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

STAFF REPORT

PLANNING COMMISSION

MEETING DATE January 22, 2015	CONTACT/PHONE James Caruso 781-5702 jcaruso@co.slo.ca.us	APPLICANT County of San Luis Obispo	FILE NO. LRP2014-00015
SUBJECT Hearing to consider a request by the COUNTY OF SAN LUIS OBISPO to amend portions of the following documents in order to encourage the development of certain renewable energy projects in the most suitable locations in unincorporated inland areas of the county through a Renewable Energy Streamlining Program (RESP): 1) Framework for Planning (Inland), Part I of the Land Use and Circulations Elements (LUCE) of the County General Plan; 2) the Carrizo, North County, San Luis Obispo, and South County Area Plans, Part II of the LUCE; 3) the Official Maps, Part IV of the LUCE; 4) the Conservation and Open Space Element of the County General Plan; 5) the Land Use Ordinance, Title 22 of the County Code; and 6) the Rules of Procedure to Implement the California Land Conservation Act of 1965. The proposed amendments would: 1) establish a Renewable Energy combining designation where the land use permitting of certain renewable energy projects is streamlined, for example, through the use of Site Plan Review instead of Minor Use Permits; 2) establish new performance standards that renewable energy projects must meet; and 3) revise the Rules of Procedure to Implement the Land Conservation Act of 1965 to allow certain renewable energy projects on contracted land.			
RECOMMENDED ACTION Recommend to the Board of Supervisors approval of General Plan Amendment and Ordinance Amendment LRP2014-00015 as shown in Exhibits LRP2014-00015:C, D and E based on the findings listed in Exhibits A and B.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator found that there is evidence that the project may have a significant effect on the environment, and therefore a Final Environmental Impact Report (FEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq. and CA Code of Regulations Section 15000 et seq.) for this project. The FEIR addresses potential impacts on: Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gases and Climate Change, Hazards and Hazardous Materials, Land Use and Planning, and Noise and Water Resources. Measures are proposed to address these impacts and are included as Land Use Ordinance standards in the RESP. Overriding considerations were determined necessary based on significant and unavoidable impacts associated with Aesthetics, Agricultural Resources and Land Use and Planning.			
LAND USE CATEGORY All	COMBINING DESIGNATION Proposed RE (Renewable Energy)	ASSESSOR PARCEL NUMBER Countywide	SUPERVISOR DISTRICT(S) All
PLANNING AREA STANDARDS: Not Applicable			
EXISTING USES: Not Applicable			
SURROUNDING LAND USE CATEGORIES AND USES: Not Applicable			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:

The project was referred to: Community Advisory Groups, Community Services Districts, Agricultural Commissioner, County Parks, Cal Fire, Cal Trans, Air Pollution Control District

TOPOGRAPHY:

Not Applicable

VEGETATION:

Not Applicable

PROPOSED SERVICES:

Not Applicable

AUTHORIZED FOR PROCESSING DATE:

July 9, 2013

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER SAN LUIS OBISPO CALIFORNIA 93408 (805) 781-5600 FAX: (805) 781-1242

PROJECT BACKGROUND

This RESP is intended to encourage and streamline permitting of renewable energy projects, primarily solar and wind energy projects, in the most suitable locations in the inland area of the county. It accomplishes this primarily by revising permitting requirements in the Land Use Ordinance for certain renewable energy projects. This will result in more certainty of outcome for the project developer while reducing the time and cost required to permit these projects. The RESP is funded by a grant from the California Energy Commission (CEC) that was awarded to five California counties.

The RESP implements the following policy and programs in the Conservation and Open Space Element (COSE) of the County General Plan to designate and protect areas that contain renewable energy resources and to streamline planning and development rules, codes, and processing in order to encourage renewable energy development.

COSE Policy 6.8 Renewable Energy Resources

Designate and protect areas that contain renewable energy resources such as wind, solar, geothermal, and small hydroelectric.

- Implementation Strategy E 6.8.1- Mapping of resources

Use state, federal, or other available data to map areas that contain renewable energy resources.

- Implementation Strategy E 6.8.2 - Renewable energy combining designation

Amend the Framework for Planning, the Area Plans, and the Land Use Ordinance (LUO) by establishing and applying a Renewable Energy (RE) combining designation based on the mapping in Energy Implementation Strategy 6.8.1.

The RESP implements the County's Comprehensive County Energy Strategy, which included the following strategy:

"Examples of regulatory relief could come in the form of a programmatic approach that simplifies the discretionary permit process, including allowing specific renewable projects to occur with a ministerial review. Additionally, the County sponsored legislation in the form of AB 2161 (Achadjian) that would allow the County to compete for a funding as a "qualified

county” to further streamline the process for solar energy facility projects. If appropriated, there may be up to \$7,000,000 of funding available for “qualified counties” to apply for statewide. It appears that there is likely to be outside funding available to finance a County led initiative in order for the Board to direct staff to prioritize removal of regulatory barriers to incentivize development and deployment of future SEFs or renewable energy.”

In April 2013, the County Board of Supervisors adopted a resolution supporting submittal of a grant application to the California Energy Commission (CEC) for a Renewable Energy and Conservation Planning Grant for \$638,152. The grant agreement with the CEC was executed in June 2013. The agreement states that all work under the grant must be completed prior to March 31, 2015. A consultant team was hired to help the Department prepare the RESP.

Stakeholder Engagement

During the early stages of project development, the project team conducted a series of interviews with 17 key stakeholders from select organizations throughout San Luis Obispo County. The purpose of outreach was to collect feedback on renewable energy project development, such as appropriate land characteristics, design considerations for all types of renewable energy installations, and the role of the County in attracting more renewable energy projects. Stakeholders represented a broad cross-section of interested parties in the county, including renewable energy and agriculture industry members, researchers, environmental advocates, and other members of the community.

The stakeholder engagement process identified attitudes toward renewable energy, use of agricultural lands and balancing environmental protection with renewable energy development. The project team interviewed a total of 17 people representing industry, agriculture, environmental organizations and interested members of the public.

The following issues were identified through the engagement process and have been prioritized as areas of consensus and considerations during the preparation of RESP:

- Opportunity exists to streamline small scale distributed generation projects countywide through code updates, separate from creation of a Renewable Energy combining designation. Small-scale distributed generation projects can potentially be processed with ministerial permits in urban and developed areas.
- For larger-scale renewable energy facilities, the Renewable Energy combining designation should encompass areas with high opportunity and should not be limited by current infrastructure constraints. A broader combining designation is desirable to provide flexibility that anticipates new technologies and emerging opportunities.
- Code updates should clearly describe standards and mitigations for distributed generation renewable energy facilities that are less than approximately 100–150 acres rather than utility-scale.
- The RESP should identify a collaborative process for project review and entitlement that involves both County staff and project developers at all key stages in the entitlement process.

These four issues have been addressed in the RESP. Accessory renewable energy projects are proposed to be streamlined through a simple “Zoning Clearance” process and Tier 1-3 solar projects would be streamlined through the Site Plan review process. Site Plan review would be available to projects that meet a comprehensive set of performance standards regarding, for example, agricultural and biological resources, setbacks from property lines and water bodies. In addition, the RE combining designations are very broad-based, covering a 10-mile diameter around each electrical substation.

PROJECT SUMMARY

Opportunities and Constraints Technical Study (OCTS)

One of the first steps in developing the RESP was to prepare an OCTS to identify and map opportunities and constraints for development of renewable energy. The OCTS identifies the high opportunity areas for placement of the RE combining designation where development of renewable energy resources can most feasibly be streamlined. Key resource and infrastructure requirements for renewable energy development, as well as environmental considerations, were evaluated to establish areas in the unincorporated county suitable for renewable energy development.

The OCTS identifies both resource constraints and infrastructure capacity in areas most suitable for renewable energy development. These are areas in the unincorporated county that:

- Capture renewable energy resource potential
- Have access to the electric transmission/distribution and other infrastructure (e.g., roads, water, etc)
- Minimize environmental impacts by avoidance of sensitive resources based on a set of environmental factors

The OCTS concludes that streamlining renewable energy development is likely in three percent of the unincorporated county, or approximately 54,000 acres. Streamlining renewable energy projects with some level of mitigation is potentially likely in approximately 63 percent of the unincorporated county, or 1,344,000 acres. The remainder of the unincorporated area is unsuitable for renewable energy development. These areas are state and federal jurisdictions and parkland, open space areas and conservation areas. The OCTS served as a basis for subsequent stakeholder input and identification of the location of the RE combining designation.

Streamlining

The goal of the RESP is to encourage and streamline the development of distributed generation renewable energy facilities, also known as distributed energy resources, in suitable locations. These facilities are generally 160 acres or less in size. The Conservation and Open Space Element, as it is proposed to be revised, defines distributed energy resources by facility size and purpose:

“Distributed energy resources (DER) are small, modular, energy generation and storage technologies that provide electric capacity or energy located where it’s

needed, often at a customer's location. These facilities are typically owned by non-utility entities, such as generation developers or utility customers that offset all or part of the customer's on-site electrical load. DER's typically produce less than 20 megawatts (MW) of power near the point of use and include wind turbines, photovoltaics (PV)..."

The RESP defines renewable energy projects in four "tiers" ranging from Tier 1, smaller projects less than 20 acres in size, all the way up to Tier 4 projects, which could cover more than 160 acres. Also included are renewable energy projects that are accessory to uses on the site, such as the solar facilities found at some wineries.

The RESP encourages Tier 1, 2 and 3 renewable energy projects by revising the permitting process for an identified class of projects in settings that allow for the more streamlined review. The streamlined permit process is called "Site Plan Review" and is described in the Land Use Ordinance:

"...is required by this Title for projects more intensive than those requiring a Zoning Clearance. Site Plan Review considers the greater effects these uses may have upon their surroundings, and characteristics of adjacent uses that could have detrimental effects upon a proposed use."

The Site Plan Review process does not require noticing, public hearings or individual environmental review (if the RESP EIR can be used for the project) and provides a clear set of project requirements at the beginning of the process. The streamlined process provides more certainty in the result for the project applicant and reduces the time needed to permit the proposed project.

It is also important to note that project streamlining can only occur in certain areas and with a certain level or "tier" of renewable energy project. Lands with sensitive resources such as threatened, rare and/or endangered species habitat, for example, are not good candidates for streamlining. The presence of these types of resources adds complexities to permit review and also involves federal and state agency review and approvals that cannot be streamlined at the local level. The use of Site Plan Review for permit streamlining allows for the submittal of studies as part of the permit application that show how the proposed project on a particular site qualifies for streamlining.

Summary of Proposed Revisions to Policies and Ordinances

The RESP proposes changes to General Plan elements, the Land Use Ordinance and the Land Conservation Act (Williamson Act) Rules of Procedure. These revisions are needed to 1) reflect the policy choice to streamline renewable energy development, 2) establish the Renewable Energy (RE) combining designation, 3) identify the process for streamlined projects as well as non-streamlined projects, and 4) reflect proposed revisions to the Land Conservation Act Rules of Procedure that will allow renewable energy facilities on contracted land. Please also refer to the staff report for the January 8 study session in Attachment 9 for details about the proposed RESP.

Proposed Revisions to the LUCE

The proposed revisions to the Land Use and Circulation Element (LUCE) are found on pages 1-10 in Attachment 3. The revisions to the LUCE add an RE combining designation description to each area plan document in the chapters describing the combining designations. For example, on page 5 in Attachment 3, the following description of the RE combining designation is added to the South County Area Plan:

Renewable Energy (RE). Identifies areas throughout the South County Planning Area where renewable energy production is favorable and prioritized. Within these areas, the County encourages distributed renewable energy development by streamlining permit requirements and environmental review in a manner that would not degrade ecosystems, agricultural resources, and other environmental resources.

Similar language is proposed in the other inland area plans. In addition, a description of the purpose and objectives of the RE combining designation is added to Chapter 7 of Framework for Planning.

Proposed Revisions to the COSE

The proposed revisions to the Conservation and Open Space Element (COSE) reflect that the program to implement this RESP will have been implemented. Accordingly, the strategy to establish an RE combining designation and implementing LUO standards is deleted. In addition, the policy to protect and designate areas with renewable energy resources is revised by adding language that states: “Continue to explore and encourage the development of renewable energy resources through further streamlining actions.”

The proposed revisions to the COSE also include the following revised, more detailed definition of distributed generation, called “distributed energy resources”:

Distributed energy resources (DER) are small, modular, energy generation and storage technologies that provide electric capacity or energy located where it's needed, often at a customer's location. These facilities are typically owned by non-utility entities, such as generation developers or utility customers that offset all or part of the customer's on-site electrical load. DER's typically produce less than 20 40 megawatts (MW) of power near the point of use and include wind turbines, photovoltaics (PV), fuel cells, microturbines, reciprocating engines, combustion turbines, cogeneration, and energy storage systems. DER systems may be either connected to the local electric power grid or isolated from the grid in stand-alone applications.

Staff also proposes to add a new definition of Utility-Scale Renewable Energy Resources in the glossary of the COSE.

All of the preceding and related revisions to the COSE are described in Attachment 3 starting on page 11.

Proposed Revisions to the Land Use Ordinance

The most important parts of the RESP are found in the Land Use Ordinance (LUO), Title 22 of the County Code. The LUO is where land use permit levels are determined for the different land use categories, the various combining designations are described, and the process for development in those designations are detailed, together with development standards for various land uses. For example, in the existing LUO, standards for the Sensitive Resource Area (SRA) combining designation in Section 22.14.100 require adoption of special findings, limit development in sensitive areas and require different levels of permits than are required elsewhere in certain cases. Special standards for the Historic Site (H) combining designation in Section 22.14.080 specify permit levels, establish special minimum parcel sizes and require the recordation of special restrictions.

The RESP establishes a new Renewable Energy combining designation, together with development standards in Section 22.14.100. The major provisions of this new Section include the following, which are found in Attachment 4 on the listed page numbers:

- Page 9 - Applicability of the RE combining designation to lands subject to Land Conservation Acts contracts (see following section for a complete discussion of Land Conservation Act issues)
- Page 10 – Basic streamlining requirements in the RE combining designation:
 - Cannot include new transmission or distribution lines outside RE
 - Cannot be located on Class I or II soils
 - Cannot be located within a Sensitive Resource Area for visual resources
 - Cannot be subject to conservation easements prohibiting energy generating facilities
 - Cannot be located in Recreation or Open Space land use categories
 - Cannot be located in the Airport Review Area (AR) combining designation
- Page 11 – Tier 1 streamlining requirements to be eligible for Site Plan Review [proposed to be moved to Section 22.32 (pages 31-32) – see discussion below]:
 - 20 acres or less
 - Inside or outside the RE combining designation
 - Not on Class I or II soil
 - Either on previously disturbed land or in Commercial or Industrial land use designations on land degraded or contaminated.
- Pages 11-13 - Tier 2 and 3 streamlining requirements in the RE combining designation to be eligible for Site Plan Review
 - 40 acres or 160 acres or less
 - Not in OS or REC land use categories
 - Not located on Important Agricultural Soils
 - Complies with specific development standards (subsection F):
 - Meets biological standards
 - Wildlife fencing
 - Setbacks from sensitive species and habitats
 - Meets archeological standard
 - Meets agriculture standard
 - Meets screening requirements

Another important part of the LUO changes occur in Section 22.32 that identifies all the development standards that all types of renewable energy projects must meet. These requirements address projects both within and outside of the RE combining designation. The changes to LUO section 22.32. start on page 18 of Attachment 4.

- Page 19, Attachment 4 – Identifies Zoning Clearance requirements (over-the-counter approval) for accessory renewable energy facilities. These facilities, primarily small-scale roof and ground-mounted solar facilities, are incidental to the principal use of a site and produce energy to support the principal use of the site.
 - Provides energy for on-site use only
 - Not in Flood Hazard or Sensitive Resource Area combining designations
 - If ground mounted, no larger than ½-acre (staff is now recommending that the previously proposed ½-acre limitation be increased to 3.0 acres)
 - Not located within 100 feet of a public road
 - Is not on Class I or II soils
 - Not subject to environmental permits

Development of wind energy systems (Wind Energy Conversion System or WECS) are also proposed to be streamlined in section 22.32. WECS are also identified in Tiers 1-3 as follows:

1. Tier 1 – Roof or structure-mounted facilities require a Zoning Clearance
2. Tier 2 – Minor Use Permit if ground-mounted, not taller than 100 feet and a cumulative rated capacity of under 2 MW
3. Tier 3 – If WECS do not meet Tier 2 criteria, a Conditional Use Permit is required

WECS are not allowable in the Airport Review Area (AR) combining designations around the San Luis Obispo and Paso Robles Airports per the Airport Land Use Plans for those airports (the Oceano Airport AR combining designation is not affected by the RESP).

All development standards for WECS are found on pages 38-40 in Attachment 4.

The LUO contains planning area standards that address specific development issues in many urban neighborhoods and rural areas. In many places, there are “limitation on use” standards that call out the land uses that are allowable in the area covered by the standards. Often, these standards limit allowable land uses to a narrow range of uses that do not include renewable energy facilities. The RESP revises these standards by adding renewable energy facilities or accessory renewable energy facilities as allowable uses. This would remove existing prohibitions on those uses in specific land use categories or sites in the following areas:

North County Planning Area

- Stockdale and Wellsona Roads
- Spanish Camp and Almira Park
- San Miguel
- Santa Margarita
- Sites near and within Shandon
- Templeton

- Heritage Ranch and Oak Shores
- Pozo

San Luis Obispo Planning Area

- O'Connor Way/West Foothill area
- Irish Hills
- Edna and Buckley Roads
- West of Bear Valley Estates
- Squire Canyon
- Avila Valley and San Luis Bay Estates

South County Planning Area

- Tiffany Ranch Road
- Nipomo and Santa Maria (Oso Flaco) Valleys
- Willow Road/Via Concha
- Oceano
- Nipomo
- Palo Mesa

Renewable energy projects or accessory renewable energy facilities would be allowable in these areas pursuant to LUO sections 22.14 (RE combining designation) or 22.32.

Proposed Changes to the Rules of Procedure

The Rules of Procedure to Implement the Land Conservation Act of 1965 are the local rules for administering the Land Conservation Act. The Rules currently do not allow energy generating facilities on contracted land.

The Agriculture Preserve Review Committee (APRC) met several times to discuss issues surrounding renewable energy projects on contracted land. At its meeting of December 8, 2014, the Committee recommended allowing renewable energy facilities on contracted land under limited circumstances, subject to extensive standards. For example, the recommended standards require that:

- Each property must meet and maintain the current eligibility criteria in the Rules of Procedure for both establishment of an agricultural preserve and entering into a land conservation contract as well as the "Minimum Parcel Size for Conveyance" required by each contract. A land owner with a contract not compliant with current eligibility standards may apply to requalify their property and enter into a new replacement contract as part of the application process for a renewable energy facility (REF).
- A REF project may not be located on prime or potentially prime soils. (any soils classified as Class 1 if irrigated or Class 2 if irrigated by the Natural Resource Conservation Service soils survey)
- REF projects are not allowed on properties qualifying for preserves and contracts as High Productivity Prime Land (Small specialized Farms)

- The acreage of the REF site shall be in addition to the minimum parcel size required for the preserve
- REF project acreage may not exceed 10% of the total acreage within a land conservation contract up to a maximum of 20 acres
- REF projects on up to 10 acres are subject to Site Plan Review and REF projects between 10 and 20 acres in size are subject to a discretionary permit

The APRC's complete recommendations are recommended by staff and are detailed in the exhibit in Attachment 5 and memo in Attachment 6.

Revisions to the Draft RESP

Following release of the Draft RESP in November 2014, staff, the consultant team and other reviewers have noted areas where revisions to the RESP are needed to properly reflect the EIR's conclusions and findings, as well as streamlining concepts such as allowing Tier 1 projects to proceed with lesser review. Staff-recommended revisions to the Draft RESP are included in Attachments 3 and 4 and indicated with shading to distinguish them from the original revisions in the November 2014 Draft RESP. These latest staff-recommended revisions are also shown in Attachment 7, accompanied by brief comments stating the reasons for the changes. While few major changes are proposed, some changes are noteworthy:

- Increase the maximum acreage of an accessory renewable energy facility for on-site use from ½ to three acres
- Make accessory renewable solar electric facilities an allowable use in the Airport Review Area combining designation, but prohibit other types of renewable energy projects. This is needed to make the RESP consistent with the Airport Land Use Plans, which currently do not allow renewable energy facilities in the airport areas.
- Reflect the requirements for project review in the Camp Roberts area as recommended in the Camp Roberts Joint Land Use Study
- Reflect that Tier 1 projects are not affected by the development standards for the RE combining designation in Section 22.14.100 F
- Correct the Tier 2 wind energy permit requirement to Minor Use Permit approval
- Revise the maximum area for renewable energy facilities in open space parcels in cluster land divisions to a maximum of three acres as an accessory use only
- Revise the permit requirements within and outside of the RE combining designation so that solar electric facilities on up to 20 acres require a Minor Use Permit (instead of Site Plan Review in the Draft RESP) in the Residential Single-Family (RSF), Residential Multi-Family (RMF) and Residential Suburban (RS) land use categories

Additional changes to the Draft RESP may be presented to your Commission at future public hearings as we hear from additional stakeholders.

CEQA REVIEW

A programmatic Draft Environmental Impact Report (DEIR) has been prepared for the RESP. The DEIR was developed at the same time as the specifics of the RESP were developed. The RESP as proposed went through an environmental review process in an iterative fashion so that as impacts were identified, changes could be made to the RESP that eliminated the impact. The RESP performance standards are the result of this iterative environmental review process.

As explained in the January 8, 2015 study session staff report (see Attachment 9), the Project Description (Chapter 2.0) describes renewable energy project buildout under the program. The County EnergyWise Plan includes a goal to increase renewable energy production from small and large-scale renewable energy facilities to account for 10% of total local energy use. Based on current energy demand, that goal is 150 MW on 1,500 acres of land. That is the basis for the environmental analysis in the DEIR.

The results of the environmental analysis emphasize two resource areas: agriculture and agricultural soils and biological resources. As a result, the streamlining performance standards associated with these two resource areas are extensive. For example, Tier 1 solar projects are eligible for a streamlined permit process if they meet the following standards:

- a. Not sited on Class I or II soils, and
- b. Proposed on land that is graded, disturbed, or altered, consistent with definitions for "Development," "Grading," or "Site Disturbance" in the Land Use Ordinance¹, or
- c. If not consistent with item b above, is located on land that was previously developed for industrial or commercial purposes and degraded or contaminated and then abandoned or underused.
- d. The project may be subject to and must comply with any other permitting requirements by local, state or federal agencies.
- e. Botanical reports or biological reports prepared as part of the proposed SEF application do not indicate the presence or potential presence of state or federally-listed wildlife or plant species or designated critical habitat. Otherwise, a Minor Use Permit is required and the project is not eligible for Site Plan Review unless the project meets the exception described in Item f. below.)
- f. If not consistent with Item e above, the project is still eligible as a Tier 1 SEF for Site Plan Review if it meets the following: 1) is in San Joaquin Kit Fox habitat area, 2) the botanical or biological report does not identify any other state or federally-listed species, and 3) the project includes the standard mitigation ratio and all applicable kit fox conditions for grading and building.

The preceding standards address the major agricultural and biological resource issues by ensuring that sensitive resources do not exist on the Tier 1 site and that the most valuable agricultural soils are not affected. Permit streamlining of Tiers 2 and 3 add additional requirements. For example, note that in i below, streamlining of Tiers 2 and 3 requires that the projects not be located on Important Agricultural Soils. Tier 1 projects have a lesser threshold and must only avoid Class I and II soils. The standards for streamlining Tiers 2 and 3 are:

¹ **Site Disturbance.** Any activity that involves clearing, grubbing, grading, or disturbances to the ground such as stockpiling or excavation.

- a. If greater than 20 acres, not located on land subject to a Land Conservation Act contract
- b. If less than 20 acres and subject to a Land Conservation Act contract, additional standards may apply beyond those listed here
- c. No additional energy transmission or distribution lines constructed in an RE combining designation and no easements over parcels outside the RE combining designation
- d. No new transmission lines to tie into the grid
- e. Not sited on Class I or II soils
- f. Not located in a Sensitive Resource Area for visual resources
- g. Site not subject to a conservation easement prohibiting energy generating facilities
- h. Not located in the Recreation or Open Space land use categories
- i. In the Agriculture land use category, is not sited on any type of Important Agricultural Soils as defined in the Conservation and Open Space Element, unless sited on Important Agricultural Soils designated solely as Highly Productive Rangeland Soils by the Conservation and Open Space Element. The proposed project may be located on Highly Productive Rangeland Soils or sited on other areas of the parcel without any Important Agricultural Soils.

As is explained in the DEIR, Tier 1 projects are not subject to the more extensive performance standards a-i so that they are better able to be streamlined and realize the goals of the RESP. Streamlining of Tiers 2-3 can be subject to additional performance standards due to their size and the fact that Tier 1 projects are streamlined to further the goals of the RESP and County policy.

The DEIR concludes that Class I (significant and unavoidable) impacts to agricultural resources will occur. The Class I impacts to agricultural resources arise from the streamlining of ground-mounted Tier 1 SEFs on Important Agricultural Soils other than Class I and II or prime soils. In those situations, no compensation for the loss of agricultural soils is required, such as providing conservation easements, as is required for Tiers 2-4. The DEIR states that the purpose of the program is to encourage and streamline renewable energy development and such a mitigation measure would “run counter to the primary objectives of the Program.”

A second Class I impact has been identified for visual impacts in the Aesthetics chapter. This determination includes impacts of the buildout scenario (150 MW on 1,500 acres of land) and the policy change to allow permit streamlining of these projects. The DEIR concludes (page 3.1-16):

“While these existing and proposed County Code requirements will minimize the visual impacts of solar installations, the site-specific setting and visual characteristics of all future SEFs proposed under the streamlining program cannot be known. Therefore, potential remains that certain SEFs could result in an aesthetic incompatibility within public view. Potential for this impact is considered significant, unavoidable, and adverse (Class I).”

The DEIR also reaches this same conclusion regarding the policy change that will streamline certain solar projects through Site Plan review. There is no feasible mitigation for these potential impacts.

The Final EIR (FEIR) will be distributed during the last week of January 2015. The FEIR consists of the DEIR, all comments received on the DEIR, and the County's written responses to those comments. Changes to the DEIR are then highlighted in the FEIR. The CEQA findings will then be finalized based on the conclusions of the FEIR and included in Attachment 2.

LEGAL NOTICE

The RESP was prepared as a result of work sponsored by the California Energy Commission. It does not necessarily represent the views of the Energy Commission, its employees, or the State of California. The Commission, the State of California, its employees, contractors, and subcontractors make no warranty, express or implied, and assume no legal liability for the information in this document; nor does any party represent that the use of this information will not infringe upon privately owned rights. This report has not been approved or disapproved by the Commission nor has the Commission passed upon the accuracy of the information in this report.

ATTACHMENTS

1. Exhibit A – CEQA Findings
2. Exhibit B – Findings
3. Exhibit LRP 2014-00015:C – Amendments to the Land Use and Circulation Elements and the Conservation and Open Space Element of the County General Plan
4. Exhibit LRP 2014-00015:D – Amendments to the Land Use Ordinance, Title 22 of the County Code
5. Exhibit LRP 2014-00015:E – Amendments to the Rules of Procedure to Implement the Land Conservation Act of 1965
6. Agricultural Preserve Review Committee memo dated December 22, 2014
7. Revisions to the Draft RESP
8. Correspondence
9. Planning Commission staff report, January 8, 2015

Staff report prepared by James Caruso and reviewed by Mike Wulkan