



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

Tentative Notice of Action

Promoting the wise use of

MEETING DATE July 18, 2014 EFFECTIVE DATE August 1, 2014	CONTACT/PHONE Megan Martin (805) 781-4163 mamartin@co.slo.ca.us	APPLICANT Charles Hill c/o Pristine Sun	FILE NO. DRC2013-00032
SUBJECT Hearing to consider a request by CHARLES HILL (c/o Pristine Sun) for a Minor Use Permit to allow an additional 2.5 acres of site disturbance for a previously approved 0.450-megawatt (MW) photovoltaic solar energy facility. The additional disturbance is to accommodate the reconfiguration and phased installation of some of the previously approved solar panels. The project will occur over approximately 5.5 acres, and will result in the disturbance (soil movement) of a total area of approximately four (4) acres of the 30.9-acre parcel. The project site is located at 5475 Jack Creek Road, approximately 0.2 mile northwest of Highway 46, approximately five miles west of the unincorporated community of Templeton. The project is located in the Adelaida, Rural planning area.			
RECOMMENDED ACTION <ol style="list-style-type: none"> 1. Consider and rely on the Mitigated Negative Declaration (April 5, 2013) in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., including an Addendum (June 12, 2014) to the previously approved Mitigated Negative Declaration; 2. Approve Minor Use Permit DRC2013-00032 based on the findings listed in Exhibit A and the conditions listed in Exhibit B. 			
ENVIRONMENTAL DETERMINATION Consider the Addendum to the previously adopted Mitigated Negative Declaration (April 5, 2013). Per State CEQA Guidelines (Sec. 15164(a), Sec. 15162), the Lead Agency may prepare an addendum to an adopted negative declaration where all of the following apply: 1) only minor technical changes or additions are necessary; 2) no substantial changes have been made or occurred that would require major revisions to the Negative Declaration due to either new significant effects or substantial increases in the severity of previously identified significant effects; 3) substantial changes have no occurred with respect to the circumstances under which the project is undertaken; 4) new information of substantial importance which was not known or could not have been known at the time of the adopted Negative Declaration. The Environmental Coordinator finds that all of the above conditions apply and an addendum to the adopted Negative Declaration is appropriate. No new information of substantial importance has been identified which was not known at the time that the previous Negative Declaration was adopted. Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement. Comments will be accepted up until completion of the public hearing(s).			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 039-191-035	SUPERVISOR DISTRICT(S): 1
PLANNING AREA STANDARDS: <i>Does the project meet applicable Planning Area Standards: None applicable</i>			
LAND USE ORDINANCE STANDARDS: 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>			

FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on August 1, 2014, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.	
EXISTING USES: Single family residences, accessory structures (barn, horse shelter), walnut orchard	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/ scattered residences <i>East:</i> Agriculture/residences <i>South:</i> Agriculture/residences Highway 46 <i>West:</i> Rural Lands/residences & undeveloped land	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Agricultural Commissioner, Building Division, Cal Fire, Cal Trans, Regional Water Quality Control Board, California Fish and Game, Templeton Community Advisory Council	
TOPOGRAPHY: Gently rolling to moderately sloping	VEGETATION: Grasses, older walnut trees, ornamental landscaping & riparian vegetation around access bridge
PROPOSED SERVICES: Water supply: Water truck delivery Sewage Disposal: N/A Fire Protection: Cal Fire / Templeton CSD	ACCEPTANCE DATE: March 6, 2014
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242	

DISCUSSION

PROJECT HISTORY

On April 5, 2013, the Planning Department Hearing Officer approved Minor Use Permit DRC2011-00074 for a 0.450-megawatt (MW) solar generation facility including: 2,088 anti-reflective photovoltaic panels; two inverters (PowerStation); pad-mounted step-up transformer; motion-activated security lighting system (timed limit); approximately 460 feet of underground conduit; three power poles; 60 feet of overhead, three-phase power lines; and connection to an existing Pacific Gas and Electric (PG&E) distribution pole (point of interconnection). The project also includes construction of a six-foot tall perimeter fence and one gate, six-foot tall hedgerow along a portion of the southeastern property corner, an internal 12-foot wide gravel access driveway, grading the existing access to 18 feet in width, reinforcement of an existing wood bridge on the primary access road (Jack Creek Road), and improvements to the existing driveway approach to York Mountain Road. No phasing was proposed at that time. A portion of the project has been constructed.

The proposed project does not propose changes to the previously approved project characteristics except for an increase in site disturbance and phasing of the construction. Phase I (1.5 acres of disturbance and 1,080 solar panels) has been developed under the approved Minor Use Permit. The proposed changes for Phase II (2.5 acres of disturbance and 1,008 solar panels) would result in additional ground disturbance beyond what was approved under the original Minor Use Permit. The revisions to the disturbance area and addition of phasing require a new Minor Use Permit.

PROJECT SUMMARY

The proposed changes for Phase II include an additional 2.5 acres of ground disturbance (grading). The need for an additional 2.5 acres of grading is a result of reconfigured solar arrays to accommodate PG&E lease space. The number of solar panels would not change beyond the 2,088 panels originally approved. At project completion, Phase I and II will have disturbed (soil movement) approximately four (4) acres. This additional ground disturbance will not result in any additional significant impacts or require additional mitigation above what was previously considered in the adopted Mitigated Negative Declaration.

An Addendum to the previously adopted Mitigated Negative Declaration (April 5, 2013) has been prepared. The basis for this conclusion is described in the attached *Negative Declaration Addendum* (Attachment 5).

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.

Staff Response: Section 22.32 of the Land Use Ordinance provides standards to mitigate the potential adverse effects of various types of electric generating plants. A minor use permit is required for Electric generating facilities with an area of site disturbance greater than 40,000 square feet. Phase II will move approximately 96,274 square feet of soil. A minor use permit is required.

General Property Development Standards

Section 22.10.110 – Minimum Site Area

No minimum site area is required. The project site consists of two parcels totaling 66.5 acres.

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 no more than five feet above the height limit specified for the land use category. The height limit is 40 feet.

Staff Response: The proposed photovoltaic panels will be 25 feet and 6 inches in height at full tilt, which complies with this standard. The proposed poles for connection to the existing PG&E pole are to be located right behind the existing power pole on site and are approximately the same in size (approx. 37 foot dark “telephone pole”).

22.10.140 – Setbacks

SETBACKS (FEET)	ALLOWABLE	PROPOSED	STATUS
FRONT	25'	30'	OK
REAR	30'	700'	OK
SIDES	30'	120	OK

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

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,

Staff Response: The County will obtain the bond from the applicant upon approval of the permit, consistent with this standard. The project is conditioned to comply with this requirement.

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.

Staff Response: 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.

Staff Response: The project is designed to result in some vegetation removal due to the proposed location of the panels and trackers (remove old walnut trees) and the proposed driveway improvements. Additionally, grass mowing is required for fire safety. Land disturbance required to construct the facility is approximately 450-square feet for each tracker. Unaffected topsoil will remain onsite. Total land disturbance, including improvements to existing access roads, is approximately a half an acre. 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.

Staff Response: The County will obtain the required statement prior to issuance of the first building permit, consistent with this standard. The applicant has entered into a power purchase agreement with PG&E.

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

Staff Response: The conditions of approval for this Minor Use Permit include mitigation measures agreed to by the applicant during preparation of the previously adopted Mitigated Negative Declaration (April 5, 2013).

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.

Staff Response: The project includes approximately 460 feet of underground, six-inch diameter conduit extending from the PowerStation (inverters) to a proposed power pole which will connect the system to PG&E. The project complies with this requirement.

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.

Staff Response: The proposed 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 Practices (BMPs) and LID measures.

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

ENVIRONMENTAL INFORMATION

An Addendum to the previously adopted Mitigated Negative Declaration (April 5, 2013) has been prepared (June 12, 2014) for the proposed project and is attached (Attachment 5). Based on staff's determination, no substantial changes have been made or occurred and no new significant effects or substantial increases in severity of previously identified significant effects have been identified; therefore, an addendum to the adopted Mitigated Negative Declaration is appropriate. The basis for this conclusion is described in the attached *Negative Declaration Addendum* (Attachment 5). In addition, please refer to the original Mitigated Negative Declaration for further discussion about all potentially significant issues originally identified for the proposed project.

COMMUNITY ADVISORY GROUP COMMENTS:

Templeton Community Advisory Council: None Received

AGENCY REVIEW:

Public Works: Recommendations and comments have been included as conditions of approval.

Agricultural Commissioner: "No additional concerns."

Building Division: None received.

Cal Fire: None received.
Cal Trans: None received.
Regional Water Quality Control Board: None received.
California Fish and Wildlife: None received.

LEGAL LOT STATUS:

The two lots were legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Megan Martin and reviewed by Steve McMasters.