June 19, 2014

MARIN CONSERVATION LEAGUE
Protecting Marin Since 1934

Chair Don Dickenson and Commissioners
Marin County Planning Commission
3501 Civic Center Drive
San Rafael, CA 94903

Re: Cooley/Porter Use Permit and Design Review

Dear Chair Dickenson and Commissioners:

The Marin Conservation League supports efforts to create local renewable energy sources, while we are also interested in protecting environmental resources and agricultural viability. The proposal for a 1.98MW solar project on a former rock quarry seems to be an appropriate site for the project, and is consistent with MCE programs, but we have some comments and recommendations for additional conditions in Section III of the Resolution and issues for Planning Commission consideration.

- MCL continues to urge the county to adopt a countywide solar energy ordinance that addresses issues encountered with a variety of scenarios for solar energy production. Generally we support rooftop installations wherever they can be installed, and urge that more solar facilities be installed over existing parking rather than over natural areas. In the absence of an approved policy, a comprehensive administrative record is needed to insure that this project does not set a precedent for similar applications on properties that are less suitable.

- This site is zoned A60 and categorical exemptions to CEQA should not be a standard practice for agricultural sites. A "public utility facility" is a misnomer; the project is a private development for profit purposes. This project must be viewed as an exception to A-60 zoning and it must be clear that it does not set any kind of precedent.

- This project should not set a precedent because of its unique situation of using an old quarry, not grazing land, and being close to feed-in power lines and a substation serving urban uses, and this needs to be articulated.

- The project use is industrial in nature and does not visually complement the surrounding hills and open space (V.A, VII.C, VIII. A,F); however it is also sufficiently remote, and while it is visible from the Mt. Burdell Open Space this would not be a distraction. The positives of providing locally generated renewable energy near an urbanized area offset the conflict.

- We strongly urge you to include a condition to provide a robust performance agreement that requires financial security in order to guarantee removal and recycling of the facility if it is abandoned. Solar technology is changing/ improving rapidly and replacement of panels may happen over the projected life of the project. When panels are replaced the old panels should be recycled, not just dumped. If the project no longer generates the projected volume of energy, financial assurance is needed so that the site is returned to its original condition if it is not going to be upgraded for continued use.

PHONE: 415.485.6257
FAX: 415.485.6259
EMAIL: mcl@marinconservationleague.org
WEB: marinconservationleague.org
ADDRESS: 175 N. Redwood Dr., Ste. 135
San Rafael, CA 94903-1977

- There must be a condition that the stream bank be vegetated with native trees and shrubs which will help catch silt and slow down the velocity of rain water going into the creek. This should be done along the project site and extend downstream to the property line.

Although the project complies with the SCA setback along the length of the runoff swale, the swale is shallow with fairly barren banks and the reclamation revegetation appears to be modest. In order to improve the quality of water running off from the panels, we suggest that the creek or swale banks could be vegetated to facilitate cleansing of any contaminants in the runoff. A vegetated buffer on the project site bordering the setback would also promote improved water quality.

There should be consideration of any problems that would result in the event of a wildfire on surrounding grasslands.

A discussion of the operation of the facility could have provided information about potential impacts. One that we feel could use more discussion is maintenance of the panels. It is stated that they will only be cleaned by rainwater. This leads to a question about the efficiency of the panels and whether that will be monitored by any public agency. At what point does the efficiency level require either that the panels be replaced or decommissioned? Who makes that determination?

Rainfall will have a different impact with this use than with the quarry (V.H). The panels will consolidate the water and generate more runoff as the water runs off the panels than is currently the case. Will this cause erosion? Are the ponding basins adequate for capturing that potential siltation? Bowman Canyon currently generates a large amount of silt to Novato Creek.

The staff report could have mentioned that Bowman Canyon is high on the list of Priority Conservation Areas in Marin. The quarry was not a desirable feature for potential Open Space, but there are other quarries on Mt. Burdell which are considered historic features since cobblestone was quarried there for San Francisco streets. A solar facility could provide information on that technology.

Thank you for the opportunity to comment on and support this unique proposal.

Yours truly,

Jon Elam

Jon Elam

President