



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

Planning Commission

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

MEETING DATE April 9, 2015	CONTACT/PHONE Rob Fitzroy, Environmental Resource Specialist	APPLICANT California Flats Solar First Solar, LLC.	FILE NO. DRC2014-00015
SUBJECT <p>Hearing to consider a request by California Flats Solar, LLC for a Conditional Use Permit to improve an existing, 3.3 mile long agriculture road, and to establish a 4-acre and 0.5-acre temporary construction staging area adjacent to Highway 41. Improvements to the agricultural road and establishment of staging areas would result in approximately 16.5 acres of disturbance. The proposed improvements to the agricultural road are intended to provide access and to serve an approved 280-megawatt (MW) alternating current (AC) photovoltaic (PV) solar power facility located in unincorporated southeastern Monterey County, known as Cal Flats Solar Project. The Cal Flats Solar Project was approved by the Monterey County Board of Supervisors on February 10, 2015 (Note, Monterey County is the Lead Agency). The Planning Commission will only be taking action on portions of the project in San Luis Obispo County. San Luis Obispo County has no jurisdictional authority over portions of the project located in Monterey County. The 3.3 mile road is located one-mile north of the Hwy 41 and Hwy 46 split and Chalome Valley Road, along Hwy 41. Entrance to the agricultural road is located on the north side of Hwy 41. Improvements to the agricultural road include widening from approximately 18 feet to 30 feet, drainage improvements and installation of decomposed granite road base. The project is located in the Shandon-Carrizo Sub Planning Area of the North County Planning Area.</p>			
RECOMMENDED ACTION <ol style="list-style-type: none"> 1. Consider and rely on the Final Environmental Impact Report, including the Mitigation Monitoring and Reporting Program, previously certified on February 10, 2015 by Monterey County. 2. Adopt the CEQA Findings contained in Exhibit D, including the Statement of Overriding Considerations for the project's temporary, yet significant and unavoidable, traffic and air quality impacts during construction and decommissioning activities; 3. Approve Conditional Use Permit DRC2014-00015 based on the findings contained in Exhibit B, the Conditions of Approval contained in Exhibit C, and the Mitigation Monitoring and Reporting Program contained in Exhibit E. 			
ENVIRONMENTAL DETERMINATION <p>The County, as a Responsible Agency, finds that the Final Environmental Impact Report (FEIR) previously certified by Monterey County on February 10, 2015, is adequate for the purposes of the County's compliance with CEQA for issuance of a Conditional Use Permit to improve an existing agriculture road and construct staging areas for construction operations (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.). The County also finds that no substantial changes are proposed in the project which will require major revision of the previously certified FEIR, no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revision of the previously certified FEIR, and no new information of substantial importance has been identified which was not known at the time that the previous FEIR was certified. Mitigation measures are proposed to reduce potentially significant impacts to a less than significant level as related to aesthetics; agricultural resources; air Quality; biological resources; cultural Resources; geological resources; greenhouse gas emissions/climate change; hazardous materials; hydrology/water Resources; land Use; noise; public services; transportation/circulation; and temporary housing impacts. Mitigation measures to address these impacts are identified in the FEIR and included as conditions of approval. A Statement of Overriding Considerations was determined necessary for significant and unavoidable (Class 1) impacts associated with Traffic and Air Quality associated with temporary construction activities and post-project decommissioning activities.</p>			

LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Geologic Study Area	ASSESSOR PARCEL NUMBER 017-031-035, 017-031-018, 017-031-012, 017-031-011, 017-031-010	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: None Applicable.			
EXISTING USES: Existing agricultural road. Other onsite uses include grazing. The site is undeveloped.			
SURROUNDING LAND USE CATEGORIES AND USES: Agriculture / grazing, undeveloped; Rural Residential / sparsely scattered residences			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Agricultural Commissioner, Air Pollution Control District, Building Division, Cal Fire, Caltrans, California Department of Fish and Wildlife, U.S. Fish and Wildlife, Shandon Advisory Committee.			
TOPOGRAPHY: The access road is located on lands that are nearly level to gently sloping (less than 10%) slopes.		VEGETATION: Agricultural road has no vegetation. Onsite vegetation includes fallow agricultural fields and annual grassland.	
PROPOSED SERVICES: Water supply: On-site wells and water tanks Sewage Disposal: Individual on-site septic system(s) Fire Protection: CalFire (Parkfield Station)		ACCEPTANCE DATE: March 2, 2015	

SUMMARY

The California Flats Solar project (CalFlats) is located in southeast Monterey County, approximately seven miles southeast of the community of Parkfield and 25 miles northeast of the City of Paso Robles, near the boundaries of San Luis Obispo, Kings and Fresno counties. Monterey County is the Lead Agency and San Luis Obispo County is a Responsible Agency. The project was unanimously approved by the Monterey County Board of Supervisors on February 10, 2015. However, a 3.3 mile portion of the proposed access road to the facility and a construction staging area would be located in northeastern San Luis Obispo County, which requires approval by San Luis Obispo County as a Responsible Agency.

Because the Cal Flats Solar project required preparation of an Environmental Impact Report (EIR), a Conditional Use Permit (CUP) is required for the 3.3 mile portion of the access road and staging area that is located within San Luis Obispo County per Section 22.52.090(D)(2) of the San Luis Obispo County Land Use Ordinance. The project also requires a CUP because it would result in more than 3 acres of ground disturbance. The San Luis Obispo County Planning Commission will consider issuance of a CUP to allow for improvements along the 3.3 mile portion of the existing agricultural road. In addition, the CUP would authorize a 4-acre and 0.5-acre temporary staging area adjacent to Highway 41.

It is important to note that the EIR for the Cal Flats Solar project evaluated all aspects of the project, including all project components within San Luis Obispo County.

Please see Exhibit A for project location maps.

DISCUSSION

Background

On February 10, 2015, the Monterey County Board of Supervisors approved the California Flats (CalFlats) Solar project. CalFlats Solar project is a 280-megawatt (MW) alternating current (AC) photovoltaic (PV) solar power facility in unincorporated southeastern Monterey County,

approximately seven miles southeast of the community of Parkfield and 25 miles northeast of the City of Paso Robles, near the borders of Monterey, San Luis Obispo, Kings and Fresno counties.

The project will be constructed and operated on an approximately 3,000-acre portion of an existing 72,000-acre cattle ranch, known as the "Jack Ranch." The site is optimal for solar energy development, and has been identified as a Competitive Renewable Energy Zone (CREZ) under the State's Renewable Energy Transmission Initiative (RETI) due to the project site's elevation, topography, and general site characteristics. Moreover, an existing 230 kilovolt (kV) transmission line with available transmission capacity, the Morro Bay-Gates line, transects the project site, making for an easy tie-in to the main grid.

The Monterey County Board of Supervisors certified the Final Environmental Impact Report (FEIR) prepared for the project prior to project approval. In certifying the EIR, the Board made findings that the FEIR had been completed in compliance with CEQA; that the FEIR was presented and reviewed by the Board; that the information contained in the FEIR was considered by the Board prior to approving the project; and that FEIR reflects the County of Monterey's independent judgment and analysis. The FEIR evaluated all aspects of the project, including all project components within San Luis Obispo County.

Emergency-only access to the project also would be provided from Turkey Flat Road, an existing paved (Monterey) County road that terminates at the northwestern edge of the project site. Turkey Flat Road provides the most direct route to the site from the CalFire Parkfield Fire Station, and is anticipated to be the primary route for this first responder during emergencies only. Once on the project site, the road becomes a gated, private, ranch road. Turkey Flat Road is currently used in support of existing ranch operations, and would continue to be used for this purpose after project construction. Project construction and operation would not use Turkey Flat Road for access.

Project Description within San Luis Obispo County

The project components within San Luis Obispo County are limited to improvements to 3.3 miles of existing agricultural road and establishment of temporary construction staging areas.

The proposed access road to the CalFlats Solar facility -- during both construction and project operation -- would be an existing 5.6-mile private ranch road from SR 41, approximately 3.3 miles of which is located in San Luis Obispo County. The road would continue for an additional 2.3 miles along the existing agricultural road before it reaches the main project site and solar array area, but this 2.3 mile portion of the road is located in Monterey County and is not subject to San Luis Obispo County approval. Only the portion of the access road that lies within the San Luis Obispo County is subject to approval by the County of San Luis Obispo. San Luis Obispo County has no jurisdiction over any other components of the project.

Currently, the existing 3.3 mile agricultural road varies from approximately 10 to 20 feet in width. To accommodate the proposed project, the existing agricultural road must be widened to 30 feet and resurfaced with aggregate base material. In addition, the size of existing culverts must be increased to better match the existing channel capacity and to accommodate the added roadway width. The access road must also include turnouts to accommodate emergency vehicle access. Turnouts would be constructed within the boundaries of the 30-foot wide access road alignment. In addition, an existing access gate would be relocated further north from State Route (SR) 41 (i.e. interior to the site) to accommodate truck queuing outside of the SR 41 right-of-way while the gate is being unlocked and opened. This gate is necessary to prevent public access into the facility.

No fencing along the road is proposed so as to allow for continued use of the project site as grazing land.

Where the existing access road intersects with SR 41, several improvements are proposed within the Highway 41 right-of-way to provide safe ingress and egress and sufficient turning pockets for construction traffic. Improvements would include the construction of one new northbound left turn lane and one new southbound right turn lane, vehicle storage space, lane taper striping, and lighting. These improvements to Highway 41 are within the permit jurisdiction of Caltrans and are not subject to permit approval by San Luis Obispo County. The details of these improvements are contained in Section 2.0 *Project Description* of the FEIR.

The project also includes a 4-acre and 0.5-acre temporary construction and material staging area immediately adjacent to SR 41 and the existing agricultural road. This area would be used throughout construction for vehicle queuing and deliveries. An additional 0.5-acre temporary construction staging area would also be located south of SR 41. This area would be used during construction of SR 41 improvements. The 4-acre staging area would include construction temporary modular offices, a first aid station, worker parking, truck and shuttle loading and unloading areas, and laydown areas.

The project would take approximately 2-3 years to construct and will have a maximum peak work force of up to 500 workers. The average daily work force is estimated to be 400 workers. Workers would be shuttled into the project site. The shuttle service would transport approximately 95% of the anticipated construction work force (not including visitors, management, monitors/inspectors, etc.) on a daily basis from designated employee shuttle park-and-ride locations. Use of the shuttle program would be mandated as a condition of employment. Shuttle park-and-ride lots would be located west of the site on SR 46 in Paso Robles, (Cuesta College North County Campus) northwest of the site on Highway 101 in King City (Wild Horse Café) and southeast of the project site near the intersection of SR 46 and SR 33 (Blackwell's Corner).

Project location maps are contained in Exhibit A, including the location of temporary staging areas to be used during construction. More detailed graphics are contained in the FEIR.

Following is a brief policy consistency analysis followed by a summary of FEIR conclusions as related to impacts within San Luis Obispo County. For additional information about the project and its environmental impacts, please refer to the FEIR at:

http://www.co.monterey.ca.us/planning/major/California%20Flats%20Solar/California_Flats_Solar.htm

General Plan Consistency

The subject property is designated for "Agriculture" on the General Plan Land Use Map (North County Planning Area) and the General Plan's Land Use and Agricultural Elements each contain goals, policies, and implementation measures to promote and protect agricultural land, while preserving sensitive habitats and the environment in general.

The San Luis Obispo County Agricultural Commissioner's Office reviewed the proposed project (improvements to the existing agricultural road and staging area) on August 22, 2014 and expressed no concerns.

Applicable Agricultural Element goals and policies of the General Plan include the following:

AGP18: Location of Improvements. a. Locate new buildings, access roads, and structures so as to protect agricultural land.

Staff Response: The project is consistent with this policy. 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. On such land, allowable uses should generally be limited to those that are most directly related to agricultural production. Improvements to the access road and staging areas are not located on prime soils or on lands that are currently in crop production. Improvements to the road would be located within the vicinity of the existing road only and would result in minor widening of the existing road such that limited agricultural land is disturbed. No fencing is proposed along the road and lands on either side of the road would continue to be used openly for grazing, and the grazing land that would be converted for road widening purposes is negligible compared to the size of the overall cattle ranch. The project would not result in the loss of or conversion of prime agricultural lands, and existing agricultural operations on the site would continue.

AGP25: Unique or Sensitive Habitat. a. Encourage private landowners to protect and preserve unique or sensitive habitat. b. For new development requiring a discretionary permit and for proposed land divisions, protect unique or sensitive habitat affected by the proposal through the following measures: 1. Site the proposed development so as to avoid significant impacts on the habitat or significant impacts on the agricultural operations. Provide for adjustments in project design where alternatives are infeasible, more environmentally damaging, or have a significant negative impact on agriculture. 2. When significant impacts are identified, the landowner shall implement county-approved mitigation measures consistent with the existing requirements of CEQA.

Staff Response: The project is consistent with this policy. Consistent with the existing requirements of CEQA, the environmental review of discretionary permits on lands containing both agricultural and open space resources should make every effort to balance the mitigation of potential impacts on the open space resources with the needs of the agricultural operation so that both resources are equally protected. In those instances where significant impacts on the open space resources are identified, county approved mitigation measures shall be implemented consistent with the existing requirements of CEQA. The ability to utilize an existing ranch road for primary access to the approved new solar facility greatly reduces impacts compared to the widening of Turkey Flat Road (which consists of windy curves and undulating topography throughout) or the construction of an entirely new roadway. Some impacts to sensitive habitat would occur as result of the proposed improvements to the existing road; however, those impacts would be mitigated by measures identified in the FEIR, including impacts to biological and cultural resources (as discussed in Section 4.4 Biological Resources and 4.5 Cultural Resources of the FEIR). Applicable mitigation measures have been included as conditions of approval herein.

AGP26: Streams and Riparian Corridors. The following policies apply to watercourses shown by a solid or broken blue line ("blue line" streams) on the latest U.S. Geological Survey (USGS) quadrangle maps and their associated riparian vegetation. As noted earlier in this chapter, the county's LCP shall take precedence over these policies where the LCP addresses these issues. a. Encourage private landowners to protect and preserve stream corridors in their natural state and to restore stream corridors that have been degraded. Provide information and incentives to eliminate overgrazing in stream corridors. Encourage off-stream livestock watering sources. b. For new development requiring a discretionary permit and for land divisions, protect streams and riparian habitat affected by the proposal through the following measures: 1. Consistent with the requirements of the Regional Water Quality Control Board's Basin Plan, establish a grading and building setback of 30 feet from the top of the stream bank. Locate buildings and structures outside the setback. Do not remove riparian vegetation within 30 feet of the top of the stream bank. Provide for adjustments when the applicant demonstrates that such setbacks would have a significant negative impact on the agricultural viability of the site, or where alternatives are infeasible or more environmentally damaging, and the adjustments are acceptable to the Regional Board. 2. Require appropriate erosion control measures during and following construction. 3. Consistent with state and federal requirements, allow stream alterations for water supply and flood control projects, road maintenance, maintenance of existing channels, or improvement of fish and

wildlife habitat if there are no practical alternatives. 4. Consistent with state and federal requirements, assure that stream diversion structures protect habitats. 5. When significant impacts to stream or riparian resources are identified, the landowner shall implement county-approved mitigation measures consistent with the existing requirements of CEQA.

Staff Response: The project is consistent with this policy. The existing agricultural road contains culverts at creek crossings, some of which will be replaced and improved. Such work will require a permit from the California Department of Fish and Wildlife and the US Army Corps of Engineers. According to the FEIR, the portion of the project that lies within San Luis Obispo County would impact a small amount of stream/riparian habitat (0.1 - 0.2 acres). The project would not locate new structures near existing riparian or streams. Existing culverts would be improved and drainage improvements would reduce runoff and improve overall water quality. Direct impact to biological resources, streams, and wetlands associated with the improvements would be reduced by mitigation measures identified FEIR. These measures include B-1-(A) through B-1(GG), B-2(A) through 2(I), and B-3(A) through B-3(D), which in part include pre-construction surveys, habitat restoration, invasive species management, riparian setbacks, special status species avoidance, and compensatory mitigation. Applicable mitigation measures have been included as conditions of approval herein.

In addition, there are policies in the General Plan's Conservation and Open Space Element (COSE) that promote "the development of sustainable energy sources and renewable energy projects in areas where renewable energy resources have been identified ... while balancing the protection of other environmental resources," and there are several policies that encourage the preservation of open space, biological resources, and agricultural resources. Applicable policies include the following:

AQ3.1 Coordinate with other jurisdictions Coordinate with neighboring jurisdictions and affected agencies to address cross-jurisdictional and regional transportation and air quality issues.

AQ4.6 Regional organizations Collaborate and coordinate with regional organizations and local jurisdictions to reduce greenhouse gas emissions.

Staff Response: The project is consistent with these policies. These are two of several Air Quality policies in the COSE that encourage alternative energy projects such as solar energy facilities that reduce greenhouse gas emissions, and recognize that inter-agency coordination and cooperation will be required.

BR1.1 Protect sensitive biological resources such as, wetlands, migratory species of the Pacific flyway, and wildlife movement corridors through: 1) environmental review of proposed development applications, including consideration of cumulative impacts, 2) participation in comprehensive habitat management programs with other local and resource agencies, and 3) acquisition and management of open space lands that provide for permanent protection of important natural habitats.

BR1.2 Regulate and minimize proposed development in areas that contain essential habitat for special-status species, sensitive natural communities, wetlands, coastal and riparian habitats, and wildlife habitat and movement corridors as necessary to ensure the continued health and survival of these species and protection of sensitive areas.

BR1.3 Require environmental review of development applications pursuant to CEQA and County procedures to assess the impact of proposed development on native species and habitat diversity, particularly special-status species, sensitive natural communities, wetlands, and important wildlife nursery areas and movement corridors.

Staff Response: Direct impact to biological resources, streams, and wetlands associated with the improvements would be reduced by mitigation measures identified FEIR. These measures include B-1-(A) through B-1(GG), B-2(A) through 2(I), and B-3(A) through B-3(D), which in part include pre-construction surveys, habitat restoration, invasive species management, riparian setbacks, special status species avoidance, and compensatory mitigation. Applicable mitigation measures have been included as conditions of approval herein.

E1.1 Meet our electricity needs through the following prioritized measures: a. Increased conservation and efficiency in all sectors of energy use. b. Development and use of locally appropriate sources of renewable resources from both distributed and large-scale projects. Examples include wind, tidal, wave, solar, microhydroelectric, biomass, and geothermal. c. Development of non-renewable sources of energy.

Staff Response: The project (as supported by approval of the access road) is consistent with these policies. The development of renewable energy projects such as large-scale solar are a priority second only to energy conservation and efficiency.

E3.1 Ensure that new and existing development incorporates renewable energy sources such as solar, passive building, wind, and thermal energy. Reduce reliance on non-sustainable energy sources to the extent possible using available technology and sustainable design techniques, materials, and resources.

E6.1 Promote the development of sustainable energy sources and renewable energy projects through streamlined planning and development rules, codes, processing, and other incentives.

E6.2 Encourage and support the development of solar and wind power and other renewable energy systems as commercial energy enterprises.

E6.4 Use solar electric power generating facilities, especially in areas remote from utility services and in places where such systems can meet specialized power needs cost effectively.

E6.8 Designate and protect areas that contain renewable energy resources such as wind, solar, geothermal, and small hydroelectric.

E6.9 Renewable energy is developed most effectively where sufficient renewable energy resources exist (e.g., solar energy requires a certain amount of sunlight to be efficient and wind energy requires a certain amount of wind.) In areas where renewable energy resources have been identified and mapped pursuant to Policy E 6.8, renewable energy development is dependent on the mapped resource and shall be given high priority while balancing the protection of other environmental resources.

Staff Response: The project (as supported by approval of the access road) is consistent with all of these Energy Policies. The development of renewable energy projects such as large-scale commercial solar power generating facilities in remote areas that are physically well-suited is encouraged and is a priority of the County.

E7.1 Energy, fossil fuel, and related facilities will be sited, constructed, and operated in a manner to protect the public from potential hazards and significant environmental impacts.

Staff Response: The project (as supported by approval of the access road) is consistent with this policy. The proposed solar project was the subject of an exhaustive EIR, wherein mitigation measures have been developed to ensure that the public will be protected from potential hazards and significant environmental impacts.

VR1.1 Protect scenic views and landscapes, especially visual Sensitive Resource Areas (SRAs) from incompatible development and land uses

Staff Response: The project is consistent with this policy, as the proposed solar facility would not be visible from public viewing places.

VR7.1 Protect the clarity and visibility of the night sky within communities and rural areas, by ensuring that exterior lighting, including streetlight projects, is designed to minimize nighttime light pollution.

Staff Response: The project is consistent with this policy, as the proposed solar facility would not require significant night lighting.

Combining Designation – Geologic Study Area

The site lies within a Geologic Study Area (GSA) combining designation. Pursuant to Section 22.14.070 of the Land Use Ordinance, the GSA combining designation “*is applied to areas where geologic and soil conditions could present new developments and their users with potential hazards to life and property.*”

These standards would not apply to the construction of an access road only, with no buildings or structures designed for human occupancy; however, the site’s soils and geologic setting will be factored into the design of the access road pursuant to the requirements of the Uniform Building Code and Grading Ordinance. The project was reviewed by Public Works on August 29, 2014. In general, the road is relatively gently sloping and does not present any major geologic issues. A grading plan will be required and will be reviewed by Public Works. The project will require grading only to the extent to widen the road, no mass grading is required. In addition, the project will be required to prepare Storm water Pollution Prevention Plan, which will further minimize potential soil erosion/storm water runoff impacts.

ORDINANCE COMPLIANCE

The proposed access road improvements would be accessory to a permitted use within Monterey County and therefore an allowable use per Land Use Ordinance Section 22.06.030, Table 2-2. However, because the principal use required the preparation of an EIR, all aspects of the use within San Luis Obispo County, including accessory uses such as the access road, require the applicant to obtain a Conditional Use Permit per Section 22.52.090(D)(2).

Section 22.32.030 of the Land Use Ordinance lists generic development standards for electric generating plants. These standards address performance bonds; environmental quality assurance; revegetation; and utility connections. In addition, Section 22.32.060 of the Land Use Ordinance contains standards specific to Photovoltaic Generating Facilities. Because the facility itself is located in Monterey County, most of these standards are not applicable. However, one of these standards does pertain to the access road, Section 22.32.060(A)(2) states:

“...an application for a photovoltaic generating facility shall describe: ... How public access will be restricted or why public liability is not a concern at the particular facility.”

Staff Response: As described above, the access road would be gated with a code that only allows authorized personnel to use the access road, including emergency responders. In addition, the entire project site (within Monterey County) would be fence to ensure that public access would be restricted.

The project is subject to Section 22.52.060 Grading. The project has submitted a preliminary grading plan and drainage plan, which has been reviewed by Public Works. The applicant will be required to submit a full grading plan for review by Public Works upon issuance of the CUP. As discussed below, all environmental impacts associated with improvements to the existing agricultural road and staging area were analyzed in the FEIR. Mitigation measures are included as Conditions of Approval as applicable.

ENVIRONMENTAL REVIEW

The FEIR as certified by Monterey County on February 10, 2015 evaluated environmental impacts associated with the proposed California Flats Solar Project in both Monterey County and San Luis Obispo County. Monterey County is the public agency with the principal responsibility for approving the project, and as such is the Lead Agency for this project under the California Environmental Quality Act of 1970 (CEQA) as defined in CEQA Guidelines Section 15367, and San Luis Obispo County is defined as a Responsible Agency. The County of Monterey considered the information contained in the FEIR prior to taking discretionary action to approve the project, as so too must the County of San Luis Obispo. The FEIR is intended to serve as an informational document to be considered by the public and all permitting agencies during their respective processing of permits for the proposed project.

Exhibit F provides a summary of the environmental effects of the project specific to San Luis Obispo County. For greater detail on the environmental issues or alternatives analysis, or impacts in Monterey County, please refer to the FEIR at the link above. A hard copy of the FEIR is also available at the Planning and Building Department at 976 Osos Street, San Luis Obispo, CA.

As noted above, the significant and unavoidable (Class 1) impacts associated with the project (in either county) would be temporary air quality and traffic impacts during project construction. Despite implementation of mitigation measures to reduce emissions, PM10 and NOx emissions during construction activities (and potentially during future decommissioning activities) would exceed APCD thresholds. In addition, project-generated traffic during the construction phase would contribute an estimated 218 daily trips to a segment of SR 46 between SR 41 and Branch Road that currently operates at an unacceptable level of service (LOS). Although this temporary construction traffic would not reduce the LOS from LOS E to LOS F, the incremental impact is nevertheless considered significant. However, all ongoing operational impacts (and other temporary impacts) would be mitigated to less than significant levels. It should also be noted that the project's incremental increase in the number of vehicles on roadways as a result of ongoing operations would be balanced by displaced emissions associated with the project's generation of renewable energy that would reduce demand for new fossil fuel-fired facilities. The net result of this would be reduced operational air pollutant emissions and a resulting long-term beneficial impact on air quality.

The attached conditions of approval (Exhibit C) incorporate all mitigation measures that have been identified for impacts in San Luis Obispo County and incorporate by reference a Mitigation Monitoring and Reporting Plan (MMRP).

In preparing the MMRP for impacts in San Luis Obispo County, staff has ensured to the extent feasible that the MMRP is consistent with the MMRP adopted by Monterey County. This will simplify mitigation monitoring and compliance as the project is implemented.

Statement of Overriding Considerations

Although significant and unavoidable impacts associated with air quality and traffic are temporary, the County is required to prepare a Statement of Overriding Considerations to show that other

benefits outweigh these significant environmental impacts, should the Planning Commission approve the requested CUP. Of particular importance is that the solar project, while located in Monterey County, is located within the same air basin as San Luis Obispo County. The solar project would, in part, provide a clean, renewable source of energy and result in an overall improvement to air quality and a reduction in greenhouse gas emissions. Full details of the Statement of Overriding Considerations can be found in Exhibit D.

COMMUNITY ADVISORY GROUP COMMENTS

The project was referred to the Shandon Community Advisory County and no comments were received.

AGENCY REVIEW

Public Works – No concerns.

Agricultural Commissioner– No concerns.

Building Division – No concerns.

Cal Fire – No concerns.

Caltrans – Comments provided directly to Lead Agency and responded to in FEIR.

California Department of Fish and Wildlife – No comments.

U.S. Fish and Wildlife – No comments.

LEGAL LOT STATUS

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

CONCLUSION

Various County policies promote renewable energy projects while balancing the protection of environmental resources. The solar project, while located in Monterey County, accomplishes these goals. The County as the Responsible Agency has the opportunity to support a renewable energy project. Extensive studies have been completed to identify the potential environmental impacts of these improvements and ensure that they will be reduced to less than significant levels, except for temporary air quality and traffic impacts that would occur only during construction and decommissioning as noted above. The extensive mitigation measures identified in the EIR are included in the proposed Conditions of Approval as applicable to the portion of the project in San Luis Obispo County. Staff recommends approval of the project.

ATTACHMENTS/EXHIBITS:

Exhibit A -- Project Graphics

Exhibit B -- Findings for Approval

Exhibit C -- Conditions of Approval

Exhibit D -- CEQA Findings & Statement of Overriding Considerations

Exhibit E -- Mitigation Monitoring & Reporting Program

Exhibit F -- EIR Summary