# County of Yolo

**PLANNING AND PUBLIC WORKS DEPARTMENT**

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**PLANNING COMMISSION STAFF REPORT** **JULY 14, 2011**

**FILE #2011-002:** Request for a Use Permit to construct and operate a solar facility project on approximately 18 acres in the Agricultural General (A-1) Zone (Attachment A). The project would generate approximately 3.5 megawatts of electricity to provide a renewable source of energy for 25 to 35 years.

**APPLICANT/OWNER:** Dan Martinez
Putah Creek Solar Farms, LLC
4570 Putah Creek Road
Winters, CA 95694

**LOCATION:** Northeast of the intersection at State Route 128 and County Road 87D, west of and adjacent to the City of Winters (APN: 030-200-036) (Attachment B)

**SUPERVISOR DISTRICT:** 5 (Supervisor Chamberlain)

**GENERAL PLAN:** Agriculture (AG)

**ZONING:** Agricultural General (A-1)

**FIRE SEVERITY ZONE:** None

**FLOOD ZONE:** 0.2% chance annual flood hazard, X (area not within the 100-year or 500-year flood plains), and AE (area within the 100-year flood with a determined base flood elevation)

**SOILS:** Tehama loam (TaA), 0 to 5% slopes (Class II); Brentwood silty clay loam (BrA), 0 to 2% slopes (Class I); Riverwash (Rh) (Class VIII); Rincon silty clay loam (Rg) (Class II); and Marvin silty clay loam (Mf) (Class II)

**ENVIRONMENTAL DETERMINATION:** **Mitigated** Negative Declaration

**REPORT PREPARED BY:**
Stephanie Cormier, Senior Planner

**REVIEWED BY:**
David Morrison, Assistant Director

## RECOMMENDED ACTIONS

That the Planning Commission:

1. Hold a public hearing and receive comments;

2. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines (Attachment C);
3. Adopt the Findings (Attachment D); and
4. Approve the Use Permit subject to the Conditions of Approval (Attachment E).

**REASONS FOR RECOMMENDED ACTIONS**

There are complex and competing interests that must be carefully balanced within the context of each unique development application, guided by the policies of the General Plan. The proposed project would develop 18 acres of prime farmland with a utility-scale solar power facility. In this case, however, the General Plan strongly promotes both agriculture and alternative energy, as indicated in the following policies:

Policy LU-2.4
Vigorously conserve, preserve, and enhance the productivity of the agricultural lands in areas outside of adopted community growth boundaries and outside of city SOIs.

Policy AG-1.4
Prohibit land use activities that are not compatible within agriculturally designated areas.

Policy PF-10.2
Streamline the permitting process for the production of energy alternatives (including but not limited to photovoltaic, solar, wind, biofuels, and biomass), to reduce dependency on fossil fuels.

Policy PF-11.1
Encourage the development of power generating and transmission facilities in appropriate alignments and locations, sufficient to serve existing and planned land uses.

During the past eight months of discussion regarding the proposed solar ordinance, the issue that has generated the most debate has been whether or not to allow utility-scale solar facilities on prime farmland. Some have advocated the importance of local renewable energy sources to address future climate change, while others have stressed the need to preserve quality agricultural soils that are critical to the food supply. There is valid support and concern for each position.

On the one hand, development of a solar power facility will likely result in the permanent loss of farmland. On the other hand, the preservation of farmland will largely prevent the development of alternative energy. Utility-scale solar power facilities generally need to locate on flat ground in close proximity to existing substations and/or high voltage transmission lines. There are only four substations in unincorporated Yolo County, all of which are located on prime farmland. There are two 500 kv (kilovolt) transmission lines, both of which are located either on prime farmland or in the Dunnigan hills.

The proposed solar ordinance may provide further direction on the most appropriate way to reconcile these two beneficial competing interests. However an ordinance has not yet been adopted and the County's current rules apply. Consequently, the question at hand is not whether solar power should be located on farmland. The Yolo County Code currently allows utility infrastructure to be located within both the A-1 (Agricultural General) and A-P (Agricultural Preserve) Zones with approval of a Conditional Use Permit.

Instead, under the existing zoning regulations and policies, the main issue is whether this particular site is an appropriate location for the proposed solar facility, consistent with Policy PF-11.1 above. The General Plan does not define what an "appropriate" location is or what criteria should be evaluated in making such a determination. In making our recommendation, staff has considered the following issues:

- **Agriculture:** The proposed site consists of prime farmland, primarily Class II soils. Development would typically be discouraged on such high quality soils. Yet this property has historically been underutilized and has not been actively cultivated for at least 15 years. In addition the applicant has planted 12 acres of high-value walnuts immediately adjoining the proposed site.

- **Surrounding Uses:** The area can generally be characterized as a transition zone between the City of Winters to the east and agricultural areas to the west. About 75% of the proposed site is bordered by a number of existing non-agricultural uses, including an existing PG&E electrical substation, a residential subdivision, County Road 87D, rural residential home sites, and the Winters Veterinary Clinic. The applicant also owns adjoining property. Approximately 25 percent of the periphery of the property immediately abuts active agriculture (prune and walnut orchard). Adequate buffers will be required to separate the solar facility from the adjoining orchards. There are also active prune and walnut orchards west of Road 87D, but they would be limited on their ability to spray pesticides due to the presence of the road.

- **Energy Infrastructure**: The proposed solar facility will be located next to an existing PG&E electrical substation. This is important, as the electricity generated by the solar facility will need to be converted, so that it can be transmitted through the grid. There is also a low-voltage (115 kv) transmission line that runs through both the 32-acre project site in a north-south direction, with at least three 100-foot high power towers located on the applicant's property.

- **Aesthetics:** The solar panels will be eight-feet high at their maximum extension, but will be screened from public view by an eight-foot high fence and landscaping.

Staff believes that this application involves unique circumstances that support its approval. The historic inactivity of farming on the site, the prevalence of non-agricultural uses within the general area, and the immediate access to energy transmission infrastructure, all support the conclusion that this is an appropriate location for a power-generating facility.

## BACKGROUND

Putah Creek Solar Farms is proposing to install an approximately 18-acre solar generation facility on an approximately 32-acre parcel located west of and adjacent to the City of Winters (Attachment A). The proposed facility would interconnect to the PG&E grid at the adjacent Putah Creek substation, located at the project's northern boundary, near the southwest border of the City of Winters, on the east side of County Road (CR) 87D. The project would consist of an array of solar photovoltaic (PV) panels supported on a galvanized metal racking system; inverters; a grid interconnection pad; cabling; and a telecommunications system. The PV panels would be manufactured offsite and transported to the project site for installation.

The arrays would be oriented in rows along a north-south axis and mounted on sets of galvanized steel racking that rotate from east to west to track the sun's path. According to the applicant's solar provider, Stephen Smith of Solvida Energy Group, this tracking function is intended to increase the

system's energy production output; generate more power during utility peak loading periods (i.e., summer afternoons); reduce the system's footprint in order to reduce shading; and maximize energy production per solar panel. A minimum open space of 12 to 15 feet between rows is required to allow for tracking purposes, and will accommodate access for array maintenance and servicing. Approximately 33 percent of the array footprint is actually covered by solar equipment.

Each panel row measures approximately 118 feet in total combined length, and approximately 6.5 feet in width. Total height of the system measured from the ground surface is approximately 5.25 feet to 7.75 feet, depending on time of day. Maintaining a low elevation profile reduces potential wind loads on the panel system.

The project proposes a "concrete-free" racking system by using a combination of galvanized I-beam or tubular steel posts and channel steel, which is driven into the soil using a pile/vibratory/rotary driving technique. This concrete-free system is intended to reduce impacts by providing a smaller project footprint at the ground level (i.e., using six-inch cylindrical steel versus 18- to 24-inch concrete cylinders); minimizing construction impacts (less concrete deliveries); increasing installation efficiency (no concrete curing time); and increasing the success of site restoration at the time of project dismantling.

Three small-scale inverter/distributor transformers, attached to 10-foot by 15-foot concrete equipment pads with 12-foot high weather canopies and security fencing, will be located within the solar panel arrays. These structures will be designed to protect the electrical equipment from weather exposure and vandalism, and will reduce equipment noise and dust issues. One 15-foot by 15-foot concrete interconnection pad would be constructed on the north side of the parcel to receive utility grid power from PG&E via underground or above-ground wiring. The distance from the interconnection pad to the Putah Creek substation will be less than 100 feet, which will significantly reduce the amount of power normally lost in transmission (about seven percent).

Access to the site would be from CR 87D, with interior access provided by a 30-foot wide perimeter road, maintained to facilitate onsite circulation. Construction of the project is expected to last for approximately three months, with crews working five 10-hour days per week between the hours of 8:00 a.m. and 5:00 p.m.

Maintenance of the facilities would require approximately two part-time employees to perform visual inspections and minor repairs up to one time daily. On intermittent occasions, 10 to 15 employees may be necessary if repairs or replacement of equipment is required. The solar PV panels would be washed approximately four times per year to remove dust particles and other buildup to ensure optimum solar absorption. Panel cleaning entails one or two water trucks spraying small amounts of water (approximately 100,000 gallons per year).

## STAFF ANALYSIS

The proposed solar generation project would occupy approximately 18 acres on a 32-acre agriculturally-zoned parcel (APN: 030-200-036) that was previously used as an orchard, but has not been actively farmed or irrigated for at least 15 years. The applicant, Putah Creek Solar Farms, owns the adjoining 12-acre parcel to the south (APN: 030-200-044), which was also lying fallow, but has recently been planted in walnuts. The project is just west of and adjacent to the City of Winters, and will be accessed off County Road 87D.

State Route 16 lies to the south of the project, and adjacent to the newly planted 12-acre orchard. The closest residences are located approximately 250 feet east of the project boundary, within a residential subdivision in the City of Winters. A portion of Dry Creek runs along the eastern boundary of the 32-acre subject parcel, and along the west side of the residential subdivision. The project boundary excludes approximately 14 acres of the 32-acre parcel, which creates a 250-foot buffer from the edge of the project to the nearest residences and Dry Creek.

The surrounding properties to the north, south, southeast, and west are agriculturally zoned, and are primarily used as orchards, with the exception of an approximately seven-acre parcel located at the southeast corner of the 32-acre parcel, which is in use as a rural residence; and the Putah Creek PG&E substation, located on an approximately three-acre parcel at the project's northern boundary. The residential subdivision, noted above, runs along the 32-acre parcel's northeast boundary for approximately 475 feet. County Road 87D, a 30-foot right-of-way, runs along the project's western boundary.

As indicated in the Initial Study/Mitigated Negative Declaration prepared for the project (Attachment C), the potential for significant environmental impacts to agricultural and biological resources have been addressed through mitigation measures that have been implemented into the project's Conditions of Approval (Attachment E). The following discussion sections summarize the mitigation required for the loss of agricultural and biological resources, as well as other aspects of the project's features designed to reduce significant project concerns.

Aesthetics

The 18-acre project site is near a locally designated scenic corridor. State Route (SR) 128, which lies south of the project site, is a locally designated scenic roadway in the Yolo County 2030 Countywide General Plan, from the City of Winters to the Napa County line. Although the project location is proximate to State Route 128, the project would not be visible from the roadway because a walnut orchard has been planted on the 12 acres at the project's southern boundary. The southern most edge of the project footprint will be approximately 950 feet north of SR 128.

The project, however, may be seen from other potential vantage points, such as nearby rural residences and from the residential subdivision located in the City of Winters, at the project's northeast parcel boundary. However, a low-voltage tower line runs through both the southern 12-acre parcel and 32-acre project site in a north-south direction, with at least three 100-foot high power towers located on the applicant's property. Conversely, the solar arrays will be less than eight feet high, and the small inverter pads (transformer stations) will be covered by 12-foot high weather canopies. These 10-foot by 15-foot concrete pads will be placed and fenced within the solar panel arrays to support the inverter/distributor transformers. The size of small sheds, these inverter pads are not expected to obstruct views of nearby residences, given that the project vicinity already has a high-tension power line running through the property.

For security purposes, the perimeter of the project will be screened by an eight-foot high chain-link fence with vinyl slats, and one foot of three-strand concertina wire along the top. In order to soften the look of security fencing, landscaping features, such as native shrubs and trees, will be placed on the outside of the fence in order to minimize visual impacts. Additionally, the 250-foot buffer at the northeast portion of the project will be maintained, and the fence will be required to follow the project's perimeter. As a Condition of Approval, the approximately 14-acre area not covered with solar arrays will be left undisturbed, and/or will be used for future farming activity.

Low-level lighting is proposed to be installed in strategic locations around the facility to allow for ongoing maintenance and security. All lighting is proposed, and will be required through the project's Conditions of Approval, to be shielded and directed downward to minimize the potential for glare or spillover onto adjacent properties, the night sky, and public right-of-way. According to the applicant's solar provider, lighting for the facility can match the nearby residential neighborhood lighting in terms of lumens and bulb type. Additionally, there will be no glare or reflection from the solar panels, as the PV panels are dark in color, non-reflective, and designed to be highly absorptive of light. Overall, the project is not expected to negatively affect the quality of views from SR 128 or the nearby residences.

Agricultural Resources

The proposed solar project would occupy approximately 18 acres on a 32-acre parcel of farmland previously used as an orchard. According to the applicant, the property has not been actively farmed or irrigated during at least the last 15 years. Soils on the 32-acre property are primarily identified as Class II soils by the U.S. Soil Conservation Service *Soil Survey of Yolo County*. A small portion of the project footprint includes Class I soils (Attachment F). The project site is designated as "Farmland of Local Potential" on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, which includes soils that are of prime or statewide importance that are not presently irrigated or cultivated. According to an exhibit prepared by the USDA Natural Resources Conservation Service, the California Revised Storie Index rating for both the 32-acre property and adjoining 12-acre parcel to the south, includes a combination of Grade One (Excellent) and Grade Two (Good) Storie Index levels, *if* the soils were cultivated. This Storie Index method of soil rating is based on soil characteristics that govern the land's potential use and productive capacity, but does not include other physical or economic factors that might determine the desirability of growing certain plants in a given location.

It is not clear whether or not the previous owner of the 32-acre and adjoining 12-acre parcels ever intended to actively farm the property. A Parcel Map affecting the parcels, approved in 1990, indicates that the 12-acre parcel was to be retained as a "no-build" parcel until such time as the General Plan and Zoning for the properties changed, or the property was annexed into the City of Winters. At the time, homes could not be built on A-1 zoned parcels that were less than 20 acres. Over the years, the previous owners would occasionally inquire about removing the no-build restriction, in order to sell both parcels as individual home sites. The current property owner, Putah Creek Solar Farms, has already re-established a walnut orchard on the southern 12-acre parcel.

The County's zoning ordinance lists "electrical distribution stations," "transmission substations," "communication equipment buildings," and "public utility service yards" as conditional uses that require a Minor Use Permit in the A-1 (Agricultural General) Zone. It can therefore be determined that a solar energy generation facility is presumed to be a compatible use in the agricultural zones through the discretionary review process. Although the property has been lying vacant and uncultivated, and has not been irrigated for at least 15 years, in the Initial Study prepared for the project (Attachment C), staff found that the project could potentially convert farmland to a non-agricultural use, and thus mitigation for the loss of 18 acres of farmland would be required as a Condition of Approval.

The issue of whether or not it is possible to "reclaim" agricultural values on the land if the proposed solar facility is removed after 25 or 35 years is largely unknown at this time. Even if the terms of the contract expire after 25 or 35 years, there is no evidence to suggest that the facility will be removed after approximately 35 years, given that, if successful, and with the infrastructure already in place,

the facility can continue to be used with updated technology for solar generation. Thus, staff has concluded that there is an indefinite loss of agricultural capacity on approximately 18 acres of the property and that a permanent loss of farmland could be inevitable. As a Condition of Approval, the applicant will be required to grant, in perpetuity, a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism to, or for the benefit of, the County, for 18 acres.

In addition to mitigating for the potential permanent loss of farmland, the applicant will be required to amend the project site plan in order to incorporate a larger buffer, up to 30 feet, where the project adjoins orchards that are aerial sprayed; unless, an agreement between property owners and/or the affected lease farmers conclude that the proposed 20-foot buffer is sufficient. This includes property at the northeast and eastern boundaries of the project site. Orchards to the west are buffered by County Road 87D.

Biological Resources

The site of the proposed solar facility is a fallowed orchard, consisting of ruderal vegetation. As with most flat areas in the County, and as indicated by the California Natural Diversity Data Base (May 2010, there is the potential for the Swainson's hawk, burrowing owl, and valley elderberry longhorn beetle to occur near the project site because suitable habitat is nearby in the surrounding area. The Swainson's hawk, a designated federal species of concern and listed by the State Endangered Species Act as "threatened," nests primarily in riparian areas adjacent to agricultural fields or pastures, and sometimes in isolated trees or roadside trees. Nest sites are typically in mature trees and are located near suitable foraging areas. The primary foraging areas for the Swainson's hawk include open agricultural lands, pastures, and fallowed land. The County requires biological mitigation to be considered for all discretionary development projects. As identified in the Initial Study prepared for the project, addressing the loss of Swainson's hawk foraging habitat through mitigation will be required as a Condition of Approval. Additionally, pre-construction surveys will be required prior to construction of the project to determine if any active raptor nests or potential burrowing owl sites are located within the vicinity of the project.

Noise

According to the solar provider, Solvida Energy, the inverter equipment generates low noise emissions (less than 65 dBA at the source), which is housed within weather canopy structures on concrete foundations, and should not produce noise levels audible to adjacent property owners. Additionally, the inverter/distributor transformers and substations only operate during daylight hours when the project is generating power. There will be no noise sources during the evening and night time hours.

The project site is located on an agriculturally-zoned parcel, which adjoins the City of Winters for approximately 560 feet along its northeastern property boundary. Approximately 475 feet of this area is adjacent to a residential subdivision within the City limits and separated by Dry Creek. As discussed above, the site plan proposes keeping approximately 14 acres in the area along Dry Creek undisturbed and in an open space like setting, which creates a natural 250-foot buffer from the nearest residences. Typical noise levels on most actively farmed agriculturally-zoned properties are at about 80 dBA. Operation of the project, as proposed, should not affect noise levels on the adjoining properties; particularly compared to noise levels generated from surrounding farmlands (orchards) and traffic on SR 128.

Safety

Combustible vegetation on and around the solar generation project would be required to be actively managed to minimize fire risk. However, there are no potentially dangerous, explosive, flammable, or hazardous chemical elements to the project, and no hazardous waste materials would be generated by the operation of the project. The applicant has proposed to implement fire prevention measures to address potential fire hazards in the project area. Such measures include training to familiarize emergency responders and employees of the codes, regulations, associated hazards, and mitigation processes related to solar electricity and fire suppression procedures for PV systems.

Draft Solar Facilities Ordinance

As the Planning Commission is aware, the Board of Supervisors is now in the process of considering the draft Solar Facilities Ordinance, which was recommended for approval by the Commission in April, 2011. The Board of Supervisors has held two public hearings on the ordinance and has proposed several changes.

Because the ordinance has not yet been approved in any form by the County, this application is not required to meet any of the development standards of the proposed ordinance. This applicant is being required to mitigate for loss of agricultural land and Swainson's hawk foraging habitat under the County's existing zoning regulations and the California Environmental Quality Act. These requirements are also included in the draft ordinance. This application meets other standards of the draft ordinance such as setbacks, and was processed as a Minor Use Permit, under current zoning. Under the draft ordinance this application could also be processed as a Minor Use Permit.

**SUMMARY OF AGENCY COMMENTS**

A Request for Comments was prepared and circulated for the proposed project from January 19, 2011, to February 1, 2011. Additionally, a Courtesy Notice was sent to property owners within 1,000 feet of the project site. The project was also reviewed at the Development Review Committee meeting on January 26, 2011, and again on June 22, 2011, to review the project's Conditions of Approval. The Initial Study/Mitigated Negative Declaration was circulated for a 30-day public review period from June 10 2011, to July 12, 2011. The Notice of Availability was sent to property owners within 1,000 feet of the project.

Comments received during the review period from interested agencies/parties are displayed in the table below and will be incorporated into the project as appropriate.

| Date | Agency | Comment | Response |
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| | | | |
| January 19, 2011 | Yolo Natural Heritage Program | Installation of the solar arrays will remove Swainson's hawk foraging habitat and mitigation will be required; no mitigation is required for the conversion of the remaining parcel to permanent crops. | Included as mitigation in the project's Conditions of Approval. |
| January 19, 2011 | Yolo County | No issue as long as project | Included in project |

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| | Sheriff's Department | perimeter is fenced for security. | proposal. |
| January 20, 2011 | USDA Natural Resources Conservation Service | Inquired if the project would present any erosion problems along the adjacent stream bank of Dry Creek; if flooding was an issue at the site; how the loss of wildlife habitat would be mitigated; and would the project increase runoff from the site. | The project footprint intentionally avoids Dry Creek by leaving the adjacent 14 acres in open space for future farmland use, creating an approximately 200-foot buffer from the top of the bank. Policies in the 2030 Countywide General Plan call for at least 100-foot buffers from the edge of a stream bank. The project more than satisfies this requirement.<br><br>The project requires virtually no grading and would create very little impervious surface area that would contribute to an increase in runoff. The arrays would occupy approximately 33 percent of the 18 acres, and the ground beneath will remain pervious.<br><br>Mitigation is required for the loss of Swainson's hawk foraging habitat (see above). |
| January 20, 2011 | Yolo County Building | Permits will be required for construction of the project. | Included in the project's Conditions of Approval. |
| January 26, 2011 | Yolo County Agricultural Commissioner's Office | Concerned about potential impacts to adjacent growers, i.e., the site plan does not show adequate enough buffers for aerial spraying applications. Recommended coordination | Comments noted and the issue of an increased buffer has been addressed in the project's Conditions of Approval. |

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| | | between property owners. Also, fertilizer applications and dust from harvest activity could etch the panels. Recommended the applicant produce a bond for the life of the project for site cleanup. | |
| January 31, 2011 | Yolo County Public Works | 1. Prior to the issuance of a grading permit, the applicant shall apply for a County encroachment permit for work within the County right-of-way. A paved driveway connection with culvert is required to County Road 87D per County standards.<br>2. Construction of the proposed development shall comply with the County of Yolo Improvement Standards that require best management practices to address storm water quality, erosion, and sediment control.<br>3. The applicant shall be responsible to pay the County for the labor, material, and equipment costs required to repair County Road 87D due to any damage caused by construction activities associated with the project as determined by the County Engineer. | See attached Conditions of Approval (Attachment E) for Public Works' requirements.<br><br>A pre-construction survey shall be performed prior to beginning of construction to determine the condition of CR 87D. |
| February 1, 2011 | Department of Transportation (Caltrans) | Access to the project site should be as far away from the intersection of CR 87D and SR 128 as is practical. The minimum distance between the proposed project's access and SR 128 should be no less than 500 feet. | Included in the project's Conditions of Approval. |

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| June 10, 2011 | Central Valley Flood Protection Board | The proposed project is located within the jurisdiction of the CVFPB, which is required to enforce standards for the construction, maintenance and protection of adopted flood control plans that will protect public lands from floods. The jurisdiction of the CVFPB includes the Central Valley, including all tributaries and distributaries of the Sacramento River and the San Joaquin River, and designated floodways. Please see attached letter (Attachment F) | Included in the project's Conditions of Approval. |
| June 21, 2011 | Ernie Gadinni, resident | Sent an e-mail to formally request the denial of a Use Permit for the construction and operation of the photovoltaic solar generation project. The soil on this property is agricultural soil and should be used for planting. The project will reduce the value of my property and surrounding property, and will be an eye sore. Construction vehicle traffic will further damage the road. Suggest that the use be located one mile north of County Road 87D. | Comments noted.<br><br>Construction damage to the roadway has been addressed in the project's Conditions of Approval. |
| June 27, 2011 | Department of Conservation, Division of Oil, Gas, & Geothermal Resources | There do not appear to be any active or abandoned oil or gas wells within the boundaries of the project. However, if any abandoned or unrecorded wells are uncovered or damaged during excavation or grading, remedial plugging operations may be required. | Included in the project's Conditions of Approval. |
| June 30, 2011 | Courtney and Benjamin Taylor, City of Winters | Sent a letter in response to the Initial Environmental Study/Mitigated Negative Declaration (see attached | Comments noted. |

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| | residents | letter in Attachment F). | |

**APPEALS**

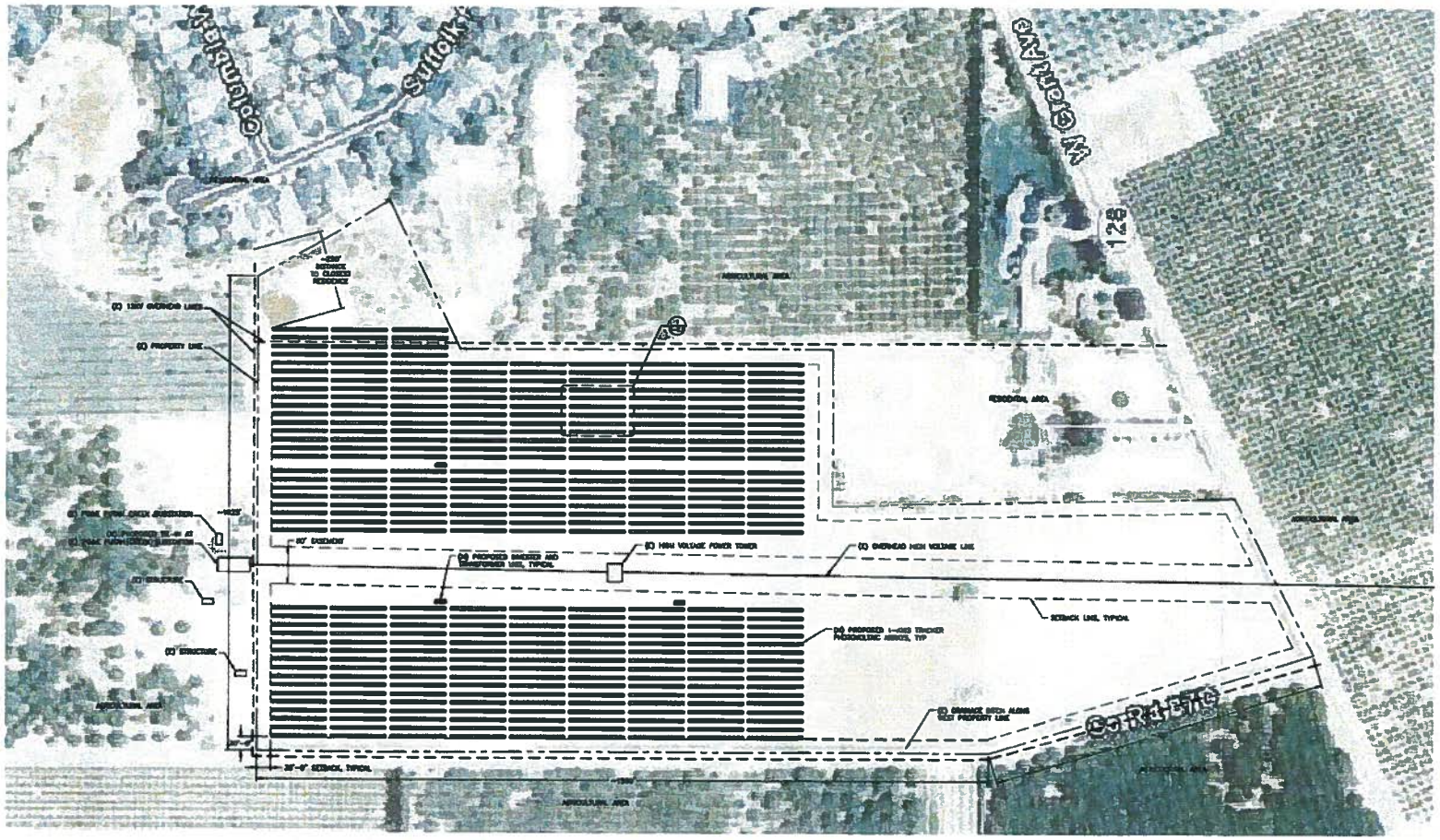
Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the Board of Supervisors by filing with the Clerk of the Board of Supervisors within **fifteen (15) days** from the date of the action. A written notice of appeal specifying the grounds for appeal and an appeal fee immediately payable to the Clerk of the Board must be submitted at the time of filing. The Board of Supervisors may sustain, modify, or overrule this decision.

**ATTACHMENTS**

A: Site Plan
B: Location Map
C: Initial Study/Mitigated Negative Declaration, Errata, and Mitigation Monitoring and Reporting Plan
D: Findings
E: Conditions of Approval
F: Correspondence

# SITE PLAN

# ATTACHMENT A




OVERALL SITE PLAN

NOTES:

SYSTEM GRID TIE OPTIONS:
① EXISTING OVERHEAD 12.47kV LINES.
② 12.47kV FEED DIRECTLY GRID PUMA CREEK SUBSTATION.

GRID NORTH

PROJECT NORTH (0 DEG OFFSET FROM GRID NORTH)

CONCEPTUAL
FOR INTERCONNECTION ONLY

POWER OUTPUT
3MW AC
3.3MW DC

PAC

SOLVIDA ENERGY GROUP

PUMA CREEK SOLAR FARMS SOLAR PROJECT
NORTHEAST CORNER OF HWY 129 &
COUNTY ROAD 97D, WINTERS, CA.
APN 030-030-38

OVERALL SITE PLAN

PS-1.0

# VICINITY MAP


# ATTACHMENT B

# YOLO COUNTY
# PLANNING & PUBLIC WORKS DEPARTMENT

## INITIAL STUDY/ NEGATIVE DECLARATION
## ZONE FILE # 2011-002

## PUTAH CREEK SOLAR FACILITY
## USE PERMIT

**June, 2011**

# ATTACHMENT C

# Initial Environmental Study/Negative Declaration

1. **Project Title:** Zone File #2011-002 (Putah Creek Solar Facility)

2. **Lead Agency Name and Address:**
   Yolo County Planning and Public Works Department
   292 West Beamer Street
   Woodland, CA 95695

3. **Contact Person, Phone Number, E-Mail:**
   Stephanie Cormier, Senior Planner
   (530) 666-8850
   stephanie.cormier@yolocounty.org

4. **Project Location:** The project is located northeast of the intersection at State Route 128 and County Road 87D, west of and adjacent to the City of Winters

5. **Project Sponsor's Name and Address:**
   Dan Martinez
   Putah Creek Solar Farms, LLC
   4570 Putah Creek Road
   Winters, CA 95694

6. **General Plan Designation(s):** Agriculture

7. **Zoning**: Agricultural General (A-1)

8. **Project Summary:** See attached summary on following pages

9. **Surrounding Land Uses and Setting:**

| Relation to Project | Land Use | Zoning | General Plan Designation |
|---|---|---|---|
| Project Site | Agricultural (fallowed) | Agricultural General (A-1) | Agriculture |
| North | Agricultural (Putah Creek Substation and orchards) | Agricultural General (A-1) | Agriculture |
| South | Agricultural (SR 128 and orchards) | Agricultural Preserve (A-P) | Agriculture |
| East | Agricultural (orchards) and City of Winters (residential) | Agricultural Preserve (A-1) and City of Winters | Agriculture and City of Winters |
| West | Agricultural (orchards) | Agricultural General (A-1) and Agricultural Preserve (A-P) | Agriculture |

10. **Other public agencies whose approval is required:** Yolo County Public Works Division; Yolo County Building Division; Public Utilities Commission

11. **Other Project Assumptions:** The Initial Study assumes compliance with all applicable State, Federal, and Local Codes and Regulations including, but not

limited to, County of Yolo Improvement Standards, the California Building Code, the State Health and Safety Code, and the State Public Resources Code.

## Project Description

The project is a request for a Use Permit to construct and operate a solar generation project in the unincorporated area of Yolo County. The project is located on an approximately 32-acre agriculturally zoned parcel, adjacent to the City of Winters, on the northwest corner of State Route 128 and County Road 87D (APN: 030-200-036). The applicant also owns the adjoining 12-acre parcel to the south of the project site (APN: 030-200-044). Both properties are currently vacant and undeveloped, and have been fallowed for at least the last 15 years. Walnuts have recently been planted on the 12-acre parcel.

The project site is bordered by agricultural land, with a residential subdivision to the east (City of Winters), and State Route 128 to the south, and is generally supported by flat topography with no natural shading obstacles. The project site contains at least one high-voltage utility tower (man-made shading obstacle), guiding 115kV power cables from the site's southern border across the site to the Putah Creek substation. The nearest residence to the project area is approximately 250± feet east of the project site.

Putah Creek Solar Farms, LLC, proposes to develop, operate, and maintain a photovoltaic solar generation project comprised of photovoltaic solar electric panels, inverters, support structures, and electrical equipment. The project site is located proximate to PG&E's Putah Creek substation, which adjoins its northern boundary (Figure 3). The project would generate renewable energy from solar power, and would be sold to PG&E for public consumption.

Approximately 18 acres of existing farmland would be converted for the project, for a period of 25 to 35 years, with a maximum project footprint of approximately 20 acres (including construction staging areas); the remainder of the site would remain undisturbed. The adjoining 12 acres has recently been planted in walnuts. The parcel's flat land surface would require minimal grading to allow for installation of the proposed solar generation project. Access to the project would be provided from County Road 87D, with interior access provided by a 30-foot wide perimeter road, maintained to facilitate onsite circulation. Construction of the project is expected to generate an average of 25 vehicle trips per day for approximately three months, with crews working five 10-hour days per week between the hours of 8:00 a.m. and 5:00 p.m.

The solar generation project would consist of an array of solar photovoltaic (PV) panels, supported on a galvanized metal racking system, inverters, a grid interconnection pad, cabling, and a telecommunications system. The PV panels would be manufactured offsite and transported to the project site for assembly. PV panels are made of poly crystalline or thin-film amorphous silicon materials, and covered by a glass panel. PV panels are dark in color, are non-reflective, and are designed to absorb light that strikes the glass surface.

The arrays would be oriented along a north-south axis, with the panels mounted on sets of galvanized steel racking that rotate from east to west to track the sun's path throughout the day. This tracking function is intended to increase the system's energy production output; generate more power during utility peak loading periods (i.e., summer afternoons); reduce the system's footprint in order to reduce shading; and maximize

energy production per solar panel. A minimum open space of 12 to 15 feet between rows is required to allow for tracking purposes, and will accommodate access for array maintenance and servicing. Approximately 33 percent of the array footprint is actually covered by solar equipment.

Each panel row measures approximately 118 feet in total combined length, and approximately 6.5 feet in width. Total height of the system measured from the ground surface is approximately 5.25 feet to 7.75 feet, depending on time of day. Maintaining a low elevation profile reduces potential wind loads on the panel system.

The project proposes a "concrete-free" racking system by using a combination of galvanized I-beam or tubular steel posts and channel steel, which would be driven into the soil using a pile/vibratory/rotary driving technique. This concrete-free system is intended to reduce impacts by providing a smaller project footprint at ground level (i.e. using six-inch cylindrical steel versus 18- to 24-inch concrete cylinders); minimizing construction impacts (no concrete deliveries); increasing installation efficiency (no concrete curing time); and increasing the success of site restoration at the time of project dismantling.

Three small-scale inverter/distributer transformers, approximately 10 feet by 15 feet in size and attached to concrete equipment pads, will be located within the solar panel fields and surrounded by chain link fencing with vinyl slats. These structures will contain weather canopies and will be designed to protect the electrical equipment from weather exposure and vandalism, and reduce equipment noise and dust issues. One concrete pad would be constructed on the north side of the project site and utilized as the "PG&E Grid Interconnection Pad." PG&E will deliver utility grid power to the interconnection pad via underground or above-ground wiring. The distance of the interconnection pad to the adjoining Putah Creek substation will be less than 100 feet.

The inverter equipment identified for the project generates low noise emissions (less than 65 dBA at the source), and is housed within weather canopy/chain link structures on concrete foundations, and should not produce noise levels audible to adjacent property owners. Additionally, since the inverter/distributor transformers and substations would operate only during daylight hours when the project is generating power, there will be no noise sources during the evening and night time hours when receptors are more sensitive.

The solar generation project would be monitored remotely by a subcontracted entity to Putah Creek Solar Farms LLC. Security would be maintained through installation of an eight-foot high chain link fence, which would include one foot of three-strand concertina wire along the top of the fence that encircles the perimeter of the site. The perimeter fence design would be "wildlife friendly," i.e. the bottom of the fence would be five inches above the ground on average. Low-level lighting would be installed at strategic locations around the facility to allow for ongoing maintenance and security. All lighting is proposed to be shielded and directed downward to minimize the potential for glare or spillover onto adjacent parcels. Infrared security cameras, motion detectors, and/or other similar technology would also be installed to allow for monitoring of the site; and a security patrol would be contracted by the applicant.

It is anticipated that maintenance of the facilities would require approximately two part-time employees to perform visual inspections and minor repairs up to one time daily. On

intermittent occasions, 10 to 15 employees may be necessary if repairs or replacement of equipment is required. Other than panel washing, minimal maintenance is expected.

It is anticipated that the solar PV panels would be washed approximately four times per year to remove dust particles and other buildup to ensure optimum solar absorption. Panel cleaning would entail one or two water trucks spraying small amounts of water (approximately 100,000 gallons per year) on an infrequent basis. Due to the highly absorptive nature of the ground surface and underlying soils, water would run off the surface of the panels and absorb quickly, avoiding runoff and soil erosion.

Combustible vegetation on and around the solar generation project would be actively managed to minimize fire risk. There are no potentially dangerous, explosive, flammable, or hazardous chemical elements to the proposed project, and no hazardous waste materials would be generated by the operation of the project.

The applicant has incorporated a set of environmentally-related best management practices into the project plan, in order to avoid and minimize potential impacts on environmental resources. If the project is approved, Putah Creek Solar Farms LLC, its contractors, or affiliates would implement project-based best environmental practices as described below.

1. To reduce tailpipe emissions from diesel-powered construction equipment, the applicant would implement all applicable and feasible measures, such as:

- Maximizing the use of diesel construction equipment that meet CARB's 1996 or newer certification standard for off-road heavy-duty diesel engines;
- Using emission control devices at least as effective as the original factory-installed equipment;
- Substituting gasoline-powered for diesel-powered equipment when feasible;
- Ensuring that all construction equipment is properly tuned and maintained prior to and for the duration of onsite operation; and
- Using Tier 2 engines in all construction equipment, if available.

2. To reduce construction fugitive dust emissions, the applicant would implement the following dust control measures:

- Water all active construction sites a least twice daily in dry conditions, with the frequency of watering based on the type of operation, soil, and wind exposure;
- Effectively stabilize dust emissions by using water or other approved substances on all disturbed areas, including storage piles, which are not being actively utilized for construction purposes;
- Prohibit all grading activities during periods of high wind (over 20 miles per hour).
- Limit onsite vehicle speeds on unpaved roads to 15 miles per hour;
- Cover all tucks hauling dirt, sand, or loose materials;
- Cover inactive storage piles;
- Post a publicly visible sign with the telephone number and person to contact regarding dust complaints; and
- Limit the area under construction at any one time.

3. To minimize greenhouse gas emissions during construction, the applicant would:

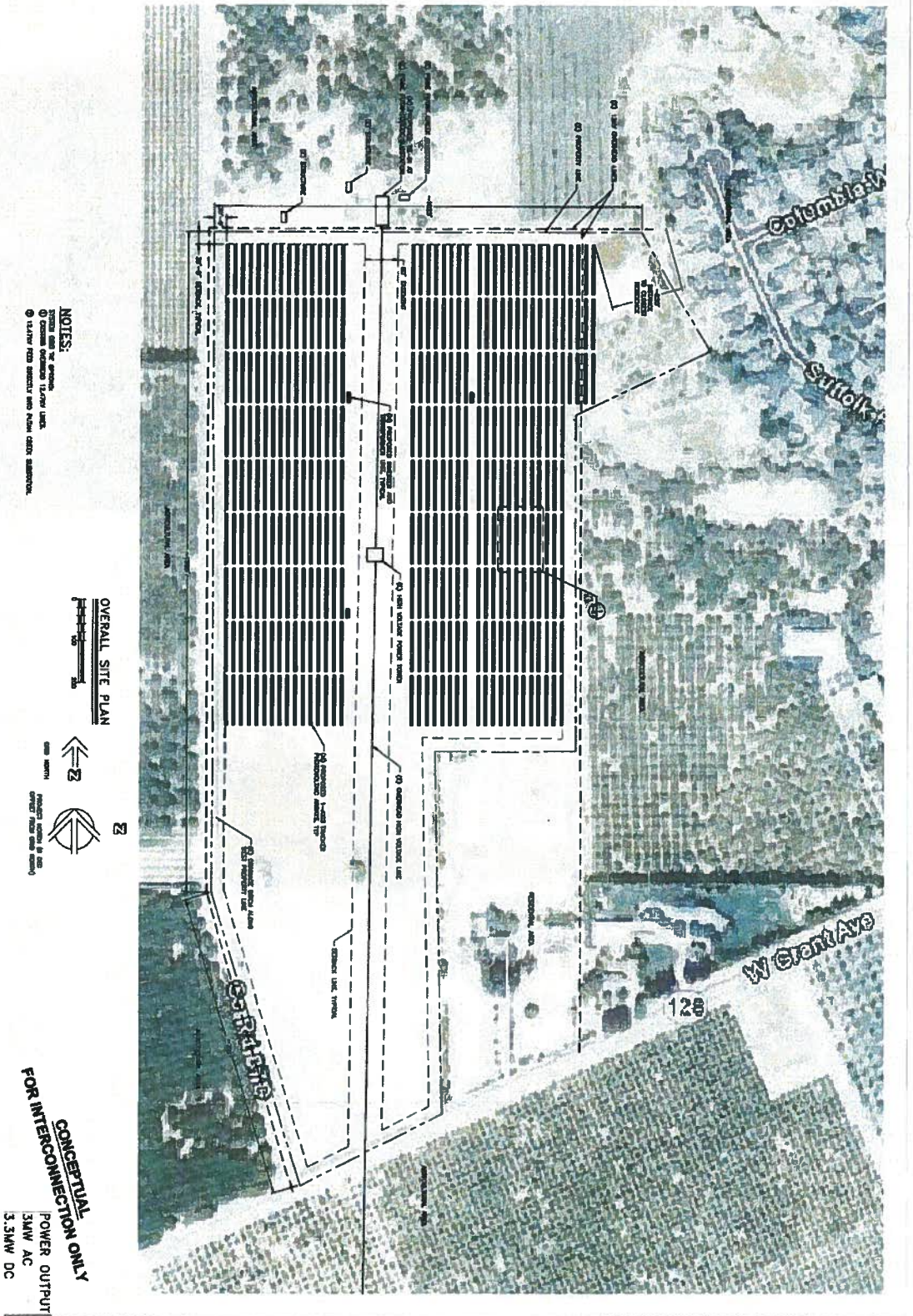
- Encourage construction workers to carpool; and
- Encourage recycling or reuse of all construction waste.

In addition to the above best environmental practices, the applicant will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP), designed to reduce potential impacts related to erosion and surface water quality during construction activities and through the life of the solar generation project. The SWPPP will include measures to address erosion, such as a construction period monitoring program to be implemented by the construction supervisor that will include Best Management Practices (BMPs). Implementation of the SWPPP would comply with state and federal water quality regulations.

The applicant will also implement fire prevention measures to address potential fire hazards in the project area. Such measures will include training to familiarize emergency responders and employees of the codes, regulations, associated hazards, and mitigation processes related to solar electricity and fire suppression procedures for PV systems.

**VICINITY MAP**

# SITE PLAN




PUTAH CREEK SOLAR FARMS SOLAR PROJECT
NORTHEAST CORNER OF HWY 128 &
COUNTY ROAD 87D, WINTERS, CA.
APN 030-200-36

OVERALL SITE PLAN

PS-1.0

SOLVIDA ENERGY GROUP

PAC

## PHOTO SIMULATION

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is still "Potentially Significant Impact" (after any proposed mitigation measures have been adopted) as indicated by the checklist on the following pages.

| | | |
|---|---|---|
| ☐ Aesthetics | ☒ Agricultural Resources | ☐ Air Quality |
| ☒ Biological Resources | ☐ Cultural Resources | ☐ Geology / Soils |
| ☐ Hazards & Hazardous Materials | ☐ Hydrology / Water Quality | ☐ Land Use / Planning |
| ☐ Mineral Resources | ☐ Noise | ☐ Population / Housing |
| ☐ Public Services | ☐ Recreation | ☐ Transportation / Traffic |
| ☐ Utilities / Service Systems | ☐ Mandatory Findings of Significance | |

**DETERMINATION**: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to the earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ _____

Planner's Signature Date

## PURPOSE OF THIS INITIAL STUDY

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the project as described herein may have a significant effect upon the environment.

## EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5. A determination that a "Less Than Significant Impact" would occur is appropriate when the project could create some identifiable impact, but the impact would be less than the threshold set by a performance standard or adopted policy. The initial study should describe the impact and state why it is found to be "less than significant."

6. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration, pursuant to Section 15063 (c)(3)(D) of the California Government Code. Earlier analyses are discussed in Section XVII at the end of the checklist.

7. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning solar projects). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

8. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

## I. AESTHETICS

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Have a substantial adverse effect on a scenic vista? | ☐ | ☐ | ☒ | ☐ |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | ☐ | ☐ | ☒ | ☐ |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | ☐ | ☐ | ☒ | ☐ |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | ☐ | ☐ | ☒ | ☐ |

**Discussion of Impacts**

(a), (b), (c) *Less than Significant Impact.* The proposed solar facility would have a less than significant impact on existing aesthetic and visual resources in the area. The project proposes placing a 30-foot setback along the property boundary lines, which will include a buffer of walnut trees around the perimeter of the project site. Additionally, the southerly adjoining 12-acre parcel has been planted in walnuts, which will effectively screen the project from State Route 128, a locally designated scenic highway. The project is just west of the City of Winters, and the project proposes a 250-foot buffer east of the closest residences on Suffolk Court. No solar panels are proposed within the 250-foot buffer. The project's conformance with the applicable General Plan policies cited below will ensure that no significant visual impacts will result.

The 2030 Yolo Countywide General Plan contains the following policies related to protection of visual resources which shall be applied to the solar development project:

> Policy CC-1.5 Significant site features, such as trees, water courses, rock outcroppings, historic structures and scenic views shall be used to guide site planning and design in new development. Where possible, these features shall become focal points of the development.
>
> Policy CC-1.12 Preserve and enhance the scenic quality of the County's rural roadway system. Prohibit projects and activities that would obscure, detract from, or negatively affect the quality of views from designated scenic roadways or scenic highways.
>
> Policy CC-1.16 The following features shall be stringently regulated along designated scenic roadways and routes with the intent of preserving and protecting the scenic qualities of the roadway or route:
>
> - Signage
> - Architectural design of adjoining structures
> - Construction, repair and maintenance operations
> - Landscaping
> - Litter control
> - Water quality
> - Power poles, towers, above-ground wire lines, wind power and ***solar power*** devices and antennae
>
> Policy CC-1.17 Existing trees and vegetation and natural landforms along scenic roadways and routes shall be retained to the greatest feasible extent. Landscaping shall be required to enhance scenic qualities and/or screen unsightly views and shall

emphasize the use of native plants and habitat restoration to the extent possible. Removal of trees, particularly those with scenic and/or historic value, shall be generally prohibited along the roadway or route.

Policy CC-1.18 Electric towers, ***solar power facilities***, wind power facilities, communication transmission facilities and/or above ground lines shall be avoided along scenic roadways and routes, to the maximum feasible extent.

State Route 128 is a designated scenic route in the Yolo Countywide General Plan. However, the proposed solar project is not located along, or immediately adjacent to, the scenic route but will be located behind the 12-acre parcel fronting on the state highway. The frontage property has been planted in a walnut orchard (approximately 12 acres), which will effectively screen views of the solar project from any passing motorists.

(d) *Less than Significant Impact.* The solar project will be conditioned to require that the proposed solar facility be designed to minimize any glare or lighting on adjacent neighbors. As indicated in the project description, lighting would be installed to allow for ongoing maintenance and security. Low-level lighting is proposed to be installed at strategic locations around the facility. All lighting would be shielded and directed downward to minimize the potential for glare or spillover onto adjacent properties.

## II. AGRICULTURAL RESOURCES:

| In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | ☐ | ☐ | ☒ | ☐ |
| b) Conflict with existing zoning for agricultural use or a Williamson Act contract? | ☐ | ☐ | ☒ | ☐ |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)? | ☐ | ☐ | ☐ | ☒ |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ |
| e) Involve other changes in the existing environment which due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to nonforest use? | ☐ | ☒ | ☐ | ☐ |

**Discussion of Impacts**

(a) *Less than Significant Impact.* The proposed solar project would occupy approximately 18 acres on a 32-acre parcel of farmland that was previously used as an orchard, but has not been actively farmed or irrigated during the last 15 years. Soils on the 32-acre site are identified as Tehama loam, Brentwood silty clay loam, Rincon silty clay loam, and Margin silty clay loam, which are classified as prime, Class I and II soils by the U.S. Soil Conservation Service *Soil Survey of Yolo County*. The project site is designated as "Farmland of Local

Potential" on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. The project will not convert any "Prime Farmland," Unique Farmland," or "Farmland of Statewide Importance" to a non-agricultural use. However, as addressed in (e) below, the project does involve changes to the environment that could result in the conversion of farmland to a non-agricultural use.

(b) *Less than Significant Impact.* Construction of the solar facility would not conflict with existing zoning for agricultural uses and with existing Williamson Act contracts, since the subject site is not under contract. However, operation of the project could cause land use conflicts with adjacent agricultural activities such as pesticide spraying and harvesting. To reduce the potential impacts to adjacent agricultural operations, the proposed solar facility project will be required to maintain a setback of at least 50 feet from property lines, and shall be designed to minimize any identified impacts to adjacent agricultural operations, such as orchards that require aerial application of chemicals, which may require greater setbacks. As a Condition of Approval, the applicant will be required to redesign the project to meet setback requirements that will ensure a less than significant impact to adjoining agricultural resources.

(c), (d) *No impact.* The proposed solar project would not conflict with existing zoning for, or cause rezoning of, or result in the loss or conversion of forest or timberland. There is very little forest in Yolo County and the remoteness of the few forested areas would not be attractive for solar development.

(e) *Less than Significant with Mitigation.* As identified in (a), above, the project site has been shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency as "Farmland of Local Potential," which is a designation given to cultivated farmland having soils which meet the criteria for "Prime Farmland" or "Farmland of Statewide Importance," except that the land is not presently irrigated. In this case, the project site is a fallowed orchard and has not been irrigated for at least 15 years.

The applicant has recently planted a walnut orchard on the 12-acre adjoining parcel to the south and proposes to construct the solar facility on approximately 18 acres of the 32-acre parcel. The remaining 14 acres would stay in its current condition, fallowed and not irrigated. Thus, approximately 18 acres of fallowed farmland would be converted for the solar project, for a period of 25 to 35 years. A project that results in the conversion of farmland to another use not allowed in the agricultural zones is typically subject to the County's Agricultural Conservation Easement Program (Yolo County Code Section 8-2.2416). The requirement applies to agricultural land or farmland, regardless of current zoning, that is either currently used for agricultural purposes or that is substantially undeveloped and capable of agricultural production. A predominantly non-agricultural use is any use that is not defined or listed as a principal, accessory, and conditional use allowed in the agricultural zones.

"Electrical distribution stations," "transmission substations," "communication equipment buildings," and "public utility service yards" are conditional uses that require a Minor Use Permit in the A-1 (Agricultural General) zone [Yolo County Code Section 8-2.604(i)]. While a solar generation project is not a "listed" use in the agricultural zones, it can be defined as an "electrical distribution facility," and can therefore presumably be determined to be a compatible use in the agricultural zones through the discretionary review process. Thus, the project would not be required to mitigate for the loss of agricultural land under the Agricultural Conservation Easement Program. However, the issue of whether or not it is possible to "reclaim" agricultural values on the land if the proposed solar facility is removed after 25 or 35 years, and whether the land can be restored to its previous condition, requires further analysis.

The project site and the southerly adjoining property have not been actively irrigated or farmed in the last 15 years, although the applicant has recently re-established a 12-acre orchard on the southern parcel. The project proposal suggests a 35-year lifespan, wherein the property can then be returned to its previous condition. However, there is no evidence to

suggest that the facility will be removed after approximately 35 years, nor that the property's soil characteristics will remain unchanged. Resulting soil conditions are unknown at this time. It is more likely that, if successful, and with the infrastructure already in place, the facility can continue to be used with updated technology for solar generation. This implies there is an indefinite loss of agricultural capacity on the property and that a permanent loss of farmland could be inevitable. Therefore, in order to address the loss of farmland under the California Environmental Quality Act, the applicant will be required to mitigate as a condition of project approval.

**Mitigation Measure AG-1**

The applicant will be required to grant, in perpetuity, a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism to, or for the benefit of, the County and/or other qualifying entity approved by the County, for 18 acres (at a one-to-one mitigation ratio for the approved project). The payment of fees by the applicant to the holder of the easement shall be sufficient to compensate for all administrative costs incurred by the County or easement holder inclusive of funds for the establishment of an endowment to provide for monitoring, enforcement, and all other services necessary to ensure that the conservation purposes of the easement or other restriction are maintained in perpetuity.

## III. AIR QUALITY:

| Where applicable, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☐ | ☐ | ☒ |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | ☐ | ☐ | ☒ | ☐ |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | ☐ | ☐ | ☒ | ☐ |
| d) Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☐ | ☐ | ☒ |
| e) Create objectionable odors affecting a substantial number of people? | ☐ | ☐ | ☐ | ☒ |

**Discussion of Impacts**

**Thresholds of Significance:**

The project site is within the Yolo-Solano Air Quality Management District (YSAQMD), and the Sacramento Valley Air Basin regulates air quality conditions within Yolo County. Yolo County is classified as a non-attainment area for several air pollutants, including ozone ($O_3$) and particulate matter 10 microns or less in diameter ($PM_{10}$) for both federal and state standards, the partial non-attainment of the federal particulate matter 2.5 ($PM_{2.5}$), and is classified as a moderate maintenance area for carbon monoxide (CO) by the state.

Development projects are most likely to violate an air quality plan or standard, or contribute substantially to an existing or project air quality violation, through generation of vehicle trips.

The YSAQMD sets threshold levels for use in evaluating the significance of criteria air pollutant emissions from project-related mobile and area sources in the Handbook for Assessing and Mitigating Air Quality Impacts (YSAQMD, 2007). The handbook identifies quantitative and qualitative long-term significance thresholds for use in evaluating the significance of criteria air pollutant emissions from project-related mobile and area sources. These thresholds include:

- Reactive Organic Gases (ROG): 10 tons per year (approx. 55 pounds per day)
- Oxides of Nitrogen (NOx): 10 tons per year (approx. 55 pounds per day)
- Particulate Matter ($PM_{10}$): 80 pounds per day
- Carbon Monoxide (CO): Violation of State ambient air quality standard

**Impact analysis:**

(a) *No Impact.* The solar energy project would not substantially conflict with or obstruct implementation of the Yolo Solano Air Quality Management District Air Quality Attainment Plan (1992), the Sacramento Area Regional Ozone Attainment Plan (1994), or the goals and objectives of the County's General Plan. Solar energy could have a beneficial impact by helping to reduce the County's and the state's reliance on power generation from polluting sources of energy such as natural gas or coal.

(b), (c) *Less than Significant Impact.* The Yolo-Solano Region is a non-attainment area for state particulate matter ($PM_{10}$) and ozone standards, the federal ozone standard, and the partial non-attainment of the federal particulate matter 2.5 ($PM_{2.5}$ ). Development of solar energy systems would not contribute significantly to air quality impacts, but could generate some small amount of $PM_{10}$ and $PM_{2.5}$, during grading of the site for the solar mounts and construction of access roads, etc. Construction activities are expected to take approximately three months with crews typically working five 10-hour work days per week. Approximately 40 employees would be working onsite at the peak of construction. An average of approximately 25 vehicle trips per day are anticipated during construction, with an estimated total of approximately 1,000 construction vehicle trips. Standard dust and emissions control measures recommended by the YSAQMD will be attached as Conditions of Approval to the Use Permit. The project proposes to implement the following project-based best environmental practices.

To reduce tailpipe emissions from diesel-powered construction equipment, all applicable and feasible measures would be implemented, such as:

- Maximizing the use of diesel construction equipment that meet CARB's 1996 or newer certification standard for off-road heavy-duty diesel engines;
- Using emission control devices at least as effective as the original factory-installed equipment;
- Substituting gasoline-powered for diesel-powered equipment when feasible;
- Ensuring that all construction equipment is properly tuned and maintained prior to and for the duration of onsite operation; and
- Using Tier 2 engines in all construction equipment, if available.

To reduce construction fugitive dust emissions, the following dust control measures would be implemented:

- Water all active construction sites a least twice daily in dry conditions, with the frequency of watering based on the type of operation, soil, and wind exposure;
- Effectively stabilize dust emissions by using water or other approved substances on all disturbed areas, including storage piles, which are not being actively utilized for construction purposes;
- Prohibit all grading activities during periods of high wind (over 20 miles per hour).
- Limit onsite vehicle speeds on unpaved roads to 15 miles per hour;
- Cover all tucks hauling dirt, sand, or loose materials;

- Cover inactive storage piles;
- Post a publicly visible sign with the telephone number and person to contact regarding dust complaints; and
- Limit the area under construction at any one time.

(d) *No Impact.* The project does not have the potential to expose any sensitive receptors to any substantial increase in pollutant levels, since the solar project does not emit any pollutants, except during construction, and setback requirements would preclude any site clearing or grading within proximity of nearby homes. The project proposes a 250-foot setback from the nearest homes located within the City of Winters.

(e) *No Impact.* The solar facility would not generate any new odors.

## IV. BIOLOGICAL RESOURCES

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☐ | ☒ | ☐ | ☐ |
| b) Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☐ | ☒ | ☐ | ☐ |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | ☐ | ☐ | ☒ | ☐ |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native residents or migratory wildlife corridors or impede the use of native wildlife nursery sites? | ☐ | ☐ | ☐ | ☒ |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☐ | ☒ |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | ☐ | ☐ | ☒ | ☐ |

**Discussion of Impacts**

(a), (b) *Less than Significant with Mitigation.* The site of the proposed solar facility is a fallowed orchard, consisting of ruderal vegetation. As with most flat areas in the County, and as indicated by the California Natural Diversity Data Base (May 2010), there is the potential for the Swainson's hawk, burrowing owl, and valley elderberry longhorn beetle to occur near the project site because suitable habitat is nearby in the surrounding area. The Swainson's hawk (*Buteo swainsoni*) is designated as a federal species of concern and listed on the State Endangered Species Act as "threatened." In the Central Valley, the Swainson's hawk nests primarily in riparian areas adjacent to agricultural fields or pastures, although it sometimes uses isolated trees or roadside trees. Nest sites are in mature trees and are typically located near suitable foraging areas. The primary foraging areas for Swainson's hawk include open

agricultural lands, pastures, and fallowed land. The County requires biological mitigation to be considered for all discretionary development projects, according to the Yolo County Natural Heritage Program based on discussions and prior agreements with the Department of Fish and Game. As identified below, the project will be conditioned to require Swainson's hawk foraging habitat mitigation.

In addition to foraging habitat, suitable nesting habitat for sensitive raptors, including Swainson's hawk, white-tailed kite, and burrowing owl, occurs in the project vicinity. The temporary disturbance of nesting habitat as well as noise and other construction-related disturbances could affect nesting raptors in the vicinity of the project area during breeding season (March-September 15), if suitable trees or other habitat are located on or adjacent to the project site. According to a report prepared for the Yolo Natural Heritage Program, (*The Distribution, Abundance, and Habitat Associations of the Swainson's Hawk in Yolo County, California*, Estep Environmental Consulting, 2008), red-tailed hawk and Swainson's hawk nesting habitat may occur within a two to four mile radius of the project boundary. Implementation of the following mitigation measures would ensure that the impact on the above species would be less than significant. General Plan policies and County regulations require mitigation for any significant loss of habitat lands. The site has been determined to be Swainson's hawk foraging habitat.

**Mitigation Measure BIO-1**
The applicant will be required to mitigate for the permanent loss of Swainson's hawk foraging habitat, which may be satisfied by payment of an in-lieu fee (for small projects), dedication or conservation easements either onsite or offsite, or other arrangements satisfactory to the County and the County's Natural Heritage Program.

**Mitigation Measure BIO-2**
If construction occurs during the breeding season (March-September 15), the project applicant shall conduct Swainson's hawk and raptor pre-construction surveys no more than 14 days and no less than 7 days prior to initiating construction. A qualified biologist shall conduct the surveys and the surveys shall be submitted to Yolo County Planning and Public Works Department for review. The survey area shall include all potential Swainson's hawk and raptor nesting sites located within ½ mile of the project site. If no active nests are found during the surveys, no further mitigation shall be required except with regard to foraging habitat, as discussed above.

If an active nest used by a Swainson's hawk or white-tailed kite is found sufficiently close (as determined by the qualified biologist) to the construction area to be affected by construction activities, a qualified biologist shall notify the Department of Fish and Game and a ½ mile construction-free buffer zone shall be established around the nest. Intensive new disturbances (e.g., heavy equipment activities associated with construction) that may cause nest abandonment or forced fledging shall not be initiated within this buffer zone between March and September unless it is determined by a qualified biologist in coordination with CDFG that the young have fledged and are feeding on their own, or the nest is no longer in active use.

**Mitigation Measure BIO-3**
Prior to land disturbance activities, pre-construction surveys of all potential burrowing owl habitat shall be conducted by a qualified biologist within the project area. Presence or sign of burrowing owl and all potentially occupied burrows shall be recorded and monitored according to the California Department of Fish and Game and California Burrowing Owl Consortium guidelines. If burrowing owls are not detected by sign or direct observation, construction may proceed and no further mitigation is required.
If potentially nesting burrowing owls are present during pre-construction surveys conducted between February 1 and August 31, grading shall not be allowed within 250 feet of any nest burrow during the nesting season (February 1—August 31), unless approved by the California Department of Fish and Game.

If burrowing owls are detected during pre-construction surveys outside the nesting season (September 1—January 31), passive relocation and monitoring shall be undertaken by a qualified biologist following the California Department of Fish and Game and California Burrowing Owl Consortium guidelines, which involve the placement of one-way exclusion doors on occupied and potentially occupied burrowing owl burrows. Owls shall be excluded from all suitable burrows within the project area and within a 250-foot buffer zone to acclimate to alternate burrows. These mitigation actions shall be carried out prior to the burrowing owl breeding season (February 1—August 31) and the site shall be monitored weekly by a qualified biologist until construction begins to ensure that burrowing owls do not re-inhabit the site.

**Mitigation Measure BIO-4**

Prior to any site preparation or construction activity, the developer shall identify the locations of all potential valley elderberry longhorn beetle (VELB) habitat on or within 100 feet of the project site, and avoid direct and indirect impacts until the applicant has received U.S. Fish and Wildlife Service (USFWS) approval for such impacts. The developer shall ensure no net loss of VELB or VELB habitat by complying with impact avoidance, habitat creation, and mitigation measures contained in the USFWS VELB conservation guidelines (USFWS, 1999).

(c) *Less than Significant Impact.* As discussed in (a), above, the project site is a fallowed orchard, consisting of ruderal vegetation. No federally protected wetlands occur on the site. Impacts would be less than significant.

(d), (e) *No Impact.* The proposed project would not conflict with any other local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. The County does not have any other conservation ordinances, except for a voluntary oak tree preservation ordinance that seeks to minimize damage and require replacement when oak groves are affected by development.

(f) *Less than Significant Impact.* The Yolo County Heritage Program, a Joint Powers Agency composed of the County, the cities, and other entities, is in the process of preparing a Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP) for Yolo County. The NCCP/HCP will focus on protecting habitat of terrestrial (land, non-fish) species. In the interim, the program has implemented a mitigation program acceptable to the Department of Fish and Game for a main species of concern, the Swainson's hawk. The agreement requires that local agencies review all discretionary applications for potential impacts to the hawk or hawk habitat, and either pay a per-acre in-lieu fee or purchase a conservation easement to mitigate for loss of habitat. The project's mitigation requirements are specified above in (a).

## V. CULTURAL RESOURCES

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | ☐ | ☐ | ☐ | ☒ |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | ☐ | ☐ | ☐ | ☒ |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | ☐ | ☐ | ☐ | ☒ |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☐ | ☒ | ☐ |

**Discussion of Impacts**

(a), (b), (c) *No Impact.* The construction of the proposed solar project would not affect any historic, cultural, or paleontological resources known or suspected to occur on the project site. The project site is not known to have any significant historical, archaeological, or paleontological resources as defined by the criteria within the CEQA Guidelines.

(d) *Less Than Significant Impact.* No human remains are known or predicted to exist in the project area. However, the potential exists during construction to uncover previously unidentified resources. Section 7050.5 of the California Health and Safety Code states that when human remains are discovered, no further site disturbance shall occur until the County coroner has determined that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and the remains are recognized to be those of a Native American, the coroner shall contact the Native American Heritage Commission within 24 hours.

| VI. GEOLOGY AND SOILS<br>Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | ☐ | ☐ | ☒ | ☐ |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known Fault? Refer to Division of Mines and Geology Special Publication 42. | | | | |
| ii) Strong seismic ground shaking? | | | | |
| iii) Seismic-related ground failure, including liquefaction? | | | | |
| iv) Landslides? | | | | |
| b) Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☒ | ☐ |
| c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | ☐ | ☐ | ☒ | ☐ |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | ☐ | ☐ | ☒ | ☐ |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | ☐ | ☐ | ☐ | ☒ |

**Discussion of Impacts**

(a) Less Than Significant Impact:

i. The project site is not located within an Alquist-Priolo Earthquake Fault Zone. The solar facility site is located approximately four miles west of the West Valley Fault and within several miles of a smaller Quaternary fault. The project site can be expected to experience moderate to strong ground shaking during future seismic events along active faults throughout Northern California or on smaller active faults located in the project vicinity. Construction of the solar project will be required to comply with all applicable Uniform Building Code requirements.

ii. Any major earthquake damage on the project site is likely to occur from ground shaking, and seismically related ground and structural failures. Local soil conditions, such as soil strength, thickness, density, water content, and firmness of underlying bedrock affect seismic response. Seismically induced shaking and some damage should be expected to occur during a major event but damage should be no more severe in the project area than elsewhere in the region. The solar project will be built in accordance with Uniform Building Code requirements and will be generally flexible enough to sustain only minor structural damage from ground shaking. Therefore, people and structures would not be exposed to potential substantial adverse effects involving strong seismic ground shaking.

iii. The proposed project is located in relatively level area, with little to no erosion potential. Effects of liquefaction or cyclic strength degradation beneath the project vicinity during seismic events are not likely, and are not expected to impact the project. The project requires little grading and minimal placement of permanent foundations, such as a concrete pads. The project will be installed with a "concrete-free" racking system by using a combination of galvanized I-beam or tubular steel posts and channel steel, which would be driven into the soil using a pile/vibratory/rotary driving technique.

iv. The project site is in level area, and the project proposes no residences, including caretaker units. Approval of the project would not expose people or structures to potential landslides.

(b) *Less than Significant Impact.* The land surface at the project site is flat and would require minimal grading to allow for installation of the solar project. Soil compaction, if required, would be conducted for the concrete pads and I-beam pilings. The project is located in an area with little potential for erosion; substantial soil erosion or loss of topsoil is unlikely to occur as the project proposes very little grading and ground disturbance. The proposed solar project would not be expected to result in any new impacts related to erosion. Existing requirements for erosion control, stability of the building site and building code compliance would remain in effect. The Use Permit approval will be conditioned to require that the solar facility comply with all building and electrical codes, and will require detailed grading, geotechnical, erosion and sediment control plans. A site specific geotechnical investigation will be performed prior to construction of the solar project, which will provide the final design recommendations for the above ground structures at the project site.

(c) *Less than Significant Impact.* The project is not located in an area of unstable geologic materials, and the project is not expected to significantly affect the stability of the underlying materials, which could potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. The project proposes no permanent residences, and would not subject people to landslides or liquefaction or other cyclic strength degradation during a seismic event.

(d) *Less Than Significant Impact.* The existence of substantial areas of expansive and/or corrosive soils has been documented in the project area. The solar project will be built in accordance with Uniform Building Code requirements and a geotechnical report, along with soil samples, will be required as part of the building permit process.

(e) *No Impact.* The proposed solar project will not be served by a septic system.

| VII. GREENHOUSE GAS EMISSIONS/CLIMATE CHANGE. | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than significant Impact | No Impact |
|---|---|---|---|---|
| Would the project: | | | | |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | ☐ | ☐ | ☒ | ☐ |
| b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? | ☐ | ☐ | ☐ | ☒ |
| c) Be affected by climate change impacts, e.g., sea level rise, increased wildfire dangers, diminishing snow pack and water supplies, etc.? | ☐ | ☐ | ☐ | ☒ |

## Environmental Setting

The issue of combating climate change and reducing greenhouse gas emissions (GHG) has been the subject of recent state legislation (AB 32 and SB 375). The Governor's Office of Planning and Research has recommended changes to the California Environmental Quality Act (CEQA) Guidelines, and the environmental checklist which is used for Initial Studies such as this one. The recommended changes to the checklist, which have not yet been approved by the state, are incorporated above in the two questions related to a project's GHG impacts. A third question has been added by Yolo County to consider potential impacts related to climate change's effect on individual projects, such as sea level rise and increased wildfire dangers. To date, specific thresholds of significance to evaluate impacts pertaining to GHG emissions have not been established by local decision-making agencies, the Yolo Solano Air Quality Management District, the state, or the federal government. However, this absence of thresholds does not negate CEQA's mandate to evaluate all potentially significant impacts associated with the proposed project.

The following discussion of GHG/climate change impact relies upon, and "tiers off" the analysis, conclusions, and measures included in the Final Environmental Impact Report (FEIR) of the 2030 Yolo Countywide General Plan. While the FEIR analysis concluded that the severity of impacts related to planned urban growth and GHG/climate change could be reduced by some policies and some available mitigation measures, the overall impact could not be reduced to a less than significant level. The impacts of countywide cumulative growth on GHG emissions, and the impacts of climate change on cumulative growth, are considered significant and unavoidable at this time.

The 2030 Yolo Countywide General Plan and accompanying Climate Action Plan (CAP) include numerous policies and measures to reduce fossil fuel reliance and greenhouse gas emissions by strongly encouraging and, in some cases, requiring, conversion to solar energy sources. For example, the CAP calls for establishment of a Community Choice Aggregation program where 50% of overall County purchases are from 50% renewable sources, and 25% of all County energy purchases are 100% renewable. The CAP also assumes that all new homes approved by the County would be required to install solar water heaters and photovoltaic systems.

**Discussion of Impacts**

(a) *Less than Significant Impact.* The proposed solar project could generate a small amount of GHG emissions due to operation of grading equipment and vehicle employee trips generated during construction; however, these emissions would be more than offset by the beneficial effects of creating new sources of green energy to the local and state grid of electrical power. Additionally, the project proposes to minimize GHGs by encouraging carpooling during construction of the project and recycling and/or reuse of all construction waste.

(b) *No Impact.* The proposed solar project would not conflict with any applicable plan, policy or regulation adopted to reduce GHG emissions, including the numerous policies of the adopted 2030 Yolo Countywide General Plan and Climate Action Plan. The proposed solar project would help to implement many of the policies identified to support policies in the General Plan and Climate Action Plan that call for measurable reductions in GHGs through expanded capacity and reliance on renewable energy resources such as solar, wind, biomass, and others.

(c) *No Impact.* The project would not be affected by certain identified climate change impacts, such as sea level rise and increased wildfire dangers.

## VIII. HAZARDS AND HAZARDOUS MATERIALS

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | ☐ | ☐ | ☐ | ☒ |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | ☐ | ☐ | ☐ | ☒ |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | ☐ | ☐ | ☐ | ☒ |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | ☐ | ☐ | ☐ | ☒ |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working within the project area? | ☐ | ☐ | ☐ | ☒ |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☒ |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | ☐ | ☐ | ☒ | ☐ |

**Discussion of Impacts**

(a) to (d) *No impact.* The solar facility would not use or emit any large amounts of hazardous materials, other than small amounts of lubricating oil. Any stored materials would be required to comply with Yolo County Environmental Health regulations. The project site is not located on a site that is included on a list of hazardous materials sites compiled by the Yolo County Environmental Health Division-Hazardous Waste Site Files pursuant to Government Code 65962.5.

(e), (f) *No impact.* There are no nearby airports and so no impacts to public or private airports would occur.

(g) *No Impact.* The location of the solar energy system would not affect any emergency response plan.

(h) *Less than Significant Impact.* The project is adjacent to the City of Winters and irrigated farmlands of Yolo County, not in the un-irrigated hilly areas of the far western County, with the most significant fire hazards. The project proposes fire prevention training and measures that will indentify procedures for coordination with local emergency personnel, construction, operation, and maintenance workers regarding associated hazards and mitigation processes related to solar electricity. Additionally, combustible vegetation on and around the project boundary will be actively managed to minimize fire risk. Impacts would be less than significant.

## IX. HYDROLOGY AND WATER QUALITY

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Violate any water quality standards or waste discharge requirements? | ☐ | ☐ | ☐ | ☒ |
| b) Significantly deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | ☐ | ☐ | ☐ | ☒ |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | ☐ | ☐ | ☒ | ☐ |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | ☐ | ☐ | ☒ | ☐ |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | ☐ | ☐ | ☒ | ☐ |
| f) Otherwise substantially degrade water quality? | ☐ | ☐ | ☒ | ☐ |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | ☐ | ☐ | ☒ | ☐ |

| | | | | | |
|---|---|---|---|---|---|
| h) | Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | ☐ | ☐ | ☒ | ☐ |
| i) | Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | ☐ | ☐ | ☒ | ☐ |
| j) | Inundation by seiche, tsunami, or mudflow? | ☐ | ☐ | ☐ | ☒ |

**Discussion of Impacts**

(a) *No Impact.* The proposed project would not discharge any pollutants into the water system, or result in any violations of existing requirements.

(b) *No Impact.* The proposed project would not affect any onsite well and would not deplete groundwater supplies or interfere with groundwater recharge.

(c) to (f) *Less than Significant Impact.* The proposed project is located in a flat agricultural area that has been fallowed for at least 15 years. An existing drainage ditch runs along the western edge of the parcel. The ground beneath the solar mounts will remain permeable and the project is not expected to cause additional runoff. The final engineering design for the project will include measures to reduce soil erosion around the concrete pads and solar arrays. The project would not modify any drainage patterns or change absorption rates, or the rate and amount of surface runoff. No additional impacts to water quality are anticipated.

(g), (h) *Less than Significant Impact.* The project site is located within areas of the 100-year and 500-year floodplains. However, the proposed project does not include any housing and the solar facility has been designed to avoid the 100-year floodplain. The solar arrays and associated structures will not impede flood flows.

(i) *Less than Significant Impact.* The solar facility is located in an area that could be affected by the failure of the Lake Berryessa Dam, located upstream along Putah Creek and State Route 128. However, the project includes no new housing and will be managed remotely. Risk of exposure to flooding will be minimal.

(j) *No impact.* The solar facility is not located in an area that could be affected by seiche or tsunami.

## X. LAND USE AND PLANNING

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Physically divide an established community? | ☐ | ☐ | ☐ | ☒ |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning solar project) adopted for the purpose of avoiding or mitigating an environmental effect? | ☐ | ☐ | ☐ | ☒ |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | ☐ | ☐ | ☒ | ☐ |

**Discussion of Impacts**

(a) *No Impact.* The solar project is located adjacent to the City of Winters, but would not divide any established community.

(b) *No Impact.* The proposed project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The Yolo County 2030 Countywide General Plan and Climate Action Plan encourage the installation of renewable energy technologies in order to promote GHG emission reductions (Policy CO-8.5).

(c) *Less Than Significant Impact.* The County does not have an adopted HCP or NCCP, although a draft plan is now being prepared by the Yolo Natural Heritage Joint Powers Agency. Mitigation for loss of habitat will be required. See discussion in Section II, Biological Resources, above.

## XI. MINERAL RESOURCES

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | ☐ | ☐ | ☐ | ☒ |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | ☐ | ☐ | ☐ | ☒ |

**Discussion of Impacts**

(a), (b) *No impact.* The proposed solar project would not affect areas designated as significant aggregate deposits, as classified by the State Department of Mines and Geology. Most aggregate resources in Yolo County are located along Cache Creek in the Esparto-Woodland area.

## XII. NOISE

| Would the project result in: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise solar project, or applicable standards of other agencies? | ☐ | ☐ | ☐ | ☒ |
| b) Exposure of persons to or generation of excessive groundborne vibration noise levels? | ☐ | ☐ | ☐ | ☒ |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☐ | ☒ |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☐ | ☒ |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☒ |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☒ |

**Discussion of Impacts**

(a) to (d) *No Impact.* Yolo County has not adopted a noise ordinance which sets specific noise levels for different zoning districts or for different land uses in the unincorporated area. However, the State of California Department of Health Services developed recommended Community Noise Exposure standards, which are set forth in the State's General Plan Guidelines (2003). These standards are also included in the Yolo County 2030 Countywide General Plan and used to provide guidance for new development projects. The recommended standards provide acceptable ranges of decibel (dB) levels. The noise levels are in the context of Community Noise Equivalent Level (CNEL) measurements, which reflect an averaged noise level over a 24-hour or annual period.

The proposed project is located adjacent to the City of Winters and is approximately 250 feet away from the closest sensitive receptors (a residential neighborhood in the City limits). The project site is surrounded by agricultural uses (mostly orchards) to the north, south, east, and west; a residential subdivision to the east; and State Route 128 to the south. The noise guidelines define 80-85 dB CNEL for outdoor noise levels in agricultural areas as "normally acceptable." The ambient noise levels in the project vicinity are a result of surrounding farming activities and traffic. Existing traffic noise levels on SR 128 from the City of Winters to County Road 86 are approximately 65 dBA 100 feet from the centerline of SR 128.

Construction of the project would generate temporary noise due to the use of heavy construction equipment, which may include use of a backhoe, pile installer, compressor, concrete mixer, concrete vibrator, dozer, front end loader, generator, pneumatic tools, and dump and delivery trucks. Maximum noise levels during construction are expected to be about 80 dBA at 50 feet. Noise levels decrease by about 6 dBA for each doubling of distance between a fixed noise source and the receptor. The nearest residence to the project is approximately 250 feet east and, according to the applicant, may experience a maximum exterior noise level of up to 71 dBA during project construction. However, this is based on a "worst case" scenario that assumes all of the construction equipment is in operation simultaneously at a location nearest to the residence.

It is expected that the short duration of construction activities would be audible during daytime hours in the vicinity of the nearest residences. Pile installation would occur for approximately three weeks over the construction phases. General construction activities would be limited to ten hours on weekdays, with pile driving construction limited to the hours of 8:00 a.m. to 5:00 p.m.

Long-term noise sources from operation of the project will come from three small-scale inverter/distributer transformers that would be located within the solar panel fields. This equipment would be housed within weather canopy/chain link fence structures that are approximately 10 feet by 15 feet in size and constructed on a level concrete building pad. The inverter equipment generates low noise emissions (less than 65 dBA at the source), and this fixed noise source decreases at a rate of 6 dBA for every doubling of distance (not accounting for intervening topography or vegetation, or canopied structure, which would further decrease the noise level). The inverter/distributor transformers and substations would operate only during daytime hours when the project is generating power. Additionally, the perimeter of the project will be planted in a row of walnuts. Noise impacts to sensitive receptors are expected to be less than significant.

(e), (f) *No Impact.* The project site is not located within an airport land use plan nor is it within two miles of a public airport, public use airport, or private airstrip.

## XIII. POPULATION

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through the extension of roads or other infrastructure)? | ☐ | ☐ | ☐ | ☒ |
| Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ |
| Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ |

**Discussion of Impacts**

(a) to (c) No Impact. The proposed solar project would not result in increases in population and would not displace any existing housing or current residents.

## XIV. PUBLIC SERVICES

| Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response time or other performance objectives for any of the public services: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Fire protection? | ☐ | ☐ | ☒ | ☐ |
| b) Police Protection? | ☐ | ☐ | ☐ | ☒ |
| c) Schools? | ☐ | ☐ | ☐ | ☒ |
| d) Parks? | ☐ | ☐ | ☐ | ☒ |
| e) Other public facilities? | ☐ | ☐ | ☐ | ☒ |

**Discussion of Impacts**

(a) *Less than Significant Impact.* The project proposes the ongoing management of all combustible vegetation and/or agricultural products on and around the project boundary in order to minimize risk to fire hazards. If necessary, the applicant has proposed to coordinate with Yolo County and City of Winters fire and emergency personnel to provide photovoltaic training and to familiarize responders with the codes, regulations, and associated hazards and processes related to solar electricity. The training would include techniques for fire suppression of PV systems. However, such training would not result in the need for new or substantially altered fire facilities, and implementation of the proposed project is not expected to have a significant impact on fire protection services. The project site is adjacent to an urban area surrounded by irrigated farmland and is not located in a fire severity zone.

(b) to (e) *No Impact.* The proposed solar would not increase the need for any additional public services.

## XV. RECREATION

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | ☐ | ☐ | ☐ | ☒ |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have been an adverse physical effect on the environment? | ☐ | ☐ | ☐ | ☒ |

**Discussion of Impacts**

(a) *No Impact.* The proposed solar project would not require the construction of additional recreational facilities nor substantially increase the use of existing recreational facilities.

(b) *No Impact.* The proposed solar project would not include nor require the construction of additional recreational facilities.

## XVI. TRANSPORTATION/TRAFFIC

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase on either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | ☐ | ☐ | ☒ | ☐ |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | ☐ | ☐ | ☒ | ☐ |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | ☐ | ☐ | ☐ | ☒ |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | ☐ | ☐ | ☐ | ☒ |
| e) Result in inadequate emergency access? | ☐ | ☐ | ☐ | ☒ |
| f) Result in inadequate parking capacity? | ☐ | ☐ | ☐ | ☒ |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | ☐ | ☐ | ☐ | ☒ |

**Discussion of Impacts**

(a), (b) *Less than Significant Impact.* The proposed solar project will require a limited number of truck trips to prepare the site for construction, and to install the racking system and assemble the panels. Access to the project would be provided from County Road 87D, with interior access provided by a 30-foot wide perimeter road, maintained to facilitate onsite circulation. Construction of the project is expected to generate an average of 25 vehicle trips per day for approximately three months, with crews working five 10-hour days during the week. The number of trips generated during the construction period would not be expected to be

substantial in relation to existing traffic loads, and would not exceed any levels of service standards of nearby roads or intersections.

Operation of the project would include routine maintenance by two part-time employees performing visual inspections and minor repairs up to once daily. The solar PV panels would be washed approximately four times per year by use of a water truck; and up to 15 employees may be required if repairs or replacement of equipment is necessary. Additional traffic from employees monitoring/maintaining the project site would be negligible and impacts are expected to be less than significant.

(c) to (g) *No Impact.* The solar project would not affect air traffic, access, or parking capacity.

## XVII. UTILITIES AND SERVICE SYSTEMS

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | ☐ | ☐ | ☐ | ☒ |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☒ |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☒ |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | ☐ | ☐ | ☐ | ☒ |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | ☐ | ☐ | ☐ | ☒ |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | ☐ | ☐ | ☐ | ☒ |
| g) Comply with federal, state, and local statutes and regulations related to solid waste. | ☐ | ☐ | ☐ | ☒ |

**Discussion of Impacts**

(a) to (g) *No Impact.* The proposed solar project would not affect utilities or service systems because solar facilities do not rely on any of these services. Anticipated onsite water use would be limited to approximately 100,000 gallons per year, primarily for washing the PV panels, up to four times per year. Panel washing is typically done with de-ionized water supplied by a water truck. Similarly, the existing drainage ditch running along the western edge of the parcel is more than adequate to handle the site's drainage, since the ground under the arrays will remain permeable and is expected to handle a majority of the project's storm water runoff.

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --** | | | | |
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plan or animal or eliminate important examples of the major periods of California history or prehistory? | ☐ | ☐ | ☒ | ☐ |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects)? | ☐ | ☐ | ☒ | ☐ |
| c) Does the project have environment effects which will cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☐ | ☒ | ☐ |

**Discussion of Impacts**

(a) *Less than Significant Impact.* Based on the information provided in this Initial Study and the mitigation measures required, the project would not degrade the quality of the environment. As discussed in Section IV, Biological Resources, of this Initial Study, the proposed project could potentially impact the valley elderberry longhorn beetle, raptor foraging habitat for the Swainson's hawk, as well as nesting habitat for the Swainson's hawk and burrowing oil. Mitigation measures proposed as part of project approval would reduce impacts to biological resources to less than significant levels so that the habitat and/or range of any special status plants or animals are not endangered. Additionally, the project will be required to comply with Conditions of Approval that regulate construction activity during raptor nesting season, if any nearby nests are identified. No important examples of major periods of California history or prehistory in California were identified. Impacts to biological resources will be less than significant.

(b) *No Impact.* Based on the analysis provided in this Initial Study, the project would have no significant cumulative impacts. As noted in the analysis, solar energy development will play a key role in reducing the consumption of non-renewable energy in the County and in California, and solar developments such as the project in Yolo County could contribute to that beneficial cumulative impact to reduce greenhouse gases.

(c) *No Impact.* Based on the analysis provided in this Initial Study, no impacts to human beings would result from the proposed project. The project as proposed would not have substantial adverse effects on human beings, either directly or indirectly. ~~As required by the County's Agricultural Conservation Easement Program,~~ Mitigation for the loss of agricultural lands will be required prior to implementation of the project.

**REFERENCES**

- Applicant materials
- Staff experience and knowledge
- 2030 Yolo Countywide General Plan
- Yolo County Code, Title 8, Chapter 2 (the Zoning Ordinance)
- Proposed Solar Facilities Ordinance

# County of Yolo

**PLANNING AND PUBLIC WORKS DEPARTMENT**

*John Bencomo*
DIRECTOR

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*Woodland, CA 95695*
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## M_E_M_O_R_A_N_D_U_M

**TO:** Chair Reed and Members of the Planning Commission

**FROM:** Stephanie Cormier, Senior Planner

**DATE:** July 14, 2011

**RE:** Errata for the Initial Study/Mitigated Negative Declaration prepared for the Use Permit for the Putah Creek Solar project (Zone File #2011-002)

Minor changes have been made to the Initial Study/Mitigated Negative Declaration in the following discussion section, and were found not to affect any level of significance (changes identified by underline and ~~strikeout~~):

**Section XVII Mandatory Findings of Significance – Page 29 of the Initial Study**

Add the following changes:

(c) *No Impact.* Based on the analysis provided in this Initial Study, no impacts to human beings would result from the proposed project. The project as proposed would not have substantial adverse effects on human beings, either directly or indirectly. ~~As required by the County's Agricultural Conservation Easement Program,~~ Mitigation for the loss of agricultural lands will be required prior to implementation of the project.

# MITIGATION MONITORING AND REPORTING PROGRAM
# PUTAH CREEK SOLAR FACILITY
# USE PERMIT ZF# 2011-002

| Mitigation Number | Mitigation Measure | Enforcement and Monitoring Responsibility | Timing/ Implementation | Verification (Date and Initials) |
|---|---|---|---|---|
| ***Agriculture*** | | | | |
| **AG-1** | *Agricultural Land. The applicant will be required to grant, in perpetuity, a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism to, or for the benefit of, the County and/or other qualifying entity approved by the County, for 18 acres (at a one-to-one mitigation ratio for the approved project). The payment of fees by the applicant to the holder of the easement shall be sufficient to compensate for all administrative costs incurred by the County or easement holder inclusive of funds for the establishment of an endowment to provide for monitoring, enforcement, and all other services necessary to ensure that the conservation purposes of the easement or other restriction are maintained in perpetuity.* | *Yolo County Planning and Public Works Department* | *Prior to issuance of Final Building Permit/Measure included as a Condition of Approval.* | |
| ***Biological Resources*** | | | | |
| **BIO-1** | *Swainson's hawk foraging habitat. The applicant will be required to mitigate for the permanent loss of Swainson's hawk foraging habitat, which may be satisfied by payment of an in-lieu fee (for small projects), dedication or conservation easements either onsite or offsite, or other arrangements satisfactory to the County and the County's Natural Heritage Program.* | *Yolo County Planning and Public Works Department* | *Prior to issuance of Final Building Permit/Measure included as a Condition of Approval.* | |
| **BIO-2** | *Swainson's hawk nests. If construction occurs during the breeding season (March-September 15), the project applicant shall conduct Swainson's hawk and raptor pre-construction surveys no more than 14 days and no less than 7 days prior to initiating construction. A qualified biologist shall conduct the surveys and the surveys shall be submitted to Yolo County Planning and Public Works Department for review. The survey area shall include all potential Swainson's hawk and raptor nesting sites located within ½ mile of the project site. If no active nests are found during the surveys, no further mitigation shall be required except with regard to foraging habitat, as discussed above.*<br><br>*If an active nest used by a Swainson's hawk or white-tailed kite is found sufficiently close (as determined by the qualified biologist) to* | *Yolo County Planning and Public Works Department* | *Prior to any ground disturbance/Measure included as a Condition of Approval.* | |

| Mitigation Number | Mitigation Measure | Enforcement and Monitoring Responsibility | Timing/ Implementation | Verification (Date and Initials) |
|---|---|---|---|---|
| | *the construction area to be affected by construction activities, a qualified biologist shall notify the Department of Fish and Game and a ½ mile construction-free buffer zone shall be established around the nest. Intensive new disturbances (e.g., heavy equipment activities associated with construction) that may cause nest abandonment or forced fledging shall not be initiated within this buffer zone between March and September unless it is determined by a qualified biologist in coordination with CDFG that the young have fledged and are feeding on their own, or the nest is no longer in active use.* | | | |
| **BIO-3** | *Burrowing Owl. Prior to land disturbance activities, pre-construction surveys of all potential burrowing owl habitat shall be conducted by a qualified biologist within the project area. Presence or sign of burrowing owl and all potentially occupied burrows shall be recorded and monitored according to the California Department of Fish and Game and California Burrowing Owl Consortium guidelines. If burrowing owls are not detected by sign or direct observation, construction may proceed and no further mitigation is required.*<br><br>*If potentially nesting burrowing owls are present during pre-construction surveys conducted between February 1 and August 31, grading shall not be allowed within 250 feet of any nest burrow during the nesting season (February 1—August 31), unless approved by the California Department of Fish and Game.*<br><br>*If burrowing owls are detected during pre-construction surveys outside the nesting season (September 1—January 31), passive relocation and monitoring shall be undertaken by a qualified biologist following the California Department of Fish and Game and California Burrowing Owl Consortium guidelines, which involve the placement of one-way exclusion doors on occupied and potentially occupied burrowing owl burrows. Owls shall be excluded from all suitable burrows within the project area and within a 250-foot buffer zone to acclimate to alternate burrows. These mitigation actions shall be carried out prior to the burrowing owl breeding season (February 1—* | *Yolo County Planning and Public Works Department* | *Prior to any ground disturbance/Measure included as a Condition of Approval.* | |

**MITIGATION MONITORING AND REPORTING PROGRAM**
**PUTAH CREEK SOLAR FACILITY**
**USE PERMIT ZF# 2011-002**

| Mitigation Number | Mitigation Measure | Enforcement and Monitoring Responsibility | Timing/ Implementation | Verification (Date and Initials) |
|---|---|---|---|---|
| | *August 31) and the site shall be monitored weekly by a qualified biologist until construction begins to ensure that burrowing owls do not re-inhabit the site.* | | | |
| **BIO-4** | *Valley elderberry longhorn beetle. Prior to any site preparation or construction activity, the developer shall identify the locations of all potential valley elderberry longhorn beetle (VELB) habitat on or within 100 feet of the project site, and avoid direct and indirect impacts until the applicant has received U.S. Fish and Wildlife Service (USFWS) approval for such impacts. The developer shall ensure no net loss of VELB or VELB habitat by complying with impact avoidance, habitat creation, and mitigation measures contained in the USFWS VELB conservation guidelines (USFWS, 1999).* | *Yolo County Planning and Public Works Department* | *Prior to any ground disturbance/Measure included as a Condition of Approval.* | |

**FINDINGS**
**PUTAH CREEK SOLAR FACILITY USE PERMIT**
**ZONE FILE #2011-002**

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2011-002, the Yolo County Planning Commission finds the following:
*(A summary of evidence to support each FINDING is shown in Italics)*

**California Environmental Quality Act (CEQA) and Guidelines**

That the recommended Mitigated Negative Declaration/Initial Study was prepared in accordance with the California Environmental Quality Act (CEQA) and is the appropriate environmental document and level of review for this project.

*The environmental document for the project, prepared pursuant to Section 15000 et. seq. of the CEQA Guidelines, provides the necessary proportionate level of analysis for the proposed project, and sufficient information to reasonably ascertain the project's potential environmental effects. The environmental review process has concluded that with the required mitigation there will not be a significant effect on the environment as a result of the proposed project.*

**General Plan**

That the proposal is consistent with the Yolo County General Plan as follows:

*The Yolo County General Plan designates the subject property as Agriculture (AG).*

*The project is consistent with the following General Plan Policies:*

*Community Character Policy CC-1.18: Electric towers, solar power facilities, wind power facilities, communication transmission facilities and/or above ground lines shall be avoided along scenic roadways and routes, to the maximum feasible extent.*

*Community Character Policy CC-4.1: Reduce dependence upon fossil fuels, extracted underground metals, minerals and other non-renewable resources.*

*Community Character Policy CC-4.5: Encourage individual and community-based wind and solar energy systems.*

*Public Facilities Policy PF-10.2: Streamline the permitting process for the production of energy alternatives (including but not limited to photovoltaic, solar, wind, biofuels, and biomass), to reduce dependency on fossil fuels.*

*Conservation Policy CO-7.1: Encourage conservation of natural gas, oil and electricity, and management of peak loads in existing land uses.*

*Conservation Policy CO-8.5: Promote GHG emission reductions by supporting carbon efficient farming methods; installation of renewable energy technologies; protection of grasslands, open space, oak woodlands, riparian forest and farmlands from conversion to other uses; and development of energy-efficient structures.*

# ATTACHMENT D

**Zoning**

That the proposal is consistent with the property's zoning.

*The property is zoned A-1 (Agricultural General). The proposed use is consistent with Section 8-2.604 of the Yolo County Code, which requires a Minor Use Permit for "electrical distribution stations," transmission substations," communication equipment buildings," and "public utility service yards."*

That, upon review and approval, or conditional approval by the Zoning Administrator or Planning Commission, as required by Section 8-2.604(i) it is found that the proposed use may be authorized by Minor Use Permit

*The proposed project would provide renewable solar energy that would interconnect to the existing and adjacent PG&E Putah Creek substation, and be distributed for public consumption.*

That the proposal is consistent with findings required for approval of a Use Permit (Section 8-2.2804 of the Yolo County Code) as follows:

The requested land use is listed as a permitted use in the zoning regulations.

*Pursuant to Section 8-2.604(i)) the proposed solar facility is allowed within the A-1 Zone through the Minor Use Permit review and approval process.*

The request is essential or desirable to the public comfort and convenience.

*State and federal legislation require local jurisdictions to address the promotion of greenhouse gas emission (GHG) reduction, which is consistent with policies in the Yolo County 2030 Countywide General Plan and accompanying Climate Action Plan that call for measurable reductions in GHGs through enhanced reliance on renewable and sustainable energy sources.*

The requested land use will not impair the integrity or character of a neighborhood or be detrimental to public health, safety or general welfare.

*As evidenced in the Initial Study/Mitigated Negative Declaration, the proposed project will not create a significant effect on the character of the surrounding rural area. The 18-acre project is located on approximately 32 acres, which is adjacent to a recently planted walnut orchard on 12 acres. The property and surrounding vicinity are currently in use as farmland and to the east, a residential subdivision located in the City of Winters. The project proposes very little ground disturbance, as the terrain is relatively flat, and the solar arrays are less than eight feet in height. The project proposes a "concrete-free" racking system, which further reduces the project's footprint. Approximately 33 percent of the 18 acres will be taken up by the arrays. Very little to no vegetation is required to be removed for installation of the solar facility, since the land lies vacant and has been fallow for 15 years. The closest rural residences are located approximately 250 feet east of the project, and will be separated by Dry Creek and 14 acres of open space and/or farmed land.*

*Mitigation required through the project's Conditions of Approval, such as mitigating for the loss of agricultural farmland and Swainson's hawk foraging habitat, will ensure that the public's health, safety, or general welfare will not be impaired. Additionally, the project will be screened from public view by the 12-acre orchard and*

*landscaping features placed around the perimeter of the project footprint.*

Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities will be provided.

*All necessary infrastructure and utilities will be required of the proposed project. Existing roadways will serve the project; and internal roads will allow for access to the arrays. Any damage to the road structure from construction activity will require compensation by the applicant. No other utilities are required for the solar facility.*

The requested use will serve and support production of agriculture, the agricultural industry, animal husbandry or medicine; or is agriculturally related, and not appropriate for location within a city or town; and the requested use, if proposed on prime soils, cannot be reasonably located on lands containing non-prime soils.

*Utility-scale solar facilities are typically located in rural, remote areas, away from urban centers, where there is available land surface and proximity to an existing substation. The proposed location is on property that has been fallow for 15 years, which adjoins the Putah Creek PG&E substation. There are existing residences within the vicinity of the project, but the project will be screened by 14 acres of undisturbed and/or farmed land and landscaping features around the perimeter of the fenced project site. All safety lighting will be low-level and downward facing so as not to spill over onto adjacent properties, the roadway, or the night sky. Noise levels will be less than typical agricultural noise levels, and the project will only operate during daylight hours. The project will not generate any noise during evening or nighttime hours.*

*The project is proposed on farmland that, if irrigated, would be considered to have prime soils. However, the property has been lying fallow and has not been irrigated for at least 15 years. The adjoining southern parcel, which was also fallow, has recently been planted in walnuts. Approximately 18 acres of the 32-acre project site will be occupied by the project, with the required one to one mitigation. The remaining 14 acres will stay as open space and/or will be farmed, creating a buffer between the solar facility and Dry Creek and the residential subdivision in Winter's city limits.*

# CONDITIONS OF APPROVAL
# PUTAH CREEK SOLAR FACILITY
# USE PERMIT
# ZONE FILE #2011-002

**ON-GOING OR OPERATIONAL CONDITIONS OF APPROVAL:**

PLANNING DIVISION—PPW (530) 666-8850

1. The project shall be developed in compliance with all adopted Conditions of Approval approved for Zone File #2011-002. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval as contained herein.

2. Development of the site, including installation and/or placement of structures, shall be as described in this staff report for this Use Permit (ZF #2011-002). Installation of the solar generation project shall be limited to the specific areas of the property as shown in the applicant's proposed "Draft Project Description," dated January 6, 2011 (see Attachment A of the staff report), and as otherwise amended by approval of the Planning Commission, including heights of associated facilities, a 250-foot setback from the residential subdivision to the east, and a 50-foot setback from any adjoining agricultural properties.

3. In order to reduce potential impacts to adjacent agricultural operations, the solar facility will be required to maintain a setback of at least 50 feet from property lines, where such lines adjoin an agricultural property, unless the affected property owner agrees to a decreased setback. The facility shall be designed to minimize any identified impacts to adjacent agricultural operations, such as orchards that require aerial application of chemicals, which may require greater setbacks.

4. The perimeter of the project site shall be screened with landscaping and/or other site-specific measures incorporated into the project design to address any visual impacts to the public right-of-way and adjoining residences. A landscaping plan shall be approved prior to issuance of any building permits.

5. Any minor modification or expansion of the proposed use shall be consistent with the purpose and intent of this Use Permit, and shall be approved through Site Plan Review or Use Permit Amendment, as determined by the Director of Planning and Public Works. The site shall be operated in a manner consistent with the project's approval.

6. This Use Permit shall commence within one year from the date of the Planning Commission's approval or said permit shall be null and void. However, the Planning Commission may grant an extension of time if the request for extension is found to be consistent with the intent of the original approval.

# ATTACHMENT E

7. Assessment of fees under Public Resources Code Section 21089, and as defined by Fish and Game Code Section 711.4 will be required. The fees ($2,044 plus a $50 Recorder fee) are payable by the project applicant upon filing of the Notice of Determination by the lead agency, within five working days of approval of this project by the Planning Commission.

8. The project shall be operated in compliance with all applicable federal and state laws, including Yolo County Code regulations and applicable Public Utilities Commission standards.

9. The solar facility shall be designed to minimize any glare or lighting on adjacent neighbors. Any lighting installed for ongoing maintenance and security shall be low-level lighting placed in strategic locations around the facility. All lighting shall be shielded and directed downward to minimize the potential for glare or spillover onto adjacent properties.

10. Should the solar energy system cease to produce electricity on a continuous basis for 18 months, the facility shall be considered abandoned, unless a Use Permit Amendment has been initiated by the applicant to upgrade or otherwise continue the use of the system. Upon determination of abandonment, the County shall send a notice to the owner/operator, indicating that the responsible party shall remove the solar energy system and all associated facilities, and remediate the site to its approximate original condition within 90 days of notice by the County.

    In the event that the responsible party has failed to remove the solar energy system and/or restore the facility site within the specified time period, the County may remove the solar energy system and restore the site, and may thereafter initiate judicial proceedings or take any other steps authorized by law to recover costs associated with the removal of structures deemed a public hazard. As required in Condition #18, the applicant shall post a demolition surety prior to issuance of any building permits.

PUBLIC WORKS DIVISION (530) 666-8811

11. The applicant shall file a Record of Survey, prepared by a licensed surveyor in the State of California, whenever any of the following instances occur:
    a. A legal description has been prepared that is based upon a new field survey disclosing data that does not appear on any previously filed Subdivision Map, Parcel Map, Record of Survey, or other official map.
    b. Permanent monuments have been set marking any boundary.

CALTRANS (916) 274-0635

12. **The access on County Road 87D shall be located as far away from the intersection of CR 87D and State Route 128 as is practical. The minimum distance between the proposed project's access and SR 128 should be no less than 500 feet.**

ENVIRONMENTAL HEALTH DIVISION (530) 666-8646

13. The applicant shall submit a hazardous materials business plan and inventory for review and approval by Yolo County Environmental Health Division by the time hazardous materials and/or hazardous wastes are present in reportable quantities on-site, at the facility. **Reportable quantities are amounts of hazardous materials that equal or exceed 500 pounds, 55 gallons, 200 cubic feet of gas, or any quantity of hazardous waste.**

COUNTY COUNSEL—(530) 666-8172

14. In accordance with Yolo County Code Section 8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the county or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attach, set aside, void, or annul an approval of the county, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.

    The county shall promptly notify the applicant of any claim, action or proceeding and that the county cooperates fully in the defense. If the county fails to promptly notify the applicant of any claim, action, or proceeding, or if the county fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the county harmless as to that action.

    The county may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

15. Failure to comply with the Conditions of Approval as approved by the Yolo County Planning Commission may result in the following actions:
    - non-issuance of future building permits;
    - legal action.

**PRIOR TO LAND DISTURBANCE OR ISSUANCE OF BUILDING PERMITS:**

PLANNING DIVISION—PPW (530) 666-8808

16. Construction details shall be included in construction drawings, submitted concurrent with the building permit application, and are subject to review and approval by the Director of the Planning and Public Works Department.

17. During construction, all disturbed soils and unpaved roads shall be adequately watered to keep soil moist to provide dust control, and comply with YSAQMD requirements listed below.

18. Prior to the issuance of building permits for the installation of the solar generation project, the applicant shall provide a demolition surety in a form and amount deemed by the County to be sufficient to remove and dispose of the solar energy system and restore the site to its approximate preconstruction condition. The County shall draw upon this surety in the event the responsible party fails to act within 90 days of termination of operations. The surety shall remain in effect until the solar project is removed.

CENTRAL VALLEY FLOOD PROTECTION BOARD (916) 574-0332

19. Prior to starting work within the 100-year and/or 500-year floodplain, the applicant shall apply for an encroachment permit to the Central Valley Flood Protection Board. The applicant shall provide a copy of the approved encroachment permit, or written confirmation that the permit is waived, prior to the issuance of a grading permit by the County.

CENTRAL REGIONAL WATER QUALITY CONTROL BOARD (916) 464-4745

20. Dischargers whose project disturbs one or more acres of soil are required to obtain coverage under the General Permit for Storm Water discharges Associated with Construction Activities (Construction General Permit), construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

PUBLIC WORKS DIVISION—PPW (530) 666-8811

21. Prior to the issuance of a grading permit, the applicant shall apply for a County encroachment permit for work within the County right-of-way. A paved driveway connection with culvert is required to County Road 87D per County standards. The County shall determine minimum culvert diameter. The driveway connection and culvert will be required to be maintained by the applicant or applicant's successor.

22. Construction of the proposed development shall comply with the County of Yolo Improvement Standards that require best management practices to address storm water quality, erosion, and sediment control. If the development disturbs one acre of more of land, the developer must obtain coverage under California's "National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (State General Permit)" for controlling construction activities that may adversely affect water quality. State General Permit coverage requires preparation of a Storm Water Pollution Prevention Plan (SWPPP). The developer shall provide Yolo County its State-issued Waste Discharge Identification Number (WDID #) and a copy of the SWPPP prior to issuance of a County building or grading permit.

23. The applicant shall be responsible for damages to County Road 87D due to construction activities associated with the project. The applicant shall arrange a preconstruction meeting to evaluate existing County Road 87D pavement conditions with Public Works at least one day before commencing construction. Contact Todd Riddiough, Senior Civil Engineer, at (530) 666-8039 to schedule the meeting at least one week in advance. Before final sign-off of any County grading or building permits by Public Works, the applicant shall arrange a post-construction meeting to evaluate the final condition of County Road 87D, to determine if repair work is required by the applicant.

BUILDING DIVISION—PPW (530) 666-8775

24. All building plans shall be submitted to the Planning and Public Works Department for review and approval in accordance with County Building Standards prior to the commencement of any construction.

25. If applicable, the applicant shall obtain the necessary building permits prior to installation of equipment. New installation shall meet State of California minimum code requirements for fire, life, and safety standards.

26. The applicant will be required to provide structural calculations for meeting wind and seismic design standards in accordance with all applicable Uniform Building Codes and Yolo County Code requirements.

27. The solar facility shall comply with all building and electrical codes, and will require detailed grading, geotechnical, erosion and sediment control plans.

28. The applicant shall pay all appropriate fees prior to the issuance of Building Permits, including but not limited to the Winters Joint Unified School District, Winters Fire District, and County facility fees.

YOLO-SOLANO AIR QUALITY MANAGEMENT DISTRICT—(530) 757-3650

29. Visible emissions from stationary diesel-powered equipment are not allowed to exceed 40 percent opacity for more than three minutes in any one-hour, as regulated under District Rule 2.3, Ringelmann Chart.

30. Portable diesel fueled equipment greater than 50 horsepower, such as generators or pumps, must be registered with either the Air Resources Board's (ARB's) Portable Equipment Registration Program (PERP) (http://www.arb.ca.gov/perp/perp.htm) or with the District.

31. Architectural coatings and solvents used at the project site shall be compliant with District Rule 2.14, Architectural Coatings.

32. All stationary equipment, other than internal combustion engines less than 50 horsepower, emitting air pollutants controlled under District Rules and Regulations require an Authority to Construct (ATC) and Permit to Operate (PTO) from the District.

33. In order to reduce construction-related air pollutants, the following best management practices will be required at the project site to control dust:
    - All construction areas shall be watered as needed.
    - All trucks hauling soil, sand, or other loose materials shall be covered or required to maintain at least two feet of freeboard.
    - Unpaved access roads, parking areas, and staging areas shall be paved, watered, or treated with a non-toxic soil stabilizer, as needed.
    - Exposed stockpiles shall be covered, watered, or treated with a non-toxic soil stabilizer, as needed.
    - Traffic speeds on unpaved access roads shall be limited to 15 miles per hour.

- Any visible soil material that is carried onto adjacent public streets shall be swept with water sweepers, as needed.

**MITIGATION MEASURES**

**PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT:**

33. **Mitigation Measure AG-1**
Prior to issuance of a final building permit, the applicant will be required to grant, in perpetuity, a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism to, or for the benefit of, the County and/or other qualifying entity approved by the County, for 18 acres (at a one-to-one mitigation ratio for the approved project). The payment of fees by the applicant to the holder of the easement shall be sufficient to compensate for all administrative costs incurred by the County or easement holder inclusive of funds for the establishment of an endowment to provide for monitoring, enforcement, and all other services necessary to ensure that the conservation purposes of the easement or other restriction are maintained in perpetuity. Satisfaction of this mitigation requirement may be extended, at the Director's discretion and approval, for up to one year.

34. **Mitigation Measure BIO-1**
Prior to the issuance of the final building permit, the applicant will be required to mitigate for the permanent loss of Swainson's hawk foraging habitat, which may be satisfied by payment of an in-lieu fee (for small projects), dedication of conservation easements either onsite or offsite, or other arrangements satisfactory to the County and the County's Natural Heritage Program. Satisfaction of this mitigation requirement may be extended up to one year, at the discretion and approval of the Director.

35. **Mitigation Measure BIO-2**
If construction occurs during the breeding season (March-September 15), the project applicant shall conduct Swainson's hawk and raptor pre-construction surveys no more than 14 days and no less than 7 days prior to initiating construction. A qualified biologist shall conduct the surveys and the surveys shall be submitted to Yolo County Planning and Public Works Department for review, prior to the issuance of a grading permit. The survey area shall include all potential Swainson's hawk and raptor nesting sites located within ½ mile of the project site. If no active nests are found during the surveys, no further mitigation shall be required except with regard to foraging habitat, as discussed above.

If an active nest used by a Swainson's hawk or white-tailed kite is found sufficiently close (as determined by the qualified biologist) to the construction area to be affected by construction activities, a qualified biologist shall notify the Department of Fish and Game and a ½ mile construction-free buffer zone shall be established around the nest. Intensive new disturbances (e.g., heavy equipment activities associated with construction) that may cause nest abandonment or forced fledging shall not be initiated within this buffer zone between March and September unless it is determined by a qualified biologist in coordination with CDFG that the young have fledged and are feeding on their own, or the nest is no longer in active use.

36. **Mitigation Measure BIO-3**
Prior to land disturbance activities, pre-construction surveys of all potential burrowing owl habitat shall be conducted by a qualified biologist within the project area. Presence or sign of burrowing owl and all potentially occupied burrows shall be recorded and monitored according to the California Department of Fish and Game and California Burrowing Owl Consortium guidelines. If burrowing owls are not detected by sign or direct observation, construction may proceed and no further mitigation is required. Surveys shall be submitted to Yolo County Planning and Public Works Department for review, prior to the issuance of a grading permit.

If potentially nesting burrowing owls are present during pre-construction surveys conducted between February 1 and August 31, grading shall not be allowed within 250 feet of any nest burrow during the nesting season (February 1—August 31), unless approved by the California Department of Fish and Game.

If burrowing owls are detected during pre-construction surveys outside the nesting season (September 1—January 31), passive relocation and monitoring shall be undertaken by a qualified biologist following the California Department of Fish and Game and California Burrowing Owl Consortium guidelines, which involve the placement of one-way exclusion doors on occupied and potentially occupied burrowing owl burrows. Owls shall be excluded from all suitable burrows within the project area and within a 250-foot buffer zone to acclimate to alternate burrows. These mitigation actions shall be carried out prior to the burrowing owl breeding season (February 1—August 31) and the site shall be monitored weekly by a qualified biologist until construction begins to ensure that burrowing owls do not re-inhabit the site.

37. **Mitigation Measure BIO-4**
Prior to any site preparation or construction activity, the developer shall identify the locations of all potential valley elderberry longhorn beetle (VELB) habitat on or within 100 feet of the project site, and avoid direct and indirect impacts until the applicant has received U.S. Fish and Wildlife Service (USFWS) approval for such impacts. The developer shall ensure no net loss of VELB or VELB habitat by complying with impact avoidance, habitat creation, and mitigation measures contained in the USFWS VELB conservation guidelines (USFWS, 1999). A map showing the locations of any VELB habitat and USFWS approval of the work to be performed shall be submitted to Yolo County Planning and Public Works Department, prior to the issuance of a grading permit.

# CORRESPONDENCE

# ATTACHMENT F

# PUTAH CREEK SOLAR FARMS

Date: 1/19/2011

Customer(s): COUNTY OF YOLO PLANNING & PUBLIC WORKS
District: YOLO COUNTY RESOURCE CONSERVATION DISTRICT
Approximate Acres: 45.9
Legal Description: SE1/4 SEC 20, T8N, R1W
USGS Quadrangle - Winters, CA

Field Office: WOODLAND SERVICE CENTER
Agency: USDA Natural Resources Conservation Service
Assisted By: PHIL HOGAN
State and County: CA, YOLO


**Legend**

- Putah Creek Solar Farms
- Highways
- Main Roads
- Connecting Roads
- Railroad
- cities

240 0 240 480 720 960
Feet

NRCS Natural Resources Conservation Service

IMAGE:
2009 Aerial Photography
USDA Farm Service Agency

N

NRCS Natural Resources Conservation Service

# PUTAH CREEK SOLAR FARMS
## - Soils Map -

Date: 1/19/2011

Customer(s): COUNTY OF YOLO PLANNING & PUBLIC WORKS
District: YOLO COUNTY RESOURCE CONSERVATION DISTRICT
Approximate Acres: 45.9
Legal Description: SE1/4 SEC 20, T8N, R1W
USGS Quadrangle - Winters, CA

Field Office: WOODLAND SERVICE CENTER
Agency: USDA Natural Resources Conservation Service
Assisted By: PHIL HOGAN
State and County: CA, YOLO


250 0 250 500 750 1,000 Feet

**Legend**

- Putah Creek Solar Farms
- Highways
- Main Roads
- Connecting Roads
- Railroad
- cities

**Soils Map**

**Soil Symbol, Soil Name**

- BrA, Brentwood silty clay loam, 0 to 2 percent slopes
- Mf, Marvin silty clay loam
- Rg, Rincon silty clay loam
- Rh, Riverwash
- TaA, Tehama loam, 0 to 2 percent slopes

DATA:
Soil Survey of Yolo County, CA
USDA NRCS

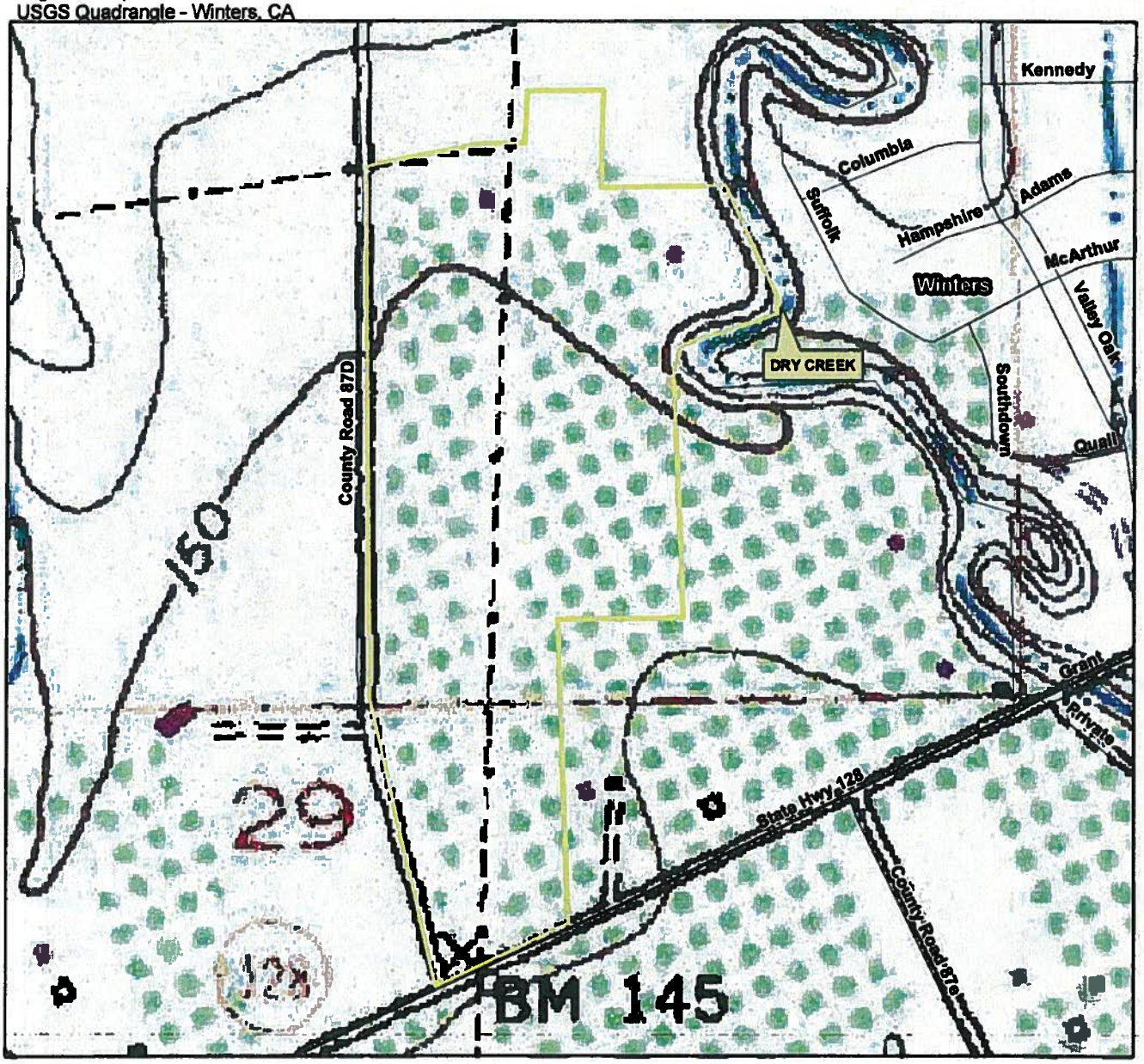
N

# PUTAH CREEK SOLAR FARMS
## - Topography -

Date: 1/19/2011

Customer(s): COUNTY OF YOLO PLANNING & PUBLIC WORKS
District: YOLO COUNTY RESOURCE CONSERVATION DISTRICT
Approximate Acres: 45.9
Legal Description: SE1/4 SEC 20, T8N, R1W
USGS Quadrangle - Winters, CA

Field Office: WOODLAND SERVICE CENTER
Agency: USDA Natural Resources Conservation Service
Assisted By: PHIL HOGAN
State and County: CA, YOLO




**Legend**

- Putah Creek Solar Farms
- Highways
- Main Roads
- Connecting Roads
- Railroad
- cities

DATA:
USGS
Winters, CA Quadrangle

N

NRCS Natural Resources Conservation Service

# PUTAH CREEK SOLAR FARMS
## - Protected Species -

Date: 1/19/2011

Customer(s): COUNTY OF YOLO PLANNING & PUBLIC WORKS
District: YOLO COUNTY RESOURCE CONSERVATION DISTRICT
Approximate Acres: 45.9
Legal Description: SE1/4 SEC 20, T8N, R1W
USGS Quadrangle - Winters, CA

Field Office: WOODLAND SERVICE CENTER
Agency: USDA Natural Resources Conservation Service
Assisted By: PHIL HOGAN
State and County: CA, YOLO


**Legend**

- Putah Creek Solar Farms
- Highways
- Main Roads
- Connecting Roads
- Railroad
- cities
- California Natural Diversity Database

270 0 270 540 810 1,080 Feet

DATA:
CALIFORNIA DEPARTMENT OF FISH AND GAME
California Natural Diversity Database

N

NRCS Natural Resources Conservation Service

NRCS Natural Resources Conservation Service

# PUTAH CREEK SOLAR FARMS
## - Important Farmland -

Date: 1/19/2011

Customer(s): COUNTY OF YOLO PLANNING & PUBLIC WORKS
District: YOLO COUNTY RESOURCE CONSERVATION DISTRICT
Approximate Acres: 45.9
Legal Description: SE1/4 SEC 20, T8N, R1W
USGS Quadrangle - Winters, CA

Field Office: WOODLAND SERVICE CENTER
Agency: USDA Natural Resources Conservation Service
Assisted By: PHIL HOGAN
State and County: CA, YOLO

N


275 0 275 550 825 1,100 Feet

**Legend**

- Putah Creek Solar Farms
- Highways
- Main Roads
- Connecting Roads
- Railroad
- cities

yolo2006

**Farmland Category**

- Prime Farmland
- Statewide Importance
- Unique Farmland
- Local Importance
- Local Potential
- Grazing Land
- Urban
- Other Land
- Water

DATA:
CALIFORNIA DEPARTMENT CONSERVATION
Division of Land Resource Protection
Farmland Mapping and Monitoring Program

NOTE: Farmland of Local Potential (LP) are those Prime and Statewide Important soils that are not presently irrigated or cultivated

NRCS Natural Resources Conservation Service

# PUTAH CREEK SOLAR FARMS
## - California Revised Storie Index -

Date: 1/19/2011

Customer(s): COUNTY OF YOLO PLANNING & PUBLIC WORKS
District: YOLO COUNTY RESOURCE CONSERVATION DISTRICT
Approximate Acres: 45.9
Legal Description: SE1/4 SEC 20, T8N, R1W
USGS Quadrangle - Winters, CA

Field Office: WOODLAND SERVICE CENTER
Agency: USDA Natural Resources Conservation Service
Assisted By: PHIL HOGAN
State and County: CA, YOLO


**Legend**

- Putah Creek Solar Farms
- Highways
- Main Roads
- Connecting Roads
- Railroad
- cities

**California Revised Storie Index (CA)**

**Storie Index Grade**

- Grade One - Excellent
- Grade Two - Good
- Grade Three - Fair
- Grade Four - Poor
- Grade Five - Very Poor
- Grade Six - Nonagricultural
- Not rated
- not rated or not available

DATA:
Soil Survey of Yolo County
USDA NRCS

NRCS Natural Resources Conservation Service

# PUTAH CREEK SOLAR FARMS
## - USDA Land Capability Class (if irrigated) -

Date: 1/19/2011

Customer(s): COUNTY OF YOLO PLANNING & PUBLIC WORKS
District: YOLO COUNTY RESOURCE CONSERVATION DISTRICT
Approximate Acres: 45.9
Legal Description: SE1/4 SEC 20, T8N, R1W
USGS Quadrangle - Winters, CA

Field Office: WOODLAND SERVICE CENTER
Agency: USDA Natural Resources Conservation Service
Assisted By: PHIL HOGAN
State and County: CA, YOLO

N


290 0 290 580 870 1,160 Feet

**Legend**

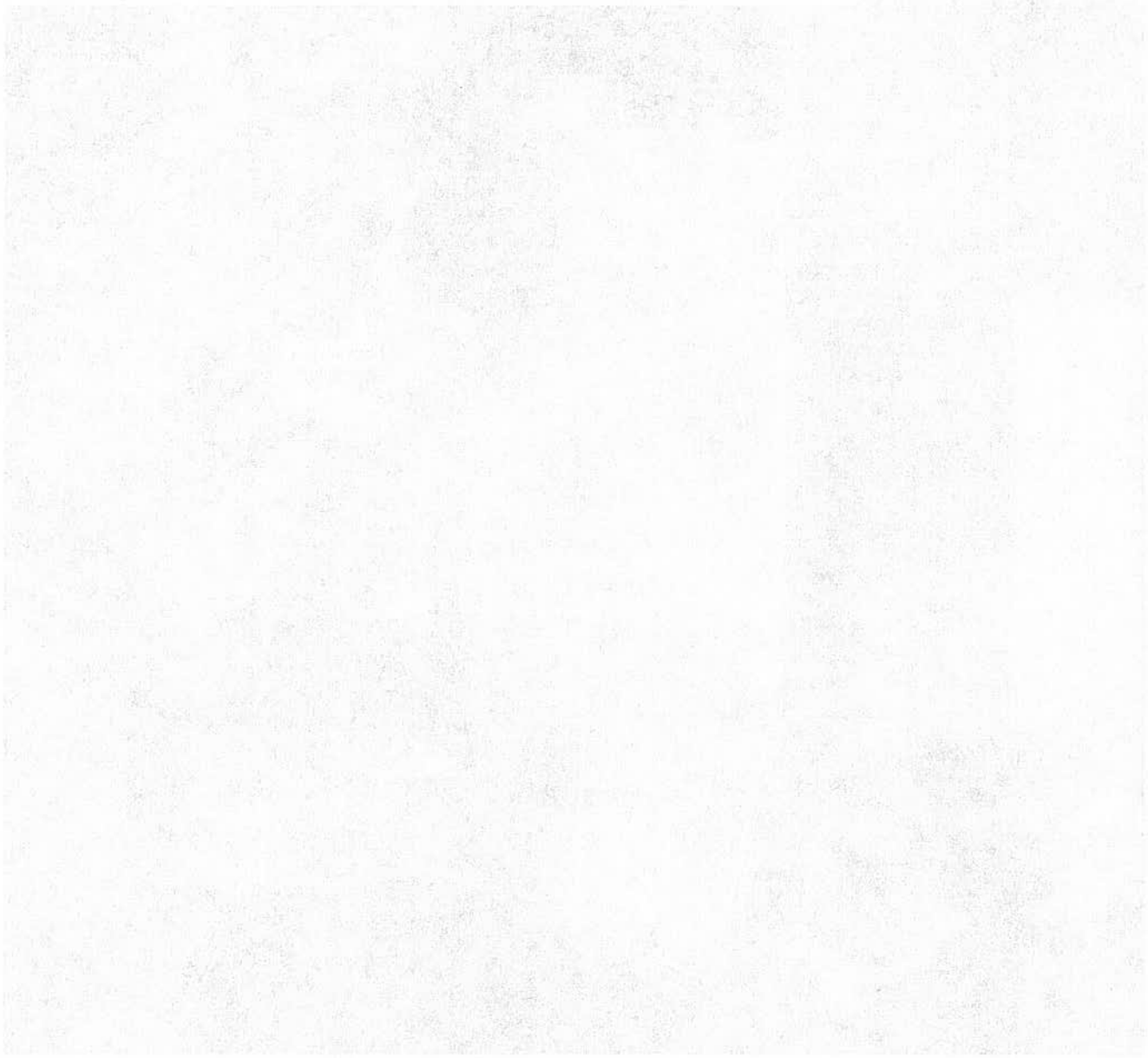
- Putah Creek Solar Farms
- Highways
- Main Roads
- Connecting Roads
- Railroad
- cities

**Irrigated Capability Class**

**IF IRRIGATED**

- Capability Class - I
- Capability Class - II
- Capability Class - III
- Capability Class - IV
- Capability Class - V
- Capability Class - VI
- Capability Class - VII
- Capability Class - VIII
- Not rated or not available

DATA:
Soil Survey of Yolo County
USDA NRCS



STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY EDMUND G. BROWN JR., GOVERNOR

**CENTRAL VALLEY FLOOD PROTECTION BOARD**
3310 El Camino Ave., Rm. 151
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-2380 FAX: (916) 574-0682

June 10, 2011

Ms. Stephanie Cormier
Yolo County, Planning and Public Works
292 W. Beamer Street
Woodland, California 95695

Subject: Response to the Mitigated Negative Declaration for Yolo County for the Putah Creek Solar Farms, LLC (ZF# 2011-002)

Dear Ms. Cormier:

Staff of the Central Valley Flood Protection Board has reviewed the subject document and provides the following comments:

The proposed project is located within the jurisdiction of the Central Valley Flood Protection Board. The Board is required to enforce standards for the construction, maintenance and protection of adopted flood control plans that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River and the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (CCR), Section 2).

A Board permit is required prior to starting the work within the Board's jurisdiction for the following:

- The placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee (CCR Section 6);

- Existing structures that predate permitting or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the encroachment has not been clearly established or ownership and use have been revised (CCR Section 6);

- Vegetation plantings will require the submission of detailed design drawings; identification of vegetation type; plant and tree names (i.e. common name and scientific name); total number of each type of plant and tree; planting spacing and irrigation method that will be utilized within the project area; a complete vegetative management plan for maintenance to prevent the interference with flood control, levee maintenance, inspection and flood fight procedures (CCR Section 131).The Central Valley Flood Protection Board (Board)

If you have any questions, please contact me at (916) 574-0332, or via email at amauro@water.ca.gov.

Sincerely,

Andrea Mauro
Environmental Scientist
Flood Projects Improvement Branch

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, California 95814

June 21, 2011

Stephanie Cormier, Senior Planner
Yolo County Planning and Public Works Department
292 W. Beamer Street
Woodland, CA 95695

Dear Stephanie Cormier,

I'm writing this letter to formally request that you deny the approval of a use permit for the construction and operation of a photovoltaic solar generation project requested by Dan Martinez and Putah Creek Solar Farms, LLC, File number ZF#2011-002 to be located on County Road 87D, APN: 030-200-036.

I am making this request for the following reasons:

The soil on this property is # agriculture soil and should be used for planting.
This project will reduce the value of my property and surrounding property.
It will be an eye-sore.
Construction vehicle traffic will further damage the road.

If a use permit is approved, I suggest that it be located 1 mile north of County Road 87 D.

Thank you sincerely,
Ernie Gadinni

Linda S. Adams
*Acting Secretary for*
*Environmental Protection*

# California Regional Water Quality Control Board
## Central Valley Region
**Katherine Hart, Chair**

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
(916) 464-3291 • FAX (916) 464-4645
http://www.waterboards.ca.gov/centralvalley

Edmund G. Brown Jr.
Governor



7 July 2011

Stephanie Cormier, Senior Planner
Yolo County
292 West Beamer Street
Woodland, CA 95695

CERTIFIED MAIL
7010 3090 0001 4843 2664

**COMMENTS TO DRAFT MITIGATED NEGATIVE DECLARATION, ZONE FILE #2011-002 PUTAH CREEK SOLAR FARMS PROJECT, SCH NO. 2011062038, YOLO COUNTY**

Pursuant to the State Clearinghouse's 13 June 2011 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Draft Mitigated Negative Declaration* for the Zone File #2011-002 Putah Creek Solar Farms Project, located in Yolo County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

**Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

**Phase I and II Municipal Separate Storm Sewer System (MS4) Permits**[1]

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards,

[1] Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

**Industrial Storm Water General Permit**
Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

**Clean Water Act Section 404 Permit**
If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed for the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916)557-5250.

**Clean Water Act Section 401 Permit – Water Quality Certification**
If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. Water Quality Certification must be obtained prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

**Waste Discharge Requirements**
If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

If you have questions regarding these comments, please contact me at (916) 464-4745 or gsparks@waterboards.ca.gov.

Genevieve Sparks

Genevieve (Gen) Sparks
Environmental Scientist
401 Water Quality Certification Program

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento

Courtney and Benjamin Taylor
1006 Suffolk Court
Winters, CA 95694

Stephanie Cormier
Senior Planner
Yolo County Planning and Public Works
292 West Beamer Street
Woodland, CA 95695

Dear Ms. Cormier:

We are writing in response to the Initial Environmental Study/Negative Declaration (IS/ND) for Zone File #2011-002 (Putah Creek Solar Facility).

We purchased our first home at 1006 Suffolk Court in Winters in May 2010. We specifically decided to purchase this home because of the benefit of the agricultural lands adjacent to the property. Overall we feel this project does not align with the Winters General Plan and will set a precedent of development on agricultural lands near Winters. The Winters General Plan seeks "to maintain a distinct agricultural definition to the urban edge of the city as a means of emphasizing Winters' small-town qualities and agricultural heritage." By allowing the conversion of this agricultural land to a solar facility, the small-town quality and agricultural heritage is lost on the western edge of town.

Specifically with regards to the project, we have three concerns: (1) the unsightly fence that will be directly behind our home, (2) the ambient light that will shine directly into our bedroom window at night, and (3) the noise generated by the facility.

With regard to the fence, we are most concerned because the solar facility would be located directly behind our house. According to Part I Section C on page 10 of the IS/ND there will be less than significant impacts to "the existing visual character or quality of the site and its surroundings." The homes directly adjacent to the solar facility will look directly at the solar panels from their backyards. The view and character of the neighborhood will be significantly impacted by the proposed "perimeter fence and one foot of three strand concertina wire along the top" (see initial notice to property owners).

The IS/ND does not indicate if the fence will be included in the 250-foot setback. If the fence is not included and is installed close to the property line between the facility and our backyard, this unsightly fence will very likely decrease the resale value of our home. It would have much less of an impact on the neighborhood if the fence was included in the 250-foot setback. Also, per the Winters City General Plan section VI.D.1., any new development along Dry Creek must maintain a 50-foot setback from the top of the creek. The currently planned 30-foot setback does not meet this standard. Additionally, if the solar facility is approved, regardless of where the fence is located, we respectfully request that the landowners work with us to have the fence blocked with landscaping to create a visual screen (potentially in addition to the already planned row of walnut trees).

With regard to the ambient light issue, Part I Section D (page 10 of the IS/ND) states that there will be less than significant impacts from "light or glare that will adversely affect day or nighttime views in the area." Although the report states that the lights will be in accordance with all Yolo County and Winters City rules and regulations, we are still concerned about the amount of light that the facility will emit during the night. There are currently no lights on that parcel.

With regard to our last concern, the noise generated from the facility, we request that the noise remain within the limits outlined in the Winters General Plan in Table II-4 which sets the residential limits during the day and nighttime as 50 dBA and 45 dBA, respectively. It is not clear from the IS/ND how the ongoing noise will impact the closest residences once construction ends.

Thank you for listening to our concerns. Please contact us if you have any questions. We look forward to working with you.

Sincerely,

Courtney and Benjamin Taylor
415-624-7957