

# ATTACHMENT G



**County of Yolo**

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To: The Chair and Members of the Board of Supervisors

Time Set # 23.

## Board of Supervisors

**Meeting Date:** 09/26/2023  
**Brief Title:** Gibson Solar Farm Project  
**From:** Leslie Lindbo, Director, Department of Community Services  
**Staff Contact:** Tracy Gonzalez, Assistant Planner, Department of Community Services, x8803  
**Supervisorial District Impact:** District 5

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## Subject

Hold a public hearing to consider a recommendation by the Planning Commission to approve a Major Use Permit and associated Conditions of Approval for the Reduced Footprint Alternative and partial cancelation of Williamson Act Agreement No. 71-206 to construct and operate the Gibson Solar Farm Project, a large-scale solar energy system and battery energy storage facility; certify the Final Environmental Impact Report; and adopt Findings, Statement of Overriding Considerations, and Mitigation and Monitoring Reporting Program for the Gibson Solar Farm Project. (No general fund impact) (Lindbo/Gonzalez) (Est. Time: 10 min. staff/10 min. Applicant)

## Recommended Action

Staff recommends the Board take the following actions related to the Gibson Solar Farm Project:

- A. Receive a staff presentation and conduct a public hearing to consider the recommendation from the Planning Commission for the Project;
- B. Adopt a Resolution certifying the Final Environmental Impact Report (EIR, Attachment C) as complete in accordance with the California Environmental Quality Act (CEQA); making CEQA Findings; adopting a Statement of Overriding Considerations; and adopting a Mitigation Monitoring and Reporting Program (Attachment D);
- C. Approve partial cancelation of Williamson Act Agreement No. 71-206 and make associated findings (Attachment E);
- D. Adopt the Findings prepared for the Project (Attachment F); and
- E. Approve a Major Use Permit and associated Conditions of Approval (Attachment G) for the Reduced Footprint Alternative analyzed in the EIR.

## Strategic Plan Goal(s)



*Sustainable Environment*



*Flourishing Agriculture*



*Robust Economy*

## Reason for Recommended Action/Background

Gibson Renewables, LLC (Applicant) is requesting a Major Use Permit to construct and operate a large-scale solar energy system and battery energy storage facility on an approximately 147-acre agriculturally-zoned parcel consisting of prime farmland enrolled in the Williamson Act. The Yolo County Code requires a Major Use Permit for

all "large-scale" utility solar energy systems, which the County Code defines as occupying more than 30 acres of land. (See Section 8.2-1104(b) of the Yolo County Code.) A large-scale solar energy system occupying more than 120 acres requires approval from the Board of Supervisors (Board), following a recommendation from the Planning Commission.

The proposed Project would increase the availability and use of renewable energy within the County and assist both the County and State to reach ambitious greenhouse (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, and policies related to climate adaptation and resiliency.

## **PROJECT DESCRIPTION**

The Applicant's original proposal consists of the construction and operation of an up to 20-megawatt alternating (MWac or MW) solar photovoltaic (PV) electricity generating facility with a 6 MWac/26 MWh battery energy storage system (BESS), identified as the 'Gibson Solar Farm' (Project). Although the original proposal would have occupied 147 acres, the recommended action is to approve the Reduced Footprint Alternative analyzed in the Environmental Impact Report and discussed below, which would occupy approximately 100 acres and leave the remaining 47 acres for agricultural uses (Attachment C). The Reduced Footprint Alternative, if approved, would involve 13 MW solar PV electricity generating facility with an up to 13 MWac/52 MWh BESS. The proposed Project would be located approximately 1.2 miles east of Esparto in unincorporated Yolo County. The Applicant has been awarded a Power Purchase Agreement (PPA) with the local Community Choice Aggregator, Valley Clean Energy (VCE), for the purpose of pursuing procurement of cost-effective local renewable energy from the County and neighboring counties. The Project would produce approximately 65 MWhs of duration and assist VCE with achieving critically important regulatory mandates in regard to energy storage issued by the California Public Utilities Commission (CPUC).

The proposal includes use of PV modules mounted on single axis sun-tracking support structures to generate up to 20 MWac of renewable electrical energy (13 MW for the Reduced Footprint Alternative). The electricity generated by the PV field will be used in part to charge the batteries and the remaining energy generated by the PV field will be delivered to the grid for offsite consumption. The batteries will discharge the stored energy, generally during a four-hour period after sundown, providing up to 26 MWh of renewable energy. Electricity generated by the proposed Project will be sold to VCE and be interconnected to the Pacific Gas and Electric (PG&E) electrical distribution system at the existing 21-kilovolt (kV) Madison Substation, located about 4,650 feet (0.88 mile) east of the proposed Project site on County Road (CR) 89.

The Project would be constructed on a 147-acre agriculturally zoned parcel which has been farmed in tomatoes, wheat, and alfalfa in recent years. Under the original proposal, the Project would have occupied most of the 147-acre parcel. The PV modules themselves would cover approximately 34.4 acres and the area used for access roads, equipment, and other fixtures would require another 5.5 acres. To minimize inter-row shading from the sun, the spacing between the parallel arrays would be approximately 14 feet. The original proposal would have 107 acres between the solar arrays available for use as a stable grassland/pollinator plant substrate. The Reduced Footprint Alternative would reduce the overall size to 100 acres.

The proposed Project would be located on an agriculturally zoned parcel that is currently in agricultural production and surrounded by orchards and field crops, and would be required to mitigate for converting farmland to a non-agricultural use in compliance with the County's Agricultural Conservation and Mitigation Program. The parcel is also currently enrolled in the Williamson Act under Agreement #71-206. A multi-use plan for the Project site has been proposed to apply the principals of agrivoltaics at the site, which include growing native plants that support pollinators and incorporating grazing.

## **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), approximately two years after the Project was submitted to the County for review. 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).

## **PROJECT EVALUATION**

The following is a summary of the major milestones in the application review process, as well as the public outreach

and participation process:

**December 2020 / January 2021:** Use Permit application submitted by Gibson Renewables, LLC in late December 2020. Staff reviewed the application materials for completeness and coordinated with the Applicant on outstanding items.

**March 2021:** Application deemed complete on March 5, 2021. A request for comments was circulated to local and regional agencies on March 16, 2021. Responses were received from Caltrans, the Agricultural Commissioner's Office, Yolo County Environmental Health and Public Works Divisions, Pacific Gas & Electric (PG&E), as well as correspondence from the Northwest Information Center and Yolo Habitat Conservancy. Attachment I includes comments from agencies, interested parties, and the public received to date, which have been incorporated into the Project's Conditions of Approval, where applicable.

The Agricultural Commissioner's Office responded to the request indicating that that Project would result in a loss of approximately 147 acres of prime farmland consisting of Class I and Class II soils and inquired about the loss of agricultural land enrolled in the Williamson Act, which has been addressed in the Draft EIR (Attachment C) and will require mitigation for the permanent loss of farmland and to eliminate the conflict with the Williamson Act contract. Additional comments from the Agricultural Commissioner's Office include the potential risk of pesticide drift onto the solar panels due to the proximity of adjacent orchards and the original multi-use plan which included apiary uses that could potentially inhibit nearby orchard farmers from spraying pesticides in a timely manner. Yolo County spray permits require any applicator within one mile of a honeybee site to notify the beekeeper to provide ample time to move the bees. In the event apiary uses are co-located on site, the Applicant will be required to comply with proposed COA # 56 in the Conditions of Approval (Attachment G).

An invitation for early consultation was sent to all Tribes requesting notification on March 29, 2021. Yocha Dehe Wintun Nation indicated no cultural monitors would be needed but recommended cultural sensitivity training for pre-project personnel (see Attachment I). Pre-construction sensitivity training has been addressed in the Project's Conditions of Approval as proposed mitigation (see COA #28, MM CUL-1 in Attachment G). No other Tribes requesting notification specified any concerns.

**April 2021:** Courtesy Notice sent on April 23, 2021, to neighboring property owners within 1,000 feet of the Project site's parcel boundaries and local interest groups, as well as other interested parties requesting project notification. No comments were received from neighbors, although comments were received from the Sierra Club (Yolano Group), the Yolo County Farm Bureau, and Yolo Resources Conservation District (RCD).

Initially, the Farm Bureau took no (or a neutral) position on the Project, and then sent a revised position on October 9, 2021, indicating opposition to the Project (Attachment I).

**May 2021:** Staff sought policy direction from the Planning Commission at a public hearing held on May 13, 2021, to consider competing policies within the Countywide General Plan that seek to preserve and protect agricultural lands, as well as encourage alternative and renewable energy sources. See Attachment J for the Planning Commission staff report and adopted Minutes for the May 13, 2021, meeting.

**October 2021:** Project reviewed under CEQA and a Draft EIR was prepared in collaboration with CEQA Consultant, Aspen Environmental Group. Prior to EIR preparation, a Notice of Preparation (NOP) was issued on October 13, 2021, to initiate a 31-day scoping period seeking comments on the scope and content of the EIR. The NOP was sent to neighbors within 1,000 feet of the Project site's parcel boundaries, local interest groups, state agencies, and other interested parties.

Public scoping meeting held with Esparto Citizens Advisory Committee (ECAC), with an extended meeting invitation to the Madison Citizens Advisory Committee (MCAC), on October 6, 2021, where all verbal comments were documented. Table A.2 in Draft EIR contains Summary of Scoping Comments. Comments received address various topic areas, including conversion of farmland and farmland mitigation, aesthetic concerns, biological resources, battery storage, and fire safety.

**January 2023:** Notice of Availability (NOA) for the Draft EIR published on January 13, 2023. Draft EIR released for a 45-day public review and comment period, ending February 27, 2023. The Draft EIR was made available to responsible agencies, trustee agencies, State agencies with jurisdiction, neighboring property owners, and interested parties and individuals.

**February 2023:** Public meeting held with Planning Commission on February 9, 2023, to accept verbal comments on the Draft EIR. Five written comments were received, in addition to verbal comments received at the February 9th Planning Commission meeting, including one State agency (Caltrans), one organization (Defenders of Wildlife),

two members of the public, and the Applicant (Emeren).

**April 2023:** Esparto Citizens Advisory Committee (ECAC) meeting on April 18, 2023, to obtain a recommendation on the Project. Members and interested parties from the Madison CAC were also invited. Four members of the ECAC were present, constituting a quorum, who voted unanimously to recommend approval of the Project with the following recommendations to the Draft Conditions of Approval:

- Require a bond or equivalent financial security for decommissioning activities (see proposed COA #17 in Attachment C)
- Draft a condition for addressing local flooding at the site with respect to maintaining all-weather, year-round internal access roads (see proposed COA #24 Attachment C)

The ECAC also commented that the location of the proposed Project was optimal given that the area experiences poor groundwater recharge, citing agricultural well production issues.

**May 2023:** Public hearing held with the Planning Commission on May 11th, 2023. 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 to the Board of Supervisors.

Following the May 11th presentation, staff and the Applicant's Project Manager, Jamie Nagel, responded to Commissioner inquiries and requests for additional Project information to assist with deliberations. Requested information included 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; 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 the 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.

Please refer to Attachment K to view the Planning Commission's May 11th staff report, as well as Attachment L, which includes correspondence from the Applicant in response to Commissioner queries.

Final EIR (Attachment C) published on May 24, 2023, which includes the response to comments received during review of the Draft EIR. Digital files of the Draft and Final EIR are available online for viewing at the following link: <https://www.yolocounty.org/government/general-government-departments/community-services/planning-division/current-projects>

**June 2023:** Continued public hearing with the Planning Commission on June 8, 2023, to consider a recommendation to the Board. After much deliberation, a motion passed 5 to 1 to recommend approval of a Major Use Permit, and associated Conditions of Approval, for the Reduced Footprint Alternative; certification of the Final Environmental Impact Report; partial cancellation of Williamson Act Agreement (No. 71-206); and adoption of the Mitigation and Monitoring Reporting Program, Findings of Fact and Statement of Overriding Considerations.

As part of the motion, the Planning Commission proposed the following revisions to the Project:

1. Require Applicant to achieve a minimum score of 85 points on the Pollinator Scorecard that is required as part of the Power Purchase Agreement with Valley Clean Energy.
2. Require that the proposed vegetative substrate be comprised of plant materials that are derived from source-identified plant materials that originated from Northern California.
3. Require a minimum of 26 percent site vegetation cover to be comprised of native species, per item 1 on the Pollinator Scorecard.
4. Eliminate use of gravel in the interior design of the site.
5. Eliminate proposed apiary uses as a Project component.

In response to the Planning Commission's motion, the Applicant has agreed to incorporate items 4 and 5, above, to redesign the Project to minimize use of gravel in the interior design and remove hosted apiary uses from the proposed multi-use plan. Please refer to Attachment M to view the June 8th Planning Commission staff report.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEW**

The Draft EIR analyzed potential impacts in the areas of Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use/Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire.

Potentially significant impacts found to be less than significant with the implementation of proposed mitigation were addressed in the following issue areas: Biological Resources, Cultural Resources, Geology and Soils, and Tribal Cultural Resources. Seven mitigation measures are included in the Draft Conditions of Approval (Attachment G).

The Draft EIR found a significant and unavoidable impact to Agricultural Resources from the conversion of prime farmland to a non-agricultural use. Although the impact would be considered unavoidable, the Project would still be required to mitigate for the loss of farmland and is nonetheless subject to the County's Agricultural Conservation and Mitigation Program for the conversion of farmland. Please refer to the Findings and a Statement of Overriding Considerations which addresses the permanent loss of farmland in Attachment D.

A potential conflict with the property's Williamson Act contract was also identified, which could be eliminated with the implementation of one of the proposed actions in Mitigation Measure AG-2, which is further addressed below.

The Project alternatives considered during the environmental assessment are found in Section D of the Draft EIR (Attachment C) and include:

- No Project Alternative
- Alternative Sites for the solar facility
- Intensive Agrivoltaics Alternative
- Distributed Energy Alternative: Rooftop/parking lot locations
- Reduced Footprint Alternative

#### **The Reduced Footprint Alternative**

Under the Reduced Footprint Alternative (Alternative) described in Section D.4.2.1 of the Draft EIR (Attachment C), the Applicant would reduce the Project size to 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 original proposal. 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 original proposal. Although the Alternative would decrease the overall energy generation from 20 MW of solar PV electricity to 13 MW, the BESS component would increase the storage capacity and availability of megawatt hours from 6 MWac/26 MWh to 13 MWac/52 MWh, allowing far more flexibility in terms of usable energy during high peak demand.

The Planning Commission recommended approval of the Reduced Footprint Alternative, which would decrease the amount of acreage converted to non-agricultural use and place the Project farther from public view, thereby decreasing the visual contrast of the facility visible from SR 16. Similar to the original proposal, the Alternative would be required to mitigate for the permanent loss of agricultural land with an agricultural conservation easement at an up to 3:1 ratio. The reduced footprint would decrease the conversion of Prime Farmland from 147 acres to approximately 100 acres under the Alternative.

#### **Williamson Act Cancellation**

The EIR identified a potential conflict with the Williamson Act due to the potential incompatibility between the project and agriculture. To eliminate 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 MM AG-2 would require one of the following:

- Non-renewal of the Williamson Act contract and delaying the project for 9 years until the contract has expired,
- Cancellation of the contract if the County Board of Supervisors make statutory findings, or
- Determine that the Project is an "electric facility" use under Government Code Section 52138 that would be a compatible use on contracted land.

The Planning Commission recommended, and staff supports, a partial cancellation of the existing Williamson Act contract under the Reduced Footprint Alternative as the most appropriate method to avoid the incompatibility with the County Williamson Act Guidelines and satisfy Mitigation Measure MM AG-2 of the MMRP in Attachment D. To approve cancellation, the Board of Supervisors must make the findings described in California Government Code Section 51282. (See Williamson Act Cancellation Findings in Attachment E.)

#### **Additional Community Benefits**

The County was informed in early 2023 that, together with the Applicant, VCE intended to pursue grant funding (CDFR 2022 Community Resilience Centers Program) to establish a 'Multi-Community Microgrid' that would improve electricity reliability in the Esparto and Capay Valley area (see proposal in Attachment N). The objective of the microgrid would be to keep critical facilities operational during grid outages, public safety power shutoff (PSPS)

events, and fires. During these types of events the microgrid would be powered by the proposed Gibson Solar Farms solar energy system and BESS facility (if approved), which would feed the Madison Substation and provide power to critical infrastructure (e.g., fire station, medical clinic). The grant proposal includes exhibits that show the main circuit and facilities that would be energized. This particular circuit is the 4th most de-energized circuit in PG&E's service territory. Establishing a microgrid in the Esparto-Capay Valley would serve to mitigate future outages and provide relief for rural communities most affected by electrical power loss.

**Conclusion**

Staff concurs with the Planning Commission's recommendation to approve a Major Use Permit for the Reduced Footprint Alternative and partial cancellation of Williamson Act Agreement No. 71-206 to construct and operate the Gibson Solar Farm Project and to certify the Final EIR making CEQA Findings of Fact and a Statement of Overriding Considerations.

**Collaborations (including Board advisory groups and external partner agencies)**

- Esparto Citizens Advisory Committee (ECAC)
- Yolo County Planning Commission
- Yolo County Farm Bureau
- Yocha Dehe Wintun Nation
- Agricultural Commissioner's Office
- Office of the County Counsel

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**Fiscal Information**

No Fiscal Impact

Fiscal Impact of this Expenditure

Total cost of recommended action	\$0
Amount budgeted for expenditure	\$0
Additional expenditure authority needed	\$0
On-going commitment (annual cost)	\$0

Source of Funds for this Expenditure

General Fund	\$0
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**Attachments**

- Att. A. Project Site
  - Att. B. Site Plan
  - Att. C. EIR
  - Att. D. Draft Resolution\_CEQA Findings\_SOC\_MMRP
  - Att. E. Gibson WA Cancellation Findings
  - Att. F. Project Findings
  - Att. G. Conditions of Approval
  - Att. H. Reduced Footprint Alternative Project Vicinity
  - Att. I. Public Comments
  - Att. J. 5.13.21 PC Staff Report and Minutes
  - Att. K. PC Staff Report 5.11.23
  - Att. L. Applicant Correspondence to Planning Commissioners
  - Att. M. 6.8.23 Staff Report
  - Att. N. Microgrid Proposal
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**Form Review**

Inbox	Reviewed By	Date
Leslie Lindbo	Leslie Lindbo	09/07/2023 03:00 PM
County Counsel	Hope Welton	09/07/2023 03:12 PM
Eric May	Eric May	09/11/2023 09:31 AM
John Rowe	John Rowe	09/18/2023 11:33 AM
Form Started By: Tracy Gonzalez		Started On: 06/01/2023 01:44 PM
Final Approval Date: 09/18/2023		