



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

P L A N N I N G D E P A R T M E N T

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MEMORANDUM

TO: Board of Supervisors' Transportation/Planning Committee

FROM: Chris Bazar, Director, Community Development Agency
Albert Lopez, Planning Director

DATE: November 1st, 2021

SUBJECT: Large Commercial Solar and Battery Storage Projects; Consideration of Draft Moratorium for Alameda County

BACKGROUND

This Committee last discussed solar policies on October 4th, 2021; information was provided related to the on-going community process/schedule, staff provided a brief description of how other jurisdictions have reviewed similar policies/ordinances under the California Environmental Quality Act (CEQA), and a possible moratorium was also discussed. This information was provided as requested by the Committee at an earlier meeting, based on general community concern of the impacts of large solar projects, and how those concerns are balanced with the need to support State/County climate and renewable energy goals.

At the October 4th meeting public comment was given in support of the County continuing to accept and process solar applications for the economic and environmental benefits, but there was also testimony in support of pausing applications with a moratorium to allow the draft policies/ordinances to be completed. The Committee responded with a request to staff that a draft moratorium be prepared for the Committee's review, and that at this meeting a decision would be made whether to forward the draft moratorium to the full Board for their consideration and possible adoption (required 4/5 vote).

Attached to this memo is a draft moratorium for the Committee's review and discussion. The moratorium contains proposed findings for your Board's consideration that generally describe the potential for a current and immediate threat to the health and safety of County residents and the County's natural environments. The draft moratorium describes the benefits of adopting the urgency ordinance, including both addressing the potential for health and safety concerns, as well as providing a more well-defined path for future projects.

In general terms, a moratorium can be adopted in situations where potential projects may create conflicts with County regulations and create a current and immediate threat to the public health, safety, or welfare of County residents. Pausing approval of projects can allow the necessary time to review the County's policies and ordinances, make needed changes and adopt new regulations to avoid and/or eliminate the threat identified in the moratorium.

As staff has indicated before there are currently only regulations and processes in place for the wind power aspects of the County's renewable energy program, and additional changes are necessary in anticipation of future projects in solar photovoltaic (PV) as well as battery storage. Currently the Planning Department only has one solar project under review (2-3 MW solar PV) and one large battery storage project at a preliminary stage of review (application not yet complete).

As currently drafted, the draft moratorium on solar projects would impact the small current project under review; given its current pace, that project would likely be ready for an approval hearing at the EBZA as soon as Feb./March 2022. Given that battery storage has not been discussed to the same degree as Solar PV and has not thus far been addressed in the draft solar policies being discussed, the current draft moratorium does not address battery storage projects. Amendments to the current draft moratorium would be necessary should the County wish to consider regulating battery storage facilities as part of the County’s renewable energy program and related solar policies and zoning amendments.

At the last Committee meeting there was also discussion that a moratorium may not be needed given the long processing time of large solar projects, and that policy/ordinance work could be completed in parallel with review of projects -and possibly even be completed before a project would be approved. While it is true that large projects generally take longer to process, there are currently no large projects in the Planning pipeline, which could impact your Board’s ultimate decision regarding the finding of a “current and immediate threat” in the moratorium.

The timeline for developing a complete Large Commercial Solar policy/ordinance has been discussed previously, and as staff indicated at the last Committee meeting the County has confirmed participation from industry representatives, Agricultural Advisory Committee members, East Bay Community Energy, and other stakeholders in a series of community meetings where the areas of conflict can be discussed and hopefully resolved. Also, staff has begun the conflict mapping process many community members were asking for; we are well on our way to completing this part of the analysis.

A brief summary of the proposed community process is provided below:

Subject: Large Commercial Solar (and possibly battery storage) in the County’s rural areas

Item	Description	Schedule
Community Meeting/Workshop #1:	Initial issue identification meeting – get broad input from stakeholders. Present conflict mapping, take input	11/2021
Solar Working Group Meeting #1:	Clarify issues to resolve, focus discussion on renewables in ECAP. Determine what other mapping is needed	12/2021
Solar Working Group Meeting #2:	Continue to refine policies for presentation to Workshop #2 Refine mapping exercise	01/2022
Community Meeting/Workshop #2:	Present results of the Solar Working Group, take further input from stakeholders. Present final mapping exercise	01/2022
Solar Working Group Meeting #3:	Prepare policies and mapping for presentation to T&P Committee	02/2022
T&P Meeting	Present final draft policies/ordinance	03/2022
CEQA	Prepare necessary environmental document	03-06/2022
Planning Commission	Present draft policies/ordinances and CEQA	06/2022
Full BOS	Present draft policies/ordinances and CEQA	07/2022

Attachment:

Draft moratorium