



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT**

**STAFF REPORT**

**TO: EAST COUNTY BOARD OF ZONING ADJUSTMENTS  
HEARING DATE: NOVEMBER 19, 2015**

**GENERAL INFORMATION**

**APPLICATION: CONDITIONAL USE PERMIT, PLN2014-00056**

**APPLICANT: ALTAMONT WINDS, LLC**

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

**PROPOSAL:** To approve the Summit Wind Repower Project, to redevelop an existing wind farm through replacement of up to 569 older wind turbines with up to 33 new approximately 2.1 MW turbines, resulting in a maximum combined nameplate capacity of roughly 54 MW, and adding new technology and infrastructure.

**LOCATION, ASSESSOR'S PARCEL NOS. AND PARCEL AREAS:** The proposed project is located on 17 parcels over about 3,470 acres in the eastern Altamont Hills, between the Contra Costa County line and Interstate I-580, and mainly west of Dyer Road and the portion of Altamont Pass Road between Carroll Road and Dyer Road. It also includes one parcel east of Dyer Road approximately a half mile north of Altamont Pass Road, and extends to the northeast and northwest from the north end of Dyer Road to the County line. Assessor Parcel Numbers 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 PROPERTY OWNERS AND PARCELS**

<u>Owner, APNs</u>	<u>Acres</u>
Costa 99B-5680-15	207.12
Dunton 99B-5680-1	330.46
DeVincenzi 99B-5610-1, 99B-6075-3, 99B-6051-2, 99B-6051-1 and 99B-6051-9	813.19
Egan 99B-6125-3	160.47
Elliot 99B-6125-4	157.54
Jackson 99B-6125-5	325.59
Rooney 99B-6125-2	160.21
Walker 99B-6100-2-10, 99B-6100-2-11, 99B-6100-2-12, 99B-6100-3-10, 99B-6100-3-11, 99B-and 99B-6100-3-15	1,314.55
TOTAL	3,469.13

**WIND-RELATED PERMIT HISTORY**

The Summit Wind Repower 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 northwestern portion of the APWRA, on private land which is leased under long-term agreements with up to eight landowners possessing 17 parcels, generally east of the Brushy Peak Regional Preserve, south of the Alameda County-Contra Costa County border, and principally west of Dyer Road, and north of I-580. Existing wind farm Conditional Use Permits on the parcels are listed below. Altamont Infrastructure Company was a service company that did not own but instead only managed turbines under a compact among the different wind companies, and held the following permits on behalf of Altamont Winds Inc.

- C-8036, Altamont Infrastructure Company/Frick & Costa, APN: 99B-5680-015-00
- C-8134, Altamont Infrastructure Company/Rooney, APN: 99B-6125-002-00
- C-8232, Altamont Infrastructure Company/Guichard (formerly Egan), APN: 99B-6125-003-00
- C-8233, Altamont Infrastructure Company/Elliott, APN: 99B-6125-004-00
- C-8236, Altamont Infrastructure Company/Dunton, APN: 99B-5680-001-00
- C-8237, Altamont Infrastructure Company/De Vincenzi (formally Valhalla Enterprises), APNs: 99B-5610-001-00, 99B-6075-003-00, 99B-6051-2, 99B-6051-1, 99B-6051-9
- C-8241, Altamont Infrastructure Company/Walker Family Trust, APN: 99B-6100-002-10, 99B-6100-002-11, 99B-6100-003-10, 99B-6100-003-11, 99B-6100-003-15, 99B-6100-2-12
- C-8239, Altamont Infrastructure Company/Jackson, APN: 99B-6125-005-00

**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 will be constructed entirely on private land which is leased under long-term agreements with up to eight landowners possessing 17 parcels over about 3,470 acres located in the eastern Altamont Hills, between the Contra Costa County line and Interstate I-580, and mainly west of Dyer Road and the portion of Altamont Pass Road between Carroll Road and Dyer Road. It also includes one parcel east of Dyer Road approximately a half mile north of Altamont Pass Road, and extends to the northeast and northwest from the north end of Dyer Road to the County line. The remainder of the wind farm assets held by Altamont Winds Inc. (an affiliate of Altamont Winds LLC), an estimated 469 wind turbines located to the east on other properties in the APWRA and north of I-580, are not part of the Summit Wind Repower Project, but will be decommissioned under Altamont Winds Inc.'s separate permit conditions (Permit Extension, PLN2014-00028), and may be repowered in the future with a separate project proposal. The project area is located in the northwestern portion of the APWRA, generally east of the Brushy Peak Regional Preserve, south of the Alameda County-Contra Costa County border, and west of Dyer Road, and north of I-580. Access to the Project will be available through existing private gates and roads emanating off of Vasco Road, Dyer Road, and Altamont Pass Road, all north of I-580.

The project area extends over approximately 3,470 acres of grassland north of I-580 in Alameda County, and it consists of cattle-grazed land on which operating wind turbines are currently, or previously have been, installed. 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, I-580, Altamont Pass Road, and railroad track lines. Outside of the project boundary to the west is the Brushy Peak Regional Preserve and the Vasco Caves.

## **PROJECT DESCRIPTION**

The project proponent, Altamont Winds, LLC, plans to repower the decommissioned site of an existing wind energy facility. Within the Project footprint, 569 wind turbine generators and foundations will be removed. Up to 33 new wind turbine generators are proposed to be installed, with an alternate location for one wind turbine generator (20a), for a total of 34 proposed wind turbine generator sites. The proposed Project would result in a net reduction of 536 wind turbine generators and foundations.

In addition to installing additional wind turbines, all of the existing wind turbines on the existing wind farm site, including their transformers and associated electrical infrastructure, would be decommissioned. The Project will involve construction of about 104,000 linear feet of roadways. Following construction of the Project, the permanent access roads will be finalized; temporarily disturbed shoulders and passing areas will be reclaimed. To the greatest extent possible, the new roadway system will be designed to limit disturbance and avoid sensitive resources. The proposed project's interior road system will follow existing roadway alignments where possible, but grade adjustments, as required by the turbine manufacturers, will be made in many locations to accommodate maximum grades.

Proposed project ingress/egress to the site will be via Vasco Road, Dyer Road, and Altamont Pass Road, all north of I-580. Vasco Road crosses Contra Costa County for a short distance, and Project access would occur along this section. Improvements to roads in Contra Costa County have previously occurred during the development of the Vasco Winds Project will remain in place will provide access for the Project. To the extent possible, existing roads will be used for proposed Project construction and operations. All-weather gravel roads will be built with adequate drainage and compaction to accommodate equipment transport vehicles.

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.

The Project will select a turbine with characteristics similar to those of the Suzlon S97 model: a 2.1 MW turbine with a hub height of 90 meters (295 feet), a rotor diameter of 97 meters (318 feet), a total height of 138.5 meters (454 feet), and a minimum distance from ground to rotor tip at 6:00 position of 41.5 meters (136 feet).

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.

The power collection system will consist of medium-voltage, high-density, insulated underground cables that will connect the turbines to the onsite substation. The underground collection cables are usually buried in trenches adjacent to the roadbed of the interior access roads. Communication lines will be installed in the same trenches. No existing collection lines will be used. The existing onsite substations (Dyer Substation and Frick Substation) serve as the collector substations for the existing windfarm.

The proposed Project will entail construction of up to three permanent meteorological towers at hub height (90 meters or 295 feet) and distributed through the project area to monitor weather conditions and wind speed. Each freestanding (without supporting guy wires) tower will be mounted on a circular pier or slab foundation surrounded by a circular area of gravel to a radius of about 15 feet.

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.* Permit Section staff indicate that demolition, building and grading permits, as well as a stormwater permit would be issued by the Public Works Agency. Any work in the

right-of-way of Dyer Road or Altamont Pass Road would be subject to a Roadway Encroachment Permit. A Construction Traffic Control Plan would also be required as a condition of approval.

No formal comments were submitted by County or other agencies that received the referral. Conditions of approval will be generally similar to those required for the Golden Hills—Phase I Project or the Golden Hills North project. The Draft Resolution includes conditions of approval that address public agency comments on the Program EIR and on prior projects with similar concerns and effects on public services and infrastructure. The project does not represent activities that are substantially inconsistent with or different from the prior projects.

## **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, the Summit Wind Repower Project. 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 Summit Wind Repower 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 Summit Wind Repower 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. Residences are located on Dyer Road, just off of Vasco road in the Project area, and are located within approximately 250 meters of the Project.

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. Turbines will be installed in areas bordering the Brushy Peak Regional Preserve on the Preserve's north, the east sides, and near Vasco Road on the northwestern edge of the Project. However, implementation of Mitigation Measure AES-2a will reduce this impact to less than significant through a Site Development Review process in which the County will review the location of new turbines along ridgelines that have not previously been developed and potentially modify the location of structures and require compensatory improvements to equivalent and nearby (radius of 1 mile) scenic features, as approved by the Planning Director. Due to the increased size and potential dominance of the new structures, impacts will potentially be significant. However, Mitigation Measure AES-2b, of site cleanup, maintenance, restoration, and screening of surplus parts and materials will be required.
- c) A biological resources habitat assessment, 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 Summit Wind Repower Project is comparable to the level of impact that was assessed in the certified PEIR.
- d) Based on findings of the Habitat Assessment and the FPEIR, there is a potential for ground-disturbing activities to result in adverse effects on special-status plants or kill or damage mature individuals or eliminate their habitat. Because these ground-disturbing activities could have substantial adverse effects on special-status plant species, this impact is significant. These effects will be reduced to less than significant with implementation of Mitigation Measures BIO-1a: Conduct surveys to determine the presence or absence of special-status plant species, BIO-1b: Implement Best Management Practices (BMPs) to avoid and minimize impacts on special-status species, BIO-1c: Avoid and minimize impacts on special-status plant species by establishing activity exclusion zones, BIO-1d: Compensate for impacts on special-status plant species, and BIO-1e: Retain a biological monitor during ground-disturbing activities in environmentally sensitive areas, as presented in the FPEIR.
- e) Based on findings of the Habitat Assessment and the FPEIR, there is potential for mortality of or loss of habitat for vernal pool branchiopods and curved-footed hygrotus diving beetle. A portion of the project area occurs within designated critical habitat for longhorn fairy shrimp. The Project, including access roads, will potentially occur in or near vernal pool habitat, which could directly impact habitat and water quality. These potential disturbances will be reduced to less than significant effects with implementation of Mitigation Measures BIO-1b, BIO-1e, BIO-3a: Conduct preconstruction surveys for habitat for special-status wildlife species, and BIO-3b: Implement measures to avoid, minimize, and mitigate impacts on vernal pool branchiopods and curved-footed hygrotus diving beetle, as presented in the FPEIR.
- f) Based on findings of the Habitat Assessment and the FPEIR, there is a potential for disturbance or mortality of and loss of suitable habitat for California tiger salamander, western spadefoot toad, California red-legged frog, and foothill yellow-legged frog. The Project area is completely within designated critical habitat for California red-legged frog. The majority of construction activities will take place on suitable upland grassland dispersal and aestivation habitat for California tiger salamander, western spadefoot, and California red-legged frog. Aquatic habitats for special-status amphibians will generally be avoided; however, direct impacts on habitat and impacts on water quality could result from road construction or widening activities. These potential disturbances will be reduced to less than significant effects with implementation of Mitigation Measures BIO-1b, BIO-1e, BIO-3a, BIO-5a:

Implement BMPs to avoid and minimize effects on special-status amphibians, BIO-5b: Compensate for loss of habitat for special-status amphibians, and BIO-5c: Restore disturbed annual grasslands, as presented in the FPEIR.

- g) 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.
- h) 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.
- i) 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.
- j) 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.
- k) 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. Specifically, the 54-MW repowered turbines are predicted to result in annual fatality decreases (relative to the non-repowered turbines) of 18% -90% for the four focal bird species (30% for American kestrel, 90% for burrowing owl, 47% for golden eagle, and 18% for red-tailed hawk). Overall fatality decreases for raptors and native non-raptors are predicted to be 59% and 33%, respectively. See **Table 1** below for details.

**Table 1, Estimated Annual Fatality Rates for Non-Repowered and Repowered Turbines at Summit Wind**

SPECIES/GROUP	ADJUSTED FATALITY RATES <sup>1</sup>		ESTIMATED SUMMIT WIND FATALITIES <sup>4</sup>		DECREASE
	NON REPOWERED <sup>2</sup>	REPOWERED <sup>3</sup>	NON REPOWERED 39.9 MW	REPOWERED 54 MW	
American Kestrel	0.58	0.30	23.02	16.20	30%
Burrowing Owl	0.70	0.05	27.93	2.70	90%
Golden Eagle	0.08	0.03	3.23	1.73	47%
Red-tailed Hawk	0.41	0.25	16.40	13.50	18%
All Raptors	2.09	0.64	83.35	34.56	59%
All Native Non-raptors	4.24	2.09	169.30	112.86	33%

<sup>1</sup> Annual Fatalities per MW of nameplate capacity

<sup>2</sup> Average of 2005-2012 bird years for entire APWRA. Obtained from (ICF 2014)

<sup>3</sup> Values from first year of monitoring (2013) at Vasco Winds. Obtained from PEIS, Table 3.4-10.

<sup>4</sup> Estimated total number of Project-wide fatalities. Calculated by multiplying adjusted fatality rate by MW

- l) 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.
- m) 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. The results of the survey show there are no archaeological resources that will be directly impacted by project construction, but one resource could be located near the Project footprint. This resource can be avoided by constructing a temporary fence that separates the resource's features from any grading or trenching areas. The historic-era resources that exist near the area of direct Project impact can be avoided by constructing a temporary fence (a Cultural BMP) that separates the resource's features from any grading areas.
- n) A geotechnical or soils report may be required prior to construction activities in order to avoid adverse seismic risks associated with the project construction.
- o) 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.
- p) Maps submitted with the checklist indicate several residences located less than 2,000 feet from the nearest wind turbine, therefore project-specific noise studies and implementation of measures to comply with County noise standards would be necessary.
- q) 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.

Proposed project ingress/egress to the site will be via Vasco Road, Dyer Road, and Altamont Pass Road, all north of I-580. Vasco Road crosses Contra Costa County for a short distance, and Project access would occur along this section. 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.

The Project will conform to all general and/or alternative minimum setbacks outlined in the FPEIR Table 2-2, with the exception of two turbines, including one wind turbine (no. 30), affecting a dwelling west of Dyer Road and wind turbine number 29, affecting the Livermore Area Recreation and Park District's Brushy Peak Regional Preserve boundary. In the first case (wind turbine 30), the dwelling is beyond the blade throw hazard zone of 1.4 times the TTH, and in the second case, no recreation trails or roads are within the blade throw hazard zone. Although the applicant is seeking a waiver of the alternative minimum setback requirements for the affected wind turbines, it is not possible to meet the setback requirements of Table 2-2 in the FPEIR for wind turbines 29 and 30. These turbines will not be permitted to be approved unless they are relocated to comply with the required setbacks.

## **PLANNING CONSIDERATIONS**

The Project represents an additional, major phase of repowering activities 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. Access for over a third of the proposed turbines (13 of the maximum of 34) may be required through Contra Costa County.

The TAC has been convened 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.*

The 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 Project, as conditioned herein, with the elimination or relocation of wind turbines 29 and 30, will conform to all general and/or alternative minimum setbacks outlined in the FPEIR Table 2-2. It is not possible to meet the setback requirements of Table 2-2 in the FPEIR for these turbine sites. 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), Findings and Statement of Overriding Considerations for the project, and approve the project (PLN2014-00056) subject to the proposed conditions, which includes implementation of the MMRP.

### Attachments:

Exhibit A: Findings of Significant Impacts of the Project

Exhibit B: Mitigation Monitoring and Reporting Program

Exhibit C: Statement of Overriding Considerations

CEQA Implementation Checklist and Application Supporting Materials

PREPARED BY: Andrew Young  
REVIEWED BY: Sandra Rivera

Planner III  
Assistant Planning Director