# NEGATIVE DECLARATION & NOTICE OF DETERMINATION

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*

**ENVIRONMENTAL DETERMINATION NO.** ED11-083 (DRC2011-00039) **DATE: 12/27/12**

**PROJECT/ENTITLEMENT:** Minor Use Permit

**APPLICANT NAME:** James Scherz
**ADDRESS: 7585 O'Donovan Road Creston, CA 92660**
**CONTACT PERSON:** Peter Coughlin, Prestine Sun **Telephone: 415-848-8148**

**PROPOSED USES/INTENT:** Request by James Scherz for a Minor Use Permit for a 0.50-megawatt (MW) solar generation facility including: 36 dual-axis, photovoltaic (PV) trackers; 500 kilowatt (KW) inverter (PowerStation); approximately 1,610 square feet of underground, six-inch diameter, conduit; two customer power poles and one re-closure pole; approximately 100 feet of above-ground, three-phase power lines; and, motion-activated security lighting system (timed limit). The project also includes improvements to an approximately 400-foot segment of an existing access road, including compaction and turn-out, and improvements to the existing driveway on O'Donovan Road.

**LOCATION:** The project site is located at 7585 O'Donovan Road, approximately three miles southeast of State Route 229, three miles southeast of the unincorporated community of Creston. The project is located in the El Pomar-Estrella, Rural planning area.

**LEAD AGENCY:** **County of San Luis Obispo**
**Dept of Planning & Building**
**976 Osos Street, Rm. 200**
**San Luis Obispo, CA 93408-2040**

**Website: http://www.sloplanning.org**

**OTHER POTENTIAL PERMITTING AGENCIES:** Department of Fish and Game, Regional Water Quality Control Board

**STATE CLEARINGHOUSE REVIEW: YES** ☒ **NO** ☐

**ADDITIONAL INFORMATION:** Additional information pertaining to this environmental Determination may be obtained by contacting the above Lead Agency address of (805)781-5600.

**COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT ..... 4:30 p.m. (January 10, 2013)**

**30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification**

## Notice of Determination

**State Clearinghouse No.** _____

This is to advise that the San Luis Obispo County_____ as ☐ *Lead Agency* ☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures and monitoring were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the 'Lead Agency' address above.

| | Ryan Hostetter | | County of San Luis Obispo |
|---|---|---|---|
| **Signature** | **Project Manager Name** | **Date** | **Public Agency** |

# Initial Study Summary – Environmental Checklist

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

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(ver 3.4) Using Form

**Project Title & No. Scherz Minor Use Permit ED11-083 (DRC2011-00039)**

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

| | | |
|---|---|---|
| ☒ Aesthetics | ☒ Geology and Soils | ☐ Recreation |
| ☐ Agricultural Resources | ☒ Hazards/Hazardous Materials | ☒ Transportation/Circulation |
| ☒ Air Quality | ☐ Noise | ☐ Wastewater |
| ☒ Biological Resources | ☐ Population/Housing | ☒ Water |
| ☐ Cultural Resources | ☒ Public Services/Utilities | ☐ Land Use |

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

| | | |
|---|---|---|
| RYAN Hostetter; SHAWNA SCOTT (SWCA Inc.) | [signature] | 12/14/12 |
| Prepared by (Print) | Signature | Date |
| Steven McMaster; | [signature] | 12/19/12 |
| Reviewed by (Print) | Signature | Ellen Carroll, Environmental Coordinator (for) — Date |

**Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

## A. PROJECT

DESCRIPTION: Request by James Scherz for a Minor Use Permit for a 0.50-megawatt (MW) solar generation facility including: 36 dual-axis, photovoltaic (PV) trackers; 500 kilowatt (KW) inverter (PowerStation); approximately 1,610 square feet of underground, six-inch diameter, conduit; two customer power poles and one re-closure pole; approximately 100 feet of above-ground, three-phase power lines; and, motion-activated security lighting system (timed limit). The project also includes improvements to an approximately 400-foot segment of an existing access road, including compaction and turn-out, and improvements to the existing driveway on O'Donovan Road. The project will occur over approximately three acres, and will result in the disturbance (soil movement) of up to one acre within two parcels 106.15 and 23.46 acres each (totaling approximately 130 acres). The total footprint of the project would be 0.039 acre, including 150 square feet of equipment. The project site is located at 7585 O'Donovan Road, approximately three miles southeast of State Route 229, three miles southeast of the unincorporated community of Creston. The project is located in the El Pomar-Estrella, Rural planning area.

The project includes the removal of 19 blue oak trees. No new fencing is proposed. During operation of the facility, periodic maintenance will include remote monitoring via Supervisory Control and Data Acquisition (SCADA), data collection, regular maintenance and repairs, and panel washing (approximately 1,800 gallons of water twice a year). The applicant proposes to implement an integrated pest management plan, which may include the following weed control (i.e. use of native ground cover, livestock grazing to control grasses, manual harvest, and use of herbicides if necessary); vegetative management for fuel load reduction; and, insect, pest, and disease management (i.e., manual trapping of vertebrate pests, eradication, use of EPA-approved rodenticides).

The project includes de-commissioning the facility and reclamation of the site. This approximately 35-day process will include removal of all facility elements, including but not limited to: solar modules, trackers, racking, posts, PowerStation electrical equipment, underground conduits and cables, concrete pads, fences, security lighting, and access road gravels. No grading is proposed. Reclamation (35 to 65-day duration) will include evaluation of adjacent grasses and vegetation, soil preparation, temporary irrigation, seed/crop planting, and watering and fertilization (if necessary).

ASSESSOR PARCEL NUMBER(S): 043-241-014, 043-301-017

Latitude: 35 degrees 28' 50" N Longitude: 120 degrees 30 ' 8" W SUPERVISORIAL DISTRICT # 5

## B. EXISTING SETTING

PLANNING AREA: El Pomar/Estrella, Rural

LAND USE CATEGORY: Agriculture

COMBINING DESIGNATION(S): Flood Hazard

EXISTING USES: Agricultural uses, single-family residence(s), accessory structures

TOPOGRAPHY: Gently sloping to moderately sloping

VEGETATION: Grasses, blue oak, foothill pine

PARCEL SIZE: 106.15 and 23.46 acres (130 acres total)

SURROUNDING LAND USE CATEGORIES AND USES:

| | |
|---|---|
| *North:* Agriculture; scattered residences, livestock grazing, equestrian pasture and barns, crop production | *East:* Agriculture; primarly vacant |
| *South:* Agriculture/Rural Lands; scattered residences, livestock grazing, equestrian pasture and barns, crop production | *West:* Agriculture; scattered residences, livestock grazing, equestrian pasture and barns, crop production |

## C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

### COUNTY OF SAN LUIS OBISPO
### INITIAL STUDY CHECKLIST

| 1. **AESTHETICS** - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *a) Create an aesthetically incompatible site open to public view?* | ☐ | ☒ | ☐ | ☐ |
| *b) Introduce a use within a scenic view open to public view?* | ☐ | ☒ | ☐ | ☐ |
| *c) Change the visual character of an area?* | ☐ | ☐ | ☒ | ☐ |
| *d) Create glare or night lighting, which may affect surrounding areas?* | ☐ | ☐ | ☒ | ☐ |
| *e) Impact unique geological or physical features?* | ☐ | ☐ | ☒ | ☐ |
| *f) Other:* _____ | ☐ | ☐ | ☐ | ☐ |

**Setting.** The proposed project is located approximately three miles southeast of the unincorporated community of Creston, approximately 2.25 linear miles east of State Route 229. The area is characterized by large-lot residential development, agriculture (i.e., alfalfa, equestrian pasture and facilities, livestock grazing, and vineyards), and accessory uses. The topography ranges from nearly level to moderately sloping. Vegetation in areas that are not used for crop production, horses, or other livestock includes grassland, oak woodland, and pines.

Existing development on the project site includes single-family residences, barns, agricultural structures, and a horse arena. The remainder of the parcel is used for crop production, or is vacant. The existing structures are visible from O'Donovan Road, a two-lane road that connects State Route 229 and State Route 58. There are no designated Scenic Corridors or Suggested Scenic Corridors in the immediate vicinity of the project site.

**Impact.** The proposed project would be located over a nearly level area and the base of a gently to moderately sloping hillside. Existing structures, including a residence, barn, arena, and agricultural accessory structures are visible from both travel lanes of O'Donovan Road, although existing trees between the roadway and the site provide some intermittent screening. A wooded hillside provides a backdrop to the development. The proposed solar facility would be located near existing development, extending partway up the hill, which would require the removal of approximately one acre of mixed oak/foothill pine woodland. The surrounding woodland would remain to provide a backdrop to the facility as seen from off-site locations.

Originally submitted project versions would have located the solar panels adjacent to O'Donovan Road, or further up the hillside (requiring greater removal of oak/pine woodland). The applicant revised the project by re-locating the proposed panels a minimum of approximately 0.3 mile east of

O'Donovan Road, within the flatter area onsite. The panels will be visible from O'Donovan Road. The site is not visible from State Route 229 due to distance (approximately 2.5 linear miles) and intervening existing vegetation. The improved access driveway with turn-out would be located in the middle of the panels, and would not be visible. Other visible elements would include the two new poles and powerlines. These facilities would be located near an existing residence, and would generally blend in with surrounding vegetation and structures.

Although the solar facility would be visible from O'Donovan Road, this impact can be mitigated by vegetative screening, consistent with existing trees along the hillside and near the riverbank. In addition, modern solar panels are constructed of dark, light-absorbing materials and covered with an anti-reflective coating, which minimizes the potential for glare (FAA, 2012). Regarding timed security lighting, standard county regulations require shielding of exterior lighting to minimize glare. As required by the LUO, the project will be conditioned for an exterior lighting plan prior to issuance of construction permits to ensure that the project will not create off-site glare.

Although photovoltaic facilities are not a common occurrence in the area, the project has been located and designed to reduce visibility of project elements (as seen from public roads), and is therefore compatible with the surrounding area. Decommissioning of the facility will include removal of all equipment, and vegetative restoration of the project site.

**Mitigation/Conclusion.** The applicant has agreed to incorporate native vegetation plantings along the southwestern perimeter of the photovoltaic facility, which would provide additional screening of solar panels, as seen from O'Donovan Road. Vegetative screening shall be reviewed and approved by CalFire to ensure fuel management clearance is met. The applicant and county will confirm that the solar panels have an anti-reflective coating. Based on incorporation of mitigation measures identified in Exhibit B, potentially significant impacts to aesthetic resources can be mitigated to less than significant.

| **2. AGRICULTURAL RESOURCES** - ***Will the project:*** | **Potentially Significant** | **Impact can & will be mitigated** | **Insignificant Impact** | **Not Applicable** |
|---|---|---|---|---|
| ***a) Convert prime agricultural land to non-agricultural use?*** | ☐ | ☐ | ☒ | ☐ |
| ***b) Impair agricultural use of other property or result in conversion to other uses?*** | ☐ | ☐ | ☒ | ☐ |
| ***c) Conflict with existing zoning or Williamson Act program?*** | ☐ | ☐ | ☒ | ☐ |
| ***d) Other:*** _____ | ☐ | ☐ | ☐ | ☐ |

**Setting**. Project Elements. The following area-specific elements relate to the property's importance for agricultural production:

Land Use Category: Agriculture

State Classification: = Not prime farmland, Farmland of Statewide Importance, Prime Farmland if irrigated

Historic/Existing Commercial Crops: Vegetable and Rangeland

In Agricultural Preserve? El Pomar AG Preserve Area

Under Williamson Act contract? No

Arbuckle-Positas complex, (30 - 50 % slope) .

Arbuckle. This steeply sloping soil is considered moderately drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated.

Positas. This steeply sloping soil is considered very poorly drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated.

Elder loam (0 - 5% slope). This nearly level to gently sloping soil is considered moderately drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class IV without irrigation and Class I when irrigated.

Metz loamy sand (0 - 5 % slope). This nearly level to gently sloping sandy bottom soil is considered well drained. The soil has low erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: flooding. The soil is considered Class IV without irrigation and Class III when irrigated.

Xerofluvents-Riverwash association. This variably sloping soil's drainage is not rated. The soil's erodibility and shrink-swell characteristics are not rated, as well as having potential septic system constraints due to: is not rated. The soil is considered Class VIII without irrigation and Class is not rated when irrigated.

**Impact.** The project site consists of two parcels located in the Agriculture land use category, in a predominantly agricultural area. The project site supports equestrian facilities east of Huerhuero Creek. The western portion of the main parcel between O'Donovan Road and creek is prime farmland that has a history of irrigated crop production. The site will be accessed from an existing road, which will be improved to serve the project. Agricultural uses in the area include equestrian facilities, crop production, and cattle grazing. The main parcel is not under a Williamson Act contract. Surrounding parcels to the east and west are under contract. The project will require trenching approximately 420 linear feet of six-inch conduit within the adjacent parcel to the east, which is under Williamson Act contract. The affected portion of the site is not under agricultural production.

As noted above (Section 1 Aesthetics), the originally proposed location of the project was adjacent to O'Donovan Road, which is within an area designated as prime farmland. The applicant re-designed the project to avoid the most productive agricultural land. Based on review by the County Agriculture Department, the current project would not result in significant adverse impacts to on-site or adjacent agricultural resources or operations.

The proposed project would primarily be located on the Metz loamy sand (0-5 percent slopes) soil type. Metz loamy sand is classified as an Important Agricultural Soil. Approximately three acres of this soil type would be converted to non-agricultural use for the proposed project. The conversion of this agricultural resource is not considered a significant adverse impact because this area of Metz loamy sand has limited agricultural potential due to the location of existing development. Additionally, relocating the facility east of the creek reduces potential land use incompatibilities with the adjacent agricultural operation because the area adjacent to the facility has limited intensified agricultural production potential and a portion is covered with woodland habitat.

**Mitigation/Conclusion.** No significant impacts to agricultural resources are identified, and no mitigation measures are necessary.

| 3. AIR QUALITY - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?* | ☐ | ☐ | ☒ | ☐ |
| *b) Expose any sensitive receptor to substantial air pollutant concentrations?* | ☐ | ☒ | ☐ | ☐ |
| *c) Create or subject individuals to objectionable odors?* | ☐ | ☐ | ☒ | ☐ |
| *d) Be inconsistent with the District's Clean Air Plan?* | ☐ | ☐ | ☒ | ☐ |
| *e) Other:* _____ | ☐ | ☐ | ☐ | ☐ |

**Setting.** The Air Pollution Control District (APCD) has developed the 2012 CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

**Impact.** As proposed, the project will occur over approximately 3 acres, including development of the project and access. Actual soil movement will be approximately one acre, including access improvements, underground infrastructure/utilities, and facility equipment (approximately 320-square foot footprint). This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. The originally proposed project was reviewed by the APCD, and the noted comments are incorporated into the discussion below (APCD, 2011).

As identified by the APCD, air quality impacts during construction include: the creation of fugitive dust ($PM_{10}$), the potential release of asbestos during demolition and removal of pipelines, the potential release of naturally occurring asbestos during grading, and unpermitted developmental burning. No operational impacts were identified.

Fugitive Dust ($PM_{10}$). Implementation of the proposed project would result in the generation of dust, potentially affecting local residents and agricultural operations in close proximity to the project site. Dust complaints could result in violation of the APCD's nuisance rules, a potentially significant air quality impact.

Material-Containing Asbestos. Asbestos-containing materials could be encountered during the demolition, relocation, or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines. If asbestos is present in onsite structures, proposed demolition activities would result in a release of asbestos, and a potentially significant air quality impact.

Developmental Burning. On February 5, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County; however, in certain situations where no technically feasible alternative is available, limited burning under restrictions may be allowed. Unregulated burning would result in a potentially significant air quality impact.

Clean Air Plan Consistency. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan, because operational trips will be minimal. No significant air quality impacts are expected to occur.

Greenhouse Gas Emissions. Greenhouse gases emitted during construction and operation will be negligible, because the project will generate a minimal number of operational trips (approximately 10 trips annually). The APCD supports renewable energy projects throughout the County because they will help the state meet the greenhouse gases reduction goals of Assembly Bill 32 (AB32), the California Global Warming Solution Act of 2006.

**Mitigation/Conclusion.** To mitigate for potential air quality impacts, the applicant has agreed to implement the following measures.

Fugitive Dust ($PM_{10}$). To minimize nuisance dust impacts, the applicant is required to implement APCD fugitive dust mitigation measures including reducing the amount of disturbed area where possible, the use of water trucks or sprinkler systems to water down airborne dust, daily spraying of dirt stock-pile areas, paving of applicable surfaces as soon as possible after grading, laying of building pads as soon as possible.

Material-Containing Asbestos. Prior to demolition of onsite structures or underground pipes, the applicant has agreed to comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP). These requirements include, but are not limited to: 1) APCD notification; 2) completed asbestos survey conducted by a Certified Asbestos Inspector, and; 3) applicable removal and disposal requirements of identified asbestos-containing materials.

Developmental Burning. To minimize the effects of vegetative burning on regional air quality, the applicant is required by regulation to avoid burning, or if no alternative is available, obtain a burn permit from the APCD and County Fire/California Department of Forestry, and comply with all conditions required by these agencies.

| 4. **BIOLOGICAL RESOURCES** - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *a) Result in a loss of unique or special status species or their habitats?* | ☐ | ☒ | ☐ | ☐ |
| *b) Reduce the extent, diversity or quality of native or other important vegetation?* | ☐ | ☒ | ☐ | ☐ |
| *c) Impact wetland or riparian habitat?* | ☐ | ☐ | ☒ | ☐ |
| *d) Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?* | ☐ | ☒ | ☐ | ☐ |
| *e) Other:* _____ | ☐ | ☐ | ☐ | ☐ |

**Setting**. The following are existing elements on or near the proposed project relating to potential biological concerns:

On-site Vegetation: agricultural, blue oak

Name and distance from blue line creek(s): Unnamed tributaries of the East Branch of Huerhuero Creek run through the project site.

Habitat(s): Mixed oak / pine woodland

Site's tree canopy coverage: Approximately 20%.

The Natural Diversity Database (or other biological references) identified the following species potentially existing within approximately one mile of the proposed project:

San Luis Obispo mariposa lily (Calochortus simulans) List 1B

San Luis Obispo mariposa lily (*Calochortus simulans)* has been found in the vicinity of the project site. This perennial herb is endemic to San Luis Obispo and Santa Barbara County. The San Luis Obispo mariposa lily is found on dry, serpentine soils in chaparral, cismontane woodland, lower montane coniferous forest, and valley and foothill grasslands between the 395 to 1100-meter elevations (1,296 to 3,609 feet). This species blooms from April to May. The California Native Plant Society (CNPS) considers this species rare (List 1B, RED 2-1-3).

Western spadefoot toad *(Spea (=Scaphiopus) hammondii)* FSC, CSC

Western spadefoot toad *(Spea (=Scaphiopus) hammondii)* has been found on the project site. The species historically ranged from Redding to northwestern Baja California. In California the species was found throughout the Central Valley, and in the Coast Ranges and coastal lowlands from San Francisco Bay to Mexico. Adult western spadefoot toads range in length from 1.5 to 2.5 inches. They are dusky green or gray above, often with four irregular light-colored stripes (central pair of stripes sometimes distinguished by a dark, hourglass-shaped area). The irises of their eyes are usually pale gold and their abdomens are whitish without any markings.

These toads are a federal species of concern and a California species of Special Concern. Habitat degradation due to urban development and conversion of native habitats to agricultural lands, the introduction of non-native predators and stochastic events that particularly impact small, isolated populations have all reportedly contributed to population declines in this species. The species is found mostly below 3,000 feet, but can occur up to 4,500 feet. These toads breed from January to May in temporary pools.

Yellow flowered eriastrum (Eriastrum luteum) List 1B

Yellow flowered eriastrum (*Eriastrum luteum*) has been found about 291 feet to the south. This annual herb is found on sandy or gravelly soils in chaparral, cismontane woodland, and broadleaved upland forest areas between the 290 and 1000-meter elevations (950 to 3,280 feet). The typical blooming period is May-June. Yellow flowered eriastrum is considered rare by CNPS (List 1B, RED 2-2-3).

The project site occurs within the Carrizo Vernal Pool Region, as designated by the California Department of Fish and Game. Vernal pool habitat consists of seasonal wetlands (i.e. areas that pond water during the wet season and dry up during the summer months) that may provide habitat for sensitive aquatic plant and animal species.

**Impact.** The applicant submitted a *Biological Constraints Analysis* (AECOM, 2012) for the proposed project. At the time the survey was conducted, the project extended up the hillside into the oak/pine woodland to the north of the current site area.

A total of nine special-status plant species have been reported to the CNDDB within 5 miles of the project site, or have been recorded by CNPS within USGS quadrangles encompassing and adjacent to the project site. These include yellow-flowered eriastrum, shining navarretia, straight-awned spineflower, Hardham's evening primrose, hooked popcorn flower, pale yellow layia, San Luis Obispo mariposa lily, chaparral ragwort, and dwarf calycadenia.

No special-status plants were observed during the field visit in the project area. However, it should be noted that the field visit was conducted outside of the blooming period for special-status plant known to occur in the project vicinity. Based on the habitat requirements for the special status plants reported within 5 miles, the project site is not considered to provide suitable habitat for five of the nine species.

The biological study noted that San Luis Obispo mariposa lily, dwarf calycadenia, yellow flowered eriastrum, and chaparral ragwort may be present on the parcel, and confirmation was not obtained due to the timing of the field survey. The potential for occurrence is considered low due to active grazing and agricultural use of the site, and is likely limited to the woodland habitat because the flatter area (where a majority of the development would occur) is devoid of vegetation. Based on the habitat characteristics of the affected area, and past and ongoing use of the area, which has limited vegetation growth, it is unlikely that special-status plant species would be adversely affected by development of the project.

A total of six special-status wildlife species have been reported to the CNDDB within 5 miles of the project site, including: western pond turtle, western spadefoot toad, silvery legless lizard, American badger, vernal pool fairy shrimp, and San Joaquin kit fox. The project site is generally considered unsuitable for these special-status species due to lack of appropriate habitat and high level of disturbance on the project site.

The area to be developed is generally devoid of vegetation due to a high level of activity. The northeastern section of the site is on the southern slope of a small hill and characterized by woodland comprising a mixture of blue oaks (*Quercus douglasii*) and foothill pines (*Pinus sabiniana*). The northeastern section of the site appears to be currently grazed by livestock although no animals were observed at the time of the assessment. Plant species observed on site include bromes, fiddleneck (*Amsinckia* sp.), doveweed, blue oak, foothill pine, and chamis (*Adenostoma fasciculatum*). Wildlife species observed on the site included California ground squirrel (*Spermophilus beechyii*) and turkey vulture (*Cathartes aura*). No wetlands or other waters of the U.S. or other sensitive plant communities were observed on site. No evidence of vernal pool habitat was documented (e.g., low-elevation areas, depressions, natural or man-made ponded areas, etc.). At this time, no evidence of vernal pools or potential areas for ponded water was observed. The topography within the area to be developed is such that water would not pool in a manner consistent with the characteristics of vernal pools or seasonal wetlands. Therefore, there was no indication of habitat suitable for supporting fairy shrimp, or sensitive aquatic animal or plant species associated with vernal pools.

Because the site contains habitat that is locally abundant, it does not serve as a specific wildlife movement corridor. The site is not located within the San Luis Obispo County's San Joaquin Kit Fox Mitigation Ratio Area; however, based on habitat characteristics, this species may be present.

The northern portion of the site contains suitable nest locations (large trees) for nesting raptors and other birds. Nesting birds could potentially be disturbed during construction and placement of solar arrays if construction occurred during the nesting season (approximately February through August). The site does not provide nesting habitat for ground-nesting bird species such as burrowing owl.

If construction is anticipated to occur between February and August, it is recommended that a nesting raptor survey be conducted by a qualified biologist to determine the presence or absence of nesting raptors in the project vicinity. If nesting birds are present, the project applicant should develop a plan to ensure that no nesting species are directly or indirectly impacted by project construction. The plan should be developed according to guidance by CDFG.

Based on the current site plan, it appears as though removal of up to 19 blue oak trees and 28 pine trees would need to occur on-site. If trees have to be removed during construction, they should be felled outside of the bird breeding season or if the trees must be removed between February and August, they should be surveyed by a biologist prior to removal to ensure that no impacts occur to nesting birds protected by the MBTA and state Fish and Game Codes.

The removal of native oak and pine trees would result in potentially significant impacts, including loss of oak/pine woodland, and disturbance of nesting birds. Mitigation is necessary to ensure these impacts are reduced to less than significant.

**Mitigation/Conclusion.** The applicant has agreed to implement mitigation including minimization of ground disturbance, oak tree replanting and conservation, and monitoring of restoration efforts. Mitigation recommends limiting grading and construction to the non-nesting season, and includes protection and avoidance of any active nests (refer to Exhibit B). Although the project is located outside the San Joaquin kit fox mitigation area, this species may be present; therefore, mitigation is recommended to avoid adverse impacts to San Joaquin kit fox, including harm and disturbance. The applicant has agreed to install temporary construction fencing to limit use of equipment and foot traffic to the area proposed for development and approved staging areas outside of the woodland habitat, which would avoid inadvertent adverse impacts to oak trees, CNPS listed plant species, wildlife, and avian species within this habitat area. Based on implementation of recommended mitigation measures, potential impacts to biological resources would be less than significant.

| 5. CULTURAL RESOURCES - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *a) Disturb pre-historic resources?* | ☐ | ☐ | ☒ | ☐ |
| *b) Disturb historic resources?* | ☐ | ☐ | ☒ | ☐ |
| *c) Disturb paleontological resources?* | ☐ | ☐ | ☒ | ☐ |
| *d) Other:* _____ | ☐ | ☐ | ☐ | ☐ |

**Setting.** The project is located in an area historically occupied by the Obispeno Chumash and Salinan. No historic structures are present and no paleontological resources are known to exist in the area. The project is within 300 feet of a blue line creek. Potential for the presence or regular activities of the Native American increases in close proximity to reliable water sources.

**Impact.** A Phase I (surface) survey and records search was conducted (AECOM, 2012). The records search identified six surveys within a 0.25-mile radius, which document one archaeological site and one isolated find. No evidence of cultural materials was noted on the property. Impacts to historical or paleontological resources are not expected.

**Mitigation/Conclusion.** No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary.

| 6. GEOLOGY AND SOILS - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?* | ☐ | ☐ | ☒ | ☐ |

| 6. GEOLOGY AND SOILS - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *b) Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone"?* | ☐ | ☐ | ☒ | ☐ |
| *c) Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?* | ☐ | ☒ | ☐ | ☐ |
| *d) Change rates of soil absorption, or amount or direction of surface runoff?* | ☐ | ☐ | ☒ | ☐ |
| *e) Include structures located on expansive soils?* | ☐ | ☐ | ☒ | ☐ |
| *f) Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?* | ☐ | ☐ | ☒ | ☐ |
| *g) Involve activities within the 100-year flood zone?* | ☐ | ☒ | ☐ | ☐ |
| h) *Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?* | ☐ | ☐ | ☒ | ☐ |
| *i) Preclude the future extraction of valuable mineral resources?* | ☐ | ☐ | ☒ | ☐ |
| *j) Other:* _____ | ☐ | ☐ | ☐ | ☐ |

**Setting**

GEOLOGY - The following relates to the project's geologic aspects or conditions:

Topography: Gently sloping to moderately sloping

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low

Liquefaction Potential: Moderate

Nearby potentially active faults?: No Distance? Not applicable

Area known to contain serpentine or ultramafic rock or soils?: No

Shrink/Swell potential of soil: Negligible

Other notable geologic features? None

DRAINAGE – The following relates to the project's drainage aspects:

Within the 100-year Flood Hazard designation? Yes

Closest creek? An unnamed tributary of the East Branch of Huerhuero CreekDistance? Within property

Soil drainage characteristics: Well drained

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO) Section 22.52.110 includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – Soil type, amount of disturbance and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the project's soil erodibility is as follows:

Soil erodibility: Low to moderate

When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.120) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

**Impact.** The project site is not located within a GSA, and does not include the development of habitable structures. Construction would comply with the California Building Code; therefore, no significant geologic impacts would occur.

As proposed, the project will result in the disturbance of approximately 3 acres. Although the potential for soil erodibility is low, improvements of access roads, including grading activities, may result in erosion and down-gradient sedimentation. The installation of PV trackers would increase the amount of impervious surfaces onsite. These impacts would be adequately addressed by existing regulations identified in the LUO. In addition, the applicant is required to prepare a SWPPP. A preliminary SWPPP was prepared for the original project (Pristine Sun, 2012); this will be updated for the proposed project and reviewed by the County and RWQCB. Implementation of an updated SWPPP would reduce potential impacts to less than significant.

A portion of the parcel is within a Flood Hazard (FH) designation, associated with a tributary to Huerhuero Creek. Proposed activities within the FH zone include two new poles near an existing pole, and installation of underground conduit. The Public Works Department reviewed the project, and noted that any electrical panels shall be located above the flood hazard elevation, pursuant to LUO Section 22.14.060.

The project site is not located within an Extractive (EX) designation. The area proposed for development is outside of the creek corridor, and does not support any known mining operations.

**Mitigation/Conclusion.** There is no evidence that measures above what will already be required by ordinance or codes are needed. Potential impacts would be less than significant, and no additional mitigation measures are recommended.

| 7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?* | ☐ | ☒ | ☐ | ☐ |
| *b) Interfere with an emergency response or evacuation plan?* | ☐ | ☐ | ☒ | ☐ |
| *c) Expose people to safety risk associated with airport flight pattern?* | ☐ | ☐ | ☒ | ☐ |
| *d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?* | ☐ | ☒ | ☐ | ☐ |
| *e) Create any other health hazard or potential hazard?* | ☐ | ☐ | ☒ | ☐ |
| *f) Other:* _____ | ☐ | ☐ | ☐ | ☐ |

**Setting.** The project is not located in an area of known hazardous material contamination. With regards to potential fire hazards, the subject project is within the high Fire Hazard Severity Zone(s). Based on the County's fire response time map, it will take approximately 10-15 minutes to respond to a call regarding fire or life safety. Refer to the Public Services section for further discussion on Fire Safety impacts. The project is not within the Airport Review area.

**Impact**. During construction, equipment will require the use of oils and fuels. In the event of a leak or spill, persons, soil, and vegetation down-slope from the site may be affected. Implementation of a SWPPP and standard best management practices would address this impact (refer to Section 13 Water). Based on information provided by the applicant (Pristine Sun, 2012), no hazardous materials are proposed. Operation and maintenance of the facility will include the use of biodegradable cleansing agents for panel washing and food-grade vegetable oil. Decommissioning of the facility will include either recycling of the panels and equipment, or disposal at an approved solid waste facility, depending on available technology at the time of decommissioning.

The originally proposed project was reviewed by CalFire (2011). The project is required to comply with the California Building Code, Public Resources Code, and applicable fire laws. Such requirements include an on-site fire extinguisher, gate design requirements (including KNOX box), proper addressing, and the creation of defensible space (100-foot clearance around structures). The project includes an access road with a turn-out, as required by CalFire. In addition, a Wildland Fire/Vegetative Management Plan and written Emergency Plan shall be approved by CalFire.

**Mitigation/Conclusion.** Based on compliance with existing regulations, potential hazards and hazardous materials impacts would be less than significant.

| 8. NOISE - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *a) Expose people to noise levels that exceed the County Noise Element thresholds?* | ☐ | ☐ | ☒ | ☐ |
| *b) Generate increases in the ambient noise levels for adjoining areas?* | ☐ | ☐ | ☒ | ☐ |
| *c) Expose people to severe noise or vibration?* | ☐ | ☐ | ☒ | ☐ |
| *d) Other:* _____ | ☐ | ☐ | ☐ | ☐ |

**Setting.** The project is not within close proximity of loud noise sources, and will not conflict with any sensitive noise receptors (e.g., residences). Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area.

**Impact**. The nearest offsite sensitive receptors include residences approximately 0.4 mile from the project site. During the construction and decommissioning phases of the project, the use of equipment would generate noise that would potentially be heard by residents in the area. These noise impacts would be temporary, and construction would be limited to day-time hours (7:00 a.m. to 9:00 p.m. weekdays / 8:00 a.m. to 5:00 p.m. Saturday and Sunday), as required by LUO Section 22.10.120. In the long-term, the project would not generate significant levels of noise, and would not substantially increase the ambient noise level in the area.

The project does not include any noise sensitive uses, and would not be affected by transportation-related noise. Solar module trackers can generate some noise, but the typical noise level generated would not exceed Noise Element thresholds at the nearest property line.

Therefore, potential noise impacts would be less than significant.

**Mitigation/Conclusion.** No significant noise impacts are anticipated, and no mitigation measures are necessary.

| 9. POPULATION/HOUSING - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *a) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?* | ☐ | ☐ | ☒ | ☐ |
| *b) Displace existing housing or people, requiring construction of replacement housing elsewhere?* | ☐ | ☐ | ☒ | ☐ |
| *c) Create the need for substantial new housing in the area?* | ☐ | ☐ | ☒ | ☐ |

| 9. POPULATION/HOUSING - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *d) Use substantial amount of fuel or energy?* | ☐ | ☐ | ☒ | ☐ |
| *e) Other:* _____ | ☐ | ☐ | ☐ | ☐ |

**Setting** In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. The County's Inclusionary Housing Ordinance requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions.

**Impact**. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

**Mitigation/Conclusion.** No significant population and housing impacts are anticipated. The project will mitigate its cumulative impact to the shortage of affordable housing stock by providing affordable housing unit(s) either on-site and/or by payment of the in-lieu fee (residential projects), or housing impact fee (commercial projects). No mitigation measures are necessary.

| 10. PUBLIC SERVICES/UTILITIES - *Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *a) Fire protection?* | ☐ | ☒ | ☐ | ☐ |
| *b) Police protection (e.g., Sheriff, CHP)?* | ☐ | ☒ | ☐ | ☐ |
| *c) Schools?* | ☐ | ☒ | ☐ | ☐ |
| *d) Roads?* | ☐ | ☐ | ☒ | ☐ |
| *e) Solid Wastes?* | ☐ | ☐ | ☒ | ☐ |
| *f) Other public facilities?* | ☐ | ☐ | ☒ | ☐ |
| *g) Other:* _____ | ☐ | ☐ | ☐ | ☐ |

**Setting.** The project area is served by the following public services/facilities:

Police: County Sheriff Location: San Luis Obispo (Kansas Ave.) (Approximately 16.55 miles to the southwest)

Fire: Cal Fire (formerly CDF) Hazard Severity: Moderate Response Time: 10-15 minutes

Location: Approximately 2.48 miles to the north

School District: Atascadero Unified School District.

**Impact**. No significant project-specific impacts to utilities or public services were identified. This project, along with others in the area, will have a cumulative effect on police and fire protection, and schools. As discussed in Section 7 (Hazards and Hazardous Materials), the project would incorporate required fire safety measures, in compliance with existing regulations. This would reduce the potential for a fire, and necessary response from fire personnel. The project's direct and cumulative impacts would be minor and are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

**Mitigation/Conclusion.** Regarding cumulative effects, public facility (County) and school (State Government Code 65995 et seq.) fee programs have been adopted to address this impact, and will reduce the cumulative impacts to less than significant levels.

| **11. RECREATION** - ***Will the project:*** | **Potentially Significant** | **Impact can & will be mitigated** | **Insignificant Impact** | **Not Applicable** |
|---|---|---|---|---|
| ***a) Increase the use or demand for parks or other recreation opportunities?*** | ☐ | ☐ | ☒ | ☐ |
| ***b) Affect the access to trails, parks or other recreation opportunities?*** | ☐ | ☐ | ☒ | ☐ |
| **c) Other** _____ | ☐ | ☐ | ☐ | ☐ |

**Setting.** The County's Parks and Recreation Element does not show that a potential trail goes through the proposed project. The project is not proposed in a location that will affect any trail, park, recreational resource, coastal access, and/or Natural Area.

**Impact**. The proposed project will not create a significant need for additional park, Natural Area, and/or recreational resources.

**Mitigation/Conclusion**. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

| **12. TRANSPORTATION/ CIRCULATION** - ***Will the project:*** | **Potentially Significant** | **Impact can & will be mitigated** | **Insignificant Impact** | **Not Applicable** |
|---|---|---|---|---|
| ***a) Increase vehicle trips to local or areawide circulation system?*** | ☐ | ☐ | ☒ | ☐ |
| ***b) Reduce existing "Levels of Service" on public roadway(s)?*** | ☐ | ☐ | ☒ | ☐ |
| ***c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?*** | ☐ | ☐ | ☒ | ☐ |
| ***d) Provide for adequate emergency access?*** | ☐ | ☐ | ☒ | ☐ |
| **e) Result in inadequate parking capacity?** | ☐ | ☐ | ☒ | ☐ |

| 12. TRANSPORTATION/ CIRCULATION - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *f) Result in inadequate internal traffic circulation?* | ☐ | ☐ | ☒ | ☐ |
| *g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?* | ☐ | ☐ | ☒ | ☐ |
| *h) Result in a change in air traffic patterns that may result in substantial safety risks?* | ☐ | ☐ | ☒ | ☐ |
| *i) Other: Add trips to existing access* | ☐ | ☒ | ☐ | ☐ |

**Setting.** The County has established the acceptable Level of Service (LOS) on roads for this rural area as "C" or better. The existing road network in the area {including the project's access street(s) O'Donovan is operating at acceptable levels. Based on existing road speeds and configuration (vertical and horizontal road curves), sight distance is considered acceptable. Referrals were sent to Public Works and Caltrans. No significant traffic-related concerns were identified.

**Impact**. Construction is expected to occur over an approximately six to eight-week period. Construction vehicles would access the site via an existing driveway. During operation, the project will generate approximately two trips per year (maintenance vehicle), and four to eight trips per year (water truck for panel washing). This small amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels.

Based on review by County Public Works (2012), standard access and internal roadway standards are required to ensure safe traffic conditions. These requirements have been included a mitigation measures to verify compliance.

**Mitigation/Conclusion**. The applicant has agreed to comply with standards identified by Public Works (refer to Exhibit B) to ensure safe access to the project site. Therefore, potential impacts will be less than significant.

| 13. WASTEWATER - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?* | ☐ | ☐ | ☒ | ☐ |
| *b) Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?* | ☐ | ☐ | ☒ | ☐ |
| *c) Adversely affect community wastewater service provider?* | ☐ | ☐ | ☐ | ☒ |
| *d) Other: _____* | ☐ | ☐ | ☐ | ☐ |

**Setting.** Regulations and guidelines on proper wastewater system design and criteria are found within the County's Plumbing Code (hereafter CPC; see Chapter 7 of the Building and Construction Ordinance [Title 19]), the "Water Quality Control Plan, Central Coast Basin" (Regional Water Quality Control Board [RWQCB] hereafter referred to as the "Basin Plan" ), and the California Plumbing Code. These regulations include specific requirements for both on-site and community wastewater systems. These regulations are applied to all new wastewater systems.

**Impacts/Mitigation**. The project is an unmanned solar facility, and does not include a permanent wastewater disposal system. A portable toilet will be onsite during construction. Therefore, no impacts will occur, and no mitigation measures are necessary.

| **14. WATER** - ***Will the project:*** | **Potentially Significant** | **Impact can & will be mitigated** | **Insignificant Impact** | **Not Applicable** |
|---|---|---|---|---|
| ***a) Violate any water quality standards?*** | ☐ | ☐ | ☒ | ☐ |
| ***b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?*** | ☐ | ☒ | ☐ | ☐ |
| ***c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?*** | ☐ | ☐ | ☒ | ☐ |
| ***d) Change the quantity or movement of available surface or ground water?*** | ☐ | ☐ | ☒ | ☐ |
| ***e) Adversely affect community water service provider?*** | ☐ | ☐ | ☒ | ☐ |
| ***f) Other:*** _____ | ☐ | ☐ | ☐ | ☐ |

**Setting.** The subject property is within the Paso Robles Groundwater Basin, Creston Sub-area. The project proposes to use a water truck as its water source for dust control and operational panel washing.

The topography of the project is gently to moderately sloping An unnamed tributary of the East Branch of Huerhuero Creek runs through the property. As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility.

Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the rainy season, the County Ordinance requires that temporary sedimentation and erosion control measures be installed during the rainy season.

**Impact.** Based on the project description, the project will require approximately 1,800 gallons of water, twice a year, for panel washing and maintenance. The water will be brought to the site by water trucks and is not anticipated to affect groundwater and/or community water supply.

Regarding surface water quality, as proposed, the project will result in the disturbance of approximately 3 acres. The actual ground disturbance will total approximately one acre. The

applicant prepared a preliminary SWPPP including best management practices (Pristine Sun, 2012), which will be finalized prior to construction. In addition, the applicant is required to comply with the LUO, including regulations specific to erosion, sedimentation, and drainage. Based on review by Public Works, the applicant is also required to comply with the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program and the County's Storm Water Pollution Prevention Control and Discharge Ordinance (Title 8, Section 8.68 et al.). Based on compliance with existing regulations, potential impacts to water quality would be less than significant.

**Mitigation/Conclusion.** Since no potentially significant water quantity or quality impacts were identified, no specific measures above standard requirements have been determined necessary. Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality.

| **15. LAND USE** - *Will the project:* | Inconsistent | Potentially Inconsistent | Consistent | Not Applicable |
|---|---|---|---|---|
| ***a) Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?*** | ☐ | ☐ | ☒ | ☐ |
| ***b) Be potentially inconsistent with any habitat or community conservation plan?*** | ☐ | ☐ | ☒ | ☐ |
| ***c) Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?*** | ☐ | ☐ | ☒ | ☐ |
| ***d) Be potentially incompatible with surrounding land uses?*** | ☐ | ☐ | ☒ | ☐ |
| ***e) Other:*** _____ | ☐ | ☐ | ☐ | ☐ |

**Setting/Impact.** Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance (LUO), etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, APCD for Clean Air Plan, County Agriculture Department, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is located an adequate distance from sensitive receptors (0.4 mile from residences) and would not generate noise, light, or glare during operation. Standard air quality measures are identified to reduce the potential for fugitive dust.

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

**Mitigation/Conclusion.** No inconsistencies were identified and therefore no additional measures above what will already be required were determined necessary.

## 16. MANDATORY FINDINGS OF SIGNIFICANCE - *Will the project:*

| | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?* | ☐ | ☒ | ☐ | ☐ |
| *b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)* | ☐ | ☐ | ☒ | ☐ |
| *c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?* | ☐ | ☐ | ☒ | ☐ |

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Information", or the California Environmental Resources Evaluation System at: http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines for information about the California Environmental Quality Act.

**Exhibit A - Initial Study References and Agency Contacts**

The County Planning or Environmental Divisions have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

| Contacted | Agency | Response |
|---|---|---|
| ☒ | County Public Works Department | **Attached** |
| ☒ | County Environmental Health Division | **None** |
| ☒ | County Agricultural Commissioner's Office | **Attached** |
| ☐ | County Airport Manager | **Not Applicable** |
| ☐ | Airport Land Use Commission | **Not Applicable** |
| ☒ | Air Pollution Control District | **Attached** |
| ☐ | County Sheriff's Department | **Not Applicable** |
| ☒ | Regional Water Quality Control Board | **None** |
| ☐ | CA Coastal Commission | **Not Applicable** |
| ☐ | CA Department of Fish and Game | **Not Applicable** |
| ☒ | CA Department of Forestry (Cal Fire) | **Attached** |
| ☒ | CA Department of Transportation | **None** |
| ☒ | Creston Hills RanchCommunity Service District | **None** |
| ☐ | Other _____ | **Not Applicable** |
| ☐ | Other _____ | **Not Applicable** |

*** "No comment" or "No concerns"-type responses are usually not attached*

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

☒ Project File for the Subject Application

County documents

- ☐ Airport Land Use Plans
- ☒ Annual Resource Summary Report
- ☒ Building and Construction Ordinance
- ☐ Coastal Policies
- ☒ Framework for Planning (Coastal/Inland)
- ☒ General Plan (Inland/Coastal), including all maps & elements; more pertinent elements considered include:
  - ☒ Agriculture Element
  - ☒ Conservation & Open Space Element (includes Energy, Conservation)
  - ☒ Housing Element
  - ☒ Noise Element
  - ☒ Parks & Recreation Element
  - ☒ Safety Element
- ☒ Land Use Ordinance
- ☐ Real Property Division Ordinance
- ☐ Solid Waste Management Plan
- ☐ Circulation Study
- ☒ El Pomar/Estrella Area Plan and Update EIR

Other documents

- ☒ Archaeological Resources Map
- ☒ Area of Critical Concerns Map
- ☒ Areas of Special Biological Importance Map
- ☒ California Natural Species Diversity Database
- ☒ Clean Air Plan
- ☒ Fire Hazard Severity Map
- ☒ Flood Hazard Maps
- ☒ Natural Resources Conservation Service Soil Survey for SLO County
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☒ GIS mapping layers (e.g., Biology, geology, streams, slope, fire, hazards, transportation, water, etc.)
- ☐ Other ____

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

AECOM. 2012. *Biological and Cultural Resources Constraints Analysis, Pristine Sun Solar Energy Project.* August 2012.

Federal Aviation Administration (FAA). 2010. *Technical Guidance for Evaluating Selected Solar Technologies on Airports.* November 2010.

Pristine Sun. 2012. *Pristine Sun PV Generator Facility Management and Reclamation Plan, 2059-Sherz 0.500 MW*

Pristine Sun. 2012. *Preliminary Stormwater Pollution Prevention Plan for Pristine Sun LLC (2059 Scherz Project).* June 20, 2012.

## Exhibit B - Mitigation Summary Table

### Aesthetics

V-1 At the time of application for construction permit, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall be prepared as provided in Chapter 22.16 of the San Luis Obispo County Land Use Ordinance, and shall provide vegetation along the southwestern boundary of the solar facility that will adequately screen a minimum of 50 percent of the new development when viewed from O'Donovan Road. The landscape plan shall utilize only native, drought-tolerant plant material. The plan shall be reviewed and approved by CalFire to ensure consistency with vegetative management guidelines. Prior to final inspection, the applicant shall provide verification to the satisfaction of the county that these measures have been met.

V-2 Prior to final inspection, the applicant shall ensure that all solar panels were prepared with anti-reflective coating.

### Air Quality

AQ-1 Prior to issuance of grading and construction permits, all required fugitive dust ($PM_{10}$) measures shall be shown on applicable grading or construction plans. In addition, the contractor or developer shall designate personnel to monitor the fugitive dust emission and enhance the implementation of the measures a necessary to minimize dust complaints, reduce visible emissions blow 20 percent opacity, and to prevent transport of dust offsite. Monitor duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such person(s) shall be provided to the APCD Compliance Division prior to issuance of grading and construction permits.

a. Reduce the amount of the disturbed area where possible.

b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.

c. All dirt stock-pile areas should be sprayed daily as needed.

d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.

e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established.

f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.

g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load

and top of trailer) in accordance with CVC Section 23114.

j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.

k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

Prior to commencement of construction activities, the applicant shall notify the APCD, by letter, that the above air quality mitigation measures have been applied.

AQ-2 Proposed demolition activities can result in potentially negative air quality impacts, especially where material exists containing asbestos material. **Prior to issuance of any construction permit** to remove or demolish any buildings or utility pipes on the subject property, the applicant shall provide evidence they have contacted APCD to determine: a) what regulatory jurisdictions apply to the proposed demolition, such as the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – Asbestos NESHAP); b) District notification requirements; c) the need for an asbestos survey conducted by Certified Asbestos Inspector; and d) applicable removal and disposal requirements of the asbestos-containing material.

AQ-3 As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, contact the APDD at (805) 781-5912.

**Biological Resources**

BR-1 Upon application for construction permits, the applicant shall submit plans delineating the area proposed for disturbance. Temporary construction fencing shall be installed to limit use of equipment and foot traffic to the proposed development area. No use of equipment or storage of materials shall occur outside of designed areas. Equipment and materials staging shall not occur within oak woodland habitat or within the flood hazard zone.

BR-2 Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3).

When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

   a) Potential kit fox den: 50 feet

   b) Known or active kit fox den: 100 feet

   c) Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BR-3 Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate as a note on the project plans, that: "*Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox*". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction. In addition, prior to permit issuance and initiation of any ground disturbing activities, Biological Resources Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BR-4 During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BR-5 Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

BR-6 During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

BR-7 During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

BR-8 During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

BR-9 Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

BR-10 During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

BR-11 Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".

b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

BR-12 The applicant shall limit tree removal to no more than 19 oak trees having a five inch diameter or larger at four feet from the ground and no more than 28 pine trees. Prior to construction permit issuance, construction plans shall clearly delineate all trees within 50 feet of the proposed project, and shall show which trees are to be removed or impacted, and which trees are to remain unharmed. Prior to any ground disturbing activities, adequate protection measures (e.g., sturdy fencing) per the approved construction plans, shall be installed to protect those trees identified to remain unharmed as well as to minimize impacts for those trees identified as being impacted.

BR-13 At the time of application for construction permits, the applicant shall submit a tree replacement plan to be reviewed and approved by the Environmental Coordinator. The plan shall provide for the replacement, in kind at a 4:1 ratio all *oak* trees removed as a result of the development of the project. No more than 19 *oak trees having a five inch diameter or larger at four feet from the ground* shall be removed as a result of the development of the project. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines). These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used. Once trees have been planted and prior to final inspection of subdivision improvements or grading permits, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating when the above planting occurred, what was planted and all measures installed to improve the long-term success of these trees. This letter shall be submitted to the Department of Planning and Building.

BR-14 To guarantee the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, on an annual basis, for no less than [three] [seven (if oaks involved)] years. Based on the submittal of the initial planting letter, the first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the initially-required vegetation is successfully established (for oak woodlands, no less than seven years). Additional monitoring will be necessary if initially-required vegetation is not considered

successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Environmental Coordinator.

BR-15 At the time of application for construction permits, a cost estimate for a planting plan, installation of new trees, and maintenance of new trees for a period of seven years shall be prepared by a qualified individual (e.g., landscape contractor) and shall be reviewed and approved by the County Department of Planning and Building. At the time of application for construction permits, a performance bond, equal to the cost estimate (plus administrative costs), shall be posted by the applicant.

BR-16 All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading or site grubbing. The outer edge of the tree root zone to be fenced will be outside of the canopy 1/2 again the distance as measured between the tree trunk and outer edge of the canopy (i.e., 1-1/2 times the distance from the trunk to the drip line of the tree). Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided (per approved construction plans), retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.

BR-17 Prior to final inspection, the applicant shall have completed the following as it relates to weed removal around newly planted vegetation: 1) no herbicides shall have been used; 2) either installation of a) a securely staked "weed mat" (covering at least a 3-foot radius from center of plant), or b) hand removal of weeds (covering at least a 3-foot radius from center of plant) and use of weed-free mulch (at least 3" deep, 3-foot radius) with regular replenishment, shall be completed for each new plant, If the hand removal weeding option is selected it shall be kept up on a regular basis [at least once in late spring (April) and once in early winter (December)] until plant is 3 feet tall or for three [use seven if oaks involved] years, whichever occurs first}.

BR-18 All oak trees identified to remain shall not be removed. Unless previously approved by the county, the following activities are not allowed within the root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plant(s) for up to 3 years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g., pavement); disturbance of soil that impacts roots (e.g., tilling).

BR-19 The applicant recognizes that trimming of oaks can be detrimental in the following respects and agrees to minimize trimming of the remaining oaks: removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retains shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. Limit the amount of trimming (roots or canopy) done in anyone season as much as possible to limit tree stress/shock (10% or less is best, 25% maximum). Excessive and careless trimming not only reduces the potential life of the tree, but can also reduce property values if the tree dies prematurely or has an unnatural appearance. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species.

Smaller trees (smaller than five inches in diameter at four feet above the ground) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.

BR-20 Prior to commencement of any tree removal, to avoid conflicts with nesting raptors, construction activities shall not be allowed during to the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to *(optional - the CDFG and)* the County (Environmental Division), possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

**Transportation and Traffic**

TR-1 At the time of application for construction permits, the applicant shall submit plans to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan shall include, as applicable: Reconstruct the existing site access driveway approach in accordance with County Public Improvement Standard B-1a for rural roadways.

TR-2 At the time of application for construction permits, the applicant shall provide evidence to the Planning and Building Department that onsite circulation and pavement structural sections have been designed and will be constructed in conformance with CalFire standards and specifications back to the nearest public maintained roadway.

TR-3 For the life of the project, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way prior to obtaining a valid Encroachment Permit from the Public Works Department, including, but not limited to: project signage, tree planting, and fences.

TR-4 At the time of application for construction permits, the applicant shall submit utility plans prepared by a civil engineer to the Department of Public Works to secure an Encroachment Permit to install wire tie-in facilities within the public right-of-way. No trenching of O'Donovan Road shall be allowed, only directional boring.

**Water**

W-1 For the life of the project, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

DATE: December 11, 2012

# DEVELOPER'S STATEMENT FOR SCHERZ MINOR USE PERMIT DRC2011-00039 ED11-083

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

| | |
|---|---|
| **Note:** | The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures. |

**Project Description**: Request by James Scherz for a Minor Use Permit for a 0.50-megawatt (MW) solar generation facility including: 36 dual-axis, photovoltaic (PV) trackers; 500 kilowatt (KW) inverter (PowerStation); approximately 1,610 square feet of underground, six-inch diameter, conduit; two customer power poles and one re-closure pole; approximately 100 feet of above-ground, three-phase power lines; and, motion-activated security lighting system (timed limit). The project also includes improvements to an approximately 400-foot segment of an existing access road, including compaction and turn-out, and improvements to the existing driveway on O'Donovan Road. The project will occur over approximately three acres, and will result in the disturbance (soil movement) of up to one acre within two parcels 106.15 and 23.46 acres each (totaling approximately 130 acres). The total footprint of the project would be 0.039 acre, including 150 square feet of equipment. The project site is located at 7585 O'Donovan Road, approximately three miles southeast of State Route 229, three miles southeast of the unincorporated community of Creston. The project is located in the El Pomar-Estrella, Rural planning area.

The project includes the removal of 19 blue oak trees. No new fencing is proposed. During operation of the facility, periodic maintenance will include remote monitoring via Supervisory Control and Data Acquisition (SCADA), data collection, regular maintenance and repairs, and panel washing (approximately 1,800 gallons of water twice a year). The applicant proposes to implement an integrated pest management plan, which may include the following weed control (i.e. use of native ground cover, livestock grazing to control grasses, manual harvest, and use of herbicides if necessary); vegetative management for fuel load reduction; and, insect, pest, and disease management (i.e., manual trapping of vertebrate pests, eradication, use of EPA-approved rodenticides).

The project includes de-commissioning the facility and reclamation of the site. This approximately 35-day process will include removal of all facility elements, including but not limited to: solar modules, trackers, racking, posts, PowerStation electrical equipment, underground conduits and cables, concrete pads, fences, security lighting, and access road gravels. No grading is proposed. Reclamation (35 to 65-day duration) will include evaluation of adjacent grasses and vegetation, soil preparation, temporary irrigation, seed/crop planting, and watering and fertilization (if necessary).

## Aesthetics

V-1 At the time of application for construction permit, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall be prepared as provided in Chapter 22.16 of the San Luis Obispo County Land Use Ordinance, and shall provide vegetation along the southwestern boundary of the solar

facility that will adequately screen a minimum of 50 percent of the new development when viewed from O'Donovan Road. The landscape plan shall utilize only native, drought-tolerant plant material. The plan shall be reviewed and approved by CalFire to ensure consistency with vegetative management guidelines. Prior to final inspection, the applicant shall provide verification to the satisfaction of the county that these measures have been met.

V-2 Prior to final inspection, the applicant shall ensure that all solar panels were prepared with anti-reflective coating.

**Monitoring:** Requirements shall be verified by the Department of Planning and Building prior to issuance of a construction permit, and inspected after installation prior to finalization of the building permits.

<u>Air Quality</u> (These requirements shall be shown on all construction documents prior to issuance of construction permits.)

AQ-1 Prior to issuance of grading and construction permits, all required fugitive dust ($PM_{10}$) measures shall be shown on applicable grading or construction plans. In addition, the contractor or developer shall designate personnel to monitor the fugitive dust emission and enhance the implementation of the measures a necessary to minimize dust complaints, reduce visible emissions blow 20 percent opacity, and to prevent transport of dust offsite. Monitor duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such person(s) shall be provided to the APCD Compliance Division prior to issuance of grading and construction permits.

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i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.

j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.

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AQ-3 As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, contact the APDD at (805) 781-5912.

**Monitoring:** Compliance will be verified by the Department of Planning and Building prior to issuance of construction permits as all requirements shall be on the construction documents. The NOA exemption form shall also be submitted to the Air District and a copy for the construction permit file.

## Biological Resources

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a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

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In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

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c) Kit fox pupping den: 150 feet

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3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BR-3 Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate as a note on the project plans, that: "*Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox*". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction. In addition, prior to permit issuance and initiation of any ground

disturbing activities, Biological Resources Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BR-4 During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BR-5 Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

BR-6 During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

BR-7 During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

BR-8 During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

BR-9 Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

BR-10 During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

BR-11 Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".

b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

BR-12 The applicant shall limit tree removal to no more than 19 oak trees having a five inch diameter or larger at four feet from the ground and no more than 28 pine trees. Prior to construction permit issuance, construction plans shall clearly delineate all trees within 50 feet of the proposed project, and shall show which trees are to be removed or impacted, and which trees are to remain unharmed. Prior to any ground disturbing activities, adequate protection measures (e.g., sturdy fencing) per the approved construction plans, shall be installed to protect those trees identified to remain unharmed as well as to minimize impacts for those trees identified as being impacted.

BR-13 At the time of application for construction permits, the applicant shall submit a tree replacement plan to be reviewed and approved by the Environmental Coordinator. The plan shall provide for the replacement, in kind at a 4:1 ratio all *oak* trees removed as a result of the development of the project. No more than 19 *oak trees having a five inch diameter or larger at four feet from the ground* shall be removed as a result of the development of the project. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines). These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the

warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used. Once trees have been planted and prior to final inspection of subdivision improvements or grading permits, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating when the above planting occurred, what was planted and all measures installed to improve the long-term success of these trees. This letter shall be submitted to the Department of Planning and Building.

BR-14 To guarantee the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, on an annual basis, for no less than [three] [seven (if oaks involved)] years. Based on the submittal of the initial planting letter, the first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the initially-required vegetation is successfully established (for oak woodlands, no less than seven years). Additional monitoring will be necessary if initially-required vegetation is not considered successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Environmental Coordinator.

BR-15 At the time of application for construction permits, a cost estimate for a planting plan, installation of new trees, and maintenance of new trees for a period of seven years shall be prepared by a qualified individual (e.g., landscape contractor) and shall be reviewed and approved by the County Department of Planning and Building. At the time of application for construction permits, a performance bond, equal to the cost estimate (plus administrative costs), shall be posted by the applicant.

BR-16 All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading or site grubbing. The outer edge of the tree root zone to be fenced will be outside of the canopy 1/2 again the distance as measured between the tree trunk and outer edge of the canopy (i.e., 1-1/2 times the distance from the trunk to the drip line of the tree). Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided (per approved construction plans), retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.

BR-17 Prior to final inspection, the applicant shall have completed the following as it relates to weed removal around newly planted vegetation: 1) no herbicides shall have been used; 2) either installation of a) a securely staked "weed mat" (covering at least a 3-foot radius from center of plant), or b) hand removal of weeds (covering at least a 3-foot radius from center of plant) and use of weed-free mulch (at least 3" deep, 3-foot radius) with regular replenishment, shall be completed for each new plant, If the hand removal weeding option is selected it shall be kept up on a regular basis [at least once in late spring (April) and once in early winter (December)] until plant is 3 feet tall or for three [use seven if oaks involved] years, whichever occurs first}.

BR-18 All oak trees identified to remain shall not be removed. Unless previously approved by the county, the following activities are not allowed within the root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plant(s) for up to 3 years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g., pavement); disturbance of soil that impacts roots (e.g., tilling).

BR-19 The applicant recognizes that trimming of oaks can be detrimental in the following respects and agrees to minimize trimming of the remaining oaks: removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retains shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. Limit the amount of trimming (roots or canopy) done in anyone season as much as possible to limit tree stress/shock (10% or less is best, 25% maximum). Excessive and careless trimming not only reduces the potential life of the tree, but can also reduce property values if the tree dies prematurely or has an unnatural appearance. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species.

Smaller trees (smaller than five inches in diameter at four feet above the ground) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.

BR-20 Prior to commencement of any tree removal, to avoid conflicts with nesting raptors, construction activities shall not be allowed during to the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to *(optional - the CDFG and)* the County (Environmental Division), possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

**Monitoring:** Compliance will be verified by the Department of Planning and Building prior to issuance of construction permits as all requirements shall be on the construction documents. Prior to issuance of construction permits a qualified biologist (to be approved by the County) shall conduct a pre-construction survey.

### Transportation and Traffic

TR-1 At the time of application for construction permits, the applicant shall submit plans to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan shall include, as applicable: Reconstruct the existing site access driveway approach in accordance with County Public Improvement Standard B-1a for rural roadways.

TR-2 At the time of application for construction permits, the applicant shall provide evidence to the Planning and Building Department that onsite circulation and pavement structural sections have been designed and will be constructed in conformance with CalFire standards and specifications back to the nearest public maintained roadway.

TR-3 For the life of the project, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way prior to obtaining a valid Encroachment Permit from the Public Works Department, including, but not limited to: project signage, tree planting, and fences.

TR-4 At the time of application for construction permits, the applicant shall submit utility plans prepared by a civil engineer to the Department of Public Works to secure an Encroachment Permit to install wire tie-in facilities within the public right-of-way. No trenching of O'Donovan Road shall be allowed, only directional boring

**Monitoring:** Requirements shall be shown on all construction documents for review and approval by the Department of Planning and Building prior to issuance of permits.

**Water**

W-1 For the life of the project, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

**Monitoring:** Requirements shall be shown on all construction documents for review and approval by the Department of Planning and Building prior to issuance of permits.

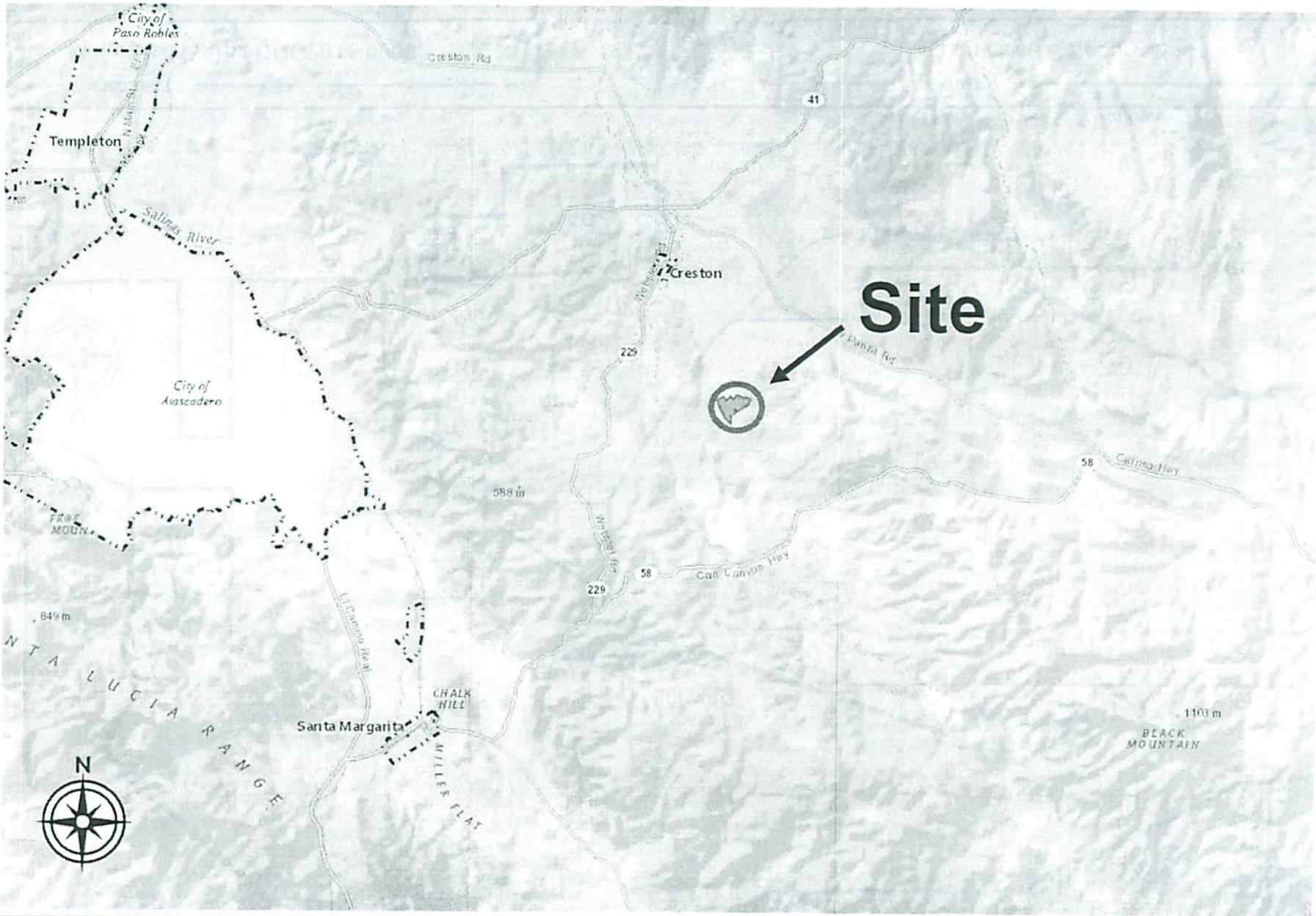
The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

| | | |
|---|---|---|
| | Pristine Sun Fund 7 San Luis Obispo PGE,LLC | 12/11/2012 |
| **Signature of Developer** | **Name (Print)** | **Date** |

Please note: The execution of all the above conditions will be performed and fully paid for by the "Lessee" Pristine Sun Fund 7 San Luis Obispo PGE, LLC.

| | | |
|---|---|---|
| | James H. Scherer | 12-19-12 |
| **Signature of Owner(s)** | **Name (Print)** | **Date** |

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



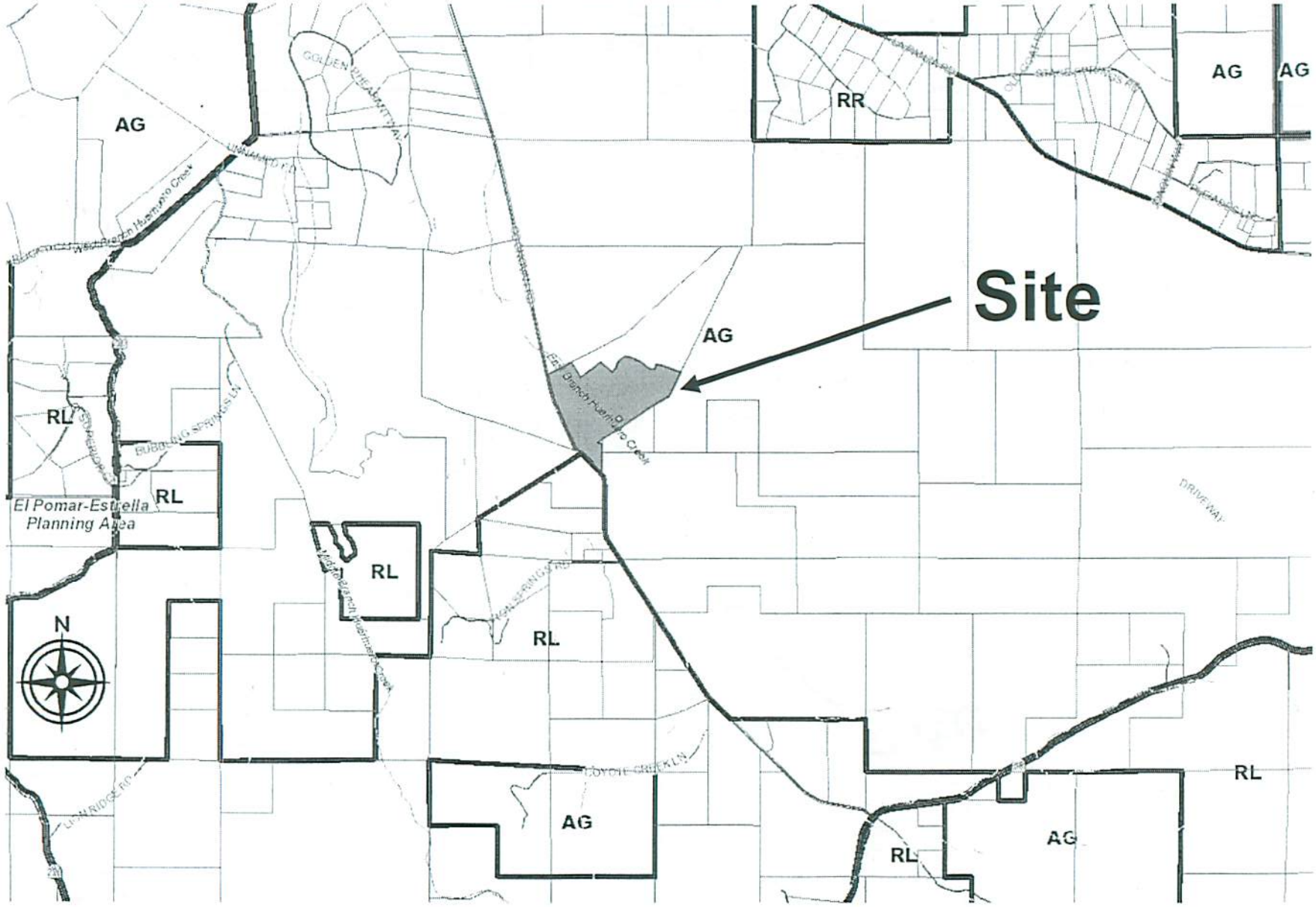

**PROJECT**

Minor Use Permit DRC2011-00039

**EXHIBIT**

Vicinity Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



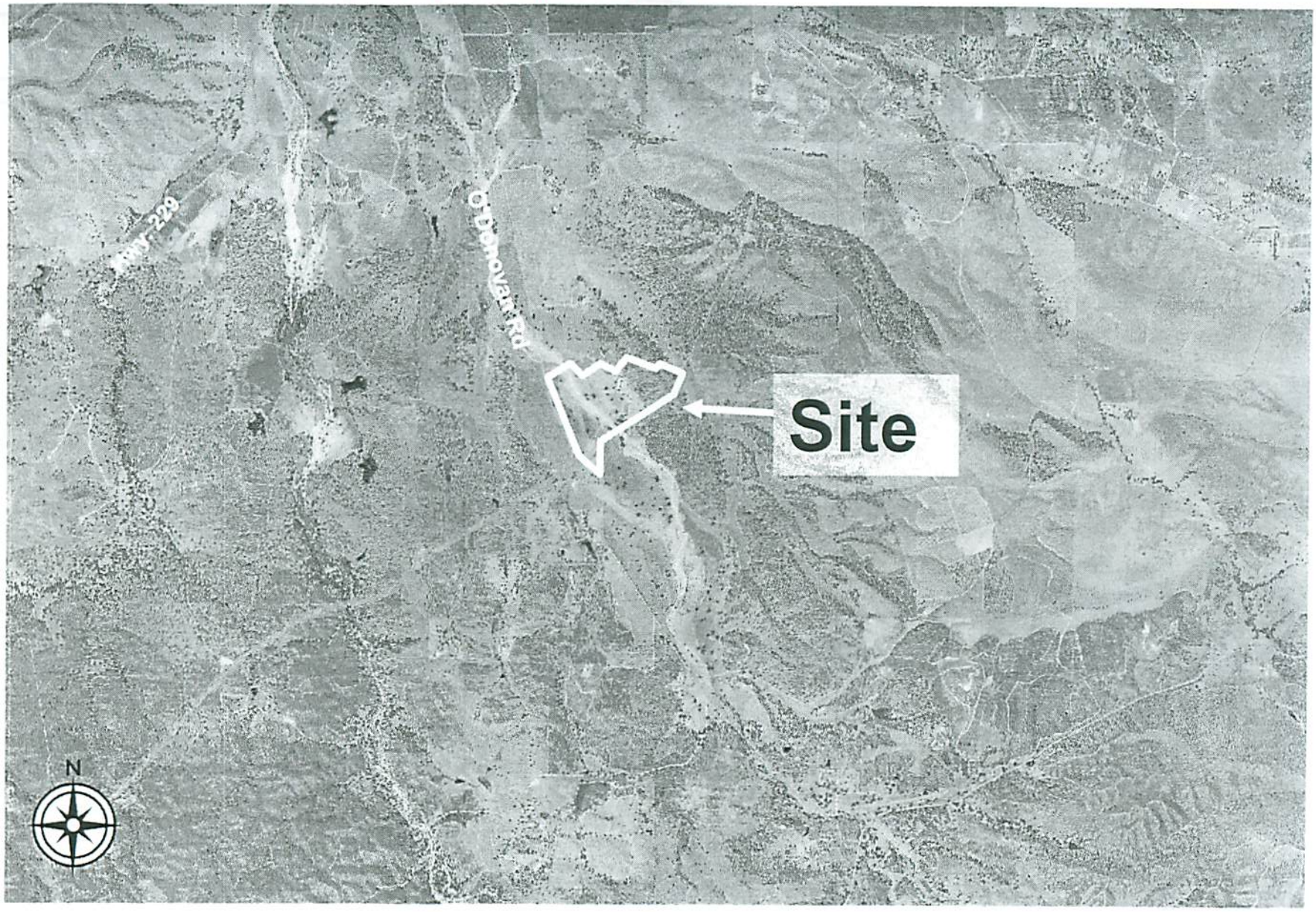

**PROJECT**

Minor Use Permit DRC2011-00039

**EXHIBIT**

Land Use Category Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

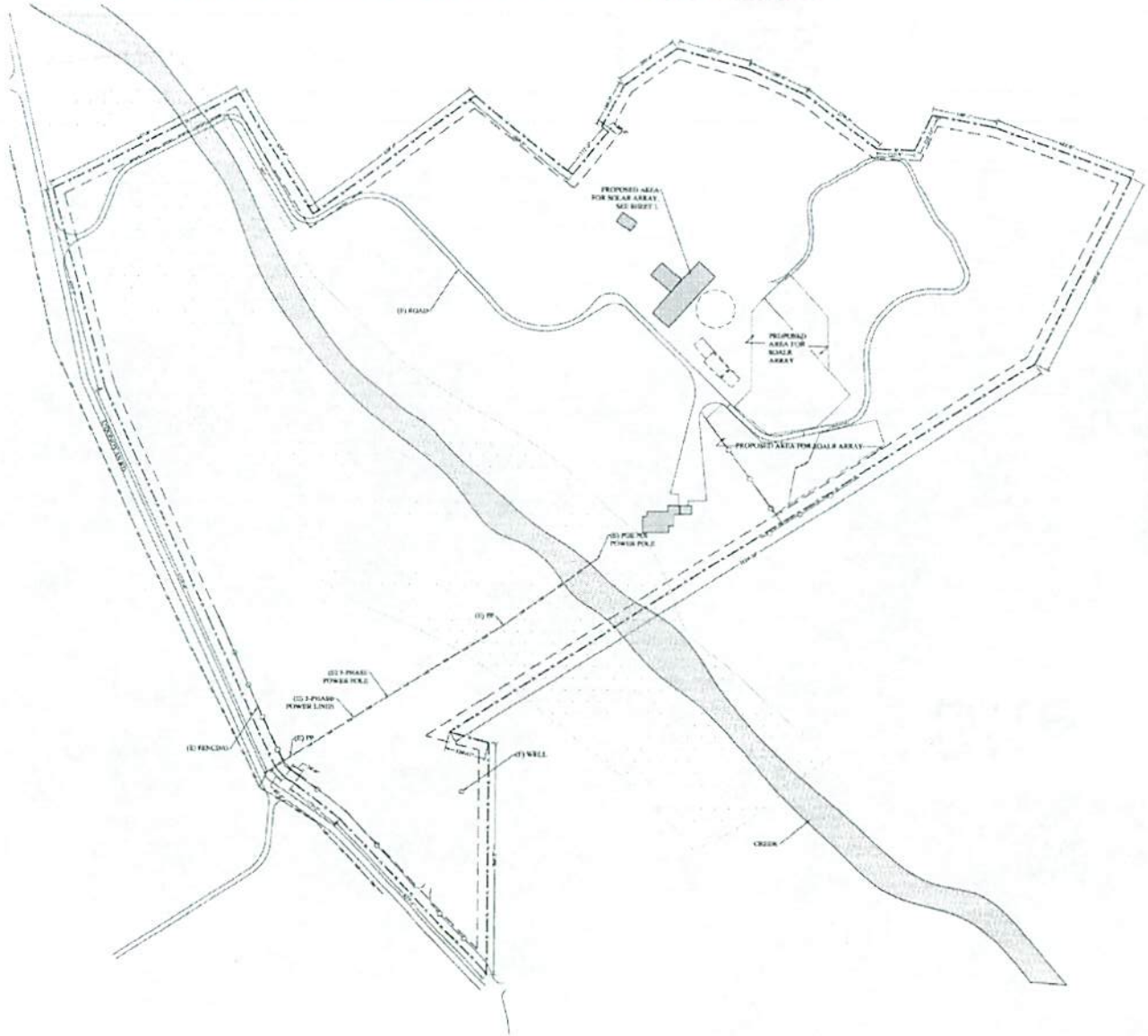



PROJECT

Minor Use Permit DRC2011-00039

EXHIBIT

Aerial Photograph




OVERALL SITE PLAN

VICINITY MAP

PROJECT INFORMATION:

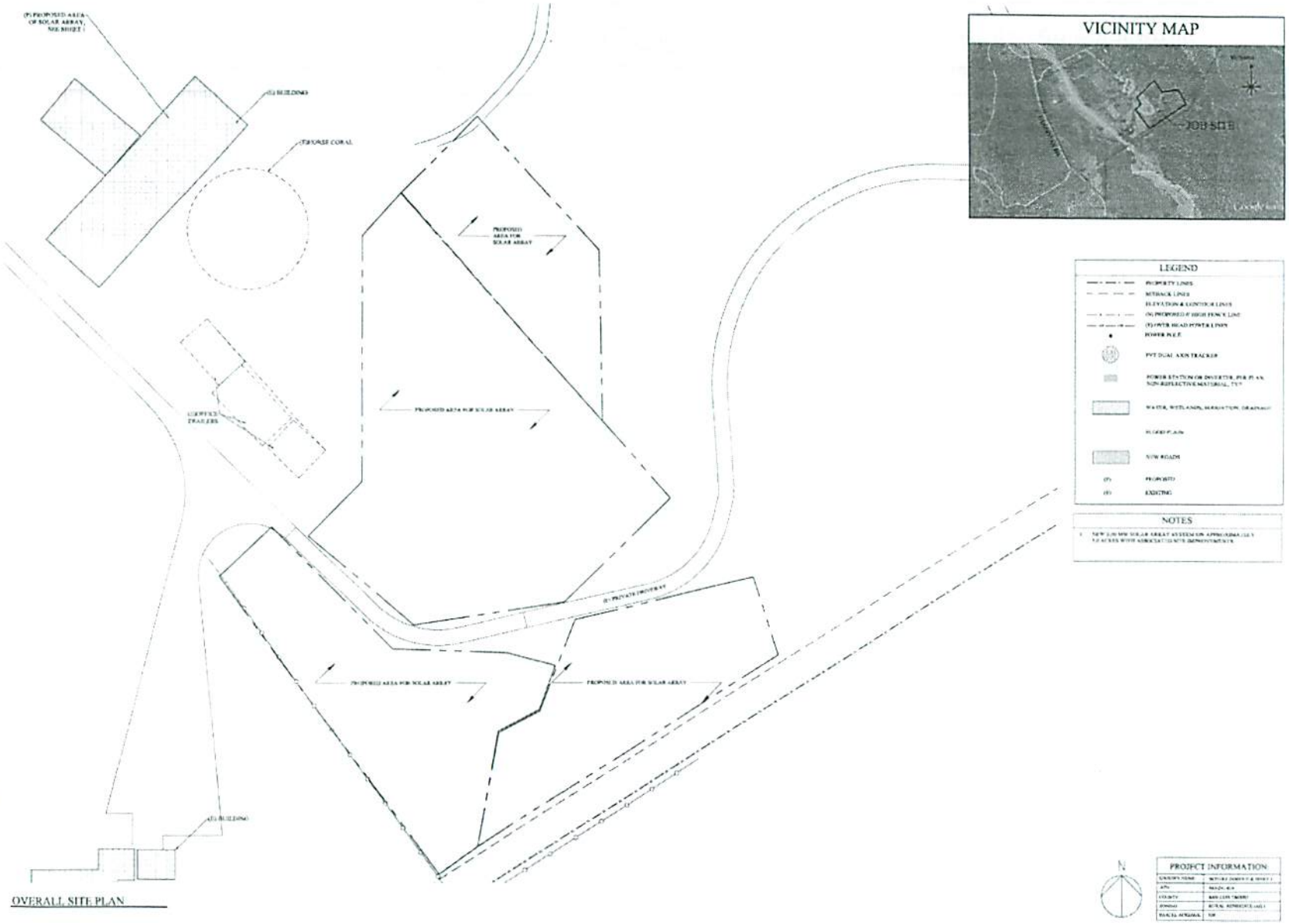
| | |
|---|---|
| OWNER NAME | [illegible] |
| APN | [illegible] |
| LOCATION | [illegible] |
| ZONING | [illegible] |
| PARCEL AGREAGE | [illegible] |

**PROJECT**

Minor Use Permit DRC2011-00039

**EXHIBIT**

Overall Site Plan

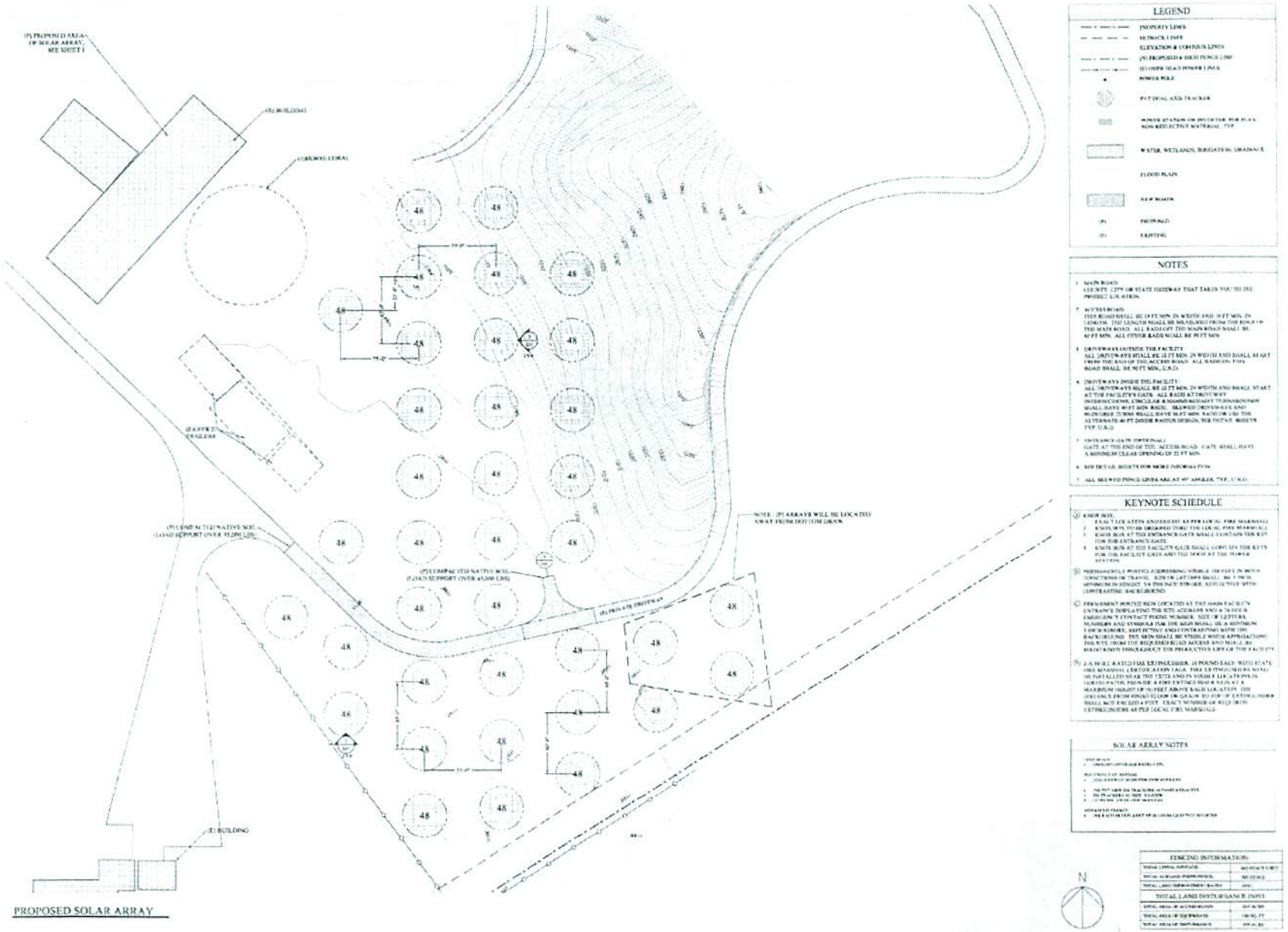



**PROJECT**

Minor Use Permit DRC2011-00039

**EXHIBIT**

Overall Site Plan

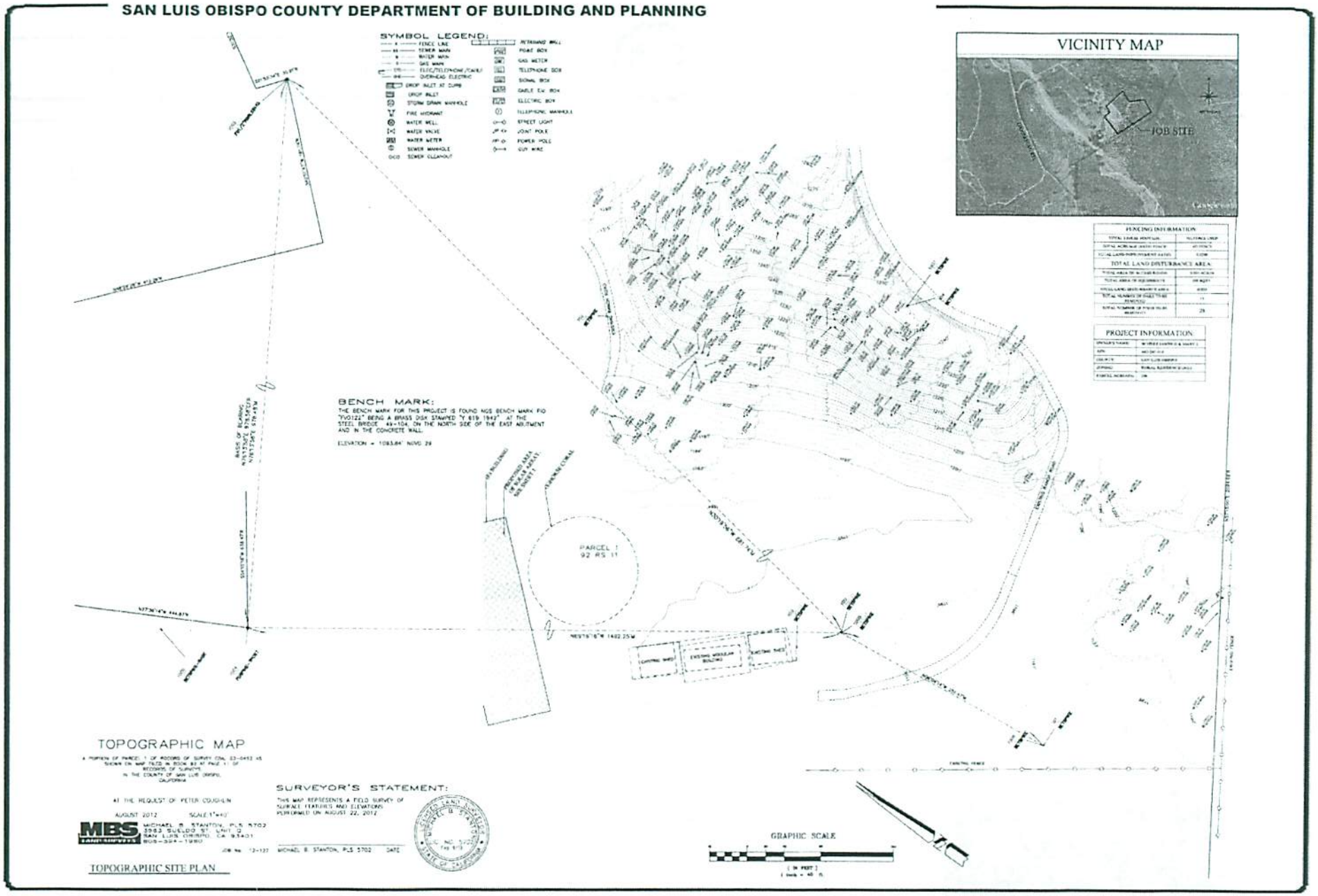



**PROJECT**

Minor Use Permit DRC2011-00039

**EXHIBIT**

Proposed Solar Array

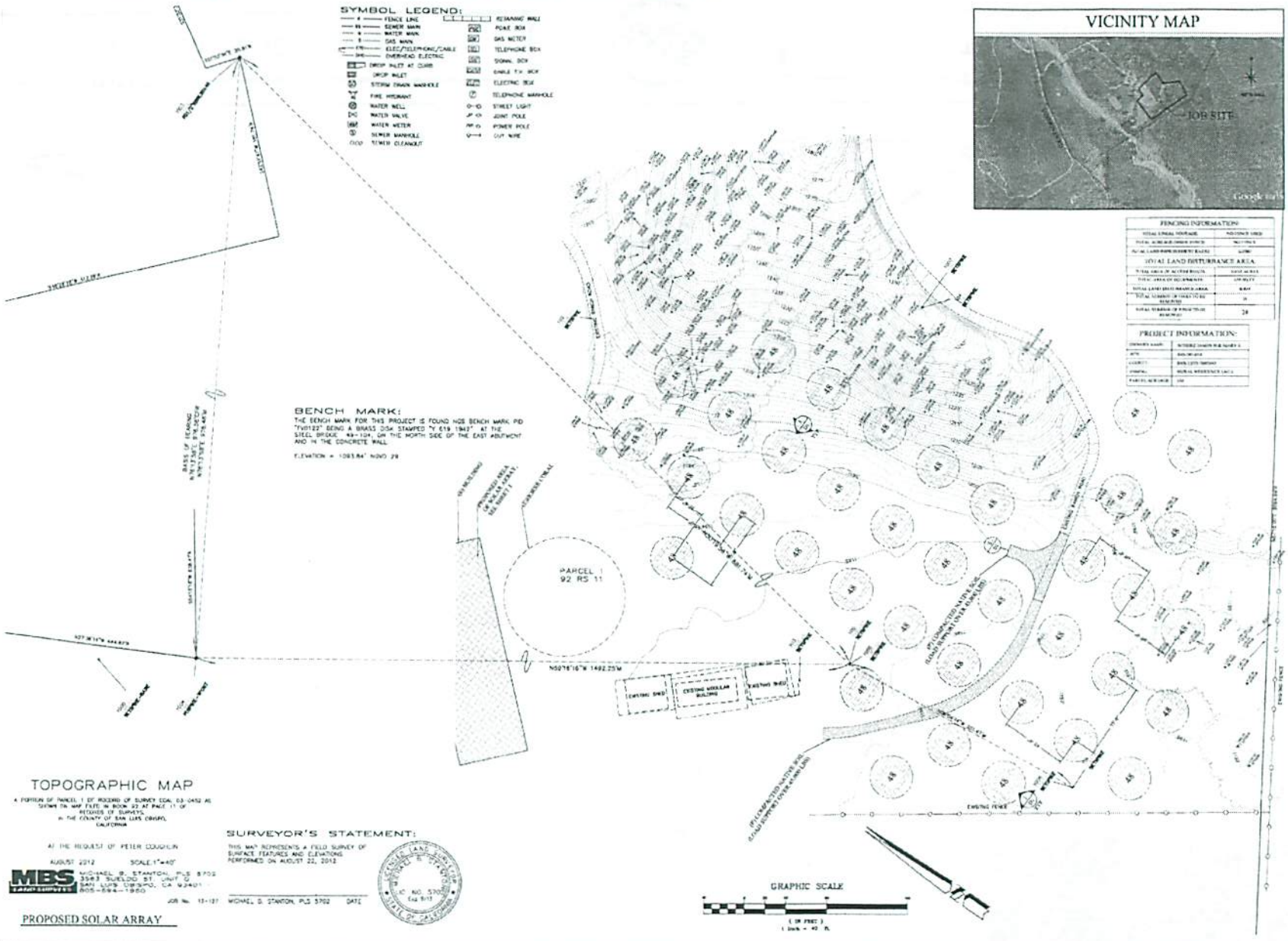



**PROJECT**

Minor Use Permit DRC2011-00039

**EXHIBIT**

Topographic Site Plan

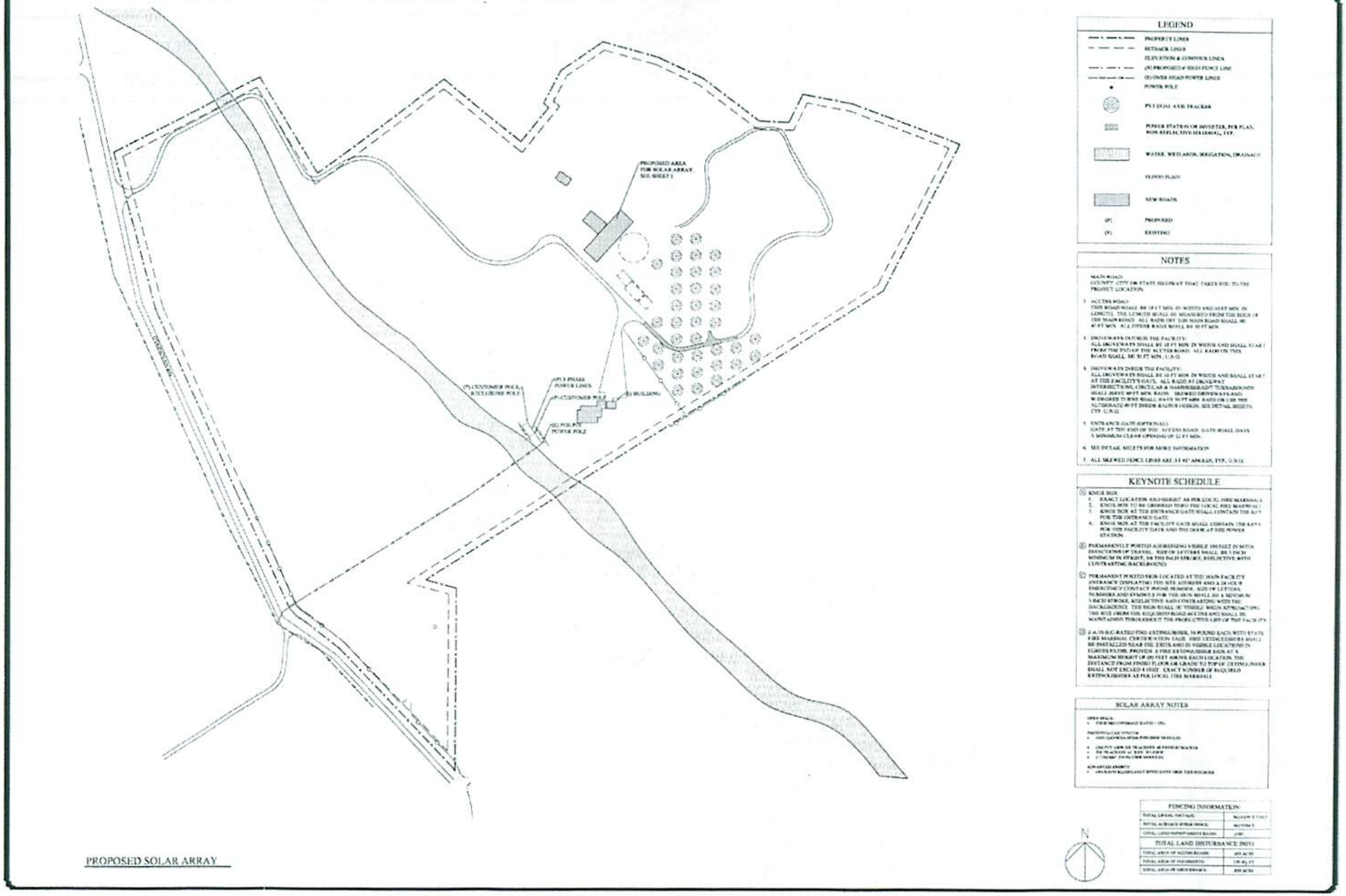



**PROJECT**

Minor Use Permit DRC2011-00039

**EXHIBIT**

Proposed Solar Array

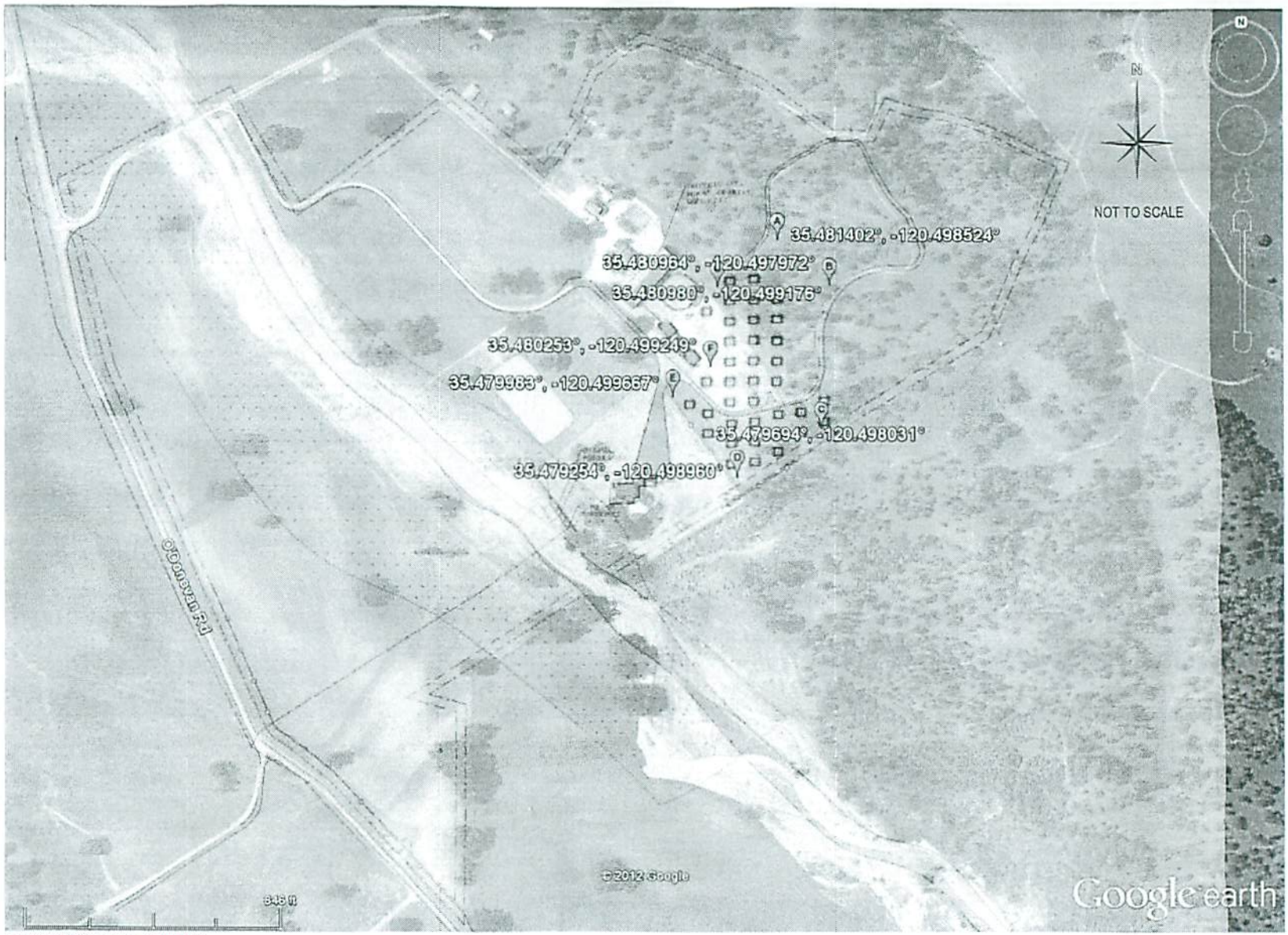



**PROJECT**

Minor Use Permit DRC2011-00039

**EXHIBIT**

Proposed Solar Array



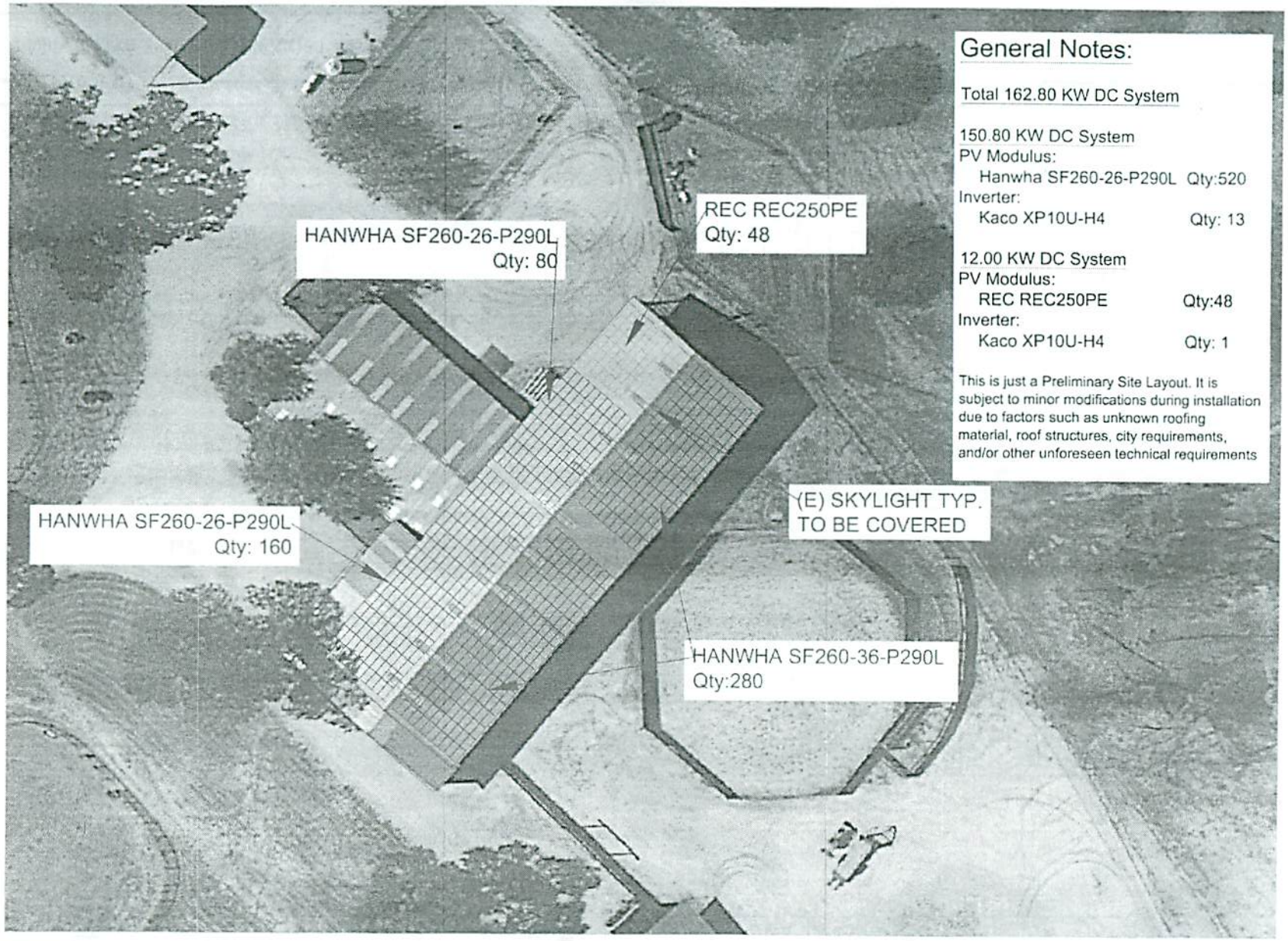

SITE MAP WITH GPS COORDINATES

**PROJECT**

Minor Use Permit DRC2011-00039

**EXHIBIT**

Site Plan with GPS Coordinates




## General Notes:

Total 162.80 KW DC System

150.80 KW DC System
PV Modulus:
Hanwha SF260-26-P290L Qty:520
Inverter:
Kaco XP10U-H4 Qty: 13

12.00 KW DC System
PV Modulus:
REC REC250PE Qty:48
Inverter:
Kaco XP10U-H4 Qty: 1

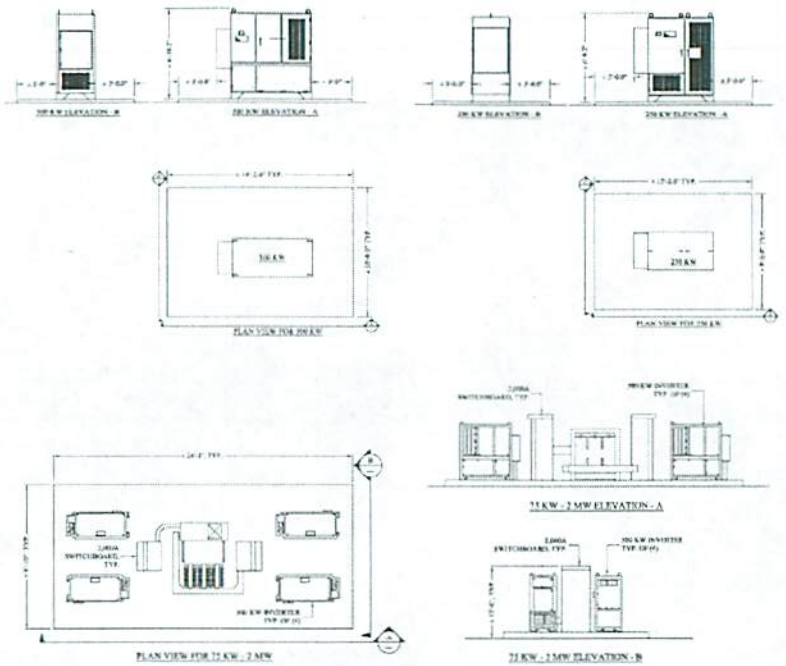
This is just a Preliminary Site Layout. It is subject to minor modifications during installation due to factors such as unknown roofing material, roof structures, city requirements, and/or other unforeseen technical requirements

**PROJECT**

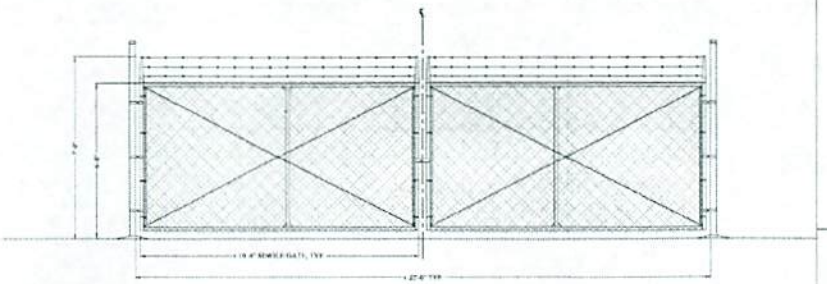
Minor Use Permit DRC2011-00039

**EXHIBIT**

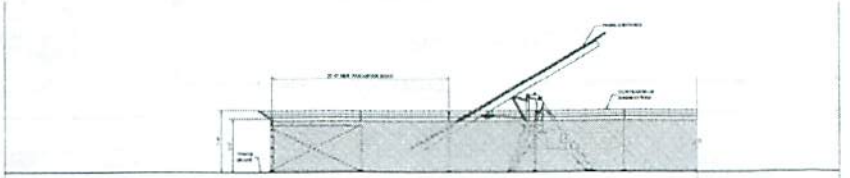
Preliminary Site Layout



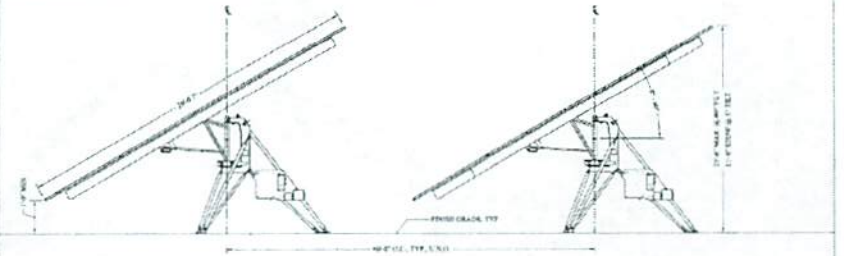
INVERTER/XFMR PAD 6



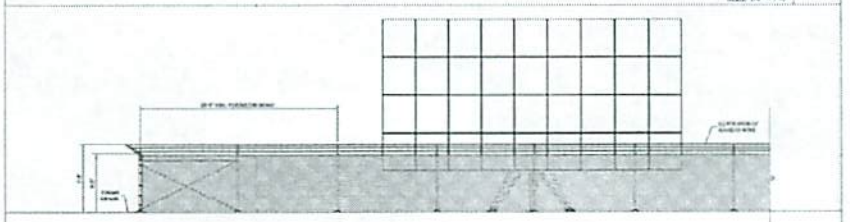
BI-DIRECTIONAL GATE ELEVATION 5



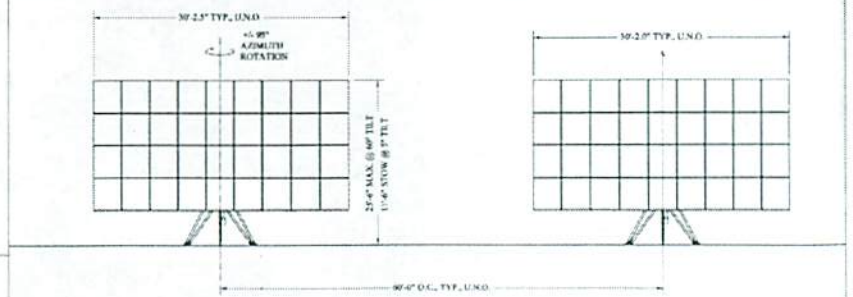
EAST OR WEST PERIMETER ELEVATION, TYP. 4



EAST OR WEST TRACKER ELEVATION, TYPICAL 3



NORTH OR SOUTH SITE PERIMETER ELEVATION, TYP. 2




NORTH OR SOUTH TRACKER ELEVATION, TYPICAL 1

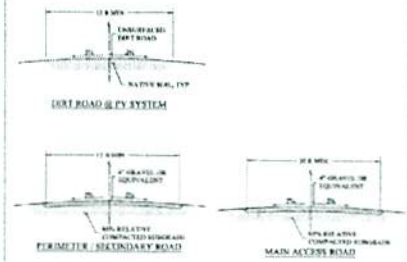
**PROJECT**

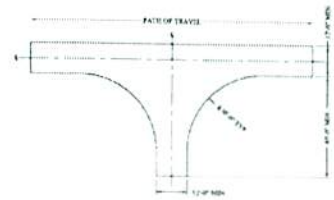
Minor Use Permit DRC2011-00039

**EXHIBIT**

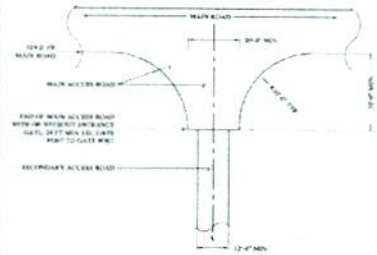
Tracker Elevations

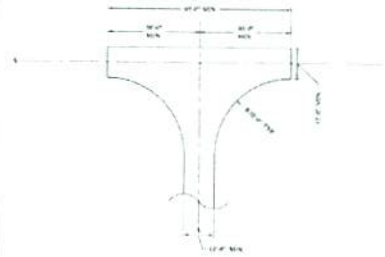
**SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING**



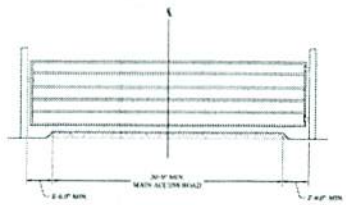



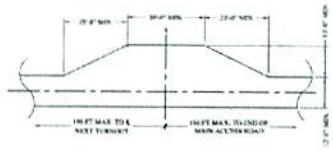
| | | | | | | | |
|---|---|---|---|---|---|---|---|
| NOT USED | 12 | NOT USED | 9 | ROAD SECTIONS | 6 | "T" TURNAROUND | 3 |

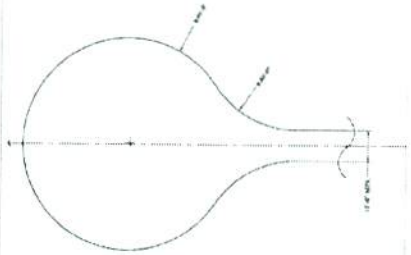




| | | | | | | | |
|---|---|---|---|---|---|---|---|
| NOT USED | 11 | NOT USED | 8 | MAIN ACCESS ROAD | 5 | HAMMERHEAD TURNAROUND | 2 |







| | | | | | | | |
|---|---|---|---|---|---|---|---|
| NOT USED | 10 | ENTRANCE GATE | 7 | TURNOUT | 4 | CIRCULAR TURNAROUND | 1 |

**PROJECT**

Minor Use Permit DRC2011-00039

**EXHIBIT**

Road Details

COUNTY OF SAN LUIS OBISPO

**Department of Agriculture/Weights and Measures**

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556

(805) 781-5910 • FAX (805) 781-1035

Martin Settevendemie

Agricultural Commissioner/Sealer

www.slocounty.ca.gov/agcomm

AgCommSLO@co.slo.ca.us

**DATE:** **July 17, 2012**

**TO:** **Ryan Hostetter, Project Manager**

**FROM :** **Lynda L. Auchinachie, Agriculture Department**

**SUBJECT:** **Scherz Conditional Use Permit, DRC2011-00039 (1613)**

## Summary of Findings

The Agriculture Department's review finds that the relocated development proposal for a .500 MW AC solar generating facility would not result in significant adverse impacts to on-site or adjacent agricultural resources or operations.

Comments and recommendations are based on policies in the San Luis Obispo County Agriculture Element, the Conservation and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

## Project Description and Agricultural Setting

The 106 acre project site is located at 7585 O'Donovan Road, south of Creston. The project site is developed with a residence, accessory structures, and equestrian facilities. The western portion of the site between O'Donovan Road and the east branch of Huerhuero Creek is prime farmland that has a history of irrigated crop production. The area immediately to the east of the creek is developed with equestrian facilities and residential structures. The remainder of the site is moderately to steeply sloping and supports oak woodland habitat.

The proposed project consists of the installation of 2016 solar modules that would generate .500 MW AC. The revised plans have relocated the modules from prime farmland to approximately six acres of the project site that has been developed with residential structures and equestrian facilities and the moderately to steeply sloping portion of the site. Neighboring properties are designated Agriculture and support field crop production and cattle grazing.

Similar to the project site, many of the surrounding properties support irrigated crop production west of the creek and limited grazing on the steeper topography east of the creek. The project site is not under a Williamson Act contract.

## Impacts to Agricultural Resources

The project site is within the Agriculture land use category. The area in which the solar modules will be located consists of Metz loamy sand (0-5 percent slopes) and Arbuckle-Positas complex (30-50 percent slopes). Metz loamy sand is classified as an Important Agricultural Soil. Approximately three acres of each soil type will be converted for the proposed project. The conversion of these agricultural resources is not considered a significant adverse impact because this area of Metz loamy sand has limited agricultural potential due to the location of existing development and because Arbuckle-Positas complex is not considered an Important Agricultural Soil. Additionally, relocating the modules east of the creek reduces potential land use incompatibilities with the adjacent agricultural operation because the area adjacent to the modules has limited intensified agricultural production potential and it is covered with oak woodland habitat.

The Agriculture Department continues to be concerned about the increase of non-agriculturally related uses, such as the proposed project, on agricultural lands. Such developments result in the conversion of agricultural resources and introduce land uses that may conflict with surrounding agricultural activities. The Agriculture Department recognizes that solar generating projects are supported by policies in the Conservation and Open Space Element and appreciates the applicant's effort to redesign the project to avoid and minimize impacts to agricultural resources.

If you have questions, please call 781-5914.

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SLO COUNTY apcd | Air Pollution Control District
San Luis Obispo County

November 14, 2011

Ryan Hostetter
San Luis Obispo County Department of Planning & Building
County Government Center
San Luis Obispo, CA 93408

SUBJECT: APCD comments regarding the Scherz 0.50 MW solar generating project referral; DRC2011-00039

Dear Ms. Hostetter,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located at 7585 O'Donovan Road in Creston. The proposed project would install a 0.50MW solar generating facility on approximately 5 acres of the 106 acre property. *The following are APCD comments that are pertinent to this project.*

GENERAL COMMENTS

The APCD supports renewable energy projects throughout the County because they will help the state meet the greenhouse gases reduction goals of Assembly Bill 32, the California Global Warming Solution Act of 2006. As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text**.

**CONSTRUCTION PHASE MITIGATION**

Demolition of Asbestos Containing Materials

The project referral did not indicate whether there are existing structures on the proposed site that would be demolished. Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If building(s) are removed or renovated; or utility pipelines are scheduled for removal or relocation, this project**

**may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).** These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Enforcement Division at (805) 781-5912 for further information.

Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** If you have any questions regarding these requirements, contact the APCD Enforcement Division at 781-5912.

Dust Control Measures

Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. **Projects with grading areas that are greater than 4-acres or are within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit (APCD Rule 401) and do not impact off-site areas prompting nuisance violations (APCD Rule 402):**

a. Reduce the amount of the disturbed area where possible;
b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
c. All dirt stock pile areas should be sprayed daily as needed;
d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
l. All $PM_{10}$ mitigation measures required should be shown on grading and building plans; and,

m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-5912.

Sincerely,

for

Andy Mutziger
Air Quality Specialist

AJM/arr

cc: Pristine Sun, LLC
Tim Fuhs, Enforcement Division, APCD
Karen Brooks, Enforcement Division, APCD

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SAN LUIS OBISPO COUNTY

# DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL

RECEIVED
NOV 16 2011
S.L.O. CO. PLANNING DEPT.

DATE: 11/4/2011

TO: Cal Fire

FROM: Ryan Hostetter, Development Review

**PROJECT DESCRIPTION:** DRC2011-00039 SCHERZ- Conditional use permit for .50 MW solar generating facility over 5 acres. 106.15 site located off O'Donovan Road in Creston. APN: 043-241-014.

*Return this letter with your comments attached no later than: 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.*

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES (Please go on to PART II.)
- ☐ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
- ☐ NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

SAN LUIS OBISPO COUNTY DEPT. OF PLANNING & BUILDING TO BE PRIMARY CONDITIONING AND INSPECTION AGENCY.

Date Name Phone

CAL FIRE/ COUNTY FIRE - COMPLIANT ADDRESSING, EMERGENCY ACCESS REQUIRED AT GATE, FIRE EXTINGUISHER MAY BE REQUIRED AT INVERTER, VEGETATION CLEARANCE AT ARRAYS.

11/14/11 C.F. Bullard 543-4244 EXT. 3425

BULLARD

GM 5

SAN LUIS OBISPO COUNTY

# DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL

RECEIVED
NOV - 9 2011
COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PUBLIC WORKS

DATE: 11/4/2011

FR ~~TO~~: PW

TO ~~FROM~~: Ryan Hostetter, Development Review

**PROJECT DESCRIPTION**: DRC2011-00039 SCHERZ- Conditional use permit for 50 MW solar generating facility over 5 acres. 106.15 site located off O'Donovan Road in Creston. APN: 043-241-014.

*Return this letter with your comments attached no later than: 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.*

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES (Please go on to PART II.)
- ☑ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☑ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
- ☐ NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

PROJECT CONSTRUCTED ENTIRELY WITHIN 100-YR (NON-DETAILED STUDY AREA) FLOOD PLAIN, EAST BRANCH HUERHUERO CREEK. APPLICANT MUST REVIEW 22.14.060, MEET WITH P.W., THEN RESUBMIT APPLICATION WITH STUDIES. RECOMMEND DENIAL (OR) HAVE APPLICANT SPEAK WITH PUBLIC WORKS.

| 10 NOV 2011 | Glenn Marshall | 781-1596 |
|---|---|---|
| Date | Name | Phone |

SAN LUIS OBISPO COUNTY
# DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252
Fax (805) 781-1229 email address: pwd@co.slo.ca.us

## MEMORANDUM

Date: July 24, 2012

To: Ryan Hostetter, Project Planner

From: Glenn Marshall, Development Services Engineer

**Subject: Public Works Comments DRC2011-00039, Scherz CUP for 0.5 MW Solar Generating Facility, O'Donovan Rd, APN 043-241-014**

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

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**PUBLIC WORKS REQUESTS THAT AN INFORMATION HOLD BE PLACED ON THIS PROJECT UNTIL THE APPLICANT PROVIDES THE FOLLOWING DOCUMENTS FOR PUBLIC WORKS REVIEW AND COMMENT:**

1. A portion of the electrical conduit work as shown on Sheet C1.1 appears to cross onto the neighboring property. Either add the adjacent property to the project description or show all proposed facilities on a single project parcel.

---

**Public Works Comments**:

A. It is recommended that the proposed project be designed to promote groundwater recharge (22.52.140) by application of LID design. Techniques to mitigate the proposed impervious solar panels should be implemented.

B. Portions of the proposed electrical facilities remain in the flood zone. Note that any electrical panels located within the flood zone will require an engineer's determination of the localized flood elevations and all equipment shall be placed above that elevation. The applicant should review Section 22.14.060 of the County Code.

**Recommended Project Conditions of Approval**:

Access

1. **At the time of application for construction permits**, the applicant shall submit plans to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to

install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:

a. Reconstruct the existing site access driveway approach in accordance with County Public Improvement Standard B-1a for rural roadways.

2. **At the time of application for construction permits,** the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

3. **On-going condition of approval (valid for the life of the project),** and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.

Utility Encroachment

4. **At the time of application for construction permits**, the applicant shall submit utility plans prepared by a civil engineer to the Department of Public Works to secure an Encroachment Permit to install wire tie-in facilities within the public right-of-way. No trenching of O'Donovan Road shall be allowed, only directional boring.

Drainage

5. **At the time of application for construction permits,** the applicant shall submit complete drainage calculations for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance.

6. **At the time of application for construction permits**, the applicant shall submit evidence to the Department of Public Works that all new structures comply with County flood hazard construction standards, Section 22.14.060. (A portion of the project site is located within a FEMA Flood Hazard Zone A designation as shown on FIRM Map Number 06079C0860F.)

7. **At the time of application for construction permits,** the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.

8. **On-going condition of approval (valid for the life of the project),** the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

V:_DEVSERV Referrals\Land Use Permits\Conditional Use Permits\DRC2011-00039 ODonovan, Solar.doc