



Legislation Details (With Board Report)

File #: 13-0858 **Name:** California Flats Solar, LLC
Type: General Agenda Item **Status:** Passed
File created: 8/13/2013 **In control:** Board of Supervisors
On agenda: 8/27/2013 **Final action:** 8/27/2013

Title: a. Consider a request by California Flats Solar, LLC to file an application for a development agreement with Monterey County; and
b. Direct staff to begin negotiations with California Flats Solar, LLC for a development agreement. (Pre Authorization/REF130073/California Flats Solar, LLC, Southeastern corner of Monterey County, southeast of Parkfield, east of Turkey Flats Road and north of State Highway 46, South County Area Plan)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment A - Applicant Request to Negotiate, 2. Attachment B - Monterey County Code, 3. Attachment C - Memorandum of Options, 4. Completed Board Order

Date	Ver.	Action By	Action	Result
8/27/2013	1	Board of Supervisors	approved	

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b. Direct staff to begin negotiations with California Flats Solar, LLC for a development agreement. (Pre Authorization/REF130073/California Flats Solar, LLC, Southeastern corner of Monterey County, southeast of Parkfield, east of Turkey Flats Road and north of State Highway 46, South County Area Plan)

PROJECT INFORMATION:

Planning File Number: REF130073

Owner: Hearst Corporation

Applicant: California Flats Solar, LLC

Project Location: Southeastern corner of Monterey County, southeast of Parkfield, east of Turkey Flats Road and north of State Highway 46, South County Area Plan.

APN: 143-011-001-000 through 143-011-003-000, 423-191-037-000 through 423-191-039-000, 424-181-013-000 through 424-181-016-000, 424-181-018-000, 424-181-035-000 through 424-181-038-000, 424-191-015-000, 424-191-016-000, 424-201-007-000, 424-201-009-000 through 424-201-011-000, 424-211-001-000, and 424-211-004-000

Agent: Denise Duffy

Plan Area: South County Area Plan

Flagged and Staked: No

CEQA Action: Exempt

RECOMMENDATION:

- a. It is recommended that the Board of Supervisors authorize California Flats Solar, LLC to file an application for a development agreement with Monterey County; and
- b. Direct staff to begin negotiations with the applicant for a development agreement.

SUMMARY:

California Flats Solar, LLC has submitted a letter (**Attachment A**) to the Resource Management Agency requesting authorization from the Board of Supervisors to negotiate the terms of a development agreement with California Flats Solar, LLC pursuant to Section 18.62.040 of the Monterey County Code. Staff recommends that the Board of Supervisors authorize California Flats Solar, LLC to file an application for a development agreement and direct staff to begin negotiations with California Flats Solar, LLC for a development agreement.

DISCUSSION:

California Flats Solar, LLC (Applicant) has submitted an application for a Combined Development Permit (PLN120294) to construct a 280 Megawatt Solar Energy Facility on 22 parcels of Jack Ranch located southeast of Parkfield, east of Turkey Flats Road and north of State Highway 46. This project includes improvements at Highway 41 in San Luis Obispo County and other infrastructure needed to serve the proposed project. The County is currently in the process of preparing an Environmental Impact Report (EIR) for the project, which is being processed as an Extraordinary Development Application, with fees assessed on a time and materials basis against a deposit. Staff time associated with the processing of the Development Agreement will be charged against the deposit that has already been submitted by Applicant.

Monterey County Code Section 18.62.040.B (**Attachment B**) requires that prior to filing an application for a development agreement, the applicant must obtain authorization from the Board of Supervisors to file such application, based on the pre-screening process described in the section. To file an application for a development agreement, the applicant must be a qualified applicant, as defined in Chapter 18.62. A qualified applicant is a person or legal entity who has a legal or equitable interest in the real property which is the subject of the development agreement and who is applying to enter into a development agreement with the County. Applicant has provided a copy of a recorded Memorandum of Option for Solar Energy Land Lease (**Attachment C**) between the property owner (The Hearst Corporation) and Applicant (California Flats Solar, LLC) as evidence that Applicant is a "Qualified Applicant" as defined in Section 18.62.030.G.

The proposed development proposal meets the eligibility criteria found in Section 18.62 for authorization of the filing of a development agreement as follows:

- (1) The proposal is a large project for which there is no statutory mechanism to require the developer to make a substantial contribution to infrastructure, open space, affordable housing or other public improvements and amenities of benefit to the County that would otherwise be obtained through other applicable development approval processes. In their letter, Applicant states a desire to enter into an agreement with the County that would ensure that the County receives as much revenue from the construction of the project as is feasible; and
- (2) The application for a development agreement will be submitted in conjunction with Combined Development Permit application PLN120294.

Staff recommends that the Board authorize California Flats Solar LLC to file an application for a development agreement with the County and to direct staff to begin negotiating a development agreement with California Flats Solar LLC.

OTHER AGENCY INVOLVEMENT:

None.

FINANCING:

Funding for staff time associated with this project is included in the FY 2013-14 Adopted Budget for RMA-Planning.

Prepared by: Delinda Robinson, Senior Planner ext. 5198
Approved by: Mike Novo, Director, RMA-Planning, ext. 5192
Benny Young, Director Resource Management Agency

This report was prepared with assistance by Delinda Robinson and reviewed by Laura Lawrence, Planning Services Manager

cc: Front Counter Copy; Delinda Robinson, Project Planner; Laura Lawrence, Planning Services Manager; John Gaglioti, California Flats Solar, LLC, Applicant; Denise Duffy, Agent; Hearst Corporation, Owner; Christina Caro; Robin Cauntay; Richard Drury; Kate Kelly; Janet Laurain; Stacey Osborne; Rodney Wallace; Jane Wooster; The Open Monterey Project; LandWatch; Project File PLN120294 and REF130073

The following attachments are on file with the Clerk of the Board:

Attachment A	Applicant Request to Negotiate Terms of a Development Agreement
Attachment B	Monterey County Code Section 18.62.040
Attachment C	Memorandum of Option for Solar Energy Land Lease