

Save North Livermore Valley
www.SaveNorthLivermoreValley.com

June 10, 2021

Alameda County Agricultural Advisory Committee
Via email to elizabeth.mcelligott@acgov.org

Re: Comments on Draft Alameda County Utility Scale Solar Policies for East Alameda County

Dear Chair Moore and Committee Members:

Save North Livermore Valley (SNLV) is an association committed to preserving the open space, scenic vistas, agricultural land and wildlife habitat of North Livermore Valley. We started as a group of farm and ranch families and other members of the North Livermore Valley Rural Community. We have been joined by over 450 concerned residents in the City of Livermore and Tri-Valley area, and several leading local environmental organizations.

SNLV offers the following comments concerning the work of the Agricultural Advisory Committee (AAC) in developing a policy for utility scale solar facilities on agricultural land.

1. Larry Gosselin has been a vocal member of the AAC solar policy subcommittee in drafting Alameda County's policy. In March 2021, SNLV became aware that Gosselin serves as a consultant for Intersect Power, the developer of the massive Aramis industrial solar project in North Livermore Valley. The County's approval of the Aramis project is now subject to a lawsuit filed by SNLV and other parties. Intersect Power is the real party of interest in the litigation. **The presence on the AAC of a consultant for Intersect Power who is actively working to shape the county solar policy in a manner that advances Intersect Power's interests poses an untenable conflict of interest.** Given Gosselin's refusal to recuse himself from deliberations by the AAC on the solar policy, we call upon the AAC to take action itself and exclude Gosselin from all future AAC discussions of a solar policy. As this is not an isolated incidence, we also request that the AAC establish criteria and procedures for situations where a potential conflict of interest is detected.
2. **The County must retain an *independent* qualified firm to undertake a solar mapping project *prior* to the AAC recommending any solar policies to the Board of Supervisors.** The Supervisors directed staff to

undertake this work in 2018. It has still not been completed. A solar map is critical to developing sound policy recommendations. The map will allow policymakers and the public to evaluate the impacts on agriculture, biodiversity, scenic resources, and other factors of solar facilities. Without such a map, any recommendations by the AAC for the siting of solar facilities will likely rest on an incomplete and flawed factual foundation and fail to promote the expansion of renewable energy in a manner that poses the least impact to the environment. The neighboring counties of Contra Costa and Santa Clara, as well as the San Joaquin Valley have implemented solar polices and completed least conflict mapping of areas outside their urban development areas.

- 3. The County solar policy must be compatible with Measure D. Utility scale solar facilities are prohibited under Measure D in North Livermore Valley.** Measure D renamed the land in North Livermore Valley as the North Livermore Valley Intensive Agricultural Area and stated the area was designed to “permit and encourage cultivated agriculture and to preclude urbanization in the North Livermore area without unduly impairing the open and natural qualities . . .” Solar electric facilities (SEFs) are not a permitted land use designation under Measure D.

On August 20, 2020, the AAC Solar Subcommittee advised the full AAC that, “Utility-scale solar projects are in conflict with East County Area Plan policies for North Livermore, preservation and enhancement of agriculture, and preservation of natural resource and open space.” This statement remains correct and should be the cornerstone of any county’s solar policy.

Specifically, under the East County Area Plan, the maximum building intensity allowed for all types of buildings and other developments on Large Parcel Agriculture (LPA), Resource Management and Water Management land is a Floor Area Ratio (FAR) of .01. By covering the land with solar panels, SEFs result in a FAR significantly greater than .01. SEFs cannot be analogized to wind turbines that are permitted under Measure D as the land under a wind turbine, unlike a SEF, can continue to be used for agricultural purposes without impediment.

- 4. The County solar policy must be compatible with the Williamson Act.** Under County guidelines adopted in accordance with state law, solar panels may not cover more than 10 acres or 10% of the land governed by the Williamson Act. The applicable measure is the area covered by the solar panels, not merely the footprint of the metal poles on which the solar panels are mounted as was erroneously claimed by planning staff during the review of the now-collapsed Sunwalker solar project.
- 5. The county solar policy must be compatible with the General Plan.** SEFs may not be authorized on Resource Management or Water Management

land, as neither permits nor conditionally permits large-scale solar facilities. Likewise, for LPA, SEFs are neither permitted nor conditionally permitted. As a result, the only way for a SEF to be legally allowed on LPA is if Alameda County *first* adopts a General Plan amendment and a Zoning Code amendment.

6. **The County solar policy must be compatible with designated scenic rural recreational routes and corridors.** The Alameda County General Plan provides that the views are to be conserved, enhanced, and protected in scenic corridors. Principles adopted by the County intended to protect scenic corridors include 1) provide for normal uses of land, and 2) use landscaping to increase scenic qualities.

SEFs are inherently incompatible with scenic corridors. They are not normal, agricultural uses of the land. Today's utility scale SEFs typically include overhead electrical transmission lines mounted on towers multi-stories tall, electrical battery complexes with tens of thousands of flammable lithium-ion batteries stored in trailer-truck size containers, miles of internal access roads and perimeter security fencing, operations and maintenance buildings, electric power substations, water tanks, and, of course, hundreds of thousands of solar panels mounted on steel poles and frames rising 8-10 feet off the ground.

As recently explained by Seth Adams, the conservation director at Save Mount Diablo, it's nonsense when solar developers "come in and try to act like their project is benign." In the case of the Aramis project, Adams explained, "There are gonna be trucks, and people, and effects on all kinds of different things. This is not a solar panel in a field, **it's an industrial energy facility.**" Likewise, the landscaping to shield the SEFs blocks the vistas that the scenic corridors were created to safeguard. As noted by senior Alameda County planner Bruce Jensen in August 2020, the mitigation, e.g., landscaping, for the Aramis project "itself **introduces new significant impacts that cannot be mitigated.**"

Very truly yours,

Chris O'Brien, Merlin Newton & Sue Springer
Save North Livermore Valley Steering Committee

CC: Clerk, Board of Supervisors
Albert Lopez, Director, Alameda County Planning Department