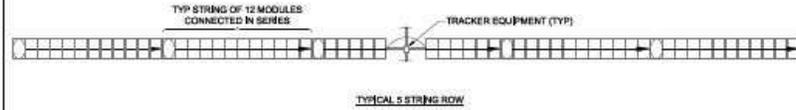
Proposed Solar Array Existing Vegetation Map

# 8-32

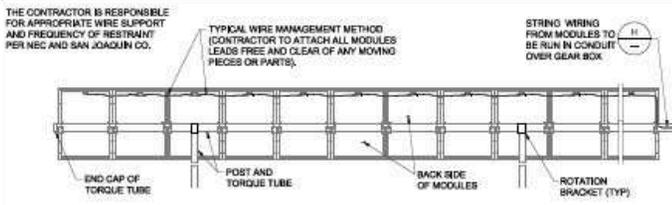
**SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING**



**A INTER ROW STRING WIRE ROUTING**  
SCALE: NTS

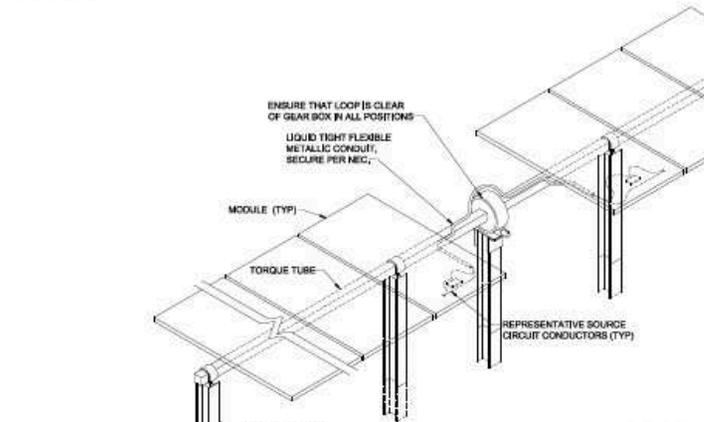


**B SOURCE CIRCUIT STRINGING DETAIL**  
SCALE: NTS

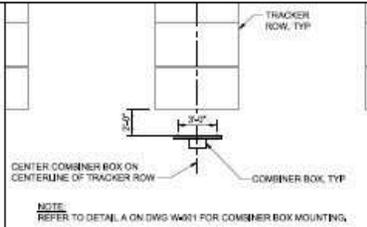


**C SOURCE CIRCUIT WIRE MANAGEMENT**  
SCALE: NTS

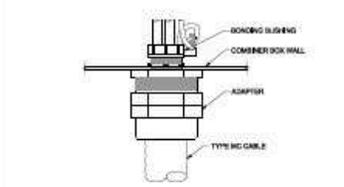
**NOTES**  
1. DRAWING DOES NOT REFLECT ACTUAL HEIGHT OF THE PILES. REFER TO STRUCTURAL PLANS FOR DETAILS. MOUNT ALL EQUIPMENT AT MODULE HEIGHT IN SUCH A WAY TO PREVENT MODULE SHADING.



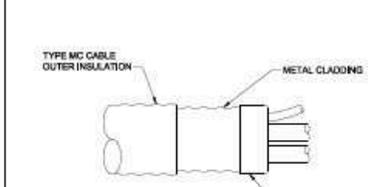
**D STRUT MOUNTING DETAIL**  
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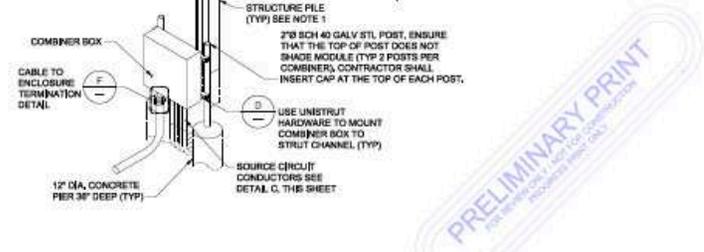
**E COMBINER BOX LOCATION DETAIL**  
SCALE: NTS



**F CABLE TO ENCLOSURE TERMINATION DETAIL**  
SCALE: NTS



**G CABLE TO DIRECT BURY TERMINATION DETAIL**  
SCALE: NTS



**H COMBINER BOX MOUNTING**  
SCALE: NTS

**PRELIMINARY PRINT**  
FOR INFORMATION ONLY. NOT TO BE USED FOR CONSTRUCTION.

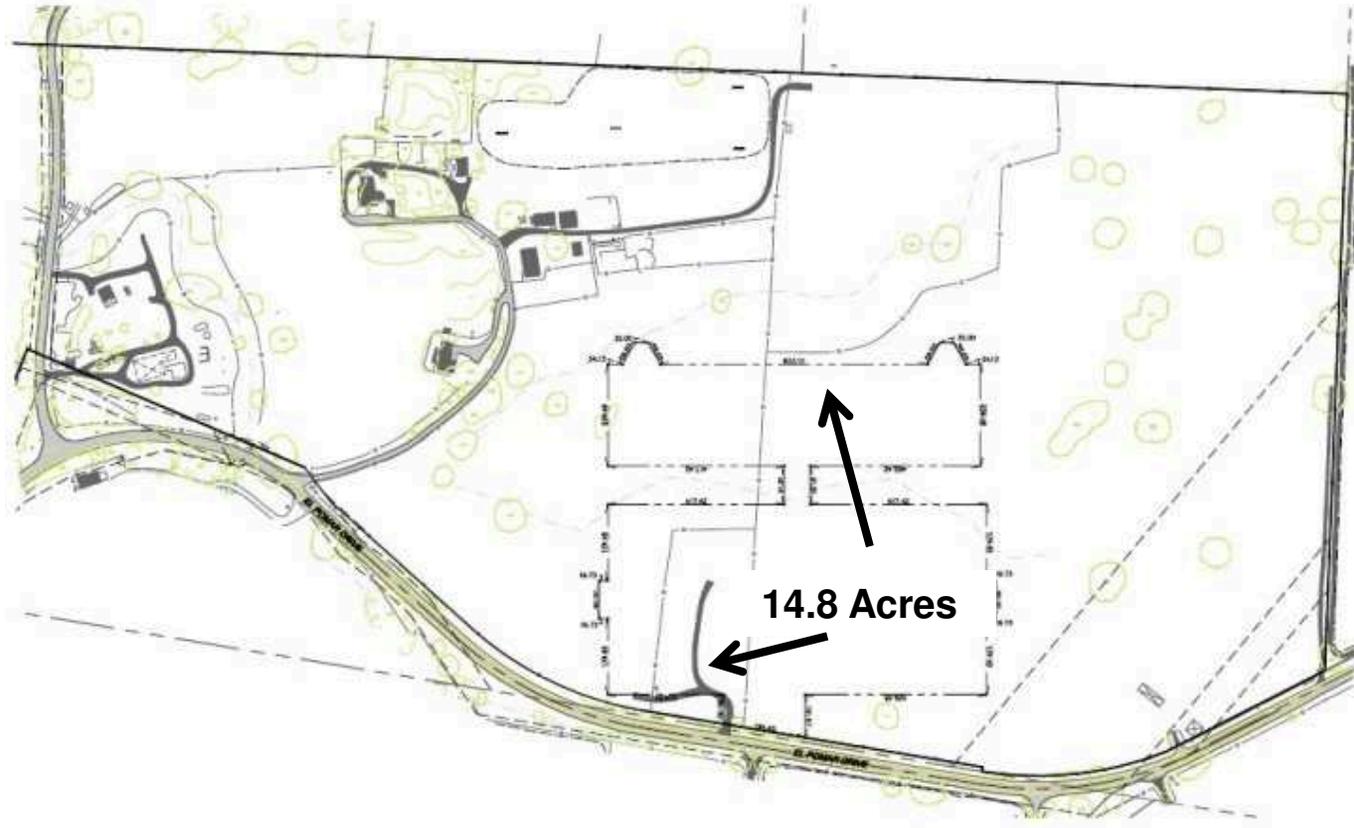
**PROJECT**  
Minor Use Permit DRC2011-00062



**EXHIBIT**  
Solar Equipment Elevation

# 8-33

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



**PROJECT**

Minor Use Permit DRC2011-00062



**EXHIBIT**

Total Site area 14.8 acres

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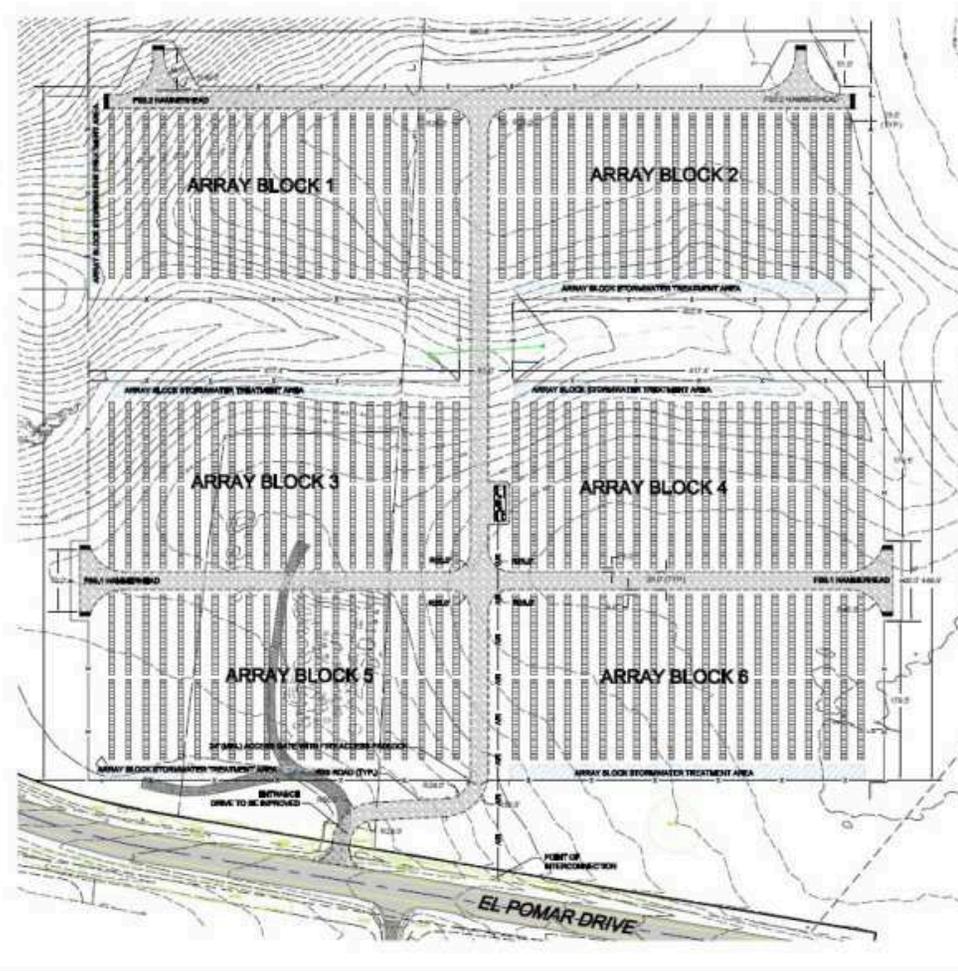
**SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING**

**1.5 MW AC PROJECT INFORMATION:**

ARRAY FOOTPRINT - 14.8AC  
SOLAR GENERATING ARRAY:  
6804 - 305W PV SOLAR MODULES

ARRAY TECHNOLOGIES  
DURATRACK HZ RACKING  
19' ROW SPACING

1.5 MW EQUIPMENT SKID  
CONTENTS:  
(3) 500KW DC to AC INVERTERS  
(1) 1000 kVA STEP-UP  
TRANSFORMER  
SWITCHBOARD CIRCUIT  
BREAKER CABINET  
MONITORING EQUIPMENT



**PROJECT**

Minor Use Permit DRC2011-00062



**EXHIBIT**

Total Site area 14.8 acres



# DEPARTMENT OF CONSERVATION

*Managing California's Working Lands*

## DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEB SITE [conservation.ca.gov](http://conservation.ca.gov)

June 3, 2013

Email: [TWahler@co.slo.ca.us](mailto:TWahler@co.slo.ca.us)

Mr. Terry Wahler, Senior Planner  
San Luis Obispo County  
Land Conservation Program  
976 Osos Street, Room 300  
San Luis Obispo, CA 93408

SUBJECT: VINTNER SOLAR-USE EASEMENT ON A PORTION OF APN 033-231-026; A PORTION OF WILLIAMSON ACT CONTRACT (NO. 75-332)

Dear Mr. Wahler:

The Department of Conservation (Department) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act. Legislation enacted in 2011 (SB 618; Government Code section 51191 et seq.) enables parties with an existing Williamson Act contract, under specific circumstances, and after approval by the Department of Conservation, to mutually agree to rescind the contract in order to simultaneously enter into a solar-use easement. In most cases, the easement will require that the land be used for solar photovoltaic facilities for a term no less than 20 years. The Department's determination is made in consultation with the Department of Food and Agriculture.

### PROJECT DESCRIPTION

Vintner Solar LLC is proposing a 1.5 MW solar facility located approximately one and a half miles northeast of the City of Templeton. The total enrolled acreage under a Williamson Act contract (No. 75-332) is 97.21 acres. The applicant is proposing that 14.8 acres be rescinded from the Williamson Act contract and reentered into a solar-use easement while the remaining 82.41 acres would remain under contract. The project's life span is proposed to be 25 to 30 years. The Williamson Act contract was enacted on February 18, 1975.

Per the California Important Farmland Finder<sup>1</sup> on the Department of Conservation's webpage, the majority of the site is classified as Farmland of Local Importance with a smaller portion classified as Farmland of Local Potential. This data is from the most recent mapping data released by the Department. The project site is not currently irrigated and has not been irrigated for the past 20 years. The source of water for irrigating the parcel comes from three wells located on the property, which draw water from the adjacent river bed located to the west, but due to restrictions from the State Water Resources Control Board, it cannot be drawn from the river in drought years. Due to this the landowner dry-farms the property, alternating oats and forage hay from year to year.

<sup>1</sup> California Important Farmland Finder – San Luis Obispo County. <http://maps.conservation.ca.gov/ciff/ciff.htm> Accessed 5/1/2013.

*The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.*

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Vintner Solar-Use Easement  
June 3, 2013  
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### DEPARTMENT COMMENTS

The Department has completed its review of the solar-use easement petition, which was forwarded along with the Department's initial assessment to the Department of Food and Agriculture. The Department of Food and Agriculture did not respond by the deadline provided, nor did they notify the Department of Conservation of their intent to do so. Therefore, the Department of Conservation is providing final comments to the County regarding the submitted petition.

Government Code Section 51191 (Solar-Use Easement General Provisions) states that a parcel or parcels are eligible for recession of a Williamson Act contract under section 51255 and placement into a solar-use easement if the following eight criteria are met:

1. *The land meets either of the following: (A) The land consists predominately of soils with significantly reduced agricultural productivity for agricultural activities due to chemical or physical limitations, topography, drainage, flooding, adverse soil conditions, or other physical reasons. Or, (B) The land has severely adverse soil conditions that are detrimental to continued agricultural activities and production. Severely adverse soil conditions may include, but are not limited to, contamination by salts or selenium, or other naturally occurring contaminants.*

The majority of the site is classified Farmland of Local Importance, with a small portion classified Farmland of Local Potential. San Luis Obispo defines Farmland of Local Importance as areas of soils that meet all the characteristics of Prime or Statewide, with the exception of irrigation. Additional farmlands include dryland field crops of wheat, barley, oats, and safflower. The county has also adopted the classification of Farmland of Local Potential, which is defined as lands having the potential for farmland, which have Prime or Statewide characteristics and are not cultivated.

Based on information in the petition, the site has not been irrigated for the past 20 years and has been dry-farmed, alternating oats and forage hay from year to year. Yields from this field have not been sufficient enough to be profitable. The property does not have a consistent and sometimes (during drought conditions), adequate water supply, even though it is located adjacent to a river bed. Restrictions have been placed on the ability to draw water by the State Water Resources Control Board.

Based on the historic use and management practices for the site, and the lack of reliable water, the Department believes that the site can meet the requirements of subsection A: "land consists predominately of soils with significantly reduced agricultural productivity for agricultural activities due to chemical or physical limitations, topography, drainage, flooding, adverse soil conditions, or other physical reasons."

2. *The parcel(s) are not located on lands designated as Prime Farmland, Unique Farmland, Or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program.*

The majority of the site is classified Farmland of Local Importance, with a small portion classified Farmland of Local Potential. This is not an Important Farmland classification and therefore meets the SB 618 statute requirements.

3. *Demonstration that even under the best currently available management practices continued agricultural practices would be substantially limited due to the soils reduced agricultural productivity from chemical or physical limitations.*

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Vintner Solar-Use Easement  
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The proposed site has not been irrigated for the past 20 years. The major limiting factor of the site is water availability. The source of water for irrigating the parcel comes from three wells located on the property, which draw water from the adjacent river bed located to the west, but due to restrictions from the State Water Resources Control Board, it cannot be drawn from the river in drought years. Due to this, the landowner has decided that the best management practice is to dry-farm the property, alternating oats and forage hay from year to year.

In addition, the Soil investigation Report prepared by Precision AG Consulting<sup>2</sup> describes the site as having soil characteristics that cause drainage issues with the property. The soils do not retain water and are considered well drained. The soils were found to be generally low in both Nitrate and Phosphorus and these elements would have to be added for crop production. Soil salinity and other compounds were not show to be at toxic levels at any location on the site.

Based on the information in the petition, water availability would be the limiting factor in crop production for the site. Due to the fact that this land has not been used for irrigated agriculture over the past 20 years, and the fact that the solar-use easement statute doesn't speak to whether or not a piece of land has agricultural development potential, the Department would evaluate the site based on its historic capabilities.

The Department leaves the decision to the County on whether the best currently available management practices are being utilized for the site and whether this proves that the site has reduced agricultural productivity from physical limitations.

*4. A recent soils test demonstrating that the characteristics of the soil significantly reduce its agricultural productivity.*

Per the Soil Investigation Report prepared by Precision AG Consulting, the petition states that there are drainage issues with the property. The soils do not retain water; they are described as being well drained. Permeability of the site is moderately slow. Soils salinity and other compounds were not found to be at toxic levels at any of the test sites on the project.

The majority of the site is classified Farmland of Local Importance, with a small portion classified Farmland of Local Potential. San Luis Obispo defines Farmland of Local Importance as areas of soils that meet all the characteristics of Prime or Statewide, with the exception of irrigation. Based on information in the petition, the site has not been irrigated for the past 20 years and has been dry-farmed, alternating oats and forage hay from year to year. Yields from this field have not been sufficient enough to be profitable. The property does also not have a consistent and sometimes, adequate water supply.

After review of the Soil Investigation Report, the Department believes that the information shows that the soils are perhaps not the best medium for growing crops, but they also do not have any major limiting factors that couldn't be overcome with adding nutrients or other compounds to the soils to increase production. However, this may not be a cost effective approach to maintain crop production, as there are other aspects to crop production to take into account in addition to soil characteristics.

The Department leaves the decision to the County on whether this section has been met.

*5. An analysis of water availability demonstrating the insufficiency of water supplies for continued agricultural production.*

Water quantity analysis was conducted and found that there are three irrigation wells located on the project site, which draw water from the adjacent river bed located to the west, and supply a combined 1,300 gallons

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<sup>2</sup> Soils Investigation report prepare by Precision AG Consulting. April 2012. Updated December 2012.

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Vintner Solar-Use Easement  
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per minute (GPM). The water quantity available would be sufficient for approximately 260 acres, which is larger than the project site. However, the owner stated that because there are restrictions placed on water consumption by the State Water Resources Control Board during drought periods, the land is not irrigated for crop production. Due to this, irrigating the site is considered cost prohibitive. In response to these restrictions, the site has not been irrigated for the past 20 years and has been dry-farmed, alternating oats and forage hay from year to year. Yields from this field have not been sufficient enough to be profitable.

Due to these factors, the Department believes that the petition has demonstrated the insufficiency of water supplies for continued high value agricultural production.

6. *An analysis of water quality demonstrating that continued agricultural production would under the best currently available management practices, be significantly reduced.*

Water quality analysis was conducted and found that salinity levels were slightly high, but should have a limited impact on water suitability as long as good water management practices are employed. The water quality was considered sufficient for all but the most sensitive crops. However, due to limiting factors of water availability above, the Department believes that this requirement is not applicable.

7. *Crop & yield Information for the past six years.*

Based on information in the petition, the site has not been irrigated for the past 20 years and has been dry-farmed, alternating oats and forage hay from year to year. Yields from this field have not been sufficient enough to be profitable. Therefore, there is no crop yield information available for this project site. The Department believes this section is not applicable.

8. *A management plan describing how the soil will be managed during the life of the easement, how impacts to adjacent agricultural operations will be minimized, how the land will be restored to its previous general condition, as it existed at the time of project approval, upon termination of the easement.*

During construction of the facility, no removal of on-site soils is expected. Irrigation will be limited to reestablishing turf post grading operations. Irrigation within the solar array is not anticipated while in operation.

Routine maintenance of the soil during the life of the easement is limited to site turf such as mowing and weed control. Once operational, the project will have minimal impact to adjacent properties. A full storm water pollution prevention plan and erosion control plan, in accordance with San Luis Obispo County's zoning code and/or General Plan, will be implemented. All erosion control measures will be installed per the SWPPP requirements.

Decommissioning of the plant will consist of backfilling collection trenches and miscellaneous footings, and site irregularities shall be corrected to prevent the formation of water pockets. The site shall then be disked and seeded with a species per the landowner's direction and contiguous with adjacent agricultural plantings.

The Department believes, after a review of the site restoration plan and decommissioning plan that were submitted with the petition, the information provided satisfies the requirements of this section.

In addition to the eight criteria discussed above, there is another statute requirement for temporary solar facilities:

9. *Per Government Code Section 51191.3(c), term easements or self-renewing easements (non-permanent facilities) require the landowner to post a performance bond or other securities to fund restoration of the land that is subject to the easement, to the conditions that existed before the easement was created.*

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Vintner Solar-Use Easement  
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Since the easement is limited in term, the landowner is required to post a performance bond or other securities to fund restoration of the land. The County must have in place, a written agreement regarding the restoration security prior to recordation of the easement. This security may also be modified during the life of the easement as necessary.

The petition did appear to contain this information. Therefore, **the County must have in place a written agreement regarding the restoration security prior to recordation of the easement.**

### DEPARTMENT OF CONSERVATION DETERMINATION

Based on site conditions and land classification, the fact that the land has not been developed for irrigated agriculture, and that it is likely that the land would not be mapped as Prime, Unique, or Farmland of Statewide Importance; the Department believes that this project site would be eligible for rescission of the existing Williamson Act contract and entry into a solar-use easement.

However, per Government Code Section 51191.3(c) a performance bond, letters of credit, a corporate guarantee, or other security measurement is required to address decommissioning issues on the project site prior to termination of the contract. Before the County can record the solar-use easement, a written agreement regarding the restoration security must be in place. It is suggested that the solar-use easement agreement also address the financial security and the ability to make adjustments as necessary through the life of the solar-use easement.

### SOLAR-USE EASEMENT RECORDING REQUIREMENTS

Per Government Code §51255.1(c), prior to rescinding a contract, the board or council shall determine and certify to the county auditor the amount of the rescission. The assessor shall certify to the board or council the fair market valuation of the land and at the same time send a notice to the landowner and Department of Conservation.

Prior to agreeing to mutually rescind a contract, the board or council shall determine and certify to the County Auditor the amount of the rescission fee that the landowner shall pay to the county treasurer upon rescission. That fee shall be an amount equal to 6¼ percent of the fair market valuation as though it were free of the contractual restriction of the property if the land was held under a Williamson Act contract, and 12½ percent for Farmland Security Zone contracts. Once rescission fees are collected, they shall be transmitted by the County Treasurer to the State Controller's office. The funds collected by the County shall be sent to the State Controller within 30 days of the approval by the board or council.

Per Government Code Section 51191.2, the execution and acceptance of a deed or other instrument described in subdivision (c) of Section 51190 shall constitute a dedication to the public of the use of lands for solar photovoltaic use. Any term easement and covenant shall run for a term of not less than 20 years unless a shorter term is requested by the landowner, in which case the term may be not less than 10 years. A year shall automatically be added to the initial term outlined in the easement, unless a notice of nonrenewal is given as provided in §51192.

Nothing shall limit the power of the state or any county, city, school district, or any other local public district, agency, or entity, or any other person authorized by law, to acquire land subject to a solar-use easement by eminent domain.

Per Government Code §51191.6, upon the acceptance or approval of any instrument creating a solar-use easement, the clerk of the governing body shall record the instrument in the office of the county recorder and file a copy with the county assessor. After the easement is recorded, it shall impart notice to all persons under the recording laws of this state.

**8-40**

Vintner Solar-Use Easement  
June 3, 2013  
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Per Government Code §5119.7, the parcel(s) subject to a solar-use easement shall be assessed pursuant to Section 402.1 of the Revenue and Taxation Code during the term of the easement.

If you have any questions or comments please contact Meri Meraz, Associate Environmental Planner at [mmeraz@conservation.ca.gov](mailto:mmeraz@conservation.ca.gov) or by phone at (916) 445-9411.

Sincerely,



Molly A. Penberth, Manager  
Division of Land Resource Protection  
Conservation Program Support Unit

Cc: Mr. Chris Little  
Ecos Energy, LLC  
1333 Northland Drive, Suite 210  
Mendota Heights, MN 55120

## 8-41

### TAAG ARC Committee

Committee meeting April 4, 2012: Chairman David La Rue, Members Bill Pelfry and Jeff DeBrish, community member Rob Rosales present.

Project DRC2011-00062 FINLEY CUP for 1.5mw (AC) solar photovoltaic facility on 20 ac located along El Pomar Rd, Templeton, CA.

Community vision: This is the first in what appears to be a series of Solar “farm” projects in Templeton. We have addressed previous alternate energy projects with an open mind and requirements that fit the Templeton community’s vision of appropriate, sustainable, rural character, and quality design and build-out. ARC does not see significant issues that can not be address and mitigated through proper design and Conditions of Approval.

Agricultural resources: ARC feels the Soil Classification and Non-Ag use need to be consistent and compatible. ARC has seen documents and heard presentation of conflicting Soil classification, and feels the Ag Commissioner needs to qualify the soil type and compatible use.

Grading and Drainage: As presented, the installation will follow natural contour of the land and have no grading except for access roads. ARC requests any change require a drainage plan. If the applicant or agent actually use grading and re-shaping of the area, that a semi-sub-surface elevation be required to future screen the installation from the surrounding area.

Visual Impacts: ARC is very concerned about the negative visual impact to the area and view-shed. ARC suggests extensive vegetative screening from all sides to limit the over-all negative visual footprint this project presents. If significant grading is implemented, ARC suggests TAAG request County Planning condition the CUP with semi-sub-terrainian installation of the solar panels and equipment. TAAG should at a minimum request a full Landscaping plan to screen the solar plant from El Pomar Road, the nearby residents and any possible view-shed homes. The project needs to be conditioned to prevent reflective light blinding motorists on public or public roads.

Lighting: Consistent with the Templeton Community Design Plan (TCDP), there should be NO night-time lighting, to preserve the Night sky from light pollution. Any security lighting MUST be on motion sensors, shielded from light trespass beyond the solar farm, and turned off in a short reasonable time.

Fencing: The landowner has requested, and ARC supports the use of barbed wire livestock fencing to contain the solar farm. High chain-link, security wire topped compounds are not appropriate and not consistent with the TCDP.

Grid interface: ARC has view-shed concerns with over-head connector powerlines and requests all P.G. & E. interface connections be via under-ground cables and conduit.

Sustainability: ARC has major concerns of completion and sustainability, and suggests TAAG request County Planning condition this project with a Completion Bond AND a Decommission and reclamation Bond.

ARC further suggests a paved 40 foot encroachment for traffic safety, and biological and wildlife studies.

With the detailed concerns and requested conditions, ARC can support this project.

8-42

5



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL

DATE: 3/1/2012

TO: Cal Fire

RECEIVED  
MAR 02 2012

BY: .....

FROM: Ryan Hostetter, Development Review

**PROJECT DESCRIPTION:** DRC2011-00062 FINLEY- Conditional use permit 1.5 MW (AC) solar photovoltaic facility. 20 acres site located off El Pomar Drive in Templeton. APN: 033-231-026.

Return this letter with your comments attached no later than: 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- YES (Please go on to PART II.)
- NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
- NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_ Name \_\_\_\_\_ Phone \_\_\_\_\_

1.5 MW photovoltaic

JL

8-43



**CAL FIRE**  
**San Luis Obispo**  
**County Fire Department**

635 N. Santa Rosa • San Luis Obispo, CA 93405  
Phone: 805-543-4244 • Fax: 805-543-4248  
www.calfireslo.org



Robert Lewin, Fire Chief

Date April 4, 2012

Subject: DRC2011-00062Finley

To: Ryan Hostetter, Development Review

CAL FIRE/San Luis Obispo County Fire Department has reviewed the referral information in regards to the Conditional use permit 1.5 MW (AC) solar voltaic facility. 20 acres located off of El Pomar in Templeton, CA. The project is located in State Responsibility Area within a **"High"** Fire Hazard Severity Zone for wildland fires. This project site has an approximate 10 minute response time from the nearest County Fire Station. The following requirements must be satisfied prior to project final.

- The roadway providing access from El Pomar Road to the proposed project site must provide a minimum 20-foot edge to edge all-weather driving surface.
- Require a 16 ft fire department all weather service road around the entire solar photovoltaic array interior of the fence.
- Vertical clearance of 13'6" is required the entire length of the roadway.
- Roadways shall also provide for a 10 foot fuel modification zone on both sides.
- A fuel reduction zone may be required around the project site. CAL FIRE/County Fire will work with the applicant and the San Luis Obispo County Department of Planning and Building to ensure adequate "defensible space" from wildland fire threat while working to satisfy any possible visual screening requirements.
- Access to all associated equipment shall be controlled by means of a locked gate or fence.
- The existing and proposed gates must provide adequate means of emergency access. This department may require a "Knox" lock or keypad to ensure access during emergencies.
- A minimum 40:BC rated fire extinguisher required in all vaults/structures

If I may provide additional assistance or information please do not hesitate to contact me at (805)543-4244.

Sincerely,

Fire Captain Laurie Donnelly

# 8-44



## NEGATIVE DECLARATION & NOTICE OF DETERMINATION

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

*Promoting the Wise Use of Land • Helping to Build Great Communities*

**ENVIRONMENTAL DETERMINATION NO.** ED13-009 (DRC2011-00062)

**DATE:** 7/18/13

**PROJECT/ENTITLEMENT:** Minor Use Permit

**APPLICANT NAME:** Vintner Solar LLC

**ADDRESS:** 1333 Northland Drive Ste 210 Mendota Heights MN 55120

**CONTACT PERSON:** Chris Little, Ecos Energy

**Telephone:** 651-268-2053

**PROPOSED USES/INTENT:** Request by Vintner Solar LLC for to develop a 1.5 megawatt (MW) solar generating facility on an approximately 14.8 acre portion of a 97.21 acre parcel. The project includes: 1) Application to rescind an existing Land Conservation Contract on a 97.21 acre parcel and replace it with a new Solar-Use Easement for a twenty year minimum pursuant to Government Code sections 51190 et seq. on an approximately 14.8 acre portion of the property and a replacement Land Conservation Contract on the remaining approximately 82.41 acre portion of the property; 2) A Minor Use Permit to authorize construction of the solar generating facility including 7,350 photo-voltaic (PV) modules, pad-mounted inverters and a pad-mounted transformers, approximately 100 feet of underground conduit from the converters/transformers to the existing Pacific Gas and Electric (PG&E) electrical distribution line, and other related equipment.

**LOCATION:** The project is located at 603 El Pomar Drive, about 1.5 miles northeast of the community of Templeton, in the El Pomar – Estrella planning area

**LEAD AGENCY:** County of San Luis Obispo  
Dept of Planning & Building  
976 Osos Street, Rm. 200  
San Luis Obispo, CA 93408-2040

**Website:** <http://www.sloplanning.org>

**OTHER POTENTIAL PERMITTING AGENCIES:** Department of Fish and Wildlife, Regional Water Quality Control Board

**STATE CLEARINGHOUSE REVIEW:** YES  NO

**ADDITIONAL INFORMATION:** Additional information pertaining to this environmental Determination may be obtained by contacting the above Lead Agency address of (805)781-5600.

**COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT** .....4:30 p.m. August 1, 2013

**30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification**

<b>Notice of Determination</b>		<b>State Clearinghouse No.</b> _____	
This is to advise that the San Luis Obispo County _____ as <input type="checkbox"/> <i>Lead Agency</i>			
<input type="checkbox"/> <i>Responsible Agency</i> approved/denied the above described project on _____, and has made the following determinations regarding the above described project:			
The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures and monitoring were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.			
This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the 'Lead Agency' address above.			
<b>Signature</b>	<b>Project Manager Name</b>	<b>Date</b>	<b>Public Agency</b>
	Ryan Hostetter		County of San Luis Obispo

# 8-45



## 1. Initial Study Summary – Environmental Checklist

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING  
 976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

*Promoting the Wise Use of Land • Helping to Build Great Communities*

(ver 3.3) Using Exam

**Project Title & No.: Vintner Solar Project Minor Use Permit DRC2011-00062 (ED13-009)**

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input checked="" type="checkbox"/> Transportation/Circulation
<input checked="" type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Water
<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input checked="" type="checkbox"/> Land Use

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

David Moran, DLM *David Moran, DLM for County of San Luis Obispo* 7/11/2013  
 Prepared by (Print) Signature

*Nancy E. Orton* *Nancy E. Orton* Ellen Carroll, Environmental Coordinator 7/11/13  
 Reviewed by (Print) Signature (for) Date

**8-46****Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 200, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

**A. PROJECT**

**DESCRIPTION:** Request by Vintner Solar LLC for to develop a 1.5 megawatt (MW) solar generating facility on an approximately 14.8 acre portion of a 97.21 acre parcel. The project includes:

- Application to rescind an existing Land Conservation Contract on a 97.21 acre parcel and replace it with a new Solar-Use Easement for a twenty year minimum pursuant to Government Code sections 51190 et seq. on an approximately 14.8 acre portion of the property and a replacement Land Conservation Contract on the remaining approximately 82.41 acre portion of the property,
- A Minor Use Permit to authorize construction of the solar generating facility including 7,350 photo-voltaic (PV) modules, pad-mounted inverters and a pad-mounted transformers, approximately 100 feet of underground conduit from the converters/transformers to the existing Pacific Gas and Electric (PG&E) electrical distribution line, and other related equipment.

The project is located at 603 El Pomar Drive, about 1.5 miles northeast of the community of Templeton, in the El Pomar – Estrella planning area.

**Background**

The project site consists of a 14.8-acre portion of 97.21 acre parcel located at 603 El Pomar Drive, about 1.5 miles northeast of the community of Templeton. Development of the solar facility will result in the disturbance of approximately 14.8 acres and will include the following components: 7,350 photo-voltaic (PV) tracker modules that are 3-feet by 6-feet in size mounted on aluminum and steel racking systems supported by metal posts anchored in concrete; a 510 square foot concrete pad with three pad-mounted inverters and a pad-mounted transformer for each one or two converters to step up the electricity for distribution; approximately 100 feet of underground conduit from the converters/transformers to the existing Pacific Gas and Electric (PG&E) electrical distribution line located on the north side of El Pomar Drive. The project also includes switching gear, interconnection and monitoring equipment. Lighting will be limited to down-lighting around the converters/transformers. Access to the site will be provided by a 16 foot wide gravel driveway from the north side of El Pomar Drive. The application materials include a grading and drainage plan; no import or

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export of fill material is proposed.

The project will operate 24 hours per day, seven days per week and is expected to have a project life of at least 20 years. The solar facility will be a private enterprise, and for safety reasons will not be open to the public. Only authorized personnel will be permitted on site and will generally be the employees monitoring and maintaining the facility. Accordingly, the project site will be enclosed by an 8 foot chain link fence topped with a 1-foot barbed wire rampart. Additional security will be provided by monitoring cameras and an electronic security system. The only expected vehicles on-site would be a water truck, on an average of two (2) times during the year to clean the solar panels. During labor intensive construction workdays, an average of twenty (20) people and five (5) to ten (10) construction vehicles will be on the site at any one time.

During operation, periodic maintenance will include washing the PV modules; inverter maintenance and repair of equipment; remotely monitoring electrical performance, weed abatement and dust control. No water will be stored on-site but will be brought to the site by truck.

The project includes a decommissioning plan which will result in disconnection from the electrical grid, complete removal of and disposal of all project components including solar modules, racks, mounting poles, wire, conduit, junction boxes, concrete pad, fencing and monitoring equipment, and restoration of the site to its pre-installation condition. Decommissioning is expected to take about one month.

The project is located in the El Pomar – Estrella planning area.

ASSESSOR PARCEL NUMBER(S): 033-231-026

Latitude: 35.559 N Longitude: 120.6958 W

SUPERVISORIAL DISTRICT # 5

## B. EXISTING SETTING

PLANNING AREA: Rural El Pomar-Estrella

LAND USE CATEGORY: Agriculture

COMBINING DESIGNATION(S): None

EXISTING USES: Site contains a nursery, residential and vacant grazing land

TOPOGRAPHY: Site for solar farm is nearly level to gently rolling

VEGETATION: Grasses, forbs

PARCEL SIZE: Approx. 14.8 acre portion of a 97.21 parcel

### SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Agriculture	<i>East:</i> Agriculture (vineyard)
<i>South:</i> Agriculture, electrical sub-station	<i>West:</i> Agriculture, landscaping nursery

**8-48****C. ENVIRONMENTAL ANALYSIS**

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY CHECKLIST**

1. <b>AESTHETICS - Will the project:</b>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create glare or night lighting, which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The visual qualities of the project site and vicinity are characterized by agriculture with single family residences on lots ranging in size from 20 - 100 acres. Agricultural practices in the area include dry-farming of oats and forage hay, livestock grazing and vineyards. As discussed in the project description, the project site is a 14.8-acre portion of a 97.21 acre parcel that includes a single family residence, agricultural accessory buildings and a corral; a number of mature valley oaks occupy the parent parcel but are not located on the project site. The western portion of the parent parcel contains a landscaping nursery; high voltage power lines cross the eastern portion of the parent parcel supported by a large transmission tower. Portions of the parent parcel have been periodically disked and dry farmed;

The 14.8-acre project site contains no structures and includes an area devoted to the stockpiling of dirt and old farming equipment. Vegetation on the 14.8-acre project site includes forbs and grasses and no trees. Topography of the project site consists of flat to gently rolling terrain.

Surrounding land uses include ranches containing single family residences, a 10.39 acre PG&E substation located on the south side of El Pomar Drive and vineyards to the east.

El Pomar Drive is not a State-designated Scenic Highway nor is it included on the list of "Suggested Scenic Corridors" provided in Table VR-2 of the County's Conservation and Open Space Element.

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### Impact.

#### Impacts to Visual Character

In assessing project impacts on visual resources, the following factors were considered:

1. *The potential for, and frequency of, viewing by the general public.*

The aesthetic effects of a project are more likely to be significant if they are highly visible to large numbers of the public over an extended period of time. Changes to views that are seen by a limited number of people, or for only limited duration, may be found to be less than significant.

The project is located in a rural area of the County on El Pomar Drive, a collector road providing access to ranches in the area. El Pomar Drive exhibits relatively frequent dips and curves that serve to minimize both the frequency and duration of the project site's visibility from the roadway. Traffic counts taken in 2009 east of the intersection with Templeton Road show average daily trips to range between 2,518 and 3,027 with a morning peak hour volume of about 800. Assuming 800 vehicle trips during the morning peak hour, a vehicle would pass by the project site about once every 13 seconds. Thus, during the morning peak hour the project site would be viewed frequently by the public.

Traffic speeds in the vicinity of the project site vary from 35 – 45 miles per hour; a vehicle travelling 45 miles per hour would pass the length of the project site (about 1,153 feet) in about 18 seconds. However, the site would become visible to west-bound travelers beginning about 0.75 miles east of the project site and would remain visible for about 77 seconds (5,100 feet / 66 feet per second = 77.4 seconds). The west end of the project site lies above the grade of the roadway and the project site would not come into view for eastbound travelers until just before rounding a curve before the project site. As a result, the total time the site would be visible to eastbound travelers would be 18 – 23 seconds.

2. *The integrity and uniqueness of the existing scenic resource.*

The magnitude of change necessary to create a significant impact to visual resources is greater in a disturbed or non-unique environment than in a pristine or rare environment.

Although not designated as a scenic corridor (or as a candidate) the visual qualities of El Pomar Drive in the vicinity of the project site are representative of the rural, agricultural character of the area in which facilities associated with the distribution of electricity (the PG&E substation and transmission towers) play a visible but subordinate role. The 97.1 acre parent parcel contains a residence as well as agricultural support structures which are common features of the viewshed along El Pomar Drive. Existing conditions on the 14.8-acre project site reflect its previous and ongoing use for dry farming and for the storage of dirt and farming equipment. Accordingly, the project site possesses scenic qualities that are neither in fact nor unique.

3. *The magnitude of the change.*

A project that is small in size, or will result in minimal physical changes to the environment, are less likely to cause a significant impact to scenic qualities. Aesthetic changes associated with an individual project may appear significant, but in the context of the entire region may be relatively minor. Changes to visual character of the landscape where the change is minor may be found to be less than significant.

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According to the application materials, the PV modules will be arranged in three rows extending about 1,000 feet east to west on the project site (Figure 2). The PV modules will be rotated to maximize solar exposure during the day (Figure 3) and will extend as high as 10 feet above the finished grade. The distance between the road right-of-way and the developed portion of the project site will vary from 53 feet at the west boundary of the site, to 195 feet at the east end of the site (Figure 2). As discussed above, the visual character of the project site and vicinity reflects previous and ongoing agricultural practices, but includes other elements such as a landscaping business and facilities for the transmission of electricity.

Cut and fill will be balanced on the site to provide a level base for the array. With regard to access improvements, the use of gravels consistent with existing rural access roads in the area would encourage visual compatibility. The interconnect with the PG&E transmission line will be underground.

The applicant has provided visual simulations (Figures 6, 7 and 8) illustrating how the facility would appear when viewed from three different vantage points along El Pomar Drive. Figure 5 provides the locations of the vantage points for each simulation. The simulations show the project site before construction (existing conditions) and with the solar facility including the chain link fencing proposed for the project perimeter, but absent the converters and transformers. The simulations appear to accurately represent the height, color, and orientation of the facility when viewed different locations along El Pomar Drive, absent the converters and transformers which would be visible between the array and El Pomar Drive near the entrance driveway (Figure 7). The simulations suggest that the project will be highly visible to passing motorists on El Pomar Drive for brief periods of time.

As discussed in the project setting, the visual setting of the project area currently includes facilities for the transmission of electricity (transmission towers and PG&E substation) which are subordinate to the agricultural character of the area. Nonetheless, construction of 14.8 acres of solar collectors would represent a significant change to the visual character of the landscape as viewed from El Pomar Drive.

### Light, Glint and Glare

Another potential impact associated with PV facilities is the potential for glint and glare. Glint is the direct reflection of the sun's light while glare is the reflection of surrounding bright diffuse light around the sun. The intensity of glare is many times less than that of glint; however, glare is often used to refer to both glint and glare.

The applicant has submitted an analysis of potential impacts associated with glare from the project (WW Design & Consulting, Inc 2013). The analysis uses a model developed by Sandi National Laboratories (the Solar Glare Hazard Analysis Tool) to simulate the effects of glare for different observation points around the project site (Figure 9). The analysis found that during normal operations glare is not an issue either for the surrounding area or for traffic along El Pomar Drive. During a high wind event near sunset, the PV array will position itself such that traffic traveling west may experience some glint and glare, although the intensity is expected to be insignificant compared to the brightness of the setting sun, which will be in the same field of vision.

Glint/glare may also occur when the PV tracker is at a fixed angle during construction, during routine maintenance or if the control system malfunctions. In this case, if the right combination of panel tilt angle, time of day and time of year coincide, an observer may experience glint and glare. However, traffic is expected to be moving at a speed such that even if all of these elements combine to cause glint and glare, the driver will pass the location quick enough to only have minor visual effects.

Regarding security/maintenance lighting, standard regulations from the LUO require exterior lighting to be shielded to minimize glare. The project will be conditioned to provide an exterior lighting plan

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prior to issuance of a building permit to ensure the project will not produce off-site glare.

Decommissioning will include removal of all project components and restoration of the site to pre-project conditions.

**Mitigation/Conclusion.** The applicant has agreed to incorporate native vegetation along the southern and eastern perimeter of the project site to provide additional screening of the PV modules as seen from El Pomar Drive. The applicant and county will confirm that the solar panels have an anti-reflective coating and utilities are underground between the project site and the underground utilities located within El Pomar Drive. Based on the incorporation of mitigation measures identified in Exhibit B, potentially significant impacts to aesthetic and visual resources can be mitigated to a less than significant level.

<b>2. AGRICULTURAL RESOURCES</b> <i>- Will the project:</i>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** Project Elements. The following summary of area-specific elements relating to the property's importance for agricultural production is based on the source information referenced in Exhibit A of this initial study:

Land Use Category: Agriculture  
State Classification: Farmland

Historic/Existing Commercial Crops: None  
In Agricultural Preserve? El Pomar Pase  
Agricultural Preserve Area

of Local Importance, Farmland of Local Potential  
NRCS Classifications: Class II if irrigated,  
Class IV if not irrigated

Under Williamson Act contract? Yes

The project site is located in an area of predominantly low-intensity agricultural operations consisting of dry farming and grazing. However, irrigated agriculture occurs on properties in the area, including the vineyards immediately east of the parent parcel. The following is a description of soils on the 14.8-acre project site from the Natural resource Conservation Service (NRCS):

Lockwood-Concepcion complex (2% to 9% slopes) (about 85% of project site)

Lockwood. The Lockwood is found on terraces with slopes of 2 to 9 percent. The parent material consists of alluvium derived from sedimentary rock. The natural drainage class is well drained. Shrink-swell potential is moderate. This soil is not flooded nor is it ponded.

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Nonirrigated NRCS land capability classification is IVe<sup>1</sup>. Irrigated land capability classification is IIe. Erosion potential for this soil is considered low.

Concepcion. The Concepcion component occurs on terraces with slopes are 2 to 9 percent. The parent material consists of alluvium derived from mixed rocks. The natural drainage class is moderately well drained. Shrink-swell potential is moderate. This soil is not flooded nor is it ponded. Nonirrigated NRCS land capability classification is IVe. Irrigated land capability classification is IIe. This soil does not meet hydric criteria. Erosion potential for this soil is considered low.

Arbuckle – Positas complex (30% to 50% slopes) (about 15% of project site)

Arbuckle. The Arbuckle component occurs on terraces with slopes of 30 to 50 percent. The parent material consists of alluvium from mixed rock sources. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Shrink-swell potential is low. This soil is not flooded nor ponded. Nonirrigated NRCS land capability classification is VIIe. Irrigated land capability classification is VIIe. This soil does not meet hydric criteria. This soil exhibits a severe erosion potential.

Positas. The Positas component occurs on slopes are 30 to 50 percent and is found on terraces. The parent material consists of alluvium from mixed rock sources. The natural drainage class is well drained. Water movement in the most restrictive layer is low. Shrink-swell potential is high. This soil is not flooded nor ponded. Non irrigated NRCS land capability classification is VIIe. Irrigated land capability classification is VIIe. This soil exhibits severe erosion potential.

The 97.21 acre parent parcel and the 14.8-acre project site are not currently irrigated; based on information provided by the applicant neither have been irrigated for the past 20 years. Source water is present on the parent parcel which could be used for irrigation, with water pumped from three wells drawing water from the Salinas River to the west. However, due to restrictions enforced by the State Water Resources Control Board, water may not be drawn from the river in drought years. As a result, the landowner dry-farms the property, including the 14.8-acre project site, by alternating oats and forage hay from year to year. Based on information provided in the application, yields from the 97.21 acre parent parcel have not been sufficient to be profitable, primarily because the property does not have a consistent and adequate (during drought years) water supply.

According to the California Important Farmland Finder on the Department of Conservation web site, the majority of the project site (about 85%) is classified as Farmland of Local Importance with a smaller portion classified as Farmland of Local Potential.

**Impact. Conversion of Prime Farmland.** As discussed in the Setting, above, mapped data from the NRCS show that about 85% of the 14.8-acre project site is composed of soils with a Land Capability Class of IV (non-irrigated), with the remainder class VII. As described in the Agriculture Element of the county General Plan, Class III and IV soils have moderate to severe limitations that reduce the choice of plants, or that require special conservation practices, or both. Irrigated Class IV soils are commonly used for vineyards. Class VII soils have very severe limitations that make them unsuitable for cultivation. These lands are primarily used as rangelands for grazing.

<sup>1</sup> Subclass e is made up of soils for which the susceptibility to erosion is the dominant problem or hazard affecting their use. Erosion susceptibility and past erosion damage are the major soil factors that affect soils in this subclass.

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The applicant has submitted a soil investigation report (Precision Ag Consultants 2013) based on soil samples from the project site. The study concludes that the site is composed of soils with the physical and chemical characteristics of the Lockwood-Concepcion complex which have an NRCS Land Use Capability Class of class II if irrigated and class III or IV if not irrigated, which is generally consistent with the NRCS mapped data.

The Agriculture Element defines “prime” agricultural land as having an NRCS Land Capability Class of I or II. The information provided above suggests that about 85% of the soils on the project site could be considered prime if a reliable source of irrigation water were applied. However, based on information provided by the applicant, the project site has not been irrigated for the past 20 years, primarily because of limitations imposed by the State Water Resources Control Board. Consequently the site has been dry farmed with oats and forage hay and the yields have been insufficient to be profitable. Given the historic use and management of the site, and the lack of a reliable water supply, the project site does not appear to meet the county’s definition of prime farmland. Accordingly, the project will not result in the permanent conversion of prime farmland to a non-agricultural use.

Impair the Agricultural Use Of Other Property Or Result in Conversion To Other Uses. The project will convert 14.8 acres of the parent 97.21 acre parcel to a non-agricultural use. The remaining 82.41 acres will remain undeveloped and presumably will continue to be dry farmed as in the past. The passive generation of electricity will not impair the use of other properties for agricultural uses or be incompatible with ongoing agricultural operations. Approval of the project may encourage other property owners to pursue a solar use easement, to the extent that these properties can meet the criteria set forth in the Government Code (see below).

Conflict With Existing Zoning or Williamson Act Program. The project site is within the *Agriculture* land use category (zoning). Photovoltaic electrical generating facilities are an allowed use in the Agriculture land use category, subject to the permitting requirements of section 22.32.060 of the County Land Use Ordinance. The application materials address these requirements. However, the parent parcel that includes the project site is also within an Agricultural Preserve and subject to a Land Conservation Act (LCA) contract. Therefore use of the property and the project site is subject to the limitations prescribed by the County’s *Rules of Procedure to Implement The California Land Conservation Act of 1965* Rules of Procedure.

The effective Land Conservation Act contract on the property was entered into on February 18, 1975 under the County Rules of Procedure that were effective at that time. Properties are generally considered compliant with their contracts if they maintain a commercial agricultural use of the property, limit other land uses to those compatible uses listed in Table 2 of the Rules of Procedure and adhere to the minimum parcel size for conveyance specified in the contract. The interpretation by County staff is that the existing contract will continue to be recognized as compliant for the purpose of implementing the solar use easement. This will require rescinding the existing contract and entering into an identical contract albeit on 82.41 acres instead of the original 97.21 acres, thus allowing for the 14.8 acre area to be covered by the solar use easement. The property under land conservation contract will continue to be cultivated, will limit land uses to compatible uses in Table 2 of the Rules of Procedure, will exceed the 40 acre minimum parcel size specified in the original contract, and thus will be consistent with the California Land Conservation Act of 1965 (Williamson Act) and local Rules of Procedure.

According to Table 2 of the County’s Rules of Procedure electrical generating plants are prohibited on lands subject to an LCA contract. There are no provisions in the County’s Rules of Procedure to grant an exception to the use limitations provided in Table 2. However, legislation signed into law in 2011 (Senate Bill 618 – Wolk, Government Code Section 51191) authorizes the parties to an LCA contract, after approval by the Department of Conservation and in consultation with the Department of Food and Agriculture, to mutually agree to rescind a contract on “marginally productive” agricultural land in

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order to simultaneously enter into a "solar-use easement". Under the terms of a solar use easement, the project site must be used for solar photovoltaic facilities (and only for such facilities) for a term of not less than 20 years. To qualify for a solar use easement, a property must meet the following criteria set forth in Government Code Section 51191:

1. *The land meets either of the following: (A) The land consists predominately of soils with significantly reduced agricultural productivity for agricultural activities due to chemical or physical limitations, topography, drainage, flooding, adverse soil conditions, or other physical reasons. Or, (B) The land has severely adverse soil conditions that are detrimental to continued agricultural activities and production. Severely adverse soil conditions may include, but are not limited to, contamination by salts or selenium, or other naturally occurring contaminants.*
2. *The parcel(s) are not located on lands designated as Prime Farmland, Unique Farmland, Or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program.*
3. *Demonstration that even under the best currently available management practices continued agricultural practices would be substantially limited due to the soils reduced agricultural productivity from chemical or physical limitations.*
4. *A recent soils test demonstrating that the characteristics of the soil significantly reduce its agricultural productivity.*
5. *An analysis of water availability demonstrating the insufficiency of water supplies for continued agricultural production.*
6. *An analysis of water quality demonstrating that continued agricultural production would under the best currently available management practices, be significantly reduced.*
7. *Crop & yield Information for the past six years.*
8. *A management plan describing how the soil will be managed during the life of the easement, how impacts to adjacent agricultural operations will be minimized, how the land will be restored to its previous general condition, as it existed at the time of project approval, upon termination of the easement.*
9. *Per Government Code Section 51191.3(c), term easements or self-renewing easements (non-permanent facilities) require the landowner to post a performance bond or other securities to fund restoration of the land that is subject to the easement, to the conditions that existed before the easement was created.*

Government Code Section 51191.2(c)(2) states that prior to agreeing to mutually rescind a Williamson Act Contract, the Board of Supervisors shall determine and certify to the County Auditor the amount of the rescission fee that the landowner shall pay the County Treasurer upon rescission. That fee shall be an amount equal to 6 ¼ percent of the fair market valuation of the property. The funds collected by the County Treasurer shall be transmitted to the Controller within 30 days of the execution of the mutual rescission of the contract by the parties.

In February of 2013, the applicants submitted an application for a solar use easement and requested that the County forward a petitioned to the State Department of Conservation (DOC) to review the request to grant a solar use easement. The petition includes supporting materials addressing each of the criteria listed above (Exhibit A of this initial study). The DOC

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has reviewed the petition and has concluded that the 14.8 -acre project site would be eligible for rescission of the existing Williamson Act contract and entry into a solar-use easement as outlined in Government Code 51191. The analysis supporting their findings is contained in their letter of June 3, 2013, attached in Exhibit A of this initial study. To summarize: *based on site conditions and land classification, the fact that the land has not been developed for irrigated agriculture, and that it is likely that the land would not be mapped as Prime, Unique, or Farmland of Statewide Importance; the Department believes that this project site would be eligible for rescission of the existing Williamson Act contract and entry into a solar-use easement.*

*However, per Government Code Section 51191.3(c) a performance bond, letters of credit, a corporate guarantee, or other security measurement is required to address decommissioning issues on the project site prior to termination of the contract. Before the County can record the solar-use easement, a written agreement regarding the restoration security must be in place. It is suggested that the solar-use easement agreement also address the financial security and the ability to make adjustments as necessary through the life of the solar-use easement.*

The County Agriculture Commissioner has reviewed the petition for a solar use easement, as well as the letter from DOC and responded as follows: "The Agriculture Department recognizes that the DOC, as lead agency, has indicated that the project site would be eligible for rescission of the existing Williamson Act contract and entry into a solar-use easement as long as identified solar use easement recording requirements are met." Should the solar use easement be approved by the County, the LCA contract on the 14.8-acre project site would be rescinded and no conflicts would exist with the County's Rules of Procedure. However in the event the solar use easement is not approved by the County, the limitations on the use of LCA contract land provided in Table 2 of the Rules would still apply and the project would not be allowed. This conflict with the Rules of Procedure would constitute a significant adverse impact.

**Mitigation/Conclusion.** No mitigation measures are necessary. Compliance with the provisions of Government Code 51191 will ensure impacts associated with the loss of agricultural land are mitigated to a less than significant level.

<b>3. AIR QUALITY - Will the project:</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <b>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <b>Expose any sensitive receptor to substantial air pollutant concentrations?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <b>Create or subject individuals to objectionable odors?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <b>Be inconsistent with the District's Clean Air Plan?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <b>Other:</b> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**Setting.** In March, 2002 the San Luis Obispo County Air Pollution Control District (APCD) adopted a Clean Air Plan (CAP) which sets forth strategies for achieving and maintaining federal and State air pollution standards. State standards for ozone and fine particulate matter (PM<sub>10</sub>) are currently exceeded within the District, and violation of federal standards may occur in future years without adequate planning and air quality management.

The SLO APCD's 2012 CEQA Air Quality Handbook assists lead agencies, planning consultants, and project proponents in assessing the potential air quality impacts from new development. The Handbook defines the criteria used by the APCD to determine when an air quality analysis is necessary, the type of analysis that should be performed, the significance of the impacts predicted by the analysis, and the mitigation measures needed to reduce the overall air quality impacts.

According to the NRCS Soils Survey, the project site is located on soils that have been given the following wind erodibility ratings:

Arbuckle-Positas complex, 30 to 50 percent slopes:	3, moderate
Lockwood-Concepcion complex, 2 to 9 percent slopes:	Not Rated

**Impacts.** Construction activities will generate exhaust emissions from construction equipment and vehicles, and particulate matter (fugitive dust) from earth disturbance. In addition, the emission of ozone precursors (NO<sub>x</sub> and ROG) associated with these activities would contribute to existing periodic high ozone levels in the northern portion of the County. Lastly, earth disturbing activities have the potential to release naturally occurring asbestos.

The project will involve disturbance of about 14.8 acres of the 14.8-acre project site which will include grading of the building site and access driveway. Following construction, the project is designed to operate without any on-site personnel. Operation, maintenance and repair activities are expected to generate infrequent and minimal motor vehicle traffic and associated emissions.

Construction Related Emissions. The APCD CEQA Air Quality Handbook establishes thresholds of significance for various types of development and associated activities. According to the Handbook, a project with grading in excess of 4.0 acres can exceed the construction threshold for respirable particulate matter (PM<sub>10</sub>). Construction activities will include grading of about 14.8 acres of the 14.8-acre project site. Therefore, construction activities would likely exceed SLO APCD thresholds for PM<sub>10</sub>.

In addition, project construction with the potential to emit 137 lbs/day or 2.5 tons per quarter of ozone precursors (reactive organic gases and oxides of nitrogen combined) would result in potentially significant air quality impacts. The APCD recommends the quantification of construction-related emissions using the CalEEMod computer model. CalEEMod uses widely accepted models for emission estimates combined with appropriate default data that can be used if site-specific information is not available. These models and default estimates use sources such as the EPA AP-42 emission factors, ARB vehicle emission models, studies commissioned by California agencies such as the California Energy commission (CEC) and Calrecycle. It also estimates construction impacts and impacts of mitigation options.

Naturally Occurring Asbestos. According to the APCD CEQA Air Quality Handbook, Naturally Occurring Asbestos (NOA) has been identified as a toxic air contaminant by the California Air Resources Board (CARB). Under the CARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities a geologic evaluation should be conducted to determine if NOA is present within the area that will be disturbed. If

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NOA is not present, an exemption request must be filed with the District. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD.

Technical Appendix 4.4 of the SLO APCD 2012 CEQA Handbook includes a map of zones throughout SLO County where NOA has been found and geological evaluation is required prior to any grading. The soils report for the project site did not assess the presence of asbestos. As shown in Appendix 4.4, the project site lies in the area where a geologic study for the presence of NOA is not required but is recommended.

Development Burning. On February 5, 2000, the SLO APCD prohibited development burning of vegetative material within San Luis Obispo County. However, in under certain circumstances where no technically feasible alternative is available, limited burning may be allowed subject to regulations applied by the SLO APCD. Unregulated burning would result in a potentially significant impact.

Objectionable Odors. Based on the project description, the project is not expected to result in significant odor impacts to surrounding residents.

Consistency With the Clean Air Plan/Climate Change. The project will accommodate a level of development for the site that was anticipated by the Clean Air Plan. As discussed above, motor vehicle trips associated with operation of the project are expected to be infrequent and minimal.

With regard to climate change, the county's 2011 EnergyWise plan includes GHG reduction measures that encourage the use and development of renewable energy sources, including small-scale sources such as the project. Since the purpose of the project is to produce electricity from a renewable source it will presumably reduce the use of non-renewable energy sources which in turn will reduce greenhouse gas emissions.

Greenhouse Gas Emissions. Greenhouse gases emitted during construction and operation will be negligible, because the project will generate a minimal number of operational trips. The APCD supports renewable energy projects throughout the County because they will help the state meet the greenhouse gases reduction goals of Assembly Bill 32 (AB32), the California Global Warming Solution Act of 2006.

Ozone Precursors. Table 1 compares the estimated construction emissions modeled by CalEEMod with the APCD thresholds of significance. Table 1 suggests that construction related emissions will exceed APCD thresholds and therefore will require mitigation.

Table 1: Comparison of Estimate Construction-Related Emissions With Thresholds of Significance

Pollutant	Threshold of Significance <sup>1</sup>	Construction-Related Emissions (Lbs/day in summer) <sup>2</sup>
Diesel Particulate Matter	7 lbs/day	9.37
Reactive Organic Gases (ROG) and Oxides of Nitrogen (NOx) Combined	137 lbs per day	184.09
Fugitive Dust (PM10)	2.5 tons per quarter	1.40

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## Sources:

1. APCD CEQA Air Quality Handbook, Table 2-1
2. CalEEMod v. 2011.1.1

**Mitigation/Conclusion.** To mitigate potential air quality impacts, the applicant has agreed to implement the following measures.

**Fugitive Dust (PM<sub>10</sub>).** To minimize the emission of particulate matter, the applicant has agreed to implement APCD fugitive dust mitigation measures including reducing the amount of disturbed area where possible, the use of water trucks or sprinkler systems to water down airborne dust and for the daily spraying of dirt stock-pile areas.

**Ozone Precursors.** To minimize emissions of ozone precursors during construction activities, the applicant has agreed to implement measures aimed at ensuring proper tuning of construction equipment and to use alternate fuels wherever possible.

**Developmental Burning.** To minimize the effects of vegetative burning on regional air quality, the applicant is required by regulation to avoid burning, or if no alternative is available, obtain a burn permit from the APCD and County Fire/California Department of Forestry, and comply with all conditions required by these agencies.

Based on the incorporation of mitigation measures identified in Exhibit B, potentially significant impacts to air quality can be mitigated to a less than significant level.

<b>4. BIOLOGICAL RESOURCES - Will the project:</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
<b>a) Result in a loss of unique or special status species or their habitats?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>b) Reduce the extent, diversity or quality of native or other important vegetation?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>c) Impact wetland or riparian habitat?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>d) Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>e) Other: _____</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** A biological resources assessment was prepared by the applicant (SWCA 2013). The biological resources assessment is based on a review of relevant literature to gain insights into the range of species that may occur on the site. A field survey was conducted in January, 2013 to: 1) characterize the existing conditions within the project site and 2) identify those biological resources that could be impacted by future development. The survey was conducted by a qualified biologist

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using guidelines established by the County and involved walking transects to document botanical and wildlife species present onsite.

On-site Vegetation: dry-farm agriculture and non-native plants

Name and distance from blue-line creeks: The Salinas River is located about 0.5 miles to the west; an ephemeral creek is located about 1,500 feet to the west which drains into the Salinas River.

Habitats: Habitats in the project area include agricultural and ruderal/developed habitats. The 97.21 acre parent parcel and the 14.8-acre project site have been heavily impacted by historic agricultural practices (i.e., disking and grazing) and provide low habitat value for wildlife species. However, it should be noted that several mature oak trees (*Quercus* spp.) are located adjacent to the project site and are considered a sensitive resource by the County of San Luis Obispo. No trees are proposed for removal as part of the project.

Tree canopy coverage: There are no trees on the 14.8-acre project site.

Special-Status Plant Species. According to the California Natural Diversity Database (CNDDDB) a total of 45 special-status plant species have been documented within a 10-mile radius of the project site. Because the CNDDDB plant list is considered regional, the biological resources assessment evaluated the listed species to identify which special-status plant species have the potential to occur within the project site. The analysis compared the known habitat requirements of those 45 species to the project site's existing conditions, elevation, and soils. Due to the disturbed nature of the project site from past agricultural activities (e.g., tilling and cattle grazing), special-status plant species are not expected to occur on the project site.

Special-Status Wildlife Species. According to the CNDDDB, 40 sensitive wildlife species have been documented within a 10 mile radius of the project site. Because this list of species is considered regional, an analysis of the range and habitat preferences of those animal species was conducted by the authors of the biological resources assessment to identify which sensitive wildlife species have the potential to occur within the project site. Based on this analysis the study determined that the following special-status animal species have the greatest potential to occur within, or directly adjacent to the project site:

- white-tailed kite (*Elanus leucurus*)
- Swainson's hawk (*Buteo swainsonii*)
- burrowing owl (*Athene cunicularia*)
- San Joaquin kit fox (*Vulpes macrotis mutica*)

Although the species listed above may have the potential to occur within or adjacent to the project site based on presence of suitable foraging, roosting, or nesting habitat, none of these species were identified during the field surveys.

**Impact.** As discussed in the project description, the project will involve the conversion of about 14.8 acres of agricultural and ruderal land to a solar generating facility. Soils under the PV array will remain exposed; however the building site will consist of graded material and gravel as well as a 510 square foot concrete pad for the converters and transformers. The site will be completely fenced by an 8 foot chain link fence. The site does not support wetland or riparian vegetation.

No special-status plant species were observed nor are expected to occur on the project site based on the past agricultural practices observed during the field survey. However, despite being heavily disturbed from agricultural activities, there is still potential for sensitive wildlife species to occur on the site based on presence of suitable foraging, roosting, or nesting habitat. One inactive raptor nest was

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observed in one of the valley oak trees located northeast of the project site and could potentially be used by a Swainson's hawk (*Buteo swainsoni*), white-tailed kite (*Elanus leucurus*), or other raptor species during the typical nesting season (February 15-September 15). Migratory nesting birds may also use the weedy areas within the project site and along El Pomar Drive for nesting and foraging purposes. Numerous ground squirrel burrows were observed within and adjacent to the project site and could potentially be used by burrowing owls (*Athene cunicularia*). Due to the property's close proximity to the Salinas River, there is a low likelihood that San Joaquin kit foxes (*Vulpes macrotis*) may pass through the project area. The parent property and project site do not contain suitable denning habitat for San Joaquin kit fox; however, foxes are known to utilize the Salinas River as a wildlife corridor for the purposes of foraging.

**Mitigation/Conclusion.** Construction activities associated with the project could adversely impact nesting migratory birds and (although unlikely) denning San Joaquin kit fox. Perimeter fencing could also adversely impact the movement of San Joaquin kit fox. To address these potential impacts, the applicant has agreed to implement the mitigation measures summarized in Exhibit B.

<b>5. CULTURAL RESOURCES -</b> <i>Will the project:</i>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project site is located in an area historically occupied by the Obispeno Chumash. No historic structures are present and no paleontological resources are known to exist in the area. A Phase I cultural resources assessment was conducted for the project site in February, 2013 (SWCA 2013). The study was conducted by a qualified archaeologist consistent with County guidelines and includes a cultural resources records search, a Native American Sacred Lands File search, an archaeological survey of the project area, and the preparation of a technical report documenting the results of the inventor and providing management recommendations. As part of the investigation, authors of the study consulted with the Native American Heritage Commission (NAHC) and with representatives of local Native American tribes.

**Impacts.** A records search from the Central Coast Information Center (CCIC), located at the University of California, Santa Barbara indicates that three cultural resources studies have been conducted within a 0.50-mile radius of the project site. However, no previously identified cultural resources are located within the project site and a 0.50-mile radius.

The field survey of the project site and the NAHC's search of the Sacred Lands File were negative for the presence of cultural resources. No historical resources or unique archaeological resources, as defined by the California Environmental Quality Act, were identified within the project area. Due to the negative results of the Native American coordination and records search, the project area is considered to have low sensitivity for the presence of subsurface archaeological resources.

Due to the lack of known archaeological sites in the project area, no further archaeological study is

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recommended at this time aside from standard protocols for the unanticipated discovery of cultural resources, including human remains.

**Mitigation/Conclusion.** No archaeological monitoring is recommended during grading activities unless previously undiscovered cultural materials are unearthed. Per County of San Luis Obispo Land Use Ordinance Section 22.10.040, if during any future grading and excavation, buried or isolated cultural materials are unearthed, work in the area should halt until they can be examined by a qualified archaeologist and appropriate recommendations made. No significant impacts to cultural resources are expected to occur and no additional mitigation measures are necessary.

<b>6. GEOLOGY AND SOILS - Will the project:</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone"?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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<b>6. GEOLOGY AND SOILS -</b> <i>Will the project:</i>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
<b>j) Other:</b> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting**

GEOLOGY - The following relates to the project's geologic aspects or conditions:

Topography: Gently rolling

Within County's Geologic Study Area?: No

Landslide Risk Potential: Negligible

Liquefaction Potential: Low

Nearby potentially active faults?: No Distance? Not applicable

Area known to contain serpentine or ultramafic rock or soils?: No

Shrink/Swell potential of soil: Low

Other notable geologic features? None

DRAINAGE – The following relates to the project's drainage aspects:

Within the 100-year Flood Hazard designation? No

Closest creek? Salinas River Distance? Approximately 0.5 miles to the west

Soil drainage characteristics: Well drained

When a project has the potential to generate runoff that may adversely impact offsite receiving areas, the Land Use Ordinance (LUO Sec. 22.52.080 or CZLUO Sec. 23.05.042) requires the preparation of a drainage plan to minimize potential drainage impacts. When required, this plan would recommend measures to address drainage and erosion such as the construction of on-site retention or detention basins and the installation of surface water flow dissipaters. Such a plan would also need to demonstrate that the increased surface runoff would have no more impacts to offsite receiving areas than that caused by historic flows.

When conditions on a project site are conducive to erosion, the Land Use Ordinance (LUO Sec. 22.52.090, CZLUO Sec. 23.05.036) requires the preparation of a sedimentation and erosion control plan by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local agency who administers this program and reviews and approves the SWPPP.

SEDIMENTATION AND EROSION – A soil investigation report was prepared for the project site (Precision Ag Consultants 2013). According to the soils investigation, soils on the project site are composed primarily of Lockwood-Concepcion Complex which consists of alluvium derived from sedimentary rock, and Arbuckle-Positas complex which consists of alluvium derived from mixed rock sources. As described in the NRCS Soil Survey, soils on the project site exhibit the following erodibility characteristics:

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Soil erodibility:

- Lockwood-Concepcion Complex: Slight
- Arbuckle-Positas Complex: Severe

**Impact.** The project site is not located within a Geologic Study Area, and does not include the development of habitable structures. Grading activities, construction of the PV array and the placement of converters and transformers would all be subject to compliance with the California Building Code. Therefore, no significant impacts associated with unstable earth conditions, earthquakes or ground failure are expected to occur. The project site is not located within a flood zone or extractive zone, and no mineral resources are known to be present within the project site.

Improvements of access roads, including grading activities, may also result in erosion and down-gradient sedimentation. Installation of the PV trackers and the concrete pad containing the converters and transformers will increase the amount of impervious surfaces which in turn will increase the volume and velocity of runoff generated by the site compared with existing conditions.

As discussed in the project description, the project will result in the disturbance of approximately 14.8 acres of the 14.8-acre project site. Based on the soil investigation prepared for the project site, and confirmed by the NRCS soil survey, soils covering a majority of the project site (about 85%) exhibit a low capacity for erosion. Although the potential for soil erodibility is low, the topography of the project site will necessitate grading to create a level building site for the PV array. According to the preliminary grading plan for the project, the finish grades will result in manufactured slopes around the perimeter of the building site which would be subject to erosion. Compliance with relevant provisions of the Building Code and Land Use Ordinance (described in the Setting, above) will address potential impacts to erosion. In addition, because the project involves disturbance of over 1 acre, the applicant is required to prepare a SWPPP which will identify specific measures to protect surface and groundwater quality. Compliance with existing regulations will ensure potential impacts associated with erosion and sedimentation will be mitigated to a less than significant level.

**Mitigation/Conclusion.** The applicant will be required to submit an erosion and sedimentation control plan and an SWPPP. There is no evidence that additional measures beyond compliance with code requirements and the conclusions of the soil investigation will be needed.

7. HAZARDS & HAZARDOUS MATERIALS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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<b>7. HAZARDS &amp; HAZARDOUS MATERIALS - Will the project:</b>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The State of California Hazardous Waste and Substances Site List (also known as the "Cortese List") is a planning document used by state and local agencies and developers to comply with the siting requirements prescribed by federal, State, and local regulations relating to hazardous materials sites. A search of the Cortese database conducted in June, 2013 revealed no active sites in the vicinity, including the project site.

The project is not within an Airport Review area.

According to the CalFire map of fire hazard severity zones for San Luis Obispo County, the project site is located in a High Fire Hazard Severity Zone. Based on the County's fire response time map, it will take approximately 10-15 minutes to respond to a call regarding fire or life safety. Refer to the Public Services section for further discussion on Fire Safety impacts.

**Impact.** Construction activities may involve the use of oils, fuels and solvents. In the event of a leak or spill, persons, soil, and vegetation down-slope from the site may be affected. The use, storage, and transport of hazardous materials is regulated by the Department of Toxic Substances Control (DTSC) (22 Cal. Code of Regulations Section 66001, et seq.). The use of hazardous materials on the project site for construction and maintenance is required to be in compliance with local, state, and federal regulations. In addition, compliance with the requirements of a SWPPP and standard best management practices would also address this impact (refer to Section 13 Water).

Water will be used to wash the PV panels rather than cleaning solvents. Decommissioning of the facility will include either recycling of the panels and equipment, or disposal at an approved solid waste facility, depending on available technology at the time of decommissioning.

The project has been reviewed by CalFire (2013) for code requirements relating to fire protection; their comments will be incorporated into conditions of project approval. In addition, the project is required to comply with the California Building Code and to incorporate the following safety features: an on-site fire extinguisher; gate design that will enable access by emergency personnel (including KNOX box); proper addressing; the creation of defensible space (100-foot clearance of combustible vegetation around structures). The project includes a 20-foot wide perimeter road and 16-foot wide driveway with as required by CalFire. In addition, a Wildland Fire Negative Management Plan and written Emergency Plan shall be approved by CalFire.

**Mitigation/Conclusion.** Compliance with existing regulations and code requirements will ensure potential impacts associated with hazards and hazardous materials impacts will be less than significant.

<b>8. NOISE - Will the project:</b>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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8. NOISE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project is located in a rural area where agriculture is the prevailing land use. Consequently, noise levels on the project site and in the vicinity are low and there are no sources of loud noises beyond those associated with agricultural operations. Sensitive receptors in the vicinity of the project site include single family residences on large lots which a minimum of 0.5 miles from the project site.

The Noise Element of the County's General Plan includes projections for future noise levels from known stationary and vehicle-generated noise sources. According to the Noise Element, the project lies within an area where future noise levels are expected to remain within an acceptable threshold. The project site is within close proximity to El Pomar Drive which is a source of transportation-related noise. The Noise Element establishes an threshold for acceptable exterior noise levels for sensitive uses (such as residences) of 60 decibels<sup>2</sup> along transportation noise sources and provides an estimate of the distance from certain roadways where noise levels will exceed those levels. For El Pomar Drive, these distances have not been modeled.

**Impact.** Construction activities may involve the use of heavy equipment for grading and for the delivery and movement of materials on the project site. The use of construction machinery will also be a source of noise. Construction-related noise impacts would be temporary and localized. As discussed in the setting, the project site is not located in proximity to sensitive receptors; the nearest ranch house is about 0.5 miles. In addition, County regulations limit the hours of construction to day time hours between 7:00 AM and 9:00 PM weekdays, and from 8:00 AM to 5:00 PM on weekends.

With regard to transportation-related noise sources, the project site will not be occupied except during routine repair and maintenance. Therefore the potential impacts of noise exposure from transportation sources is considered less than significant.

Following construction, noise generated by the project would be minimal as the project involves the passive generation of electricity by photovoltaic processes.

**Mitigation/Conclusion.** No significant noise impacts are expected and no mitigation measures beyond compliance with applicable code are required.

<sup>2</sup> The sound level obtained by using the A-weighting filter of a sound level meter, expressed in decibels (dB). All sound levels referred to in this policy document are in Aweighted decibels. A-weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear. Most community noise standards utilize A-weighting, as it provides a high degree of correlation which human annoyance and health effects.

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9. POPULATION/HOUSING - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** In its efforts to ensure housing is affordable to the widest range of income groups, the county administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects that provide affordable housing. In addition, the County's Inclusionary Housing Ordinance requires the provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions.

**Impact.** Based on the project description, the project will not generate the need for additional housing as a result of new employees or construction workers. Based on the project description the project will not displace any existing housing.

**Mitigation/Conclusion.** No significant impacts relating to population or housing are expected. The project will be required to participate in the county's inclusionary housing program through the payment of an in-lieu fee. No additional mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES - <i>Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Schools?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Roads?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Solid Wastes?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other public facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



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<b>11. RECREATION - Will the project:</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
c) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** Parks facilities serving the Templeton area include Templeton Park. Regional county parks include Heilman Park in Atascadero and Santa Margarita Lake Park. In addition, school facilities can provide opportunities for recreation.

The County has adopted a Trails Plan for the purpose of establishing a trail system serving the unincorporated areas of the County. The Trails Plan does not show any trails affecting the project site.

**Impacts.** As discussed in Section 9, Population and Housing, no additional population will be attracted to the county as a result of the project. Therefore, the project will have a less than significant impact on the demand for parks and recreation facilities and services.

**Mitigation/Conclusion.** No impacts to recreational facilities are anticipated therefore no mitigation is required.

<b>12. TRANSPORTATION/ CIRCULATION - Will the project:</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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12. TRANSPORTATION/ CIRCULATION - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The County has established Level of Service (LOS) "C" as the acceptable level of roadway operation for rural areas, and LOS "D" for urban areas. El Pomar Drive provides primary access to the project site and is classified as a collector street. Traffic counts taken in 2009 indicate El Pomar is operating at an acceptable level of service and experiences a morning peak hour traffic volume of 800 vehicle trips. The North County Area Plan recommends making operational improvements to El Pomar Drive where warranted.

Based on existing road speeds and configuration (vertical and horizontal road curves), sight distance is considered acceptable along El Pomar Drive where the project driveway will be located. The project was referred to the Department of Public Works and no significant traffic issues were identified. The project site is within the Templeton Road Improvement Fee Area which provides funding for areawide circulation improvements.

**Impact.** Construction related traffic will increase morning and afternoon peak hour trips on El Pomar Drive. Based on the project application materials, it is expected that as many as 20 workers will be arriving and leaving the project site on a typical construction work day. Assuming 800 trips on El Pomar Drive during the morning peak hour, traffic will increase by about 2.5 percent for the construction timeframe of three to four months. The temporary increase in traffic on El Pomar Drive will not reduce the currently-acceptable level of service. The project will be required to pay all applicable development impact fees to pay its fair share of the Templeton Road Improvement Fees which will fund improvements necessary to achieve and maintain an acceptable level of roadway operation for the Templeton area.

**Mitigation/Conclusion.** Standard access improvements are required. The cumulative impact to area roadways and intersections will be addressed by the payment of the applicable traffic impact fees discussed above.

13. WASTEWATER - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**Setting.** Wastewater treatment is provided on the parent parcel by on-site septic systems. Regulations for the design of wastewater systems are found within the County's Plumbing Code (Chapter 7 of the Building and Construction Ordinance), the Water Quality Control Plan, Central Coast Basin adopted by the Regional Water Quality Control Board (RWQCB), and the California Plumbing Code. These regulations include specific requirements for both on-site and community wastewater systems.

**Impact.** As discussed in the project description, the project consists of a solar photovoltaic facility which will be automated and not permanently staffed. Accordingly, the project will not generate any wastewater nor does the project include a wastewater disposal system. A portable toilet will be onsite during construction.

**Mitigation/Conclusion.** No impacts associated with wastewater disposal will occur, and no mitigation measures are necessary.

<b>14. WATER - Will the project:</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** Water supply is provided by three wells on the 97.21 acre parent parcel which draws water from the Paso Robles groundwater basin; no wells are present on the 20-acre project site. The Resource Capacity Study prepared by the county in November 2010 states that the Paso Robles Groundwater basin is near or at perennial yield, and contains land use and water use monitoring and conservation recommendations within the authority of the county to help ensure the sustainability of the basin into the future.

Topography of the project site is level to gently rolling. The nearest creek is the Salinas River located about 1 mile to the west; an ephemeral creek is located about 0.5 miles to the west. According to the soil investigation prepared for the project site, and the NRCS soil survey, soils covering 85% of the project site are considered to have low capacity for erosion, with the remainder considered to have a severe erosion potential.

Projects involving more than one acre of disturbance are subject to the provisions of the National Pollution Discharge Elimination System (NPDES) and are required to prepare a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site and off-site sedimentation and erosion. Based on review

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by the Department of Public Works, the applicant is required to comply with the NPDES Phase I and/or Phase II storm water program and the County's Storm Water Pollution Prevention Control and Discharge Ordinance (Title 8, Section 8.68 et al.). When work is done in the rainy season, the county Land Use Ordinance requires that temporary sedimentation and erosion control measures be installed during the rainy season.

When a project has the potential to generate runoff that may adversely impact offsite receiving areas, the Land Use Ordinance (LUO Sec. 22.52.080 or CZLUO Sec. 23.05.042) requires the preparation of a drainage plan to minimize potential drainage impacts. When required, this plan would recommend measures to address drainage and erosion such as the construction of on-site retention or detention basins and the installation of surface water flow dissipaters. Such a plan would also need to demonstrate that the increased surface runoff would have no more impacts to offsite receiving areas than that caused by historic flows.

When conditions on a project site are conducive to erosion, the Land Use Ordinance (LUO Sec. 22.52.090, CZLUO Sec. 23.05.036) requires the preparation of a sedimentation and erosion control plan by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local agency who administers this program and reviews and approves the SWPPP.

The project includes a preliminary grading and drainage plan that incorporates features to collect, treat and dispose of runoff generated by the project (Figure 4).

**Impact. Drainage and Runoff.** As discussed in the project description, the project will result in the disturbance of approximately 14.8 acres of the 14.8-acre project site. Based on the soil investigation prepared for the project site, and confirmed by the NRCS soil survey, the majority (85%) of the project site consists of soils that exhibit a low degree of erodibility with the remainder considered severe. Installation of the PV trackers and the concrete pad containing the converters and transformers will increase the amount of impervious surfaces which in turn will increase the volume and velocity of runoff generated by the site compared with existing conditions. Compliance with relevant provisions of the Building Code and Land Use Ordinance (described in the Setting, above) will address potential impacts to surface water quality. In addition, because the project involves disturbance of over 1 acre, the applicant is required to prepare a SWPPP which will identify specific measures to protect surface and groundwater quality. Compliance with existing regulations will ensure potential impacts associated with erosion and sedimentation will be mitigated to a less than significant level.

**Water Supply.** According to the application materials, water is expected to be brought to the site from wells on the parent parcel or from the Templeton Community Services District through contractual arrangements. Water will be used to clean the PV modules and for controlling dust. Based on the application materials, the project is expected to consume about 2,000 gallons per year (5.47 gallons per day) or about 1.3 percent of the water consumed by a typical single family residence.

**Mitigation/Conclusion.** Based on compliance with existing regulations, potential impacts to water quality will be less than significant. The standard drainage and erosion control measures required by Code, including the preparation of a Storm Water Pollution Prevention Plan, will address potential impacts related to erosion and sedimentation.

Assuming 2,000 gallons per year water demand, the project will have a less than significant impact on water supplies and will not adversely impact the groundwater basin. No additional measures are recommended for water supply impacts.

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15. LAND USE - <i>Will the project:</i>	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The project application materials were reviewed for consistency with policy and/or regulatory documents including the County Land Use Ordinance (LUO) and General Plan. Project plans were also sent to other regulatory agencies and county departments for their review of project consistency with applicable regulations and policies. These agencies and departments include (but are not limited to) CAL FIRE, APCD and the County Agriculture Department.

As discussed in the project description, the project site is designated *Agriculture* by the county general and Land Use Ordinance. Photovoltaic electrical generating facilities are an allowed use in the Agriculture land use category, subject to the permitting requirements of section 22.32.060 of the County Land Use Ordinance. The project application materials address these requirements. However, as discussed in Section 2. Agricultural Resources, the project site is also subject to a Land Conservation Act (LCA, or Williamson Act) contract and is therefore subject to the land use limitations prescribed by Table 2 of the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Rules of Procedure). According to Table 2, electrical generating plants are prohibited on lands subject to an LCA contract.

There are no provisions in the County's Rules of Procedure to grant an exception to the use limitations provided in Table 2. However, as discussed in Section 2. Agricultural Resources, The applicants have submitted materials in support of the granting of a solar use easement. Should the solar use easement be granted, the LCA contract affecting the 14.8-acre project site would be rescinded and the prohibition of electrical generating facilities would be resolved. If the solar use easement is not approved, the project will be inconsistent with the County's Rules of Procedure. This inconsistency would constitute a significant adverse impact.

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized in the project description.

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The project was found to be consistent with the policies and regulations of other agencies and departments (refer also to Exhibit A for reference documents used).

**Mitigation/Conclusion.** No mitigation measures are necessary so long as a solar use easement is granted in accordance with the provisions of Government Code 51191.

**16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:**

Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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a) *Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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b) *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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For further information on CEQA or the county's environmental review process, please visit the County's web site at "[www.sloplanning.org](http://www.sloplanning.org)" under "Environmental Information", or the California Environmental Resources Evaluation System at: [http://www.ceres.ca.gov/topic/env\\_law/ceqa/guidelines](http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines) for information about the California Environmental Quality Act.

**8-74****Exhibit A - Initial Study References and Agency Contacts**

The County Planning or Environmental Divisions have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ) and when a response was made, it is either attached or in the application file:

<b><u>Contacted</u></b>	<b><u>Agency</u></b>	<b><u>Response</u></b>
<input checked="" type="checkbox"/>	County Public Works Department	<b>In File**</b>
<input checked="" type="checkbox"/>	County Environmental Health Division	<b>None</b>
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	<b>In File**</b>
<input type="checkbox"/>	County Airport Manager	<b>Not Applicable</b>
<input type="checkbox"/>	Airport Land Use Commission	<b>Not Applicable</b>
<input checked="" type="checkbox"/>	Air Pollution Control District	<b>None</b>
<input type="checkbox"/>	County Sheriff's Department	<b>Not Applicable</b>
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	<b>None</b>
<input type="checkbox"/>	CA Coastal Commission	<b>Not Applicable</b>
<input checked="" type="checkbox"/>	CA Department of Fish and Game	<b>None</b>
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	<b>In File**</b>
<input type="checkbox"/>	CA Department of Transportation	<b>Not Applicable</b>
<input type="checkbox"/>	Community Service District	<b>Attached</b>
<input checked="" type="checkbox"/>	Other <u>Templeton Advisory Committee</u>	<b>Attached</b>
<input type="checkbox"/>	Other _____	<b>Not Applicable</b>

\*\* "No comment" or "No concerns"-type responses are usually not attached

The following checked ("") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

Project File for the Subject Application

Safety Element

Land Use Ordinance

County documents

Real Property Division Ordinance

Trails Plan

Solid Waste Management Plan

Airport Land Use Plans

Annual Resource Summary Report

Building and Construction Ordinance

Coastal Policies

Framework for Planning (Coastal & Inland)

General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:

Agriculture & Open Space Element

Energy Element

Environment Plan (Conservation, Historic and Esthetic Elements)

Housing Element

Noise Element

Parks & Recreation Element

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- |   |   |
|---|---|
| <input checked="" type="checkbox"/> El Pomar/Estrella Area Plan                   | <input checked="" type="checkbox"/> Fire Hazard Severity Map  |
| <input type="checkbox"/> Circulation Study  | <input checked="" type="checkbox"/> Flood Hazard Maps   |
| <u>Other documents</u>  | <input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County |
| <input checked="" type="checkbox"/> Archaeological Resources Map                  | <input type="checkbox"/> Regional Transportation Plan   |
| <input type="checkbox"/> Area of Critical Concerns Map                            | <input checked="" type="checkbox"/> Uniform Fire Code   |
| <input type="checkbox"/> Areas of Special Biological Importance Map               | <input type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)                  |
| <input checked="" type="checkbox"/> California Natural Species Diversity Database | <input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)       |
| <input checked="" type="checkbox"/> Clean Air Plan                                | <input type="checkbox"/> Other _____  |

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Ecos Energy, January, 2012, Vintner Solar Project SB618 Solar-Use Easement Application

California Department of Conservation Division of Land Resource Protection, Conservation Program Support Unit Letter of June 3, 2013

California Emissions Estimator Model (CalEEMod) v. 2011.1.1

California Department of Conservation California Important Farmland Finder, <http://maps.conservation.ca.gov/ciff/ciff.html>

Precision Ag Consulting, April 2012 Soil Investigation Report, Vintner Solar Project

San Luis Obispo County Air Pollution Control District CEQA Air Quality Handbook, 2012

San Luis Obispo County Department of Public Works, 2012 Update Templeton Circulation Study

SWCA Environmental Consultants, 2013, Biological Resources Assessment for the Vintner Solar Project In Templeton, San Luis Obispo County California

SWCA Environmental Consultants, 2013, Phase I Archaeological Survey for the Vintner Solar Project, In Templeton, San Luis Obispo County California

WW Design & Consulting, Inc., Photo simulations of the proposed solar facility

**8-76****Exhibit B - Mitigation Summary Table****Aesthetics**

- V-1 At the time of application for construction permit, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall be prepared as provided in Chapter 22.16 of the San Luis Obispo County Land Use Ordinance, and shall provide vegetation along the southern and eastern property boundary that will adequately screen the new development when viewed from El Pomar Drive. The landscape plan shall utilize only native, drought-tolerant plant material. Prior to final inspection, the applicant shall provide verification to the satisfaction of the county that these measures have been met.
- V-2 Prior to final inspection, the applicant shall ensure that all solar panels were prepared with anti-reflective coating.
- V-3 At the time of application for construction permits, the applicant shall submit utility plans prepared by a civil engineer to the Public Works Department to secure an Encroachment Permit to install wire tie-in facilities within the public right-of-way. All new utility services shall be installed underground within the right-of-way. No trenching of El Pomar Drive shall be allowed, only directional boring.

**Air Quality**

- AQ-1 Prior to issuance of grading and construction permits, all required fugitive dust (PM10) measures shall be shown on applicable grading or construction plans. In addition, the contractor or developer shall designate personnel to monitor the fugitive dust emission and enhance the implementation of the measures a necessary to minimize dust complaints, reduce visible emissions blow 20 percent opacity, and to prevent transport of dust offsite. Monitor duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such person(s) shall be provided to the APCD Compliance Division prior to issuance of grading and construction permits.
- a. Reduce the amount of the disturbed area where possible.
  - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
  - c. All dirt stock-pile areas should be sprayed daily as needed.
  - d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.
  - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established.
  - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
  - g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
  - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

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- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- l. Prior to commencement of construction activities, the applicant shall notify the APCD, by letter, that the above air quality mitigation measures have been applied.

AQ-2 To minimize air quality impacts associated with construction activities, the applicant shall implement the following as applicable:

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel-powered equipment with Air Resources Board (ARB)-certified motor vehicle diesel fuel (non-taxed version suitable for use off road);
- c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation;
- d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
- f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;
- g. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- i. Use equipment powered by electricity rather than diesel or gasoline when feasible;
- j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible;
- k. Use alternatively-fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel; and

AQ-3 "Naturally-occurring asbestos" has been identified by the State Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to construction permit issuance**, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. If NOA is not present, an exemption request shall be filed with the APCD. (For any questions regarding these requirements, contact the APCD at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.php>). **Prior to final inspection or occupancy**, whichever occurs first, when naturally-occurring asbestos is encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.

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AQ-4 As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, contact the APDD at (805) 781-5912.

**Biological Resources**

BIO-1 To the maximum extent possible, site preparation, ground-disturbing, and construction activities should be conducted outside of the migratory bird breeding season. If such activities are required during this period, the applicant should retain a County-approved biologist to conduct a nesting bird survey and verify that migratory birds are not occupying the site. If nesting activity is detected the following measures should be implemented:

- a. The project should be modified or delayed as necessary to avoid direct take of identified nests, eggs, and/or young protected under the MBTA;
- b. The County-approved biologist should contact the USFWS and CDFW to determine an appropriate biological buffer zone around active nest sites. Construction activities within the established buffer zone will be prohibited until the young have fledged the nest and achieved independence; and,
- c. The County-approved biologist should document all active nests and submit a letter report to the County, USFWS, and CDFW, documenting project compliance with the MBTA and applicable project mitigation measures.

BIO-2 Prior to construction, a qualified biologist should conduct a pre-activity survey to identify known or potential dens or sign no less than 14 days and no more than 30 days prior to the beginning of the site preparation, ground-disturbing, or construction activities, or any other activity that has the potential to adversely affect San Joaquin kit fox. If a known or potential den or any other sign of the species is identified or detected within the project area, the biologist will contact the USFWS and CDFW immediately. No work will commence or continue until such time that the USFWS and CDFW determine that it is appropriate to proceed. Under no circumstances will a known or potential den be disturbed or destroyed without prior authorization from the USFWS and CDFW. Within 7 days of survey completion, a report will be submitted to the USFWS, CDFW, and the County. The report will include, at a minimum, survey dates, field personnel, field conditions, survey methodology, and survey results.

BIO-3 During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes, or trenches in excess of 2 feet in depth should be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches should also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled or covered, they should be thoroughly inspected for entrapped kit fox. If any kit fox is found, work will stop and the USFWS and CDFW will be contacted immediately to determine how to proceed.

BIO-4 During the site disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of 4 inches or greater stored overnight at the project site should be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried,

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capped, or otherwise used or moved in any way. If any kit fox are found, work will stop and the USFWS and CDFW will be contacted immediately to determine how to proceed.

- BIO-5 Prior to, during, and after the site disturbance and/or construction phase, use of pesticides or herbicides should be in compliance with all federal, state, and local regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BIO-6 During the site disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped should be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant should immediately notify the USFWS and the CDFW by telephone. In addition, formal notification should be provided in writing within 3 working days of the finding of any such animal(s). Notification should include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured should be turned over immediately to the CDFW for care, analysis, or disposition.
- BIO-7 Prior to final inspection, should any long internal or perimeter fencing be proposed or installed, the County should do the following to provide for kit fox passage:
- If a wire strand/pole design is used, the lowest strand should be no closer to the ground than 12 inches.
  - If a more solid wire mesh fence is used, 8×12-inch openings near the ground should be provided every 100 yards.
  - Upon fence installation, the applicant should notify the County to verify proper installation.
  - Any fencing constructed after issuance of a final permit should follow the above guidelines.

### Transportation and Traffic

- TR-1 At the time of application for construction permits, the applicant shall provide evidence to the Planning and Building Department that onsite circulation and pavement structural sections have been designed and will be constructed in conformance with CalFire standards and specifications back to the nearest public maintained roadway.
- TR-2 For the life of the project, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way prior to obtaining a valid Encroachment Permit from the Public Works Department, including, but not limited to: project signage, tree planting, and fences.

### Water

- W-1 For the life of the project, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

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DATE: July 11, 2013

## DEVELOPER'S STATEMENT FOR VINTNER SOLAR MINOR USE PERMIT DRC2011-00062

ED13-009

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

**Note:** The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

**Project Description:** Request by Vintner Solar LLC for to develop a 1.5 megawatt (MW) solar generating facility on an approximately 14.8 acre portion of a 97.21 acre parcel. The project includes:

- Application to rescind an existing Land Conservation Contract on a 97.21 acre parcel and replace it with a new Solar-Use Easement for a twenty year minimum pursuant to Government Code sections 51190 et seq. on an approximately 14.8 acre portion of the property and a replacement Land Conservation Contract on the remaining approximately 82.41 acre portion of the property,
- A Minor Use Permit to authorize construction of the solar generating facility including 7,350 photo-voltaic (PV) modules, pad-mounted inverters and a pad-mounted transformers, approximately 100 feet of underground conduit from the converters/transformers to the existing Pacific Gas and Electric (PG&E) electrical distribution line, and other related equipment.

The project is located at 603 El Pomar Drive, about 1.5 miles northeast of the community of Templeton, in the El Pomar – Estrella planning area.

The project site consists of a 14.8-acre portion of 97.21 acre parcel located at 603 El Pomar Drive, about 1.5 miles northeast of the community of Templeton. Development of the solar facility will result in the disturbance of approximately 14.8 acres and will include the following components: 7,350 photo-voltaic (PV) tracker modules that are 3-feet by 6-feet in size mounted on aluminum and steel racking systems supported by metal posts anchored in concrete; a 510 square foot concrete pad with three pad-mounted inverters and a pad-mounted transformer for each one or two converters to step up the electricity for distribution; approximately 100 feet of underground conduit from the converters/transformers to the existing Pacific Gas and Electric (PG&E) electrical distribution line located on the north side of El Pomar Drive. The project also includes switching gear, interconnection and monitoring equipment. Lighting will be limited to down-lighting around the converters/transformers. Access to the site will be provided by a 16 foot wide gravel driveway from the north side of El Pomar Drive. The application materials include a grading and drainage plan; no import or export of fill material is proposed.

The project will operate 24 hours per day, seven days per week and is expected to have a project life of at least 20 years. The solar facility will be a private enterprise, and for safety reasons will not be open to the public. Only authorized personnel will be permitted on site and will generally be the employees monitoring and maintaining the facility.

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Accordingly, the project site will be enclosed by an 8 foot chain link fence topped with a 1-foot barbed wire rampart. Additional security will be provided by monitoring cameras and an electronic security system. The only expected vehicles on-site would be a water truck, on an average of two (2) times during the year to clean the solar panels. During labor intensive construction workdays, an average of twenty (20) people and five (5) to ten (10) construction vehicles will be on the site at any one time.

During operation, periodic maintenance will include washing the PV modules; inverter maintenance and repair of equipment; remotely monitoring electrical performance, weed abatement and dust control. No water will be stored on-site but will be brought to the site by truck.

The project includes a decommissioning plan which will result in disconnection from the electrical grid, complete removal of and disposal of all project components including solar modules, racks, mounting poles, wire, conduit, junction boxes, concrete pad, fencing and monitoring equipment, and restoration of the site to its pre-installation condition. Decommissioning is expected to take about one month.

The project is located in the El Pomar – Estrella planning area.

### Aesthetics

- V-1 At the time of application for construction permit, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall be prepared as provided in Chapter 22.16 of the San Luis Obispo County Land Use Ordinance, and shall provide vegetation along the southern and eastern property boundary that will adequately screen the new development when viewed from El Pomar Drive. The landscape plan shall utilize only native, drought-tolerant plant material. Prior to final inspection, the applicant shall provide verification to the satisfaction of the county that these measures have been met.
- V-2 Prior to final inspection, the applicant shall ensure that all solar panels were prepared with anti-reflective coating.
- V-3 At the time of application for construction permits, the applicant shall submit utility plans prepared by a civil engineer to the Public Works Department to secure an Encroachment Permit to install wire tie-in facilities within the public right-of-way. All new utility services shall be installed underground within the right-of-way. No trenching of El Pomar Drive shall be allowed, only directional boring.

**Monitoring:** Requirements shall be verified by the Department of Planning and Building prior to issuance of a construction permit, and inspected after installation prior to finalization of the building permits.

Air Quality (These requirements shall be shown on all construction documents prior to issuance of construction permits.)

- AQ-1 Prior to issuance of grading and construction permits, all required fugitive dust (PM10) measures shall be shown on applicable grading or construction plans. In addition, the contractor or developer shall designate personnel to monitor the fugitive dust emission and enhance the implementation of the measures a necessary to minimize dust complaints, reduce visible emissions blow 20 percent opacity, and to prevent transport of dust offsite. Monitor duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such person(s) shall be provided to the APCD Compliance Division prior to issuance of grading and construction permits.

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- a. Reduce the amount of the disturbed area where possible.
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
- c. All dirt stock-pile areas should be sprayed daily as needed.
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established.
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- l. Prior to commencement of construction activities, the applicant shall notify the APCD, by letter, that the above air quality mitigation measures have been applied.

AQ-2 To minimize air quality impacts associated with construction activities, the applicant shall implement the following as applicable:

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel-powered equipment with Air Resources Board (ARB)-certified motor vehicle diesel fuel (non-taxed version suitable for use off road);
- c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation;
- d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
- f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;
- g. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- i. Use equipment powered by electricity rather than diesel or gasoline when feasible;

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- j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible;
- k. Use alternatively-fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel; and

AQ-3 "Naturally-occurring asbestos" has been identified by the State Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to construction permit issuance**, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. If NOA is not present, an exemption request shall be filed with the APCD. (For any questions regarding these requirements, contact the APCD at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.php>). **Prior to final inspection or occupancy**, whichever occurs first, when naturally-occurring asbestos is encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.

AQ-4 As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, contact the APDD at (805) 781-5912.

**Monitoring:** Compliance will be verified by the Department of Planning and Building prior to issuance of construction permits as all requirements shall be on the construction documents. The NOA exemption form shall also be submitted to the Air District and a copy for the construction permit file.

**Biological Resources**

BIO-1 To the maximum extent possible, site preparation, ground-disturbing, and construction activities should be conducted outside of the migratory bird breeding season. If such activities are required during this period, the applicant should retain a County-approved biologist to conduct a nesting bird survey and verify that migratory birds are not occupying the site. If nesting activity is detected the following measures should be implemented:

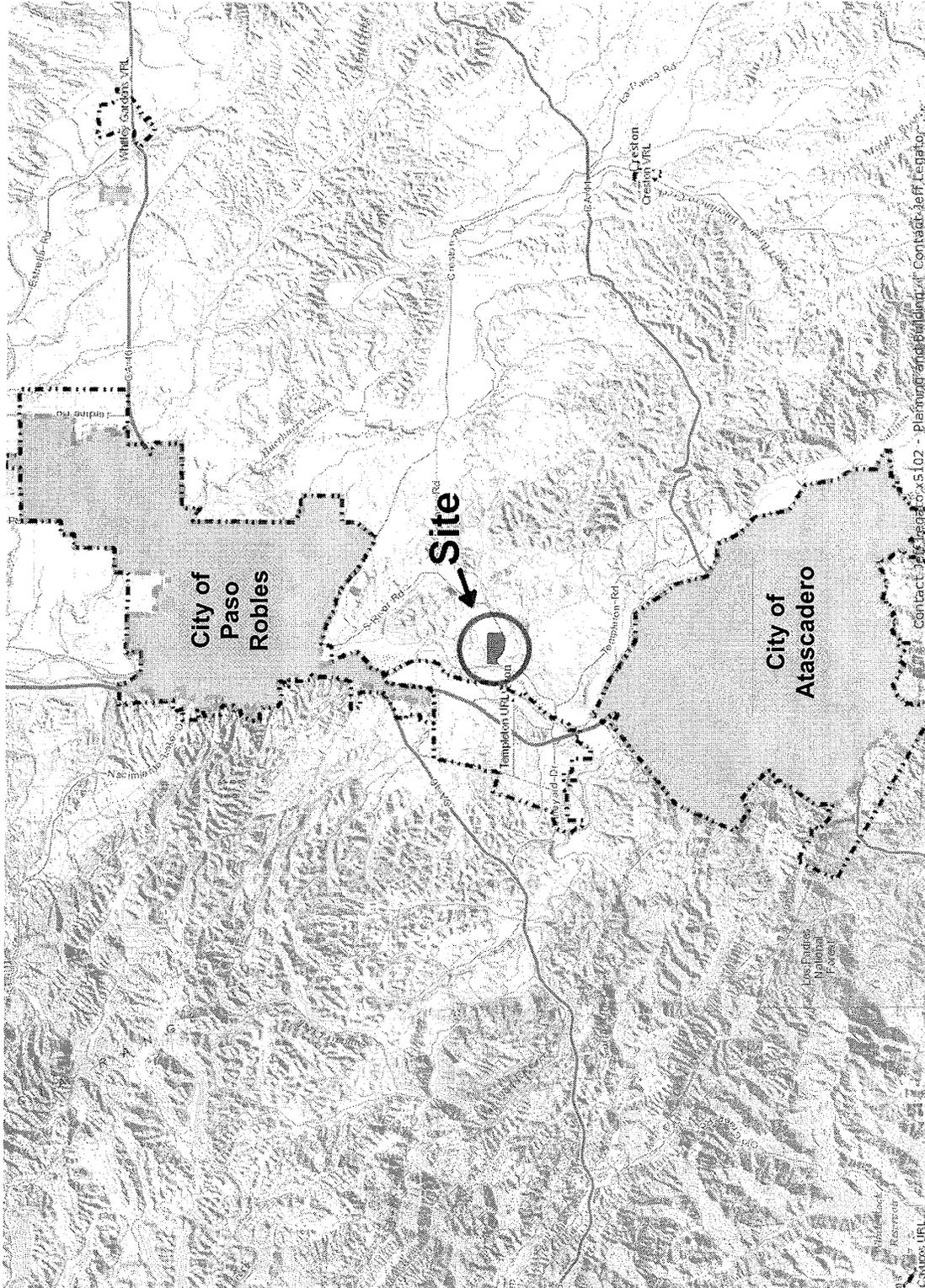
- a. The project should be modified or delayed as necessary to avoid direct take of identified nests, eggs, and/or young protected under the MBTA;
- b. The County-approved biologist should contact the USFWS and CDFW to determine an appropriate biological buffer zone around active nest sites. Construction activities within the established buffer zone will be prohibited until the young have fledged the nest and achieved independence; and,

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- c. The County-approved biologist should document all active nests and submit a letter report to the County, USFWS, and CDFW, documenting project compliance with the MBTA and applicable project mitigation measures.
- BIO-2 Prior to construction, a qualified biologist should conduct a pre-activity survey to identify known or potential dens or sign no less than 14 days and no more than 30 days prior to the beginning of the site preparation, ground-disturbing, or construction activities, or any other activity that has the potential to adversely affect San Joaquin kit fox. If a known or potential den or any other sign of the species is identified or detected within the project area, the biologist will contact the USFWS and CDFW immediately. No work will commence or continue until such time that the USFWS and CDFW determine that it is appropriate to proceed. Under no circumstances will a known or potential den be disturbed or destroyed without prior authorization from the USFWS and CDFW. Within 7 days of survey completion, a report will be submitted to the USFWS, CDFW, and the County. The report will include, at a minimum, survey dates, field personnel, field conditions, survey methodology, and survey results.
- BIO-3 During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes, or trenches in excess of 2 feet in depth should be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches should also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled or covered, they should be thoroughly inspected for entrapped kit fox. If any kit fox is found, work will stop and the USFWS and CDFW will be contacted immediately to determine how to proceed.
- BIO-4 During the site disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of 4 inches or greater stored overnight at the project site should be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If any kit fox are found, work will stop and the USFWS and CDFW will be contacted immediately to determine how to proceed.
- BIO-5 Prior to, during, and after the site disturbance and/or construction phase, use of pesticides or herbicides should be in compliance with all federal, state, and local regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BIO-6 During the site disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped should be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant should immediately notify the USFWS and the CDFW by telephone. In addition, formal notification should be provided in writing within 3 working days of the finding of any such animal(s). Notification should include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured should be turned over immediately to the CDFW for care, analysis, or disposition.
- BIO-7 Prior to final inspection, should any long internal or perimeter fencing be proposed or installed, the County should do the following to provide for kit fox passage:



SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

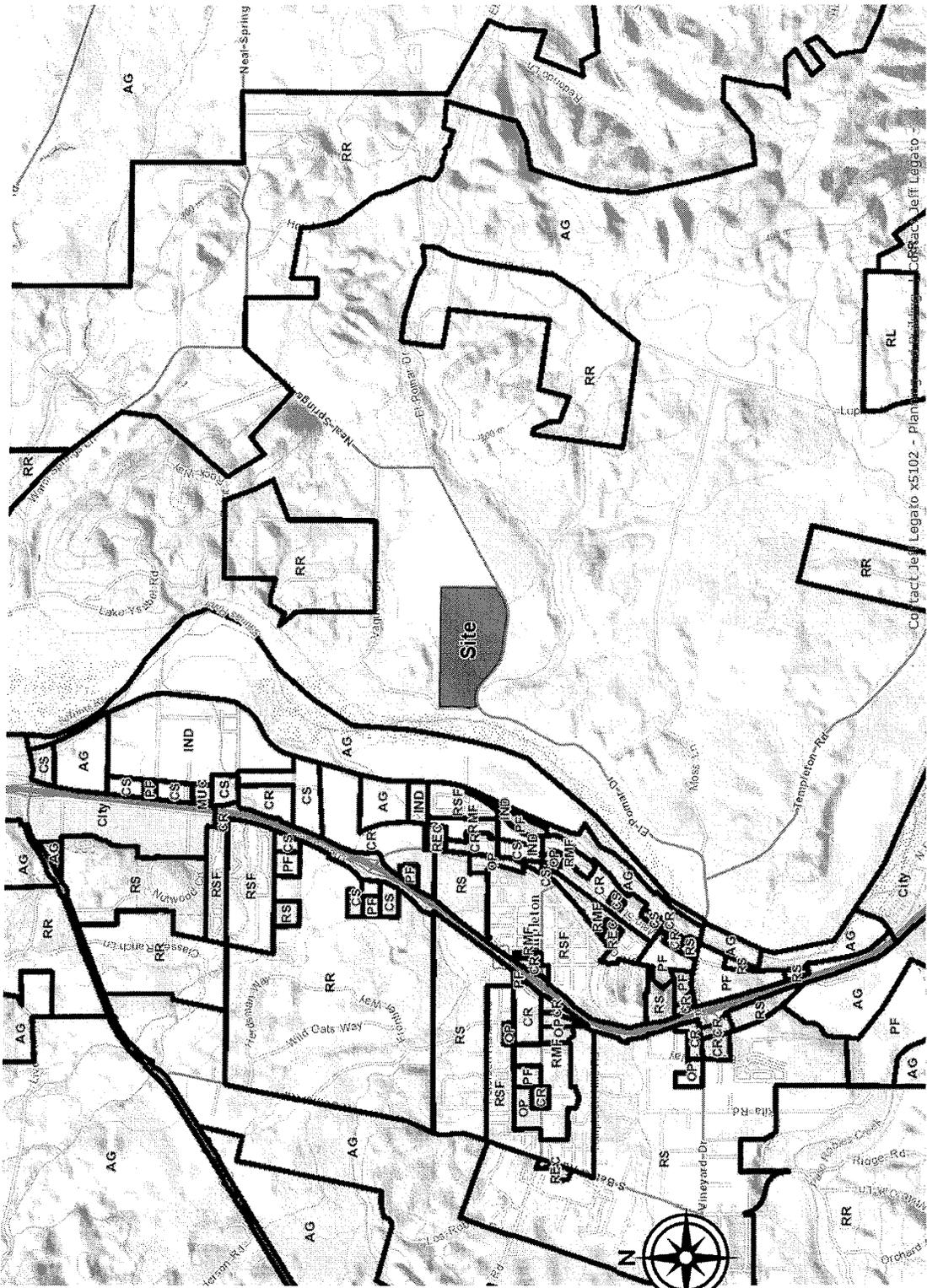
Minor Use Permit DRC2011-00062

EXHIBIT

Vicinity Map



SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



EXHIBIT

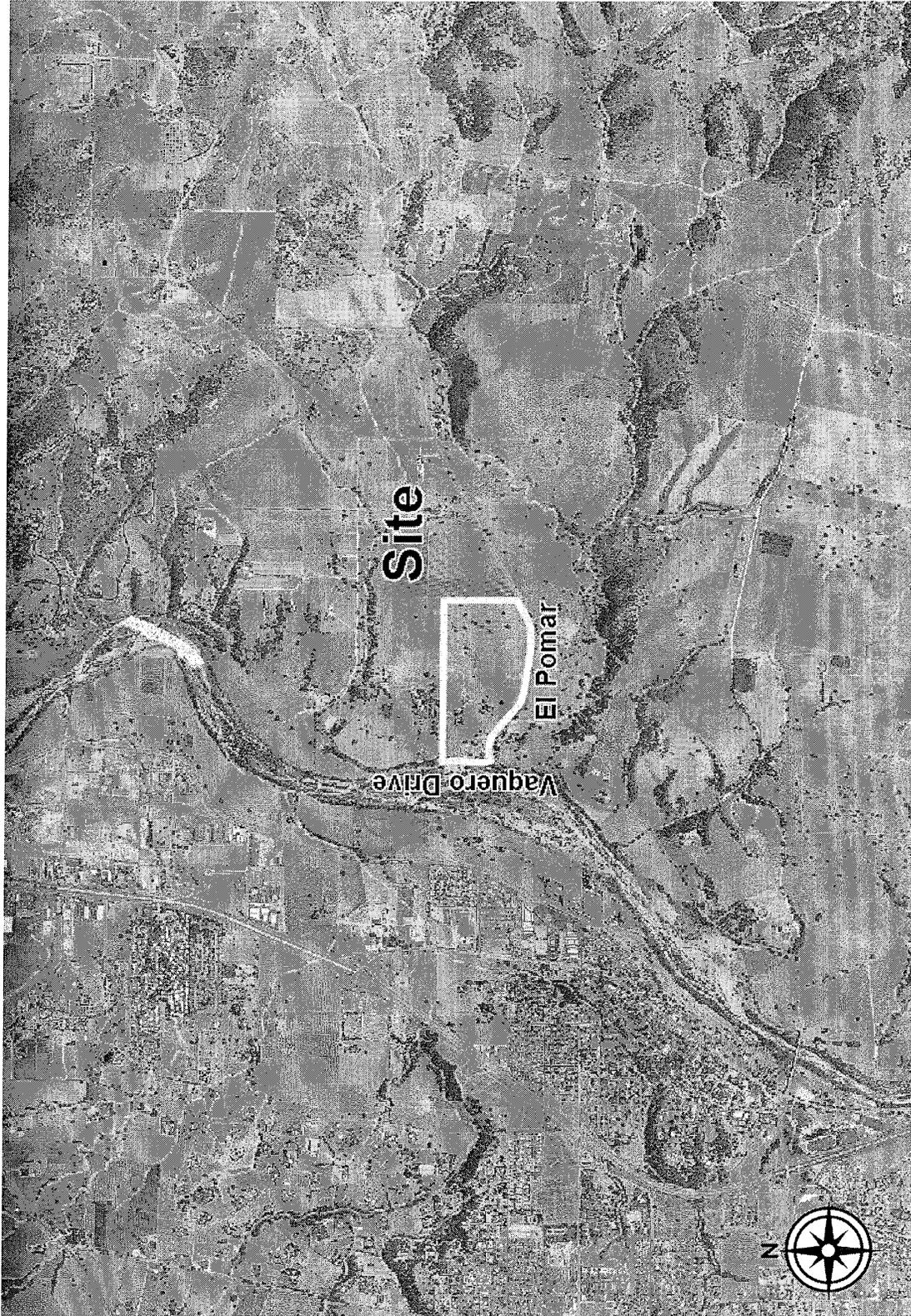
Land Use Category Map



PROJECT

Minor Use Permit DRC2011-00062

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PROJECT

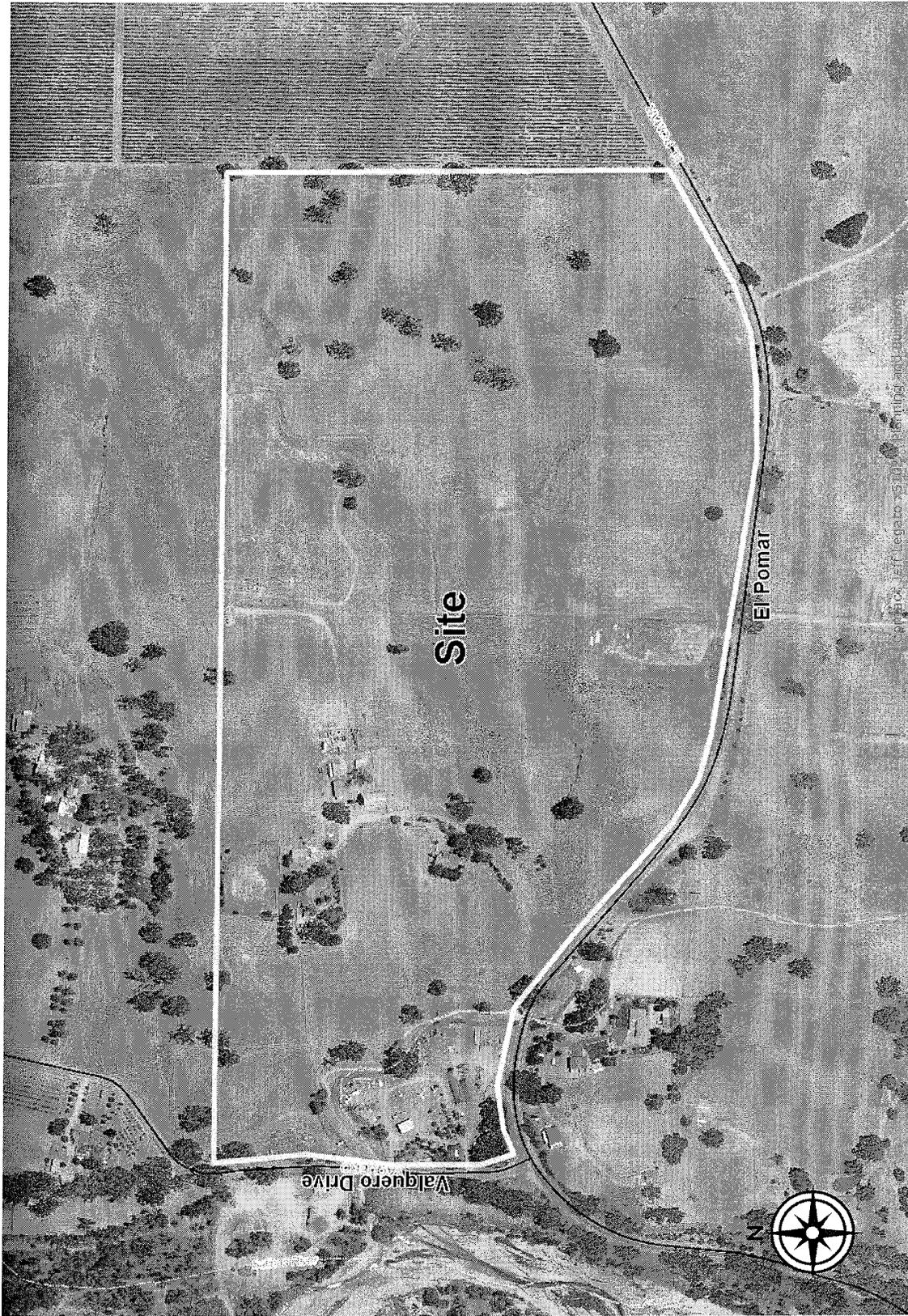
Minor Use Permit DRC2011-00062



EXHIBIT

Aerial Photograph

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PROJECT

Minor Use Permit DRC2011-00062

EXHIBIT

Aerial Photograph



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EXHIBIT

Project Area Aerial Photograph

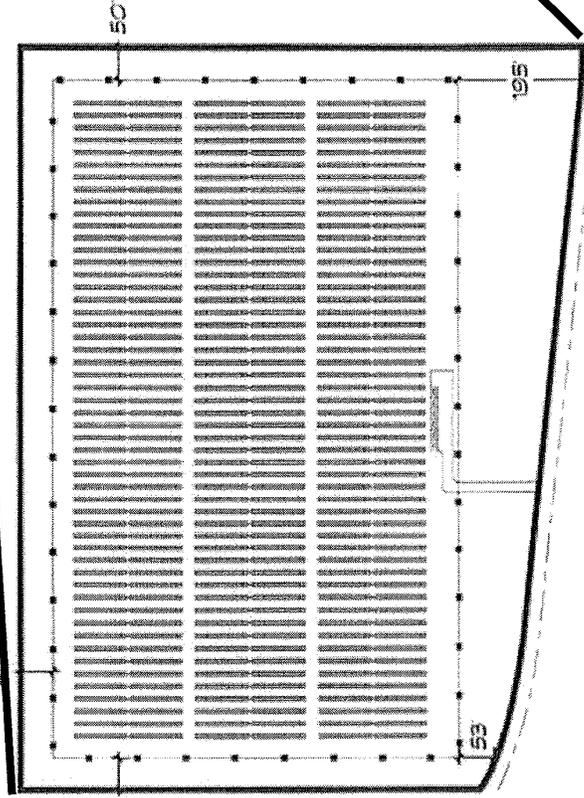
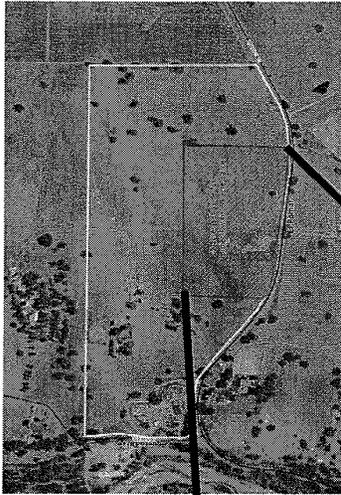


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Project Area



EXHIBIT

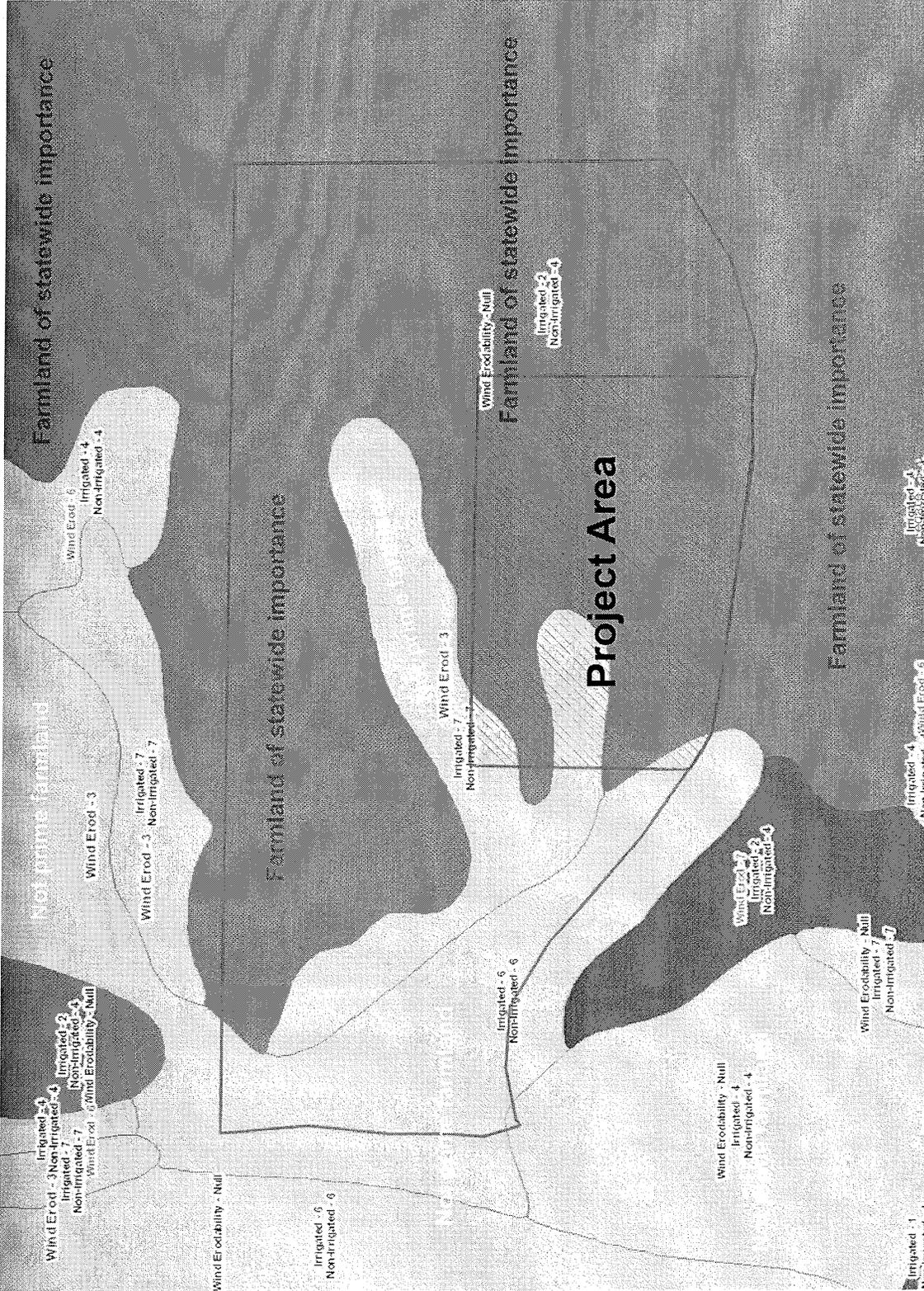
Proposed Solar Array Project Area Plan



PROJECT

Minor Use Permit DRC2011-00062

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EXHIBIT

Farmland Soil Quality Map

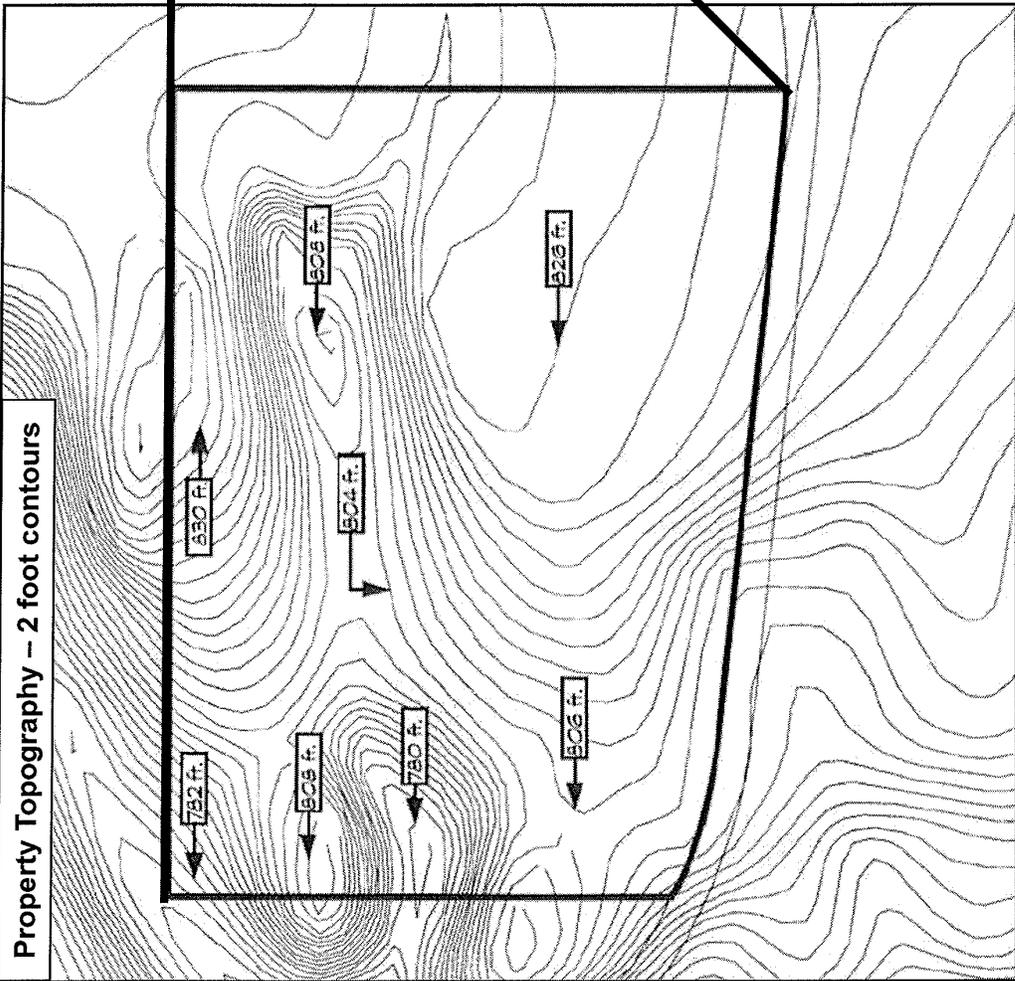


PROJECT

Minor Use Permit DRC2011-00062

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Property Topography - 2 foot contours



PROJECT

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EXHIBIT

Project Site Topography





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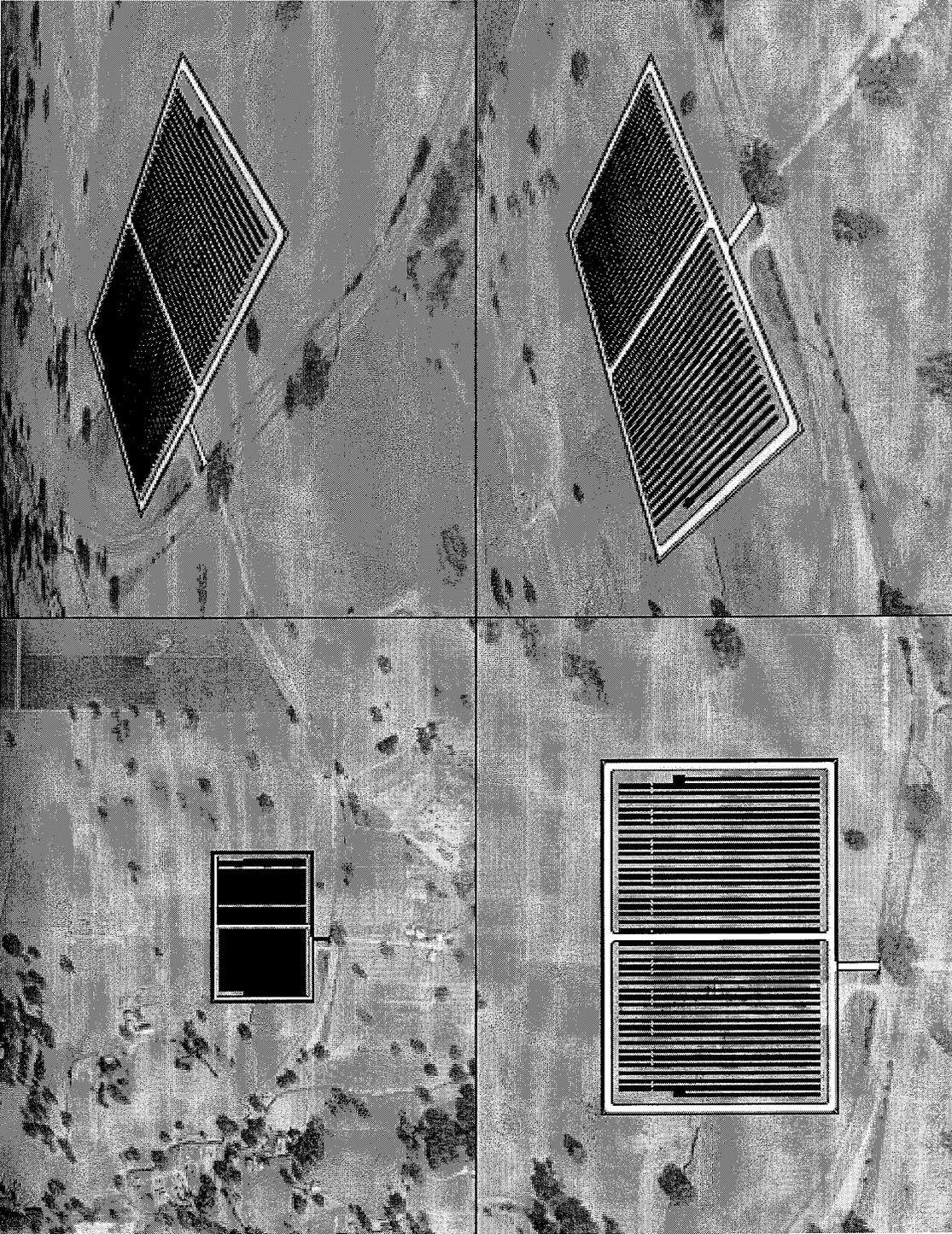
**EXHIBIT**  
Proposed Solar Array Existing Vegetation Map



**PROJECT**  
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EXHIBIT

3D Approximations



PROJECT

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