

**MEMORANDUM**

**TO:** Board of Supervisors Transportation/Planning Committee

**FROM:** Chris Bazar, Community Development Agency Director  
Albert Lopez, Planning Director

**DATE:** November 10, 2011

**SUBJECT:** Consideration of Proposed Policies for the Siting of Solar Energy Facilities in Rural Alameda County

**BACKGROUND**

The Transportation and Planning Committee last heard this item on October 3<sup>rd</sup>, where several concerns were raised by the public, as well as the Committee itself, regarding the development of solar electrical facilities (SEFs) in Alameda County. At that meeting Staff had proposed a series of new policies for the Board to consider that would assist the Planning Department with reviewing current applications, as well as having a longer view towards updating the East County Area Plan (ECAP) to address the growing interest in developing solar facilities in the rural East County area.

The impetus for developing these policies was the recognition of the lack of clear policies in the ECAP; utility-scale solar electrical facilities were not as commonplace as they are now when the ECAP was written (and amended by Measure D), and the interest in solar facilities that exists today was not anticipated.

To this end, the committee members asked at the October 3<sup>rd</sup> meeting for additional analysis from staff; in particular, the Supervisors wanted to see a map with overlays of constraints such as Important Farmland and Williamson Act parcels to inform their decision making, as well as a comparison of installing solar in a “distributed” model vs. placing large utility-scaled solar electrical facilities in rural County lands. This additional analysis was intended to help address the various issues being raised by the environmental community, and their concerns with impacts to the ECAP natural environments.

**ANALYSIS**

Staff has prepared both of the requested items (attached) and will discuss them at the November 10<sup>th</sup> hearing. This material is important in that it provides additional understanding of an ever-changing solar industry as the County deliberates over applicable policies, and can assist the Planning Department in reviewing current applications.

First and foremost, the attached map demonstrates there are no perfect locations for SEF’s in the County, with perhaps a few exceptions. For example, the map shows where there is suitable land available, the access to connection points is lacking (particularly in the Little Valley and North Livermore areas). This suggests that SEFs in these locations would need to install transmission lines that could have aesthetic and environmental impacts of their own. Generally, stakeholders in this part of the County have a negative view towards additional overhead transmission lines

due to the abundance of existing lines traversing this area. More analysis of this impact is needed.

Although the Mountain House area is where all of the current applications are located, most of the area is designated as important farmland or is under a Williamson Act contract, and sometimes both (see map). Given that most of the area is flat and easily accessible, the Mountain House area seems to approach ideal conditions given its access to other electrical infrastructure and connection points, yet the important farmland and Williamson Act considerations remain significant. The ECAP contains policies regarding preserving this part of the County for agricultural production, and the loss of Williamson Act protected lands is similarly a concern.

As suggested at the October 3<sup>rd</sup> meeting, the use of this part of the County for large utility-scaled SEFs would require a close look at existing policies and most likely a General Plan Amendment to review all the impacts, deliberate the trade-offs between SEFs and protection of existing resources, and provide the larger community a process and forum to discuss them. This is an undertaking Staff believes is necessary to provide the appropriate legal, environmental and process conditions to allow projects to proceed.

The other piece of information requested at the October 3<sup>rd</sup> meeting was a comparison between utility-scaled SEFs in rural County lands and a distributed model (rooftops and parking lots) in the more urban parts of the County. Although this is an area of study that is fairly new and changing quickly, it appears that both models have merit but neither is the “silver bullet” as the solution to increase renewable energy. It is notable there is general agreement that as prices for photovoltaic (panels) decreases and efficiencies trend upward, the viability of an effective distributed model increases so that energy production through solar in proximity to its users can occur more easily and much faster than currently allowed. It also appears that the market is beginning to respond to this call, and that more opportunities exist to place renewable energy in the urban core.

The County, through its Community Climate Action Plan, recognizes the need for creating Solar Empowerment Zones in urbanized areas, and that with the plan's implementation more gains in this area will be realized.

### Current Applications

In regards to current application status, the County has already approved one small 14 acre project now under construction (Greenvolts), is scheduled to hear an application for a 140 acre project (CoolEarth) in December, and has received an application for a more than 2000 acre project (Pegasus Energy). All of the projects are located in the Mountain House area described above, yet they all have different existing conditions.

CoolEarth is located on a site with neither an important farmlands designation or a Williamson Act contract. Given its potential to connect to the grid nearby, there appears (according to the circulated environmental document) to be no significant impacts that need further mitigation, and more importantly there is consistency with the ECAP. At a hearing in December the East County Board of Zoning Adjustments will review this item in a public hearing.

In contrast, the Pegasus Energy project raises more significant general plan consistency questions that will require additional policy level work described above. Such a process is necessary prior to considering projects like Pegasus Energy that cover important farmlands and/or are under

Williamson Act contract. Without such policy work, the County would be hard pressed to find such projects consistent with the County's General Plan.

In addition, at the October 3<sup>rd</sup> meeting the committee expressed concern with the size of proposed projects, suggesting a General Plan Amendment process should also consider limiting the size of SEF projects.

In conclusion, staff believes the creation of solar policies should remain a high priority for the County, and that a process to do so should begin quickly and outside the context of a pending application. In addition, the development of Solar Empowerment Zones as required in the County's Climate Action Plan should be a focus of the Planning Department's resources in furthering a distributed renewable energy model as described above.

Staff recommends that a County-initiated General Plan Amendment of the ECAP begin, and that SEF projects found inconsistent with the ECAP be denied, or wait until such time as an amendment process is completed to begin review. If the Committee believes the County needs additional assurances an SEF project will not consume limited staff resources, an urgency ordinance on SEFs could be drafted for consideration at the Board of Supervisors next meeting.