



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

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MEMORANDUM

TO: Board of Supervisors' Transportation/Planning Committee

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

DATE: September 13, 2012

SUBJECT: Draft Solar Policies for East County Area Plan

BACKGROUND

The Transportation and Planning Committee last heard this item on November 10th, 2011 when the committee directed staff to initiate a general plan amendment process to address issues related to the siting of utility-scale solar energy facilities (SEFs) in the rural East County.

Staff held community meetings on January 31st, February 28th, May 31st, and July 26th of this year. The meeting attendees included property owners, solar industry representatives, environmentalists, agriculturalists, and staff from various government agencies and neighboring local jurisdictions. Based on public input from these meetings, staff developed the attached draft policies which are intended to be incorporated into the East County Area Plan (ECAP), the general plan for the eastern portion of the County where interest in developing SEFs has been the highest.

DISCUSSION

The proposed goal is to “maximize the production of solar photovoltaic energy to the extent feasible, while minimizing potential biological, agricultural, visual, and other environmental impacts.” The draft policies are intended to facilitate the attainment of this goal by supporting solar energy development while requiring mitigation to address potential impacts.

Potential Impacts to Raptors of Locating SEFs near Windfarms

Representatives of environmental groups have suggested that locating SEFs in the Mountain House area, in close proximity to the existing windfarms in the Altamont Pass, may increase avian mortality in the Wind Resource Area by displacing raptors that would otherwise forage on the SEF sites and driving them toward the wind turbines. As the siting of SEFs near wind turbines is a unique situation, it is difficult to predict what the impacts might be.

Alameda County recognized the windfarms' impacts on avian wildlife many years ago, and consequently established entities such as the Altamont Pass Wind Resource Area

(APWRA), Scientific Review Committee (SRC), and the Avian Wildlife Protection Program. This program and process were established to balance wildlife protection while maintaining the efficient production of renewable energy, and is ongoing until all old-generation turbines are removed or repowered. In addition, the County has initiated the APWRA Repowering Programmatic Environmental Impact Report (PEIR). It will address all potential avian mortality concerns in the Altamont through the cumulative impact analysis and Avian and Bat Protection Program (ABPP). The ABPP will be reviewed by the SRC and will be discussed at public meetings.

Staff brought the question of how raptors might be affected by the displacement of the cultivated agriculture in Mountain House to the SRC at their May meeting. The SRC members recommended a phased approach where scientific analysis would be used to determine an appropriate buffer between the solar development and the APWRA. A reduced buffer may be allowed for future SEFs if studies show that SEFs that have been built have not caused the raptors to seek new foraging habitat in the APWRA. Draft Policy 9 would implement this approach.

Given the complexity of the repowering process that is currently underway, staff believes that it is in the best interest of the County to not allow SEFs within the boundary of the APWRA until after the repowering process and the subsequent monitoring for avian mortality is completed so that the outcome of the repowering process is not affected by the development of SEFs. If your committee supports this position, staff will develop the appropriate mechanism to implement it in conjunction with the general plan amendment process.

Proposed Temporary Cap on SEFs

While many large-scale SEFs are currently being built throughout the state, future demand for this type of development is uncertain; and, in addition, the long-term impacts of these facilities are still being determined. With this uncertainty in mind, staff recommends an initial overall cap of 1000 acres on SEF development in the East County. If the 1000-acre cap is reached, the County can reassess whether it is appropriate to raise the cap to allow additional SEFs. A per project cap may also be considered. The County has already approved two SEFs in the Mountain House area: Greenvolts which is 14 acres in size, and Cool Earth which is 140 acres.

Consistency with the East County Area Plan (ECAP) and Measure D

Some members of the public have questioned whether SEFs are consistent with the development restrictions in ECAP that were put in place by Measure D. County Counsel has determined that solar facilities are consistent with ECAP policies. Solar facilities constitute quasi-public uses consistent with “windfarms and related facilities, utility corridors and similar uses compatible with agriculture” which are allowed on parcels designated Large Parcel Agriculture (LPA). ECAP Policy 13 does not allow public facilities or other infrastructure in excess of that needed for permissible development consistent with Measure D. Solar facilities would be consistent with Policy 13 of ECAP if they are found to serve existing users or replace existing non-renewable energy sources, and if they have no growth-inducing effects. The Large Parcel Agriculture designation limits development of non-residential buildings to a floor area ratio (FAR) of .01; however, the FAR does not apply to solar collectors as they are not buildings.

NEXT STEPS

Staff requests that your committee provide comments on the draft policies and provide direction as to whether we should proceed with the general plan amendment to incorporate the policies into the ECAP. If your committee directs staff to proceed with the general plan amendment, the next step will be to conduct

the CEQA analysis. The level of this analysis will be determined through the preparation of an initial study. Once the CEQA document has been completed, the proposed policies will be presented to the Planning Commission for their recommendation; and then to the Board of Supervisors for final adoption. The timeframe for this process will largely be determined by the type of CEQA document that must be prepared.

ATTACHMENTS

- Draft Solar General Plan Policies to be added to the East County Area Plan (ECAP)