



NOTICE OF PREPARATION – DRAFT ENVIRONMENTAL IMPACT REPORT

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

DATE: April 23, 2014

TO: Interested Parties and Agencies **FROM: Department of Planning and Building**
976 Osos Street, Room 200
San Luis Obispo, CA 93408-2040

PROJECT TITLE: San Luis Obispo County Renewable Energy Streamlining Program (ED13-196)

PROJECT APPLICANT: County of San Luis Obispo

RESPONSES DUE BY: May 28, 2014

The County of San Luis Obispo is the lead agency for the County's Renewable Energy Streamlining Program (Program) and will prepare an environmental impact report (EIR) for the program described in the attached project description. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project. If you are not a government agency, the following is for your informational purposes only. Your comments are welcomed, but not required.

Please provide us the following information at your earliest convenience, but not later than the 30-day comment period, which began with your agency's receipt of the Notice of Preparation (NOP).

1. **NAME OF CONTACT PERSON.** Please include address, e-mail, and telephone number.
2. **PERMIT(S) or APPROVAL(S) AUTHORITY.** Please provide a summary description of these and send a copy of the relevant sections of legislation, regulatory guidance, etc.
3. **ENVIRONMENTAL INFORMATION.** What environmental information must be addressed in the EIR to enable your agency to use this documentation as a basis for your permit issuance or approval?
4. **PERMIT STIPULATIONS/CONDITIONS.** Please provide a list and description of standard stipulations (conditions) that your agency will apply to features of this project. Are there other conditions that have a high likelihood of application to a permit or approval for this project? If so, please list and describe.
5. **LOCATIONS FOR RENEWABLE ENERGY COMBINING DESIGNATION.** This project includes the establishment of a new land use combining designation in the county to promote renewable energy development. The County is looking for input on the

appropriateness of land areas in the unincorporated areas (outside of the Coastal Zone) for this combining designation. Please provide input on possible locations for this combining designation based on the information and mapping provided in the NOP.

6. ALTERNATIVES. What alternatives does your agency recommend be evaluated in the EIR?
7. REASONABLY FORESEEABLE PROJECTS, PROGRAMS, or PLANS. Please name any future projects, programs, or plans that you think may have an overlapping influence with the project as proposed.
8. RELEVANT INFORMATION. Please provide references for any available, appropriate documentation you believe may be useful to the County in preparing the EIR. Reference to and/or inclusion of such documents in an electronic format would be appreciated.
9. FURTHER COMMENTS. Please provide any further comments or information that will help the County scope the document and determine the appropriate level of environmental assessment.

The project description, location, and the potential environmental effects are contained in the attached materials.

Due to the time limits mandated by state law, your response must be sent at the earliest possible date, **but not later than May 28, 2014**.

Please send your response to James Caruso at the address shown above. As requested above, we will need the name for a contact person in your agency. If you have any questions regarding the NOP or the proposed project, please contact James Caruso at jcaruso@co.slo.ca.us or (805) 781-5702.

In addition, an EIR scoping meeting will be held on April 30, 2014, at the Library Community Room (995 Palm Street) in San Luis Obispo, California. There will be two sessions for the EIR scoping meeting: 2:00 p.m. to 4:00 p.m. and 6:30 p.m. to 8:30 p.m. Both scoping meeting sessions will be open to all interested parties and provide an opportunity for input relating to the scope and content of the EIR.



James Caruso
County of San Luis Obispo
Department of Planning and Building

Reference: California Administrative Code, Title 14, Section 15082

Attachments

- A – Project Description and Potential Environmental Impacts
- B – Map of Renewable Energy Combining Designation Study Area

Attachment A – Project Description and Potential Environmental Impacts

BACKGROUND

San Luis Obispo County is developing a Renewable Energy Streamlining Program (Program) that will encourage and streamline permitting of certain renewable energy projects in the most suitable locations in the unincorporated area of the county. This will be accomplished through ordinance revisions and associated updates to policies. The Program will include development of a new Renewable Energy (RE) Combining Designation to identify the locations of the most suitable areas for renewable energy development. The Program will also revise related County codes and procedures, including the Williamson Act Rules of Procedure. Additionally, special attention will be given to streamlining the permitting of on-site renewable energy facilities such as parking lot-covered solar and small wind generators.

The Program will involve preparation of a programmatic environmental impact report (PEIR) that will support streamlining of on-site facilities as well as eligible renewable energy projects in the RE Combining Designation areas. At this time, the Program focuses only on the inland area of the county and does not include the Coastal Zone.

Your input is requested to help guide development of the Program and frame the scope of the PEIR.

PROJECT DESCRIPTION

The Program consists primarily of revisions to the inland Land Use Ordinance (LUO, Title 22) for the development of distributed renewable energy resources. Currently, distributed generation includes renewable energy projects that generally produce less than 20 megawatts (MW) of power near the point of use. Distributed energy resources may either be connected to the electric grid or serve on-site uses in stand-alone applications. The focus of the Program is to support distributed solar energy facilities, but also includes updates for other technologies such as wind energy conversion facilities and biomass. Code updates will provide greater certainty for the renewable energy development and reduce barriers to permitting appropriate renewable energy technologies.

A new RE Combining Designation will be created in Chapter 22.14 of the LUO (and described in the Framework for Planning, Part I of the General Plan Land Use and Circulation Elements) to provide ministerial permits for a range of solar energy facilities. Additional studies may be required based on the presence of site-specific issues or the scale of the renewable energy facility. Discretionary review may be triggered within the RE Combining Designation by larger projects that require additional standards or conditions of approval. LUO Chapter 22.32 (Electric Generating Facilities) will be updated to provide development standards and performance criteria for new “tiers” of renewable energy technologies. The proposed definitions are summarized as follows:

- **Solar electric facilities (SEFs):** Any solar electric system including the components and subsystems that, in combination, convert solar energy into electric energy suitable for use. Includes, but is not limited to, photovoltaic systems and solar energy storage systems. Transmission lines located off the site of the facility are included under "Pipelines and

Transmission Lines." Electrical substations are included under "Public Utility Facilities."
Solar thermal systems are included under "Solar Thermal Energy Facilities."

- **Roof-mounted SEFs:** Solar electric system that is roof-mounted and provides electricity primarily for on-site uses.
- **Ground-mounted SEFs:** Solar electric system that is ground-mounted.
 - **Tier 1 SEF:** Small-scale ground-mounted solar electric system that provides electricity primarily for on-site uses and is located in one of three qualifying areas: 1) on vacant parcels or existing development in urban areas, 2) on existing development in rural areas, or 3) on vacant parcels or existing development designated as CS (Commercial Service) or IND (Industrial) in rural areas. Tier 1 SEFs generally produce up to 2 MW in energy and occupy no more than 20 acres.
 - **Tier 2 SEF:** Ground-mounted solar electric system occupying no more than 40 acres, is located on vacant parcels or existing development in rural areas, and provides energy for on-site and off-site uses. Tier 2 SEFs generally produce up to 6 MW in energy, although facilities producing more than 6 MW but otherwise consistent with this definition are considered Tier 2 SEFs.
 - **Tier 3 SEF:** Ground-mounted solar electric system occupying more than 40 acres but no more than 160 acres in urban or rural areas. Tier 3 SEFs generally produce 20 MW or less in energy, although facilities producing more than 20 MW but otherwise consistent with this definition are considered Tier 3 SEFs.
 - **Tier 4 SEF:** Ground-mounted solar electric system occupying more than 160 acres. Tier 4 SEFs generally produce more than 20 MW of energy and are considered utility-scale facilities.
- **Solar heating and hot water systems:** Solar energy systems that capture the sun's radiant energy, convert it into heat energy, store this heat in insulated storage tank(s), and deliver the stored energy as needed to either the domestic hot water or heating system for on-site uses.
- **Solar thermal facilities:** The components and subsystems that concentrate sunlight on a relatively small area to create high temperatures that vaporize water or other fluids to drive a turbine for generation of electric power.
- **Wind Energy Conversion System (WECS) (land use):** Any device which converts wind energy to a form of usable energy or provides storage of wind energy. This definition shall include all equipment and accessory structures related to the system, including but not limited to wind turbines, mounting posts, on-site transmission lines, operations and maintenance buildings, and other accessory structures. WECS producing electricity are included here; those used for direct climate control, water pumping or other conversion to mechanical or thermal power, are included under "Agricultural Accessory Structures." Transmission lines located off the site of the facility are included under "Pipelines and Transmission Lines." Electrical substations are included under "Public Utility Facilities." (SIC: Group 49) (Amended 1989, Ord. 2411).

- **Roof-mounted WECS:** A roof-mounted WECS that converts wind energy to a form of usable energy or provides storage of wind energy.
- **Ground-mounted WECS:** A ground-mounted WECS that converts wind energy to a form of usable energy or provides storage of wind energy.
 - **Tier 1 ground-mounted WECS:** A ground-mounted WECS no greater than 100 feet tall as measured from the natural grade below the wind turbine to the uppermost extension of any blades, and with a cumulative rated capacity of 2 MW or less.
 - **Tier 2 ground-mounted WECS:** A ground-mounted WECS greater than 100 feet tall as measured from the natural grade below the wind turbine to the uppermost extension of any blades, or with a cumulative rated capacity more than 2 MW.

New standards in LUO Chapter 22.32 will also provide a countywide ministerial permit and development standards for small-scale solar energy facilities in urban or other developed areas.

Other Updates to County General Plan, Ordinances, Rules, and Procedures

In addition to revisions to Title 22, the Program will include other revisions and updates to the County’s land use framework to remove barriers to development of renewable energy facilities. Other anticipated updates include:

- Framework for Planning, Part I of the Land Use and Circulation Elements, as well as the Official Maps: amendments to establish and map the RE Combining Designation.
- Article 9 and Article 22 of Title 22, Planning Area Standards and Community Area Standards: revisions to remove prohibitions on electricity-generating uses that would otherwise fall within the RE Combining Designation.
- Conservation and Open Space Element: minor updates to goals, policies, and glossary to ensure consistency of renewable energy definitions with new distributed generation and technology definitions in Title 22.
- Williamson Act Rules of Procedure: revisions to allowed uses of Table 2 to allow electricity-generating plants (electricity generation).

Proposed Establishment of the Renewable Energy Combining Designation

To identify high opportunity areas for the establishment of the RE Combining Designation, the County prepared an Opportunities and Constraints Technical Study (OCTS). The OCTS identifies locations where development of renewable energy resources can most feasibly be developed that minimize environmental impacts. Key resource and infrastructure requirements for renewable energy development and environmental considerations in the county were also reviewed to establish areas in the unincorporated county suitable for renewable energy development.

The RE Combining Designation would apply to unincorporated lands of the county outside of the Coastal Zone. The OCTS identifies that streamlining renewable energy development is likely in 3% of the unincorporated county (i.e., land areas with no or minimal environmental constraints). Streamlining renewable energy projects with some level of additional site-specific analysis and mitigation is likely in approximately 63% of the unincorporated county.

Based on the findings of the OCTS, the attached map (Attachment B) outlines the maximum extent of the study area within which the RE Combining Designation is being considered. The map shows 5- and 10-mile radii around existing electricity substations as another possible determinant of the maximum extent of the RE Combining Designation, as renewable energy projects are most likely to be located where electricity distribution tie-ins are most readily available and feasible. The County requests input on the appropriateness of the mapped eligible areas for the RE Combining Designation as part of your comments on the scope of the EIR.

POTENTIAL ENVIRONMENTAL EFFECTS

Listed below are the environmental resource areas that will be evaluated in the EIR:

- **Aesthetics.** Scenic areas, open spaces, rural landscapes, vistas, country roads, and other factors interact to produce a net visual benefit for individuals or communities within the county. This section will assess the degree to which development of renewable energy projects may result in changes to public viewsheds.
- **Agricultural Resources.** Agriculture is an important part of San Luis Obispo County's economy, and the preservation of agricultural land is a major priority for the County. A recent study found that agriculture contributes \$1.87 billion annually to the county's economy (Agricultural Impact Associates 2013). The county's diverse agriculture production includes over 100 different crops, with fruits and vegetables the largest sector economically. Siting renewable energy projects in areas with valuable agricultural soils, strong agricultural infrastructure, and long-established agricultural communities could impact the County's efforts to support agricultural preservation and a prosperous agricultural economy.
- **Air Quality and Greenhouse Gas Emissions.** This section will assess potential effects from construction and operational emissions, including the effects of on-site exhaust emissions from heavy-duty diesel- and gasoline-powered construction equipment and the fugitive particulate matter from soil-disturbing activities. This section will also identify potential sources of greenhouse gas emissions from construction and operation of renewable energy projects as well as the greenhouse gas reduction benefits of these projects under the Program.
- **Biological Resources.** The county supports a wide range of important and sensitive species and habitat types. Over 50 species listed under the federal or state Endangered Species Acts are known to occur or have the potential to occur in the county. Examples include the Morro shoulderband snail, vernal pool fairy shrimp, San Joaquin kit fox, Nelson's antelope squirrel, giant kangaroo rat, blunt-nosed leopard lizard, California tiger salamander, California condor, and several plants. Renewable energy projects located in areas supporting sensitive biological resources could result in impacts to biological resources.
- **Cultural Resources.** Cultural resources can reflect the history, diversity, and culture of the region and people who created them. They are unique in that they are often the only remaining evidence of the activity that occurred historically. The county is rich in cultural resources that could be affected by development of renewable energy projects without adequate protections in place.

- **Geology and Soils.** This section will focus on the potential for construction and operation of renewable energy projects to result in soils- and geologic-related impacts and possible loss of access to mineral resources. Issues of liquefaction potential, landslide risk potential, erosion, soil suitability, and earthquake damage potential will be addressed.
- **Hazards and Hazardous Materials.** This section will address the Program’s potential to result in the use or transport of hazardous materials or result in other hazardous conditions such as exposure to risk of wildfire or increased exposure to Valley Fever. The Program would apply to non-coastal zone areas of the unincorporated County but does not propose any specific development projects, nor identify any specific development sites contained on the State’s “Cortese” list, or other lists of hazardous waste sites maintained by the California Environmental Protection Agency as enumerated under Section 65962.5 of the Government Code.
- **Land Use.** This section will examine how the Program’s resulting changes to County planning documents may indirectly affect land use in the county and potentially result in adverse land use conflicts.
- **Noise.** This section will assess potential noise effects from construction and operation of renewable energy projects.
- **Population and Housing.** This section will address the potential for the Program to result in substantial changes to population or housing dynamics in the county.
- **Public Services and Utilities.** This section will assess effects on demand for public services and utilities from construction and operation of renewable energy projects, including water, sewer, solid waste, roads, and fire and police services.
- **Recreation.** This section will assess effects on demand for parks and recreation opportunities, as well as the potential for the Program to indirectly affect access and enjoyment of trails and other recreation areas.
- **Transportation and Circulation.** This section will address the potential effects of traffic associated with construction and operation of renewable energy projects, including whether the Program may indirectly result in impacts to emergency access or air traffic patterns and safety issues.
- **Water and Hydrology.** This section will address issues of water availability, surface water runoff, drainage patterns, groundwater impacts, and flooding risk.

MITIGATION MEASURES

Mitigation measures will be identified in the EIR to reduce any potentially significant impacts to less than significant levels where possible.

PROJECT ALTERNATIVES

A reasonable range of project alternatives, including the CEQA-mandated “No Project” Alternative, will be developed and evaluated in the EIR. The County welcomes input regarding the development of feasible project alternatives that meet the basic objectives of the project, while potentially reducing its environmental impacts.

