



ATTACHMENT M

Time Set 9.

Planning Commission

Meeting Date: 06/08/2023

Information

SUBJECT

ZF #2020-0043: Continued public hearing to consider a recommendation to the Board of Supervisors on the proposed Gibson Solar Farm Project, cancellation of Williamson Act contract, and certification of the Final Environmental Impact Report. The application is a request for a Major Use Permit to construct and operate a large-scale solar energy system and battery energy storage facility that proposes to locate on an approximately 147-acre agriculturally-zoned parcel consisting of prime farmland and enrolled in the Williamson Act (APN: 049-100-035). (Application: Gibson Renewables, LLC / Owner: AWR Land Partnership, LP) (Planner: Tracy Gonzalez)

SUMMARY

FILE # 2020-0043: Gibson Solar Farm Use Permit	
APPLICANT: Jamie Nagel, Project Manager Gibson Renewables, LLC 5000 Hopyard Road, Suite 302 Pleasanton, CA 94588	OWNER: AWR Land Partnership, LP 13330 County Road 201 Woodland, CA 95776
LOCATION: (no situs address) Property located west of Madison along State Route 16 (APN: 049-100-035) GENERAL PLAN: Agriculture (AG) ZONING: Agricultural Intensive (A-N) SUPERVISORIAL DISTRICT: 5 (Supervisor Barajas) PUBLIC HEARING NOTICE: Continued item from Planning Commission Meeting held on May 11, 2023.	SOILS: 30.0 acres BrA (Brentwood silty clay loam, 0 to 2% slopes) (Class I); 30.5 acres Ca (Capay silty clay, 0% slopes) (Class II); 36.6 acres Mf (Marvin silty clay loam) (Class II); and 48.4 acres Ya (Yolo silt loam, 0 to 2% slopes) (Class I) FMMP: Prime Farmland WILLIAMSON ACT: Agreement No. 71-206 FLOOD ZONE: AO (area within 100-year floodplain, shallow flooding 1 to 3 feet), X (area not within floodplain) FIRE SEVERITY ZONE: Non-Wildland/Non-Urban
ENVIRONMENTAL DETERMINATION: Environmental Impact Report	

RECOMMENDED ACTION

That the Planning Commission:

1. Hold the continued public hearing to receive staff/applicant presentation and accept public comment on the proposed Gibson Solar Farm Project; and
2. Recommend that the Board of Supervisors:
 - A. Adopt Resolution to certify the Final Environmental Impact Report for the proposed Gibson Solar Farm Project (Attachment C) making CEQA Findings of Fact and

- a Statement of Overriding Considerations; adopt Mitigation Monitoring and Reporting Program (Attachment D);
- B. Approve cancellation of Williamson Act Agreement No. 71-206;
- C. Adopt the proposed Findings prepared for the Project (Attachment F); and
- D. Approve the request for a Major Use Permit, and associated Conditions of Approval (Attachment G), for the staff-recommended Reduced Footprint Alternative (Attachment H).

REASONS FOR RECOMMENDED ACTIONS/BACKGROUND

At the regularly scheduled Planning Commission meeting on May 11, 2023, the Planning Commission held a public hearing to receive a presentation and accept public comment on the proposed Gibson Solar Farm Project. The Commission deliberated extensively on various project elements and continued the public hearing to the June 8, 2023, Planning Commission meeting to consider a final recommendation on the project proposal, Williamson Act contract cancellation, and certification of the Final Environmental Impact Report (EIR) to the Board of Supervisors. The May 11th Planning Commission staff report is attached for reference and incorporated herein. Please refer to Attachment I for project details.

SUMMARY

The Project site is located on a 147-acre agriculturally zoned parcel which has recently been farmed in tomatoes, wheat, and alfalfa. A multi-use plan would be implemented to co-locate the solar photovoltaic (PV) farm with agricultural uses by applying the principles of agrivoltaics at the site. The Gibson Solar Farm facility proposes to construct and operate an up to 20 megawatt alternating current (MWac or MW) solar PV electricity generating facility with an up to 13 MWAC/52 megawatt hour (MWh) battery energy storage system (BESS). Gibson Renewables, LLC (Applicant), has been awarded a Power Purchase Agreement (PPA) with Valley Clean Energy (VCE), a local Community Choice Aggregator (CCA), for the purpose of pursuing procurement of cost-effective local renewable energy from the County and neighboring counties. The proposed Project would satisfy approximately 35% of VCE's total local renewable procurement from Yolo County and neighboring counties.

Approval of a Major Use Permit to construct and operate the Gibson Solar Farm Project would increase the availability and use of renewable energy within Yolo County (County) and assist the County and the State to reach ambitious greenhouse gas (GHG) reduction and renewable energy goals. At the local level, approval of the proposed large-scale solar energy and battery storage system would serve to reduce energy transmission losses and increase system reliance associated with renewable energy generation at the Madison Substation. The proposed Project would implement policies within the Countywide General Plan and Climate Action Plan (CAP) that support alternative and renewable energy systems, such as solar energy generation and battery storage.

Staff supports the Reduced Footprint Alternative (Alternative) analyzed within the Draft Environmental Impact Report (Section D.5 of Attachment C), which would meet proposed Project objectives, but lessen the visual effects of the facility from SR 16 and decrease the conversion of Prime Farmland from 147 acres under the proposed Project to approximately 100 acres under the Alternative. Staff also supports partial cancellation of the existing Williamson Act contract (Agreement No. 71-206) to avoid an incompatibility with the Williamson Act and satisfy proposed Mitigation Measure MM AG-2 (refer to the Draft EIR in Attachment C and MMRP in Attachment D). The Reduced Footprint Alternative, which is further described below, proposes to construct and operate a 13 MW solar PV electricity generating facility with a 13 MWAC/52 MWh BESS on the southern 100 acres of the 147-acre Project site, which decreases the overall electrical generation but increases the storage capacity and available megawatt hours. The remaining 47 acres to the

north near State Route (SR) 16 would continue to be farmed.

ANALYSIS

The Project is being considered under the County's Solar Energy Systems Ordinance, codified in Section 8-2.1104 of the County Code, which was recently updated in November 2022 (effective December 22, 2022). The Project was submitted to the County for review approximately two years ago. The Project's Conditions of Approval (Attachment G) include additional site design modifications to meet the new setback requirements that were not in place at the time of application submittal, as well as mitigation measures to satisfy the permanent conversion of farmland to a non-agricultural use, per the County's mitigation requirements set forth in the County's Agricultural Conservation and Mitigation Program (Section 8-2.404 Yolo County Code).

Yolo County requires a Major Use Permit for all large-scale utility solar energy systems that occupy more than 30 acres of land. Large-scale solar energy systems that occupy more than 120 acres of land require a final decision from the Board of Supervisors following a recommendation from the Planning Commission. Furthermore, utility solar energy systems proposed to locate on lands under a Williamson Act contract must also be found to be compatible in accordance with Section 106 of the Yolo County Williamson Act Guidelines, including compliance with the Williamson Act statutes governing the principles of compatibility required under Section 51238.1 of the California Government Code.

Project Evaluation

The following is a summary of the major milestones in the application review process to date:

- December 2020: Application submitted by Gibson Renewables LLC
- May 2021: Planning Commission held public hearing to consider competing policies related to the preservation and protection of agricultural lands and the development of renewable energy
- October 2021: Notice of Preparation of Draft EIR; Scoping Meeting held with the Esparto Citizens Advisory Committee (ECAC)
- January 2023: Notice of Availability; Draft EIR circulated for public review
- February 2023: Public Meeting held with Planning Commission to accept public comment on the Draft EIR
- April 2023: ECAC unanimously recommended Project approval
- May 2023: Public hearing with Planning Commission to review proposed Project

The purpose of the May 11, 2023, public hearing with the Planning Commission was to provide an update on the proposed Gibson Solar Farm Project, offer further direction on the Project, and direct staff to return to the June 8, 2023, Planning Commission meeting for a continued public hearing to consider a final recommendation to the Board of Supervisors on approval (or modification or denial) of the Project and certification of the EIR. Following the May 11th staff presentation, both staff and the Applicant's Project Manager, Jamie Nagel, responded to Commissioner inquiries and requests for additional project information to assist with their deliberations. To summarize, the information requested includes, but is not limited to, the Project's commitment to establish and properly maintain a native vegetative substrate under the proposed multi-use plan; details related to site ingress/egress and impacts internal roads will have on future restoration efforts; details on the technology of battery energy storage and PV design; financial requirements to sustain a microgrid; approximate number of homes the Project would benefit, as well as approximate dollar amount for upgrades and cost savings if the Project is implemented and the benefit/gain of allowing the conversion of Prime Farmland to accommodate the Project.

Correspondence was received from the Applicant in response to the Commissioners' queries and was provided to the Commission on May 26, 2023, via email (Attachment J). The Applicant's responses are summarized below:

- **Weed Management:** The PPA awarded to the Applicant requires the Project to achieve a minimum score of 70 on the Pollinator Scorecard (found in Attachment J) with provisions for documentation to demonstrate compliance with the PPA's requirements. The Applicant has partnered with UC Davis (UCD) to assist with the development a vegetative (and weed) management plan. An additional grant was applied for on behalf of the Applicant by UCD that shares similar goals and project objectives as the proposed Project. (Refer to Attachment J to view a copy of the UCD grant submittal)
- **Site Restoration:** The Project site will be required by CalFire to have one perimeter road and one central road to provide access throughout the site, which will consist of compacted gravel, for emergency vehicles (fire trucks) and equipment deliveries. All necessary encroachment permits will be obtained from Caltrans and Yolo County to ensure compliance with the relevant development standards and requirements. The internal roads will only cover three percent of total site and will have negligible impact on the parcel during decommissioning and site restoration efforts. All materials removed from the site shall be recycled or reused, and the property will be required to return to its condition prior to the installation of the Project or to a condition reasonably appropriate for the designated land use.
- **Battery Storage Technology:** The proposed Project will utilize a lithium iron phosphate system, which is a technology that has been implemented successfully in many grid-connected battery systems in California that range from accessory applications to utility-scale applications. The technology complies with the safety requirements established by Underwriter's Laboratory (UL) and is furnished with a built-in monitoring and fire protection system. The Project design was tailored to the specific needs of VCE to meet its local renewable procurement goals and regulatory mandates for energy storage.
- **Financial Obligations:** The grant application for the microgrid was submitted for \$5.7 million. The implementation of the microgrid (if selected for the grant) would not result in any financial impacts for Yolo County residents or VCE customers.
- **Project Costs:** The energy generation produced by the proposed Project could potentially support up to 4,692 homes, assuming each home used an average of 10,632 kilowatt-hours (kWh) per year. The utility infrastructure upgrades to implement the proposed Project were approximately \$15 million. The design of the Reduced Footprint Alternative reduced the dollar amount of upgrades to below \$1 million. The alternate design will continue to allow VCE to meet their local renewable procurement goals.
- **Project Benefits:** The Project would assist Yolo County in achieving General Plan policies that aim to reduce the County's dependency on fossil fuels and other non-renewable resources, provide clean renewable energy to the County's residents during off-peak solar hours, and promote the reduction of GHG emissions to meet Climate Action Plan goals to 27 percent below 1990 levels by 2030. The implementation of the proposed multi-use plan would compliment County policies that aim to preserve and enhance farmland by supporting long-term soil health and restoration, reduce water supply demand at the site, and co-locating solar PV with apiary uses to further support biodiversity.

The Reduced Footprint Alternative

As addressed above, under the Reduced Footprint Alternative (Alternative) described in Section D.4.2.1. of the Draft EIR (Attachment C), Gibson Renewables, LLC, would construct and operate a 13 MW solar PV electricity generating facility with a 13 MWac/52 MWh BESS, located on 100 acres in the southern area of the project parcel, rather than occupying the entire 147-acre parcel under the proposed Project. The Applicant is considering the reduced footprint configuration due to infrastructure costs associated with increasing the capacity at the Madison Substation. Within the smaller disturbance footprint, the major components of the solar PV and BESS facility would remain the same as the proposed Project. Although the Alternative would decrease the energy generation from 20 MW of solar PV electricity to 13 MW, the BESS component would increase from 6 MWac/26 MWh to 13 MWac/52 MWh, allowing far more flexibility in terms of usable energy during high peak demand.

As analyzed in Section D.5. of the Draft EIR, the Alternative would convert 100 acres (compared to 147-acres under the proposed Project) of Prime Farmland to construct and operate the solar energy generation facility. The Alternative would be set back farther from SR 16, decreasing the visual contrast of the facility visible from SR 16 and further reducing impacts to the visual character of the site and its surroundings. Similar to the proposed Project, the Alternative would be required to mitigate for the permanent loss of agricultural land with an agricultural preservation easement at an up to 3:1 ratio. The Alternative would utilize the existing PPA with VCE to assist VCE in achieving up to 35 percent of total local renewable procurement from Yolo County and neighboring counties.

Williamson Act Cancellation

To eliminate the conflict with the Williamson Act, as discussed in Section C.4.1.4, Item b, of the Draft EIR (Attachment C), implementation of Mitigation Measure AG-2 would require one of the following: (1) non-renewal of the Williamson Act contract and delaying the project for 9 years, (2) cancellation of the contract if the County Board of Supervisors make statutory findings, or (3) a determination that the Project is a compatible "electric facility" use under Government Code section 52138. Staff supports a partial cancellation of the Williamson Act contract (Agreement No. 71-206) under the Reduced Footprint Alternative to avoid incompatibility with the Yolo County Williamson Act Guidelines and satisfy Mitigation Measure MM AG-2 of the Mitigation Monitoring and Reporting Program (MMRP) in Attachment D. Additionally, State CEQA Guidelines, Section 15206 considers the cancellation of 100 acres or more of land from Williamson Act open space contracts to be of statewide, regional, or area-wide significance. To approve the cancellation, the County Board of Supervisors must make the findings described in California Government Code Section 51282.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEW

The Draft EIR for the Gibson Solar Farm Project evaluated the proposed Project and includes seven mitigation measures to reduce most of the potential environmental impacts to less-than-significant levels. However, the Draft EIR revealed one significant and unavoidable impact to agricultural resources due to the potential conversion of prime farmland to a non-agricultural use. Please refer to Attachment I to view the staff report prepared for the May 11, 2023, Planning Commission meeting that contains further details about the environmental review process, project objectives, and mitigation measures. The Final EIR (Attachment C), which includes the response to comments received during public review of the Draft EIR, was made available to the public on May 24, 2023. Digital files of the Notice of Availability and Final EIR prepared for the Project are available online for viewing at the following link: <https://www.yolocounty.org/government/general-government-departments/community-services/planning-division/current-projects>

NEXT STEPS

Following the Planning Commission's recommendation, the Board of Supervisors will hold a public hearing to receive public comment and consider certification of the EIR (Attachment C), adoption of a MMRP, CEQA Findings of Fact and Statement of Overriding Considerations (Attachment D), and approval (or modification or denial) of the Project, associated Conditions of Approval, and Williamson Act contract cancellation (Attachment G).

Staff commends the Commission for its diligence and extensive review of the first large-scale solar energy system project in Yolo County and recognizes the important role the Commission takes as a recommending body to the Board of Supervisors. The Commission brings forward its collective commitment to ensure land use decisions are not made hastily to the detriment of any one community, allowing for a thoughtful approach to the decision-making process.

Staff recommends the Planning Commission consider a final recommendation to the BOS during this public hearing. After receiving a formal recommendation, staff will prepare to take the Project and EIR to a public hearing with the Board of Supervisors for final Project decision.

COLLABORATIONS

Staff consulted with the Esparto Citizens Advisory Committee (ECAC) and the Agricultural Commissioner's Office, in addition to the agencies and interested parties noted above (Attachment K), and has received input from the Office of the County Counsel.

APPEALS

Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the Board of Supervisors by filing a notice of appeal with the Clerk of the Board within fifteen (15) days from the date of the action. A Planning Commission Appeal Form and appeal fee immediately payable to "County of Yolo" must be submitted at the time of filing. The Board of Supervisors may sustain, modify or overrule this decision. The Planning Commission Appeal Form can be accessed at the following link: <https://www.yolocounty.org/government/board-of-supervisors/clerk-of-the-board/planning-commission-appeal>

Attachments

Att. A. Project Site

Att. B. Site Plan

Att. C. Final EIR w Draft EIR

Att. D. Draft Resolution_CEQA Findings_SOC_MMRP

ATT. F. Findings (General Plan Consistency & Zoning)

Att. G. Conditions of Approval

Att. H. Reduced Footprint Alternative Project Vicinity

Att. I. PC Staff Report 5.11.23

Att. J. Applicant Correspondence to Planning Commissioners

Att. K. Presentation

Form Review

Inbox	Reviewed By	Date
Eric May	Eric May	05/31/2023 03:24 PM
Eric May	Eric May	06/01/2023 01:47 PM
Leslie Lindbo	Leslie Lindbo	06/01/2023 02:56 PM
Form Started By: Tracy Gonzalez		Started On: 05/16/2023 01:38 PM
Final Approval Date: 06/01/2023		