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FINAL MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT **AND INITIAL STUDY**

PROJECT TITLE: Renewable Energy Permit 2022-01/Barker

PROJECT LOCATION: The Project site is located approximately 3 miles north of the unincorporated community of Trona, California, at: T24S. R43E. M.D.M Section 32. The property is on private land owned by Robbie Barker, Assessor parcel number 038-330-46.

PROJECT DESCRIPTION: The project consists of a Renewable Energy Permit to construct a 1.2 megawatt (MW) photovoltaic solar facility using approximately 2,300 fixed tilt or single-axis tracker solar panels. The project site is located on one 5-acre parcel that is highly disturbed with no natural vegetation or structures on the site. The project is also devoid of natural habitat and the parcels have previously been graded.

The project was approved by the Inyo County Planning Commission on October 25, 2023 and was subsequently appealed to the Board of Supervisors. The Board of Supervisors denied the appeal and upheld the Planning Commission approval on May 3, 2024.

FINDINGS:

Planning Commission October 25, 2023

1. The proposed Renewable Energy Permit has met the provisions of necessary review, pursuant to the California Environmental Quality Act.

[Evidence: The Inyo County 2015 REGPA, the Initial Study for this project (December 2022 & August 2023), and the addition of the mitigation and monitoring program recommended for this permit, have eliminated the potential for adverse environmental impacts that will exceed thresholds of significance, either individually or cumulatively.]

2. The proposed Renewable Energy Permit is consistent with the Inyo County General Plan Land Use Designation of Residential Estate (RE)/ SEDA, as adopted by Inyo County.

[Evidence: In 2015, Inyo County updated its General Plan to include policies for solar energy development within the County. New goals, policies, implementation measures, and actual sites, were identified in locations referred to in the REGPA as SEDAs. The current project falls within Inyo County's southern SEDA; and therefore, has consistency with the General Plan.]

3. The proposed Renewable Energy Permit is consistent with the Inyo County Zoning Ordinance. [Evidence: Utility scale and commercial scale renewable energy solar facilities are allowed within any zoning district, under Title 18 of the Inyo County Code, and pursuant to Inyo County Code Title 21 if the facilities are proposed within a SEDA. The new land use policy created by the REGPA means that applications will be considered regardless of zoning designation, with approval of the permit decided by the Planning Commission, as long as they are located in a SEDA.]

4. The proposed Renewable Energy Permit is necessary or desirable.

[Evidence: In 2015, the Inyo County Board of Supervisors decided it was necessary to adopt new land use policies that were consistent with and met the broader goals and visions for the County as expressed in the General Plan. These amended land use policies regulate and direct the type, siting, and size of potential future renewable energy development within the County. Given that the proposed project is within the southern SEDA, the project is consistent with what the County has deemed necessary and desirable (REGPA, ES-2, 2015).]

5. The proposed Renewable Energy Permit is properly related to other uses and transportation and service facilities in the vicinity.

[Evidence: The proposed Renewable Energy Permit is properly related to transportation and service facilities and will not adversely affect these facilities. The project is located in an area where it can connect to Southern California Edison's electrical transmission lines. This project is secluded enough to avoid burdens to Inyo County maintained roads, in this case Trona Wildrose Road. Additionally, it is over a mile away from the Trona airport.]

6. The proposed Renewable Energy Permit would not under all the circumstances of this case, adversely affect the health or safety of persons living or working in the vicinity or be materially detrimental to public welfare.

[Evidence: The proposed Renewable Energy Permit does not adversely affect public health or safety of persons living in the vicinity. The Inyo County Environmental Health Department evaluated the application for sewer, septic, and water issues and found no problems with the application. The proposed solar facility will not generate significant noise, traffic, or hazards in the very rural sparsely populated area surrounding it.]

7. Operating requirements necessitate the proposed Renewable Energy Permit for the site. [Evidence: Use of the applicant's property for a photovoltaic power plant or solar energy system requires a Renewable Energy Permit, as per Chapter 21.08 of the Inyo County Code.] On December 24, 2021, Inyo County received a comment letter from the California Department of Fish & Wildlife related to additional biological studies for the project prior to construction. For this reason, the applicant shall provide preconstruction surveys based on CDFW comments and guidelines for habitat assessment of special species. This has been included in the Biological section of the CEQA checklist and the Mandatory Findings. These mitigation measures have been added as Conditions of Approval to the CUP that was approved by the Inyo County Planning Commission on October 25, 2023.

Board of Supervisors May 3, 2024 Approval and Findings

Moved by Supervisor Griffiths and seconded by Supervisor Marcellin to:


1. Deny the appeal and uphold the Planning Commission's decision to approve REP 2022-01/Barker, subject to all conditions of approval outlined in the material;
2. Approve the Recirculated Mitigated Negative Declaration for the Project; as presented and certify that it is an adequate and complete document prepared in compliance with CEQA;
3. Adopt the Mitigation Monitoring and Reporting Program, as revised, and set forth in the Recirculated Mitigated Negative Declaration, as the Mitigation Monitoring and Reporting Program for the Project, prepared in accordance with CEQA; and
4. **Make findings a-d as follows:**
 - a. All previous findings made by the Planning Commission in its October 25, 2023 public hearing are incorporated herein as findings;
 - b. The Project will not have a potentially significant effect on the environment with mitigation measures incorporated based on the reasons documented in the Recirculated Mitigated Negative

- Declaration; that mitigation measures are needed for this project which have been incorporated in the project; and that there is no substantial evidence that the project, with the mitigation measures incorporated, could have a significant effect on the environment;
- c. The Project is consistent with the plans for which the Program EIR was prepared; that any new effects which had not previously been considered in the Program EIR have been reduced to less than significant by mitigation measures or revisions incorporated into the project; and that the project incorporates all applicable mitigation measures identified in the Program EIR; and
 - d. Through the imposition of the mitigation measures, the conditions of approval including the conditions pertaining to the requirement for an approved reclamation plan and corresponding receipt of adequate financial assurances, and by other conditions incorporated into the determination or imposed upon the permit, the health, safety and welfare of the county's citizens, the county's environment, including its public trust resources, and the county's financial well-being, have been adequately safeguarded; and
- 5) Add as conditions of approval the requirements that preconstruction surveys be conducted for the desert tortoise and Mojave ground squirrel by a biologist approved by the California Department of Fish and Wildlife and, if any species of concern are discovered, appropriate feasible mitigation measures will be taken as prescribed in the Programmatic Environmental Impact Report.

The public & State agency review period for the Draft Mitigated Negative Declaration closed on August 25, 2023. Inyo County received no comments from a State agency.

Additional information is available from the Inyo County Planning Department. Please contact Project Planner Cynthia Draper (760-878-0265) if you have any questions regarding this project.


Name


Date