

ATTACHMENT E

FINDINGS IN SUPPORT OF IMMEDIATE PARTIAL CANCELLATION OF WILLIAMSON ACT CONTRACT NO. 71-206 FOR THE GIBSON SOLAR FARM PROJECT

Project Description

The County of Yolo (County) Board of Supervisors adopts these findings in accordance with Government Code Section 51282 of the California Land Conservation Act of 1965 (Williamson Act). The County adopts these findings in support of its decision to approve immediate partial cancellation of a Williamson Act Contract on approximately 100 acres of a 147.42-acre parcel owned by AWR Land Partnership, LP to support the proposed development of the Gibson Solar Farm Project (Project). The remaining 47.42 acres would remain under contract.

A portion of a parcel totaling approximately 100 acres, for which immediate partial cancellation has been requested:

Portion of (APN) 049-100-035, Williamson Act Contract (No. 71-206), executed on February 1, 1971

The property is located in unincorporated Yolo County, approximately 1.2 miles east of Esparto, and to the west of the unincorporated community of Madison. State Route (SR) 16 runs along the northern side of the parcel and provides access to the site. The parcel is designated Agriculture (AG) in the Yolo County General Plan and is zoned Agricultural Intensive (A-N). The proposed developed area (approximately 100 acres) would be located entirely on California Department of Conservation (DOC)-designated Prime Farmland, as shown on DOC's Yolo County Important Farmland Map.

Statutory Requirement

Section 51282 authorizes a city or county to approve immediate cancellation, including partial cancellation, if the agency makes one of the following findings: (1) that cancellation is consistent with the purposes of the Williamson Act; or (2) that cancellation is in the public interest (Government Code [GC] Section 51282(a)).

Cancellation of a contract is considered "consistent with the purposes of the Williamson Act" if the County makes all of the following findings (GC Section 51282(b)):

1. That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245.
2. That cancellation is not likely to result in the removal of adjacent lands from agricultural use.
3. That cancellation is for an alternative use which is consistent with the applicable provisions of the city or county general plan.
4. That cancellation will not result in discontinuous patterns of urban development.
5. That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

Alternatively, the County can find that cancellation of a contract is "in the public interest" if the County makes all of the following findings (GC Section 51282(c)):

1. That other public concerns substantially outweigh the objectives of this chapter; and

2. That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.¹

Agencies cannot approve cancellation solely by virtue of “the uneconomic character of an existing agricultural use,” unless “there is no other reasonable or comparable agricultural use to which the land may be put.” (GC Section 51282(d).)

Findings

The County finds that partial cancellation of the subject contract is consistent with the purposes of the Williamson Act. The County also finds, as a separate and distinct matter, that partial cancellation of the subject contract is in the public interest. The basis for these findings is described below.

51282(B) Findings: Cancellation Is Consistent with the Purposes of the Williamson Act

FINDING #1 - The cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245.

Evidence: On August 22, 2023, the property owner filed with the County a Notice of Nonrenewal for 100 acres of the subject property.

Supporting Documents: Exhibit A (Notice of Nonrenewal).

FINDING #2 - The cancellation is not likely to result in removal of adjacent lands from agricultural use.

Evidence: The partial cancellation of the Williamson Act contract on the subject property is not likely to result in the removal of adjacent lands from agricultural use for the following reasons:

1. Existing land uses on adjoining parcels will not be materially impacted by the solar farm such that conversion from agriculture would be expected to result. The land is surrounded primarily by other agricultural uses with active farmland and occasional rural residential home sites. The distances from the closest residence at each location to the nearest proposed Project boundary range from about 2,000 feet to 3,200 feet. The proposed Project site is surrounded by agricultural land uses, consisting of irrigated field crops and orchards. The land is designated in the Yolo County 2030 Countywide General Plan as Agriculture (AG) and zoned Agricultural Intensive (A-N).

The lands adjacent to the project site are productive farmland that are expected to remain in active cultivation. Parcels to the north of the property are mapped by the California DOC as a combination of Prime Farmland, Unique Farmland, Farmland of Local Importance, Urban and Built-Up Land, and Other Land, some of which are enrolled in the Williamson Act. The surrounding parcels to the north of the proposed Project support field crops and orchards.

To the west of the property is land that is under Williamson Act contract. This land is mapped by the California DOC as a combination of Prime Farmland, Unique Farmland, Farmland of Local Importance, Urban and Built-Up Land, and Other Land. The parcels to the west support field crops.

¹ “Proximate, noncontracted land” means land not restricted by contract pursuant to the Williamson Act, which is sufficiently close to land which is so restricted that it can serve as a practical alternative for the use which is proposed for the restricted land. (GC Section 51282(c).)

The parcels immediately east of the property are not under Williamson Act contract. The parcels are mapped by the California DOC as of Prime Farmland that currently support orchards.

The parcels immediately south of the property are under Williamson Act contract. The parcels are mapped by the California DOC as Prime Farmland that currently supports orchards.

Topographically the subject property occupies flat land with the nearest topographical feature being the foothills of western Yolo County, west of the site. The site is currently used to grow alfalfa and tomatoes.

The proposed solar farm does not introduce any new residential or other incompatible uses into the area that would create an impediment to existing agricultural operations and surrounding land uses.

The Project site's zoning designation, Agricultural Intensive, permits large-scale solar systems to be installed and operated in Agricultural Intensive (A-N) zones upon approval of a Use Permit. While the proposed Project would increase the industrial character of the site, this is an allowable use that does not impact nearby agricultural uses. The Project also includes measures to protect the quality of the soils and reclaim the property into agriculture after decommissioning of the equipment. With implementation of mitigation measures identified in the Project Environmental Impact Report (EIR) (see discussion below), no direct impacts to adjoining lands are expected to result. All surrounding uses are expected to continue with no restrictions on operations or use. Therefore, existing farmland and grazing operations will have no pressure to convert to more urban uses due to land use conflicts.

2. Planned land uses on the adjoining parcels have been identified in, and are constrained by, the County of Yolo General Plan. The land is designated in the County General Plan as Agriculture (AG) and is zoned Agricultural Intensive (A-N). The intent of these designations is to retain the land in agricultural use and protect it from encroachment of non-agricultural uses. The mitigation measures identified in the EIR ensure that the potential for impacts from the proposed conversion will not adversely impact the adjoining properties. This coupled with the protections and restrictions inherent in the County's General Plan and zoning regulations (as set forth below in Finding #4), act to protect the continued agricultural uses on the adjoining properties.
3. Existing agricultural use is protected by the County's Right To Farm Ordinance. Chapter 6 (Agriculture) of Title 10 (Environment) of the County Code of Ordinances contains the County's Right to Farm regulations. The Ordinance establishes that pre-existing agricultural uses and operations are protected from nuisance claims by adjacent neighbors and provides dispute resolution procedures. This ordinance, together with the mitigation measures in the Project EIR, provides further protections to existing agricultural uses and fully mitigates potential impacts, thereby encouraging the continued agricultural use of the adjacent parcels.
4. Agriculture in general is protected and strongly encouraged by the County's General Plan policies. The Countywide General Plan Agricultural and Economic Development Element contains goals, objectives, and policies that provide important protections for agriculture. The following goal and policies related to agriculture are presented in the Yolo County General Plan, Agriculture and Economic Development Element (2009):
 - *Goal AG 1* Preserve and defend agriculture and agricultural lands as fundamental to the identity of Yolo County. This goal focuses on the County's key agricultural sectors, including retaining existing growers and processors of crops, as well as emerging crops and processing, support of small and organic growers, and transfer of new technologies.
 - *Policy AG 1.6* Continue to mitigate at a ratio of no less than 1:1 the conversion of farmland and/or the conversion of land designated or zoned for agriculture, to other uses. This policy is

implemented using the Agricultural Conservation and Mitigation Program, which is described below.

- *Policy AG 1.14* Preserve agricultural lands using a variety of programs, including the Williamson Act, Farmland Preservation Zones (implemented through the Williamson Act), conservation easements, an Agricultural Lands Conversion Ordinance, the Agricultural Conservation and Mitigation Program, and the Right-to-Farm Ordinance.

The following goal and policy related to agriculture are presented in the Countywide General Plan, Land Use and Community Character Element (2009).

- *Goal LU 2* Preserve farmland and expand opportunities for related business and infrastructure to ensure a strong local agricultural economy. This goal is implemented through the pro-grams noted in AG 1.14 above.
- *Policy LU 2.4* Vigorously conserve, preserve, and enhance the productivity of the agricultural lands in areas outside of adopted community growth boundaries and outside of city spheres of influence. This policy is implemented through adherence to urban growth boundaries designated by Yolo County’s incorporated cities, and in conjunction with LAFCO, the cities’ spheres of influence.

These have been strictly interpreted and strongly enforced by the Board of Supervisors. As a result, Yolo County has some of the strongest protections for agriculture in the state and is among the highest in percentage of land in Williamson Act contracts.

5. Required preservation of other agricultural land in permanent conservation easements will result in a net increase in protected farmland in Yolo County. Even though the site will be reclaimed to farmland following the decommissioning of the equipment, the Project is required to acquire permanent farmland conservation easements in compliance with Yolo County Code Section 8-2.404 (the Agricultural Conservation and Mitigation Program), pursuant to Mitigation Measure AG-1 of the Gibson Solar Farm Use Permit (ZF2020-0043) Environmental Impact Report (SCH #2021-10-0191).

The County’s Ordinance requires that easements be acquired at a 3:1 ratio for each acre of prime farmland affected, and be placed within 2 miles of a city’s sphere of influence or the town of Esparto’s Urban Growth Boundary. The mitigation ratio can be reduced to 2:1 if the easements are placed partly or entirely within the area bounded by County Roads 98 and 102 on the west and east, respectively, and by County Roads 29 and 27 on the north and south respectively; and 1:1 if placed on parcels partly or entirely within 0.25 mile of a City’s sphere of influence or Esparto’s Urban Growth Boundary.

These easements will preserve the agrarian character of the immediate area, which in turn encourages other owners to continue existing farm operations. Furthermore, the mitigation requirement targets agricultural land of particularly high value, containing healthy soils and a history of productive farming, and will be placed in a manner to prevent the expansion of urban uses on agricultural land.

6. Mitigation measures identified in the EIR and adopted by the County as conditions on the Project will minimize and/or eliminate the potential for conflicts between the construction, operation, and decommissioning of the solar farm and agricultural operations on neighboring properties. The mitigation measures identified in the Project EIR diminish any potential effect of the solar facility to discourage or otherwise intrude upon existing agricultural operations.

7. There is no evidence in the record demonstrating that development of the solar farm, including operations consistent with mitigation measures, would prevent existing agricultural uses from continuing on neighboring properties and in the region. With implementation of mitigation measures identified in the Project EIR, no impacts to adjoining lands are expected to result. All existing surrounding uses are expected to continue with no restrictions on operations or use.
8. The infrastructure developed onsite and extended to the solar farm will be sized for the solar farm, transmission line, and battery energy storage system only. No further development is authorized.
9. The design of the solar project does not facilitate adjacent residential development. The Project proponent is proposing a multi-use plan as part of the Project, which would include low-growing native plants to attract local pollinators to benefit nearby orchards along with other crops. The native plants would help hold topsoil and over time vastly improve tilth. To encourage pollinator habitat and control vegetation growth, sheep grazing would occur underneath and between the modules where and when necessary. Implementation of the multi-use plan would help retain the agricultural character of the site and the attraction of local pollinators would potentially benefit agricultural operations on adjacent land. Residential development in the vicinity of the Project and at the Project site is not contemplated, nor will the project facilitate residential growth.

FINDING #3 - The cancellation is for an alternative use that is consistent with the applicable provisions of the county general plan.

Evidence:

The proposed use is consistent with the Yolo County Code of Ordinances, Section 8-2.1105(d)(2), which permits large-scale solar systems to be installed and operated in Agricultural Intensive (A-N) zones upon approval of a Use Permit. The proposed Project would also be consistent with the land use designation, Agriculture (AG), from the Yolo County 2030 Countywide General Plan.

General Plan policies supporting solar farms include Policies LU-1.1, LU-2.4, and AG-1.6. The Project would be consistent with Policy AG-1.14 after the immediate partial cancellation of the Williamson Act Contract.

FINDING #4 - The cancellation will not result in discontinuous patterns of urban development.

Evidence: County policies preclude discontinuous growth. In particular, General Plan Policy LU-5 states that new urban development shall be discouraged in areas not contiguous to existing urban development. As a solar energy facility, the proposed Project is most closely affiliated with the existing electric substation located approximately one mile to the east. Although industrial in nature, it is not considered urban development like new residential and commercial structures that tend to be growth-inducing. The solar farm would be an energy facility providing a public good (i.e., renewable electricity) consistent with the County's policies to encourage renewable energy development. In addition, the proposed Project includes a multi-use plan to plant a substrate of low-growing native plants that would help hold topsoil and over time vastly improve tilth, while attracting local pollinators. The multi-use plan also proposes sheep grazing underneath and between the modules where and when necessary. For the aforementioned reasons, the Project would not lead to discontinuous urban growth.

The proposed Project is located entirely on DOC-designated Prime Farmland. The future reliability and sufficiency of water for irrigation (i.e., a supply of irrigation water is required for the Prime Farmland designation) is uncertain. Yolo County has received an abundance of rainfall in 2023, whereas preceding years were part of the multi-year drought pattern, which occurred frequently from 2000 through 2022. The proposed Project would use substantially less water than the prior farming uses allowing water

previously used to irrigate crops to be used for irrigating other crops, freeing up water for neighboring uses.

FINDING #5 - There is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

Evidence: The Applicant and the EIR Alternatives (Section D) analysis considered various sites near the proposed site, and in other parts of the County. The majority of the alternative sites would preclude successful development of the Project because they are not within two miles of an existing electric substation, they are not near an existing 21 kilovolt (kV) distribution line for interconnection to the electricity grid, or there are other site access or land use conflict concerns, including control of the alternative sites.

The EIR analysis considered all parcels within a 2-mile radius of a substation with flat topography, that are bigger than 120 contiguous acres, and do not have orchards onsite. Parcels under a Williamson Act contract were eliminated at the outset because they would not address the Project's conflict with the Williamson Act contract. Three parcels passed the screening analysis and were fully analyzed in the EIR.

Because the Applicant does not have site control of the alternative sites, it is unknown whether a landowner would be willing to negotiate a lease. In addition, absent an electrical interconnection study, it is unknown whether the interconnection substation would have additional capacity without requiring major improvements that would impact the economic feasibility of the proposed Project.

Furthermore, development of a solar facility at one of the non-contracted alternative sites would not provide a more contiguous pattern of urban development since all of the sites are currently used for field crops or are fallow agriculture, are zoned Agricultural Intensive (A-N), and are not located adjacent to urban development.

51282(C) Findings: Cancellation is in the Public Interest

FINDING #1 - Cancellation of the contract is in the public interest because other public concerns substantially outweigh the objectives of this chapter.

Evidence: This renewable energy project proposed on Williamson Act contracted land presents an opportunity to balance policies that support the County's goals of (1) preserving productive farmland and (2) encouraging renewable/solar energy development. Partial cancellation of the Williamson Act Contract on the proposed Project site is in the public interest because of the multiple benefits of renewable energy development, whereas sustainable farming in the area may be indefinitely affected by water supply uncertainty.

The record contains substantial evidence showing the Project's general environmental and social benefits to the County. Those benefits include, in no particular order:

- The proposed Project will produce clean energy that will reduce greenhouse gas emissions that are changing the climate to the detriment of Yolo County citizens and Yolo County's most important industry (agriculture).
- The proposed Project will comply with Yolo County's Solar Energy development standards.
- The proposed Project is in furtherance of the County's Climate Action Plan and the County's ambitious goal of achieving a carbon negative footprint by 2030.

- The proposed Project includes an application to the State for grant funding for improvements that would provide power to public facilities in Esparto and the Capay Valley during the repeated power outages that occur in the area.
- The proposed Project will decommission the Project at the end of its useful life and restore the site to agricultural use.
- The proposed Project would use substantially less water than the prior farming uses allowing water previously used to irrigate crops to be used for irrigating other crops.
- The proposed Project would help both Yolo County and the State to reach its renewable energy and greenhouse gas (GHG) goals, including Assembly Bill (AB) 32, Senate Bill (SB) 375, and Executive Order S-3-05.
- The proposed Project would improve local electrical reliability and assist with satisfying Valley Clean Energy's local renewable portfolio standards.
- The energy storage component of the proposed Project would help solve California's "duck curve" power production problem by storing energy during the times when solar production is highest- and releasing it into the system when solar production wanes and demand increases, especially during extreme hot weather events that strain the power grid.
- The proposed Project proponent is proposing a multi-use plan as part of the Project, which would include low-growing native plants for attracting local pollinators. The native plants would help hold topsoil and over time vastly improve tilth. To encourage pollinator habitat and control vegetation growth, sheep grazing would occur underneath and between the modules where and when necessary.

FINDING #2 - There is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

Please see discussion of Section 15282(b) Finding #5 above. This finding is identical to the finding required by Government Code 51282(b)(5), for cancellations consistent with the purposes of the Williamson Act. The finding is discussed above and substantial evidence in support is provided.

REFERENCES

Notice of Nonrenewal

Yolo County 2018 Important Farmland Map

Project Application

Proposed Site Plan for Gibson Solar Farm