



# 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.** ED13-009 (DRC2011-00062)

**DATE:** 7/18/13

**PROJECT/ENTITLEMENT:** Minor Use Permit

**APPLICANT NAME:** Vintner Solar LLC

**ADDRESS:** 1333 Northland Drive Ste 210 Mendota Heights MN 55120

**CONTACT PERSON:** Chris Little, Ecos Energy

**Telephone:** 651-268-2053

**PROPOSED USES/INTENT:** Request by Vintner Solar LLC for to develop a 1.5 megawatt (MW) solar generating facility on an approximately 14.8 acre portion of a 97.21 acre parcel. The project includes: 1) Application to rescind an existing Land Conservation Contract on a 97.21 acre parcel and replace it with a new Solar-Use Easement for a twenty year minimum pursuant to Government Code sections 51190 et seq. on an approximately 14.8 acre portion of the property and a replacement Land Conservation Contract on the remaining approximately 82.41 acre portion of the property; 2) A Minor Use Permit to authorize construction of the solar generating facility including 7,350 photo-voltaic (PV) modules, pad-mounted inverters and a pad-mounted transformers, approximately 100 feet of underground conduit from the converters/transformers to the existing Pacific Gas and Electric (PG&E) electrical distribution line, and other related equipment.

**LOCATION:** The project is located at 603 El Pomar Drive, about 1.5 miles northeast of the community of Templeton, in the El Pomar – Estrella 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 Wildlife, 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. August 1, 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**



# 1. 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 3.3) J.sena Form

Project Title & No.: Vintner Solar Project Minor Use Permit DRC2011-00062 (ED13-009)

**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.

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics             | <input checked="" type="checkbox"/> Geology and Soils         | <input type="checkbox"/> Recreation                            |
| <input checked="" type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Hazards/Hazardous Materials          | <input checked="" type="checkbox"/> Transportation/Circulation |
| <input checked="" type="checkbox"/> Air Quality            | <input type="checkbox"/> Noise                                | <input type="checkbox"/> Wastewater                            |
| <input checked="" type="checkbox"/> Biological Resources   | <input type="checkbox"/> Population/Housing                   | <input checked="" type="checkbox"/> Water                      |
| <input type="checkbox"/> Cultural Resources                | <input checked="" type="checkbox"/> Public Services/Utilities | <input checked="" type="checkbox"/> 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.

David Moran, DLM	<i>David Moran for</i>	7/11/2013
Prepared by (Print)	David Moran, DLM for County of San Luis Obispo	Signature

Nancy E. Orton	<i>Nancy E. Orton</i>	Ellen Carroll,	7/11/13
Reviewed by (Print)	Signature for	Environmental Coordinator	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, Rm. 200, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

## **A. PROJECT**

**DESCRIPTION:** Request by Vintner Solar LLC for to develop a 1.5 megawatt (MW) solar generating facility on an approximately 14.8 acre portion of a 97.21 acre parcel. The project includes:

- Application to rescind an existing Land Conservation Contract on a 97.21 acre parcel and replace it with a new Solar-Use Easement for a twenty year minimum pursuant to Government Code sections 51190 et seq. on an approximately 14.8 acre portion of the property and a replacement Land Conservation Contract on the remaining approximately 82.41 acre portion of the property,
- A Minor Use Permit to authorize construction of the solar generating facility including 7,350 photo-voltaic (PV) modules, pad-mounted inverters and a pad-mounted transformers, approximately 100 feet of underground conduit from the converters/transformers to the existing Pacific Gas and Electric (PG&E) electrical distribution line, and other related equipment.

The project is located at 603 El Pomar Drive, about 1.5 miles northeast of the community of Templeton, in the El Pomar – Estrella planning area.

### **Background**

The project site consists of a 14.8-acre portion of 97.21 acre parcel located at 603 El Pomar Drive, about 1.5 miles northeast of the community of Templeton. Development of the solar facility will result in the disturbance of approximately 14.8 acres and will include the following components: 7,350 photo-voltaic (PV) tracker modules that are 3-feet by 6-feet in size mounted on aluminum and steel racking systems supported by metal posts anchored in concrete; a 510 square foot concrete pad with three pad-mounted inverters and a pad-mounted transformer for each one or two converters to step up the electricity for distribution; approximately 100 feet of underground conduit from the converters/transformers to the existing Pacific Gas and Electric (PG&E) electrical distribution line located on the north side of El Pomar Drive. The project also includes switching gear, interconnection and monitoring equipment. Lighting will be limited to down-lighting around the converters/transformers. Access to the site will be provided by a 16 foot wide gravel driveway from the north side of El Pomar Drive. The application materials include a grading and drainage plan; no import or

export of fill material is proposed.

The project will operate 24 hours per day, seven days per week and is expected to have a project life of at least 20 years. The solar facility will be a private enterprise, and for safety reasons will not be open to the public. Only authorized personnel will be permitted on site and will generally be the employees monitoring and maintaining the facility. Accordingly, the project site will be enclosed by an 8 foot chain link fence topped with a 1-foot barbed wire rampart. Additional security will be provided by monitoring cameras and an electronic security system. The only expected vehicles on-site would be a water truck, on an average of two (2) times during the year to clean the solar panels. During labor intensive construction workdays, an average of twenty (20) people and five (5) to ten (10) construction vehicles will be on the site at any one time.

During operation, periodic maintenance will include washing the PV modules; inverter maintenance and repair of equipment; remotely monitoring electrical performance, weed abatement and dust control. No water will be stored on-site but will be brought to the site by truck.

The project includes a decommissioning plan which will result in disconnection from the electrical grid, complete removal of and disposal of all project components including solar modules, racks, mounting poles, wire, conduit, junction boxes, concrete pad, fencing and monitoring equipment, and restoration of the site to its pre-installation condition. Decommissioning is expected to take about one month.

The project is located in the El Pomar – Estrella planning area.

ASSESSOR PARCEL NUMBER(S): 033-231-026

Latitude: 35.559 N Longitude: 120.6958 W

SUPERVISORIAL DISTRICT # 5

**B. EXISTING SETTING**

PLANNING AREA: Rural El Pomar-Estrella

LAND USE CATEGORY: Agriculture

COMBINING DESIGNATION(S): None

EXISTING USES: Site contains a nursery, residential and vacant grazing land

TOPOGRAPHY: Site for solar farm is nearly level to gently rolling

VEGETATION: Grasses, forbs

PARCEL SIZE: Approx. 14.8 acre portion of a 97.21 parcel

**SURROUNDING LAND USE CATEGORIES AND USES:**

<i>North:</i> Agriculture	<i>East:</i> Agriculture (vineyard)
<i>South:</i> Agriculture, electrical sub-station	<i>West:</i> Agriculture, landscaping nursery

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

**Setting.** The visual qualities of the project site and vicinity are characterized by agriculture with single family residences on lots ranging in size from 20 - 100 acres. Agricultural practices in the area include dry-farming of oats and forage hay, livestock grazing and vineyards. As discussed in the project description, the project site is a 14.8-acre portion of a 97.21 acre parcel that includes a single family residence, agricultural accessory buildings and a corral; a number of mature valley oaks occupy the parent parcel but are not located on the project site. The western portion of the parent parcel contains a landscaping nursery; high voltage power lines cross the eastern portion of the parent parcel supported by a large transmission tower. Portions of the parent parcel have been periodically disked and dry farmed;

The 14.8-acre project site contains no structures and includes an area devoted to the stockpiling of dirt and old farming equipment. Vegetation on the 14.8-acre project site includes forbs and grasses and no trees. Topography of the project site consists of flat to gently rolling terrain.

Surrounding land uses include ranches containing single family residences, a 10.39 acre PG&E substation located on the south side of El Pomar Drive and vineyards to the east.

El Pomar Drive is not a State-designated Scenic Highway nor is it included on the list of "Suggested Scenic Corridors" provided in Table VR-2 of the County's Conservation and Open Space Element.

## **Impact.**

### Impacts to Visual Character

In assessing project impacts on visual resources, the following factors were considered:

1. *The potential for, and frequency of, viewing by the general public.*

The aesthetic effects of a project are more likely to be significant if they are highly visible to large numbers of the public over an extended period of time. Changes to views that are seen by a limited number of people, or for only limited duration, may be found to be less than significant.

The project is located in a rural area of the County on El Pomar Drive, a collector road providing access to ranches in the area. El Pomar Drive exhibits relatively frequent dips and curves that serve to minimize both the frequency and duration of the project site's visibility from the roadway. Traffic counts taken in 2009 east of the intersection with Templeton Road show average daily trips to range between 2,518 and 3,027 with a morning peak hour volume of about 800. Assuming 800 vehicle trips during the morning peak hour, a vehicle would pass by the project site about once every 13 seconds. Thus, during the morning peak hour the project site would be viewed frequently by the public.

Traffic speeds in the vicinity of the project site vary from 35 – 45 miles per hour; a vehicle travelling 45 miles per hour would pass the length of the project site (about 1,153 feet) in about 18 seconds. However, the site would become visible to west-bound travelers beginning about 0.75 miles east of the project site and would remain visible for about 77 seconds (5,100 feet / 66 feet per second = 77.4 seconds). The west end of the project site lies above the grade of the roadway and the project site would not come into view for eastbound travelers until just before rounding a curve before the project site. As a result, the total time the site would be visible to eastbound travelers would be 18 – 23 seconds.

2. *The integrity and uniqueness of the existing scenic resource.*

The magnitude of change necessary to create a significant impact to visual resources is greater in a disturbed or non-unique environment than in a pristine or rare environment.

Although not designated as a scenic corridor (or as a candidate) the visual qualities of El Pomar Drive in the vicinity of the project site are representative of the rural, agricultural character of the area in which facilities associated with the distribution of electricity (the PG&E substation and transmission towers) play a visible but subordinate role. The 97.1 acre parent parcel contains a residence as well as agricultural support structures which are common features of the viewshed along El Pomar Drive. Existing conditions on the 14.8-acre project site reflect its previous and ongoing use for dry farming and for the storage of dirt and farming equipment. Accordingly, the project site possesses scenic qualities that are neither in tact nor unique.

3. *The magnitude of the change.*

A project that is small in size, or will result in minimal physical changes to the environment, are less likely to cause a significant impact to scenic qualities. Aesthetic changes associated with an individual project may appear significant, but in the context of the entire region may be relatively minor. Changes to visual character of the landscape where the change is minor may be found to be less than significant.

According to the application materials, the PV modules will be arranged in three rows extending about 1,000 feet east to west on the project site (Figure 2). The PV modules will be rotated to maximize solar exposure during the day (Figure 3) and will extend as high as 10 feet above the finished grade. The distance between the road right-of-way and the developed portion of the project site will vary from 53 feet at the west boundary of the site, to 195 feet at the east end of the site (Figure 2). As discussed above, the visual character of the project site and vicinity reflects previous and ongoing agricultural practices, but includes other elements such as a landscaping business and facilities for the transmission of electricity.

Cut and fill will be balanced on the site to provide a level base for the array. With regard to access improvements, the use of gravels consistent with existing rural access roads in the area would encourage visual compatibility. The interconnect with the PG&E transmission line will be underground.

The applicant has provided visual simulations (Figures 6, 7 and 8) illustrating how the facility would appear when viewed from three different vantage points along El Pomar Drive. Figure 5 provides the locations of the vantage points for each simulation. The simulations show the project site before construction (existing conditions) and with the solar facility including the chain link fencing proposed for the project perimeter, but absent the converters and transformers. The simulations appear to accurately represent the height, color, and orientation of the facility when viewed different locations along El Pomar Drive, absent the converters and transformers which would be visible between the array and El Pomar Drive near the entrance driveway (Figure 7). The simulations suggest that the project will be highly visible to passing motorists on El Pomar Drive for brief periods of time.

As discussed in the project setting, the visual setting of the project area currently includes facilities for the transmission of electricity (transmission towers and PG&E substation) which are subordinate to the agricultural character of the area. Nonetheless, construction of 14.8 acres of solar collectors would represent a significant change to the visual character of the landscape as viewed from El Pomar Drive.

#### Light, Glint and Glare

Another potential impact associated with PV facilities is the potential for glint and glare. Glint is the direct reflection of the sun's light while glare is the reflection of surrounding bright diffuse light around the sun. The intensity of glare is many times less than that of glint; however, glare is often used to refer to both glint and glare.

The applicant has submitted an analysis of potential impacts associated with glare from the project (WW Design & Consulting, Inc 2013). The analysis uses a model developed by Sandi National Laboratories (the Solar Glare Hazard Analysis Tool) to simulate the effects of glare for different observation points around the project site (Figure 9). The analysis found that during normal operations glare is not an issue either for the surrounding area or for traffic along El Pomar Drive. During a high wind event near sunset, the PV array will position itself such that traffic traveling west may experience some glint and glare, although the intensity is expected to be insignificant compared to the brightness of the setting sun, which will be in the same field of vision.

Glint/glare may also occur when the PV tracker is at a fixed angle during construction, during routine maintenance or if the control system malfunctions. In this case, if the right combination of panel tilt angle, time of day and time of year coincide, an observer may experience glint and glare. However, traffic is expected to be moving at a speed such that even if all of these elements combine to cause glint and glare, the driver will pass the location quick enough to only have minor visual effects.

Regarding security/maintenance lighting, standard regulations from the LUO require exterior lighting to be shielded to minimize glare. The project will be conditioned to provide an exterior lighting plan

prior to issuance of a building permit to ensure the project will not produce off-site glare.

Decommissioning will include removal of all project components and restoration of the site to pre-project conditions.

**Mitigation/Conclusion.** The applicant has agreed to incorporate native vegetation along the southern and eastern perimeter of the project site to provide additional screening of the PV modules as seen from El Pomar Drive. The applicant and county will confirm that the solar panels have an anti-reflective coating and utilities are underground between the project site and the underground utilities located within El Pomar Drive. Based on the incorporation of mitigation measures identified in Exhibit B, potentially significant impacts to aesthetic and visual resources can be mitigated to a less than significant level.

**2. AGRICULTURAL RESOURCES**  
*- Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** Project Elements. The following summary of area-specific elements relating to the property's importance for agricultural production is based on the source information referenced in Exhibit A of this initial study:

Land Use Category: Agriculture  
State Classification: Farmland

Historic/Existing Commercial Crops: None  
In Agricultural Preserve? El Pomar Pase  
 Agricultural Preserve Area

of Local Importance, Farmland of Local Potential  
NRCS Classifications: Class II if irrigated,  
 Class IV if not irrigated

Under Williamson Act contract? Yes

The project site is located in an area of predominantly low-intensity agricultural operations consisting of dry farming and grazing. However, irrigated agriculture occurs on properties in the area, including the vineyards immediately east of the parent parcel. The following is a description of soils on the 14.8-acre project site from the Natural resource Conservation Service (NRCS):

Lockwood-Concepcion complex (2% to 9% slopes) (about 85% of project site)

Lockwood. The Lockwood is found on terraces with slopes of 2 to 9 percent. The parent material consists of alluvium derived from sedimentary rock. The natural drainage class is well drained. Shrink-swell potential is moderate. This soil is not flooded nor is it ponded.

Nonirrigated NRCS land capability classification is IVe<sup>1</sup>. Irrigated land capability classification is IIe. Erosion potential for this soil is considered low.

Concepcion. The Concepcion component occurs on terraces with slopes are 2 to 9 percent. The parent material consists of alluvium derived from mixed rocks. The natural drainage class is moderately well drained. Shrink-swell potential is moderate. This soil is not flooded nor is it ponded. Nonirrigated NRCS land capability classification is IVe. Irrigated land capability classification is IIIe. This soil does not meet hydric criteria. Erosion potential for this soil is considered low.

Arbuckle – Positas complex (30% to 50% slopes) (about 15% of project site)

Arbuckle. The Arbuckle component occurs on terraces with slopes of 30 to 50 percent. The parent material consists of alluvium from mixed rock sources. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Shrink-swell potential is low. This soil is not flooded nor ponded. Nonirrigated NRCS land capability classification is VIIe. Irrigated land capability classification is VIIe. This soil does not meet hydric criteria. This soil exhibits a severe erosion potential.

Positas. The Positas component occurs on slopes are 30 to 50 percent and is found on terraces. The parent material consists of alluvium from mixed rock sources. The natural drainage class is well drained. Water movement in the most restrictive layer is low. Shrink-swell potential is high. This soil is not flooded nor ponded. Non irrigated NRCS land capability classification is VIIe. Irrigated land capability classification is VIIe. This soil exhibits severe erosion potential.

The 97.21 acre parent parcel and the 14.8-acre project site are not currently irrigated; based on information provided by the applicant neither have been irrigated for the past 20 years. Source water is present on the parent parcel which could be used for irrigation, with water pumped from three wells drawing water from the Salinas River to the west. However, due to restrictions enforced by the State Water Resources Control Board, water may not be drawn from the river in drought years. As a result, the landowner dry-farms the property, including the 14.8-acre project site, by alternating oats and forage hay from year to year. Based on information provided in the application, yields from the 97.21 acre parent parcel have not been sufficient to be profitable, primarily because the property does not have a consistent and adequate (during drought years) water supply.

According to the California Important Farmland Finder on the Department of Conservation web site, the majority of the project site (about 85%) is classified as Farmland of Local Importance with a smaller portion classified as Farmland of Local Potential.

**Impact. Conversion of Prime Farmland.** As discussed in the Setting, above, mapped data from the NRCS show that about 85% of the 14.8-acre project site is composed of soils with a Land Capability Class of IV (non-irrigated), with the remainder class VII. As described in the Agriculture Element of the county General Plan, Class III and IV soils have moderate to severe limitations that reduce the choice of plants, or that require special conservation practices, or both. Irrigated Class IV soils are commonly used for vineyards. Class VII soils have very severe limitations that make them unsuitable for cultivation. These lands are primarily used as rangelands for grazing.

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<sup>1</sup> Subclass e is made up of soils for which the susceptibility to erosion is the dominant problem or hazard affecting their use. Erosion susceptibility and past erosion damage are the major soil factors that affect soils in this subclass.

The applicant has submitted a soil investigation report (Precision Ag Consultants 2013) based on soil samples from the project site. The study concludes that the site is composed of soils with the physical and chemical characteristics of the Lockwood-Concepcion complex which have an NRCS Land Use Capability Class of class II if irrigated and class III or IV if not irrigated, which is generally consistent with the NRCS mapped data.

The Agriculture Element defines "prime" agricultural land as having an NRCS Land Capability Class of I or II. The information provided above suggests that about 85% of the soils on the project site could be considered prime if a reliable source of irrigation water were applied. However, based on information provided by the applicant, the project site has not been irrigated for the past 20 years, primarily because of limitations imposed by the State Water Resources Control Board. Consequently the site has been dry farmed with oats and forage hay and the yields have been insufficient to be profitable. Given the historic use and management of the site, and the lack of a reliable water supply, the project site does not appear to meet the county's definition of prime farmland. Accordingly, the project will not result in the permanent conversion of prime farmland to a non-agricultural use.

Impair the Agricultural Use Of Other Property Or Result in Conversion To Other Uses. The project will convert 14.8 acres of the parent 97.21 acre parcel to a non-agricultural use. The remaining 82.41 acres will remain undeveloped and presumably will continue to be dry farmed as in the past. The passive generation of electricity will not impair the use of other properties for agricultural uses or be incompatible with ongoing agricultural operations. Approval of the project may encourage other property owners to pursue a solar use easement, to the extent that these properties can meet the criteria set forth in the Government Code (see below).

Conflict With Existing Zoning or Williamson Act Program. The project site is within the *Agriculture* land use category (zoning). Photovoltaic electrical generating facilities are an allowed use in the Agriculture land use category, subject to the permitting requirements of section 22.32.060 of the County Land Use Ordinance. The application materials address these requirements. However, the parent parcel that includes the project site is also within an Agricultural Preserve and subject to a Land Conservation Act (LCA) contract. Therefore use of the property and the project site is subject to the limitations prescribed by the County's *Rules of Procedure to Implement The California Land Conservation Act of 1965* Rules of Procedure.

The effective Land Conservation Act contract on the property was entered into on February 18, 1975 under the County Rules of Procedure that were effective at that time. Properties are generally considered compliant with their contracts if they maintain a commercial agricultural use of the property, limit other land uses to those compatible uses listed in Table 2 of the Rules of Procedure and adhere to the minimum parcel size for conveyance specified in the contract. The interpretation by County staff is that the existing contract will continue to be recognized as compliant for the purpose of implementing the solar use easement. This will require rescinding the existing contract and entering into an identical contract albeit on 82.41 acres instead of the original 97.21 acres, thus allowing for the 14.8 acre area to be covered by the solar use easement. The property under land conservation contract will continue to be cultivated, will limit land uses to compatible uses in Table 2 of the Rules of Procedure, will exceed the 40 acre minimum parcel size specified in the original contract, and thus will be consistent with the California Land Conservation Act of 1965 (Williamson Act) and local Rules of Procedure.

According to Table 2 of the County's Rules of Procedure electrical generating plants are prohibited on lands subject to an LCA contract. There are no provisions in the County's Rules of Procedure to grant an exception to the use limitations provided in Table 2. However, legislation signed into law in 2011 (Senate Bill 618 – Wolk, Government Code Section 51191) authorizes the parties to an LCA contract, after approval by the Department of Conservation and in consultation with the Department of Food and Agriculture, to mutually agree to rescind a contract on "marginally productive" agricultural land in

order to simultaneously enter into a "solar-use easement". Under the terms of a solar use easement, the project site must be used for solar photovoltaic facilities (and only for such facilities) for a term of not less than 20 years. To qualify for a solar use easement, a property must meet the following criteria set forth in Government Code Section 51191:

1. *The land meets either of the following: (A) The land consists predominately of soils with significantly reduced agricultural productivity for agricultural activities due to chemical or physical limitations, topography, drainage, flooding, adverse soil conditions, or other physical reasons. Or, (B) The land has severely adverse soil conditions that are detrimental to continued agricultural activities and production. Severely adverse soil conditions may include, but are not limited to, contamination by salts or selenium, or other naturally occurring contaminants.*
2. *The parcel(s) are not located on lands designated as Prime Farmland, Unique Farmland, Or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program.*
3. *Demonstration that even under the best currently available management practices continued agricultural practices would be substantially limited due to the soils reduced agricultural productivity from chemical or physical limitations.*
4. *A recent soils test demonstrating that the characteristics of the soil significantly reduce its agricultural productivity.*
5. *An analysis of water availability demonstrating the insufficiency of water supplies for continued agricultural production.*
6. *An analysis of water quality demonstrating that continued agricultural production would under the best currently available management practices, be significantly reduced.*
7. *Crop & yield Information for the past six years.*
8. *A management plan describing how the soil will be managed during the life of the easement, how impacts to adjacent agricultural operations will be minimized, how the land will be restored to its previous general condition, as it existed at the time of project approval, upon termination of the easement.*
9. *Per Government Code Section 51191.3(c), term easements or self-renewing easements (non-permanent facilities) require the landowner to post a performance bond or other securities to fund restoration of the land that is subject to the easement, to the conditions that existed before the easement was created.*

Government Code Section 51191.2(c)(2) states that prior to agreeing to mutually rescind a Williamson Act Contract, the Board of Supervisors shall determine and certify to the County Auditor the amount of the rescission fee that the landowner shall pay the County Treasurer upon rescission. That fee shall be an amount equal to 6 ¼ percent of the fair market valuation of the property. The funds collected by the County Treasurer shall be transmitted to the Controller within 30 days of the execution of the mutual rescission of the contract by the parties.

In February of 2013, the applicants submitted an application for a solar use easement and requested that the County forward a petition to the State Department of Conservation (DOC) to review the request to grant a solar use easement. The petition includes supporting materials addressing each of the criteria listed above (Exhibit A of this initial study). The DOC

has reviewed the petition and has concluded that the 14.8 -acre project site would be eligible for rescission of the existing Williamson Act contract and entry into a solar-use easement as outlined in Government Code 51191. The analysis supporting their findings is contained in their letter of June 3, 2013, attached in Exhibit A of this initial study. To summarize: *based on site conditions and land classification, the fact that the land has not been developed for irrigated agriculture, and that it is likely that the land would not be mapped as Prime, Unique, or Farmland of Statewide Importance; the Department believes that this project site would be eligible for rescission of the existing Williamson Act contract and entry into a solar-use easement.*

*However, per Government Code Section 51191.3(c) a performance bond, letters of credit, a corporate guarantee, or other security measurement is required to address decommissioning issues on the project site prior to termination of the contract. Before the County can record the solar-use easement, a written agreement regarding the restoration security must be in place. It is suggested that the solar-use easement agreement also address the financial security and the ability to make adjustments as necessary through the life of the solar-use easement.*

The County Agriculture Commissioner has reviewed the petition for a solar use easement, as well as the letter from DOC and responded as follows: "The Agriculture Department recognizes that the DOC, as lead agency, has indicated that the project site would be eligible for rescission of the existing Williamson Act contract and entry into a solar-use easement as long as identified solar use easement recording requirements are met." Should the solar use easement be approved by the County, the LCA contract on the 14.8-acre project site would be rescinded and no conflicts would exist with the County's Rules of Procedure. However in the event the solar use easement is not approved by the County, the limitations on the use of LCA contract land provided in Table 2 of the Rules would still apply and the project would not be allowed. This conflict with the Rules of Procedure would constitute a significant adverse impact.

**Mitigation/Conclusion.** No mitigation measures are necessary. Compliance with the provisions of Government Code 51191 will ensure impacts associated with the loss of agricultural land are mitigated to a less than significant level.

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

**Setting.** In March, 2002 the San Luis Obispo County Air Pollution Control District (APCD) adopted a Clean Air Plan (CAP) which sets forth strategies for achieving and maintaining federal and State air pollution standards. State standards for ozone and fine particulate matter (PM<sub>10</sub>) are currently exceeded within the District, and violation of federal standards may occur in future years without adequate planning and air quality management.

The SLO APCD's 2012 CEQA Air Quality Handbook assists lead agencies, planning consultants, and project proponents in assessing the potential air quality impacts from new development. The Handbook defines the criteria used by the APCD to determine when an air quality analysis is necessary, the type of analysis that should be performed, the significance of the impacts predicted by the analysis, and the mitigation measures needed to reduce the overall air quality impacts.

According to the NRCS Soils Survey, the project site is located on soils that have been given the following wind erodibility ratings:

Arbuckle-Positas complex, 30 to 50 percent slopes:	3, moderate
Lockwood-Concepcion complex, 2 to 9 percent slopes:	Not Rated

**Impacts.** Construction activities will generate exhaust emissions from construction equipment and vehicles, and particulate matter (fugitive dust) from earth disturbance. In addition, the emission of ozone precursors (NO<sub>x</sub> and ROG) associated with these activities would contribute to existing periodic high ozone levels in the northern portion of the County. Lastly, earth disturbing activities have the potential to release naturally occurring asbestos.

The project will involve disturbance of about 14.8 acres of the 14.8-acre project site which will include grading of the building site and access driveway. Following construction, the project is designed to operate without any on-site personnel. Operation, maintenance and repair activities are expected to generate infrequent and minimal motor vehicle traffic and associated emissions.

Construction Related Emissions. The APCD CEQA Air Quality Handbook establishes thresholds of significance for various types of development and associated activities. According to the Handbook, a project with grading in excess of 4.0 acres can exceed the construction threshold for respirable particulate matter (PM<sub>10</sub>). Construction activities will include grading of about 14.8 acres of the 14.8-acre project site. Therefore, construction activities would likely exceed SLO APCD thresholds for PM<sub>10</sub>.

In addition, project construction with the potential to emit 137 lbs/day or 2.5 tons per quarter of ozone precursors (reactive organic gases and oxides of nitrogen combined) would result in potentially significant air quality impacts. The APCD recommends the quantification of construction-related emissions using the CalEEMod computer model. CalEEMod uses widely accepted models for emission estimates combined with appropriate default data that can be used if site-specific information is not available. These models and default estimates use sources such as the EPA AP-42 emission factors, ARB vehicle emission models, studies commissioned by California agencies such as the California Energy Commission (CEC) and Calrecycle. It also estimates construction impacts and impacts of mitigation options.

Naturally Occurring Asbestos. According to the APCD CEQA Air Quality Handbook, Naturally Occurring Asbestos (NOA) has been identified as a toxic air contaminant by the California Air Resources Board (CARB). Under the CARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities a geologic evaluation should be conducted to determine if NOA is present within the area that will be disturbed. If

NOA is not present, an exemption request must be filed with the District. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD.

Technical Appendix 4.4 of the SLO APCD 2012 CEQA Handbook includes a map of zones throughout SLO County where NOA has been found and geological evaluation is required prior to any grading. The soils report for the project site did not assess the presence of asbestos. As shown in Appendix 4.4, the project site lies in the area where a geologic study for the presence of NOA is not required but is recommended.

Development Burning. On February 5, 2000, the SLO APCD prohibited development burning of vegetative material within San Luis Obispo County. However, in under certain circumstances where no technically feasible alternative is available, limited burning may be allowed subject to regulations applied by the SLO APCD. Unregulated burning would result in a potentially significant impact.

Objectionable Odors. Based on the project description, the project is not expected to result in significant odor impacts to surrounding residents.

Consistency With the Clean Air Plan/Climate Change. The project will accommodate a level of development for the site that was anticipated by the Clean Air Plan. As discussed above, motor vehicle trips associated with operation of the project are expected to be infrequent and minimal.

With regard to climate change, the county's 2011 EnergyWise plan includes GHG reduction measures that encourage the use and development of renewable energy sources, including small-scale sources such as the project. Since the purpose of the project is to produce electricity from a renewable source it will presumably reduce the use of non-renewable energy sources which in turn will reduce greenhouse gas emissions.

Greenhouse Gas Emissions. Greenhouse gases emitted during construction and operation will be negligible, because the project will generate a minimal number of operational trips. 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.

Ozone Precursors. Table 1 compares the estimated construction emissions modeled by CalEEMod with the APCD thresholds of significance. Table 1 suggests that construction related emissions will exceed APCD thresholds and therefore will require mitigation.

Table 1: Comparison of Estimate Construction-Related Emissions With Thresholds of Significance

Pollutant	Threshold of Significance <sup>1</sup>	Construction-Related Emissions (Lbs/day in summer) <sup>2</sup>
Diesel Particulate Matter	7 lbs/day	9.37
Reactive Organic Gases (ROG) and Oxides of Nitrogen (NOx) Combined	137 lbs per day	184.09
Fugitive Dust (PM10)	2.5 tons per quarter	1.40

Sources:

1. APCD CEQA Air Quality Handbook, Table 2-1
2. CalEEMod v. 2011.1.1

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

Fugitive Dust (PM<sub>10</sub>). To minimize the emission of particulate matter, the applicant has agreed 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 and for the daily spraying of dirt stock-pile areas.

Ozone Precursors. To minimize emissions of ozone precursors during construction activities, the applicant has agreed to implement measures aimed at ensuring proper tuning of construction equipment and to use alternate fuels wherever possible.

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.

Based on the incorporation of mitigation measures identified in Exhibit B, potentially significant impacts to air quality can be mitigated to a less than significant level.

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

**Setting.** A biological resources assessment was prepared by the applicant (SWCA 2013). The biological resources assessment is based on a review of relevant literature to gain insights into the range of species that may occur on the site. A field survey was conducted in January, 2013 to: 1) characterize the existing conditions within the project site and 2) identify those biological resources that could be impacted by future development. The survey was conducted by a qualified biologist

using guidelines established by the County and involved walking transects to document botanical and wildlife species present onsite.

On-site Vegetation: dry-farm agriculture and non-native plants

Name and distance from blue-line creeks: The Salinas River is located about 0.5 miles to the west; an ephemeral creek is located about 1,500 feet to the west which drains into the Salinas River.

Habitats: Habitats in the project area include agricultural and ruderal/developed habitats. The 97.21 acre parent parcel and the 14.8-acre project site have been heavily impacted by historic agricultural practices (i.e., disking and grazing) and provide low habitat value for wildlife species. However, it should be noted that several mature oak trees (*Quercus* spp.) are located adjacent to the project site and are considered a sensitive resource by the County of San Luis Obispo. No trees are proposed for removal as part of the project.

Tree canopy coverage: There are no trees on the 14.8-acre project site.

Special-Status Plant Species. According to the California Natural Diversity Database (CNDDDB) a total of 45 special-status plant species have been documented within a 10-mile radius of the project site. Because the CNDDDB plant list is considered regional, the biological resources assessment evaluated the listed species to identify which special-status plant species have the potential to occur within the project site. The analysis compared the known habitat requirements of those 45 species to the project site's existing conditions, elevation, and soils. Due to the disturbed nature of the project site from past agricultural activities (e.g., tilling and cattle grazing), special-status plant species are not expected to occur on the project site.

Special-Status Wildlife Species. According to the CNDDDB, 40 sensitive wildlife species have been documented within a 10 mile radius of the project site. Because this list of species is considered regional, an analysis of the range and habitat preferences of those animal species was conducted by the authors of the biological resources assessment to identify which sensitive wildlife species have the potential to occur within the project site. Based on this analysis the study determined that the following special-status animal species have the greatest potential to occur within, or directly adjacent to the project site:

- white-tailed kite (*Elanus leucurus*)
- Swainson's hawk (*Buteo swainsonii*)
- burrowing owl (*Athene cucularia*)
- San Joaquin kit fox (*Vulpes macrotis mutica*)

Although the species listed above may have the potential to occur within or adjacent to the project site based on presence of suitable foraging, roosting, or nesting habitat, none of these species were identified during the field surveys.

**Impact.** As discussed in the project description, the project will involve the conversion of about 14.8 acres of agricultural and ruderal land to a solar generating facility. Soils under the PV array will remain exposed; however the building site will consist of graded material and gravel as well as a 510 square foot concrete pad for the converters and transformers. The site will be completely fenced by an 8 foot chain link fence. The site does not support wetland or riparian vegetation.

No special-status plant species were observed nor are expected to occur on the project site based on the past agricultural practices observed during the field survey. However, despite being heavily disturbed from agricultural activities, there is still potential for sensitive wildlife species to occur on the site based on presence of suitable foraging, roosting, or nesting habitat. One inactive raptor nest was

observed in one of the valley oak trees located northeast of the project site and could potentially be used by a Swainson's hawk (*Buteo swainsoni*), white-tailed kite (*Elanus leucurus*), or other raptor species during the typical nesting season (February 15-September 15). Migratory nesting birds may also use the weedy areas within the project site and along El Pomar Drive for nesting and foraging purposes. Numerous ground squirrel burrows were observed within and adjacent to the project site and could potentially be used by burrowing owls (*Athene cunicularia*). Due to the property's close proximity to the Salinas River, there is a low likelihood that San Joaquin kit foxes (*Vulpes macrotis*) may pass through the project area. The parent property and project site do not contain suitable denning habitat for San Joaquin kit fox; however, foxes are known to utilize the Salinas River as a wildlife corridor for the purposes of foraging.

**Mitigation/Conclusion.** Construction activities associated with the project could adversely impact nesting migratory birds and (although unlikely) denning San Joaquin kit fox. Perimeter fencing could also adversely impact the movement of San Joaquin kit fox. To address these potential impacts, the applicant has agreed to implement the mitigation measures summarized in Exhibit B.

<b>5. CULTURAL RESOURCES -</b> <i>Will the project:</i>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project site is located in an area historically occupied by the Obispeno Chumash. No historic structures are present and no paleontological resources are known to exist in the area. A Phase I cultural resources assessment was conducted for the project site in February, 2013 (SWCA 2013). The study was conducted by a qualified archaeologist consistent with County guidelines and includes a cultural resources records search, a Native American Sacred Lands File search, an archaeological survey of the project area, and the preparation of a technical report documenting the results of the inventor and providing management recommendations. As part of the investigation, authors of the study consulted with the Native American Heritage Commission (NAHC) and with representatives of local Native American tribes.

**Impacts.** A records search from the Central Coast Information Center (CCIC), located at the University of California, Santa Barbara indicates that three cultural resources studies have been conducted within a 0.50-mile radius of the project site. However, no previously identified cultural resources are located within the project site and a 0.50-mile radius.

The field survey of the project site and the NAHC's search of the Sacred Lands File were negative for the presence of cultural resources. No historical resources or unique archaeological resources, as defined by the California Environmental Quality Act, were identified within the project area. Due to the negative results of the Native American coordination and records search, the project area is considered to have low sensitivity for the presence of subsurface archaeological resources.

Due to the lack of known archaeological sites in the project area, no further archaeological study is

recommended at this time aside from standard protocols for the unanticipated discovery of cultural resources, including human remains.

**Mitigation/Conclusion.** No archaeological monitoring is recommended during grading activities unless previously undiscovered cultural materials are unearthed. Per County of San Luis Obispo Land Use Ordinance Section 22.10.040, if during any future grading and excavation, buried or isolated cultural materials are unearthed, work in the area should halt until they can be examined by a qualified archaeologist and appropriate recommendations made. No significant impacts to cultural resources are expected to occur and no additional mitigation measures are necessary.

6. <b>GEOLOGY AND SOILS -</b> <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone"?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>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?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**6. GEOLOGY AND SOILS -**  
*Will the project:*

Potentially Significant    Impact can & will be mitigated    Insignificant Impact    Not Applicable

j) *Other:* \_\_\_\_\_





**Setting**

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

Topography: Gently rolling

Within County's Geologic Study Area?: No

Landslide Risk Potential: Negligible

Liquefaction Potential: Low

Nearby potentially active faults?: No    Distance? Not applicable

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

Shrink/Swell potential of soil: Low

Other notable geologic features? None

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

Within the 100-year Flood Hazard designation? No

Closest creek? Salinas River    Distance? Approximately 0.5 miles to the west

Soil drainage characteristics: Well drained

When a project has the potential to generate runoff that may adversely impact offsite receiving areas, the Land Use Ordinance (LUO Sec. 22.52.080 or CZLUO Sec. 23.05.042) requires the preparation of a drainage plan to minimize potential drainage impacts. When required, this plan would recommend measures to address drainage and erosion such as the construction of on-site retention or detention basins and the installation of surface water flow dissipaters. Such a plan would also need to demonstrate that the increased surface runoff would have no more impacts to offsite receiving areas than that caused by historic flows.

When conditions on a project site are conducive to erosion, the Land Use Ordinance (LUO Sec. 22.52.090, CZLUO Sec. 23.05.036) requires the preparation of a sedimentation and erosion control plan 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 agency who administers this program and reviews and approves the SWPPP.

SEDIMENTATION AND EROSION – A soil investigation report was prepared for the project site (Precision Ag Consultants 2013). According to the soils investigation, soils on the project site are composed primarily of Lockwood-Concepcion Complex which consists of alluvium derived from sedimentary rock, and Arbuckle-Positas complex which consists of alluvium derived from mixed rock sources. As described in the NRCS Soil Survey, soils on the project site exhibit the following erodibility characteristics:

Soil erodibility:

Lockwood-Concepcion Complex: Slight  
 Arbuckle-Positas Complex Severe

**Impact.** The project site is not located within a Geologic Study Area, and does not include the development of habitable structures. Grading activities, construction of the PV array and the placement of converters and transformers would all be subject to compliance with the California Building Code. Therefore, no significant impacts associated with unstable earth conditions, earthquakes or ground failure are expected to occur. The project site is not located within a flood zone or extractive zone, and no mineral resources are known to be present within the project site.

Improvements of access roads, including grading activities, may also result in erosion and down-gradient sedimentation. Installation of the PV trackers and the concrete pad containing the converters and transformers will increase the amount of impervious surfaces which in turn will increase the volume and velocity of runoff generated by the site compared with existing conditions.

As discussed in the project description, the project will result in the disturbance of approximately 14.8 acres of the 14.8-acre project site. Based on the soil investigation prepared for the project site, and confirmed by the NRCS soil survey, soils covering a majority of the project site (about 85%) exhibit a low capacity for erosion. Although the potential for soil erodibility is low, the topography of the project site will necessitate grading to create a level building site for the PV array. According to the preliminary grading plan for the project, the finish grades will result in manufactured slopes around the perimeter of the building site which would be subject to erosion. Compliance with relevant provisions of the Building Code and Land Use Ordinance (described in the Setting, above) will address potential impacts to erosion. In addition, because the project involves disturbance of over 1 acre, the applicant is required to prepare a SWPPP which will identify specific measures to protect surface and groundwater quality. Compliance with existing regulations will ensure potential impacts associated with erosion and sedimentation will be mitigated to a less than significant level.

**Mitigation/Conclusion.** The applicant will be required to submit an erosion and sedimentation control plan and an SWPPP. There is no evidence that additional measures beyond compliance with code requirements and the conclusions of the soil investigation will be needed.

7. HAZARDS & HAZARDOUS MATERIALS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

7. HAZARDS & HAZARDOUS MATERIALS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The State of California Hazardous Waste and Substances Site List (also known as the "Cortese List") is a planning document used by state and local agencies and developers to comply with the siting requirements prescribed by federal, State, and local regulations relating to hazardous materials sites. A search of the Cortese database conducted in June, 2013 revealed no active sites in the vicinity, including the project site.

The project is not within an Airport Review area.

According to the CalFire map of fire hazard severity zones for San Luis Obispo County, the project site is located in a High Fire Hazard Severity Zone. 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.

**Impact.** Construction activities may involve the use of oils, fuels and solvents. In the event of a leak or spill, persons, soil, and vegetation down-slope from the site may be affected. The use, storage, and transport of hazardous materials is regulated by the Department of Toxic Substances Control (DTSC) (22 Cal. Code of Regulations Section 66001, et seq.). The use of hazardous materials on the project site for construction and maintenance is required to be in compliance with local, state, and federal regulations. In addition, compliance with the requirements of a SWPPP and standard best management practices would also address this impact (refer to Section 13 Water).

Water will be used to wash the PV panels rather than cleaning solvents. 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 project has been reviewed by CalFire (2013) for code requirements relating to fire protection; their comments will be incorporated into conditions of project approval. In addition, the project is required to comply with the California Building Code and to incorporate the following safety features: an on-site fire extinguisher; gate design that will enable access by emergency personnel (including KNOX box); proper addressing; the creation of defensible space (100-foot clearance of combustible vegetation around structures). The project includes a 20-foot wide perimeter road and 16-foot wide driveway with as required by CalFire. In addition, a Wildland Fire Negative Management Plan and written Emergency Plan shall be approved by CalFire.

**Mitigation/Conclusion.** Compliance with existing regulations and code requirements will ensure potential impacts associated with hazards and hazardous materials impacts will be less than significant.

8. NOISE - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

8. NOISE - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project is located in a rural area where agriculture is the prevailing land use. Consequently, noise levels on the project site and in the vicinity are low and there are no sources of loud noises beyond those associated with agricultural operations. Sensitive receptors in the vicinity of the project site include single family residences on large lots which a minimum of 0.5 miles from the project site.

The Noise Element of the County's General Plan includes projections for future noise levels from known stationary and vehicle-generated noise sources. According to the Noise Element, the project lies within an area where future noise levels are expected to remain within an acceptable threshold. The project site is within close proximity to El Pomar Drive which is a source of transportation-related noise. The Noise Element establishes an threshold for acceptable exterior noise levels for sensitive uses (such as residences) of 60 decibels<sup>2</sup> along transportation noise sources and provides an estimate of the distance from certain roadways where noise levels will exceed those levels. For El Pomar Drive, these distances have not been modeled.

**Impact.** Construction activities may involve the use of heavy equipment for grading and for the delivery and movement of materials on the project site. The use of construction machinery will also be a source of noise. Construction-related noise impacts would be temporary and localized. As discussed in the setting, the project site is not located in proximity to sensitive receptors; the nearest ranch house is about 0.5 miles. In addition, County regulations limit the hours of construction to day time hours between 7:00 AM and 9:00 PM weekdays, and from 8:00 AM to 5:00 PM on weekends.

With regard to transportation-related noise sources, the project site will not be occupied except during routine repair and maintenance. Therefore the potential impacts of noise exposure from transportation sources is considered less than significant.

Following construction, noise generated by the project would be minimal as the project involves the passive generation of electricity by photovoltaic processes.

**Mitigation/Conclusion.** No significant noise impacts are expected and no mitigation measures beyond compliance with applicable code are required.

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<sup>2</sup> The sound level obtained by using the A-weighting filter of a sound level meter, expressed in decibels (dB). All sound levels referred to in this policy document are in Aweighted decibels. A-weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear. Most community noise standards utilize A-weighting, as it provides a high degree of correlation which human annoyance and health effects.

9. POPULATION/HOUSING - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** In its efforts to ensure housing is affordable to the widest range of income groups, the county administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects that provide affordable housing. In addition, the County's Inclusionary Housing Ordinance requires the provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions.

**Impact.** Based on the project description, the project will not generate the need for additional housing as a result of new employees or construction workers. Based on the project description the project will not displace any existing housing.

**Mitigation/Conclusion.** No significant impacts relating to population or housing are expected. The project will be required to participate in the county's inclusionary housing program through the payment of an in-lieu fee. No additional mitigation measures are necessary.

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



<b>11. RECREATION - Will the project:</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
c) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** Parks facilities serving the Templeton area include Templeton Park. Regional county parks include Heilman Park in Atascadero and Santa Margarita Lake Park. In addition, school facilities can provide opportunities for recreation.

The County has adopted a Trails Plan for the purpose of establishing a trail system serving the unincorporated areas of the County. The Trails Plan does not show any trails affecting the project site.

**Impacts.** As discussed in Section 9, Population and Housing, no additional population will be attracted to the county as a result of the project. Therefore, the project will have a less than significant impact on the demand for parks and recreation facilities and services.

**Mitigation/Conclusion.** No impacts to recreational facilities are anticipated therefore no mitigation is required.

<b>12. TRANSPORTATION/ CIRCULATION - Will the project:</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**12. TRANSPORTATION/  
CIRCULATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The County has established Level of Service (LOS) "C" as the acceptable level of roadway operation for rural areas, and LOS "D" for urban areas. El Pomar Drive provides primary access to the project site and is classified as a collector street. Traffic counts taken in 2009 indicate El Pomar is operating at an acceptable level of service and experiences a morning peak hour traffic volume of 800 vehicle trips. The North County Area Plan recommends making operational improvements to El Pomar Drive where warranted.

Based on existing road speeds and configuration (vertical and horizontal road curves), sight distance is considered acceptable along El Pomar Drive where the project driveway will be located. The project was referred to the Department of Public Works and no significant traffic issues were identified. The project site is within the Templeton Road Improvement Fee Area which provides funding for areawide circulation improvements.

**Impact.** Construction related traffic will increase morning and afternoon peak hour trips on El Pomar Drive. Based on the project application materials, it is expected that as many as 20 workers will be arriving and leaving the project site on a typical construction work day. Assuming 800 trips on El Pomar Drive during the morning peak hour, traffic will increase by about 2.5 percent for the construction timeframe of three to four months. The temporary increase in traffic on El Pomar Drive will not reduce the currently-acceptable level of service. The project will be required to pay all applicable development impact fees to pay its fair share of the Templeton Road Improvement Fees which will fund improvements necessary to achieve and main an acceptable level of roadway operation for the Templeton area.

**Mitigation/Conclusion.** Standard access improvements are required. The cumulative impact to area roadways and intersections will be addressed by the payment of the applicable traffic impact fees discussed above.

**13. WASTEWATER - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** Wastewater treatment is provided on the parent parcel by on-site septic systems. Regulations for the design of wastewater systems are found within the County's Plumbing Code (Chapter 7 of the Building and Construction Ordinance), the Water Quality Control Plan, Central Coast Basin adopted by the Regional Water Quality Control Board (RWQCB), and the California Plumbing Code. These regulations include specific requirements for both on-site and community wastewater systems.

**Impact.** As discussed in the project description, the project consists of a solar photovoltaic facility which will be automated and not permanently staffed. Accordingly, the project will not generate any wastewater nor does the project include a wastewater disposal system. A portable toilet will be onsite during construction.

**Mitigation/Conclusion.** No impacts associated with wastewater disposal will occur, and no mitigation measures are necessary.

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

**Setting.** Water supply is provided by three wells on the 97.21 acre parent parcel which draws water from the Paso Robles groundwater basin; no wells are present on the 20-acre project site. The Resource Capacity Study prepared by the county in November 2010 states that the Paso Robles Groundwater basin is near or at perennial yield, and contains land use and water use monitoring and conservation recommendations within the authority of the county to help ensure the sustainability of the basin into the future.

Topography of the project site is level to gently rolling. The nearest creek is the Salinas River located about 1 mile to the west; an ephemeral creek is located about 0.5 miles to the west. According to the soil investigation prepared for the project site, and the NRCS soil survey, soils covering 85% of the project site are considered to have low capacity for erosion, with the remainder considered to have a severe erosion potential.

Projects involving more than one acre of disturbance are subject to the provisions of the National Pollution Discharge Elimination System (NPDES) and are required to prepare a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site and off-site sedimentation and erosion. Based on review

by the Department of Public Works, the applicant is required to comply with the NPDES 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.). When work is done in the rainy season, the county Land Use Ordinance requires that temporary sedimentation and erosion control measures be installed during the rainy season.

When a project has the potential to generate runoff that may adversely impact offsite receiving areas, the Land Use Ordinance (LUO Sec. 22.52.080 or CZLUO Sec. 23.05.042) requires the preparation of a drainage plan to minimize potential drainage impacts. When required, this plan would recommend measures to address drainage and erosion such as the construction of on-site retention or detention basins and the installation of surface water flow dissipaters. Such a plan would also need to demonstrate that the increased surface runoff would have no more impacts to offsite receiving areas than that caused by historic flows.

When conditions on a project site are conducive to erosion, the Land Use Ordinance (LUO Sec. 22.52.090, CZLUO Sec. 23.05.036) requires the preparation of a sedimentation and erosion control plan 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 agency who administers this program and reviews and approves the SWPPP.

The project includes a preliminary grading and drainage plan that incorporates features to collect, treat and dispose of runoff generated by the project (Figure 4).

**Impact. Drainage and Runoff.** As discussed in the project description, the project will result in the disturbance of approximately 14.8 acres of the 14.8-acre project site. Based on the soil investigation prepared for the project site, and confirmed by the NRCS soil survey, the majority (85%) of the project site consists of soils that exhibit a low degree of erodibility with the remainder considered severe. Installation of the PV trackers and the concrete pad containing the converters and transformers will increase the amount of impervious surfaces which in turn will increase the volume and velocity of runoff generated by the site compared with existing conditions. Compliance with relevant provisions of the Building Code and Land Use Ordinance (described in the Setting, above) will address potential impacts to surface water quality. In addition, because the project involves disturbance of over 1 acre, the applicant is required to prepare a SWPPP which will identify specific measures to protect surface and groundwater quality. Compliance with existing regulations will ensure potential impacts associated with erosion and sedimentation will be mitigated to a less than significant level.

**Water Supply.** According to the application materials, water is expected to be brought to the site from wells on the parent parcel or from the Templeton Community Services District through contractual arrangements. Water will be used to clean the PV modules and for controlling dust. Based on the application materials, the project is expected to consume about 2,000 gallons per year (5.47 gallons per day) or about 1.3 percent of the water consumed by a typical single family residence.

**Mitigation/Conclusion.** Based on compliance with existing regulations, potential impacts to water quality will be less than significant. The standard drainage and erosion control measures required by Code, including the preparation of a Storm Water Pollution Prevention Plan, will address potential impacts related to erosion and sedimentation.

Assuming 2,000 gallons per year water demand, the project will have a less than significant impact on water supplies and will not adversely impact the groundwater basin. No additional measures are recommended for water supply impacts.

<b>15. LAND USE - Will the project:</b>	<b>Inconsistent</b>	<b>Potentially Inconsistent</b>	<b>Consistent</b>	<b>Not Applicable</b>
a) <i>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?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The project application materials were reviewed for consistency with policy and/or regulatory documents including the County Land Use Ordinance (LUO) and General Plan. Project plans were also sent to other regulatory agencies and county departments for their review of project consistency with applicable regulations and policies. These agencies and departments include (but are not limited to) CAL FIRE, APCD and the County Agriculture Department.

As discussed in the project description, the project site is designated *Agriculture* by the county general and Land Use Ordinance. Photovoltaic electrical generating facilities are an allowed use in the Agriculture land use category, subject to the permitting requirements of section 22.32.060 of the County Land Use Ordinance. The project application materials address these requirements. However, as discussed in Section 2. Agricultural Resources, the project site is also subject to a Land Conservation Act (LCA, or Williamson Act) contract and is therefore subject to the land use limitations prescribed by Table 2 of the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Rules of Procedure). According to Table 2, electrical generating plants are prohibited on lands subject to an LCA contract.

There are no provisions in the County's Rules of Procedure to grant an exception to the use limitations provided in Table 2. However, as discussed in Section 2. Agricultural Resources, The applicants have submitted materials in support of the granting of a solar use easement. Should the solar use easement be granted, the LCA contract affecting the 14.8-acre project site would be rescinded and the prohibition of electrical generating facilities would be resolved. If the solar use easement is not approved, the project will be inconsistent with the County's Rules of Procedure. This inconsistency would constitute a significant adverse impact.

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 in the project description.

The project was found to be consistent with the policies and regulations of other agencies and departments (refer also to Exhibit A for reference documents used).

**Mitigation/Conclusion.** No mitigation measures are necessary so long as a solar use easement is granted in accordance with the provisions of Government Code 51191.

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

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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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?*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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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)*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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For further information on CEQA or the county's environmental review process, please visit the County's web site at "[www.sloplanning.org](http://www.sloplanning.org)" under "Environmental Information", or the California Environmental Resources Evaluation System at: [http://www.ceres.ca.gov/topic/env\\_law/ceqa/guidelines](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:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input checked="" type="checkbox"/>	County Environmental Health Division	None
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	In File**
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	None
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	None
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Fish and Game	None
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	In File**
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Service District	Attached
<input checked="" type="checkbox"/>	Other <u>Templeton Advisory Committee</u>	Attached
<input type="checkbox"/>	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

Safety Element

Land Use Ordinance

County documents

Real Property Division Ordinance

Trails Plan

Solid Waste Management Plan

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 & Open Space Element

Energy Element

Environment Plan (Conservation, Historic and Esthetic Elements)

Housing Element

Noise Element

Parks & Recreation Element

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> El Pomar/Estrella Area Plan                   | <input checked="" type="checkbox"/> Fire Hazard Severity Map  |
| <input type="checkbox"/> Circulation Study  | <input checked="" type="checkbox"/> Flood Hazard Maps   |
| <u>Other documents</u>  | <input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County |
| <input checked="" type="checkbox"/> Archaeological Resources Map                  | <input type="checkbox"/> Regional Transportation Plan   |
| <input type="checkbox"/> Area of Critical Concerns Map                            | <input checked="" type="checkbox"/> Uniform Fire Code   |
| <input type="checkbox"/> Areas of Special Biological Importance Map               | <input type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)                  |
| <input checked="" type="checkbox"/> California Natural Species Diversity Database | <input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)       |
| <input checked="" type="checkbox"/> Clean Air Plan                                | <input type="checkbox"/> Other _____  |

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

Ecos Energy, January, 2012, Vintner Solar Project SB618 Solar-Use Easement Application

California Department of Conservation Division of Land Resource Protection, Conservation Program Support Unit Letter of June 3, 2013

California Emissions Estimator Model (CalEEMod) v. 2011.1.1

California Department of Conservation California Important Farmland Finder, <http://maps.conservation.ca.gov/ciff/ciff.html>

Precision Ag Consulting, April 2012 Soil Investigation Report, Vintner Solar Project

San Luis Obispo County Air Pollution Control District CEQA Air Quality Handbook, 2012

San Luis Obispo County Department of Public Works, 2012 Update Templeton Circulation Study

SWCA Environmental Consultants, 2013, Biological Resources Assessment for the Vintner Solar Project In Templeton, San Luis Obispo County California

SWCA Environmental Consultants, 2013, Phase I Archaeological Survey for the Vintner Solar Project, In Templeton, San Luis Obispo County California

WW Design & Consulting, Inc., Photo simulations of the proposed solar facility

## 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 southern and eastern property boundary that will adequately screen the new development when viewed from El Pomar Drive. The landscape plan shall utilize only native, drought-tolerant plant material. 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.
- V-3 At the time of application for construction permits, the applicant shall submit utility plans prepared by a civil engineer to the Public Works Department to secure an Encroachment Permit to install wire tie-in facilities within the public right-of-way. All new utility services shall be installed underground within the right-of-way. No trenching of El Pomar Drive shall be allowed, only directional boring.

### Air Quality

- AQ-1 Prior to issuance of grading and construction permits, all required fugitive dust (PM10) 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.
- l. 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 To minimize air quality impacts associated with construction activities, the applicant shall implement the following as applicable:

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel-powered equipment with Air Resources Board (ARB)-certified motor vehicle diesel fuel (non-taxed version suitable for use off road);
- c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation;
- d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
- f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;
- g. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- i. Use equipment powered by electricity rather than diesel or gasoline when feasible;
- j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible;
- k. Use alternatively-fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel; and

AQ-3 "Naturally-occurring asbestos" has been identified by the State Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to construction permit issuance**, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. If NOA is not present, an exemption request shall be filed with the APCD. (For any questions regarding these requirements, contact the APCD at (805) 781-5912 or go to <http://www.slocieanair.org/business/asbestos.php>). **Prior to final inspection or occupancy**, whichever occurs first, when naturally-occurring asbestos is encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.

AQ-4 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**

BIO-1 To the maximum extent possible, site preparation, ground-disturbing, and construction activities should be conducted outside of the migratory bird breeding season. If such activities are required during this period, the applicant should retain a County-approved biologist to conduct a nesting bird survey and verify that migratory birds are not occupying the site. If nesting activity is detected the following measures should be implemented:

- a. The project should be modified or delayed as necessary to avoid direct take of identified nests, eggs, and/or young protected under the MBTA;
- b. The County-approved biologist should contact the USFWS and CDFW to determine an appropriate biological buffer zone around active nest sites. Construction activities within the established buffer zone will be prohibited until the young have fledged the nest and achieved independence; and,
- c. The County-approved biologist should document all active nests and submit a letter report to the County, USFWS, and CDFW, documenting project compliance with the MBTA and applicable project mitigation measures.

BIO-2 Prior to construction, a qualified biologist should conduct a pre-activity survey to identify known or potential dens or sign no less than 14 days and no more than 30 days prior to the beginning of the site preparation, ground-disturbing, or construction activities, or any other activity that has the potential to adversely affect San Joaquin kit fox. If a known or potential den or any other sign of the species is identified or detected within the project area, the biologist will contact the USFWS and CDFW immediately. No work will commence or continue until such time that the USFWS and CDFW determine that it is appropriate to proceed. Under no circumstances will a known or potential den be disturbed or destroyed without prior authorization from the USFWS and CDFW. Within 7 days of survey completion, a report will be submitted to the USFWS, CDFW, and the County. The report will include, at a minimum, survey dates, field personnel, field conditions, survey methodology, and survey results.

BIO-3 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 2 feet in depth should 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 should 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 or covered, they should be thoroughly inspected for entrapped kit fox. If any kit fox is found, work will stop and the USFWS and CDFW will be contacted immediately to determine how to proceed.

BIO-4 During the site disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of 4 inches or greater stored overnight at the project site should 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 any kit fox are found, work will stop and the USFWS and CDFW will be contacted immediately to determine how to proceed.

- BIO-5 Prior to, during, and after the site disturbance and/or construction phase, use of pesticides or herbicides should be in compliance with all federal, state, and local 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.
- BIO-6 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 should 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 should immediately notify the USFWS and the CDFW by telephone. In addition, formal notification should be provided in writing within 3 working days of the finding of any such animal(s). Notification should include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured should be turned over immediately to the CDFW for care, analysis, or disposition.
- BIO-7 Prior to final inspection, should any long internal or perimeter fencing be proposed or installed, the County should do the following to provide for kit fox passage:
- a. If a wire strand/pole design is used, the lowest strand should be no closer to the ground than 12 inches.
  - b. If a more solid wire mesh fence is used, 8×12-inch openings near the ground should be provided every 100 yards.
  - c. Upon fence installation, the applicant should notify the County to verify proper installation.
  - d. Any fencing constructed after issuance of a final permit should follow the above guidelines.

### **Transportation and Traffic**

- TR-1 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-2 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.

### **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: July 11, 2013**

**DEVELOPER'S STATEMENT FOR VINTNER SOLAR MINOR USE PERMIT  
DRC2011-00062  
ED13-009**

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.

<p><b>Note:</b> The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.</p>
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**Project Description:** Request by Vintner Solar LLC for to develop a 1.5 megawatt (MW) solar generating facility on an approximately 14.8 acre portion of a 97.21 acre parcel. The project includes:

- Application to rescind an existing Land Conservation Contract on a 97.21 acre parcel and replace it with a new Solar-Use Easement for a twenty year minimum pursuant to Government Code sections 51190 et seq. on an approximately 14.8 acre portion of the property and a replacement Land Conservation Contract on the remaining approximately 82.41 acre portion of the property,
- A Minor Use Permit to authorize construction of the solar generating facility including 7,350 photo-voltaic (PV) modules, pad-mounted inverters and a pad-mounted transformers, approximately 100 feet of underground conduit from the converters/transformers to the existing Pacific Gas and Electric (PG&E) electrical distribution line, and other related equipment.

The project is located at 603 El Pomar Drive, about 1.5 miles northeast of the community of Templeton, in the El Pomar – Estrella planning area.

The project site consists of a 14.8-acre portion of 97.21 acre parcel located at 603 El Pomar Drive, about 1.5 miles northeast of the community of Templeton. Development of the solar facility will result in the disturbance of approximately 14.8 acres and will include the following components: 7,350 photo-voltaic (PV) tracker modules that are 3-feet by 6-feet in size mounted on aluminum and steel racking systems supported by metal posts anchored in concrete; a 510 square foot concrete pad with three pad-mounted inverters and a pad-mounted transformer for each one or two converters to step up the electricity for distribution; approximately 100 feet of underground conduit from the converters/transformers to the existing Pacific Gas and Electric (PG&E) electrical distribution line located on the north side of El Pomar Drive. The project also includes switching gear, interconnection and monitoring equipment. Lighting will be limited to down-lighting around the converters/transformers. Access to the site will be provided by a 16 foot wide gravel driveway from the north side of El Pomar Drive. The application materials include a grading and drainage plan; no import or export of fill material is proposed.

The project will operate 24 hours per day, seven days per week and is expected to have a project life of at least 20 years. The solar facility will be a private enterprise, and for safety reasons will not be open to the public. Only authorized personnel will be permitted on site and will generally be the employees monitoring and maintaining the facility.

Accordingly, the project site will be enclosed by an 8 foot chain link fence topped with a 1-foot barbed wire rampart. Additional security will be provided by monitoring cameras and an electronic security system. The only expected vehicles on-site would be a water truck, on an average of two (2) times during the year to clean the solar panels. During labor intensive construction workdays, an average of twenty (20) people and five (5) to ten (10) construction vehicles will be on the site at any one time.

During operation, periodic maintenance will include washing the PV modules; inverter maintenance and repair of equipment; remotely monitoring electrical performance, weed abatement and dust control. No water will be stored on-site but will be brought to the site by truck.

The project includes a decommissioning plan which will result in disconnection from the electrical grid, complete removal of and disposal of all project components including solar modules, racks, mounting poles, wire, conduit, junction boxes, concrete pad, fencing and monitoring equipment, and restoration of the site to its pre-installation condition. Decommissioning is expected to take about one month.

The project is located in the El Pomar – Estrella planning area.

#### **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 southern and eastern property boundary that will adequately screen the new development when viewed from El Pomar Drive. The landscape plan shall utilize only native, drought-tolerant plant material. 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.
- V-3 At the time of application for construction permits, the applicant shall submit utility plans prepared by a civil engineer to the Public Works Department to secure an Encroachment Permit to install wire tie-in facilities within the public right-of-way. All new utility services shall be installed underground within the right-of-way. No trenching of El Pomar Drive shall be allowed, only directional boring.

**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.**

**Air Quality** (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 (PM10) 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 below 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.
- l. 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 To minimize air quality impacts associated with construction activities, the applicant shall implement the following as applicable:

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel-powered equipment with Air Resources Board (ARB)-certified motor vehicle diesel fuel (non-taxed version suitable for use off road);
- c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation;
- d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
- f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;
- g. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- i. Use equipment powered by electricity rather than diesel or gasoline when feasible;

- j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible;
- k. Use alternatively-fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel; and

**AQ-3** "Naturally-occurring asbestos" has been identified by the State Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to construction permit issuance**, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. If NOA is not present, an exemption request shall be filed with the APCD. (For any questions regarding these requirements, contact the APCD at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.php>). **Prior to final inspection or occupancy**, whichever occurs first, when naturally-occurring asbestos is encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.

**AQ-4** 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**

**BIO-1** To the maximum extent possible, site preparation, ground-disturbing, and construction activities should be conducted outside of the migratory bird breeding season. If such activities are required during this period, the applicant should retain a County-approved biologist to conduct a nesting bird survey and verify that migratory birds are not occupying the site. If nesting activity is detected the following measures should be implemented:

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- BIO-4** During the site disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of 4 inches or greater stored overnight at the project site should 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 any kit fox are found, work will stop and the USFWS and CDFW will be contacted immediately to determine how to proceed.
- BIO-5** Prior to, during, and after the site disturbance and/or construction phase, use of pesticides or herbicides should be in compliance with all federal, state, and local 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.
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- BIO-7** Prior to final inspection, should any long internal or perimeter fencing be proposed or installed, the County should do the following to provide for kit fox passage:

- a. If a wire strand/pole design is used, the lowest strand should be no closer to the ground than 12 inches.
- b. If a more solid wire mesh fence is used, 8x12-inch openings near the ground should be provided every 100 yards.
- c. Upon fence installation, the applicant should notify the County to verify proper installation.
- d. Any fencing constructed after issuance of a final permit should follow the above guidelines.

**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 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-2 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.

**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.

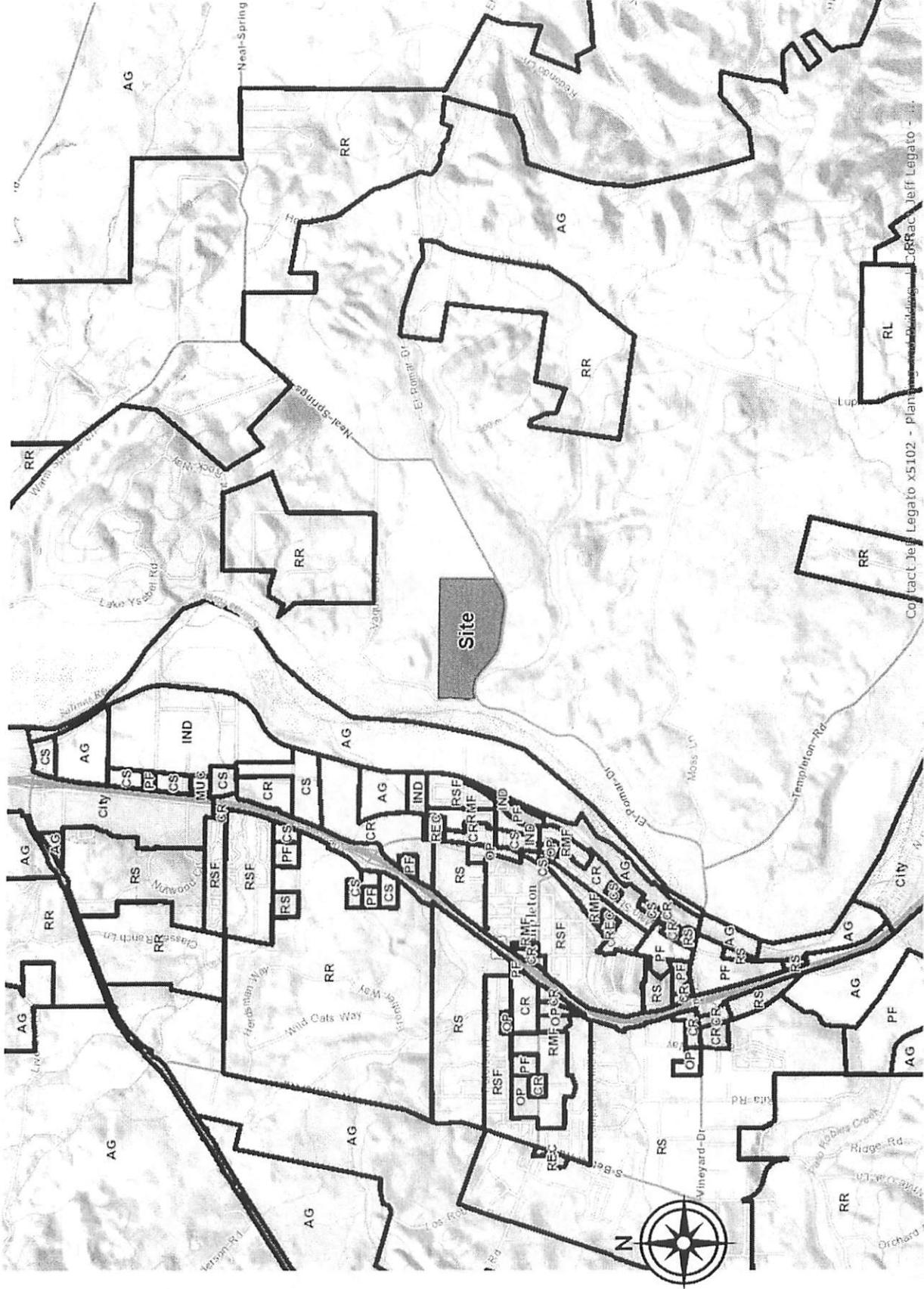
  
Signature of Owner(s)

CHRISTOPHER LITTLE  
Name (Print)

07/11/13  
Date



SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



Contract: Jeff Legato x5102 - Planning and Building - CRRac, Jeff Legato -

PROJECT

Minor Use Permit DRC2011-00062



EXHIBIT

Land Use Category Map



PROJECT

Minor Use Permit DRC2011-00062



EXHIBIT

Aerial Photograph

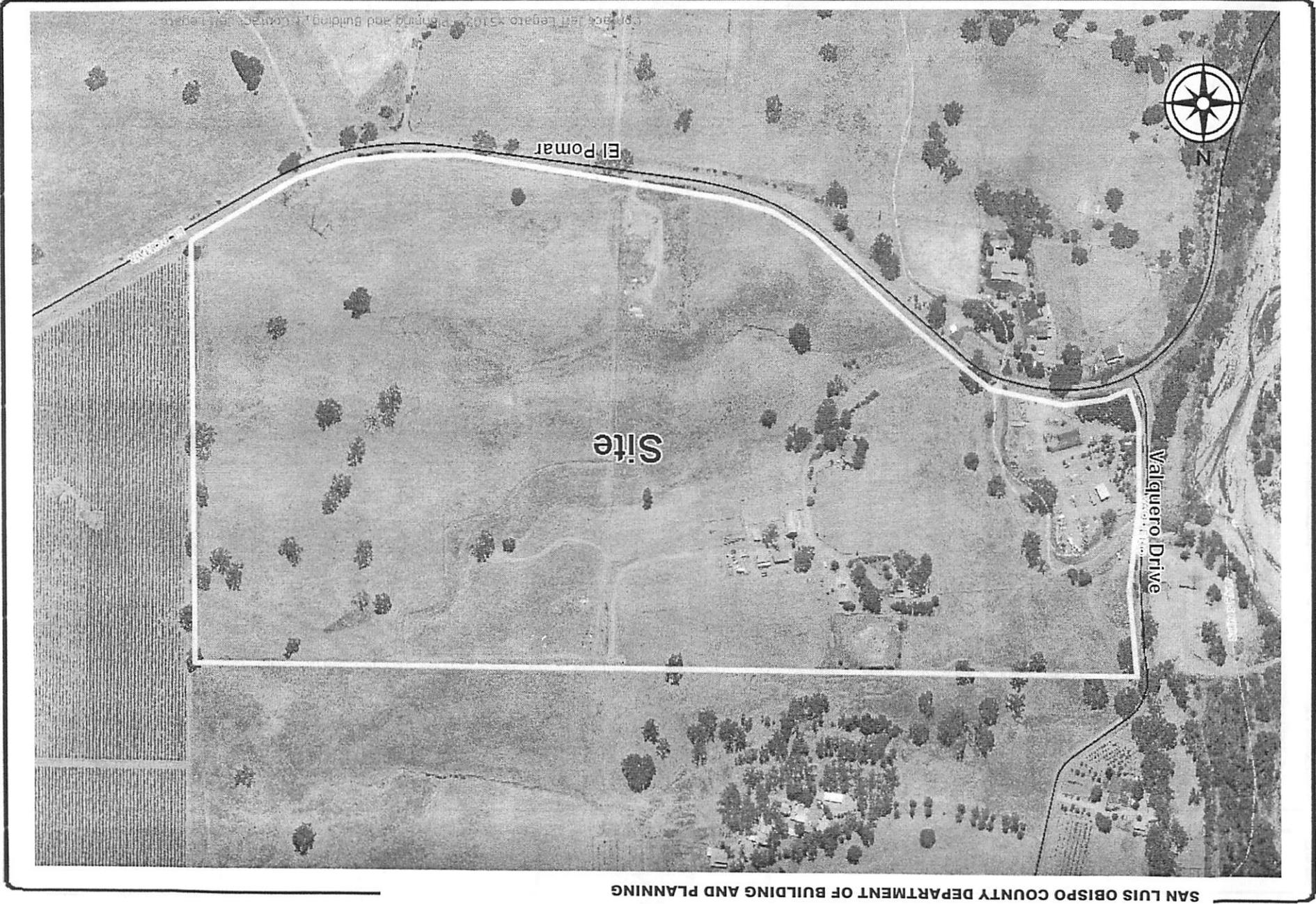


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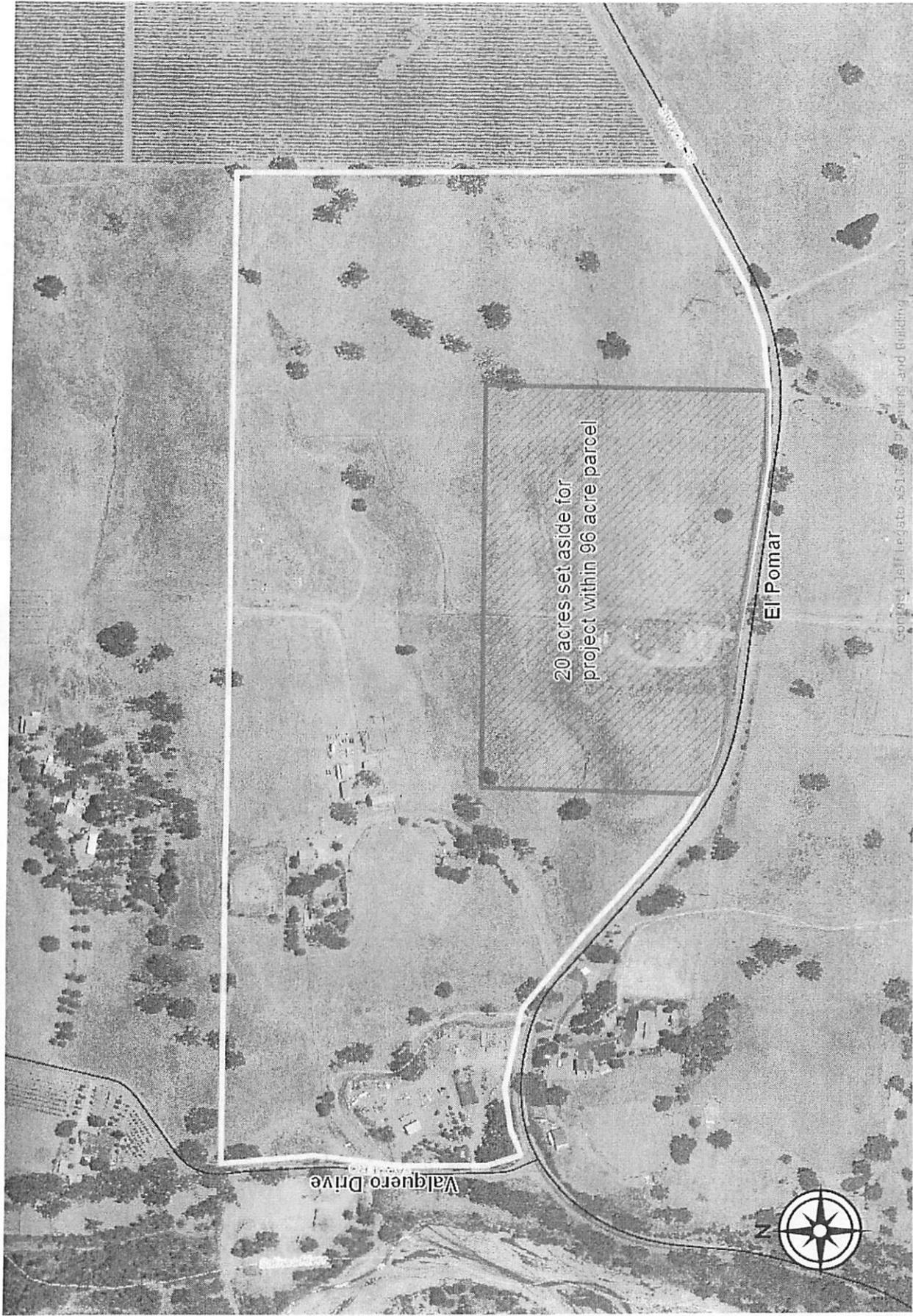
PROJECT

Aerial Photograph

EXHIBIT



SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

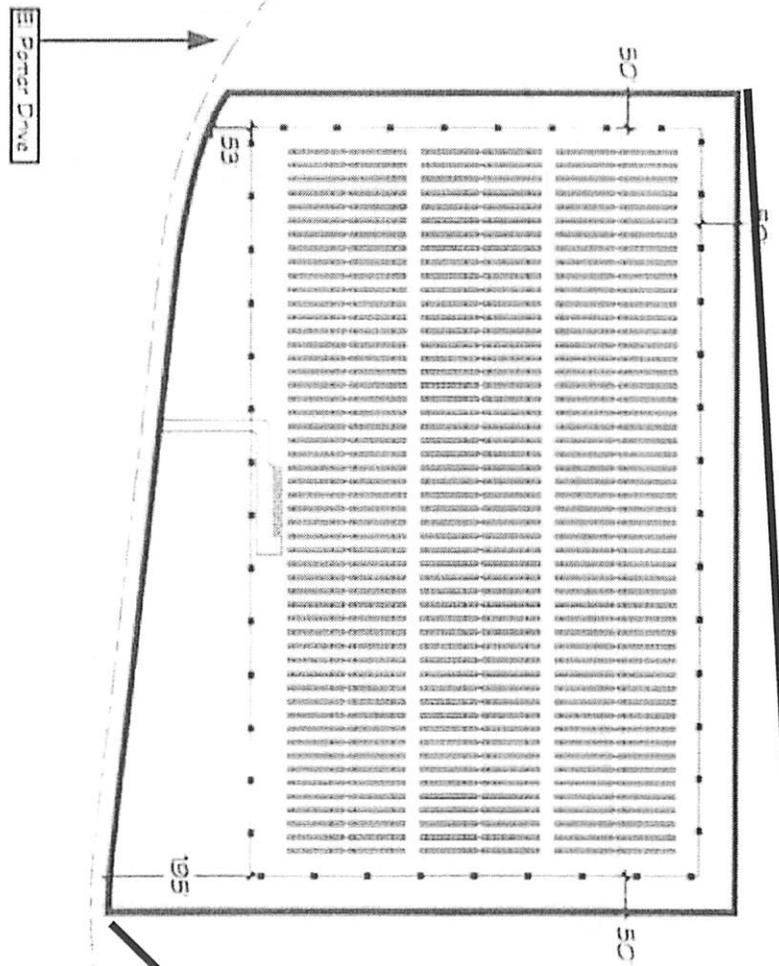
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EXHIBIT

Project Area Aerial Photograph

# Project Area



**PROJECT**

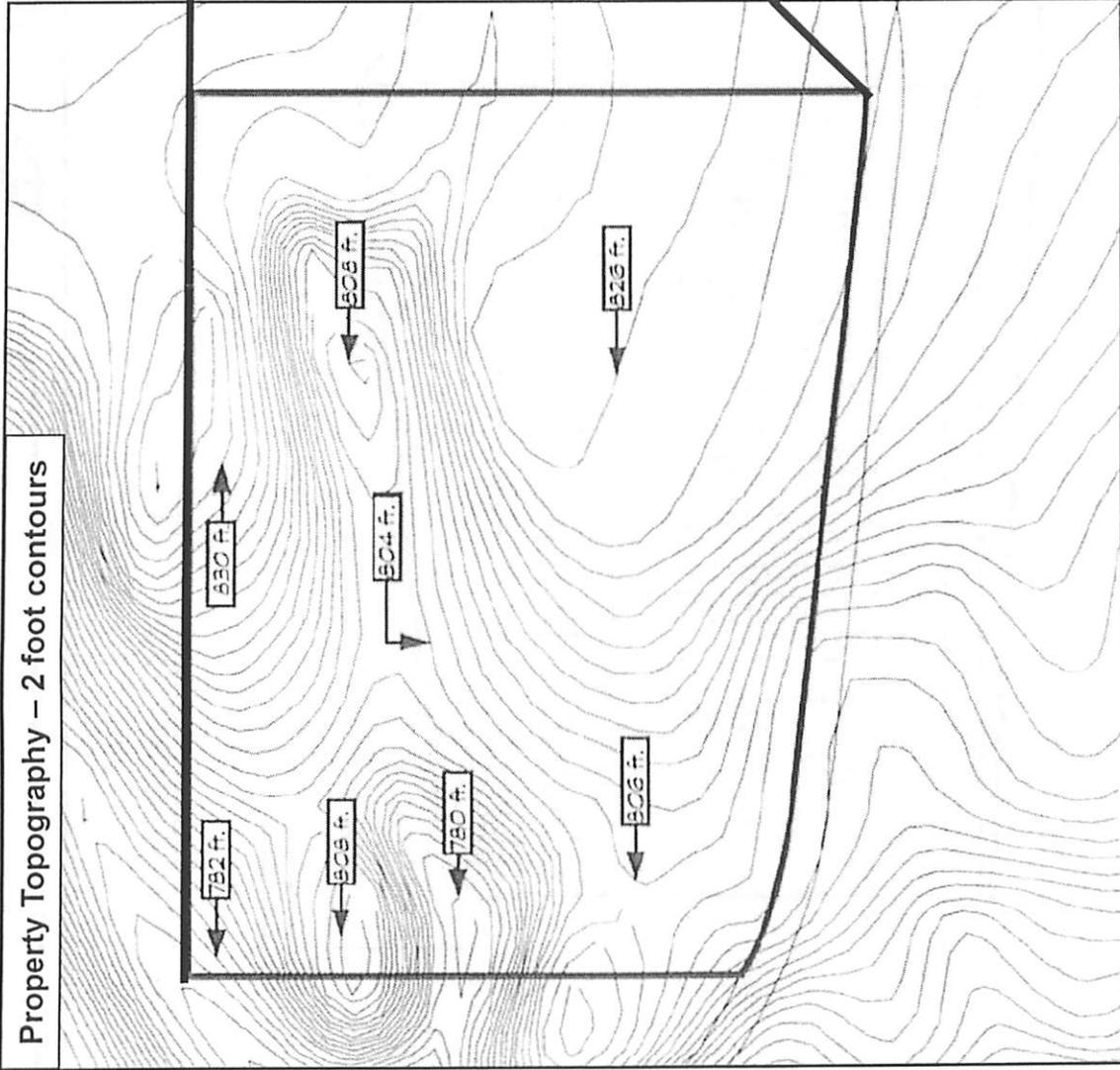
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**EXHIBIT**

Proposed Solar Array Project Area Plan

Property Topography - 2 foot contours



PROJECT

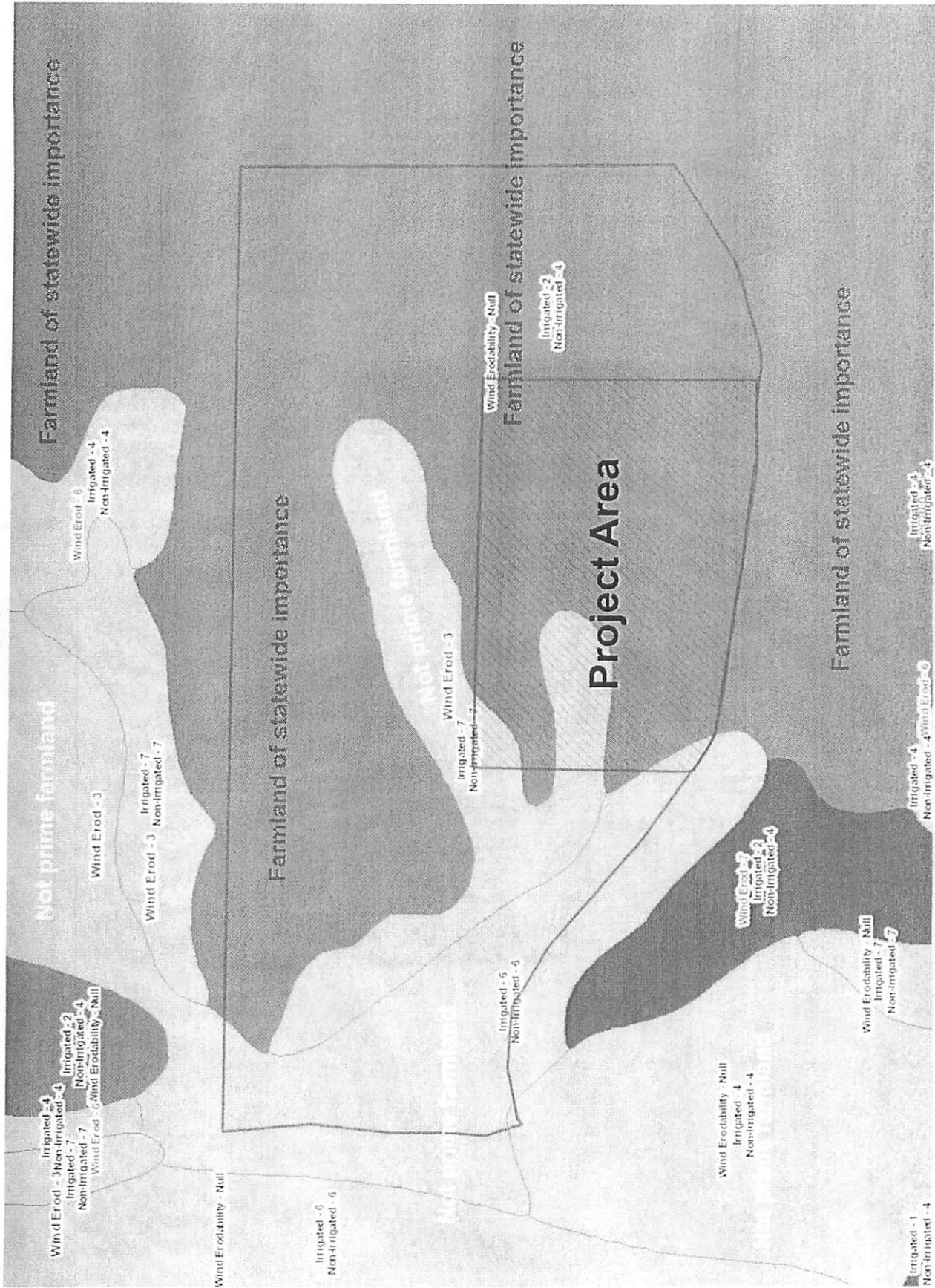
Minor Use Permit DRC2011-00062

EXHIBIT

Project Site Topography







PROJECT

Minor Use Permit DRC2011-00062



EXHIBIT

Farmland Soil Quality Map



Proposed Solar Array Existing Vegetation Map

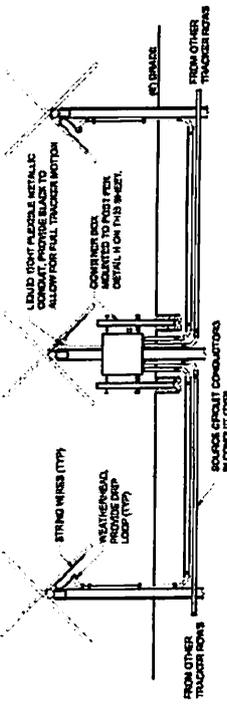
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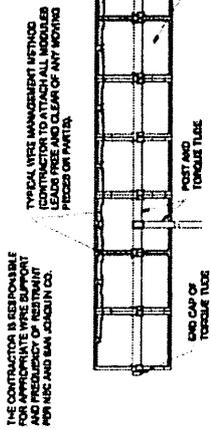
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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

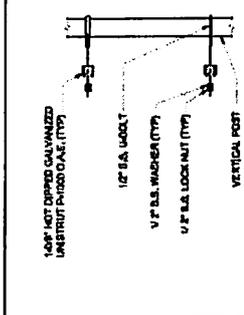


**A** INTER ROW STRING WIRE ROUTING  
SCALE: 3/8"

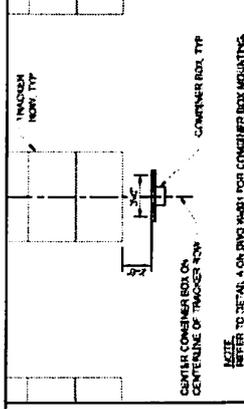


**B** SOURCE CIRCUIT STRINGING DETAIL  
SCALE: 3/8"

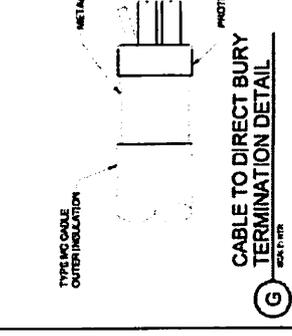
**C** SOURCE CIRCUIT WIRE MANAGEMENT  
SCALE: 3/8"



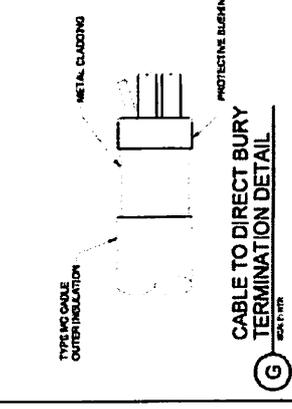
**D** STRUT MOUNTING DETAIL  
SCALE: 3/8"



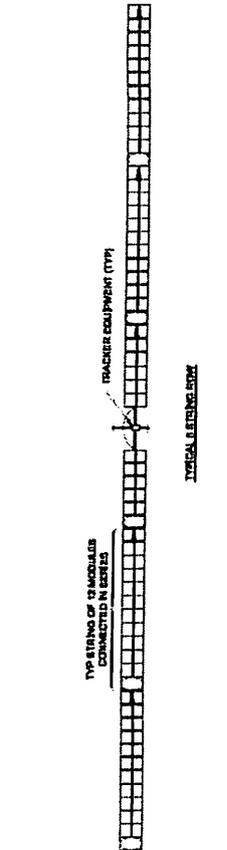
**E** COMBINER BOX LOCATION DETAIL  
SCALE: 3/8"



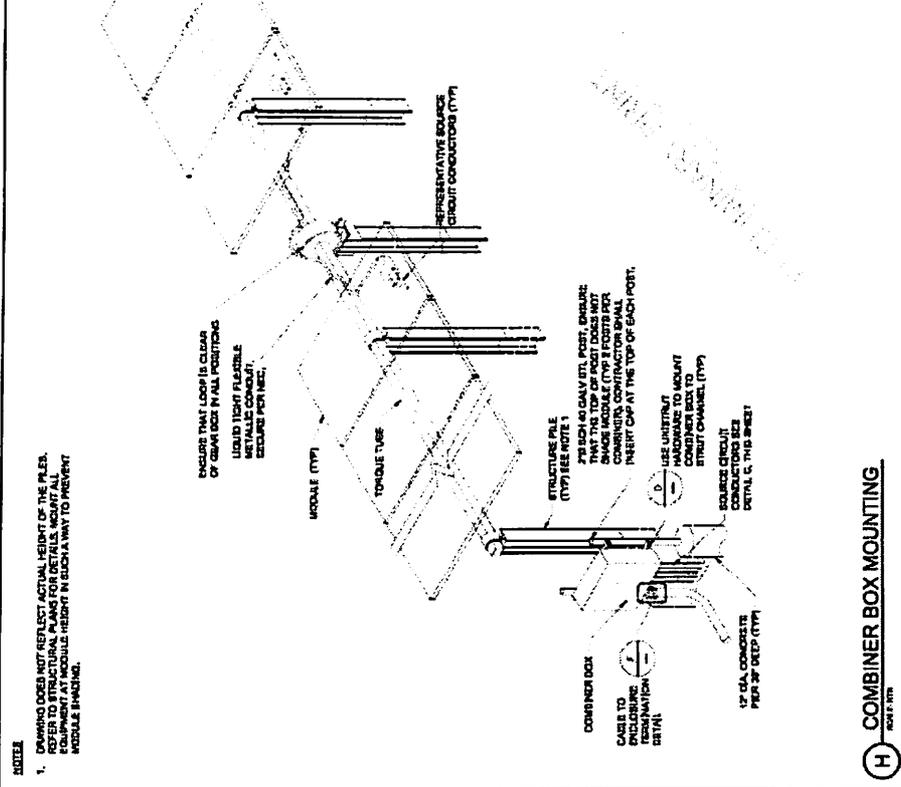
**F** CABLE TO ENCLOSURE TERMINATION DETAIL  
SCALE: 3/8"



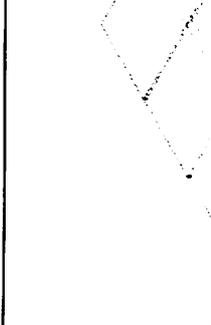
**G** CABLE TO DIRECT BURY TERMINATION DETAIL  
SCALE: 3/8"



**H** COMBINER BOX MOUNTING  
SCALE: 3/8"



**I** SOURCE CIRCUIT STRINGING DETAIL  
SCALE: 3/8"



**J** TYPICAL STRINGING VIEW  
SCALE: 3/8"

**K** INDEX

1. DRAWING DOES NOT REPRESENT ACTUAL LAYOUT OF THIS PLAN. REFER TO STRUCTURAL PLANS FOR DETAILS. MOUNT TRACKER EQUIPMENT AT MODULE HEIGHT IN SUCH A WAY TO PREVENT MODULE SHADING.

ENCLOSURE THAT LOOP IS CLEAR OF SUPPORT TYPICAL POSITIONS. LIQUID TIGHT FLEXIBLE METALLIC CONDUIT. SECURE PER PART 3.

STRUCTURE PILE (TYP) REL. PORT. TRACKER EQUIPMENT SHALL BE MOUNTED THAT THE TOP OF EACH TRACKER ROW SHALL BE 2 FEET 6 INCHES FROM THE TOP OF EACH TRACKER ROW. COMBINER BOX CONTRACTOR SHALL INSERT CAP AT THE TOP OF EACH POST.

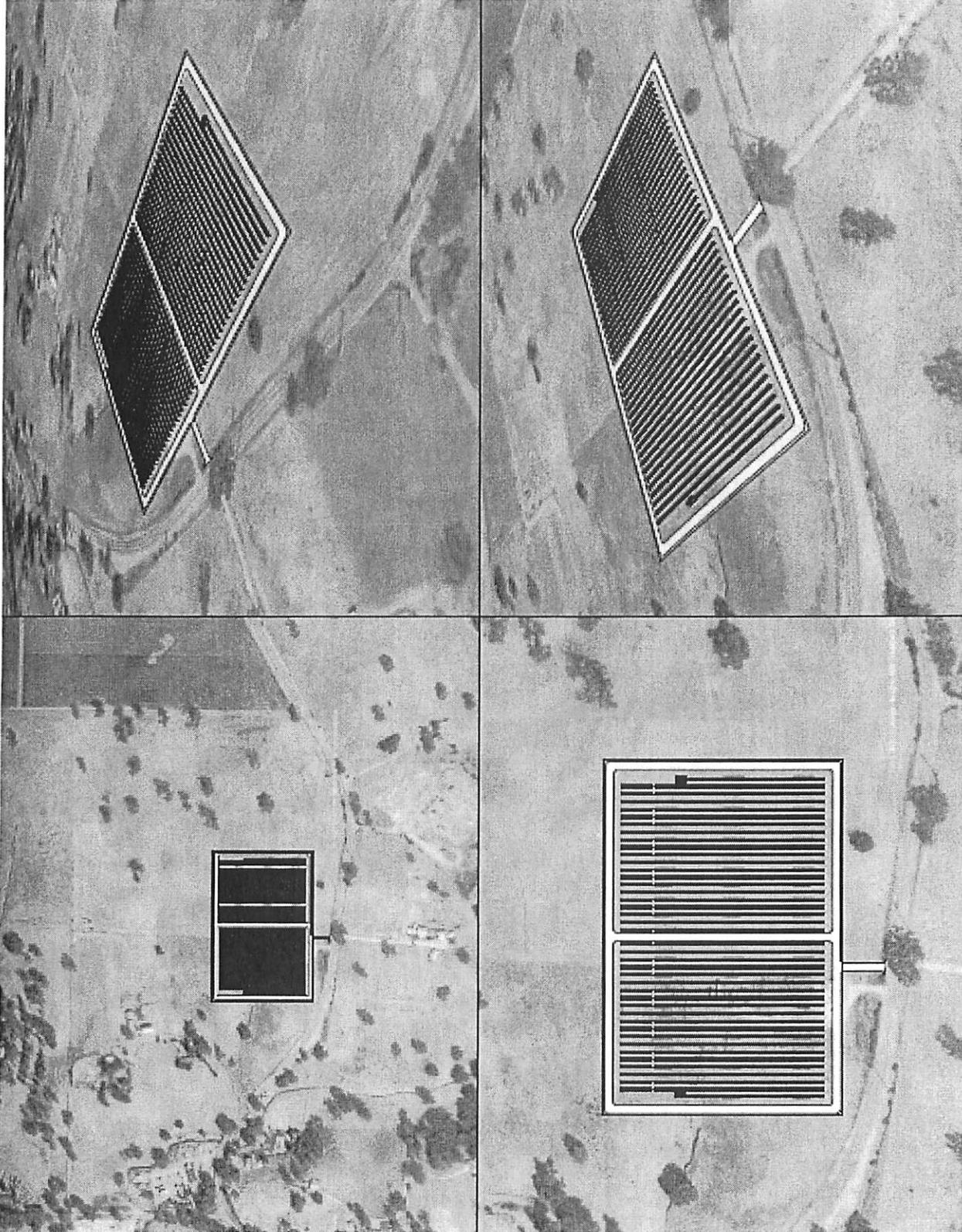
USE UNITARY CONDUIT CONNECTED TO STRUT CHANNEL (TYP). SOURCE CIRCUIT CONDUCTORS SEE DETAIL G. THIS SHEET.

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**PROJECT**  
Minor Use Permit DRC2011-00062



**EXHIBIT**  
Solar Equipment Elevation



PROJECT

Minor Use Permit DRC2011-00062

EXHIBIT

3D Approximations

