

Cool Earth Wins Appeal to Build Solar Array

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The Alameda County Board of Supervisors upheld Cool Earth Solar's application for a solar energy installation in the Altamont, denying an appeal by the Tri-Valley Conservancy (TVC).

Supervisors voted 4-0, at their meeting Feb. 28, with supervisor Nadia Lockyer absent.

Cool Earth Solar, which is based in Livermore, would produce enough electricity on its 140-acre installation to power 7000 homes. The site is close to a substation that enables the current to go into the power grid.

Tony Chen, director of business development for Cool Earth, said that the project will generate 270 jobs, an estimate based on a model created by the National Renewable Energy Laboratories.

The East County Board of Zoning Adjustment (BZA) approved a conditional use permit for Cool Earth in December. The panel's vote was 2-1, with Larry Gosselin voting against it, and Jim Goff and Jon Harvey for it.

However, TVC appealed that decision. Rik Hansen, who serves on the TVC board, said that supervisors should not approve any new solar arrays until the county has a policy in place concerning the placement of solar installations on agricultural land.

Hansen said that approval without waiting for policy could have big impacts down the line when it comes to preserving the county's agricultural land.

TVC is concerned that approving Cool Earth before policy adoption would set a precedent for future applications, said Hansen.

The next application in line is from Pegasus Energy Partners, which is proposing an installation on 2000 acres not far from Cool Earth. When the county heard of that application in the making, staff said there was a need for a policy to be in place for the future.

Pegasus' 2000 acres is more than one-half of the 3957 acres of prime agricultural land in the county. Most of it is in the Altamont, in the vicinity of the county's first approved solar installation by Green Volts, which now is under construction.

The county's agricultural advisory committee has expressed very strong concerns about what it sees as the threat to the remaining farming lands. It called on the county last summer to slow down the policy formation process, so that all views and more data could be considered.

County planning staff continues to work on a policy draft. It is expected to be ready in five or six months.

Tony Chen, director of business development for Cool Earth, told supervisors that he understands, "the preservation of agricultural land is important to Tri-Valley Conservancy" and others.

"We worked hard to find land that would not impede (agricultural preservation)," said Chen. The site has not been tilled for 15 years. It is not covered by a conservation easement or the Williamson Act, he said.

The Williamson Act keeps a parcel's assessed valuation low, as long as the landowners sign an agreement that the parcel won't be taken out of agricultural use. It shows the landowner's desire to keep the land in agriculture.

Chris Bazar, director of the county Community Development Agency, told supervisors that Cool Earth found "one of the few parcels not in the Williamson Act, and that is critical to our view for denial of the TVC appeal."

Chen said that the land will keep its agricultural zoning. Cool Earth respects the land, and will use low-impact technology to install its materials, which are at the cutting edge of sustainable equipment, he said.

Supports for the solar arrays will be augured into the land. "The land will not change. The technology we put in eliminates concrete anchors. It can be augured in, as a ground screw, and can be removed. You would not be left with a field of concrete anchors. That's important. It has been our philosophy since day one," said Chen.

STAFF SAYS NO PRECEDENT SET

Supervisor Keith Carson asked staff whether an approval of Cool Earth would impact the process of drawing up a county policy on solar locations and conditions.

"That's one of the basic issues we are grappling with. This is the second project, and Green Volts was first. This came when there was not a critical mass, before it triggered more global issues, and decided we had to review policy," said Bazar.

"Cool Earth was on the fence (in regard to timing), but we felt it was close to the end of the pipeline. We decided it was not really fair to penalize a project almost out of the pipeline," said Bazar.

"We are pleased to see Pegasus here today. They are the next project. They understand the new rules that we establish will apply to them, and anyone coming down the line," said Bazar.

Bazar said later about Cool Earth, "if we didn't see a lack of significant impacts here, we'd have concerns on this one, too."

Carson also asked about the county's vulnerability to a law suit from any solar operator over approving Cool Earth before a policy is in place. Bazar said that planning staff and the county counsel's office say there is no legal problem.

Dick Schneider spoke for the Sierra Club in support of TVC. He said the club is in favor of solar power, but supervisors should wait on Cool Earth, until there is a policy. "We think it's the correct way to bring about public policy," said Schneider.

Schneider, a co-author of the county's open space initiative, said that the application apparently violates Measure D, in that it is infrastructure. Measure D clearly said that infrastructure should be provided in open space only to serve local needs. Power delivered to the grid doesn't meet that requirement, he said.

Supervisor Scott Haggerty told Schneider that whether the power is confined to Livermore or not, "it's still sustainable." He was chairing the meeting, and called for the motion to deny the application. Nate Miley made the motion, seconded by Wilma Chan.

Cool Earth, which is based in Livermore, received the support of the Livermore Chamber of Commerce, Innovation Tri-Valley, Congressman John Garamendi, Assemblymember Joan Buchanan, and Mike Clevenger,

president of Pegasus.

Clevenger said, “We completely support the project by Cool Earth. It’s a different magnitude (than ours). You set standards that they agreed to. Their project is smaller than ours. There are not as many impacts as what we would need to address with a larger project.”

Dale Kaye told supervisors that Innovation Tri-Valley’s support includes that of Livermore’s two national laboratories. Kaye said that Cool Earth was helping to create jobs. It’s important to erase hurdles for green businesses to grow.