



Santa Lucia Conservancy Openlands Solar Project Application

- 1) **EARLY CONSULTATION**. As it can take several weeks to months to complete SLC's Openlands Solar Project Application process, landowners are encouraged to consult with the Conservancy and Design Review Board (DRB) during the earliest stages of planning and design review. At a minimum, the Notice of License must be recorded in the official records of Monterey County at least **15 days** prior to initiating construction. The application to locate Solar Energy System in the Openlands based on no feasible alternative in the Homelands ("Application") and any associated screening plan will ordinarily be processed concurrently with Owner's design review application by the DRB to ensure the Conservancy representative on the DRB is prepared to vote on the design review application. The Owner should obtain approvals from Conservancy and DRB before obtaining governmental land use approvals, construction and/or grading permits in order to avoid potentially unnecessary costs and delays.

Prior to preparing a proposal for review, Conservancy and Department of Construction Services (DCS) will make a site visit, upon the request of the Owner, to discuss the proposed location(s) to install the system.

- a) The Owner/Solar Consultant shall be prepared to discuss the Solar Energy System output needs based on the peak day needs of the property. Discussion at the site visit will review the viability of locations inside the Homeland and in the Openlands.
 - b) During the site visit, Conservancy staff will be equipped with GIS tools to create a map of the potential Solar Energy System footprint.
 - c) Conservancy may propose alternate locations be considered if the proposed Openlands location would have adverse environmental impacts.
- 2) **SUBMIT COMPLETE APPLICATION**. The burden is on the Owner to submit an Application that is complete and sufficient for meaningful consideration. Incomplete applications will be delayed as Conservancy will request additional documentation. All materials must be submitted at the same time to the Conservancy. A complete application includes the following as well as further requested information:
 - a) **Solar Application Fee**. The Owner will pay a fee of \$1,000 made out to Santa Lucia Conservancy. The fee will help to offset Conservancy costs of meetings, inspections, and preparation and recording of the appropriate documents. Under circumstances where Conservancy incurs extraordinary costs and expenses, Conservancy may charge an additional amount to cover its actual costs and expenses. Total fees will not exceed \$2,000.
 - b) **Schematic and Details**: Plat Map and Legal Description or other mutually acceptable detailed schematic and narrative that includes details of all solar installation areas, in addition to the array location, including information regarding anticipated future vegetation screening and management needs. The solar installation and all related impacts and activities must be entirely confined to a defined area (the "Solar Envelope"). Owner to include:
 - i) Description of the proposed solar array location; installation needs including access, staging, trenching, and grading; anticipated maintenance.



- ii) Description of equipment needed for project for site prep and installation.
 - iii) If screening vegetation is proposed, provide screening plan with details on proposed native species composition, number of plants, and spacing.
 - iv) If substantial Openlands impacts are anticipated as part of the installation or staging of the proposed system, provide mitigation and monitoring plan.
- c) Evidence that Proposed System Meets Conditions of Solar Policy:
- i) Owner must provide evidence that they have made a good faith effort to place the System in the Homelands, have reasonably determined that (1) it is infeasible; (2) it will significantly increase the cost of the System or significantly decrease its efficiency or specified performance in comparison to the proposed Openlands system; or (3) it will reduce the rated capacity of the system below peak day needs.
 - (1) Good faith effort includes qualified consultation concerning alternatives for design and siting of the system in the Homelands to avoid impact to Openlands.
 - (2) Adverse aesthetic impacts in the Homelands alone shall not be grounds for locating system in Openlands.
 - (3) Any proposed system must also be designed and sited within the Openlands to minimize impacts to Openlands.
 - (4) Owner to include commentary of locations considered in the Homeland for comparison, calculations to demonstrate peak day needs, costs and energy productivity and efficiency.
 - (5) For solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law, “significantly” means an amount exceeding 10 percent of the cost of the system, but in no case more than one thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as originally specified and proposed within the Openlands.
 - (6) For photovoltaic systems that comply with state and federal law, “significantly” means an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed within the Openlands, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed within the Openlands.
 - (7) Applications for Openlands Systems may be denied if Conservancy determines it is feasible to install an alternative system of comparable cost, efficiency, and energy conservation benefits within the Homelands.
- d) Design and Site. The System must be designed and sited to meet all the following criteria:
- i) System shall be limited to a Solar Energy System as defined in Exhibit A.



- ii) System shall be originally specified and proposed to serve only residential and appurtenant uses of the Homelands as may be or have been approved by the Design Review Board (“Approved Homeland Development”).
 - iii) System shall be limited to a consumer system designed for distributed generation, i.e., any onsite generation, interconnected and operating in parallel with the electrical grid, which is used solely to meet onsite electrical load. Such systems shall be specified and proposed solely for the level of performance necessary to meet the energy needs established for the Approved Homeland Development, and not to produce excess energy. While the sale back to the public utility grid of excess electricity that may incidentally be produced by a Solar Energy System on occasion is not prohibited, the rated capacity of the System shall not materially exceed the projected peak day needs of the Approved Homeland Development.
 - iv) System installation and use will be implemented in a manner that does not materially impair or interfere with the Protected Values (CE Sec. 1, 3.2), nor materially impair or interfere with the safety, security and comfortable enjoyment of other owners of lots (CE Sec. 3.2).
 - e) DRB Materials. Provide copies of all materials submitted to DRB for Solar Energy System consideration, including DRB Solar Application Form, and Specs and Materials
 - f) Owner of Record. Owner shall provide documentation of current owner of record (e.g., current policy of title insurance or preliminary title report) to ensure that current owner of record will be legally bound by the License Agreement.
- 3) REVIEW, MODIFICATIONS AND MAPPING. Conservancy will review the complete application. Additional information or clarification may be requested. Approval of the Openlands Solar Energy System will be provided in writing and may include conditions for resolving impacts during installation or to reasonably eliminate or minimize adverse impacts to the Protected Values and the safety, security and comfortable enjoyment of other owners of lots (“Modifications”). Conservancy will produce maps based on proposal GPS points and/or Owner will stake site.
- 4) APPROVAL OR DENIAL. Conservancy will provide a written response of approval or denial within 30 days of receipt of complete application.
- 5) PERMITS; RECORDING OF NOTICE OF LICENSE. If approved, Owner will proceed to obtain required permits from County. Owner will present County permits to Conservancy. Provided that the permits are consistent with Conservancy’s Solar Energy System approval, Conservancy will execute License Agreement and record the Notice of License in the Official Records.



Exhibit A

For the purposes of this policy "solar energy systems" means any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.

To be qualified for consideration under an Application, such solar energy systems must meet the following requirements:

1. Health and Safety Requirements – any solar energy system must meet applicable health and safety standards and other requirements imposed by state and local permitting authorities.
2. Solar Water Heating Certification – any solar energy system used to heat water to be certified by the Solar Rating Certification Corporation (hereinafter “SRCC”), a non-profit third-party organization, or other nationally recognized certification agencies. The entire solar energy system and installation process must receive certification, rather than simply certifying each of its component parts.
3. Solar Electric Standards – any energy system used to produce electricity, such as photovoltaics, must meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the California Public Utilities Commission regarding safety and reliability.
4. Applicable law – Any additional requirements that may be imposed by federal, state, regional or local jurisdictions applicable to the Preserve for the purposes of public health and safety and environmental and ecological health.