

# Attachment A

This page intentionally left blank.

# ATTACHMENT A PROJECT DISCUSSION

## I. PROJECT DESCRIPTION AND BACKGROUND

The subject site is located approximately seven miles south of Parkfield in the southeasterly portion of Monterey County near Kern, Fresno and San Luis Obispo Counties. The site area is generally known as Turkey Flat and is a gently undulating, largely treeless, grassland with interspersed intermittent drainages. The site has historically been used for grazing. The site does include some Oak woodland and Riparian woodland areas. The site is bordered in all directions by mostly undeveloped grazing land. There are two residences located in close proximity to the site near the eastern public road terminus of Turkey Flat Road.

Primary vehicle access to the project site is proposed off of California State Route 41 (Highway 41) in San Luis Obispo County, by way of an existing 5.5 mile private driveway that would be improved as part of the proposed project. Emergency and limited vehicular access to the project site is proposed to be available from an existing Monterey County road, Turkey Flat Road. Due to the access road and construction staging area being located in San Luis Obispo County, the County of San Luis Obispo is the entity responsible to issue permits associated with construction of the access road and the construction staging area.

The total project area encompasses approximately 3,000 acres, on a portion of an existing 72,000 acre cattle ranch, known as “Jack Ranch”. The project is comprised of the solar generating facility area, a utility corridor, and improvements to an existing access road. The solar generating facility area would be located on approximately 2,720 acres, and would include an approximately 2,120 acre solar development area (SDA), an approximately 135-acre (2.3 miles) 230 kV overhead transmission line, an approximately 5-acre high-capacity collection system line corridor, two on-site substations each approximately six acres in size, a switching station to be owned and operated by Pacific Gas & Electric Company (PG&E), a 4,000 square foot operations and maintenance (O&M) facility, and temporary construction staging areas. In addition, implementation of the proposed solar project would require construction and operation of infrastructure improvements to be located in an approximately 155 acre utility corridor (please see Figures 2-4h, 2-4l, 2-4o, 2-4s, and 2-4v of the DEIR) and improvements to an existing private access road (please see Figure 2-9 of the DEIR) within an approximately 60 acre area.

The useful life of the project is expected to be approximately 34 years. At the end of 34 years a decision can be made as to whether it is expedient to restore the site to its existing condition, or to repower the site with technology available at that time. The Use Permit and EIR have attempted to address the flexibility necessary to make this decision in the future.

The EIR process rendered two environmentally superior alternatives as compared to the project proposed (No Project and Reduced Project). The alternative development process and different alternatives are discussed in more detail in the environmental section of this report and in Section 7 of the DEIR. Neither of these alternatives would accomplish any of the objectives of the proposed project, including the reduction of Greenhouse Gas emissions.

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). With elevations of approximately 1,700 feet, the site is situated above the

coastal marine layer and, unlike many other inland central California areas, is not subjected to “tule fog” during the winter. 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 and has capacity for the project.

California is committed to the reduction of greenhouse gases through increases in renewable energy generation and reduction in the use of fossil fuels (coal and natural gas). 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. In addition, 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.

**Construction:** Construction of the proposed project would take approximately 12 to 18 months. The project proponent proposed to begin construction in 2014 and conclude construction by early 2016. Construction now is anticipated to begin in 2015. All construction staging would occur within the proposed project site, and a 38-acre designated construction staging/laydown area would be provided in the southeastern corner of the project site. Project construction would begin with the initial site preparation work, such as grading, vegetation removal (no trees are proposed for removal) and the construction of general site improvements, such as access road improvements and water infrastructure. The solar system (solar arrays, substations, and collection and transmission systems) will be installed in phases along with the access roads within the arrays. The solar facilities would be constructed in 20 MW blocks and multiple blocks could be constructed simultaneously.

**Operation and Maintenance:** The proposed project would operate seven days a week during daylight hours. Onsite staff would include a site manager, approximately six technicians, and about four staff, on an average daily basis, to clean and maintain the PV panels and other equipment. Panel cleaning or equipment maintenance and repair may require additional personnel on a temporary, as-needed basis. Other operational activities would include meter reading, production reporting, equipment inspecting and testing, and similar activities. General site maintenance would include vegetation and landscaping management, road maintenance, and general upkeep of the O&M facility.

**Decommissioning and Site Restoration:** At the end of the term of the Use Permit (34 years) or when the project ceases if earlier, it would be decommissioned. Decommissioning would include removing the solar arrays, transformers, electrical collection system, underground lines, fencing, lighting and substations, and possibly the O&M facility from the site. Standard decommissioning practices would be utilized, including dismantling and repurposing, salvaging/recycling, or disposing of its solar energy improvements, and site restoration. However, actual decommissioning and site restoration activities would be conducted in accordance with all applicable requirements in effect at the time of project termination, and a final decommissioning plan, based on then current technology, site conditions, and regulations, would be prepared prior to actual decommissioning. The Development Agreement between Cal Flats and the County provides for Cal Flats to provide a bond as financial security for the decommissioning work.

Development Agreement: Development Agreements have been used throughout the State of California for many years. The County and the Developer have negotiated a Development Agreement (Attachment D), which can benefit both parties. The Development Agreement provides for Cal Flats to guarantee \$3 million in revenue to the County from the project, based on local sales and use tax associated with the materials used in building the project. First Solar manufactures the Solar Panels so ordinarily no tax would be paid to the County associated with those products. Since the panels are a large portion of the project, the Development Agreement will result in revenue to the County. The project is expected to generate at least \$3 million in Bradley-Burns Uniform Local Sales and Use Tax for the County of Monterey. If the sales and use tax attributable to the project and allocated to the County by the State Board of Equalization is ultimately less than \$3 million, Cal Flats agrees to make an additional payment to the County to bring the total revenue received by County up to \$3 million. The applicant will also provide \$75,000 to the Parkfield community for a library building and will assist CalFire in their preparedness to respond to emergencies while the project is under construction. In exchange, the applicant obtains the right to have the County policies and regulations in place at this time remain in place through the 34-year term of the Development Agreement.

## **II. USE PERMIT**

The property is zoned either Farmlands or Permanent Grazing. Both Zoning districts allow “Commercial and noncommercial wind energy conservation system” and “Other uses of a similar character, density and intensity to those uses listed in this section”. Part of the action of the Board of Supervisors, as part of the determination of consistency of the project with zoning, will be to determine whether solar energy collection is similar to wind energy and thus a use of similar, character, density and intensity to the uses listed. In the sense that solar energy collection does not involve rotating blades, there are elements of the use that are less intensive than a wind energy facility.

Uses typically require a Use Permit when they are a use that could be considered consistent in the subject zone, but have elements which could be inconsistent with the character of the area. In this particular case the surrounding area is largely grazing land. The presence of Solar Arrays should not pose an inconsistency with the adjacent grazing land. There are two neighbors who will significantly have their view sheds changed as a result of the installation of these solar arrays. This will be discussed in more detail below. The following are areas that need to be considered as part of the Use Permit application:

**A. Access.** The site will obtain primary access from Highway 41 to the south. This access involves improvements to an existing ranch road that extends from Highway 41 to the project site. The first several miles of this road are in San Luis Obispo County. A condition has been added to require that the necessary permitting is in place through San Luis Obispo County, prior to County issuance of Construction Permits on the subject site.

Secondary access will come from the north on Turkey Flat Road which is a small rural road in Monterey County. This access point has several limitations including a portion of the road having been abandoned leaving an easement for ingress and egress across an adjoining property and the inability of the road to support large heavy construction vehicles. The traffic analysis and EIR evaluated that approximately 10 trips a day currently use the road. The existing ranch trips will be redirected to the primary access off Highway 41 and approximately the same number of vehicles will utilize Turkey Flats Road for access to the project site. Due to the condition of the road these trips will need to be limited to passenger vehicle or pickup trucks.

Turkey Flat Road is public up to a point that is now identified as the Hearst Gate. This gate is actually not on the Jack Ranch site (Hearst Ranch), but is on an adjacent property. The road south of the gate was abandoned in 1998 with the reservation of an easement for ingress and egress to affected property owners. The project proposes to use this access for emergency purposes and for limited vehicular access. The owners of the adjoining parcel between the subject site and Turkey Flat Road object to this portion of the road being utilized for the project and have interpreted the County action to abandon the road as reserving right of way only for historical ranch related trips.

The resolution adopted by the Board of Supervisors (Attachment H) does not place such limitation on the use of this easement for ingress and egress. The County has adopted an ordinance regulating access through the use of private roads (Section 21.64.320 of the Zoning Ordinance.) Under this section the resolution abandoning the right of way and reserving the easement would constitute a Private Road Agreement making this a Tier 3 road. The ordinance states: *“The appropriate authority shall rely on the plain language of the private road agreement regarding rights of access. If an objection is made involving proportionate costs for repair and maintenance of the private road(s), the appropriate authority shall consider an objection of fifty (50) percent or more of the parties to a private road agreement a substantive dispute and in this case, shall either deny the project on that basis or approve the project subject to the private road maintenance condition described in Subsection 21.64.320(F)(2). An objection of fifty (50) percent or more of the parties to a private road agreement shall be determined on a one vote per lot basis.”* In this case the plain language of the road agreement is that ingress and egress is reserved without limitation. The ordinance then requires provisions for maintenance of the road. The applicant has agreed to a condition of approval requiring the applicant to take full responsibility for maintenance of the road. This will satisfy the ordinance requirements.

It should be pointed out this is a change from the recommendation from the Planning Commission who imposed a condition that Turkey Flat Road be used for emergency purposes only. This was proposed by staff to address concerns expressed by the neighboring property owner with the knowledge that the number of trips on Turkey Flat Road would be very limited to begin with. Since that time the applicant has requested to be able to use the road to accommodate emergency trips and limited daily trips. The EIR identified approximately 10 trips per day.

**B. Impacts to Adjacent Property.** There are two residences on an adjacent property (Van Boxtel) which will look out over the solar panels at the northeastern boundary of the site. The primary impact to the adjacent property will be the long term visual impacts on these two residences. These visual impacts cannot be completely removed for this project because the Van Boxtel residence looks over nearly half the project site. These visual impacts can only be reduced through relocation of the solar arrays further away from their property. On the other hand, the site is not in an area which is visible to the general public. The site is isolated and the only point at which would be visible to the general public is from the terminus of the public section of Turkey Flat Road.

The project plans (Attachment C-1, Site Plan A-1, page 3) show the solar arrays have been held back approximately 250 feet from the Van Boxtel western fence line and no solar arrays are proposed between a deeply incised channel and the Van Boxtel access road. This is helpful, but the neighbors ask: what is a reasonable distance to maintain between the solar arrays and the Van Boxtel residence? The County does not have any policy to protect a private view and there is no ordinance requirement to define what is appropriate. This is not an environmental issue which requires mitigation but is a concern brought up for consideration by the adjoining neighbor.

One way to address this concern is for the location of the solar arrays to be moved away from the Van Boxtel's residence. This will provide degree of separation. It must be recognized that there are competing demands in discussing this. First, California Flats Solar needs to maintain the capacity to produce 280 mega watts of power production. Second, is that while it would be good to relocate solar arrays, there is a limit to the areas appropriate to receive the relocated solar arrays. The site has been evaluated from a biological standpoint and that continues to be a constraining factor in the use of certain portions of the land. A "win - win" scenario would be where California Flats were able to relocate as many arrays as possible away from the Van Boxtel property increasing the setback without losing power production capacity. Staff has discussed this with both the applicant and the Van Boxtel's. Unfortunately at the writing of this staff report, there is not a consensus on an acceptable design. Ideas are being exchanged. Rather than presenting something here in the staff report, staff would like to continue to work toward a solution with both parties that could be presented to the Board of Supervisors on February 10, 2015. If no solution can be reached that will be explained and alternatives will be presented.

**C Duration of Use.** The applicant has proposed a 34 year duration for this use. This will be carried out in the Development Agreement and in the Use Permit. At the end of 34 years if there is a desire to continue, a new discretionary action will be needed to either change the time frame, or for a new permit depending upon the circumstances at the time.

### III. GENERAL PLAN CONSISTENCY

The proposed project is being processed under the 2010 Monterey County General Plan (and the South County Area Plan.) The following policies are applicable to this application:

**Long Term Sustainable Water Supply -- PS-3.1** *Except as specifically set forth below, new development for which a discretionary permit is required, and that will use or require the use of water, shall be prohibited without proof, based on specific findings and supported by evidence, that there is a long-term, sustainable water supply, both in quality and quantity to serve the development.*

*This requirement shall not apply to:*

- a. the first single family dwelling and non-habitable accessory uses on an existing lot of record; or*
- b. specified development (a list to be developed by ordinance) designed to provide: a) public infrastructure or b) private infrastructure that provides critical or necessary services to the public, and that will have a minor or insubstantial net use of water (e.g. water facilities, wastewater treatment facilities, road construction projects, recycling or solid waste transfer facilities); or ...*

The proposed project falls under exemption "b" above which allows specified development designed to provide public or private infrastructure that provides a critical or necessary service to the public, and that will have a minor or insubstantial net use of water to be exempt from proving a long term sustainable water supply. The project will produce electricity without the consumption of fossil fuels which is a public benefit. The EIR identifies the water demand as 494 acre feet during the two year construction process with a 5 AFY demand during the life of the project. The operational water demand would be approximately 4.1 AFY needed to wash the solar panels and approximately 0.9 AFY for potable water in the Operations and Maintenance facility. Assuming a

34 year life of the project, the total water use will be 664 Acre Feet of water. This is coming from the Chalome Valley Groundwater Basin which is projected to have a 35,478 AFY (Acre Feet per Year) surplus of groundwater recharge. Even with the exemption applied to this utility project, the overall water use of the property is extremely insignificant.

**OS-3.5** *The County shall regulate activity on slopes to reduce impacts to water quality and biological resources:*

1) *Non-Agricultural.*

a. *Development on slopes in excess of twenty five percent (25%) shall be prohibited except as stated below; however, such development may be allowed pursuant to a discretionary permit if one or both of the following findings are made, based upon substantial evidence:*

1. *there is no feasible alternative which would allow development to occur on slopes of less than 25%;*
2. *the proposed development better achieves the resource protection objectives and policies contained in the Monterey County General Plan, accompanying Area Plans, and all applicable master plans.*

The applicant proposes to stay off of slopes in excess of 25%. The applicant will conduct some grading where necessary for installation of the solar arrays, but overall the poles uses to support the solar arrays will account for changes in elevation in order to minimize the need for grading.

**AG-1.1** *Land uses that would interfere with routine and ongoing agricultural operations on viable farmlands designated as Prime, of Statewide Importance, Unique, or of Local Importance shall be prohibited.*

The proposed facility will not interfere with the routine and ongoing agriculture in the vicinity of the project. The facility will not be sensitive to the continued grazing on surrounding lands and the existence of the solar arrays will not be a detriment to the surrounding grazing activities.

#### **IV. CEQA/ENVIRONMENTAL REVIEW**

##### **A. Environmental Impact Report Preparation and Circulation.**

The application for the California Flats Solar Project was submitted to the County on August 3, 2012. The application was deemed complete on December 12, 2012. A Public Scoping Meeting on the Environmental Impact Report was held on Wednesday, April 17, 2013 to gather additional input on the content and focus of the environmental analysis to be conducted and presented in the EIR.

An Environmental Impact Report was prepared to evaluate environmental impacts that may result from implementation of the proposed project. Environmental Factors Potentially Affected that were studied included: Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Public Services, Transportation/Traffic, and Utilities and Service Systems. The public review period for the Draft EIR was from August 6, 2014 through September 22, 2014. Based on the comments received in the DEIR, a Final EIR was released for public review on January 2, 2015. This release date complies with the legal requirement of providing County responses to the commenting public agencies at least 10 days prior to certification of the EIR.



The County has the authority to take discretionary actions relating to development of the proposed project and may conditionally approve or deny the Use Permit along with approval or denial of the Development Agreement. The EIR is intended to serve as an informational document to be considered by the County during permit considerations on the proposed project. The EIR evaluates and mitigates the potential impacts associated with the proposed project. Where significant impacts cannot be completely mitigated they are so noted and the Board would be required to adopt a Statement of Overriding Considerations in order to be able to grant any project approval. The EIR also discloses growth-inducing impacts; impacts found not to be significant; and significant cumulative impacts of past, present, and reasonably anticipated future projects.

**B. Significant and Irreversible Environmental Effects**

The State CEQA Guidelines specify that an EIR shall include a discussion of significant irreversible environmental changes which would occur if the proposed project were implemented. This includes analysis of the use of nonrenewable resources, primary and secondary impacts which commit the project area to similar uses in the future, and irreversible environmental damage. Significant and irreversible effects related to this proposed project are summarized here and are noted in more detail in the EIR.

The EIR identified that there would be significant unavoidable impacts related to construction and decommissioning of the proposed project as well as Transportation and Traffic. In order to approve the project with these impacts, Findings of Overriding Consideration must be adopted indicating how the project benefits compensate for the impacts identified.

**C. Air Quality:**

Construction and decommissioning of the proposed project would result in the temporary generation of air pollutants, which would affect local air quality. Short-term emissions of NOX and PM10 during the construction period would exceed MBUAPCD thresholds. Mitigation measures outlined in Section 4.3 of the FEIR/DEIR, Air Quality, would partially reduce emissions. However, despite implementation of mitigation measures AQ-2(a) and AQ-2(c), temporary construction emissions would continue to exceed MBUAPCD 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.

**D. Transportation/Traffic:**

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 traffic generated 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 construction traffic would add trips through the intersection of SR41/46 which would increase hazards at an intersection which currently has an accident rate more than two times the statewide average. Project traffic generated 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 mitigate 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 FEIR/DEIR.

**E. Findings of Overriding Consideration:**

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. Resources that would be consumed as a result of project implementation include water, electricity, and fossil fuels during construction and operations; however, the amount and rate of consumption of these resources would not result in significant environmental impacts or the unnecessary, inefficient, or wasteful use of resources. Consumption of these resources in the region would be greatly offset by the increase in solar energy produced for the Statewide electrical grid and the reduction in the use of fossil fuels needed to generate electricity in the future.
- iii. 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.
- iv. 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.
- v. 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, estimated to be 34 years. Secondary employment, resulting from the increased temporary and permanent jobs created, would also be created further benefiting the region.
- vi. The project would increase tax revenue both in the region and elsewhere in the State.

#### **D. Less than Significant Impacts.**

Impacts that were found to be Less than Significant with Mitigation included: Aesthetics Resources; Agricultural Resources; some Air Quality impacts (all Air Quality thresholds, mitigations and those impacts which cannot be completely mitigated are analyzed in Section 4.3, Air Quality, in the DEIR); 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; Mineral Resources; Noise; Population and Housing; Public Services and Utilities; Transportation and Traffic (please see Section 4.13, Transportation/Traffic in the DEIR for those items which cannot be completely mitigated); Utilities and Service Systems.

#### **E. Alternatives.**

The DEIR developed three alternatives. The proposed alternatives are briefly summarized below. Further information is available in Section 7.0 of the FEIR/DEIR. An Impact Comparison Summary is also available within that section (Table 7-1).

- i. Alternative 1 - No Project/No Development. This alternative has a lesser impact than the proposed project in all areas except for reduction in Greenhouse Gas Emissions.
- ii. Alternative 2 - Alternate Jack Ranch Site. All construction and operation of a 280 MW PV solar energy facility would take place on approximately 2,030 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). This alternative location was selected based on proximity to the existing Morro Bay-Gates 230kV transmission line which runs northeast/southwest through the center of the site. This alternative has greater impact than the proposed project in the following areas: Aesthetics, Agricultural Resources, Hydrology and Water Quality, 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 no better or worse than 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. Approximately 6,400 linear feet of Cholame Road crosses the southwest corner of this alternative site and approximately 17,350 linear feet of Cholame Road borders the site to the west (refer to Figure 7-2 of the DEIR). 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 permanently 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. Although it would not be a permanent conversion because this alternative would convert areas designated Prime, Unique, and of Statewide Importance to non-agricultural use for the foreseeable future, the impact of this alternative would be greater than the proposed project. Overall this alternative location 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 to plant and animal resources would be less than on the proposed project.

This alternative would generate greenhouse gas emissions during construction, operation, and decommissioning. The alternative would introduce a renewable energy source, which would displace emissions that would otherwise occur by generating electricity at natural gas and coal-fired power plants. Thus, like the proposed project, the alternative would result in a net reduction in long-term regional GHG emissions. Overall, this alternative is seen as having a greater impact than the proposed project.

- iii. 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.

The No Project and Reduced Project alternative are considered environmentally superior, since each would result in equal or less impact than the proposed project. Because the No Project Alternative would eliminate (rather than reduce) anticipated environmental effects of the proposed project, it would be considered the most environmentally superior alternative. However, this alternative would not accomplish any of the objectives of the proposed project, including reduction of GHG emissions. The Reduced Project Alternative would result in impacts equal to or less than the proposed project. However, the costs associated with constructing and operating a smaller facility may not be feasible relative to potential revenue. Overall, the Jack Ranch Site Alternative (Alternative 2) would create greater environmental impacts than the proposed project.

#### **F. Environmentally Superior Alternative**

CEQA Guidelines Section 15126.6(e)(2) requires that the environmentally superior alternative be identified. In this case, Alternative 3, the Reduced Project Alternative is the environmentally superior alternative among the proposed alternatives. The Reduced Project Alternative would result in impacts equal to or less than the proposed project. However, this alternative would not accomplish any of the objectives of the proposed project, including a significant reduction of GHG emissions. Additionally, the costs associated with constructing and operating a smaller facility may not be feasible relative to potential revenue.

#### **G. Public Comments**

A number of comments were received in the course of review of the proposed project. A summary list of those individuals, groups or agencies who provided comments is listed in the FEIR. . Issues raised were responded to and are summarized in the Final EIR.

#### **V. DEVELOPMENT AGREEMENT –**

Chapter 18.62 of the Monterey Code provides procedures for processing and adopting development agreements. Pursuant to Chapter 18.62, development Agreements are acted on by the Board by ordinance upon a recommendation from the Planning Commission. At its hearing on January 14, 2015, the Planning Commission found the Development Agreement to be consistent with the following findings and recommended that the Board enter into the Development Agreement (Attachment I-3):

- a. *The provisions of the agreement are consistent with the County's general plan, any applicable area plan, and any applicable specific plan. A finding of consistency may be made based on proposed amendments to said plans, provided the proposed amendments are adopted prior to or concurrently with the development agreement.*
- b. *The development agreement is in the public interest.*
- c. *The development agreement provides public improvements and benefits that would not otherwise be obtained through other applicable development approval processes.*
- d. *The development agreement is consistent with all of the requirements of this Chapter*

## **VI. PLANNING COMMISSION**

On January 14, 2015, the Planning Commission held a duly noticed public hearing on the project. The Planning Commission, by a vote of 8 to 0, recommended certification of the EIR, approval of the Use Permit, and approval of the Development Agreement. (See Attachment I.)

## **VII. MODIFICATION CONDITION SUBSEQUENT TO PLANNING COMMISSION**

The applicant pointed out that condition 92, (mitigation measure 83) had not been changed in the FEIR consistent with the language change in the FEIR. A slight change is proposed to this condition (mitigation measure) as follows:

Any proposed park and ride facilities shall be sited in already developed parking lots (paved or unpaved) designed to accommodate large numbers of vehicles (e.g. shopping center locations). All vehicles shall be required to park in designated parking spaces. ~~These lots shall be currently improved and have existing stormwater drainage infrastructure in place.~~ No permanent new lighting shall be installed. The location of the park and ride facilities within these existing parking lots shall be sited in an area located away from residences and other sensitive receptors to limit nighttime disturbance from noise.

This reflects the fact that the FEIR identifies existing parking areas, and that the existing parking areas do not have storm drainage facilities. The mitigation measure without this change would not be possible to implement.

## **VIII. RECOMMENDATION**

Staff recommends that the Board of Supervisors take the following actions:

- 1) Certify the Environmental Impact Report (Attachment B); and
- 2) Adopt the Statement of Overriding Considerations (Attachment B); and
- 3) Approve the Use Permit based on the findings and evidence and subject to the conditions of approval (Attachment C); and
- 4) Adopt a Mitigation Monitoring and Reporting Plan (Attachment C); and
- 5) Adopt an ordinance approving the Development Agreement (Attachment D)

This page intentionally left blank