

DRAFT SOLAR GENERAL PLAN POLICIES

To be added to the East County Area Plan (ECAP)

Revised November 29, 2012

Solar

Goal: To maximize the production of solar photovoltaic energy to the extent feasible, while minimizing potential biological, agricultural, visual, and other environmental impacts.

Policies

Policy [1]: The County shall support the State of California's efforts to fulfill the Renewable Portfolio Standard (RPS) which requires utilities to obtain 33% of electricity from renewable energy sources by 2020.

Policy [2]: The County shall support the goal in Governor Brown's "Clean Energy Jobs Plan" to develop 12,000 megawatts of localized energy (defined as onsite or small energy systems of up to 20 megawatts capacity located close to where energy is consumed) by 2020.

Policy [3]: The County shall place the highest priority on the development of solar energy capacity in the existing built environment in order to minimize environmental impacts.

Policy [4]: The County shall encourage and promote economic development and workforce development programs in conjunction with solar energy projects.

Solar Development on Agricultural Land

Policy [5]: The County shall not allow ~~For~~ Solar Energy Facilities (SEFs) ~~proposed~~ on Important Farmlands, which include lands designated as Prime, Farmlands of State-wide Importance, or Unique Farmlands by the California Department of Conservation Farmland Mapping and Monitoring Program, ~~unless the entire SEF is located within one half mile of the substation to which the SEF will be connected. The substation must exist as of [date of policy adoption]. In such cases, T~~the County shall require the applicant to do one of, or a combination of, the following:

- place farmland of equivalent quality either on-site or off-site within Alameda County under permanent easement at a 1:1 ratio of farmland used for solar installation. The land under easement shall be maintained in perpetuity in a state of equivalent (or better) productivity compared to the land developed; or
- submit an on-site agricultural management plan which demonstrates to the satisfaction of the County decision-making body that viable commercial agricultural activity will continue on at least half of the property in conjunction with the SEF for the life of the SEF.

Policy [6]: The County shall require SEFs on property under Williamson Act contract to comply with Uniform Rule 2, Section II. E. 3. of the Alameda County -Uniform Rules and Procedures Governing Agricultural Preserves and Williamson Act Contracts, or otherwise demonstrate consistency with the Principles of Compatibility found in Uniform Rule 2, Section I. A.

Policy [7]: The County shall limit the development of SEFs in the South Livermore Valley Plan Area to building mounted structures or ground mounted facilities over existing impervious surfaces within the designated ~~two-acre~~ building envelope. The removal of vineyards for the installation of solar panels shall not be permitted.

Biological Resources

Policy [8]: The County shall utilize the East Alameda County Conservation Strategy (EACCS) to determine appropriate SEF siting (FWS comment) biological mitigation ~~for SEFs~~.

Policy [9]: The County shall require that any environmental review conducted for a SEF project ~~that would displace cultivated agricultural land in the Mountain House area to be located within three miles of the boundary of the Altamont Pass Wind Resource Area (APWRA)~~ include an analysis of potential impacts resulting from the loss of raptor foraging habitat on avian mortality in the ~~Altamont Pass Wind Resource Area (APWRA)~~. This analysis will be used to determine an appropriate buffer between the APWRA and the solar development. The potential for phasing solar development in combination with monitoring impacts on avian behavior shall also be considered.

Policy [10]: The County shall not approve SEFs in the Altamont Pass Wind Resource Area (APWRA) until after the completion of the APWRA repowering process, which includes the removal or repowering of all old-generation wind turbines, unless it can be demonstrated to the satisfaction of the County that the SEF will not adversely affect the avian monitoring program conducted in conjunction with the repowering, nor contribute to avian mortality in the APWRA.

Implementation Programs:

Program [1]: The County shall amend the Zoning Ordinance to add a solar energy combining district to prioritize areas where solar facilities may be most appropriate, including:

- lands with existing development;
- lands with access to the electrical grid;
- industrially impacted lands in rural areas, such as surface mines and landfills, water treatment facilities and other similar uses;
- degraded or unproductive agricultural lands with the lowest agricultural production potential due to topography, drainage, adverse soil conditions, or other physical reasons.

The solar energy combining district shall also discourage the siting of solar facilities in environmentally sensitive areas, including:

- lands in designated scenic corridors or visible from parkland;
- lands with special designations of agricultural quality;
- habitat for endangered State and/or Federally listed species and/or other sensitive status species (FWS comment);
- lands designated Resource Management in the County General Plan.

Decommissioning and Restoration

Program [2]: The County shall require a restoration plan with financial assurances for every utility-scaled SEF in the event that the facility closes down or is abandoned. The restoration plan shall be approved by the decision-making body at the time of permit approval and should include the following at a minimum:

- A plan and timeframe for removal of all equipment and components when they are no longer in use;
- Removal of graveled areas and access roads and restoration of the surface grade and placement of topsoil after removal of all structures and equipment including grading, revegetation and erosion control plans to return the site to an appropriate end use;
- Revegetation of disturbed areas that will not be used for cultivated agriculture with native seed mixes and plant species consistent with local ecotypes;
- A cost estimate for all reclamation activities;
- Assurance that handling and disposal of waste resulting from the removal of equipment will comply with all applicable federal, state and county regulations; and
- A statement signed by the owner/operator that they take full responsibility for restoring the site in accordance with the Restoration Plan upon cessation of use.

In addition, prior to the issuance of a Building Permit for construction of the solar facility, a Financial Assurance or security in a form and amount acceptable to the County should be required to secure the expense of dismantling and removing the SEF and restoring the site. A SEF that ceases to produce electricity on a continuous basis for twelve months should be considered abandoned and the owner/operator would be required to complete the requirements in the restoration plan.

Local Host Impact Fee/Development Agreement

Program [3]: The County shall explore potential options for assessing local host impact fees or other forms of fees for SEFs. Funds could support agricultural activities in other parts of the East County, such as the South Livermore Valley by providing opportunities for agricultural infrastructure improvements and other viticulture-enhancing programs. Given the importance of finding an urban solution to renewable solar energy, such funds could be used to facilitate and create Solar Empowerment Zones as promoted by the County's adopted Community Climate Action Plan.

EXISTING ECAP POLICIES THAT WOULD APPLY TO SOLAR ENERGY FACILITIES

Agriculture

Preservation of Productive Soils

Policy 71: The County shall conserve prime soils (Class I and Class II, as defined by the USDA Soil Conservation Service Land Capability Classification) and Farmland of Statewide Importance and Unique Farmland (as defined by the California Department of Conservation Farmland Mapping and Monitoring Program) outside the Urban Growth Boundary.

Policy 72: The County shall preserve the Mountain House area for intensive agricultural use. *[The ECAP defines intensive agricultural use as "... high yield agricultural production including vineyards,*

orchards, and row crops as distinguished from low-intensity agriculture such as cattle and horse grazing.”]

Incompatible Uses

Policy 73: The County shall require buffers between those areas designated for agricultural use and new non-agricultural uses within agricultural areas or abutting parcels. The size, configuration and design of buffers shall be determined based on the characteristics of the project site and the intensity of the adjacent agricultural uses, and if applicable, the anticipated timing of future urbanization of adjacent agricultural land where such agricultural land is included in a phased growth plan. The buffer shall be located on the parcel for which a permit is sought and shall provide for the protection of the maximum amount of arable, pasture, and grazing land feasible.

Policy 74: The County shall require that, where conflicts between a new use and existing use are anticipated, the burden of mitigating the conflicts be the responsibility of the new use.

Policy 75: The County shall enforce the provisions of the Alameda County Right-to-Farm Ordinance on all lands within and adjacent to agricultural areas.

Williamson Act

*Policy 86: The County shall not approve cancellation of Williamson Act contracts within or outside the County Urban Growth Boundary except where findings can be made in accordance with state law, and the cancellation is consistent with the Initiative. In no case shall contracts outside the Urban Growth Boundary be canceled for purposes inconsistent with agricultural or public facility uses. Prior to canceling any contract inside the County Urban Growth Boundary, the Board of Supervisors shall specifically find that there is insufficient non-contract land available within the Boundary to satisfy state-mandated housing requirements. In making this finding, the County shall consider land that can be made available through reuse and rezoning of non-contract land.

Sensitive Viewsheds

*Policy 106: Structures may not be located on ridgelines or hilltops or where they will project above a ridgeline or hilltop as viewed from public roads, trails, parks and other public viewpoints unless there is no other site on the parcel for the structure or on a contiguous parcel in common ownership on or subsequent to the date this ordinance becomes effective. New parcels may not be created that have no building site other than a ridgeline or hilltop, or that would cause a structure to protrude above a ridgeline or hilltop, unless there is no other possible configuration.

*Policy 108: To the extent possible, including by clustering if necessary, structures shall be located on that part of a parcel or on contiguous parcels in common ownership on or subsequent to the date this ordinance becomes effective, where the development is least visible to persons on public roads, trails, parks and other public viewpoints. This policy does not apply to agricultural structures to the extent it is necessary for agricultural purposes that they be located in more visible areas.

Policy 113: The County shall review development proposed adjacent to or near public parklands to ensure that views from parks and trails are maintained.

Policy 114: The County shall require the use of landscaping in both rural and urban areas to enhance the scenic quality of the area and to screen undesirable views. Choice of plants should be based on

compatibility with surrounding vegetation, drought-tolerance, and suitability to site conditions; and in rural areas, habitat value and fire retardance.

*Policy 115: In all cases appropriate building materials, landscaping and screening shall be required to minimize the visual impact of development. Development shall blend with and be subordinate to the environment and character of the area where located, so as to be as unobtrusive as possible and not detract from the natural, open space or visual qualities of the area. To the maximum extent practicable, all exterior lighting must be located, designed and shielded so as to confine direct rays to the parcel where the lighting is located.

Biological Resources

Goal: To preserve a variety of plant communities and wildlife habitat.

Policy 123: Where site-specific impacts on biological resources resulting from a proposed land use outside the Urban Growth Boundary are identified, the County shall encourage that mitigation is complementary to the goals and objectives of the ECAP. To that end, the County shall recommend that mitigation efforts occur in areas designated as "Resource Management" or on lands adjacent to or otherwise contiguous with these lands in order to establish a continuous open space system in East County and to provide for long term protection of biological resources.

Policy 125: The County shall encourage preservation of areas known to support special status species.

Alteration of Landforms

*Policy 116: To the maximum extent possible, development shall be located and designed to conform with rather than change natural landforms. The alteration of natural topography, vegetation, and other characteristics by grading, excavating, filling or other development activity shall be minimized. To the extent feasible, access roads shall be consolidated and located where they are least visible from public view points.

Grading

Policy 117: The County shall require that where grading is necessary, the off-site visibility of cut and fill slopes and drainage improvements is minimized. Graded slopes shall be designed to simulate natural contours and support vegetation to blend with surrounding undisturbed slopes.

Policy 118: The County shall require that grading avoid areas containing large stands of mature, healthy vegetation, scenic natural formations, or natural watercourses.

Policy 119: The County shall require that access roads be sited and designed to minimize grading.

Slope

Policy 308: The County shall not permit development within any area outside the Urban Growth Boundary exceeding 25 percent slopes to minimize hazards associated with slope instability.

Utilities

Policy 120: The County shall require that utility lines be placed underground whenever feasible. When located above ground, utility lines and supporting structures shall be sited to minimize their visual impact.

Policy 285: The County shall facilitate the provision of adequate gas and electric service and facilities to serve existing and future needs while minimizing noise, electromagnetic, and visual impacts on existing and future residents.

Cultural Resources

Policy 137: The County shall require development to be designed to avoid cultural resources or, if avoidance is determined by the County to be infeasible, to include implement appropriate mitigation measures that offset the impacts.

Public Facilities

Policy 138: The County shall allow development and expansion of major public facilities (e.g. hospitals, research facilities, landfill sites, jails, etc.) in appropriate locations inside and outside the Urban Growth Boundary consistent with the policies and Land Use Diagram of the *East County Area Plan*.

Policy 218: The County shall allow development and expansion of public facilities (e.g., parks and recreational facilities; schools; child care facilities; police, fire, and emergency medical facilities; solid waste, water, storm drainage, flood control, subregional facilities; utilities etc.) in appropriate locations inside and outside the Urban Growth Boundary consistent with the policies and Land Use Diagram of the *East County Area Plan*.

Airport Safety

Policy 147: The County shall recognize the Livermore Municipal Airport as a regional resource and provide for its limited expansion.

Policy 150: The County shall recognize the Byron (East Contra Costa County) Airport as a regional resource, and shall work with Contra Costa County to ensure that land uses approved in Alameda County within the Byron Airport's referral area are compatible with the airport's operations.

Fire Hazard

Policy 320: The County shall consider, in reviewing development projects and subdivision of agricultural lands, the severity of natural hazards, potential damage from wildland and structural fires, the adequacy of fire protection services, road access, and the availability of an adequate water supply and pressure.

Policy 323: The County shall refer development applications to the County Fire ~~Patrol~~Department, or local fire district, for review and recommendation.

ECAP Land Use Designations

The Large Parcel Agriculture designation description explicitly permits "...utility corridors, and similar uses compatible with agriculture"; the descriptions for the Resource Management and Water Management designations contain no mention of utility uses, although in many cases, electrical transmission lines and water service utilities, among others, are located on lands bearing these designations in the ECAP.