



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT
STAFF REPORT**

**TO: EAST COUNTY BOARD OF ZONING ADJUSTMENTS
HEARING DATE: OCTOBER 22, 2015**

GENERAL INFORMATION

APPLICATION: CONDITIONAL USE PERMIT, PLN2015-00157

APPLICANT: GOLDEN HILLS NORTH WIND, LLC

PROPERTY OWNERS: VARIOUS (See Table 1, Project Properties and Owners)

PROPOSAL: To approve a Conditional Use Permit to allow repowering of an existing wind farm (replace existing wind turbines with new turbines, technology and infrastructure). The Golden Hills North Wind Project would replace up to 324 older turbines with up to 24 new 1.7 MW turbines with a combined nameplate capacity of 40.8 MW. The Golden Hills North Project would share some infrastructure with the approved Golden Hills Phase 1 Project.

LOCATION, ASSESSOR'S PARCEL NOS. AND PARCEL AREAS: The Golden Hills North Wind Project is located on 60 parcels and parts of parcels extending over roughly seven non-contiguous square miles generally north of I-580 and from about one mile west of the North Flynn Road interchange with I-580 to about four miles east of that interchange. Assessor Parcel Numbers include, for example, 99B-6300-1-2; all 60 specific parcels are identified in Table 1, Project Properties and Owners, and in the Draft Resolution.

ZONING: A (Agriculture, 160-acre minimum) District

GENERAL PLAN DESIGNATION: LPA (Large Parcel Agriculture), East County Area Plan, adopted in 1994 and amended in November 2000 and May 2002.

ENVIRONMENTAL REVIEW: The project is subject to the California Environmental Quality Act (CEQA, 1970 as amended), and is consistent with the Program Environmental Impact Report (PEIR) certified by the East County Board of Zoning Adjustments on November 12, 2014. The proposal is therefore reviewed as a tiered project with a checklist pursuant to Section 15168(c) of CEQA Guidelines. The checklist identified a range of specific potential adverse impacts on the environment, which had been previously identified in the PEIR, and for which specific mitigation measures would serve to avoid or reduce most of those impacts to less-than-significant levels. Other impacts would remain significant and are unavoidable if the project is approved, including air quality deterioration during construction, mortality of raptors, other birds, and bats migrating through and wintering in the program area, but are no greater than those considered in the PEIR and can be reduced in part by the identified mitigation measures. Based on the checklist, a Mitigation Monitoring and Reporting Program has been proposed, the implementation of which would be required as a condition of approval.

RECOMMENDATION

The Board should receive a staff presentation, take public comment on the proposed project application, review the draft resolution and exhibits, including the Mitigation Monitoring and Reporting Program

(MMRP) and a Statement of Overriding Considerations for the project, and approve the Conditional Use Permit, subject to the proposed conditions of approval.

TABLE 1, PROJECT OWNERS AND PARCELS

<u>Owner, APNs¹</u>	<u>Acres</u>
Elworthy, Herbert B & Jean R 99B-6125-1; 99B-6130-2; 99B-6130-3; 99B-6175-1-1; 99B-6175-2-2; 99B-6175-2-3; 99B-6200-1; 99B-6300-1-1; 99B-6300-2-4; 99B-6325-3; 99B-6400-3; 99B-7375-1-1; 99B-7375-1-4	2686.59
Corbett Family LP 99A-1780-1-5; 99B-6425-2-4; 99B-6500-2-1	473.33
Vieux Family Properties 99B-6010-1-3; 99B-6010-1-4; 99B-6010-1-5; 99B-6010-1-6; 99B-6051-5; 99B-6051-6	703.06
Guerreiri, David A & Patricia 99B-6175-1-3	11.02
Guichard, John, Et Al 99B-6125-3	2.06
Jess, Joseph J. SR & Connie L TRS 99B-7800-8-2	13.49
Martinez, Marina F 99B-6130-1	10.86
Mulqueeney Ranch Properties 99B-7900-1-7	24.65
Oakland Scavenger Company 99B-6250-1; 99B-6275-1-3	7.01
Pombo, Ralph F & Onita M TRS 99B-6300-1-2; 99B-6300-2-1	19.05
Santucci Properties, LLC 99A-1785-1-6; 99A-1785-1-7	15.06
Scullion, Donald J & Madeline R TRS & Silva, JY et al 99B-6300-3-2	9.19
State of California 99B-6010-1-1	0.86
Waste Management of Alameda Co, Inc. 99B-6300-4-1	141.66
WP Co 99B-6010-2	13.95
Contra Costa Water District 99B-7800-7-7; 99B-7800-8-1	26.21
County of Alameda 99B-6010-3; 99B-6010-4; 99B-6010-5; 99B-6051-14; 99B-6051-16; 99B-6051-17; 99B-6051-18; 99B-6051-19; 99B-6275-10; 99B-6275-11; 99B-6275-4; 99B-6275-8; 99B-6275-9; 99B-6300-6; 99B-6300-7; 99B-6425-4; 99B-6425-5; 99B-7800-3	206.50
City of Santa Clara 99B-6275-2-2	11.88
TOTAL	4376.43

¹ There are 58 parcels listed; two parcels will be leased in two or more parts, thus resulting in 60 total leases.

WIND-RELATED PERMIT HISTORY

The Golden Hills North Wind Project site is within the Altamont Pass Wind Resource Area (APWRA), which has been developed with wind farms since the early 1980s, when the state identified it as a wind energy resource area. The project site is in the northern portion of the APWRA, primarily on three large non-contiguous blocks of parcels between the county line and I-580, that are privately-owned mainly by three families with long histories of cattle ranching in the area, including the Elworthy, Vieux and Corbett properties. Existing wind farm Conditional Use Permits on the parcels are listed below.

Various dates, 1982 through 1995 (including reviews), FloWind Corp./ Elworthy / Vieux / Ralph-Santucci / Corbett, C-4205, C-4420, C-4422, C-4423, C-4461, C-4481, and C-4908, allowing installation and continued operation of FloWind type turbines. APNs: 099B-6010-001-03; 099A-1785-001-06; 099A-1785-001-07; 099B-5650-001-03, 099B-6400-00401, 099B-6300-004-02, etc.

May 12, 1982, U.S. Windpower/Pombo/Johnston, C-4236, to allow construction of 200 turbines (65 built). APNs: 99B-6300-002-01; 99B-6300-002-02; 99B-6300-002-03; and 99B-6325-001-04. Modified by C-5383, March 9, 1988.

September 20, 1989, Wind Kraft, Inc./Elworthy, C-5667, to allow construction of 32 turbines. APN: 99B-6200-001-00.

October 28, 1992, DifWind Farms VII/Elworthy, C-6158, approved warehouse facility for wind farm operations. APN: 99B-7375-001-04.

November 10, 1998, Altamont Power, LLC/Elworthy, C-7336, approved repowering of 169 (116 operating) FloWind type turbines, previously installed on properties comprising approximately 2,880 acres, owned by the Elworthy, Vieux, Ralph/Santucci, and Corbett families. (not constructed).

September 25, 2003, Altamont Power, LLC / Elworthy, C-8199, to allow repowering of a wind power plant facility consisting of the removal of 169 FloWind turbines and towers, reclamation activities, and the installation and operation of up to 45 800-kW turbines to yield a 36-MW windfarm (completed in 2004 with 31 660-kW turbines). APNs: 099B-6125-001-00; 099B-6175-002-03; 099B-6200-001-00; 099B-6300-001-01; 099B-6325-003-00; 099B 7375-001-01; 099B-7375-001-04; 099A-1780-001-05; 099A-1785-001-07; 099B-5650-001-03; 099B-5650-001-03; 099B-6010-001-03; 099B-6500-002-01; and 099B-6425-002-04.

September 22, 2005, Altamont Power Company / Elworthy, C-8224, to allow the maintenance and continued operations of existing wind turbines (37.92-MW windfarm of 291 turbines), APNs: 099B-6130-002-00; 099B-6130-003-00; 099B-6175-001-01 and 099B-6175-002-03. Original approvals: 191 turbines on August 23, 1983, C-4461; and 100 turbines on June 19, 1985.

September 22, 2005, Altamont Power Company / Corbett, C-8031, maintenance and continued operations (5.46-MW windfarm of 47 turbines), APNs: 099B-1810-001-00; 099B-1770-002-01; 099B-1770-002-02 and 099B-1770-002-03. Original approval August 23, 1983.

September 22, 2005, Altamont Infrastructure Company / Pombo, C-8037 (6.5-MW windfarm of 65 turbines), APNs: 099B-6300-002-01; 099B-6300-002-02; 099B-6325-002-03; 099B-6325-002-04; and 099B-6325-001-06. Original approval May 12, 1982.

September 22, 2005, Altamont Infrastructure Company / Mulqueeney, C-8137 (70.0 megawatt windfarm of 697 turbines), 18 APNs extending over several thousand acres (only 099B-7900-001-07 will be affected by the current project improvements, for telecommunications and related access only, not new turbines).

The last four CUPs were originally approved by the Board of Zoning Adjustments on January 29, 2004; after an appeal to the County Board of Supervisors, approved in September 2005.

GENERAL PLAN POLICIES AND ZONING

The project site is designated by the East County Area Plan (ECAP, 2002) as Large Parcel Agriculture (LPA), which permits one single-family residence per parcel, agricultural uses, agricultural processing facilities, public and quasi-public uses, quarries, landfills and related facilities, wind farms and related facilities, utility corridors, and similar uses compatible with agriculture.

Lands in the project area are zoned A-BE-160 (Agricultural District, with minimum building site areas of 160 acres), which allows for agricultural and other non-urban uses. Within the A District, privately owned wind-electric generators are a conditionally permitted use subject to approval by the East County Board of Zoning Adjustments (EBZA).

SITE AND CONTEXT DESCRIPTION

The project site is within the Alameda County portion of the APWRA (except as noted, APWRA hereinafter shall mean the Alameda County portion), which currently includes 43,358 acres, or nearly 68 square miles, extending from the northern county line across the Altamont Hills, southwards for approximately 10 miles, with an average width of 5 to 6 miles. The project site encompasses about 60 separate parcels over nearly seven square miles, generally north of I-580, except for a few parcels located south of I-580, owned by the County as part of the Alameda County Altamont Transportation Corridor bordering the previously approved Golden Hills Wind Project area (APNs: 99B-6400-3, 99B-7800-3, 99B-7800-8-1, and 99B-7800-7-7). The Corridor is the former Southern Pacific railroad right-of-way that has been abandoned for rail use and was acquired by the County of Alameda for a combination of telecommunication and transportation purposes; its sole use for the project is for undergrounded telecommunication lines. It extends from the western edge of the project area along Altamont Pass Road to a tunnel under I-580 and then south and east of the primary project area (i.e., area for turbine construction). All parcels on which new wind turbines would be installed are located north of I-580.

The project area consists primarily of three large non-contiguous blocks of land owned principally by the Elworthy, Corbett and Vieux families, with direct links across I-580 to the Golden Hills—Phase I Project that lies directly south of I-580. The site is generally characterized by rolling foothills of mostly treeless grassland, primarily used for cattle grazing, with a range of steep, moderate and gentle slopes. Major features of the area include wind turbines, ancillary facilities, an extensive grid of high voltage power transmission lines, substations, microwave towers, a landfill site, Interstate 580, Altamont Pass Road, and railroad track lines. Outside of the project boundary lies Bethany Reservoir State Recreation Area to the northeast, and clusters of rural residential homes to the west and east along Dyer, Altamont Pass, and Midway Roads. The project area itself contains no residential uses.

PROJECT DESCRIPTION

The project proponent, Golden Hills North Wind, LLC, plans to install up to 24 wind turbines, with a maximum nameplate capacity of 40.8 MW, within an approximately 4,389-acre area extending north of Interstate 580 (I-580) to the county line. The project would utilize infrastructure that was approved as part of the Golden Hills Project and, when combined with the Golden Hills—Phase I Project's 52 turbines, would result in a total nameplate capacity of 129.20 MW of energy production. Electricity generated by the Golden Hills North Wind Project would be collected via an underground collection system and transmission line, which would connect into the electrical infrastructure and project substation located within the boundaries of the Golden Hills Project.

In addition to installing additional wind turbines, all of the existing wind turbines on the existing wind farm site, estimated to be 324 in total, including their transformers and associated electrical infrastructure,

would be decommissioned. Existing roads and other disturbed areas not needed for the proposed project's new wind turbines would be decommissioned and recontoured, as appropriate, to maintain slope stability. Other major components of the proposed project include additional service roads, overhead and underground transmission and collection lines, electrical switchyards, meteorological towers and communication cables. Construction of the project would also require the following temporary project facilities: access roads, laydown areas, and a concrete batch plant.

The specific equipment chosen for the proposed project and their precise location would depend on final micro-siting prior to construction and based on various siting criteria, such as terrain and geotechnical considerations, and the opportunity to avoid and/or minimize potential impacts. Regardless of the manufacturer selected, each turbine would have a maximum total height of approximately 453 feet (138 meters) and a maximum rotor diameter of 381 feet (116 meters).

As the Federal Aviation Administration requires lighting on structures over 200 feet in height, the proposed wind turbines would require appropriate obstruction lighting. Lighting of the wind farm would be in compliance with the FAA Obstruction Marking and Lighting Advisory Circular (AC70/7460-1K). Intensity of the lights would be based on a level of ambient light, with illumination below 2 foot-candles being normal for the night and illumination of above 5 foot-candles being the standard for the day. It is anticipated that lights would not be mounted on every turbine, but would be located on several strategically selected turbines to mark the extent of the proposed project adequately. The minimum number of required lights would be used to minimize attractants for birds during nighttime migrations.

Each wind turbine would contain electronic devices to monitor turbine performance. A Supervisory Control and Data Acquisition (SCADA) system to be installed at the proposed project site would collect operating and performance data from each wind turbine and from the operation of the entire proposed project, and would provide remote operation of the wind turbines. The SCADA system would be connected to the turbines via an underground fiber optic communications system. Underground communication cables would be buried in the same trenches as the medium-voltage electrical system. The host computer would be located at the offsite Midway substation.

The power collection system would consist of medium-voltage, high-density, insulated underground cables that would connect the wind turbines to the existing Midway substation approximately 1.9 miles southeast of the project area within the Golden Hills—Phase I Project area. The underground collection cables are generally buried in parallel trenches located adjacent to the roadbed of the interior access roads. The connection to the existing Midway Substation would require that the collector line be installed within a bored crossing under I-580, which may also utilize an existing tunnel conduit.

Up to three new free-standing monopole meteorological towers, approximately 80 meters in height, and up to three new temporary guyed meteorological towers, approximately 60 meters in height, would also be installed as part of the proposed project.

Attached figures, excerpted from the *Project Description and Affected Environment Analysis*, illustrate the locations of the proposed wind turbines in relationship to sensitive visual and noise receptors. Biological and cultural resource evaluations are also incorporated by reference in the *Project Description and Affected Environment Analysis*, which is attached.

RESPONSES TO REFERRAL

Public Works Agency, Permit Section. Informal comments sent by e-mail, dated September 21, 2015 addressed the *Project Description and Affected Environment Analysis*, and noted on page 1-3, Table 1-1, that the demolition, building and grading permits, as well as an unlisted stormwater permit would be

issued by the Public Works Agency, not the Community Development Agency or Planning Department (the table erroneously refers to an Alameda County Department of Conservation and Development; no such department exists among County agencies, and the error has been corrected). It was also noted that the encroachment permit described in Table 1-1 would also apply to proposed work within the Alameda County/Altamont Transportation Corridor for undergrounded fiber optic lines and other improvements, which may be subject to different types of agreements. The reference on page 2-6 to ‘long-term agreements’ with land owners that include the County (for the Transportation Corridor) appeared to be inaccurate, and would be better characterized as simply subject to a permit, license or other agreement as it applies to County property.

Public Works Agency, Right-of-Way Section. Right-of-Way Section staff communicated with the Permits section beginning in March of 2015, and expressed a desire for installation of underground electrical power transmission and fiber optic communication facilities in the Transportation Corridor to be addressed through a formal license or permit. In September 2015 a license agreement for placement of facilities in the Corridor was being drafted, and an encroachment permit for the installation of the lines would also be required.

East Bay Regional Park District. The District, in a letter dated October 5, 2015, indicated support for the goals of repowering as a means of reducing avian and bat mortality and aesthetic effects. The letter expressed their ongoing concern “about the cumulative effects of turbine operation in the APWRA on avian and bat species” and their interest in “ensuring the implementation of repowering activities throughout the area meet the mortality reduction goals of the APWRA.” The letter references a specific activity, Mitigation Measure BIO-11g, to establish a Technical Advisory Committee, and which should include at least one biologist with significant expertise in bat research and wind energy impacts on bats. It was noted that this Mitigation Measure had not yet been accomplished, but will be vitally important for review of environmental documentation and ensuring that the APWRA repowering program achieves its goals for reduced avian and bat mortality. (Planning staff acknowledge that the TAC membership had not been determined at the time of the project referral; however, a TAC has been formed and held its first meeting on October 16, 2015. Rationale for the TAC membership is discussed below under the heading of Planning Considerations).

No other formal comments were submitted by other County or other agencies that received the referral. A “kick-off meeting” was held in early October between the Applicant, their consulting engineers and County staff, including representatives from Planning, Public Works, Grading and the Fire Department. Subsequent coordination meetings will be scheduled when grading and building permit applications are submitted. Conditions of approval will be generally similar to those required for the Golden Hills—Phase I Project.

PROGRAM EIR AND CURRENT PROJECT TIERING

The Program Environmental Impact Report (PEIR), certified by the County in November, 2014, addressed the anticipated approval of new CUPs to allow replacement of old generation wind turbines with current generation turbines in the Alameda County portion of the APWRA on a program level for the entire area. The PEIR also specifically evaluated, on a project level, two project applications, the Patterson Pass Wind and Golden Hills Wind – Phase I Projects. As provided for in the CEQA Guidelines (Section 15168), the certified PEIR allows for subsequent specific project applications to ‘tier’ from the PEIR, to the extent that the subsequent projects lie within the scope of the PEIR, and do not introduce new or substantially different significant impacts that were not addressed in the PEIR. In addition, subsequent projects are expected to be related geographically and to have similar (or less) environmental effects that can be mitigated with measures and strategies that are similar to those adopted for the projects evaluated at the project level in the PEIR.

The Golden Hills North Wind Project was among a small number of anticipated projects that were evaluated on a program level. The significant and unavoidable adverse impacts of the broad repowering program includes the effects of operations for the life of the permits on avian species, including raptors, other birds and bats migrating through and wintering in the program area, as well as some temporary construction-related impacts, on air quality (due to predicted emissions in excess of regional air district standards), and on traffic operations and transportation, if construction-related traffic were to occur concurrently with the Sand Hill Wind Repowering Project, a separate wind repowering project that was originally planned with up to 340 new-technology “shrouded” turbines, requiring very substantial numbers of truck trips, is now expected to be developed with conventional, current generation wind turbines between 2016 and 2017 and which is less likely to result in adverse cumulative traffic impacts.

Other impacts, which could be reduced to less than significant levels, included effects on scenic vistas and other aesthetic considerations including shadow flicker, other construction-related air quality and greenhouse gas emission impacts, and a broad range of other impacts on biological resources, including special-status plants, a wide range of terrestrial species, habitat communities, migratory wildlife corridors and nursery sites. Additionally, the projects were determined to have varying potential impacts on historical, archaeological, undocumented human remains or paleontological resources, and in the topic areas of seismic safety, water quality of stormwater runoff, hazardous materials, aviation, transportation and circulation, emergency response, and noise. The significant impacts and mitigation measures are summarized and concisely tabulated in the Executive Summary portion of the PEIR.

To evaluate the repowering project in the context of the PEIR, an *Environmental Checklist* adapted specifically from the PEIR has been used to assess the potential environmental effects of the Golden Hills North Wind Project. The Checklist, attached to this staff report, indicates that:

- a) There may be minor temporary visual impacts caused by construction, for which the suggested mitigation measure of limiting construction to daylight hours and weekdays only is expected to prevent any potential disturbance to residences or recreation areas. However, some construction locations are at such a distance or concealed from view by terrain, such that adverse effects would be limited by location, and the adverse impact will not occur unless it is within 2,000 feet of a public road, recreation area or residence. Based on this criteria of distance, intervening terrain and the type of activity involved, construction on Saturdays and after sunset on a limited basis may be allowed by the Planning Director.
- b) The new turbines would be visible from designated scenic roadways and in an area where they are not currently visible, on the Corbett property in the southwest portion of the project area, north of I-580 and between Altamont Pass Road and the North Flynn Road interchange. However, these areas were previously developed with wind turbines (169 FloWind “egg-beater” vertical-axis type turbines), and therefore Site Development Review is not required. However, Mitigation Measure AES-2b, of site cleanup, maintenance, and restoration, and screening of surplus parts and materials will be required.
- c) Vegetation and wildlife surveys, as indicated in the biological resources evaluation attached to the checklist, found that the existing plant communities, topography, and nature of the biological resources were consistent with previous surveys undertaken for the PEIR and the level of impact from implementation of the proposed Golden Hills North Wind Project is comparable to the level of impact that was assessed in the certified PEIR.
- d) No state or federally listed plant species were observed during surveys in the fall of 2014 and spring of 2015; however eight CNPS ranked species were identified during surveys, and therefore certain best management practices (Mitigation Measure BIO-1b) would be required in order to minimize or avoid adverse impacts, and will be required in the project construction documents.

- e) The biological resources evaluation found that, as California tiger salamander and California red-legged frog were detected during wildlife surveys, and the project site has suitable habitat for western spadefoot, California red-legged frog, foothill yellow legged frog and Western pond turtle, implementation of preconstruction surveys, best management practices, and biological monitoring would minimize project effects on these species.
- f) Construction activity may require implementation other best management practices, preconstruction surveys for birds, including surveys for burrowing owl; such measures would ensure that adverse impacts are minimized or avoided.
- g) Temporary loss of occupied habitat for western burrowing owl and foraging habitat for tricolored blackbird could result from grassland disturbance. Mitigation Measure BIO-5C may be required, for a qualified biologist to prepare a Grassland Restoration Plan in coordination with CDFW and subject to CDFW approval, if the on-site biologist determines it is appropriate; however, the relatively small scale of the project is not deemed sufficient to warrant compensation measures.
- h) Loss of grassland could adversely affect habitat for special-status species, and implementation of best management practices, a Grassland Restoration Plan and avoidance and minimization measures would reduce the potential impact.
- i) The project would result in permanent and temporary loss of occupied habitat for western burrowing owl and foraging habitat for tricolored blackbird and other special-status and non-special-status birds, and a combination of restoration and compensation would be necessary to minimize these impacts.
- j) Avian mortality would result from interaction with the wind turbines; implementation of MM BIO-11a through MM BIO-11d, including designing and siting of turbines to reduce avian impacts, and the use of avian safe measures and practices, would reduce the potential impact but not to a less-than-significant level. This finding is consistent with the determination made in the APWRA Repowering Program EIR for program activities, such as the current project.
- k) The project could adversely impact the movement of native resident wildlife species or with established native resident or migratory wildlife corridors, such that best management practices, a Grassland Restoration Plan, and other avian safe measures would be necessary to ensure that such effects are minimized or avoided.
- l) A cultural resources inventory of the project site found four archaeological resources that qualify as a historical resource or unique archaeological resource for CEQA purposes within the project area; however, the project will avoid all four resources and, is therefore not expected to cause a substantial adverse change in the significance of a historical, archaeological or cultural resource.
- m) A geotechnical or soils report may be required prior to construction activities in order to avoid adverse seismic risks associated with the project construction.
- n) Project construction would involve earth-disturbing activities, and would require preparation and implementation of a SWPPP to ensure the project does not violate any water quality standards.
- o) Maps submitted with the checklist indicate that the closest residence is 1,800 feet away from the nearest wind turbine, therefore project-specific noise studies and implementation of measures to comply with County noise standards would be necessary.
- p) Increased traffic associated with project construction, although not to levels beyond those considered in the PEIR, would require the development and implementation of a construction traffic control plan.

A proposed Mitigation Monitoring and Reporting Programs (MMRP) for the project is attached to the draft resolution.

In addition, construction of up to ten turbines and other infrastructure in the northwestern portion of the project area requires access from Vasco Road within Contra Costa County, so that an estimated 400 linear feet of new road construction and related grading will be required for improvements to an existing road. As such, approval of these activities are subject to review and approval of a Grading Permit and Transportation Permit by Contra Costa County. For the purposes of the current project, Contra Costa County will be a Responsible Agency under CEQA for issuing such Permits.

The existing road is located within the boundaries of the Vasco Winds Project, for which Contra Costa County certified an EIR and identified specific conditions.

Since the application was received in the summer of 2015, with a site plan used for the environmental analysis, the site plan was modified (October 2015) to designate different turbine site locations. Two turbine sites in the southwestern section, east of Altamont Pass Road between I-580 and Dyer Road, were eliminated, which is important to note in that one (previously designated as site number 18) was proposed on a hilltop site, near the intersection of Dyer Road and Altamont Pass Road which did not historically have any wind turbines, and for which the environmental analysis determined that the aesthetic impact would be significant, and would require Site Development Review pursuant to Mitigation Measure AES-2a. The other turbine sites that were retained in the updated site plan are all on hilltops and ridges which had historically been developed with wind turbines (FloWind, vertical-axis “egg-beater” –type), and therefore do not represent sites for which Site Development Review is now required. As a result, the determination in the original version of the *Environmental Checklist* (AES-2) is revised in the current version.

PLANNING CONSIDERATIONS

The project represents the final phase of repowering activities by the applicant within Alameda County, which began with the Golden Hills—Phase I project south of I-580. The proposed conditions of approval are therefore almost identical to those adopted for the Phase I project. A few factors make the current project somewhat more complicated, including:

- Access for nearly half of the proposed turbines (10 of the maximum of 24) that requires access through Contra Costa County. The Program EIR did not anticipate any construction activities outside of Alameda County as part of the repowering program, and the County of Alameda does not have the authority to impose permit requirements outside of its jurisdiction.
- The division of the Project area into three large blocks that do not generally share common boundaries, resulting in the need for additional leases of small portions of other properties.
- Use of the Alameda County/Altamont Transportation Corridor, primarily for underground conduits and fiber, to transmit electric power and performance information to the Midway Substation in the Golden Hills—Phase I Project area over a distance of about six miles. The lease agreement or license that is being negotiated with the County of Alameda required that the total project area include the Transportation Corridor

In response to the East Bay Regional Park District concerns with formation of the TAC and its membership, the TAC had not been formed at the time of the project referral. However, a TAC has been formed and held its first meeting on October 16, 2015, as the Alameda County Wind Repowering/Avian Protection TAC (AC WR/AP TAC). Its members are intended to be directly associated with and employed by relevant regulatory agencies, such as the County and the state and federal resource agencies, rather than representatives of the applicant, special-interest districts or environmental advocacy organizations. However, the conditions of approval will provide for the establishment of an adjunct or auxiliary advisory committee for the TAC composed of landowners, special district representatives, environmental advocacy

groups and other stakeholders, that will meet and confer with the 'core' TAC members on an as-needed basis, particularly on issues of establishing conservation easements and providing for landscape-scale mitigation as required for the repowering program at large.

SUMMARY

Alameda County Department referrals have indicated no objections to the project proposal, nor have there been any public comments at this time, following notice to the public. Wind-electric generators are permitted in an "A" Agricultural district with an approved Conditional Use Permit, under Section 17.06.040, Alameda County Zoning Ordinance.

TENTATIVE FINDINGS BASED ON INFORMATION AVAILABLE PRIOR TO THE PUBLIC FINDINGS IN SUPPORT OF THE CONDITIONAL USE PERMIT

Finding 1: The use is required by the public need.

use is required by the public need in that wind energy production in the APWRA represents a major source of renewable energy. The proposed repowering project would replace existing turbines with more efficient turbines, which also have the potential to reduce avian impacts.

Finding 2: The use will be properly related to other land uses, transportation, and service facilities in the vicinity.

The proposed project is an existing wind farm and thus the use is well-suited from a planning and practical perspective for continued use as a wind farm.

Finding 3: The use, if permitted, under all the circumstances and conditions of the particular case, will not materially affect adversely the health or safety of persons residing or working in the vicinity, or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

The proposed project would be located within an existing wind farm which does not have persons residing or in the vicinity. Thus, the project would not be materially detrimental to the public welfare or injurious to other property improvements in the project vicinity. The wind turbines will be required to comply with FAA requirements, and will be subject to lighting requirements.

Finding 4: The use will not be contrary to the character or performance standards established for the District in which it is to be located.

The use will not be contrary to the specific intent clauses or performance standards established for the District in which it is to be considered in that the proposed project is located in the A (Agriculture) zoning district, which has as its stated intent: "to promote implementation of General Plan land use policies for agriculture and other nonurban uses; to conserve and protect existing agricultural uses; and to provide space for and encourage such uses in places where more intensive development is not desirable or necessary for the general welfare." The proposed project would be consistent with this intent because the development of wind power projects is both allowed and encouraged in the APWRA by the East County Area Plan, the project removes minimal land from agricultural production, and the use is appropriately located in non-urban areas and will serve the public welfare and the need for renewable energy.

RECOMMENDATION

The Board should receive a staff presentation, take public comment on the proposed Conditional Use Permit project application, review the draft resolution and exhibits, including the Mitigation Monitoring and Reporting Program (MMRP) for the project, and approve the project (PLN2015-00157) subject to the proposed conditions, which includes implementation of the MMRP.

Attachments:

Exhibit A: Implementation Checklist

Exhibit B: Project Description and Affected Environment Analysis

Exhibit C: Mitigation Monitoring and Reporting Program

Exhibit D: Statement of Overriding Considerations

Errata – revisions to the Project Description and Environmental Checklist

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