



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and
Development
Department No.: 053
For Agenda Of: Jan 8, 2019
Placement: Set hearing on Jan 8,
2019 for Jan 29, 2019
Estimated Time: 20 mins on Jan 29, 2019
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Dianne M. Black, Director, Planning & Development
Director(s) 568-2086
Contact Info: John Zorovich, Deputy Director, Energy, Minerals & Compliance
568-2519
SUBJECT: **SEPV Cuyama Utility-Scale Solar Photovoltaic and Battery Energy Storage
Facility Project
Case Nos. 17GPA-00000-00006 & 17CUP-00000-00044
First Supervisorial District**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions:

On January 8, 2019, set a hearing for January 29, 2019 to consider the SEPV Cuyama Utility-Scale Solar Photovoltaic and Battery Energy Storage Facility project (Case Nos. 17GPA-00000-00006 and 17CUP-00000-00044).

On January 29, 2019, staff recommends that your Board follow the recommendation of the County Planning Commission and take the following actions:

- a) Make the required findings for approval of the Comprehensive Plan Amendment (17GPA-00000-00006) and Conditional Use Permit (17CUP-00000-00044) as specified in Attachment A of Attachment 1 of this Board Agenda Letter, including CEQA findings;
- b) Determine that as reflected in the CEQA findings, no subsequent Environmental Impact Report shall be prepared for this project, as specified in Attachment C of Attachment 2 of this Board Agenda Letter;

- c) Approve and adopt a resolution, included as Attachment 3 to this Board Agenda Letter, amending the Comprehensive Plan to add the Utility-Scale Solar Photovoltaic Facility Overlay to the 20.44-acre Project site; and
- d) Approve Conditional Use Permit (17CUP-00000-00044) subject to the conditions of approval included as Attachment B of Attachment 1 of this Board Agenda Letter.

The project site is identified as Assessor's Parcel Number 149-150-033, located south and southeast of the town of Cuyama and adjacent to the Cuyama Solar Array project site, First Supervisorial District.

Summary Text:

A. Project Description

1. Conditional Use Permit. The request is for a Conditional Use Permit to construct and operate a 20-acre utility-scale solar photovoltaic (PV) and battery energy storage facility in the Cuyama Valley Rural Region with the capacity to generate, store and deliver up to 3 megawatts of renewable electrical energy during peak periods of production. The major components of the facility would be PV modules, single-axis sun tracking support structures, energy storage batteries and electrical equipment. The energy storage component would utilize lithium ion batteries stored in up to three 40-foot long shipping containers located on-site and connected to the PV system with underground electrical conduit. Electricity generated by the project would be interconnected to the PG&E electrical distribution system at an existing PG&E 21 kV line. Additional project description details can be found in Section 5.3 of the County Planning Commission staff report, dated October 30, 2018 (Attachment 2). Site plans are also included as Attachment I to Attachment 2 of this Board Agenda Letter.

2. Comprehensive Plan Amendment. Utility-scale solar sites are a conditionally allowed use on parcels zoned Agricultural II (AG-II) with the Utility-Scale Solar Photovoltaic Facility Overlay. The project site is not currently located within this overlay designation, therefore, the application also includes a request for a Comprehensive Plan Amendment to apply the Utility-Scale Solar Photovoltaic Facility Overlay designation depicted on the Land Use Element Comp-9 Map to the project site.

B. Planning Commission Action

On November 7, 2018, the County Planning Commission voted 5 to 0 to recommend that your Board amend the Comprehensive Plan to add the Utility-Scale Solar Photovoltaic Facility Overlay to the 20.44-acre Project site and approve a Conditional Use Permit for the project. A copy of the Planning Commission's action letter and staff report are included as Attachments 1 and 2 of this Board Agenda Letter, respectively.

Background:

On October 7, 2014, as part of the Cuyama Solar Array project, the County Board of Supervisors adopted a Resolution that amended the County's Comprehensive Plan Land Use Element (Case No. 13GPA-00000-00002) to allow utility-scale solar photovoltaic facilities on up to 600 acres within the

Cuyama Valley Rural Region on lands designated Agriculture II (A-II) and zoned Agriculture II (AG-II) and certified the Cuyama Utility-Scale Solar Programmatic EIR (11EIR-00000-00005) as part of that action. At that same hearing, the Board of Supervisor’s also adopted an Ordinance (Case No. 10ORD-00000-00001) that amended the County Land Use and Development Code (LUDC) to allow utility-scale solar photovoltaic facilities within the Cuyama Valley Rural Region, subject to specific development standards incorporated into the LUDC and the discretionary approval of a Conditional Use Permit. To track the total acreage of agricultural property converted to utility-scale solar photovoltaic facilities and to limit conversion of properties to a maximum of 600 acres, the amended Land Use Element and LUDC require that approved facilities be located within the Utility-Scale Solar Photovoltaic Facility Overlay designation on the Comprehensive Plan maps.

To date, only one other utility-scale solar photovoltaic facility, the Cuyama Solar Array project site, exists within the county and accounts for 327 acres of land. The approval of the proposed project would bring the total acreage of utility-scale solar facilities in the county to 347 acres.

Environmental Review:

In 2014, the Board of Supervisors certified an EIR (11EIR-00000-00005) that evaluated, at a programmatic level, application of the utility-scale solar photovoltaic facilities overlay on 600 acres within the Cuyama Valley Rural Region. The EIR also evaluated project specific impacts for the Cuyama Solar Array project, a 327-acre solar facility located adjacent to the proposed project.

CEQA Guidelines Section 15168(c) applies to subsequent activities in a Program EIR (such as the Cuyama Utility-Scale Solar Programmatic EIR, 11EIR-00000-00005) and states that “[i]f the agency finds that pursuant to Section 15162 [of the CEQA Guidelines], no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.” Section 15162 gives the criteria where a previously certified EIR can be used and when a new EIR must be prepared. Documentation of new and/or unanticipated impacts must be identified if a new EIR is to be prepared.

As discussed in the CEQA Guidelines Section 15168(c) Supplemental Document to the EIR (Attachment C of Attachment 2 to this Board Agenda Letter), the proposed project is within the scope of the project covered in the Program EIR and there are no substantial changes or changed circumstances under which the proposed project is to be undertaken. No new significant environmental effects or substantial increases in the severity of previously identified significant effects under the approved 11EIR-00000-00005 would result from the proposed project, as analyzed in the Supplemental Document to the EIR. Further, there is no new information that the proposed project will have one or more significant effects not discussed in the approved 11EIR-00000-00005. Therefore, a Supplemental Document to 11EIR-00000-00005 pursuant to CEQA Guidelines Section 15168(c) is the appropriate document for the proposed Conditional Use Permit and General Plan Amendment project. Because none of the conditions in CEQA Guidelines Section 15162 have occurred, no subsequent EIR or ND shall be prepared for this project.

Fiscal and Facilities Impacts:

Budgeted: Yes

Costs to process this application are fully reimbursed by the applicant per Planning and Development's adopted fee schedule. Funding for this project is budgeted in the Permitting Budget Program on page D-272 of the FY 2018-19 budget.

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on January 29, 2019. The notice shall appear in the Santa Maria Times. The Clerk of the Board shall fulfill noticing requirements, which pursuant to CEQA Guidelines Section 15168(e) must include the following text: "A Programmatic EIR, Case No. 11EIR-00000-00005, was certified by the County Board of Supervisors for future utility-scale solar development within the Cuyama Valley Rural Region. The activity proposed is within the scope of the program EIR approved earlier (11EIR-00000-00005) and the program EIR adequately describes the activity for the purposes of CEQA." The mailing labels for the mailed notice are attached. A minute order of the hearing and copy of the notice and proof of publication shall be forwarded to the Planning and Development Department, Hearing Support, Attention: David Villalobos. A second minute order of the hearing shall be forwarded to the Planning and Development Department, Energy, Minerals & Compliance Division, Attention: Joseph Dargel.

Attachments:

Attachment 1: County Planning Commission Action Letter, dated November 9, 2018

Attachment 2: County Planning Commission Staff Report, dated October 30, 2018

Attachment 3: Board Resolution to Amend the Comprehensive Plan Land Use Element Comp-9 Map

Authored by:

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