

**RESOLUTION****Before the Board of Supervisors in and for the  
County of Monterey, State of California****RESOLUTION NO.: 15-026**

Resolution by the Monterey County Board of Supervisors:

- 1) Certifying an Environmental Impact Report; and
- 2) Adopting the CEQA findings for project approval and the Statement of Overriding Considerations

[PLN120294, California Flats Solar, LLC (Hearst Corporation –Landowner), Southeastern corner of Monterey County, approximately 7 miles southeast of Parkfield and 25 miles northeast of Paso Robles, east of Turkey Flats Road and north of State Highway 46 near the borders of Monterey, San Luis Obispo, Kings and Fresno counties. The proposed project is located on all or a portion of 33 parcels as is noted APN: 143-011-001-000, 143-011-002-000, 143-011-003-000, 143-011-004-000, 143-011-007-000, 143-011-008-000, 143-011-012-000, 143-011-023-000, 143-011-024-000, 143-011-025-000, 423-191-037-000, 423-191-038-000, 423-191-039-000, 424-181-012-000, 424-181-013-000, 424-181-014-000, 424-181-015-000, 424-181-016-000, 424-181-018-000, 424-181-035-000, 424-181-036-000, 424-181-037-000, 424-181-038-000, 424-191-015-000, 424-191-016-000, 424-201-007-000, 424-201-009-000, 424-201-010-000, 424-201-011-000, 424-211-001-000, 424-211-004-000, 424-211-024-000, and 424-211-025-000.].....

The California Flats Solar LLC (Hearst Corporation, Landowner) application (PLN120294) came on for public hearing before the Monterey County Board of Supervisors on February 3 and 10, 2015. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

**CEQA FINDINGS****FOR CERTIFICATION OF EIR, PROJECT APPROVAL, AND ADOPTION OF  
STATEMENT OF OVERRIDING CONSIDERATIONS**

1. **FINDING:** **PROJECT DESCRIPTION:** The County prepared an Environmental Impact Report (EIR) for a project consisting of: Use Permit to allow the construction of a 280 Megawatt solar generating facility on an approximately 3,000 acre site including: photovoltaic (PV) solar modules, pad-mounted inverters and transformers, two substations (approximately 6 acres each), a switching station (approximately 6 acres), a 4,000 square foot operations and maintenance building, an approximately 155 acre utility corridor, other infrastructure needed to serve the proposed project and grading of approximately 880,000 cubic

yards of cut and 880,000 cubic yards of fill the ("Project"). The applicant is also requesting to enter into a Development Agreement with the County under Monterey County Code Chapter 18.62.

- EVIDENCE:**
- a) Application filed on August 3, 2012 by Element Power and was deemed complete on December 12, 2012. The current applicant is California Flats Solar, LLC, a wholly owned subsidiary of First Solar, Inc.. Cal Flats Solar, LLC has an option to lease the project site from the property Landowner, the Hearst Corporation. Information contained in the associated file labeled PLN120294.
  - b) Draft EIR and Final EIR prepared for the Cal Flats Solar project (SCH#: 2013041031).

2. **FINDING:** **CEQA (EIR)** - The County of Monterey has completed an Environmental Impact Report (EIR) in compliance with the California Environmental Quality Act (CEQA). The Final EIR was presented to the Board of Supervisors, which has reviewed and considered the information contained in the EIR prior to taking action on the project, and the Final EIR reflects the County of Monterey's independent judgment and analysis.

- EVIDENCE:**
- a) The California Environmental Quality Act (CEQA) requires preparation of an Environmental Impact Report if there is substantial evidence in light of the whole record that the project may have a significant effect on the environment.
  - b) The Draft Environmental Impact Report ("DEIR") for the Cal Flats Application (PLN120294) was prepared in accordance with CEQA and circulated for public review from August 6, 2014 through September 22, 2014 (SCH#: 2013041031).
  - c) The County of Monterey received 24 letters in response to the DEIR and prepared responses to those letters. The responses and revisions to the DEIR text to clarify and amplify the content of the DEIR were incorporated into a Final EIR Document which was made available to the Public on or about January 2, 2015. The Final EIR was distributed to public agencies that commented on the draft EIR at least ten days before the Board of Supervisors considered certification of the EIR. The Planning Commission considered the FEIR in their deliberation of the Project at a duly noticed public hearing on the project on January 14, 2015 and recommended that the Board of Supervisors certify the Final EIR and approve the Use Permit and Development Agreement.
  - d) A public hearing on the Project before the Board of Supervisors was duly noticed for February 3, 2015. The public hearing was noticed by publication in the *Monterey County Weekly*, by mailing of notices to interested persons and property owners within 300 feet, and by posting of the site. On February 3, 2015, the Board of Supervisors continued the hearing to February 10, 2015. On February 10, 2015, the Board conducted a hearing on the Project, including considering the Final EIR.
  - e) **SUMMARY OF IMPACTS**  
Issues that were analyzed in the Draft EIR include aesthetic resources, agricultural resources, air quality, biological resources, cultural and

paleontological resources, geology and soils, greenhouse gas emissions/climate change, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, transportation/traffic, utilities and service systems. Project alternatives, cumulative impacts and long-term impacts were also studied.

- f) Project changes which avoid or lessen significant effects on the environment have been incorporated into the project and/or are made conditions of approval to the extent feasible (see findings below). A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference. The Board of Supervisors will consider adoption of a Condition Compliance and Mitigation Monitoring and Reporting Plan as part of approval of the Use Permit. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan" as a condition of project approval.
- g) **DEPARTMENT OF FISH AND WILDLIFE FEES**  
The State Department of Fish and Wildlife reviewed the EIR to comment and recommended necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
- h) The County prepared a Final EIR (FEIR) for the Cal Flats Solar project. The FEIR was released to the public on January 2, 2015 and responds to all significant environmental points raised by persons and organizations that commented on the DEIR. The County has considered the comments received during the public review period for the DEIR, and in the FEIR the County has provided responses to the comments received. Together, the DEIR, Responses to Comments, and amendments to the Draft EIR constitute the Final EIR on the project.
- i) Monterey County RMA-Planning, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to certify the EIR is based.

3. **FINDING:** **RECIRCULATION of the DEIR IS NOT REQUIRED.** While new information has been submitted by the applicant and the public as part of the comments on the DEIR which has been included and responded to in the FEIR, no new information has been submitted that identifies a new significant environmental impact not previously disclosed or substantial increase in the severity of an already identified environmental impact; no substantial increase in the severity of the identified environmental impacts would result from implementation of the approved project or implementation of the mitigation measures, and no feasible project alternative or mitigation measures considerably different from those analyzed in the DEIR have been identified. The new information merely clarifies and amplifies the information in the DEIR.

**EVIDENCE:** 1. An Environmental Site Assessment was prepared in February 2014 and

submitted to the County in October 2014 after circulation of the DEIR. The Phase I ESA, (Appendix N of the FEIR) confirms that the site does not have any Recognized Environmental Conditions. The Phase I does indicate that three petroleum wells have been drilled on the site; however, all three wells have been plugged and abandoned. The Phase I ESA does not give any indication that these wells pose a risk to the environment associated with this project.

2. Biological Survey reports were presented including: 2014 Special Status Plant Survey Report; the 2012 CRLF Survey Memorandum, the 2013 Raptor Nest Survey Report; the 2014 Baseline Avian Activity Survey Report, 2012 CTS Site Assessment; the 2013 Wet Season Branchiopod Survey Report; and the 2012 CRLF Site Assessment. These reports did not present significant new information or change any significance findings, but confirmed the findings of the DEIR.

4. **FINDING:** **EIR-ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT** - The EIR identified potentially significant impacts to aesthetic resources, air quality, biological resources, cultural and paleontological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services and transportation/traffic which could result from the project as originally submitted. Changes or alterations have been required in or incorporated into the project which avoid or substantially lessen the potentially significant environmental effects identified in the Final EIR.

- EVIDENCE:**
- a) Potentially significant impacts on aesthetics resources are mitigated to less than significant levels by Temporary Fencing at SR 41 Staging Areas, minimizing construction lighting.
  - b) Potentially significant impacts on air quality have been mitigated to a less than significant level in most areas through conditions of approval pertaining to Dust Control Measures, Idling Restrictions, Tier 3 Construction Equipment or alternate measures on a case-by-case basis when allowed, a Valley Fever Management Plan and Handout, additional Valley Fever Dust Suppression Measures, a Valley Fever worker Training and Safety Program, Construction Management Plan Requirements and consultation with appropriate agencies such as Monterey County.
  - c) Potentially significant impacts on biological resources, specifically candidate, sensitive or special status species have been mitigated to a less than significant level through the following measures:
    - B-1(a) -- Nested Compensatory Mitigation
    - B-1(b) -- Habitat Mitigation and Monitoring Plan
    - B-1(c) -- Pre-Construction Special Status Plant Surveys
    - B-1(d) -- Special Status Plant Species Avoidance and Minimization
    - B-1(e) -- Compensatory Mitigation for Special Status Plant Species
    - B-1(f) -- Preconstruction Surveys for American Badger
    - B-1(g) -- American Badger Avoidance and Minimization
    - B-1(h) -- Preconstruction Surveys for San Joaquin Kit Fox

- B-1(i) -- San Joaquin Kit Fox Den Avoidance and Minimization Measures
- B-1(j) -- Compensatory Habitat Mitigation for San Joaquin Kit Fox
- B-1(k) -- Removal of Wild Animal and Livestock Carcasses
- B-1(l) -- Preconstruction Surveys for Burrowing Owls
- B-1(m) -- Burrowing Owl Avoidance and Minimization Measures
- B-1(n) -- Compensatory Habitat Mitigation for Burrowing Owls
- B-1(o) -- Preconstruction Surveys for Coachwhip Snakes and Coast Horned Lizard
- B-1(p) -- Wildlife-Friendly Fence Design
- B-1(q) -- Bat Preconstruction Surveys and Avoidance
- B-1(r) -- Preconstruction Surveys for Raptors and Other Special Status Bird Species
- B-1(s) -- Special Status Bird Species Impact Avoidance and Minimization
- B-1(t) -- Preconstruction Surveys and Avoidance of Western Pond Turtle
- B-1(u) -- Preconstruction Surveys and Avoidance of Western Spadefoot Toad
- B-1(v) -- Compensatory Mitigation for Western Spadefoot Toad,
- B-1(w) -- California Tiger Salamander and California Red-Legged Frog Relocation Sites
- B-1(x) -- California Red-Legged Frog Construction Barriers
- B-1(y) -- Construction Timing, Preconstruction Surveys and Avoidance Measures for California Red-Legged Frog
- B-1(z) -- Compensatory Mitigation for California Red-Legged Frog
- B-1(aa) -- California Tiger Salamander Construction Barriers
- B-1(bb) -- California Tiger Salamander Daily Pre-activity Surveys
- B-1(cc) -- Compensatory Mitigation for California Tiger Salamander
- B-1(dd) -- Vernal Pool Branchiopod Avoidance and Mitigation
- B-1(ee) -- Construction Biological Monitoring
- B-1(ff) -- Special Status Animal Species General Avoidance Measures and Construction Best Management Practices
- B-1(gg) -- Worker Environmental Education Program
- B-2(a) -- Valley Needlegrass Grassland and Wildflower Field Habitat Mitigation
- B-2(b) -- Habitat Restoration and Revegetation Plan
- B-2(c) -- Project Vegetation and Invasive Species Management Plan
- B-2(d) -- Mixed Oak Woodland Avoidance and Minimization
- B-2(e) -- Riparian/Stream Habitat Setbacks
- B-2(f) -- Stream Channel Avoidance and Minimization
- B-2(g) -- Directional Boring Avoidance and Minimization
- B-2(h) -- Show streams and riparian habitat, and associated setbacks, on construction drawings
- B-2(i) -- Riparian/Stream Mitigation,
- B-3(a) -- Wetland Avoidance and Minimization.
- B-3(b) -- Well Placement Hydrology Study
- B-3(c) -- Monitor Well Impacts to Wetlands

- B-3(d) -- Wetland Habitat Mitigation
- B-4(a) -- Pronghorn Calving Ground Avoidance and Minimization
- B-4(b) -- Pronghorn-Friendly Fence Design
- B-5(a) -- Oak/Riparian Tree Protection Zone
- B-5(b) -- Oak/Riparian Tree Mitigation
- d) Potentially significant impacts on cultural and paleontological resources have been mitigated to a less than significant level through mitigation measures requiring avoidance and protection of the resources such as:
  - CR-1(a) -- Archaeological Site Avoidance
  - CR-1(b) -- Site Capping and Data Indexing
  - CR-1(c) -- Data Recovery Excavation
  - CR-1(d) -- Archaeological Resource Worker Environmental Awareness Program
  - CR-1(e) -- Archaeological Resource Construction Monitoring
  - CR-1(f) -- Native American Construction Monitoring
  - CR-2 -- Previously Unidentified Archaeological Resources
  - CR-4(a) -- Paleontological Resource Mitigation Plan
  - CR-4(b) -- Paleontological Resource Construction Monitoring
- e) Potentially significant impacts on geology and soils have been mitigated to a less than significant level through mitigation measures including:
  - GEO-2 -- Landslide Avoidance and Hazard Minimization.
- f) Potentially significant impacts on surface hydrology and water quality have been mitigated to a less than significant level through mitigation measures requiring:
  - HYD-2(a) -- Accidental Spill Control and Environmental Training
  - HYD-2(b) -- Maintaining Vehicles and Equipment
- g) Potentially significant impacts on hazards and hazardous materials have been mitigated to a less than significant level through:
  - HAZ-3 ----- Identification and avoidance of subsurface utility lines at the project site
  - HAZ-4(a) -- Final Fuel Management Plan
  - HAZ-4(b) --Emergency access
  - HAZ-5 --- Disposal of PV Modules and Support Structures
- h) Potentially significant impacts on Public Services have been mitigated to a less than significant level through the following mitigation measures:
  - PS-1(a) -- Construction Management Plan
  - PS-1(b) -- Emergency Response Training
  - PS-1(c) -- Fire Protection During Construction
- i) Potentially significant impacts on traffic/transportation have been mitigated to a less than significant level for some of the impacts through mitigation measures requiring:
  - T-2 -- Friday Peak Hour Control Measures -- Construction Phase
  - T-4 -- Friday Peak Hour Control Measures -- Operational Phase
  - T-7 -- Park and ride facilities siting
- j) Potentially significant impacts on Long Term Population and Housing have been mitigated to a less than significant level for the impacts through mitigation measures requiring preparation of a Working

Housing Program.

5. **FINDING:** **EIR-ENVIRONMENTAL IMPACTS NOT MITIGATED TO LESS THAN SIGNIFICANT** – The Project would result in significant and unavoidable impacts that would not be mitigated to a less than significant level even with incorporation of mitigation measures from the EIR into the conditions of project approval, as further described in the evidence below. There are specific economic, legal, social, technological or other considerations, including provision of employment opportunities, which make infeasible mitigating these impacts to a less than significant level.

- EVIDENCE:** a) The DEIR found that direct project impacts from the construction and decommissioning of the proposed project would result in the temporary generation of air pollutants, which would affect local air quality. Mitigation measures outlined in Section 4.3 of the DEIR, *Air Quality*, would partially reduce emissions. However, despite implementation of mitigation measures, temporary construction emissions would continue to exceed thresholds. In addition, due to the proximity of the site to other air basins, construction emissions could potentially impact air quality in those air basins. Therefore, impacts would remain Class I, *significant and unavoidable*, during project construction.
- b) The DEIR also found that implementation of the proposed project would result in significant and unavoidable transportation impacts as described in Section 4.13 of the DEIR, *Transportation/Traffic*. Project generated traffic during the construction phase would result in the incremental increase of traffic on the segment of SR 46 between SR 41 and Branch Road operating at an unacceptable LOS E and on SR 46 between SR 41 and Branch Road that currently operates at an unacceptable LOS E. Project generated traffic during the operational phase would add an additional 20 trips per day to this roadway segment, resulting in a significant impact to roadway operations based on Caltrans significance thresholds. Future Caltrans roadway improvements would eliminate this impact; however, until such time as the improvements are complete, project impacts to roadway operations would be Class I, *significant and unavoidable*, despite implementation of mitigation measures noted in the DEIR. In addition, adding traffic to the SR 41 / SR 46 intersection during construction and operation of the proposed project would substantially increase hazards at that intersection, where accident rates are currently more than two times the statewide average. Impacts would therefore be Class I, *significant and unavoidable*.

6. **FINDING:** **EIR-CEQA ALTERNATIVES TO THE PROPOSED PROJECT -** The EIR considered several alternatives to the proposed project in compliance with CEQA Guidelines section 15126.6. The EIR considered the alternatives described below and as more fully described in the DEIR. Specific economic, legal, social, technological or other considerations, including provision of employment opportunities, make

infeasible the project alternatives identified in the EIR for the reasons described below.

**EVIDENCE:** a) Alternative 1 - No Project/No Development.

This alternative has the site remaining in its current use for grazing. This alternative has a lesser impact than the proposed project in all areas except for reduction in Greenhouse Gas Emissions. However, the No Project Alternative is infeasible because it would not meet the project objectives of developing the property for alternative energy. This means that the contribution of the project to meeting California's renewable energy goals would not occur, resulting in no beneficial impacts associated with Greenhouse Gas emissions. The project location has existing underutilized high capacity electrical transmission lines transecting the site making it an ideal location to provide renewable power. The no project alternative would not address California's renewable energy goals, and would not take advantage of existing utility infrastructure with capacity to carry power to other locations, and would not generate employment opportunities, making the No Project Alternative infeasible.

- b) Alternative 2 - Alternate Jack Ranch Site. All construction and operation of a 280 MW PV solar energy facility would take place on approximately 2,120 acres on the lower, flatter portions of Jack Ranch along Cholame Road, approximately three miles southwest of the proposed project site (please refer to Figure 7-2 in the DEIR) in proximity to the existing Morro Bay-Gates 230kV transmission line. This alternative has greater impact than the proposed project in the following areas: Aesthetics, Agricultural Resources, Hydrology and Water Quality, and Land Use and Planning. This alternative has a lesser impact than the proposed project in the area of Biological Resources. All other impacts would be comparable to the proposed project.

This alternative would be visible from multiple public viewing areas and residences within the Cholame Valley north of the San Luis Obispo/Monterey County line. Vehicles traveling along Cholame Road would have unobstructed views of PV panels, substations, operations and maintenance building and related infrastructure comprising the project. Overall, aesthetic impacts of this alternative would be greater under this alternative than for the proposed project. This alternative would result in potentially significant impacts to farmland designated by the Farmland Mapping and Monitoring Program (FMMP) as Prime, Unique, and of Statewide Importance by converting approximately 1,131 acres of Prime Farmland, 90 acres of Farmland of Statewide Importance, and 13 acres of Unique Farmland to a non-agricultural use at least during the life of the project. Overall this alternative has very low potential to support special status plant species, and low potential to support special status animal species as a result of hay production and cattle grazing on the site. However, there is potential for impacts to special status species and jurisdictional waters. Given the disturbed



condition of this alternative site, impacts would likely be less than the proposed project site. Nevertheless, implementation of similar mitigation measures may be required for biological resources that occur on the alternative site. Mitigation would reduce these impacts to less than significant, similar to the proposed project.

This EIR presented this as a reasonable alternative to the proposed project. The CEQA objective of an alternatives analysis is to present a range of projects that could avoid or substantially lessen any of the significant effects of the project. This particular alternative would result in a similar level of impacts to traffic and air quality as the proposed project, so it does not reduce the significant impacts. The alternative would be more visible from common public viewing areas, an impact not anticipated from the proposed project. This alternative would also be located on state designated prime farmland, and farmland of statewide importance. These are impacts attributable to this alternative which are not associated with the proposed project and the alternative does not lessen or reduce any significant effect so the alternative is deemed infeasible.

- c) Alternative 3 – Reduced Project. This alternative would consist of constructing a solar energy facility on approximately 992 acres (approximately 33% of the proposed project site). The site would comprise the portion of the proposed project area located south of the existing Morro Bay-Gates 230 kV transmission line. This alternative has less impact than the proposed project in the following areas: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Hydrology and Water Quality, Land Use and Planning and Transportation/Traffic. All other impacts are estimated to be no better or worse than the proposed project.

This alternative does present a slight reduction in impacts to air quality and transportation both during construction and operation but impacts to both construction related air quality impacts and construction related traffic impacts would remain significant and unavoidable. This alternative would result in the generation of approximately 50% of the electricity while still resulting in significant adverse impacts. The alternative is infeasible because it results in a similar level of significant impacts while greatly reducing the beneficial renewable energy production available from the site.

**7. FINDING:**

**REVISED MITIGATION MEASURES.** Subsequent to the comment period on the DEIR, changes have been made to the Mitigation Measures. The changes made to the Mitigation Measures are as effective as or more effective than the Mitigation Measures presented in the DEIR. The revised Mitigation Measures themselves will not cause any potentially significant effect on the environment.

**EVIDENCE: a)**

**MITIGATION MEASURES REVISED IN FEIR.**

The following Mitigation Measures have been revised in the FEIR:

**AQ-2(a)**: added measures to reduce water truck travel on unstable disturbed surfaces. Added list of approved dust control suppressants in the SLOAPCD *CEQA Air Quality Handbook* Technical Appendix. Added that the contractor or builder shall designate a site dust manager and the log of dust monitoring activities shall be provided to the Monterey Bay Unified Air Pollution Control District (MBUAPCD).

**AQ-2(b)**: Added clarification regarding Emission Reduction Measures for Construction Equipment by deleting the use of alternative fueled equipment being recommended whenever possible. Added Operational NOX and Diesel PM Emissions Reduction Measures for Construction Equipment.

**AQ-2(c)**: Added Tier 3 Construction Equipment information. Clarified that all off-road construction diesel engines not registered under the California Air Resources Board's Statewide Portable Equipment Registration Program, with a rating of 50 horsepower (hp) or more, shall meet the Tier 3 California Emissions Standards for Off-Road Compression-Ignition Engines. Clarified that companies with fleets that do not have engines meeting the Tier 3 standards may be eligible to provide alternative compliance with that information to be submitted to the County of Monterey RMA-Planning Department.

**AQ-4**, Added mitigation measure AQ-2(c) to the reference.

**AQ-6(a)** Added requirement that the project applicant shall retain a licensed occupational medicine physician specializing in pulmonary epidemiology, subject to approval by the Monterey County Health Department, the MBUAPCD, and the California Occupational Safety and Health Administration (Cal/OSHA) to assist with the development and implementation of a Valley Fever Management Plan (VFMP). Added that the VFMP shall include a job hazard analysis in compliance with Cal/OSHA regulations for any worker that will be exposed to dust. Added specific measures to the VFMP to reduce the potential for exposure to Valley Fever. Noted that consultation may occur with MBUAPCD and Cal/OSHA as needed. Added that National Institute for Occupational Safety and Health (NIOSH)- half-face respirators equipped with certain filters be used during digging any worker collocation with surface disturbance activities if warranted. Added requirement for employees to wear respirators when working near earth-moving machinery if warranted. Added requirements and training for workers required to use respirators. Required that a full respiratory protection program shall be implemented in accordance with applicable Cal/OSHA standards. Added equipment inspection and washing stations shall be established and manned at each construction equipment access/egress point. Added that spot examination of construction equipment for water washing via portable equipment in accordance with SWPPP BMPs shall be performed. Noted suitable clothing and change facilities to be made available to all onsite workers. Noted on-site workers performing work in areas where fresh ground disturbance presents a risk of exposure to the *Coccidioides* spore shall be required to change clothes after work every day before leaving the work site, when

determined to be needed. Clarified requirements for subcontractors related to Valley Fever.

**AQ-6(b):** Clarified additional Valley Fever Dust Suppression Measures

**AQ-6(d):** Clarified Valley Fever Worker Training Program and Safety Measures.

**AQ-6(e):** Clarified the Valley Fever Information Handout.

**AQ-9:** Added a reference to Mitigation measure AQ-2(c). Clarified the Construction Management Plan Requirements. CR-1(a): Added further information related to Archaeological Site Avoidance.

**GEO-3:** Clarified Landslide Avoidance and Hazard Minimization language relating to erosion control and grading.

**HAZ-5:** Disposal of PV Modules and Support Structures can also include recycling; clarified language re: decommissioning bond, including consistency with decommission bond requirements in the Development Agreement if it is approved.

**HYD-2(a):** Added to the Accidental Spill Control and Environmental Training that the Hazardous Materials Response Plan (HMRP) proposed as part of the project applicant proposed measure [(APM) 6] shall incorporate all of the elements of this mitigation measure. Noted that the County of Monterey shall be responsible for reviewing the applicant's proposed HMRP.

**HYD-4:** Revised to note that no mitigation is required.

**HYD-5:** Revised to note that no mitigation is required.

**PS-1(a):** Construction Management Plan. Corrected capitalization pertaining to CALFIRE.

**PS-1(b):** Added language to Emergency Response Training noting prior to operation of the project, the applicant shall consult with South Monterey County FPD/CAL FIRE staff regarding emergency response procedures for solar power facilities.

**PS-1(c):** Clarified Fire Protection during Construction including possible purchase of an additional patrol/rescue vehicle.

The revised mitigation measures are incorporated into project approval or made a condition of project approval.

- b MITIGATION MEASURES REVISED IN MMRP. The following mitigation measure has been modified in the Condition Compliance and Mitigation Monitoring Plan:

**T-7:** Modified to identify the Park and Ride locations must be existing parking areas, but do not need to have existing stormwater drainage systems installed. Change made to be consistent with discussion in Final EIR.

**8. FINDING:**

**EIR-STATEMENT OF OVERRIDING CONSIDERATIONS -** In accordance with Section 15093 of the CEQA Guidelines, the Board of Supervisors has evaluated the economic, legal, social, technological, or other benefits of the Project against its unavoidable significant environmental impacts in determining whether to approve the project.

The Board hereby finds that the benefits of the Project outweigh its unavoidable, adverse environmental impacts such that the identified significant unavoidable impacts may be considered acceptable, for the reasons set forth below. Each benefit set forth below constitutes an overriding consideration warranting approval of the Project, independent of other benefits, despite each and every unavoidable impact.

- EVIDENCE:** a) The proposed project will result in development that will provide benefits to the surrounding community and the County has a whole. Any one of the facts listed below would be sufficient to provide balance to the public good in approving this project with the unavoidable significant impacts identified. The project would provide the following benefits to the public:
- i. California Assembly Bill 32, the California Global Warming Solutions Act of 2006, created a program to reduce greenhouse gas emissions to 1990 levels by the year 2020. Senate Bill X 1-2, the California Renewable Energy Resources Act of 2011, requires all California utilities to procure 33 percent of their electricity from renewable sources by 2020, with intermediate targets of 20 percent by the end of 2013, and 25 percent by end of 2016. A portion of the energy generated by the project would be sold to PG&E under a long-term power purchase agreement (PPA) as part of meeting these statewide goals, and additional PPAs may be entered with other entities to meet both renewable energy and greenhouse gas emission reduction goals.
  - ii. The project site is located in an area that is optimal for solar development and has been identified as a Competitive Renewable Energy Zone (CREZ) under the State's Renewable Energy Transmission Initiative (RETI). Given the elevation and the location, as noted in the Draft EIR, the project site experiences substantial year-round sunlight. An existing 230 kilovolt (kV) transmission line with available transmission capacity, the Morro Bay-Gates line, transects the site which helps to minimize the amount of electrical transmission infrastructure that would normally have to be created.
  - iii. The project would offset significant cubic metric tons of CO<sub>2</sub> emissions per year, reducing the County's contribution to climate change and reducing the water demand which typically is needed for the production and generation of fossil fuels. The project would also provide an economic benefit in further helping the global PV panel market reach scale so that solar power is cheaper, which is of benefit both regionally and across the State.
  - iv. The project would generate both construction and permanent jobs in the region and beyond. The permanent jobs generated would continue during the lifetime of the project, a period of 34 years. Secondary employment, resulting from the increased temporary and permanent jobs created, would also be created, further benefiting

- the region.
- v. Construction and operation of the project would increase tax revenue both in the region and elsewhere in the State.

**DECISION**

**NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTEREY, AS FOLLOWS:**

- a. The foregoing recitals and findings are true and correct.
- b. The Board of Supervisors hereby certifies that the Final Environmental Impact Report for the Cal Flats Solar project (SCH#: 2005091055) has been completed in compliance with CEQA, that the FEIR was presented to the Board of Supervisors, that the Board of Supervisors considered the information contained in the FEIR before taking action on the project, and that the FEIR reflects the independent judgment and analysis of the County.
- c. The Board hereby adopts the CEQA findings for project approval and adopts the Statement of Overriding Considerations set forth above.

PASSED AND ADOPTED upon motion of Supervisor Potter, seconded by Supervisor Phillips and carried this 10th day of February 2015, by the following vote:

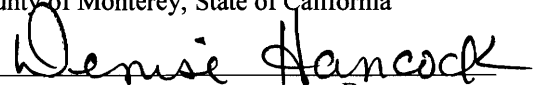
AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter  
NOES: None  
ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 77 for the meeting on February 10, 2015.

Dated:

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By

  
Deputy