

ATTACHMENT I



Time Set 9.

Planning Commission
Meeting Date: 05/11/2023

Information

SUBJECT

ZF #2020-0043: Public hearing to review 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 of the Project and certification of an Environmental Impact Report. The Project is for a Use Permit application for a large utility-scale solar energy system and battery energy storage facility that proposes to locate on an approximately 147-acre agriculturally-zoned parcel approximately 1.2 miles east of Esparto (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)	SOILS: 30.3 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)
GENERAL PLAN: Agriculture (AG)	FMMP: Prime Farmland
ZONING: Agricultural Intensive (A-N)	WILLIAMSON ACT: Agreement No. 71-206.
SUPERVISORIAL DISTRICT: 5 (Supervisor Barajas)	FLOOD ZONE: AO (area within 100-yr floodplain, shallow flooding 1 to 3 feet), X (area not within floodplain)
PUBLIC HEARING NOTICE: published in Davis Enterprise on 4/30/2023; notice to neighbors sent on 4/28/2023	FIRE SEVERITY ZONE: Non-Wildland/Non-Urban
ENVIRONMENTAL DETERMINATION: Environmental Impact Report	

RECOMMENDED ACTION

That the Planning Commission:

1. Open the public hearing to receive a staff presentation and accept public comment on the request for a Use Permit for the Gibson Solar Farm Project;
2. Provide staff with feedback on the proposed Project and recommend changes, if any, to the Draft Conditions of Approval (Attachment C); and
3. Continue the public hearing to June 8, 2023, at 8:30 a.m., for a formal recommendation to the Board of Supervisors on approval of the project and certification of the Environmental Impact

REASONS FOR RECOMMENDED ACTIONS/BACKGROUND

Staff is requesting the Planning Commission hold a public hearing to accept comments on the proposed Gibson Solar Farm Project (Project) and the Draft Conditions of Approval, and offer further direction on the Project, prior to taking action at a continued public hearing for a formal recommendation to the Board of Supervisors. Comments received during this public hearing will be taken into consideration as staff and CEQA consultant, Aspen Environmental Group, finalize the Final EIR and Project Findings. Following the Planning Commission's recommendation, the Board of Supervisors will hold a public hearing to consider certification of the EIR, adoption of a Mitigation Monitoring and Reporting Program (MMRP), adoption of Findings of Fact and Statement of Overriding Considerations, and approval (or modification or denial) of the Project and associated Conditions of Approval.

PROJECT DESCRIPTION

Gibson Renewables, LLC (Applicant), is seeking a Use Permit to construct and operate an up to 20-megawatt alternative current (MWac or MW) solar photovoltaic (PV) electricity generating facility with a 6.5 MWac/26 megawatt hour (MWh) to 13 MWac/52 MWh battery energy storage system (BESS), identified as the 'Gibson Solar Farm' (Project). 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 Valley Clean Energy (VCE) for the purpose of pursuing procurement of cost-effective local renewable energy. The proposed Project will use PV modules mounted on single axis sun-tracking support structures to generate up to 20 MWac of renewable electrical energy. 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, providing up to 26 MWh of renewable energy. Electricity generated by the proposed Project will be sold to the local Community Choice Aggregator, 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 on County Road (CR) 89.

The proposed Project would be constructed on a 147.42-acre agriculturally-zoned parcel that has historically been farmed in row crops. Within that 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, leaving more than 107 acres between the solar arrays available for use as a stable grassland/pollinator plant substrate. The proposed Project would be located on a parcel that is currently in agricultural production and is surrounded by orchards and field crops, and therefore would be required to mitigate for converting up to 147.42 acres according to 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 proposed Project site has been proposed to grow native plants that support pollinators, incorporate grazing, and host apiary at the site.

ANALYSIS

Yolo County requires a Major Use Permit for all large-scale utility solar energy systems that occupy more than 30 acres of land. Accordingly, all utility solar energy systems, as defined, are subject to the County's Agricultural Conservation and Mitigation Program Ordinance (Section 8-2.404 Yolo County Code) and are required to mitigate for the permanent conversion of farmland. 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. While the update to the Solar Energy Systems Ordinance does not wholly affect the Project proposal, if approved, the

Project may require some site design changes to meet new setback requirements that were not in place at the time of submittal. These modifications are proposed in the Project's Draft Conditions of Approval found in Attachment C. Similar to the ordinance in effect at the time of Project submittal, consideration of a large-scale solar energy system that occupies more than 120 acres of land requires a final decision from the Board of Supervisors following a recommendation from the Planning Commission.

Policy Considerations

The Commission may recall that the project first appeared on the May 13, 2021, Planning Commission meeting agenda. At that time, there was concern the Project posed conflicts with Countywide General Plan policies related to the preservation and protection of prime farmland and the State's statutes governing the Williamson Act. The Commission was asked to consider a recommendation to deny or further study the application in light of the aforementioned policy implications. The Minutes approved for the May 13, 2021, Planning Commission meeting reflect the motion failed for both a denial and to recommend further study of the application due to a tied vote on each motion. Departmental direction provided to Planning staff in response to the failed motion was to continue processing the application for further study. The Planning Commission staff report and adopted Minutes for the May 13, 2021, meeting are incorporated herein by reference and included as Attachment D.

As addressed in the May 13, 2021, staff report, the Countywide General Plan contains numerous policies that seek to preserve farmland **and** encourage alternative and renewable energy sources. The discretionary nature of the decision-making process must carefully weigh these core values to find just the right balance. Location, compatibility, community desire or need, and merits of a project all factor in when considering whether a project will further the General Plan and benefit a community. Balancing these considerations, the Planning Commission (and, ultimately, the Board) must consider whether the community benefits that may be derived from the Gibson Solar Project, such as helping to achieve the County's carbon-negative commitments, outweigh the loss of farmland during the life of the Project.

The discussion presented in the May 13, 2021, staff report is not reiterated here, but the Commission is encouraged to review the content of the report in Attachment D, as well as the various discussion sections contained in the Draft EIR (Attachment E) that address preservation of agricultural land and meeting the County's goals for climate adaptation and resiliency.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEW

The Gibson Solar Farm Project was reviewed under the California Environmental Quality Act (CEQA) and an EIR was prepared in collaboration with Aspen Environmental Group. Prior to EIR preparation, the County issued a Notice of Preparation for the Project on October 13, 2021, to initiate a 31-day scoping period seeking comments on the scope and content of the EIR. A public scoping meeting was held with the Esparto Citizens Advisory Committee (via Zoom) on October 26, 2021, where all verbal comments were documented. A summary of the comments provided during the scoping meeting and scoping comment period can be found in Section A.5 of the Draft EIR (Attachment E) and cover a variety of topic areas, including conversion of farmland and farmland mitigation, aesthetic concerns, biological resources, battery storage, and fire safety.

The Gibson Solar Farm Use Permit Draft EIR was released for a 45-day public review and comment period beginning January 13, 2023, and ending on February 27, 2023. The DEIR was made available to responsible agencies, trustee agencies, state agencies with jurisdiction, and interested parties and individuals. The County also held a public meeting with the Planning Commission on February 9, 2023, to receive verbal comments on the DEIR. A total of five comments were received, in addition to the 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). The Final EIR, which will include responses to comments

received during the public review of the Draft EIR, is currently being prepared and is expected to be published 10 days prior to the June 8, 2023, Planning Commission meeting.

The Draft EIR identified the following Project Objectives:

- Generate up to 20 MWac solar PV electricity with at least a 6.5 MWac/26 MWh BESS
- Assist California and Yolo County in meeting renewable energy goals
- Site the proposed Project in an area with excellent solar energy resources to maximize productivity
- Use proven technology to produce electrical energy reliably and economically for the life of the proposed Project
- Support the State Legislature's and Governor's greenhouse gas reduction goals
- Develop a utility-scale solar and BESS project that improves local electrical reliability and assists with satisfying Valley Clean Energy's local renewable portfolio standards
- Minimize impacts to surrounding agricultural uses to the greatest extent feasible by implementing a multi-use plan with complementary co-located land uses

The Draft EIR analyzed 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 measures were addressed in the following issue areas: Biological Resources, Cultural Resources, Geology and Soils, and Tribal Cultural Resources, and are included in the Draft Conditions of Approval (Attachment C). Additionally, a potential conflict with the property's Williamson Act contract was identified, which could be eliminated with the implementation of one of the proposed actions in Mitigation Measure AG-2:

- Non-renewal of the Williamson Act contract (which would then expire in nine years, delaying the Project until 2032),
- Cancellation of the contract based on the Board's adoption of statutory findings, or
- A determination by the Board that solar projects are a compatible "electric facility" use under Government Code Section 51238.

Finally, 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 to a non-agricultural use (Section 8-2.404, Yolo County Code). Should the Board consider certifying the EIR to approve the Project, Findings and a Statement of Overriding Considerations would be required to address the permanent loss of farmland.

Alternatives

Project alternatives considered during the environmental assessment are found in Section D of the Draft EIR and include:

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

Due to infrastructure costs associated with increasing the capacity at the Madison Substation, the Applicant is considering a reduced footprint configuration. In this case, the Project would only

occupy 100 acres of the 147-acre parcel, thereby decreasing the total area of disturbance and leaving well over 40 acres available for continued agricultural production. The Project would still utilize PV modules mounted on single-axis sun tracking support structures, but would reduce the total AC output from 20 MW to 13 MW. Similarly, the electricity generated by the PV field would still be utilized in part for charging the batteries and the remaining energy generated by the PV field would be delivered to the grid. However, in this scenario, the battery output would increase from providing 26 MWh to 52 MWh of renewable energy over a four-hour discharge period.

AGENCY REVIEW

Staff attended a regularly scheduled Esparto Citizens Advisory Committee (ECAC) meeting on April 18, 2023, to obtain a recommendation on the Project to the Planning Commission. At this meeting, County staff also invited members and interested parties from the Madison Citizens Advisory Committee. Four members of the ECAC were present, constituting a quorum, and voted unanimously to recommend approval of the Project with the following recommendations to the Draft Conditions of Approval (COA):

- 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 (COA #24).

The ECAC also commented that the location of the proposed Gibson Solar Farms project was optimal given the area experiences poor groundwater recharge, citing ag well production issues.

A Request for Comments was sent to local and regional agencies on March 16, 2021, with comments received from Caltrans, the Agricultural Commissioner's Office, Yolo County Environmental Health, PG&E, and Public Works Division, as well as correspondence from the Northwest Information Center and Yolo Habitat Conservancy. All responsible agency comments have been incorporated into the Project's Draft Conditions of Approval, where applicable. Attachment G includes agency, interested parties, and public comments received to date.

The Agricultural Commissioner's Office responded to the request indicating that the project would result in a loss of approximately 147 acres of prime farmland consisting of Class I and II soils and included a copy of the soil analysis from the Natural Resources Conservation Service (NRCS). The Ag Commissioner also inquired about the loss of agricultural land encumbered under the Williamson Act, which has been addressed in the Draft EIR (Attachment E) and will require mitigation to eliminate the conflict, as noted elsewhere in this staff report. Additional comments from the Ag Commissioner's Office include the potential risk of pesticide drift onto the solar panels due to the proximity of adjacent orchards. Additionally, the proposed multi-use plan that would include, among other things, pollinator habitat could potentially inhibit nearby orchard farmers from spraying pesticides in a timely manner since Yolo County spray permits require any applicator within one mile of a honeybee site to notify the beekeeper so there is ample time to move the bees. See proposed COA #53 in the Draft Conditions of Approval (Attachment C).

An invitation for early consultation was sent to all Tribes requesting notification on March 29, 2021. The Wilton Rancheria responded by indicating no concern about the Project and the Yocha Dehe Wintun Nation responded indicating no cultural monitors would be needed, but recommended cultural sensitivity training for pre-project personnel (see response email/letter in Attachment G). Pre-construction sensitivity training has been addressed in the Project's Draft Conditions of Approval as proposed mitigation (see COA #26/MM CUL-1 in Attachment C).

A Courtesy Notice was sent on April 23, 2021, to neighboring property owners within 1,000 feet of the project site's parcel boundaries and other local interest groups, as well as other Interested Parties requesting project notification. No neighbor comments were received, although comments

were received from the Sierra Club (Yolano Group), the Yolo County Farm Bureau, and Yolo Resource Conservation District (RCD). Originally, the Farm Bureau took no (or a neutral) position on the Project (see attached email dated May 12, 2021) and then sent a revised position email on October 9, 2021, indicating their opposition to the Project (Attachment G).

PROJECT MERITS

While the Commission is tasked with ensuring the Project's consistency with the General Plan, an adequate environmental assessment, and overall compliance with the County's Solar Energy Systems Ordinance and Agricultural Conservation and Mitigation Program, the Planning Commission may also take into consideration any merits of the Project that were not anticipated in the original application submittal and environmental review. Specifically, 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 F). 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. The grant proposal is included as Attachment F, which 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.

NEXT STEPS

Staff recommends the Planning Commission continue the public hearing to June 8, 2023, at 8:30 a.m. Staff will consider any further direction on the Project from the Planning Commission, complete the Final EIR for publication, as well as the MMRP, Project Findings and Statement of Overriding Considerations, and Conditions of Approval, prior to returning to the Planning Commission for a recommendation to the Board of Supervisors.

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 G), 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. Draft Conditions of Approval

Att. D. 5.13.21 PC Staff Report and Minutes

Att. E. Draft EIR
Att. F. VCE Microgrid Proposal
Att. G. Project Comments

Form Review

Inbox	Reviewed By	Date
Eric May	Eric May	04/27/2023 03:08 PM
Leslie Lindbo	Leslie Lindbo	04/27/2023 05:26 PM
Form Started By: Tracy Gonzalez		Started On: 03/24/2023 10:50 AM
Final Approval Date: 04/27/2023		