



December 4, 2020

VIA EMAIL

Andrew Young, [andrew.young@acgov.org](mailto:andrew.young@acgov.org)

Maria Palmeri, [maria.palmeri@acgov.org](mailto:maria.palmeri@acgov.org)

Re: Aramis Solar Energy Generation and Storage Project , Alameda County Planning Application PLN2018-00117; Notice of Appeal of East County Board of Zoning Adjustments Certification of FEIR and Issuance of a Conditional Use Permit

Dear Andrew Young and Maria Palmeri:

Please accept this letter as a notice of appeal by Friends of Livermore of the East County Board of Zoning Adjustment decision of November 24, 2020 certifying the Final Environmental Impact Report (FEIR) and issuance of a conditional use permit (CUP) for the Aramis Solar Energy Generation and Storage Project. The following are the basis for this appeal.

1. The Aramis project violates Measure D

- County staff is basing their determination that a utility scale solar project is allowed on Measure D lands on an Alameda County Planning Commission determination a decade ago that solar was compatible as an unspecified but implied use listed in Measure D. This was an illegal finding. For such a significant determination to be allowed would require, at a minimum, a public hearing and likely a vote of the people to amend Measure D. Neither of these steps were pursued by the County and therefore this type of use violates Measure D.
- Similarly, and also several years ago, the zoning for Large Parcel Agriculture (LPA) was specifically changed to allow solar in areas zoned LPA. Since much of the land in the LPA area is protected by Measure D this type of significant change in use also violates Measure D and would require public hearings and probably a vote of the people. Again, no public hearing or vote occurred.
- The purpose of Measure D, as stated in the document, is to “*preserve and enhance agriculture and agricultural lands, and to protect the natural qualities, the wildlife habitats, the watersheds and the beautiful open space of Alameda County from excessive, badly located and harmful development.*” The Aramis Solar Project, with its 320,000 solar panels covering over 400 acres, is not consistent with this purpose.

2. Policy 13 of Measure D states that the County shall not authorize infrastructure in excess of that needed for development consistent with Measure D. Policy 13 only allows for (1) new, expanded or replacement infrastructure necessary to adequately

serve East County or (2) improvements of public facilities which do not increase capacity. The Aramis project violates Policy 13.

- Aramis project violates the East County Area Plan (ECAP). The project is located in the Large Parcel Agriculture (LPA) designation under the East County Area Plan (ECAP). More specifically, the project is located in the North Livermore Intensive Agriculture Area created by Measure D.
- Measure D states that the purpose of the North Livermore Intensive Agriculture Policy is to “*permit and encourage cultivated agriculture,*” and to do so “*without impairing the open, natural qualities of the area.*”
- 320,000 ground mounted solar panels that rise to 9-feet tall must impair the “*natural qualities*” of the area.
- The County General Plan designates North Livermore Avenue and Manning Road as a Scenic Rural Recreational Route. Principles underlying this designation include:
  - Provide for normal uses of land and protect against unsightly features.
  - Locate transmission towers and lines outside of scenic corridors when feasible.
  - Use underground lines whenever possible; make overhead lines inconspicuous
- The Aramis project EIR clearly states that the project violates these principles

3. Representatives from Intersect Power misrepresented important facts in their presentation to the East County Board of Zoning Adjustments (BZA). The BZA approved the CPU and accepted the EIR based on incorrect information. Specifically:

- When a representative of Intersect Power was questioned by the BZA on whether the power from the Aramis project would benefit Livermore they said Livermore will get the power first and implied that this would protect Livermore from power blackouts. This is not true. How the electrical grid functions is a complicated issue and the BZA should not have relied only on the developer for understanding this critical issue. County staff were no more successful than Intersect Power in explaining this issue to the members of the BZA. At the very least the Board of Supervisors should delay any decision on this CUP until an “expert” on this grid issue can inform the members of the BZA and the public on this subject.
- Additionally, neither Intersect Power’s CEO, Intersect’s representative nor county staff were able to accurately explain to the BZA members the relationship between the 25% of the power contracted for from the Aramis project by the East Bay Community Energy (EBCE) and the actual power that is used in Livermore. The inability to explain this further confused the issue of who gets the power from Aramis for the BZA members.
- Representatives from Intersect Power misstated the importance of the soil in North Livermore to the BZA board members and did not provide back up documents to support their statements that the North Livermore land was poor soil and essentially useless for agriculture. We can show USDA documents produced by the Natural Resources Conservation Service in 2020 (documents attached). These documents

designate all of the land covered by the Aramis project as Prime Farmland (if irrigated) or Farmland of Statewide Importance.

- It would be improper for the Board of Supervisors to approve a decision by the BZA knowing that the BZA had incomplete and inaccurate information as a basis for their decisions.
4. The California Department of Fish and Wildlife (CDFW) identified numerous failings in the Draft EIR that were listed in detail in a fourteen page letter from Gregg Erickson of CDFW to Andrew Young on October 30, 2020. At a minimum the CDFW believes compensatory mitigation will be necessary for lost habitat as is required by the California Endangered Species Act and “take permits” for destroyed animals are required. County staff seems to be ignoring the comprehensive input received from the CDFW which they received several weeks ago and are instead only considering input, received the day of the BZA hearing, from the US Fish and Wildlife Service. The Board of Supervisors should not approve the EIR for the Aramis project until the concerns of the CDFW are thoughtfully considered and required studies completed and mitigations identified.
  5. The CUP should not be approved before a solar policy that includes least impact siting evaluations is completed. Members of the public, local organizations, and the City of Livermore requested that the County refrain from approving any solar projects until a policy could be established which takes into account the appropriate sites for solar projects. Approving a project as massive as this Aramis project before a county wide policy is enacted places political decisions ahead of proper planning.

Friends of Livermore is a community organization dedicated to protecting open space and improving the quality of life in the Livermore Area. We formed in early 2002 during the fight to protect North Livermore from a developer initiative that would have allowed massive housing developments in North Livermore.

Based on the reasons outlined above we request that the Board of Supervisors reject the EIR and CUP that the BZA approved for the Aramis Solar project.

Sincerely,



Michael Frederick  
Chair FOL Solar Committee

cc: Anika Campbell-Belton, Clerk of the Board of Supervisors

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