



# DISTRIBUTED SOLAR (PHOTOVOLTAIC) POWER FREQUENTLY ASKED QUESTIONS

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING  
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*Promoting the Wise Use of Land • Helping to Build Great Communities*

This compilation of Frequently Asked Questions is intended to provide the public with a summary of responses to common concerns County staff have received on the topic of distributed solar power. The following discussion is intended to address those systems that are larger than residential or commercial rooftop systems, but small enough systems that intend to keep the power 'local' and avoid the need to install new transmission lines to deliver the proposed amount of power generated. The following discussion is not exhaustive and does not provide site-specific information that a prospective applicant would receive through the Department of Planning and Building's pre-application process. If you have more specific questions you are encouraged to contact the County Planning Department's Permit Center at (805) 781-5600.

## ***What level of permitting or public agency sign-off will my distributed solar project require?***

The level of land use permitting will be either a Minor Use Permit or Conditional Use Permit, depending on the amount of development proposed or the level of environmental review required. Subsequent building permits (e.g., for grading electrical, etc.) will also be required. Other outside agency permits are likely if the following applies:

- If State or Federally-listed species (wildlife or plant species) exist on-site or in the area California Department of Fish and Game (CDFG) and/or U.S. Fish and Wildlife Service (USFWS) are likely to require permitting for incidental take;
- If federal energy funding is involved the U.S. Department of Energy will require a permit (including their own federal environmental document);
- If the project is over an acre in size, a Stormwater Pollution Prevention Plan will be required by the Regional Water Quality Control Board;
- If a switching station or reconductoring of existing transmission lines is required, PG&E will need to be involved and a potential permit with the California Public Utilities Commission (CPUC) may be necessary;
- If the project could have impacts to waterways or streams, permits from the Army Corps of Engineers and/or CDFG may be required;
- Other Agency Permits – depending on size and location, there may be other agency permits required, such as from the Air Pollution Control District, Caltrans (encroachment), Building Permits (electrical, buildings, tanks, etc.), etc.

## ***What level of environmental review will my project fall under and how long will it take to process?***

The complexity of your proposed solar project and its potential to impact environmental resources will determine the scope of the environmental review. If significant impacts to the environment can be avoided through careful design, or your project can be fully mitigated, your project may be processed with a Mitigated Negative Declaration, which is a less extensive environmental disclosure document. Mitigated Negative Declarations are processed in 5-9 months. On the other hand, if your project has the potential to have impacts on the environment that cannot be fully mitigated, your project will be subject to a more extensive environmental review, and the preparation of more detailed environmental disclosure document known as an Environmental Impact Report (EIR). EIR's generally take about two years to complete and are typically more complex and controversial.

## ***What are the biggest hurdles or issues that will likely need to be addressed during the permitting process?***

### **❖ Sensitive Biological Resources**

Due to the many sensitive plant and wildlife species in the county, ‘in-season’ surveys will likely be necessary to evaluate for such species; while the County does provide some information on potential sensitive species on its website (see <http://www.slocounty.ca.gov/planning/zoning.htm>), it is recommended that you consider requesting a “pre-application meeting” with the County to help identify a more comprehensive list of potentially sensitive plants and/or wildlife.

### **❖ Agricultural Resources/Williamson Act**

A substantial portion of the agriculturally zoned areas within the County are under a Williamson Act contract, which is a program to encourage agricultural use by reducing property taxes (go to Interactive GIS mapping: <http://www.sloplanning-maps.org>). Properties under such a contract do not allow the placement of solar panels for off-site and/or non-agricultural production of power. For further information, please contact the County Planning Department (805-781-5600) or the Agricultural Commissioner’s Office (805-781-5910).

Solar panels typically occupy similar lands that generally support highly productive agricultural uses (e.g., row crops, orchards, etc.) or over soils that are considered to have high potential for agricultural production. In most instances, removal or exclusion of existing or potential use for highly productive agricultural activities could be a potentially significant impact. Under such circumstances, when more than three acres are involved, this is likely to trigger the need for an EIR to address the potentially significant loss of agricultural use. When such circumstances exist, it is recommended that you schedule a “pre-application meeting” (you should request that a County Department of Agriculture representative attend the meeting) to discuss this issue further. Furthermore, it should be noted that one of the likely outcomes will be a condition that requires acquisition or permanent dedication/protection of comparable off-site lands for agricultural use.

### **❖ Public Services**

To a great extent the County relies on state sales tax and property tax to generate monies for the County’s General Fund. The General Fund is used to provide staffing needed to support public services for new development. Solar projects will result in additional demands on the County’s Fire Department (CalFire), as well as the Sheriff and Code Enforcement for theft/ vandalism of solar panels.

As legislation has passed allowing solar projects exemptions from both property tax and sales tax, the County will need to evaluate the project’s impacts to public services. Based on previously evaluated and approved projects, if 1% of the cost of all equipment and materials used during construction is provided to the County, it was determined that this would be sufficient to offset public service impacts.

### **❖ Noise**

Construction noise is exempt as long as work is done between the hours of 7 am and 7 pm Monday through Saturday. On operational noise, substations, trackers, inverters and transformers, , could exceed the County’s noise threshold of 50 decibels as measured from the property line, depending on size and placement. If air conditioning units proposed, this could be another noise source that would need to be analyzed. Proactive project design upfront can address noise issues that may occur at the property, while addressing them later can result in delays and additional cost.

### **❖ Size**

If your project exceeds 40 acres, potentially two additional issues need to be addressed. If your project is within the San Joaquin Kit Fox program area go to County’s Interactive GIS Mapping and click on [Kit Fox mapping](#) link. This program does not address projects larger than 40 acres.

Other approved projects larger than 40 acres have had to find comparable kit fox lands (at a 4:1 ratio) that are to be permanently protected (e.g., put in permanent open space with kit fox protection measures).

A second issue relates to a water bill (AB610) passed several years ago which requires a detailed water assessment for industrial projects larger than 40 acres. An example of this type of analysis can be made available upon request (ask for Appendix 19 of the SunPower/California Valley Solar Ranch EIR [or [Click here](#)])

❖ **Visual**

The County considers the protection of rural visual resources from public roadways very important. This has been partially recognized by the County with ‘Sensitive Resource Area’ and the ‘Highway Corridors’ designations for certain areas. Other aspects that the County considers when determining visual importance: is the project within view from a public roadway; is the public road heavily used; does the area contain strong elements of natural or rural beauty; does the project break the ridgeline. As the above designations only provide a partial picture, it is recommended that you consider a ‘Pre-application’ meeting for further guidance. Also, the County’s ordinance includes provisions that some of the on-site power lines be placed underground (see County LUO Section 22.32.060.B). Substations will need to be fully screened with landscaping. Depending on size and public visibility, we may be requesting darker colors for the inverters and/or transformers. Reflectivity will need to be considered as it relates to the potential glare on surrounding properties and/or public roads. A Reflectivity Study may be required, depending on circumstances.

❖ **Lighting**

Rural areas are typically very dark. The introduction of any operational night lighting (usually for security) can be intrusive and potentially problematic. Any such lighting is discouraged, but if absolutely necessary it would need to be fully shielded and directed ‘down and inward’ into the development, and use the lowest lumen level possible.

❖ **Switchyards & Reconductoring/line capacity**

If a switchyard is needed, coordination with PG&E will be necessary. Also, a determination is needed on whether a separate legal lot will be required for the substation. Switchyards are typically permitted through the CPUC. You will need to demonstrate to the County either how the existing lines have the capacity to handle the additional electricity from the proposed project, or if reconductoring/line upgrades will be necessary. If reconductoring is required, coordination with PG&E and the CPUC will be needed.

❖ **Foundations/Grading**

Concrete anchors vs. helical screws/micro pile driven posts will have different impacts and should be specified; concrete anchors will require more water and possibly a portable batch plant; helical screws/micro pile driven posts could generate additional noise that will need to be addressed.

If grading can be minimized, both air quality impacts can be reduced as well as minimizing long-term potential impacts when agriculture is reestablished.

❖ **Decommissioning**

To ensure that the site will eventually be returned to original conditions, a decommissioning plan and financial assurance mechanism will need to be provided for review and approval by the County.