



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

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Agenda Item: #5 May 5, 2015

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April 28, 2015

Honorable Board of Supervisors
County of Alameda
1221 Oak Street, Suite 536
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Dear Board Members:

SUBJECT: Adoption of resolutions consistent with the Board's March 24, 2015 motions to certify the Supplemental Environmental Impact Report (SEIR), and to approve the application of Altamont Winds Inc. (AWI) to modify its existing conditional use permits (CUPs) by extending for three (3) years, through October 31, 2018, beyond their current expiration date of October 31, 2015, for operation of an estimated 828 existing utility-scale wind turbines with a combined existing generating capacity of 85.8 megawatts (MW), located within the 14,436-acre Alameda County portion of the Altamont Pass Wind Resource Area (APWRA), in the eastern portion of Alameda County, bordering Interstate I-580, making specific Findings of Significant Impacts of the project, adopting a Mitigation Monitoring and Reporting Program (MMRP), and adopting a Statement of Overriding Considerations.

RECOMMENDATION:

Planning Department Recommendation: Staff recommends that the Board of Supervisors review the attached Resolutions and Exhibits, and after taking public comment, adopt the Resolution reflecting the certification of the SEIR, and adopt the Resolution and related Exhibits reflecting the Board's grant of the appeal of Altamont Winds, Inc. and approval of the CUP extensions.

SUMMARY:

Prior Hearing: At your Board's prior hearing on the subject appeal on March 24, 2015, after taking extensive testimony from the Appellants and members of the public, your Board voted unanimously on a motion to certify the SEIR, and then by a vote of three in favor and two opposed on a motion to approve the application, overturn the decision of the East County Board of Zoning Adjustments to deny the application of AWI, and thereby extend the CUPs through October 31, 2018. Your Board directed staff to return at a subsequent meeting with final revisions of the draft resolutions and exhibits, to be consistent with statements and findings made by the Board Members in support of the permit extensions. Revised resolutions are attached, respectively reflecting the certification of the SEIR and the approval of the CUP extensions, the latter incorporating three exhibits including a Statement of Overriding Considerations, which reflects the motion to approve the extension.

Background: The Board of Supervisors held a public hearing on March 24, 2015, at which time the Appellants and members of the public spoke, together with representatives from the state office of the Attorney General and the East Bay Regional Parks District. Based on the testimony received, and after deliberating among the Members, the Board of Supervisors approved one motion unanimously to certify the SEIR and a second motion to approve the CUP extensions by over-

turning the EBZA denial of the application. The Board directed staff to return with the two resolutions after revising them to reflect the Board's discussion at the March 24 hearing. As such, only the contents of the resolutions approving the permit extensions, and not the merits of the extension itself, are before the Board for the May 5, 2015 hearing.

Discussion. The draft Resolution to certify the SEIR has been modified only in limited ways to more clearly reflect the action of the Board of Supervisors to certify the SEIR. The draft Resolution to overturn the EBZA decision and approve the CUP extensions has been modified to include, among other revisions for general purposes, the following specific elements and findings by the Board in its motion:

- a) Recognizes the changed circumstances since 2013 that hinder AWI from repowering in 2016 or likely in 2017 or 2018, including its financial constraints, the requirements for a two-year CAISO transmission and interconnection study and other uncertainties;
- b) Describes the changed circumstances in which the project is now deemed feasible due to the avoidance of previously anticipated physical conflicts with repowering on formerly shared properties south of I-580, on which repowering is now proceeding under permits obtained by NextEra Energy Resources;
- c) Notes the partial purpose of the Supplemental EIR to address changed circumstances since 2013 and to evaluate the potential to adopt mitigation strategies incorporated into the Repowering Program EIR;
- d) Incorporates into findings the Board's discussion at the prior hearing, emphasizing that the CUP extensions would promote repowering ultimately by supporting AWI through the lengthy process of obtaining transmission and interconnection rights from CAISO, supporting a local business that produces renewable energy in support of California's and the County's energy and climate change objectives, maintain clean energy production for its widespread health and economic benefits, balance environmental and labor priorities, and acknowledge unresolved questions about other causes of avian mortality;
- e) Responds to Board direction on outstanding questions with respect to possible golden eagle fatality rates that should apply for implementation of a mitigation measure identified in the Supplemental EIR, how expenditures for that mitigation measure should be administered, and extending the time for implementing an optional mitigation measure to the effective date of the CUP extension, of November 1, 2015; and
- f) Clarifies administration of progress reporting requirements to demonstrate that AWI is fully-engaged in a program to repower its turbine assets.

Exhibits A, B and C to the draft Resolution reflecting the CUP extensions, respectively the Findings of Significant Impacts of the project, the Mitigation Monitoring and Reporting Program (MMRP), and the Statement of Overriding Considerations, were all updated to reflect Board Members recommendations and findings. Exhibit A (Findings) was updated to show the revisions to the mitigation measures specified by the Board Members. Exhibit B (the MMRP) was updated also to reflect Board direction as to the timing and manner of implementation of some of the mitigation measures. Lastly, Exhibit C (the Statement of Overriding Considerations) was modified to acknowledge particular economic, social and environmental benefits not previously stated, limitations of the applicant's ability to repower its assets without the CUP extensions, emphasize the objectives of balancing economic development, employment and environmental priorities and support of small, local businesses engaged in renewable energy production, and expanded discussion of the environmental benefits of continued renewable energy production.

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Resolutions to Approve Application PLN2014-00028, AWI Permit Modifications (Extension to 2018)

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East Bay Regional Park District ("District") Correspondence. The District Board adopted a resolution on April 21, 2015 urging the Alameda County Board of Supervisors to reverse its decision in its motion on March 24, 2015 to extend the CUPs, for a variety of reasons. Because the Board approved the SEIR and the project and only asked staff to return with the resolutions reflecting those approvals, the District's request is misplaced. The only actions the Board is being asked to take at the upcoming hearing are to adopt the resolutions reflecting the March 24th approvals. Copies of the correspondence and District resolution are attached.

CONCLUSION:

Staff recommends that the Board of Supervisors review the attached Resolutions and Exhibits and, after taking public comment, adopt the Resolution reflecting the Board's certification of the SEIR, and adopt the Resolution and related Exhibits reflecting the Board's granting of the appeal of Altamont Winds, Inc. and the approval of the CUP extensions.

The complete record is attached.

Very truly yours,



Chris Bazar, Director
Community Development Agency

Attachments

cc: East County Board of Zoning Adjustments
Altamont Winds, Inc.
Audubon California
East Bay Regional Park District